SENATE—*Monday, June 3, 1974*

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

PRAYER

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

Ever-present and ever-gracious God, touch our hearts with the warmth of Thy love and our minds with the wonder of Thy wisdom. Enlarge our human powers with the strength which comes from Thee. Infuse our lives with the qualities of character which fit us for the times in which we live. May we see beyond the baffling and bewildering events of the times, the mysterious but certain movement of Thy spirit and the unfoldment of Thy coming kingdom. Spare us from the cynicism and skepticism which clouds the holy vision of a better nation and a better world. As we pray for all in this Chamber so we pray for all leaders of our Government that they may honor their office by service pleasing to Thee.

We pray in the name of our Lord and Master. Amen.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, May 31, 1974, be dispensed with.

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

WAIVER OF THE CALL OF THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rules VII and VIII, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

INDIVIDUAL INSTRUCTION AT U.S. MILITARY ACADEMY

Mr. ROBERT C. BYRD. Mr President, I ask unanimous consent that the Senate proceed to the consideration of Senate Joint Resolution 206.

The PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

S.J. Res. 206, authorizing the Secretary of the Army to receive for instruction at the U.S. Military Academy one citizen of the Kingdom of Laos.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized to permit within eighteen months after the date of enactment of this joint resolution, one person, who is a citizen of the Kingdom of Laos, to receive instruction at the United States Military Academy, but the United States shall not be subject to any expense on account of such instruction.

SEC. 2. Except as may be otherwise determined by the Secretary of the Army, the said person shall, as a condition to receiving instruction under the provisions of this joint resolution, agree to be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as cadets at the United States Military Academy appointed from the United States, but he shall not be entitled to appointment to any office or position in the Armed Forces of the United States by reason of his graduation from the United States Military Academy, or subject to an oath of allegiance to the United States of America.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The distinguished minority leader is recognized.

A SENATOR'S SOLILOQUY

Mr. HUGH SCOTT. Mr. President, it is a nice Monday and no one is here. This is normally an excellent time for Senators to speak because they can avoid colloquy, disagreement, disapproval, dissent, or even debate. In these ideal situations, one would normally expound on the world situation at length, assuming a great deal of expertise and otherwise entertaining those present; namely, himself and the Presiding Officer.

But this is too good a Monday to throw it away on this kind of exercise. So, tempted as we all are by the sound of our own voices, I will, nevertheless, desist and yield back the remainder of my time.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order the distinguished Senator from Nebraska (Mr. CURTIS) is now recognized for not to exceed 15 minutes.

HOW ABOUT TAXES?

Mr. CURTIS. Mr. President, how about taxes? Income taxes, that is. What is the level of our income tax burdens and is this the time to cut taxes?

I have secured from the Treasury Department the amount of income taxes which were paid by an individual with a spouse and two children on earned income in various amounts for the year 1963 and for the year 1973. The table is as follows:

INDIVIDUAL INCOME TAX LIABILITY OF A MARRIED COUPLE WITH 2 DEPENDENTS, COMPARISON OF 1963 AND 1973 LAW

Earned income	1963 tax	1973 tax
$3,000	$30	0
$4,000	200	0
$5,000	370	$98
$6,000	540	245
$7,000	710	402
$8,000	888	569
$9,000	1,075	744
$10,000	1,262	905
$15,000	2,291	1,765
$20,000	3,500	2,760
$25,000	4,889	3,890
$50,000	14,576	11,915
$100,000	41,274	33,060

The Congress over the past 10 years has reduced income taxes on the money the American people earn, but the Federal Government has had to borrow the money to pay for these tax reductions. The costs of government have not been reduced. The national debt was increased in order to lower taxes. The Congress has done this—has forced it onto the Nation.

I am for reducing taxes, but only if Government expenditures are reduced to the point that the budget is balanced and we have a surplus. Then, part of that surplus should be applied to the national debt and a sizable part of it should become a tax reduction for our people. To reduce taxes by increasing the national debt, in the absence of some extreme and grave national emergency, is not only a deception, but a cruel deception. The key to relief for the American economy and the American taxpayers is reduced spending.

Just where does our money go? There is an official Government publication called "The United States Budget in Brief." The inside cover page has a chart which clearly sets forth what happens to your tax dollar. Here is where it goes:

Benefit payments to individuals	$0.37
Grants or payments to States and localities	.17
National defense	.29
Interest on the national debt	.07
All other Federal operations	.10
Total	1.00

"All other Federal operations" includes many programs. This 10 cents of each tax dollar pays for many programs

including the total cost of salaries, staffs, travel, and allowances for running Congress, the Supreme Court, the Federal Bureau of Investigation, public works projects, the Office of the President, the Interior Department, the Agriculture Department, the Commerce Department, the Library of Congress, the Government Printing Office, and many other important functions of Government. They are paid with 10 cents out of the tax dollar.

A study of these figures as to where our money goes is most interesting. General Government—that is, all these operations I have talked about—including the cost of defending our beloved country, accounts for 39 cents out of every tax dollar. Our deficit spending of the past has placed on us an interest burden that takes 7 cents out of every tax dollar, and when we add to this the payments of cash to individuals and to States and localities under programs voted by Congress, largely over the last two or three decades, we arrive at a total of 61 cents of the tax dollar. These 61 cents, with the exception of that part of the interest load due to war, is the cost of the welfare state. The proponents of the welfare state have done something for the American people. I make no harsh criticism of persons who favor more Government programs than I do, but I say let us pay for them as we go.

Mr. President, what is the major economic problem that our country faces? The unanimous verdict is that it is inflation. Costs of every description are soaring. Families can not make ends meet. Life insurance has less and less value. Homes become so expensive that they are difficult to acquire from earnings.

Government causes inflation, and Government, perhaps, is the biggest victim of inflation. When inflation is rampant, all Government expenditures, whether they be for paying retirement benefits, building highways, paying wages, defending the country, paying medical bills, and all else, likewise soar. It is a vicious cycle.

The major cause of inflation is deficit spending and the resulting mounting national debt. The 1974 fiscal year will end on July 1. It is expected that our deficit will be $4.7 billion, and $9.4 billion in 1975. Our deficits over the past 5 years have been as follows:

[In billions]

1970	$2.8
1971	23.0
1972	23.2
1973	14.3
1974 (estimated)	4.7

Politicians and office holders may theorize concerning the causes of inflation, and they may advance such nonsense as a full employment budget, but the fact remains that as deficit spending goes, so goes inflation.

How can we have a balanced budget? Resolutions and speeches will not do it. Promises will not bring it about. Even budget reform measures such as Congress passed recently will not bring about a balanced budget. Sporadic slashing of a number of items in the budget which cannot be justified should be done, but it is not adequate to scratch the surface toward a balanced budget. Claims of tax reform will not balance the budget. Congress should continuously work toward tax reform to do justice to every taxpayer. If some individuals or groups are not paying their just share, it should be corrected; but to advance the idea that if certain "others" were required to pay what they should pay, there would be ample money to pay for all the spending which has been voted and promised is not in accord with the facts.

If all of these other proposals for a balanced budget have failed, how can we have a balanced budget? I am convinced there is only one way to do it. We need a constitutional provision that compels the Government to live within its means. A mere prohibition in the Constitution is not the answer. If our Constitution were amended merely to require that if there were no money in the Treasury there could be no expenditures, we would find it unworkable. For instance, if all the money is gone and there are 2 months yet to go in the year, should we stop all Government? Or, should we stop paying benefits to individuals? Or, should we close veterans' hospitals? Or should the Government stop all payments?

My proposal, Senate Joint Resolution 142, for a constitutional amendment, would impose a mandatory automatic surtax every year in order to bring about a balanced budget. It would work automatically. It would be beyond the reach of the politicians to thwart. Politicians and officeholders never oppose a balanced budget. They just say it is a good idea, but not now.

A surtax is a percentage tax on the regular tax. For example, if a 3-percent or a 5-percent or a 10-percent surtax were needed to balance the budget, every taxpayer would figure his or her tax in the ordinary way and increase it by the needed percentage.

The proposal would require the President to submit a balanced budget. If the President recommended a greater amount of expenditures than the estimated tax receipts, he would be required to determine the amount of the deficit and figure the rate of surtax needed in order to bring the budget in balance. This would be transmitted to Congress as part of his budget message.

Congress rightfully is in control of the taxing power. That control by Congress is not disturbed. Congress would still have full power to determine the level of spending and the level of taxation.

If the President submitted a budget that included a surtax in order to put it in balance, Congress could do several things: Congress could lower expenditures so a surtax would not be required; Congress could, if it chose, impose some other kind of tax in order to prevent a deficit, and thus the surtax would not be needed; Congress could work its will on expenditures; Congress might increase expenditures, in which case it would have to increase tax revenues, or a surtax would automatically be imposed.

This constitutional amendment further provides that at appropriate times during the year the Speaker of the House of Representatives would be required to determine the level of spending which Congress had voted and make an estimate of the expected revenues; and if the expenditures exceeded the estimated revenue receipts, the Speaker of the House of Representatives would be required to calculate the amount of surtax needed to put the budget in balance. If Congress did not reduce expenditures or impose other taxes, this surtax would automatically be imposed and collected.

It might well be asked, "What should the country do if war is declared or a nationwide grave economic emergency should be upon us?" My proposal carries a provision that would permit Congress under such circumstances to set aside the provisions for a mandatory balanced budget for a year, upon a three-fourths vote of both Houses of Congress.

If a war or great emergency lasted more than a year, the set-aside provision could be continued but there would have to be a vote upon the question every year. If our country faced such a serious situation, I am convinced that the three-fourths vote of each House of Congress could be obtained.

To some it might seem strange that a conservative Senator from the State of Nebraska would propose a constitutional amendment that could result in higher taxes. The answer is twofold. First, if we are to have high spending, taxes must be high. Second, I believe that if the Congress and the President are faced with the question of reducing expenditures or collecting the necessary taxes, they will reduce expenditures. I believe that the adoption of my proposal will result in less expenditures and, in turn, less taxes.

Mr. President, the way the situation is now, Congress votes for more and more expenditures. Congress does not face up to the situation and levy the necessary taxes. The deficits, the debts go on and on. Senators rise in this Chamber and offer proposals to reduce taxes that take away billions of dollars of revenue but they do not accompany their proposals with reductions in spending, and the deficits go on and on.

Oh, we can resolve, we can pound the table, and we can get excited about one item, but the fact remains that that is not enough to balance the budget. Tax reform is important, but it will not do it. The budget reform bill will not bring in a balanced budget.

Mr. President, we are about to witness in this Chamber in the coming weeks attempts to further injure the financial security of this country by irresponsible tax reduction proposals. What we should be doing is to advance a constitutional provision and submit it to the States that would compel the Government to pay as we go.

Mr. President, it might be later than we think. I am not a pessimist. It is never too late as long as men are willing to fight, and we should fight for a program of financial integrity and honesty for the U.S. Government.

There is no way of heading off inflation unless we put our financial house in order and end deficit financing. History has proven that this cannot be accomplished unless our Constitution is

amended to require it. I appeal to concerned citizens everywhere to help in the passage by Congress and the ratification by the States of this constitutional amendment, Senate Joint Resolution 142.

Mr. President, that concludes my remarks.

The PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, I yield now to the distinguished Senator from South Carolina.

The PRESIDENT pro tempore. The Senator from South Carolina is recognized.

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

The PRESIDENT pro tempore. The Senator may proceed.

Mr. THURMOND. Mr. President, I would like to associate myself with the remarks of my able and distinguished colleague from Nebraska (Mr. CURTIS).

The gravity of our inflationary problems cannot be overstated. Prices in the United States have recently been rising faster than in any other peacetime period in our history, with the exception of a brief period at the end of World War II. If this rate continues, the very future of our country is in danger.

The immediate causes of this inflation are not impossible to identify. There were disappointing crop harvests in a number of countries in 1972. There was a dramatic increase in worldwide demand for labor, raw materials, and finished goods in 1973. More recently, the oil exporting countries drastically altered the traditional supplies and prices of petroleum products. Wage and price controls resulted in severe economic distortions, and their termination has brought on the expected bulge in wages and prices. Underlying all of this, however, is continued irresponsible Government spending which all too often seems to be based on the premise that if enough money is thrown at a problem, it will go away.

Mr. President, we live in a world of limited resources and we simply cannot continue the naive assumption that the Federal Government can spend its way to Utopia. Somewhere, sometime, someone has to pay, and the people of the United States are paying right now with the ever-decreasing value of their dollar.

Mr. President, at this time it appears that the only real action being taken against inflation is the Federal Reserve Board's efforts to control the growth of the money supply.

It will be disastrous for us if we rely solely on this instrument to combat inflation. Tight money is already drying up the housing industry. The prime and other interest rates are at record levels. The stock market continues its slump. Monetary policy plays a most important role in combating inflation, but I emphasize that monetary policy alone cannot solve the problem. We must attack the basic disparity between demand and supply—and particularly Government demand.

For these reasons, Mr. President, I am pleased to join in support of the resolution proposed by the distinguished Senator from Nebraska (Mr. CURTIS). His resolution calls for a constitutional amendment to impose a mandatory automatic surtax every year if necessary to bring about a balanced budget. It is sensible and it is realistic. It provides a reasonable exception in the event of national emergency.

It is regrettable that a constitutional amendment is necessary to restore fiscal responsibility to the U.S. Congress. I would hope that Members of this body collectively would exhibit the same judgment and restraint that commonsense citizens throughout this country exhibit in planning a simple household budget—that it would be recognized that a country, just like an individual, cannot continually spend more than is taken in. However, as a practical matter, it is unlikely that Congress will face up to its responsibilities, absent an amendment of this nature. Accordingly I pledge my support to this amendment.

At the same time, Mr. President, I urge that continued attention and consideration be given to other measures necessary to control inflation. We must continue action to encourage increased production of supplies in the energy and agricultural areas. We must examine the impact of union monopoly power on our economy. We must encourage voluntary restraint on the part of both business and labor.

A number of my colleagues and other economic spokesmen are making the traditional election year call for a tax cut. This may be good election year politics, but it is bad economics. A tax cut will boost consumer demand and ultimately will send prices only higher. Its most obvious impact will be to increase the Federal deficit. In my opinion, it is simply deceiving the American taxpayer to give with one hand by reducing taxes, while taking with the other by increasing inflation. I strongly oppose an across-the-board tax cut unless Government spending is also reduced.

Mr. President, inflation can be controlled, but it will take dedication and sacrifice on the part of everyone. The resolution offered by Senator CURTIS is an example of such dedication and sacrifice, and I am pleased to support it.

Mr. President, I want to say further that I recall the late Senator Harry Byrd, one of the most able and distinguished Members of the Senate, with whom I had the pleasure of serving, introduced a constitutional amendment resolution some years ago to provide that we would not spend more than we took in at the Federal level. His distinguished son has carried on in the same way. The distinguished Senator from Nebraska (Mr. CURTIS), the distinguished Senator from North Carolina (Mr. HELMS), and other Senators have been interested in this matter; and it is important that we take action.

We have been talking about balancing the budget, but it has been mere talk. We have spent more than we have taken in for 24 out of the last 30 years. How much longer can we go on this way? How many years are we going to go before we balance the budget?

I realize that this solution is a tough one, but we have got to have tough solutions.

The Senate has to have the courage to balance the budget. I am not too sure the budget is going to be balanced year after year unless we pass a constitutional amendment which will require that it be done. If we vote for this constitutional amendment, then it will be required that we put on a surtax automatically if we spend more than we take in.

In my State of South Carolina we have a similar provision. In my State if we spend more than we take in in any one year, the very next year taxes have to be increased to pay the deficit of the preceding year. That is a constitutional amendment, and I believe we have been able to keep the budget balanced in my State, because of that constitutional amendment.

If we can do it in my State, if other States can do it, then we can also do it at the Federal level. I believe the most feasible, the surest, and the soundest way to do it is to pass a constitutional amendment as has been advocated here by the distinguished Senator from Nebraska. I hope the Senate will see fit to act on this constitutional amendment at an early date and that we can begin balancing the budget. We cannot keep on spending and spending and spending.

Yes, I am willing to give a tax cut, if we cut spending. But unless we cut spending, it would be foolish to cut taxes.

I hope this resolution will receive prompt attention and favorable action.

Mr. GRIFFIN. Mr. President, is there any time remaining under my order?

The PRESIDING OFFICER (Mr. GRAVEL). The Senator has 3 minutes remaining.

Mr. GRIFFIN. I yield the remaining time to the distinguished Senator from Virginia, and if that is not enough, the distinguished majority whip has indicated he will yield further time.

Mr. HARRY F. BYRD, JR. I thank the Senator.

Mr. President, I feel that the Senator from Nebraska has made an important contribution to his fellow citizens by his speech in the Senate this morning.

The Senator from Nebraska has focused attention on what is certainly the No. 1 problem facing our Natior today, namely, the need for the Federal Government to put its financial house in order. I am convinced that we are not going to get inflation under control, I am convinced we are not going to get the cost of living under control, until the Federal Government puts its own house in order and gets its spending under control.

The Senator from Nebraska, on page 2 of his speech today, points out he favors reducing taxes but only if Government expenditures are reduced to the point that the budget is balanced and a surplus is created.

As the able Senator from South Carolina just pointed out, if we attempt to reduce taxes without reducing expenditures, then I submit we are acting in a highly irresponsible way. The only way we can logically reduce taxes is to reduce Government spending. Unless we do reduce spending, unless we do eliminate the smashing deficits, then I submit in-

flation will continue and the cost of living will continue to rise.

Mr. President, I feel that the American citizen is far more alert to this problem than are a majority of the Members of the Congress. The past two weekends I spent out among the people of Virginia, and I find that, wherever I go, the more people I talk with, the more concerned they are with the inflation that is eating so heavily into every wage earner's pay check and into every housewife's grocery dollar.

The Senator from Nebraska today points out one method that can be taken, which, if taken, can bring a halt to this soaring inflation.

The Senator from Nebraska points out in his speech today that the cause of inflation is deficit spending. He hits at another important point, and that is what he calls the nonsense of a full employment budget.

We have heard so much here in the last few years about the full employment budget. Well, as the Senator from Nebraska points out, that is just so much nonsense.

I would go stronger than that, and I would say it is a fraud on the American people to say that the Government should spend what presumably it would have in the way of revenues—if—if we have full employment, which we don't have and do not expect to have. That is like saying that I would not be broke if my uncle had left me a million dollars.

I agree with the Senator from Nebraska—it is a lot of nonsense. Fortunately, we now have a Secretary of the Treasury who does not believe in the concept of a full employment budget. Secretary Simon is talking about the need of achieving a balanced budget—a balanced budget in the real sense, not in the full emplyoment sense. Secretary Simon's voice I find to be a refreshing one.

The one man in Government today who has done as much as he can to bring about some semblance of sanity and solvency to our Nation, Dr. Arthur Burns, Chairman of the Federal Reserve Board, has taken steps necessary from a monetary point of view. But he cannot do the job alone.

The administration and the Congress, as I see it, must work together to get spending under control and to eliminate deficits if we are going to get inflation under control.

I want to comment also on the statement made by the Senator from Nebraska on page 9 of his excellent speech today in which he points out that the proposal submitted by him this morning would require the President to submit a balanced budget.

That, as I see it, is essential. Unless the President submits to the Congress a balanced budget, there is no way, as a practical matter, that the Nation will have a balanced budget. But in the last few years, unfortunately, the President has submitted to the Congress a deliberately unbalanced budget. Until that concept is thrown into the trash can by the administration, I submit that we are not going to get a balanced budget.

I think what the Senator from Nebraska points out today as part of his proposal requiring the President to submit a balanced budget is a vital and basic part of any effort to bring about an elimination of deficit spending.

In that regard, I might point out that the Government has not balanced its Federal funds budget since 1960. It has not had a surplus or a balanced budget in its Federal funds since President Eisenhower left office, and that was a long time ago. The accumulated Federal funds deficit of the Federal Gvoernment for the short 6-year period fiscal 1970 through fiscal 1975 will be $133 billion, or 25 percent of the total national debt. Yes, 25 percent of the total debt will have been incurred in that short period of time, just 6 years.

So the Senator from Nebraska, I feel, has made a major contribution to his fellow citizens in taking the leadership today, in focusing attention on this vital subject. It affects the pocketbook of every working man and woman in our Nation.

The inflation which we have been experiencing is a tax. It is a hidden tax. It is a cruel tax. It hits hardest those on fixed incomes and those in the lower and middle economic groups.

It is to eliminate inflation or get it under control. It is to eliminate the smashing deficits that the able Senator from Nebraska has introduced this legislation and has made the excellent speech that he has. I am so pleased to commend and congratulate him for the important speech he has made in the Senate today.

Mr. GRIFFIN. Mr. President, with the authority of the distinguished majority whip, who is not in the Chamber at this moment, I ask unanimous consent that such time as the distinguished Senator from North Carolina may require be yielded to him from the time available to the majority whip.

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

Mr. HELMS. I thank the distinguished Senator from Michigan.

Mr. President, I am pleased to join the distinguished Senator from Nebraska in cosponsoring Senate Joint Resolution 142, and I commend him on his thoughtful remarks. I also desire to associate myself with the wise expressions of the distinguished Senator from South Carolina (Mr. THURMOND) and, of course, the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.).

As the Senator is aware, I strongly believe that the root cause of inflation today may be found nowhere else but in the Halls of Congress itself. It is Congress that refuses to restrain itself; it is Congress that continually appropriates more money than comes in for more programs than the citizens know how to deal with. And it is Congress that refuses to face up to the only honest remedy for its mistakes—raising the money to cover the steadily rising expenditures. Congress refuses to make the unpopular decisions. In short, it is Congress that refuses to refuse.

Six times on this floor, the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR), and I have attempted to get the Senate to act upon the question of a balanced budget. We have not asked the Senate to vote restrictions upon itself; we have asked the Senate only to require the President to submit a balanced budget. It is not difficult to present a balanced budget; it only requires that income be matched to outgo. Either spending must be slashed, or taxes raised. It is as simple as that.

But 6 times, Mr. President, the Senate has refused to accept this proposal, although on one occasion 43 Senators indicated support of such a move. Nevertheless, the Senate has not acted. The reason is very obvious. If the President submitted a balanced budget, the burden would be squarely upon the Congress to keep it balanced. If the President is required to show the way to fiscal sanity, Congress would be in a fine predicament if it went on the usual spending spree. Congress should not have the opportunity to spend all it pleases and let the President take the blame for inflation and inequitable taxes.

That is why the proposed constitutional amendment offered by the distinguished Senator from Nebraska would solve the problem. In fact, it would turn the situation inside-out. If the Constitution required a balanced budget, with an automatic surtax to keep income matched to spending, all of a sudden spending would become very unpopular. It would not take long for the citizenry to associate the higher taxes they would be paying with the spending programs urged by the incumbent Members of Congress. I am confident that, within a brief while after this amendment were ratified by the several States, there would be many ardent converts in Congress to the doctrines of economic prudence and restraint in taxation.

Mr. President, a moment ago the distinguished Senator from Virginia mentioned the Federal deficit. I want to reiterate that within the next year or 18 months the Federal debt of this country will be in excess of a half trillion dollars—over $500 billion.

The last time I checked for a specific figure was April 18, and the Federal debt on that day was $473,014,648,856.11; and upon further inquiry the Treasury Department informed me that just 1 year ago, April 18, 1973, the total Federal debt was $455,570,163,323.85.

I mention these precise figures to emphasize that this represents an increase in the Federal debt in 1 year's time of about $18 billion.

Mr. President, this is where the body is buried. This is the cause of inflation. Let us cease to receive the American people. Let us tell them the truth. I think about the young people who come into the Chamber watching their democracy in action. They hear all of the pious claims of "doing this for the people" and "doing that for the people." But I think of the young people who will be paying this debt, plus interest, throughout their lives, and I submit that it is a fraud on them to continue to thrust America into the swamps of socialism.

As the distinguished Senator from Virginia has so eloquently said, I think

the very least we can do is to tell them the truth about their Federal Government and tell them the truth about who is really responsible for the inflation that is running rampant in America.

Mr. President, I am pleased to be associated with the distinguished Senator from Nebraska in this effort, and I commend him for the work he has done in bringing this resolution before this body.

Mr. FANNIN. Mr. President, allow me to commend the distinguished Senator from Nebraska, Mr. CURTIS, for his excellent presentation today on "How About Taxes". Having worked with him for a number of years on the Finance Committee, I have great admiration for his grasp of economics and his dedication to fiscal responsibility.

As a cosponsor of this amendment, I heartily endorse what my colleague has said.

In the past several years we have seen a great push to bring more honesty into Government and our commercial system. We have sought to provide our citizens with more information so they can make better judgments about the value of the product they are receiving.

This amendment might be called the truth-in-Federal-spending amendment. Or we could call it truth-in-labeling or truth-in-billing.

It would put an end to hucksterism by politicians who promise their constituents something for nothing.

Each year each taxpayer would get a true accounting of what he owes the Government, and he could then decide whether the product is worth the price. If the citizen is satisfied that he is getting his money's worth, then he votes to retain his elected officials. If the citizen feels that he is getting bilked, then he votes to throw out the big spenders.

As it is, this Congress and our Government are lying to the American people about the cost of running the Government. This Government is not being financed by taxes, but by inflation.

As a fiscal conservative I share my colleague's distaste for increasing taxes. If, however, it is the threat of increased taxes that is necessary to bring our budgetary process back to fiscal sanity, then I must support it.

It has been said that inflation is the cruelest of taxes. Inflation falls hardest on the retired and the poor, those who are least able to cope with it. Inflation is demoralizing for those who work hard to support their families, only to find that the more they earn the less they seem to be able to buy.

Senator CURTIS cited some interesting figures which give the illusion that taxes have been reduced over the decade between 1963 and 1973.

These figures provide only an illusion of tax reduction. The figures do not take into account the ravages of inflation.

In 1963 a $10,000 income was considered very adequate. Most people thought that if they ever earned $10,000 they would be on easy street.

As the figures show, the tax on a $10,000 income in 1963 was $1,262 as compared with $905 in 1973.

It must be kept in mind, however, that in today's economy it probably takes a $20,000 income to approach the living standard provided by $10,000 a decade earlier.

What we should compare is the taxload on a $10,000 income in 1963 with the taxload on a $20,000 income today. In such a comparison, the tax today is $2,760 or more than double the $1,262 of a decade earlier.

So in 1963 the family with a $10,000 income paid about 12.6 percent of it in Federal taxes. Today, with a comparable income—$20,000 inflated—the tax percentage is about 13.8.

We also must take into account the fact that State and local taxes, including those for education, has shot up tremendously in the past decade. A great deal of this increase has been triggered by the Federal Government either requiring or enticing States and localities into expensive new programs.

It is Federal spending which has been the primary cause of inflation in this country. Excessive Federal spending robs our economic system of capital which is needed to provide reasonable loan rates for housing. Federal spending incites inflation psychology which throws our entire system out of kilter and negates normally effective measures of maintaining our economic stability.

Mr. President, the only way we are going to put a certain end to this spending mania is to tear up our credit cards and start operating as realistic and responsible administrators. Congress must stop playing fast and loose with the economic future of our people. This amendment would bring stability and responsibility back into our system.

TRANSACTION OF ROUTINE BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of 15 minutes for the transaction of routine business, with statements therein limited to 5 minutes each.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 o'clock tomorrow morning.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Illinois. Referred to the Committee on the Judiciary:

RESOLUTION

Whereas, Two recent decisions by the United States Supreme Court concerning the constitutionality of abortion statutes in the States of Texas and Georgia have interpreted the United States Constitution in a fashion significantly different from the convictions of most American citizens about the values of human life; and

Whereas, The sweeping judgment of the United States Supreme Court in these cases is an obvious rejection of the unborn child's right to life through the full nine month gestation period; and

Whereas, The fundamental protection of life in our United States Constitution ought not be modified, diluted or abridged by judicial interpretation; and

Whereas, Is is incumbent upon those people in this country who believe that the defenseless unborn deserve protection in our modern society; therefore, be it

Resolved, by the Senate of the Seventy-Eighth General Assembly of the State of Illinois, the House concurring herein, that the Congress of the United States is hereby urged and requested to adopt a Constitutional Amendment that will guarantee the explicit protection of all unborn human life throughout its development subordinate only to saving the life of the mother, and will guarantee that no human life shall be denied equal protection of law or deprived of life on account of age, sickness or condition of dependency and that Congress and the several states shall have the power to enforce this article by appropriate legislation; and be it further

Resolved, That copies of this preamble and resolution be forwarded by the Secretary of State to the Illinois Congressional delegation, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, Chairman of the Judiciary Committees of the United States Senate and House of Representatives, the Attorney General of the United States and the President of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRAVEL, from the Committee on Public Works, without amendment:

S. 3546. A bill to extend for 1 year the time for entering into a contract under section 106 of the Water Resources Development Act of 1974 (Rept. No. 93-891).

By Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

H.R. 11295. An act to amend the Anadromous Fish Conservation Act in order to extend the authorization for appropriations to carry out such act, and for other purposes (Rept. No. 93-892).

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

H.R. 14291. An act to amend the Northwest Atlantic Fisheries Act of 1950 to permit U.S. participation in international enforcement of fish conservation in additional geographic areas, pursuant to the international convention for the Northwest Atlantic Fisheries, 1949, and for other purposes (Rept. No. 93-893).

By Mr. PASTORE, from the Committee on Commerce, without amendment:

S. 585. A bill to amend section 303 of the Communications Act of 1934 to require that radios be capable of receiving both amplitude modulated (AM) and frequency modulated (FM) broadcasts (Rept. No. 93-895).

By Mr. FANNIN, from the Committee on Interior and Insular Affairs, without amendment:

S. 283. A bill to declare that the United States holds in trust for the Bridgeport Indian Colony certain lands in Mono County, Calif. (Rept. No. 93-894).

REPORT ENTITLED "THE CONSTITUTIONAL IMMUNITY OF MEMBERS OF CONGRESS"—REPORT OF A COMMITTEE—(REPT. NO. 93-896)

Mr. METCALF, from the Joint Committee on Congressional Operations, submitted a report entitled "The Constitutional Immunity of Members of Congress," on the legislative role of Congress in gathering and disclosing information (together with additional and individual views), which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. TOWER, from the Committee on Armed Services:

Gen. David C. Jones, U.S. Air Force, to be appointed as Chief of Staff, U.S. Air Force.

(The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. CANNON, from the Committee on Armed Services:

Gen. George S. Brown, U.S. Air Force, for appointment as Chairman of the Joint Chiefs of Staff.

(The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. McGEE:

S. 3561. A bill to provide procedural rights for Federal employees subject to proposed adverse actions. Referred to the Committee on Post Office and Civil Service.

By Mr. CHURCH (by request):

S. 3562. A bill to authorize appropriations to the Department of State for contribution to the International Commission of Control and Supervision in Vietnam. Referred to the Committee on Foreign Relations.

By Mr. MAGNUSON (for himself, Mr. JACKSON, Mr. CHURCH, and Mr. McCLURE):

S. 3563. A bill to authorize the construction of a highway bridge across the Snake River between Clarkston, Washington and Lewiston, Idaho. Referred to the Committee on Public Works.

By Mr. EASTLAND:

S. 3564. A bill to authorize the financing of parkways from the Highway Trust Fund. Referred to the Committee on Public Works.

By Mr. FANNIN:

S. 3565. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation of a water supply delivery system for the city of Yuma, Ariz. Referred to the Committee on Interior and Insular Affairs.

By Mr. McGOVERN:

S. 3566. A bill to provide daily summaries of congressional business by means of toll-free telephone lines in 15 pilot cities. Referred to the Committee on Government Operations.

By Mr. DOMENICI (for himself and Mr. MONTOYA):

S. 3567. A bill to declare that certain land of the United States is held by the United States in trust for the Pueblo of Laguna. Referred to the Committee on Interior and Insular Affairs.

By Mr. BENTSEN:

S. 3568. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Cibolo project, Texas, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. HARTKE (for himself and Mr. MAGNUSON):

S. 3569. A bill to amend the Rail Passenger Service Act of 1970, and for other purposes. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHURCH (by request):

S. 3562. A bill to authorize appropriations to the Department of State for contribution to the International Commission of Control and Supervision in Vietnam. Referred to the Committee on Foreign Relations.

Mr. CHURCH. Mr. President, by request, I introduce for appropriate reference a bill to authorize appropriations to the Department of State for contribution to the International Commission of Control and Supervision in Vietnam.

The bill has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

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

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Assistant Secretary of State for Congressional Relations to the President of the Senate dated May 21, 1974, and the justification for U.S. support to the ICCS.

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

S. 3562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are authorized to be appropriated to the Department of State for fiscal year 1975 not to exceed $16,526,000 for payments by the United States to help meet expenses of the International Commission of Control and Supervision in Viet-Nam: *Provided,* that funds appropriated under this section are authorized to be made available for reimbursement to the Agency for International Development of amounts expended by the Agency for International Development during fiscal year 1975 as interim United States payments to help meet expenses of the International Commission of Control and Supervision.

SEC. 2. There are authorized to be appropriated to the Department of State not to exceed $11,200,000 for reimbursement to the Agency for International Development of amounts expended by the Agency for International Development to help meet expenses of the International Commission on Control and Supervision in fiscal year 1974.

SEC. 3. Reimbursements received by the Agency for International Development pursuant to this Act may be credited to applicable appropriations of that Agency and shall be available for the purposes for which such appropriations are authorized to be used during fiscal year 1975.

DEPARTMENT OF STATE,
Washington, D.C., May 21, 1974.

Hon. GERALD R. FORD,
President, U.S. Senate,

DEAR MR. PRESIDENT: There is transmitted herewith proposed legislation which will authorize funds in FY-1975 of up to $27.7 million for support of the International Commission of Control and Supervision in Viet-Nam. Of this total $16.5 million covers vital services we believe are needed to keep the ICCS functioning in FY-75 and $11.2 million is to reimburse the Agency for International Development for expenses incurred during FY-74.

We believe it is in the national interest that the United States should demonstrate to Hanoi, and to the world at large, that we support the peace-keeping mechanism of the Paris Accords. As explained in the attached justification, the ICCS has not, to date, been as effective as we had hoped in enforcing the ceasefire in Viet-Nam. However, it is an essential part of the peace structure established by the Paris Accords. If it had to atrophy or to close for lack of funds an unravelling of the Viet-Nam peace structure could result. Moreover, the presence in South Viet-Nam of several hundred foreign personnel charged with overseeing the ceasefire does, we believe, help deter a resumption of all-out warfare.

The Department has been informed by the Office of Management and Budget that there is no objection to the presentation of the proposed legislation to the Congress and that its enactment would be in accord with the program of the President.

Respectfully,

LINWOOD HOLTON,
Assistant Secretary for Congressional Relations.

JUSTIFICATION FOR U.S. SUPPORT TO THE ICCS

Well over a year has passed since the signing of the Viet-Nam peace agreement in January of 1973. While there have been serious deficiencies in the implementation of the cease-fire, we believe nonetheless that progress has been made toward the goal of a full and lasting peace in Viet-Nam. A key indicator is the decline in battlefield casualties since the cease-fire to a level of about one-third the casualties suffered in the years preceding the Paris Agreement.

A complex of factors—including our developing detente with the Soviet Union and China—has led to this lowering of the violence in South Viet-Nam. The International Commission of Control and Supervision (ICCS) is one of those key factors serving to keep the lid on in that area. While the performance of the ICCS has never matched its potential, it remains an essential part of the peace structure established by the Paris Accords. The presence in South Viet-Nam of several hundred foreign personnel charged with overseeing the military situation does, we believe, help deter a resumption of all-out warfare.

Since its inception in early 1973 the ICCS has faced serious financial problems. At the present time the continued existence of the Commission is in jeopardy because of the lack of adequate financial support by the communist side. Despite strong efforts on our part, they have declined to contribute their full prescribed share and we cannot be sure they will contribute their full share in the future. It is clear that the communists through their lack of support are seeking to induce a reduced role or even a termination of the ICCS. In contrast, the Govern-

ment of the Republic of Viet-Nam has paid its full share and may be expected to continue to do so. We continue to insist that all parties meet their financial obligations to the ICCS.

In the face of these efforts by the communist parties, we believe it is imperative that the ICCS be kept operational. The atrophy or dissolution of the ICCS would clearly contribute to the unravelling of the Viet-Nam peace structure and encourage a renewal of general warfare. Further, U.S. failure to back the ICCS to the fullest extent possible could well be interpreted by Hanoi as a sign of declining U.S. interest in a peaceful solution in Viet-Nam. If the ICCS is to survive, the U.S. will have to assure an adequate level of funding for the Commission by contributing in excess of its prescribed share. In effect, the U.S. contribution will be largely used to pay for the cost of essential services including transport and communications, provided by American contractors. These services comprise the greater part of the ICCS budget. Compared to the costs of our past military involvement, the price we must now pay for these peace-keeping operations is remarkably small.

By Mr. MAGNUSON (for himself, Mr. JACKSON, Mr. CHURCH, and Mr. MCCLURE):

S. 3563. A bill to authorize the construction of a highway bridge across the Snake River between Clarkston, Washington and Lewiston, Idaho. Referred to the Committee on Public Works.

Mr. MAGNUSON. Mr. President, with Senators JACKSON, CHURCH, and MCCLURE, I am today introducing legislation to authorize and direct the Secretary of the Army, through the Corps of Engineers, to construct a four-lane lift suspension highway bridge across the Snake River between Clarkston, Wash., and Lewiston, Idaho. The Secretary would also be authorized and directed to construct the necessary bridge approaches. The new bridge would be located approximately 2 miles upstream of the present U.S. Route 12 bridge between the two cities. For their part, affected State and local jurisdictions would be required to: First, hold and save the United States free from any damages resulting from the construction; second, provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction; and, third, maintain and operate the bridge and approaches after they are built.

This legislation is consistent with formal memorials that have been approved by both the Washington and Idaho Legislatures petitioning the Federal Government to build a new Lewiston-Clarkston Bridge. Furthermore, it is consistent with the comprehensive development plans of both Lewiston and Clarkston. However, I wish to emphasize that this bill is introduced as a working draft and that we will be soliciting the views of the appropriate non-Federal officials in both States so that any specific recommendations they may wish to make regarding changes in the bill will be available to the Public Works Committee.

Mr. President, the need for a new Lewiston-Clarkston Bridge has been created by construction of the Federal Lower Granite Lock and Dam project on the Snake River. Therefore, it is entirely appropriate that the new bridge and approaches be built at Federal expense.

Completion of the Lower Granite project in February 1975 will substantially raise the Snake at Lewiston-Clarkston. Consequently, the drawbridge that was built in the 1930's and now serves as the only transportation link between the two cities will have to be raised far more frequently for vessel movement. That will be the case since the clearance under the bridge will be reduced from its present range of 26 to 45 feet to a range of 13 to 18 feet according to estimates supplied by the Corps of Engineers. That, in turn, is projected by local officials to create serious traffic congestion on both sides of the river since there are now more than 22,000 two-way vehicular trips over the bridge on an average day. Besides the adverse impact the projected congestion will have on the local economy and the inconvenience it will create for local residents who must commute daily between the two cities, it will also pose a direct threat to public safety since the only ambulance service available to Clarkston residents is headquartered across the river in Lewiston.

In summary, there is a clear and pressing need for a new bridge—as proposed by this bill—that will permit uninterrupted travel between the two cities despite the higher water level; and there is a clear and convincing justification for the Federal Government's bearing the cost of constructing the bridge and approaches. Consequently, I strongly urge the Public Works Committee to take early and affirmative action on this proposal once the affected State and local jurisdictions have had an opportunity to comment.

Mr. President, I ask unanimous consent that memorials passed by the Washington and Idaho State Legislatures petitioning the Federal Government to construct a new Lewiston-Clarkston Bridge be printed in the RECORD at the conclusion of my remarks.

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

SENATE JOINT MEMORIAL NO. 106—STATE OF WASHINGTON

To the Honorable Richard M. Nixon, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, to the Senate and House of Representatives of the United States, in Congress assembled

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

Whereas, The two cities of Lewiston, Idaho and Clarkston, Washington are the commercial and trading centers of the area and by the 1970 census, including their urban environs, had a combined population in excess of thirty-seven thousand people; and

Whereas, The cities of Lewiston and Clarkston are presently connected by a single bridge across the Snake River which carries U.S. Highway 12, a federally aided primary route extending from Aberdeen, Washington to Detroit, Michigan; and

Whereas, Downstream from the two cities the United States Army Corps of Engineers is now constructing the Lower Granite Dam on the Snake River creating a reservoir scheduled for filling in 1975; and

Whereas, The planned normal pool level of the reservoir will be higher than the normal free flowing high water mark which was the basis for construction thirty-five years ago of the only bridge between the two cities; and

Whereas, The existing bridge structure would restrict river traffic in view of the size of craft and barges now being used on the river and would necessitate frequent bridge openings; and

Whereas, On an average day in calendar year 1972 there were twenty-two thousand two-way vehicular trips across the existing bridge; and

Whereas, With the lift span of the present structure in the open raised position, passage between the two cities is blocked and traffic congestion along U.S. Highway 12 often extends into the metropolitan centers of both cities creating additional traffic problems; and

Whereas, The comprehensive plan for each city includes a proposal for a second span across the Snake River at sufficient elevation so as not to interfere with normal navigation in the planned pool behind the Lower Granite Dam; and

Whereas, Funds for this project are not available from the highway programs of the state of Washington, the County of Asotin, or the city of Clarkston;

Now, therefore, your Memorialists respectfully pray that the Congress begin immediate action to appropriate the funds necessary to construct a bridge across the Snake River between the cities of Lewiston, Idaho and Clarkston, Washington.

Be it further resolved, That copies of this Memorial be immediately transmitted by the Secretary of State to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to each member of the Congress from this state.

SENATE JOINT MEMORIAL NO. 105—LEGISLATURE OF THE STATE OF IDAHO

A JOINT MEMORIAL

To the Honorable Richard M. Nixon, President of the United States, to the President of the Senate and the Speaker of the House of Representatives, and to the Senators and Representatives representing the State of Idaho in the Congress of the United States; relating to funds for construction of a bridge across the Snake River between the cities of Lewiston, Idaho, and Clarkston, Wash.

We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-second Idaho Legislature, do hereby respectfully represent that:

Whereas, the two cities of Lewiston, Idaho, and Clarkston, Washington, are the commercial and trading centers of the area, and by the 1970 census had a combined population, including their urban environs, in excess of thirty-seven thousand people; and

Whereas, the cities of Lewiston and Clarkston are presently connected by a single bridge across the Snake River which carries U.S. Highway 12, a federally aided primary route extending from Aberdeen, Washington, to Detroit, Michigan; and

Whereas, downstream from the two cities the United States Army Corps of Engineers is now constructing the Lower Granite Dam on the Snake River creating a reservoir scheduled for filling in 1975; and

Whereas, the planned normal pool level of the reservoir will be higher than the normal free flowing high water mark which was the basis for construction thirty-five years ago of the only bridge between the two cities; and

Whereas, the existing bridge structure would restrict river traffic in view of the size of craft and barges now being used on the river and would necessitate frequent bridge openings; and

Whereas, on an average day in calendar year 1972 there were twenty-two thousand two-way vehicular trips across the existing bridge; and

Whereas, with the lift span of the present structure in the open raised position, passage between the two cities is blocked and traffic congestion along U.S. Highway 12 often extends into the metropolitan centers of both cities creating additional traffic problems; and

Whereas, the comprehensive plan for each city includes a proposal for a second span across the Snake River at sufficient elevation so as not to interfere with normal navigation in the planned pool behind the Lower Granite Dam; and

Whereas, funds for this project are not available from the highway programs of the State of Idaho, the County of Nez Perce, or the City of Lewiston.

Now, therefore, be it resolved by the First Regular Session of the Forty-second Legislature, the Senate and the House of Representatives concurring therein, that we do hereby respectfully petition the Honorable President of the United States, the President of the Senate and the Speaker of the House of Representatives, and the Congress of the United States to begin immediate action to appropriate the funds necessary to construct a bridge across the Snake River between the cities of Lewiston, Idaho, and Clarkston, Washington.

Be it further resolved that the Secretary of the Senate be, and he is hereby authorized and directed to forward copies of this Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and to the Senators and Representatives representing the State of Idaho in the Congress of the United States.

A SECOND BRIDGE FOR LEWISTON

Mr. CHURCH. Mr. President, I am pleased to introduce along with my colleagues from Idaho (Mr. McCLURE) and Washington (Mr. MAGNUSON and Mr. JACKSON) a bill to authorize construction of a second bridge to span the Snake River between Lewiston, Idaho, and Clarkston, Wash. Construction of this bridge would relieve traffic problems which may occur when the Lower Granite Dam pool is flooded and open to navigation.

The Lower Granite lock and dam project is a Federal endeavor and it is only proper that the Federal Government finance construction of a bridge to accommodate the traffic problems resulting from the Corps of Engineers' project.

As introduced this bill would authorize construction, at Federal expense, of a four-lane, lift suspension highway bridge and approaches connecting Lewiston and Clarkston at river mile 142 of the Snake River—approximately 2 miles upstream from the present U.S. Highway 12 bridge. In keeping with normal practice, local or State interests would provide lands and easements necessary for construction of the bridge. and would maintain and operate the structure after construction.

Introduction of this legislation is the culmination of months of work with interested citizens in Idaho and Washington. Changes might be made in the bill submitted today but I know that with introduction of a bill we can get the ball off of dead center and start some meaningful planning and discussions. I pledge my continued support in efforts to get this bridge built.

The citizens of Lewiston and Clarkston have made the case which justifies Federal financing for construction of this bridge. In fact, the Idaho and Washington State Legislatures have passed formal memorials supporting Federal financing of a second bridge. I ask unanimous consent that a copy of the Idaho Legislature's memorial be entered at the end of my remarks.

The existing interstate bridge was completed in 1939 and consists of a lift span over the channel of the Snake River. With completion of Lower Granite Dam, and the subsequent raising of the water level, traffic on the river will be halted unless the lift span is raised each time a large boat or barge attempts to pass under.

Furthermore, raising of the reservoir is expected to increase river traffic substantially making more frequent raising of the existing bridge necessary, causing interruption of traffic and congestion at both ends of the bridge. However, frequent raising of the existing bridge will cause serious problems beyond traffic congestion. The two cities directly involved conduct cooperative health and safety programs. Reciprocal agreements are in effect in the areas of fire protection, ambulance service, and police services. Lewiston has the only pathology laboratory and blood bank to serve both cities. The old bridge, with a design cycle of another era which requires as much as 20 to 25 minutes to raise and lower, is outdated and must be supplemented with this second bridge.

For these reasons, this legislation should be enacted. I urge prompt and favorable consideration by the Public Works Committee so that a bill can be passed by the Congress and signed into law.

By Mr. McGOVERN:

S. 3566. A bill to provide daily summaries of congressional business by means of toll-free telephone lines in 15 pilot cities. Referred to the Committee on Government Operations.

LEGISLATIVE INFORMATION SERVICE TELEPHONE PROGRAM

Mr. McGOVERN. Mr. President, I introduce for appropriate reference a bill to provide daily summaries of congressional business by means of toll-free telephone lines in 15 pilot cities.

Recent events have tended to sorely discredit politics and government in the United States. This is a fact that we cannot escape. But it is one that those of us in Congress can act firmly to reverse. We can begin by accelerating our efforts to make government as open as possible to the people we serve.

Last December, a comprehensive survey conducted by Louis Harris Associates for the Senate Subcommittee on Intergovernmental Relations produced several important findings. First, it demonstrated that "fundamentally, people want an opening up of the Federal Government." Second, the survey discovered that, while people by their own admission had an inadequate understanding of the shape and structure of American government, they wanted to know much more. Third, and among the most important facts documented by the Harris study, is that 90 percent of the American people are convinced that government can work effectively and well.

These and other findings place a heavy responsibility on Members of Congress to respond positively both to the public skepticism about politics and to the sizeable reservoir of confidence in government.

Earlier this year, in testimony before the Joint Committee on Congressional Operations, I made a series of suggestions on how the Congress might be made more accessible to the American public.

First, I suggested that we undertake a serious examination of the opportunities that cable television might afford in making factual information about government more widely and easily available. That information might include data on veterans' benefits, social security questions, availability of informative Government publications, new programs and application deadline requirements, and precise instructions on how to contact Government agencies and Representatives in Congress.

Second, because all of us benefit by sharper awareness of public attitudes toward congressional performance, I recommended that national surveys of public opinion be conducted for the Congress on a twice yearly basis. These polls could regularly sample evolving attitudes toward the Congress while measuring public feelings on new issues.

A third recommendation spoke to an additional role for the media in providing the public with information on their Government. I suggested that local newspapers might conduct regional seminars on the congressional process. Professors from local colleges, private citizens, and members of the press, as well as members of the Congress, could be invited to give their views not only on what the Congress does but also on how it might be made more effective. The transcripts of these seminars could be published on an installment basis in the sponsoring publication so that many more people could develop a better understanding of how Congress might better serve their local areas.

Finally, I recommend the adoption of facilities which would make the pending business of Congress more accessible on a timely basis. In line with that proposal, the bill I am introducing today creates a practical program that can be started promptly, with a minimum of expense, while providing a useful and concise amount of data on what business is being conducted daily in Congress.

The bill would establish a legislative information service telephone program. It would be a pilot program with a 19-month life span and it would be conducted in 15 cities selected by the Director. The Director would be chosen by the Comptroller General of the United States without regard to political affiliation and solely on the basis of the Direc-

tor's fitness to perform the duties prescribed by the act.

Those duties would include the daily preparation of concise, nontechnical summaries of: first, the business pending before the Senate and the House of Representatives on that day; second, the summaries of the calendar of business of the Senate and the House of Representatives for the following legislative day; and third, the schedule of committee meetings of both the Senate and House of Representatives for the following calendar day.

These summaries would be recorded and made available by means of toll-free telephone lines in each of the 15 pilot cities. This means that anyone in those cities could call in anytime and find out what issues were currently being considered by the Congress. With more specific information at their disposal, the people would not only be better able to form their opinions, but also to ask more informed questions. Their Representatives and Senators in turn would benefit by greater public awareness of congressional efforts and by an improved ability to give more precise answers to questions on the work of Congress.

The bill would also establish an Office of Congressional Information which, in addition to the duties already described, would answer correspondence on the operation of the program, notify the public of the program itself, and prepare analysis of the program's operation and cost-effectiveness. If the program wins public support, this analysis could become the basis for improving and extending the program.

Mr. President, more than a century ago, Abraham Lincoln said,

I am a firm believer in the people. If given the truth, they can be depended upon to meet any national crisis. The great point is to bring them the real facts.

The aim of this legislation is as simple as the faith Congress and the people share in our ability to solve the Nation's problems. It is to give the people the facts on what Congress is doing and as a result help them to have an even greater influence on the work we do on their behalf.

I ask unanimous consent that the text of my 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. 3566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF OFFICE

SECTION 1. There is established within the General Accounting Office, under the supervision and control of the Comptroller General of the United States, an office to be known as the Office of Congressional Information (hereafter referred to in this Act as the "Office").

DUTIES AND FUNCTIONS

SEC. 2. (a) It shall be the duty and function of the Office to establish and administer a Legislative Information Service Telephone Program. That Program shall consist of—

(1) the preparation each day of concise, non-technical summaries of—

(A) business pending before the Senate and the House of Representatives on that day;

(B) the calendar of business of the Senate and the House of Representatives for the following legislative day (as such information is made available by the leadership of the Senate and the House of Representatives); and

(C) the schedule of committee meetings of both the Senate and the House of Representatives for the following calendar day;

(2) the provision of electronic recording and telephonic transmission of such summaries by means of toll-free telephone lines in each of the fifteen cities selected in accordance with subsection (b) of this section;

(3) the installation of recording equipment and the rental of toll-free telephone lines adequate to provide for such transmissions in those cities;

(4) notification to the public of the availability of the summaries referred to in clause (1); and

(5) public opinion sampling to determine the awareness and recreation of the general population to such summaries in each of those cities.

The Office shall commence providing such summaries not later than 120 days following the date of enactment of this Act.

(b) The Director shall select fifteen cities in the United States of varying population size, representing all major sections of the country, as test cities in which to conduct the Legislative Information Service Telephone Program. Not more than one such city shall be selected from any one State.

(c) Not later than 9 months following the date of enactment of this Act, the Office shall prepare and transmit to the President pro tempore of the Senate, the Speaker of the House of Representatives, and the Comptroller General of the United States a report which shall set forth—

(1) an evaluation of the Legislative Information Service telephone program;

(2) a statement of the cost effectiveness of the program;

(3) an analysis of public reaction to the Program; and

(4) the recommendation of the Office with respect to whether the program should be continued, and if so, whether and how the program may be improved and expended.

PERSONNEL; POWERS

SEC. 3. (a) The Office shall be headed by a Director who shall be appointed by the Comptroller General of the United States. The Director shall be appointed without regard to political affiliation and solely on the basis of his fitness to perform his duties, and shall be compensated at a rate equivalent to the grade of GS–18.

(b) The Director shall be assisted by a Deputy Director who shall be appointed by the Comptroller General of the United States. The Deputy Director shall be appointed without regard to political affiliation and solely on the basis of his fitness to perform his duties, and shall receive compensation at a rate equivalent to the grade of GS–17. Under the direction of the Director, the Deputy Director shall—

(1) supervise such personnel as are deemed necessary to record, transmit, and catalog the daily recorded summaries described in section 2(a) of this Act; and

(2) supervise such personnel as are deemed necessary to receive, process, acknowledge, and catalog all correspondence directed to the Office regarding the Legislative Information Service telephone program.

(c) (1) The Director shall appoint and fix the compensation of such other personnel as may be necessary to carry out the duties and functions of the Office. All personnel of the Office shall be appointed without regard to political affiliation and solely on the basis of their fitness to perform their duties. The Director may delegate to personnel of the Office authority to perform any of the duties and functions imposed by this Act on the Office or on the Director.

(2) In carrying out the duties and functions of the Office, the Director may procure the temporary (not to exceed one year) or intermittent services of experts or consultants or organizations thereof by contract as independent contractors, or in the case of individual experts or consultants, by employment at rates of pay not in excess of the daily equivalent of the highest rate of basic pay paid under the General Schedule of section 5332 of title 5, United States Code.

(3) In carrying out the duties and functions of the Office, the Director may, as agreed upon with the head of any department, agency, establishment, regulatory agency, or commission, utilize the services, facilities, and personnel of each department, agency, establishment, regulatory agency, or commission. The utilization of such services, facilities, and personnel may be with or without reimbursement by the Office as may be agreed.

(4) The head of such department, agency, establishment, regulatory agency, or commission is authorized to provide the Office such services, facilities, and personnel under this subsection.

SEC. 4. There are authorized to be appropriated to the Office such sums, not to exceed $2,000,000, as may be necessary to carry out the provisions of this Act.

SEC. 5. The Office shall cease to exist 19 months following the date of enactment of this Act.

By Mr. DOMENICI (for himself and Mr. MONTOYA):

S. 3567. A bill to declare that certain land of the United States is held by the United States in trust for the Pueblo of Laguna. Referred to the Committee on Interior and Insular Affairs.

Mr. DOMENICI. Mr. President, I introduce today a measure which would set aside a tract of approximately 480 acres of Federal land, now administered by the Bureau of Land Management, to be held in trust for the Pueblo of Laguna, N.Mex. I am pleased to be joined by my distinguished colleague from New Mexico (Mr. MONTOYA).

The tract, which is adjoined on the north, east and south by lands already held by the United States in trust for the Pueblo of Laguna, is currently used by the Pueblo under a permit from the Bureau of Land Management. Although this bill was not part of the Bureau of Land Management or Bureau of Indian Affairs legislative program, I understand that neither agency has indicated any objection and I know of no other persons or groups having any interest in these lands.

I urge prompt and favorable action on this measure and I also ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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

S. 3567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title and interest of the United States in and to the following described land, and improvements thereon, are hereby declared to be held by the United States in trust for the Pueblo of Laguna:

NEW MEXICO PRINCIPAL MEDRIDIAN

Township 9 north, range 3 east, section 30, northwest one quarter and south one half, containing 480 acres more or less.

By Mr. BENTSEN:

S. 3568. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Cibolo project, Texas, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

CIBOLO PROJECT, TEXAS

Mr. BENTSEN. Mr. President, I am pleased to introduce today a bill to authorize the construction of the Cibolo project in Texas. Congressman ABRAHAM KAZEN has introduced the bill on the House side and I am pleased that we will be working together on this project.

Mr. Chairman, the Cibolo project is located in Wilson County, Tex. near the city of San Antonio. The project's plan of development provides for construction of Cibolo Dam and Reservoir in Cibolo Creek to regulate its flows for flood control, and for municipal and industrial water supply. The plan includes recreation and sport fishing facilities at the reservoir and would provide major fish and wildlife benefits.

The project has undergone a thorough 7-year Federal and State investigation which revealed that the project would contribute greatly to the capacity of the municipal and industrial water supply systems for the growing communities of San Antonio, Karnes City, and Kennedy.

Most of the Cibolo project region depends solely on the Edwards (Balcones Fault Zone) and Carrizo-Wilcox aquifers for total water supply. Continued dependence upon these aquifers by the region's competing water users portends serious consequences from the headwaters of the Guadalupe, San Antonio, and Nueces River Basins to the estuaries and the Gulf of Mexico where the biological and economic productivity are reliant upon fresh water and nutrient materials. The region urgently requires a supplementary surface water supply system in order that progress may be made toward implementation of a well-planned surface water-ground water conjunctive use program for the area. The multipurpose Cibolo project represents the first phase of such a planned supplementary surface water supply system, and it will also provide much needed flood control storage to mitigate flood hazards in the lower San Antonio River Basin.

Construction and development of the Cibolo project will provide the region with a dependable yield of 25,000 acre-feet of water per year. A demonstrable need presently exists for this water. The city of San Antonio is ready now to contract for the major portion of this yield for municipal and industrial purposes. The cities of Kenedy and Karnes City also stand ready to begin immediate use of the principal portion of the remainder of the yield.

Currently, the Edwards—Balcones Fault Zone—aquifer is the sole water supply source for the city of San Antonio. In turn, the city is the largest metropolitan area in the Nation whose municipal requirements are met entirely with ground water. In recent years, regional water supply and water management studies have clearly shown that the dependable yield of the Edwards aquifer is rapidly being approached and that development of surface water supplies for the region is absolutely essential.

In addition to the project's importance in providing the city of San Antonio a supplementary water supply source and in reducing demands being imposed on the Edwards aquifer, the project is of considerable importance to the cities of Kenedy and Karnes City because these communities must now use ground water that is very undesirable because of excessive salt concentrations.

Mr. Chairman, the Office of Management and Budget has indicated to Congressman KAZEN that this project has its blessing and it is my understanding that the House of Representatives is prepared to approve the project very soon.

Based on these two facts plus the importance of the project and the extensive studies that have been made on it, I would hope that the Interior Committee would take swift and positive consideration of this authorization request.

By Mr. HARTKE (for himself and Mr. MAGNUSON):

S. 3569. A bill to amend the Rail Passenger Service Act of 1970, and for other purposes. Referred to the Committee on Commerce.

Mr. HARTKE. Mr. President, I am introducing today the Amtrak Improvement Act of 1974. This legislation is the result of the continuing oversight activities of the Surface Transportation Subcommittee of the Senate Commerce Committee, and I believe it will help to improve rail passenger service in the United States. The last year has conclusively demonstrated the need for increasing use of passenger trains. More importantly, there has also been an overwhelming demonstration of the public desire to use the trains—Amtrak's ridership has skyrocketed beyond capacity, and I cannot think of any area of the United States that would not like to have increased amounts of rail passenger service.

This legislation will help Amtrak fulfill the public need for better quality rail passenger service. An authorization for Federal grants under section 601 of the Rail Passenger Service Act for fiscal year 1975 is made, and the loan guarantee authority of section 602 of the act is amended. These moneys will help make the necessary improvements in both the service offered and the equipment used so that we can continue to move toward a more balanced transportation policy. The extent of our imbalanced expenditure of public moneys for transportation purposes is well known. In fact, of the $28.2 billion in public funds that were spent last year for transportation, 86 percent was spent for highways, 10 percent for air transportation, 3.7 percent for waterways, and less than one-fourth of 1 percent for rail transportation. Given the energy efficiency and environmental compatibility of rail passenger transportation, we can no longer afford to neglect the development on an adequate rail passenger system. When one examines the development of such systems in other technologically advanced countries, it becomes quite clear how far behind we have fallen. It is my hope that we will continue to devote our attention and resources to this worthwhile goal.

In addition to an authorization for fiscal 1975 and an increase in the loan guarantee authority for Amtrak, this bill contains several other provisions designed to improve the operations of the National Railroad Passenger Corporation. Section 2 of the bill directs the Corporation to directly perform all maintenance and repair functions on its equipment. Amtrak has the authority to do this under the present legislation, but has failed to do so. This means that people who are not working for the Corporation are doing most of the maintenance and repair work on Amtrak's trains, and the results, to say the least, have been far from satisfactory. Even the Department of Transportation, in its annual report to Congress, which was due March 15 but has been impounded by the Office of Management and Budget since then, recommends that Amtrak directly assume maintenance functions on its trains. The current situation is unsatisfactory both from the point of view of the quality of maintenance that is being performed—with resultant breakdowns and the like—and from the point of view of cost control and accountability.

Section 2 of the bill will also help facilitate the necessary congressional oversight of the implementation of the Northeast corridor project, which is required by the Regional Rail Reorganization Act. Not only would monthly progress reports be sent to the Congress, but Amtrak is directed to cooperate fully with all the responsible parties, and the Secretary of Transportation is directed to assign the project the highest status within the Department. This will be absolutely necessary if the 5-year implementation deadline contained in the joint statement of managers of the Regional Rail Reorganization Act is to be adhered to.

Section 3 of the bill directs the Secretary of the Treasury to assure that the Bureau of Customs uses customs inspections procedures aboard Amtrak's trains operated in international intercity rail passenger service that are modern and up to date. The Senate Commerce Committee has received numerous complaints regarding some of the procedures that have been used, and in one instance I am aware of a procedure that has been used which requires the passengers to completely detrain in the weather, carrying their luggage, for an inspection. That sort of inspection is calculated to serve the convenience of the inspectors more than the passengers or the American public. There is no good reason why the United States cannot follow the lead of the many countries who have on-board inspections procedures that are conducted while the train is moving to its destination. This enables the fastest journey time and helps the competitiveness of rail passenger service with less energy efficient or en-

vironmentally compatible modes of transportation. It is incredible to me to see the Federal Government, through two different programs—one run by Amtrak and the other run by the Department of the Treasury—essentially fighting itself. They can be compatible and they should be compatible. A perfectly adequate inspection can be performed by Customs while the train is in motion to its destination, and that is what this section would help effectuate.

Section 4 of the bill will help correct a situation that has existed for some time now. The Rail Passengers Service Act in its present form grants pass privileges in much the same form that the amended section I am proposing today, but requires the Interstate Commerce Commission to decide how much Amtrak should receive for the carriage of passholders. Unfortunately, the Commission decided under these provisions that Amtrak should receive essentially nothing, and because of this decision, there has been a great economic incentive on the part of Amtrak to restrict the use of passes to the maximum extent possible. A bewildering array of restrictive regulations has resulted that in effect diminishes the usefulness of the pass privilege, which is not what Congress intended when this section was originally enacted. The amended section is designed to remove the source of the difficulty, and it also will pick up some employees of what are essentially railroads but who were left out because they worked for what are technically railroad subsidiaries that do not formally qualify as railroads under the applicable provisions of the Interstate Commerce Act.

Section 5, in addition to amending the amount of authorized loan guarantee authority, also makes clear what the role of the Secretary of Transportation is to be in guaranteeing loans for the Corporation. When the Board of Directors, and I should point out that the Secretary is a statutory member of the Board, approves a capital or budgetary plan and requests the Secretary to guarantee the requisite loan, the Secretary is not to second guess the Board and make all the capital and budgetary decisions of the Corporation over again as part of the process of guaranteeing that loan. When the Secretary does that sort of thing he is acting as some sort of legislatively unauthorized court of review over the decisions of the Board of Directors and making the Board a rather meaningless body. In the Amtrak Improvement Act of 1973, the Secretary was given the authority to issue general annual guidelines regarding these matters, and my amendment would extend that authority to cover guaranteed loans. The Secretary would then be able to participate in the decision both through the annual guidelines which apply to grants and loan guarantees, and through his statutory seat on the Board of Directors. Congress will continue its oversight of Board decisions as part of its general oversight activities of the Corporation, I should also point out that all the Presidentially nominated Board members are subject to confirmation by the Senate of the United States, which provides additional protection of the public interest.

Section 7 of the bill merely removes a technical difficulty that arises from the present wording of section 304(b) of the act. This section as presently worded prevents any railroad, after the initial issuance of stock by Amtrak is complete, from owning or controlling more than 33⅓ percent of the outstanding shares. At the present time, all of the stock subscriptions are complete, and there are two railroads, the Penn Central and the Burlington Northern, that are technically in violation of the act—the Penn Central owns 56 percent of the common stock and the Burlington Northern owns 36 percent of the common stock. The amendment is designed to remove the technical violation, and I am satisfied that it would in no way adversely affect the public interest.

Section 8 is a minor technical revision of the act, and section 9 would merely incorporate S. 1328, which has already passed the Senate. Section 10 makes a minor revision to the Interstate Commerce Act, which is technical in nature.

Mr. President, I am hopeful for quick Senate passage of the Amtrak Improvement Act of 1974; it is a piece of legislation designed to best effectuate the public interest in improved rail passenger transportation, and I ask unanimous consent that the bill be reprinted at the conclusion of my remarks and those of Senator MAGNUSON.

Mr. MAGNUSON. Mr. President, I am pleased to cosponsor the Amtrak Improvement Act of 1974 with the distinguished chairman of the Surface Transportation Subcommittee, Senator HARTKE. I know that Senator HARTKE's efforts in the field of rail transportation are leading to major improvements, and I am in full support of all the provisions of his bill. It is very gratifying to me to see the renaissance in thinking about the need for improved rail transportation, and as chairman of the Senate Commerce Committee, I share Senator HARTKE's commitment to translate that changed thinking into actual improvements.

While I am in full agreement on all of the remarks of Senator HARTKE regarding this legislative proposal, I would like to add a few observations regarding section 9 of the bill. That section essentially incorporates S. 1328, the West Coast Corridor Feasibility Study Act of 1973. This measure has already passed the Senate, on July 11 of last year. There is little disagreement over the merits of what it requires—a study of the long-range transportation needs to the west coast. The Federal Government has already done its homework here in the Northeast, with the 1971 report of the Secretary of Transportation on transportation in the Northeast Corridor, from Boston to Washington. One of the most significant of the recommendations contained in that report, the implementation of improved high speed rail passenger service in the corridor, was required to be implemented in the Regional Rail Reorganization Act of 1973. Section 2 of this bill is designed to help facilitate congressional oversight of that requirement.

The Northeast Corridor Report is a highly commendable piece of work. It was conducted over an 8-year period and cost around $12 million—dollars well spent in my opinion. But the responsibility of the Federal Government to do this sort of long range planning does not end with the Northeast corridor. Already the San Francisco to Los Angeles air route is the most heavily traveled in the world. There are several corridors on the west coast that have already been identified in addition to San Francisco-Los Angeles. The west coast needs to have the same sort of in-depth study and investigation that has already occurred here in the Northeast. Now that the Department has developed the requisite methodolgy and analytical capability, the needed study of the west coast should be easier than it was here in the east.

While section 9 requires nothing in the way of actual transportation improvements, it does require the sort of long range planning that the Department should have already initiated. There is no requirement that the recommendations of the study are modally uniform or that in fact any change in the present transportation system be recommended for any particular segment. In fact, it is entirely possible that different recommendations could obtain for the various segments under consideration, and I would more or less expect that certain segments should be improved more rapidly than others. There is no excuse for the lack of long range planning than is presently the case, and I am hopeful that the Senate will again pass this worthwhile proposal, and that the House of Representatives will agree to it in conference.

Mr. President, I ask unanimous consent along with Senator HARTKE that the full text of the Amtrak Improvement Act of 1974 be reprinted at the conclusion of my remarks.

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

S. 3569

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 "Amtrak Improvement Act of 1974".

SEC. 2. Section 305 of the Rail Passenger Service Act of 1970 (45 U.S.C. 545) is amended by adding at the end thereof the following two new subsections:

"(c) The Corporation shall, to the maximum extent practicable, directly perform all maintenance, rehabilitation, repair, and refurbishment of rail passenger equipment. Until the Corporation obtains, by purchase, lease, construction, or any other method of acquisition, Corporation-owned or controlled facilities which are adequate for the proper maintenance, repair, rehabilitation, and refurbishment of the rolling stock and other equipment and facilities of the Corporation, the railroads performing such services shall do so as expeditiously as possible and shall accord a higher priority to such work than to the maintenance and repair of equipment utilized for the transportation of freight.

"(d) The Corporation shall advise, consult and cooperate with, and, upon request, assist in any other manner the Secretary of Transportation, the United States Railway the Consolidated Rail Corporation in order to facilitate completion and implementation of the Northeast Corridor project, as defined in section 206(a)(3) of the Regional Rail Reorganization Act of 1973, by the

earliest practicable date. The Secretary shall report monthly to the Congress on the progress made in implementing such project, and shall assign the highest priority to its completion.".

SEC. 3. Section 305(e)(7) of the Rail Passenger Service Act of 1970 (45 U.S.C. 545(e)(7)) is amended by inserting immediately prior to the semicolon a period and the following new sentence: "The Secretary of the Treasury shall establish and maintain, in cooperation with the Corporation, customs inspection procedures aboard trains operated in international intercity rail passenger service that will be convenient for passengers and will result in the most rapid possible transit between embarkation and debarkation points on such service.".

SEC. 4. Section 405(f) of the Rail Passenger Service Act of 1970 (45 U.S.C. 565(f) is amended to read as follows:

"(f) The Corporation shall take such action as may be necessary to assure that, to the maximum extent practicable, any railroad employee or any employee of a company owned wholly by one or more railroads and which operates any equipment or performs any service in connection with the transportation of freight or passengers by railroad who was eligible to receive free or reduced-rate transportation by railroad on April 30, 1971 under the terms of any policy or agreement in effect on that date will be eligible to receive free or reduced-rate transportation on any intercity rail passenger service provided by the corporation under this Act. However, the Corporation may apply to all railroad employees eligible to receive free or reduced-rate transportation under such policy or agreements, a single systemwide schedule of terms determined by the Corporation to reflect terms applicable to the majority of such employees to those policies or agreements in effect on April 30, 1971. As a condition precedent for providing free or reduced-rate transportation to such employees, the Corporation shall be reimbursed by the railroad or company referred to above by whom the employee had been employed by way of payment of 50% of the regular applicable fare for transportation furnished to such employees on a space available basis and for the full applicable fare for reserved space transportation under any policy or agreement referred to above plus the cost of implementing and administering this section.

If any railroad company which operates intercity passenger service not under contract with the corporation notifies the Corporation and any railroad or other company referred to in this subsection that it will accept the terms of any agreement or decision made pursuant to this section, such railroad company shall be reimbursed for services provided in accordance with such agreement or decision. If used in this subsection, the term "railroad employee" means (1) an active, full-time employee, including any such employee during a period of furlow or while on leave of absence of a railroad, a terminal company, or a company owned wholly by one or more railroads and which operates any equipment of performs any service in connection with the transportation of freight or passengers by railroad, (2) a retired employee of any such railroad or company, and (3) the dependents or any employee referred to clause (1) or (2) of this sentence.

SEC. 5. Section 601 of the Rail Passenger Service Act of 1970 (45 U.S.C. 601), is amended by striking out $334,300,000", and inserting in lieu thereof "$534,300,000".

SEC. 6. Section 602 of the Rail Passenger Service Act of 1970 (45 U.S.C. 602), is amended by striking out, in subsection (d) thereof, "$500,000,000" and by inserting in lieu thereof "$900,000,000"; and by adding at the end thereof the following new subsection:

"(h) Any request made by the Corporation for the guarantee of a loan pursuant to this section, which has been approved by the Board of Directors of the Corporation, shall be approved by the Secretary without substantive review of the objects of such underlying loan. Substantive review of the capital and budgetary plans of the Corporation by the Secretary shall be effected by the Secretary in his capacity as a member of the Board of Directors of the Corporation and through issuance of general guidelines pursuant to section 601 of this Act.".

SEC. 7. Section 304(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 544(b)) is amended by striking out the word "owned" and by inserting in lieu thereof the word "voted" and by adding at the end thereof the following new sentence: "If any railroad or any person controlling one or more railroads, as defined in section 1(3)(b) of Title 49 owns, directly or indirectly through subsidiaries or affiliated companies, nominees, or any person subject to its direction or control, a number of shares in excess of 33⅓ per centum of the total number of common shares issued and outstanding, such excess number shall, for voting and quorum purposes, be deemed to be not issued and outstanding.".

SEC. 8. The Rail Passenger Service Act of 1970, as amended, is further amended by deleting "Rail Passenger Service Act of 1970" wherever the same shall appear and by inserting in lieu thereof "Rail Passenger Service Act".

SEC. 9. The High Speed Ground Transportation Act (49 U.S.C. 1631 et seq.) is amended by adding a new section at the end thereof:

"SEC. 1642. (a) The Secretary shall make an investigation and study, for the purpose of determining social advisability, technical feasibility, and economic practicability, of a high-speed ground transportation system between the cities of Tijuana in the State of Baja California, Mexico, and Vancouver in the Province of British Columbia, Canada, by way of the cities of Seattle in the State of Washington, Portland in the State of Oregon, and Sacramento, San Francisco, Fresno, Los Angeles, and San Diego in the State of California. In carrying out such investigation and study the Secretary shall consider—

"(1) the various means of providing such transportation, including both existing modes and those under development, such as the tracked levitation vehicle;

"(2) the cost of establishing and operating such a system, including any acquisition of necessary rights-of-way;

"(3) the environmental impact of such a system including the future environmental impact from air and other transportation modes if such a system is not established;

"(4) the factors which would determine the future adequacy and commercial success of any such system, including the speed at which it would operate, the quality of service which could be offered, its cost to potential users, its convenience to potential users, and its ability to expand to meet projected increases in demand;

"(5) the efficiency of energy utilization and impact on energy resources of such a system, including the future impact of existing transportation systems on energy resources if such a system is not established;

"(6) the ability of such a system to be integrated with other local and intrastate transportation systems, both existing and planned, in order to create balanced and comprehensive transit systems;

"(7) coordination with other studies undertaken on the State and local level; and

"(8) such other matters as he deems appropriate.

"(b) In carrying out any investigation and study pursuant to this section, the Secretary shall consult with, and give consideration to the views of, the Civil Aeronautics Board, the Commission, the Corporation, the United States Railway Association, the Corps of Engineers, and regional, State, and local transportation planning agencies. The Secretary may, for the purpose of carrying out such investigation and study, enter into contracts and other agreements with public or private agencies, institutions, organizations, corporations or individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(c) The Secretary shall report the results of any study and investigation pursuant to this section, together with his recommendations, to the Congress and the President no later than January 30, 1977. The Secretary shall submit interim reports to the Congress on January 30, 1975, and January 30, 1976.

"(d) There is authorized to be appropriated not to exceed $8,000,000 to carry out the provisions of this section.".

SEC. 10. Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C. 302(b)(2)), is amended by striking the period at the end of the second sentence thereof and by inserting in lieu thereof the following: ": *Provided*, That (7) any amendments of such standards, which are determined by the national organization of the State commissions and promulgated by the Commission prior to the initial effective date of such standards shall become effective on such initial effective date; and (2) after such standards become effective initially, any amendments of such standards, which are subsequently determined by the national organization of the State commissions, shall become effective at the time of promulgation or at such other time, subsequent to promulgation by the Commission, as may be determined by such organization.".

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2785

At the request of Mr. PERCY, the Senator from Tennessee (Mr. BROCK), the Senator from Delaware (Mr. ROTH), the Senator from Florida (Mr. CHILES), and the Senator from Kentucky (Mr. HUDDLESTON), were added as cosponsors of S. 2785, a bill to authorize the Administrator of General Services to enter into multiyear leases through use of the automatic data processing fund without obligating the total anticipated payments to be made under such leases.

S. 3229

At the request of Mr. SCHWEIKER, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 3229, the Soviet Energy Investment Prohibition Act.

S. 3339

At the request of Mr. HUMPHREY, the Senator from New Mexico (Mr. MONTOYA), the Senator from Iowa (Mr. HUGHES), and the Senator from Idaho (Mr. CHURCH) were added as cosponsors of S. 3339 a bill to amend the program of supplemental security income for the aged, blind, and disabled—established by title XVI of the Social Security Act—to provide for cost-of-living increases in the benefits provided thereunder.

S. 3383

At the request of Mr. MCGOVERN, the Senator from Pennsylvania (Mr. HUGH SCOTT) was added as a cosponsor of S. 3383, the World War I veterans' pension bill.

S. 3417

At the request of Mr. EAGLETON, the Senator from Kentucky (Mr. HUDDLE-

STON) was added as a cosponsor of S. 3417, a bill to amend title 5 of the United States Code (relating to Government organization and employees) to assist Federal employees in meeting their tax obligations under city ordinances.

S. 3434

At the request of Mr. HUGH SCOTT, the Senator from Oklahoma (Mr. BELLMON), the Senator from California (Mr. TUNNEY), the Senator from Arizona (Mr. FANNIN), and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of S. 3434, a bill to establish university coal research laboratories and to establish energy resource fellowships.

S. 3526

At the request of Mr. DOLE, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 3526, to prohibit the importation into the United States of certain meat and meat products.

SENATE JOINT RESOLUTION 142

At the request of Mr. CURTIS, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Joint Resolution 142, proposing an amendment to the Constitution of the United States relative to the balancing of the budget.

SENATE JOINT RESOLUTION 189

At the request of Mr. HARRY F. BYRD, JR., the Senator from Texas (Mr. TOWER) was added as a cosponsor of Senate Joint Resolution 189, to restore posthumously full rights of citizenship to General R. E. Lee.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 80

At the request of Mr. CURTIS, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of Senate Concurrent Resolution 80, expressing the sense of Congress regarding the annexation of the Baltic Nations.

EXEMPTION FROM DUTY CERTAIN REPAIRS OF U.S. VESSELS—AMENDMENTS

AMENDMENT NO. 1371

(Ordered to be printed and to lie on the table.)

Mr. HUDDLESTON. Mr. President, on behalf of Senators CHURCH, RIBICOFF, KENNEDY, WILLIAMS, FONG, GURNEY, COOK, and myself, I submit an amendment to H.R. 8217 and I ask that it lie on the table and be printed.

The amendment relates to the retirement income credit portion of H.R. 8217 and would provide future cost-of-living adjustments in the tax credit for some 971,000 affected Americans.

The retirement income credit has become badly out of date since it was instituted. H.R. 8217 contains a Finance Committee amendment which provides a substantial increase in the amount used to compute the 15-percent income tax credit for retirees who have little or no social security. I strongly endorse and support the committee's action.

Our amendment provides that whenever future cost-of-living adjustments are made in social security that the base for computing the retirement income credit will be raised by a like percentage—thus providing protection for almost 1 million retirees against future inflation.

Current law, of course, exempts social security income from taxation. Government pensioners and other retirees receiving little or no social security are entitled to a 15-percent tax credit on their retirement income—pensions, annuities, interest, dividends, and rent. Those affected include such civil service retirees as teachers, policemen, firemen, et cetera.

The maximum base for computing this credit is now $1,524 for retired single persons and $2,286 for retired couples. This base has not been updated since 1962 for single persons and 1964 for couples. During that same time, social security benefits have been adjusted six times. Monthly social security benefits for the average worker have increased from $76.19 in 1962 to $166.42 in 1973; for couples the increase has been from $127.90 to $276.71. As you can see, the retirement income credit has fallen far behind and is badly out of date.

H.R. 8217 provides a significant and much-needed increase in the retirement income credit. It would raise the base to $2,500 for single elderly persons and $3,750 for elderly couples. The Finance Committee and the Senate Special Committee on Aging are both to be commended for their efforts to increase the retirement income credit and to put those retirees on a more comparable basis with social security retirees.

Our amendment is designed to insure that 10 more years do not go by before another increase is approved. This would be accomplished by providing that whenever the Secretary of Health, Education, and Welfare determines an automatic cost-of-living increase in social security benefits is warranted, under title II, section 215 of the Social Security Act, the base on which the retirement income credit is computed would be raised by a like percentage.

Unless some provision is made for a cost-of-living adjustment, non-social-security retirees' incomes will be eaten up by inflation and they will be unable to meet current living costs. Of the 971,000 persons affected, 70 percent make less than $10,000—based on 1972 tax returns—85 percent make less than $15,000 and 27 percent make less than $5,000. So the beneficiaries will be the low and moderate income Americans hit hardest by inflation.

According to the U.S. Treasury, in a hypothetical case in which a 10-percent cost-of-living increase in social security benefits is made, the cost of increasing the retirement income credit base 10 percent would be approximately $25 million. That, I think, is a very small price to pay to insure thousands of Americans that they will be able to make ends meet on their retirement income.

DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1975—AMENDMENTS

AMENDMENT NO. 1372

(Ordered to be printed and to lie on the table.)

Mr. ABOUREZK. Mr. President, I have long been concerned about what happens when a nation disregards its obligation to defend basic human rights in its dealings with other nations. I believe that eventually it will probably begin to disregard the human rights and its obligation to insure them at home, also.

It has been 25 years since the United States signed Eleanor Roosevelt's declaration of human rights, yet what do we have to show for it? With the U.S. complicity and support, political repression and torture are everyday occurrences in South Vietnam and a number of our other allies.

In fact, as I shall discuss later in greater detail, there have been South Vietnamese policemen who, while attending the International Police Academy, have advocated outright torture as a sure-fire means to obtain answers from their own citizens should other methods of interrogation fail.

Few of these governmental atrocities could be continued and extended to such proportions were it not for the acceptance, tacit approval, and often assistance of the U.S. Government or American business interests.

Mr. President, I believe the time has come for the U.S. Senate to stand up to these failures of the past by insuring that at least those citizens in the largest recipient country of our military assistance, South Vietnam, be insured a court trial if they are to be held behind bars.

For this reason, I am submitting an amendment to the military procurement bill, S. 3000, which would insure that before the Government of South Vietnam receives any military assistance in the coming fiscal year, they will have presented written assurances that all persons sentenced and imprisoned without the benefit of a formal court trial will be released.

While such an action will not guarantee that the basic human rights of these people will be restored, it does insure that they will not be held against their will without having been proved guilty.

Certainly, if South Vietnam is not now holding any of its citizens in prison without the benefit of trial, this amendment obviously would not apply. However, it does insure that if it is not happening now, it will not happen in the future either.

Mr. President, in light of the fact that this Government spent over $175 billion in the last 10 years, not to mention the 55,000 lives, trying to mold a political system in South Vietnam similar to that in the United States, it seems highly unwise that we continue to overlook the importance of impressing upon the South Vietnamese the importance of some of the vital cornerstones of democracy such as habeas corpus. For what purpose have we expended all of

these lives and these billions of dollars if the country for which we gave so much does not even guarantee its citizens the most basic of all civil rights—that of a trial?

My amendment would insure—at least in part—that the almost unprecedented resources which this Nation has used in behalf of South Vietnam and its effort to establish a democracy has not been in vain. Mr. President, I ask unanimous consent that the text of this amendment be printed in the RECORD.

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

AMENDMENT No. 1372

On page 16, line 23, add the following new subsection:

"(f) No funds are authorized to be appropriated or made available under this subsection unless and until the President notifies the Congress in writing that he has received formal assurances that the Government of South Vietnam will release by December 31, 1974 all persons sentenced and imprisoned without benefit of formal court trial or defense counsel, and that all such persons and political prisoners will have restored to them their civil rights."

AMENDMENT NO. 1373

(Ordered to be printed and to lie on the table.)

Mr. ABOUREZK. Mr. President, I am today submitting an amendment to the Military procurement bill which would insure that the Defense Department obtain the consent of Congress before transferring any of the material presently held in the war reserve stocks, allies—WRSA—to any other government.

The Pentagon recently announced that its last three budget requests included a total of more than $1.8 billion to build a reserve stockpile of weapons for possible use by the allies in Asia—rather than by American forces.

To my knowledge, the Pentagon has never produced any record to any committee of Congress proving that the request for such funds had been clearly labeled or explained to Congress. In fact, it was less than a month ago that the distinguished chairman of the Foreign Relations Committee, Senator FULBRIGHT discovered that the administration was hiding $490 million of war reserve funds in the new fiscal 1975 budget now before the Senate. According to a Washington Post story on the newly discovered "war reserve" equipment, neither the United States budget for fiscal year 1975 nor any other publicly released document at this time makes any mention of the war reserve stocks for allies.

It has always been common knowledge I think, that the United States stockpiled equipment for its own forces. But it was not known generally that weapons were being stockpiled for other nations, even though those weapons would be under our Government's control.

The Pentagon has stated that the war reserve stocks for allies cannot be released until a conscious Presidential decision with the appropriate congressional consultation is made. If this is so, then they should not have any qualms about supporting my amendment. For all that my amendment would do is to insure that such consultation is made and that the Congress approve of such a transaction before it is made. If we must approve the funds for the equipment in the first place, then surely we should also be in a position to approve or disapprove DOD's giving that equipment away.

It is my understanding that the basic rationale behind the stockpiling of weapons for allies is to have a ready supply of arms—other than those earmarked for U.S. units—which could be used in an emergency by such countries as Vietnam, Thailand, Korea, or any other ally. If this understanding is correct, then my amendment would not only insure congressional oversight, it could allow for replenishment of any expended supplies should that be necessary.

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

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

AMENDMENT No. 1373

On page 3, below line 22, add the following new section:

SEC. 102. No weapons, equipment or other material from the War Reserve Stocks, Allies may be transferred from U.S. control to other governments without specific authorization erected by the Congress enacted after the date of enactment of this act.

AMENDMENT NO. 1374

(Ordered to be printed and to lie on the table.)

Mr. ABOUREZK. Mr. President, I am submitting an amendment to the military authorization bill to amend a law that has been on the books for more than a century, a law that is almost completely unknown to the public and has only the most minimal visibility to Members of Congress. Yet through a "backdoor" and obscure financing technique, the Department of Defense has been able to skirt the normal appropriations process and obligate hundreds of millions of dollars. They make the vital financial commitment; in a perfunctory way we later pay for it.

The process works this way. Instead of coming to Congress and justifying their budget requests, obtaining appropriations with support of both Houses and then obligating and expending the money, the process is reversed. The Pentagon is allowed to first obligate the money—without any participation by Congress in the decision—and then come to Congress at some later point to obtain funds to liquidate the obligation. By that time the hands of Congress are tied. The obligation is legal and binding. We have no choice but to appropriate the money.

In short, the essential commitment of Treasury resources is made not by the people's representatives, responsible for protecting the power of the purse, but by nonelected officials in the executive branch.

The law I speak of is found in title 41 of the United States Code, section 11. Sometimes it is referred to as Revised Statute 3732. More familiarly it is known as the "feed and forage law," a name that by itself captures the ancient flavor of this legislation. Whereas other agencies of the Government are forbidden from entering into contracts or making purchases unless they first have an appropriation, this law allows the Departments of the Army, Navy, and Air Force to make contracts and purchases—in advance of appropriations—for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies. This is permanent authority. It remains in force year after year, decade after decade, without any action required by Congress.

Other than designating the categories that can be funded, the law contains only one other restriction: the obligations incurred "shall not exceed the necessities of the current year." Basically it is open-ended authority, invoked whenever the Department of Defense decides it is time, for whatever amounts it thinks necessary.

I have been unable to obtain a full accounting of this law, but it appears that in the brief period from 1960 to 1972 the Pentagon relied on this authority to obligate $1.7 billion. These statistics, compiled by the Comptroller's Office in the Department of Defense, are shown in the following table, which I ask unanimous consent to have printed in the RECORD.

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

ATTACHMENT 1

USE OF THE AUTHORITY OF SEC. 3732, REVISED STATUTES (41 U.S.C. 11)

Fiscal year and appropriation	Amount authorized (thousands)	Amount used (thousands)	Ultimate method of financing (dollars in thousands)	Program in which the deficiencies were incurred and reason for use
DEPARTMENT OF THE ARMY[1]				
1962—Operation and maintenance, Army	$54,044	$54,040	DOD Appropriation Act, 1966, Public Law 89-213.	Funds were required to cover deficiencies in transportation, fuel, medical and hospital supplies, clothing, and maintenance.
1966—Military personnel, Army	28,000	0		
1966—Operation and maintenance, Army	139,600	138,602	142,165 restoration authorized (Public Law 91-171).	Funds were required to cover deficiencies in transportation, fuel, medical and hospital supplies, and maintenance.
1967—Operation and maintenance, Army	7,433	0		
1968—Military Personnel, Army	93,400	0		

Fiscal year and appropriation	Amount authorized (thousands)	Amount used (thousands)	Ultimate method of financing (dollars in thousands)	Program in which the deficiencies were incurred and reason for use
1968—Operation and maintenance, Army	$1,269,100	$1,134,830	Transfer from emergency fund, Public Law 90-392 (2d supplemental, 1968).	Funds were required to cover deficiencies in transportation, fuel, medical and hospital supplies, clothing, and maintenance of aircraft.
1968—Operation and maintenance, Army National Guard	1,800	1,828	do	Do.
1969—Military personnel, Army	410,000	0		
1969—National Guard personnel, Army	16,400	0		
1969—Operation and maintenance, Army	13,000	0		
1969—Operation and maintenance, Army National Guard	181,300	0		
1972—Operation and maintenance, Army	75,800	[2] 75,800	Undetermined	To cover transportation in connection with increased activities in Southeast Asia.
DEPARTMENT OF THE NAVY [3]				
1966—Military personnel, Navy	28,400	23,600	Recoveries of prior-year obligations	Funds were required to cover deficiencies in subsistence of enlisted personnel, PCS travel costs, and clothing allowance for enlisted personnel.
1966—Military personnel, Marine Corps	19,000	1,700	do	Funds were required to cover deficiencies in subsistence, PCS travel costs, and clothing.
1966—Operation and maintenance, Navy	83,700	66,000	DOD Appropriation Act, 1970, Public Law 91-171 and United States Code 701-708 transfer of $65,963,088.16 from O. & M., N "M" account to O. & M., N fiscal year 1966 account).	Funds were required to cover deficiencies in ship activities and overhaul, fuel, and transportation of things.
1966—Operation and maintenance, Marine Corps	7,900	6,800	Recovery of prior year obligations	Funds were required to cover deficiencies in depot supply maintenance, training and operation, and transportation of things.
1968—Operation and maintenance, Navy	338,700	0		
1968—Operation and maintenance, Marine Corps	46,600	0		
1968—Military personnel, Navy	142,800			
1968—Military personnel, Marine Corps	31,900	0		
1968—Reserve personnel, Navy	5,900	0		
1969—Military personnel, Navy	220,200	0		
1969—Military personnel, Marine Corps	61,500	0		
1969—Reserve personnel, Marine Corps	6,400	0		
1969—Operation and maintenance, Navy	20,000	0		
1969—Operation and maintenance, Marine Corps	28,900	3,600	Recovery of prior year obligations	Funds were required to cover deficiencies in the cost of transportation of things.
1972—Military personnel, Navy	2,800	0		
1972—Operation and maintenance, Navy	91,100	[2] 78,300	Undetermined	
DEPARTMENT OF THE AIR FORCE [4]				
1966—Military personnel, Air Force	45,100	40,323	Administrative cancellation	Funds were required to cover deficiency in subsistence of enlisted personnel and PCS travel costs.
1968—Military personnel, Air Force	72,700	0		
1968—Operation and maintenance, Air Force	528,100	0		
1969—Military personnel, Air Force	413,600	0		
1969—Operation and maintenance, Air Force	398,500	0		
1969—Operation and maintenance, Air National Guard	15,700	0		
1972—Operation and maintenance, Air Force	85,000	[2] 70,105	Undetermined	To cover minimum essential costs for increased operations in Southeast Asia for fuel, supplies, maintenance, transportation, special air missions, temporary duty travel, and other personnel support.
DEFENSE SUPPLY AGENCY				
1969—Operation and maintenance, Defense agencies	15,900	0		

[1] Data prior to 1960 not available.
[2] Preliminary, June 30, 1972.
[3] Date prior to 1966 not available.
[4] Data prior to 1954 are not available.

Mr. ABOUREZK. Mr. President, what was the origin of this law? How did Congress come to delegate such vast authority? Are the reasons that prompted the appearance of this law more than a century ago still valid today?

Unfortunately, most of what is known about this statute is erroneous or misleading. It is generally regarded as a Civil War law, since the bulk of the language was adopted in 1861. This suggests that at a time of genuine emergency Congress decided to entrust to executive officials this extraordinary authority. The argument can then be made that we continue to live under crisis conditions and therefore this statute, although passed at a different time and under different circumstances, is still needed today.

ORIGIN OF THE LAW

Let me first clear up this misconception. The feed and forage law is not a Civil War statute. It is not an emergency statute borne of war. The basis for this legislation goes back to 1820. Prior to that time the Members of Congress had become concerned about the manner in which executive departments applied—or misapplied—public funds. An act of 1820 represented an important effort by Congress to tighten its control over the purse. On January 12 the House Ways and Means Committee reported out a bill to regulate the Treasury, War, and Navy Departments. The purpose of the bill was to restrict the availability of unexpended balances for the War and Navy Departments and to direct the Secretary of the Treasury to make annual reports on the balances remaining the Treasury or in the hands of the Treasurer. The latter had been acting as agent for the War and Navy Departments.

A week later the bill was recommitted to the Committee on Ways and Means. When reported out again on March 6 it was substantially enlarged. The bill now included additional restrictions on the military departments, such as the practice of transferring funds from 1 year to the next or from one account to another. Moreover, the bill also included a precursor to the feed and forage law:

SEC. 6. *And be it further enacted,* That no contract shall hereafter be made by the Secretary of State, or of the Treasury, or of the Department of War, or of the Navy, except under a law authorizing the same, or under an appropriation adequate to its fulfillment; and excepting, also contracts for the subsistence and clothing of the army or navy, and contracts by the Quartermaster Department, which may be made by the Secretaries of those Departments.

In 1820, it was the responsibility of the Quartermaster's Department to provide all forage, fuel, straw, and stationery for the use of the troops, to provide for the quartering and transportation of the troops, and for the transporting of all military stores, camp equipment, and artillery. This helps explain why later amendments to the feed and forage law, after omitting reference to the Quartermaster's Department, had to specify the categories of forage, fuel, quarters, and transportation.

The 1820 bill passed both Houses in substantially the same form as the March 6 version reported out by the Ways and Means Committee. If the bill prompted any debate or discussion on the floor, the record does not show it. But some insight into the origin of the feed-and-forsage provision is gained by looking at the debate on the military appropriations bill, which took place March 8 and 9. Henry Clay, the Speaker of the House, criticized the executive departments for entering into contracts prior to congressional authorization or appropriation:

Mr. Clay did not concur, he said, in the idea that any contract made by an officer of the Government, was binding on Congress. If contracts were made, for example, for the erection of fortifications where they were not wanted, was the Government bound to execute the work? Certainly not. They might take back the contract, paying the other party all damages and cost he may have sustained by the annulment of the contract.

Lewis Williams, a Representative from North Carolina, agreed that executive officers had no right to make contracts in anticipation of congressional support, while William McCoy of Virginia protested "the practice of permitting the heads of departments to legislate for Congress, and to pledge the funds of the Government to any extent, at their pleasure. As a general principle, contracts ought not to be made by officers of the Government but under the authority of law."

In restricting this practice, the Members of Congress decided to allow flexibility in the case of contracts for the subsistence and clothing of the War and Navy Departments and contracts by the Quartermaster's Department. An element of flexibility was particularly necessary since other forms of executive discretion—access to unexpended balanced and transfer authority—were being brought under closer legislative control. A desire to supply the elementary needs of the military was thus the primary impulse behind the enactment of section 6 of the 1820 law. Several decades later the Supreme Court in the Floyd acceptances—1869—offered its understanding for the appearance of section 6:

It will thus be seen that contracts for the subsistence and clothing of the army and navy, by the secretaries, are not tied up by any necessity of an appropriation or law authorizing it. The reason of this is obvious. The army and navy must be fed, and clothed, and cared for at all times and places, and especially when in distant service. The army in Mexico or Utah are not to be disbanded and left to take care of themselves, because the appropriation by Congress, for the service, has been exhausted, or no law can be found on the statute book authorizing a contract for supplies.

Another step toward the feed-and-forage law was taken in 1852. In reporting out the Army and Navy appropriation bills, the House Ways and Means Committee added a section to forbid the transfer of funds from one account to another. That prohibition was enacted into law in the case of the Navy bill, but the same prohibition in the Army bill was modified by the Senate Finance Committee to give the President limited authority to transfer funds for "subsistence of the Army, for forage, for the medical and hospital departments, and for the Quartermaster's Department." Senator Hunter, chairman of the Finance Committee, explained that the prohibition on transfers was to be "put on the footing of the law of 1820." The Senate modification was included in the final section that became law:

SEC. 2. *And be it further enacted*, That all acts or parts of acts authorizing the President of the United States, or the secretary of the proper department, under his direction, to transfer any portion of the moneys appropriated for a particular branch of expenditure in that department, to be applied to another branch of expenditure in the same department, be, and are hereby, so far as relates to the Department of War, repealed; and no portions of the moneys appropriated by this act shall be applied to the payment of any expenses incurred prior to the first day of July, one thousand eight hundred and fifty-two. But nothing herein contained shall be so construed as to prevent the President from authorizing appropriations for the subsistence of the army, for forage, for the medical and hospital departments, and for the quarter-master's department, to be applied to any other of the above-mentioned branches of expenditure in the same department, and appropriations made for a specific object for one fiscal year, shall not be transferred to any other object, after the expiration of that year.

THE 1820–61 PERIOD

From 1820 to 1861 Congress imposed a number of restrictions on the power of executive departments to shift funds from one year to the next, from one account to another, and to contract for items in advance of appropriations. In curbing such powers, Congress repeatedly found it necessary to allow the military departments a certain level of flexibility. The needs of soldiers on the distant frontiers were not to go unmet because of inadequate funds or contracting authority.

Part of this flexibility was needed because of the lack of adequate transportation and communication facilities during that period. In 1840, whether by rivers, canals, or turnpikes, it took almost 1 week to travel from New York to Cleveland and 3 weeks to go from New York to Chicago. Communications were still at a primitive state. Samuel Morse developed the first practical telegraph in 1832, but it was not until 1844 that a message was transmitted over the first experimental line running from Baltimore to Washington. The telephone, invented in 1877, was not available for distance communication until 1884, at which time a conversation was held between New York and Boston. While those advances facilitated communication between the major cities, they offered little help in relaying messages from Washington to the military outposts. Under such conditions the health and well-being of the soldiers depended very greatly on the feed-and-forage authority.

This limited authority was especially important in the event that Congress did not pass the regular Army and Navy appropriation bills on time.

For instance, the Secretary of the Navy complained about late appropriations in his report of December 2, 1825. He explained that the Navy appropriation bill was generally passed late in February of the short session and generally not until May of the long session. Since the budget year at that time began on January 1, this meant a delay of from 2 to 5 months. It was also the practice of Congress to change the wording and character of an appropriation, resulting in a further delay of from 1 month to 6 weeks before legislative instructions were given to and acted upon by Navy agents. The Secretary of the Navy concluded that "for nearly one-half of the year, the Department acts in perfect ignorance of the law under which it is bound to act."

In 1842 Congress adopted the present fiscal year budget, letting the year run from July 1 to the following June 30. Even with this additional time for Congress to provide funds, the fiscal year often began without an appropriation for a department. That was the situation in August 1856 when Congress adjourned without passing the Army appropriation bill. In calling Congress back in special session for that purpose, President Pierce noted that he had partial authority to contract for the supply of clothing and subsistence. But if Congress did not appropriate funds for the Army:

The executive will no longer be able to furnish the transportation, equipment, and munitions which are essential to the effectiveness of a military force in the field. With no provision for the pay of troops the contracts of enlistment would be broken and the Army must in effect be disbanded, the consequences of which would be so disastrous as to demand all possible efforts to avert the calamity.

He alerted Congress to other injustices:

A great part of the Army is situated on the remote frontier or in the deserts and mountains of the interior. To discharge large bodies of men in such places without the means of regaining their homes, and where few, if any, could obtain subsistence by honest industry, would be to subject them to suffering and temptation, with disregard of justice and right most derogatory to the Government.

President Pierce also described the threats of Indian raids against the inhabitants of the Territories of Washington and Oregon, on the Western plains, and in Texas, New Mexico, and Florida. He feared that disbandment of the Army would invite—

Hordes of predatory savages from the Western plains and the Rocky Mountains to spread devastation along a frontier of more than 4,000 miles in extent and to deliver up the sparse population of a vast tract of country to rapine and murder.

Congress passed the Army appropriation bill 9 days later.

1860–61 STATUTES

The Legislative, Executive, and Judicial Appropriation Act of 1860 contained two sections that restricted executive spending discretion. Section 2 repealed a provision that had allowed departments to reduce deficiencies in some accounts by drawing on surpluses elsewhere. Section 3 contained several provisions relating to public bids for contracts, the feed-and-forage authority, and restrictions on the purchase of patented arms or military supplies. The following history shows how those two sections were related.

When the bill was first reported out of the House Ways and Means Committee on March 19, 1860, it contained the following section placing restrictions on departmental spending power:

SEC. 2. *And be it further enacted*, That no part of the amount appropriated by any act of Congress for the service of any one fiscal year shall be used for or applied to the service of any other year, nor be transferred to or used for any branch of expenditure than that for which it may be specifically appropriated; and that the twenty-third section of the act entitled "An act legalizing and making appropriations for such necessary objects as have been usually included in the general appropriation bills, without authority of law, and to fix and provide for certain incidental expenses of the departments and offices of the government, and for other purposes," is hereby repealed.

The section therefore had three features: a prohibition on transfer of funds between fiscal years; a prohibition on transfer of funds between appropriation accounts; and repeal of a section, passed

in 1842, which had given departmental heads authority to cover deficiencies by drawing on surpluses. There was no committee report to elaborate on the objectives and purposes to be served by section 2.

John Sherman, chairman of House Ways and Means, asked that section 2 be modified by striking out the first part relating to transfers between years and by adding the date of August 26, 1842, to identify the act that contained section 23. The language of section 2 was modified as requested by Sherman and included in the bill passed by the House.

The Senate Finance Committee recommended that section 2 be deleted. Although there was no committee report to explain why, Senator Robert M. T. Hunter, chairman of the committee, told his colleagues that the Finance Committee "did not believe such a change would work well. . . . [T]hey have been constantly restricting the power of the departments in regard to transfers, until they have restrained them as far as we think is proper." Hunter expressed apprehension that a total prohibition on transfers "will turn out to be that we shall make larger appropriations than otherwise would be necessary. In other words, departments would pad their estimates as a hedge against unexpected contingencies and expenses.

The Senate adopted the recommendation of its Finance Committee and deleted section 2. Senator Jefferson Davis then offered the following amendment:

And be it further enacted, That all purchases and contracts for supplies or services in any of the departments of the Government, except for personal services, when the public exigencies do not require the immediate delivery of the article or articles or performance of the service, shall be made by advertising a sufficient time previously for proposals respecting the same. When immediate delivery or performance is required by the public exigency, the articles of service required may be procured by open purchase or contract at the places and in the manner in which such articles are usually bought and sold, or such service engaged between individuals. No contract or purchase shall hereafter be made unless the same be authorized by law, or be under an appropriation adequate to its fulfillment, except in the War and Navy Departments for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year. No arms nor military supplies whatever, which are of a patented invention, shall be purchased, nor the right of using or applying any pretended invention, unless the same shall be authorized by law, and the appropriation therefore explicitly set forth that it is for such patented invention.

The only explanation for this amendment consisted of these words by Senator Davis:

That is supplemental to existing legislation, and I think it will perfect the restrictions now imposed upon contracts for public supplies. It also introduces a new feature, that of preventing the purchase of patents from individuals for public use, unless Congress shall first make an appropriation for the purpose.

The Davis amendment was adopted without any discussion.

The House did not concur in the deletion of section 2. It proposed that the repeal of section 23—regarding general transfer authority—be put back in the bill. In turn, the House agreed to accept the new Senate language. Representative Justin Morrill explained that this would "circumscribe the discretion upon the part of the different departments of the Government; so that no transfer can be made from one appropriation to another, except for subsistence, forage, and in the commissary and medical departments of the Army. There it seems to be absolutely necessary; for our men must be fed and clothed, wherever they may be. All discretion in reference to other departments will be entirely prohibited, if this amendment be agreed to."

On the following day Senator Hunter described the House compromise as having the effect of leaving "to the War Department the power of transfer that it now has, and to repeal that section of the act of 1842 under which other departments have transferred to some extent." With regard to the War Department's transfer power, he was apparently referring to section 2 of the Army Appropriations Act of 1852 which permitted the President to transfer funds "for the subsistence of the army, for forage, for the medical and hospital departments, and for the quartermaster's department."

As agreed to by the House and the Senate and enacted into law, the 1860 bill contained these two restrictions on executive spending discretion:

SEC. 2. *And be it further enacted*, That the twenty-third section of the act entitled "An act legalizing and making appropriations for such necessary objects as have usually been included in the general appropriation bills without authority of law, and to fix and provide for certain incidental expenses of the departments and offices of the government, and for other purposes," approved twenty-sixth August, eighteen hundred and forty-two, is hereby repealed: and the Secretary of the Interior is hereby authorized to pay, out of any moneys in the treasury not otherwise appropriated, such amount as may by him be regarded as reasonable and just for the rent of the rooms occupied by the United States courts at Los Angeles, California, from the twenty-seventh October, eighteen hundred and fifty-four, to the fifth August, eighteen hundred and fifty-six: *Provided*, That the whole amount paid shall not exceed the sum of three thousand dollars.

SEC. 3. *And be it further enacted*, That all purchases and contracts for supplies or services in any of the departments of the government, except for personal services, when the public exigencies do not require the immediate delivery of the article or articles, or performance of the service, shall be made by advertising, a sufficient time previously, for proposals respecting the same. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract at the places and in the manner in which such articles are usually bought and sold, or such services engaged between individuals. No contract or purchase shall hereafter be made unless the same be authorized by law, or be under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters or transportation, which, however, shall not exceed the necessities of the current year. No arms, nor military supplies whatever, which are of a patented invention, shall be purchased nor the right of using or applying any patented invention, unless the same shall be authorized by law, and the appropriation therefor explicitly set forth that it is for such patented invention.

The picture at this point becomes more complex and confusing, for (section 3 of the 1860 act—containing the feed-and-storage provision—was amended by the naval appropriations bill, enacted on February 21, 1861. When the bill was reported out of the House Ways and Means Committee on January 7, 1861, it did not contain any general restrictions on executive spending discretion. On the floor, however, Representative Thomas Jefferson of Pennsylvania offered an amendment to broaden the authority of the Secretaries of War and Navy to purchase patented arms:

Provided, That so far as it prevents the discretion of these officers in the purchase and use of any article required for the purposes and use of the Army and Navy which may have been patented, the Secretary of War and the Secretary of the Navy are fully authorized and permitted to make any purchases and to secure the use of any article in their judgment absolutely needed or required for the public service now forbidden by the provisions of the second section of the act making appropriations "for sundry civil expenses of the Government," approved June 23, 1860.

In actual fact, the Sundry Civil Expenses Act became law on June 25, 1860, and it did not contain a section relating to patented arms for the Army and the Navy. Representative Florence must have been referring to section 3 of the 1860 act. John Sherman made a point of order against the Florence amendment because it "repeals a law enacted on this subject at the last session of Congress." The point of order was sustained and the naval bill passed the House without reference to section 2 or section 3 of the 1860 act.

Nevertheless, concern about the restriction on patented arms resurfaced on the Senate side. Senator John P. Hale, member of the Naval Affairs Committee, offered an amendment to repeal section 3 of the 1860 act. As justification for the repeal he read from a report in which the Secretary of the Navy said that section 3 was injurious because it restricted the Navy's access to patented arms and military supplies. The effect, according to the Secretary, was to confine the Navy to antiquated equipment. Senator Hale described section 3 as "inconvenient and inhumane to the sailors; and the Secretary asks us to repeal the law that prevents him from buying these patented articles, and also which compels him to advertise for everything he wants to buy. There are certain articles which he should be at liberty to buy without advertisement, which discretion is taken away by this act. We propose, now, merely to repeal it."

Senator James Pearce, ranking Republican on the Finance Committee, agreed that it would be advisable to modify the law by allowing the Secretaries of the

War and Navy Departments "to purchase many of the articles which have been mentioned in the paper [by the Secretary of the Navy] that has been read at the Secretary's table; but I should like to see the provision so far as it regards the purchase of patented arms, retained in the law." The Senate agreed to the following language:

And be it further enacted, That the third section of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending 30th of June, 1861," and approved June 23, 1860, be, and the same is hereby, repealed, except so far as the said section prohibits the purchase of patented fire-arms, as to which the said section shall still be in force.

On the House side, Representative George Hughes of Maryland moved that the section on firearms be repealed as well—

The War and Navy Departments should have the right to purchase such patented arms as they may need. I am not a little surprised that the repeal of this part of the act is not provided for in this amendment.

Hughes withdrew his amendment, the House refused to concur in the Senate language, and the task of devising an acceptable alternative therefore fell upon the conference committee. As enacted into law, the naval appropriations bill contained the following:

SEC. 5. *And be it further enacted*, That the third section of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the thirtieth of June, eighteen hundred and sixty-one," approved June twenty-three, eighteen hundred and sixty, be and the same is hereby repealed, except so far as the said section prohibits the purchase of patented firearms, as to which the said section shall still be in force.

This meant that the House and the Senate had inadvertently repealed the feed-and-forage provision, a mistake which Congress remedied within a few weeks by adding a section to the Sundry Civil Expenses Act.

As reported out of House Ways and Means, the Sundry Civil Expenses Act of 1861 contained nothing about transfer or feed-and-forage authority. Nor did those subjects appear in the bill as passed by the House or reported out of Senate Finance. On February 25, 1861, however, Senator James Simmons of Rhode Island offered an amendment to repeal section 3 of the 1860 act. He noted that the provision on patented arms prevented the Secretary of War from purchasing anything "but some of those old flintlock guns. I think it is about time we had good arms, if we are to have any." Senator Pearce objected to the amendment on the ground that it would allow the Secretary of War to indulge in favoritism when awarding contracts, but the amendment was agreed to by the Senate.

What came out of conference was substantially different. Two parts of the 1860 act were revived: the provision for public bids for contracts and the feed-and-forage authority. Section 10 of the Sundry Civil Expenses Act of 1861 read as follows:

SEC. 10. *And be it further enacted*, That all purchases and contracts for supplies or services, in any of the Departments of the Government, except for personal services, when the public exigencies do not require the immediate delivery of the article or articles, or performance of the service, shall be made by advertising a sufficient time previously for proposals respecting the same. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract at the places, and in the manner in which such articles are usually bought and sold, or such services engaged between individuals. No contract or purchase shall hereafter be made, unless the same be authorized by law or be under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year. And the third section of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the thirtieth of June, eighteen hundred and sixty-one," shall be, and the same is hereby, repealed.

The current authority in title 41, section 11, of the United States Code differs from this 1861 act in three respects. The feed-and-forage law now applies to the Army, Navy, and Air Force. A second change occurred in 1906 when the words "medical and hospital supplies" were inserted after "transportation." Third, the Department of Defense Appropriation Act of 1966 included a reporting requirement for any exercise of authority granted in 41 U.S.C. 11.

AN ANACHRONOUS LAW

It is apparent that the original conditions giving rise to the feed and forage law have long since disappeared. The financial embarrassment facing the Secretary of the Navy in 1825 and President Pierce in 1856 has no counterpart today. If Congress fails to pass appropriations for the Defense Department on time, the Department is immediately covered by a continuing resolution. As a stopgap funding provision, it enables the Department to continue operations uninterrupted while awaiting final action on the regular appropriation bill. At various points in the year the Defense Department can come to Congress for supplemental appropriations to meet unusual and unanticipated expenses.

Furthermore, Congress is no longer a part-time legislative body. The 19th and 20th centuries differ markedly in the length of congressional sessions. From 1851 to 1861 the long sessions—the first half of a Congress—averaged 236 days, while the short sessions—the latter half—averaged only 90 days. Today there is virtually no short session. As a practical matter we are in session year-round.

It is also evident that the granting of the feed-and-forage authority was characteristically tied to the removal of the power to transfer funds from one appropriation account to another. Today, in contrast, the Defense Department has access both to statutory and nonstatutory means of shifting funds from one program to another. The Department of Defense Appropriation Act for fiscal 1974 contains transfer authority of $625,000,000, allowing administrators to take funds out of one appropriation account and place them in another. The act includes a $5,000,000 contingency fund for the Secretary of Defense to be spent at his discretion for "emergencies and extraordinary expenses."

Moreover, the entire structure of military appropriation bills has changed fundamentally to give administrators additional flexibility. The Army and Navy Departments in the 1820–61 period were subjected to line-item control by Congress. But in recent decades we have funded the Defense Department with lump-sum appropriations. For example, the Defense Appropriation Act for fiscal 1974 contains a lump-sum amount of $7.1 billion for the military personnel, Army account; $6.5 billion for the operation and maintenance, Air Force account; $2.7 billion for the aircraft procurement, Navy account; $3.0 billion for Air Force research, development, test, and evaluation; and other large lump-sum amounts.

Within those huge accounts the Department of Defense is able to reprogram funds from one project and activity to another. The amount of funds reprogramed back and forth in the Defense Department involves several billion dollars a year, again illustrating the degree of spending flexibility available to Pentagon officials. The history and magnitude of this financial operation is described in a recent study by Louis Fisher for the February 1974 issue of the Journal of Politics.

These examples—and others could be cited—demonstrate that the Department of Defense has adequate flexibility to cope with emergencies and unanticipated expenses. But there is still another reason for amending this feed and forage law. The past few years have highlighted the need for budget reform, the need for Congress to recapture its power of the purse. Nothing is more fundamental, more basic to constitutional principles than to have financial commitments made by Congress and by Congress alone. The decision to commit the Nation's resources is ours alone. No longer can we tolerate the existence of permanent authorizations that allow agencies to make end-runs around the appropriations process. Let the Department of Defense, along with other agencies, come through the front door from now on.

Mr. President, I ask unanimous consent that the study by Dr. Fisher as well as the text of my amendment be inserted into the RECORD.

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

REPROGRAMMING OF FUNDS BY THE DEFENSE DEPARTMENT

(By Louis Fisher*)

It is characteristic of studies on "How a bill becomes a law" to conclude with the president's signing of the bill. How the bill is later implemented and administered rarely receives attention. Similarly, we follow the process of an appropriation bill up to final passage and lose sight of it thereafter. Yet

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highly significant actions occur during the postappropriation stage. Members of Congress vote with the understanding that funds will be obligated and spent for certain purposes. Frequently the funds are directed to other purposes by executive departments and agencies.

One instrument for executive spending flexibility is "reprogramming" of funds within an appropriation—a practice regularly employed by the Department of Defense, Atomic Energy Commission, Department of Interior, Veterans' Administration, and other federal agencies. Despite the magnitude of funds involved and the intriguing questions of congressional control and budget priorities, little has been written about reprogramming. Few students of government have even heard of the term, much less know the details of how it operates.

This article shows how reprogramming has developed in the Department of Defense, excluding military construction and the Corps of Engineers. Of special interest are the rationale for reprogramming, the procedures followed, specific magnitudes (dollar amounts and number of actions), and the irregular uses—or abuses—of reprogramming. The paper concludes by discussing the recent trend of opening up the reprogramming process to allow for more visibility and greater participation by members of Congress.

RATIONALE FOR REPROGRAMMING

Each year the Department of Defense comes before Congress to justify its budget requests, setting forth in great detail the purposes to which the funds are to be applied. Requests are then modified by committee and congressional action, as explained in committee reports and by floor action. Most of the details in justification sheets and changes brought about by committee and floor action are subsequently omitted from the appropriation bill that becomes law. Yet even though Congress appropriates lump-sum amounts to the Defense Department, it is the understanding of the Appropriations committees and of the Congress that the money will be spent in accordance with the original departmental justifications, as amended by committee and congressional action. Agency officials are expected to keep faith with Congress and respect the integrity of budget estimates.

The committees and the agencies recognize that it is often necessary and desirable to depart from budget justifications. The Department of Defense must estimate months and sometimes years in advance of the actual obligation and expenditure of funds. As the budget year unfolds, new and better applications of money come to light. Reprogrammings are made for a number of reasons, including unforeseen developments, changing requirements, incorrect price estimates, wage-rate adjustments, changes in the international situation, and legislation enacted subsequent to appropriations.

Executive flexibility in reprogramming is distinct from budget "transfers." First, the authority to transfer funds is explicitly stated in statutes, whereas the basis for reprogramming is entirely nonstatutory: for example, committee hearings, committee reports, Defense Department directives and instructions, and even "gentlemen's agreements" and understandings that are not made part of the public record. And second, transfers involve the shifting of funds from one appropriation account to another. Reprogramming refers to the shifting of funds *within* an account. The lack of knowledge about reprogramming is understandable. The practice is based on nonstatutory agreements, and it operates at the level of subaccounts in the appropriation structure.

The term "reprogramming" does not appear in committee reports and committee hearings until the mid-1905s. Prior to that time, however, essentially the same kind of budget practice had been carried out under different names, such as "transfers," "adjustments," and "interchangeability." An article by Arthur W. Macmahon in 1943 describes a subcommittee process that allowed the Bureau of the Census to spend money that had been appropriated for a somewhat different purpose.[1] A committee report in 1940 contains an understanding that permitted the Forest Service to reallocate appropriations "irrespective of any earmarking that may have been set up in the Budget."[2] Elias Huzar wrote about a World War II "gentlemen's agreement" requiring the War Department to "notify, and get the approval of, the military appropriations subcommittees before it effected transfers."[3]

Congress consented to this shifting of funds during World War II as a necessary emergency measure. But as the practice persisted, members of the Appropriations committees grew restive and began to reassert legislative spending prerogatives. This attitude was particularly pronounced in 1949 when Congress adopted the concept of the "performance budget," shifting the emphasis toward lump-sum appropriations. The National Security Act Amendments of 1949 authorized the secretary of defense to prepare the budget estimates in such form and manner "so as to account for, and report, the cost of performance of readily identifiable functional programs and activities. . . ."[4] Subsequent reductions in the number of appropriations accounts for the Defense Department resulted in considerable broadening of executive spending flexibility.

As the reprogramming procedure came to require regular reporting by the Defense Department and prior approval of selected items by designated committees, it developed into a technique of providing executive flexibility while at the same time preserving congressional control. This shift of responsibility to committees coincides with the development of other forms of the "committee veto," requiring executive officials to "come into agreement" with designated committees.[5]

TABLE 1.—REDUCTION IN THE NUMBER OF DEFENSE APPROPRIATION ACCOUNTS

Fiscal year	Army	Navy	Air Force	Other	Total
1948	40	64	(1)		104
1949	39	53	3	3	98
1950	34	50	12	4	100
1951	26	24	11	5	66
1952	25	27	9	8	69
1953	10	24	9	10	53
1954	11	24	8	10	53
1955	8	22	8	10	48

[1] Air Corps funds included under Army.

Source.—Appropriation acts during these years.

REPROGRAMMING PROCEDURES

Congressional control over defense reprogramming has progressed through a number of stages. The Appropriations committees have required the Defense Department: (1) to keep them advised of major reprogrammings; (2) to submit semiannual tabulations of reprogramming actions; (3) to report more frequently; and (4) to obtain prior approval from the Appropriations committees for certain categories. By 1961 the Armed Services committees were introduced into the system of prior approval. The extent of congressional participation continued to widen, going beyond the subcommittee chairmen and ranking minority members to include other members of the subcommittees and even the full committees of Congress.

1950–61

Hearings by the House Committee on Appropriations in 1950 indicate that the shifting of funds within Department of Defense (DoD) accounts had become commonplace by that time. A representative for the Department of the Army said that no one could "transfer in a subappropriation from one project to another without the direct approval of my office except in certain areas where we have allowed 10 percent or $100,000 whichever is the lesser, in order to have flexibility." In addition to this departmental control, the army representative presented this assurance:

"As you know, sir, in any change where there is a major factor it is discussed with the committee. I have made a religious practice of that. I have made no shift whatsoever when I figured that they should be brought to your attention."[6]

The essential check at this point, therefore, was a disposition on the part of the Defense Department to keep faith with the Appropriations committees and to preserve the integrity of departmental estimates. The committees themselves did not receive regular reports, nor did they spell out for the Defense Department which reprogrammings required committee review prior to implementation.

The first specific legislative guideline appears in 1954. In reporting out the defense appropriations bill, the Senate Appropriations Committee identified areas in which economies were believed possible. To the extent that reductions could not be accomplished in the areas suggested "without detrimental effect, adjustments should be made in such areas as will not impair the program. The committee directs, however, that in no instance shall a project within an appropriation exceed the amount of the original budget estimate."[7] The conference report on the 1954 defense bill further defined the authority of the Defense Department to shift funds within an appropriation:

". . . it is agreed by the managers that such transfers [reprogrammings] shall be effective only with respect to those specific projects which were reduced by the House and made the subject of appeal for restoration to the Senate and only upon prior approval of the Appropriations Committees of the Senate and the House of Representatives for the Department of Defense."[8]

During hearings in 1955 on the defense budget, Congressman John Taber (R–N.Y.) remarked that every year there were at least 10 or 15 Defense Department reprogramming requests asking the House Appropriations Committee to approve a change in some items from the justifications. Requests were transmitted to the chairman and ranking member of the defense subcommittee for their consideration. DOD Comptroller Wilfred J. McNeil, acknowledging that other diversions took place without the committee's knowledge, maintained that clearance was obtained from the Appropriations committees on all important matters.[9]

In its committee report on the defense appropriation bill in 1955, House Appropriations admitted that it was not always practicable to adhere rigidly to budget justifications. However, the mere fact that there was a lessened requirement in one category did not imply either the right or the need for the Defense Department to make an increase elsewhere. The committee also warned that it had never been its intention to permit the military departments to have "unrestricted freedom in reprogramming or shifting funds from one category or purpose to another without prior notification or consent of the Committee."[10]

The committee identified three methods of legislative control. In cases where appropriations had been provided to cover broad categories, the Defense Department should keep faith with the committee and with Congress by adhering to the detailed justifications presented in support of the Pentagon's

Footnotes at end of article.

budget. Second, when major reprogrammings were necessary, military departments should continue to advise the committee both by way of specific request for prior approval and by notification for informational purposes. The committee now added a third control by requesting semiannual tabulations for *all* reprogramming actions by the Defense Department. The Pentagon responded by issuing a set of instructions which defined the scope of reporting requirements and established criteria as to what would constitute a "major reprogramming" action.[11]

A 1959 report by House Appropriations noted that seminannual tabulations, while helpful, had not been sufficiently timely. Moreover, the practice of having military services advise the committee of major reprogrammings had become "virtually inoperative." The committee directed that the Defense Department report periodically—but in no case less than 30 days after departmental approval—the approved reprogramming actions involving $1 million or more in the case of operation and maintenance, $1 million or more for research, development, test, and evaluation (RDT&E), and $5 million or more in the case of procurement. Such reports were to indicate the distribution of funds prior to reprogramming, the amounts reprogrammed, and a "clear, concise statement of the reasons for the action taken." New instructions were prepared by the Pentagon to comply with the committee's request.[12]

1961–73

During hearings in 1961 on defense appropriations, it was brought out that the navy had advised House Appropriations by letter $584 million in shipbuilding funds had been reprogrammed to start construction on five additional *Polaris* submarines. By the time of the hearings, the navy had already awarded contracts and project orders to shipyards for construction. Congressman Gerald Ford, Jr. (R-Mich.) reminded the navy official that the usual procedure for major programmings required the Secretary of Defense to write to the committee asking for concurrence. "Such obligation action is not taken by the Defense Department until this committee, and I presume others, give a concurrence." [13] When asked by Congressman Melvin Laird (R-Wis.) why the navy had not obtained committee concurrence before transferring shipbuilding funds to the *Polaris* program, Adm. Morris A. Hirsch replied:

"Things have moved very fast in the area and this appears to me to have been an attempt to get on with something that the Defense Department felt should be done, and then to make sure that everyone understood exactly what had been done possibly a little bit later".[14]

However well-intentioned such "end runs" might be, the House Appropriations Committee did not like them. It proposed four changes to tighten up reprogramming controls. In a letter to Defense Secretary Robert S. McNamara, dated March 20, 1961, Chairman George H. Mahon (D-Tex.) asked that specific committee approval be required for the following categories of reprogramming:

1. Procurement of items omitted or deleted by Congress.

2. Programs for which specific reductions in the original requests were made by Congress.

3. Programs which had not previously been presented to or considered by Congress.

4. Quantitative program increases proposed above the programs originally presented to Congress.[15]

McNamara accepted the first two points, but not the last two. Charles J. Hitch, Pentagon Comptroller, reinforced McNamara's objection by expressing concern about substantial additional paperwork burden, not only for the Defense Department but for the committees. Hitch was also worried that prior approval would come to include the Armed Services committees as well, because of the trend toward annual authorizations (Section 412) begun in 1959.[16]

Mahon wrote McNamara on April 26, 1961, agreeing to the more modest reprogramming procedure ("at least for a trial period"). Roswell L. Gilpatric, deputy secretary of defense, sent the revised reprogramming understanding to Mahon on May 4, 1961, including review not only by the Appropriations committees but also by the Armed Services committees. This outline by Gilpatric served as guidance until the Defense Department rewrote its reprogramming directive in 1963.[17]

A report by House Appropriations in 1962 noted "with some concern" that there had been no revision of DoD instructions for reprogramming since 1959, even though "significant changes based on mutual instructions" had occurred since that time. The committee asked that the instructions be revised immediately. The revised DoD directive was issued the following year.[18]

Current DoD directives continue the practice of making semi-annual reports, obtaining prior approval on selected items and programs, and making prompt notification on others. Proposed reprogramming actions must have the personal, specific approval either of the secretary of defense or the deputy secretary of defense prior to being submitted to the committees.[19] With respect to procurement of aircraft, missiles, naval vessels, tracked combat vehicles and other weapons, prior approval is obtained from the Armed Services and Appropriations committees from both houses for these situations:

1. Items deleted by the Congress from programs as originally presented.

2. Programs for which specific reductions in original amounts requested have been made by the Congress.

3. Any aircraft, missiles, naval vessels, tracked combat vehicles and other weapons authorized by legislation reported by the Committees on Armed Services in compliance with Section 412(b) of Public Law 86–149, as amended.

4. Reprogramming from an earlier fiscal year program to a later fiscal year program.[20]

With respect to other items and categories of items covered under defense appropriations, prior approval is obtained from only the Appropriations committees for these situations:

1. Procurement of items deleted by the Congress from programs as originally presented.

2. Programs for which specific reductions in original amounts requested have been made by the Congress.

3. Reprogramming from an earlier fiscal year program to a later fiscal year program.[21]

These same three criteria, in the case of reprogramming of funds for RDT&E authorized by Section 412(b), require prior approval of the Armed Services committees. Furthermore, DoD representatives are to discuss with the committees, prior to taking action, any other cases involving matters which are known to be of "special interest" to one or more of the committees. Because of different interpretations between the Pentagon and the committees as to what constitutes an item of "special interest," a reprogramming could be submitted in the form of notification rather than prior approval.

A controversy in 1972 revealed that DoD reporting procedures did not permit full compliance with these controls. Despite the fact that the secretary of defense and the Appropriations committees were required to approve any increase in personnel accounts that had been reduced by Congress, the navy violated the provision. Melvin Laird, who was by now secretary of defense, said that he could not ascertain from the reports that the navy had failed to comply. The DoD instruction was amended to make such actions more visible.[22]

The Defense Department defines "prior approval" in the following way: if the secretary of defense has not been informed of approval or disapproval by the committees within 15 days after they receive a reprogramming request, "it will be assumed that there is no objection to the implementation of the proposed reprogramming." [23] That may be the assumption, but the Pentagon does not actually *proceed* with the reprogramming. For both the House and the Senate Appropriations committees, prior approval means explicit, written approval, whether it takes 15 days, a month, or longer. In the case of the House Armed Services Committee, the Defense Department will call if the committee does not respond within 15 days. Sometimes a verbal approval from the committee will be sufficient, with a follow-up letter to come. For the Senate Armed Services Committee, the Defense Department will also not proceed until it has formal approval, eventually in writing.

Prompt notification (within 48 hours after DoD approval) is required for any reprogramming action, single or cumulative, that exceeds these dollar thresholds:

Footnotes at end of article.

TABLE 2.—REPROGRAMING BY PROGRAM ACTIVITY

[In millions of dollars]

Fiscal year	Military personnel	Operation and maintenance	Procurement	R.D.T. & E.	Total
1956 [1]	158	455	1,515	NA	2,128
1957 [1]	85	214	2,056	NA	2,355
1961 [2]	NA	NA	2,796	994	3,791
1962 [2]	NA	NA	1,482	426	1,908
1963 [2]	NA	NA	913	862	1,775
1964	40	219	1,272	473	2,008
1965	63	230	1,256	434	1,985
1966	75	230	1,552	495	2,253
1967	191	398	2,234	549	3,373
1968	181	121	3,899	596	4,797
1970	NA	NA	NA	NA	2,431
1971	366	585	1,791	523	3,266
1972	328	534	654	164	1,680

[1] Figures exclude $26,000,000 and $20,000,000 for fiscal years 1956 and 1957, respectively, for reserve components (excluding construction).

[2] Excludes reprograming actions for personnel, procurement of small arms and tracked vehicles, operation and maintenance, and some other parts of the defense budget.

Source: Fiscal years 1956 and 1957 are taken from House, Committee on Appropriations, "Department of Defense Appropriations for 1959, Hearings," 85th Cong., 2d sess., 1958, 255. For fiscal years 1961–63, see House, Committee on Armed Services, "Department of Defense Reprograming of Appropriated Funds: A Case Study," 89th Cong., 1st sess., 1965, 32. Fiscal 1964 comes from Stoneberger, "Appraisal," 51. For fiscal years 1965–67, see House, Committee on Appropriations, "Department of Defense Appropriations for 1969, Hearings," 90th Cong., 2d sess., 1968, pt. 1:365. For fiscal 1968, see House, Committee on Appropriations, "Department of Defense Appropriations for 1970, Hearings," 91st Cong., 1st sess., 1969, pt. 6:313. The fiscal 1970 figure is from H. Rept. 1570, 91st Cong., 2d sess., 1970, 6–7. Figures for fiscal years 1971 and 1972 were obtained from the Department of Defense, Office of the Assistant Secretary of Defense (OASD) (comptroller). Totals for these years are not always the sum of the program activities because figures are rounded.

1. An increase of $5 million or more in a budget activity in the military personnel and operation and maintenance appropriations.

2. An increase of $5 million or more in a procurement line item or the addition to the procurement line item base of a new item in the amount of $2 million or more.

3. An increase of $2 million or more in any budget subactivity line item in an appropriation for research, development, test and evaluation, including the addition of a new budget subactivity line item of $2 million or more, or the addition of a new budget subactivity line item, the cost of which is estimated to be $10 million or more within a three-year period.[24]

Any reprogramming action to which one or more of the committees concerned takes exception within 15 days of receipt of the notification will be reconsidered by the secretary of defense.[25] "Reconsideration" generally means that the action will be placed on hold until the committees approve.

MAGNITUDES OF REPROGRAMMING

No comprehensive record of the number and dollar amounts of reprogramming actions by the Defense Department has been published. Occasionally, in committee hearings, committee reports, and committee prints, figures are made available for particular years. This fragmentary record is compiled here.

Dollar amounts

Reprogramming actions submitted to the committees have ranged between $1.7 billion and $4.7 billion, averaging $2.6 billion a year for the 13 years included in Table 2. The predominance of procurement and RDT&E results from two factors: the interest of review committees under prior-approval and notification procedures, and the imprecision of budget estimates for these program activities.

Except for fiscal years 1961, 1967, 1968, and 1971, total dollar amounts are generally in the $2 billion range. The high figure for fiscal 1961 coincides with a change in administrations, with reprogramming used by the Kennedy administration as a mechanism to modify budget priorities established by his predecessor. The war in Southeast Asia no doubt accounts for much of the large figures for fiscal years 1967 and 1968. The military buildup just prior to those two years was satisfied primarily by budget supplementals.

Reprogramming statistics rarely show the magnitude of below-the-threshold actions—internal actions by the Defense Department that are carried out without committee notification or approval. Internal reprogramming for fiscal years 1964 through 1967 accounts for an average of $1.1 billion a year (Table 3).

TABLE 3.—REPROGRAMING ACTIONS COMPARED TO INTERNAL REPROGRAMING

[In millions of dollars]

	Reprograming actions	Internal reprograming	Total
Fiscal year:			
1964	2,008	853	2,861
1965	1,985	927	2,912
1966	2,353	1,247	3,601
1967	3,448	1,555	5,004

Note: Totals do not always reflect the sums, which have been rounded.

Source: House, Committee on Appropriations, "Departmen of Defense Appropriations for 1969, Hearings," 90th Cong., 2d sess., 1968, pt. 1:356.

Number of reprogramings

Some idea of the number of reprogrammings is available for fiscal years 1964–68 and 1971–72 (Table 4). It should be understood that a reprogramming action is often made up of several reprogrammings, with funds taken from several projects and reallocated to other projects. Thus, a large number of reprogrammings (sometimes as many as 30 to 40) will be packaged together and presented as a single request on DD Form 1415 and given a single DoD serial number. The study by Harold W. Stoneberger explored this relationship between reprogramming actions and the number of appropriation line items affected. He concluded that such reprogramming action, on the average, affected eight budget line items.[26]

Also of interest is a breakdown between reprogramming actions that are subject to prior approval by the designated committees and those that are merely sent to the committees for notification. Such information is available for the portion of fiscal 1968 running from July 1, 1967, to February 19, 1968. During that period the Defense Department sent 97 formal reprogramming actions to the review committees. Of the $3.6 billion involved, prior approval accounted for only $122 million. The balance consisted of submissions for notification.[27]

TABLE 4.—NUMBER OF REPROGRAMING ACTIONS

Fiscal year	Military Personnel	Operation and maintenance	Procurement	R.D.T. & E	Total	Fiscal year	Military personnel	Operation and maintenance	Procurement	R.D.T. & E.	Total
1964	2	5	52	37	86	1968	6	5	77	30	118
1965	8	9	49	34	100	1971	15	13	66	38	132
1966	3	10	61	42	116	1972	10	17	32	23	84
1967	3	9	50	41	103						

Source: Information for fiscal years 1964 and 1965 comes from House, Committee on Appropriations, "Department of Defense Appropriations for 1967, Hearings," 89th Cong., 2d sess., 1966, pt. 1:340. For fiscal years 1966 and 1967, see House, Committee on Appropriations, "Department of Defense Appropriations for 1969, Hearings," 90th Cong., 2d sess., 1968, pt. 1:365. A discrepancy exists between the procurement figure listed in the first source for fiscal 1965 (49 actions) and the second source (46 actions). The fiscal 1968 figure comes from House, Committee on Appropriations, "Department of Defense Appropriations for 1970, Hearings," 91st Cong., 1st sess. 0969, pt. 6:313. Figures for fiscal 1971 and 1972 were obtained from the Department of Defense 1ASD (Comptroller).

IRREGULAR USES OF REPROGRAMMING

Substantial differences exist between reprogramming in form and reprogramming in practice. Even the most conscientious reader of committee hearings, committee reports, and DoD directives and instructions will be misled as to the actual working of reprogramming.

In the past, for example, "committee approval" was granted not by the full committee—not even by the full subcommittee—but by a few of the ranking members. In 1973 in the House Appropriations Committee, approval was granted by the full Subcommittee on the Department of Defense (Mahon was chairman of both the full committee and the defense subcommittee). In the Senate Appropriations Committee, reprogrammings for minor matters were formerly decided by the chairman and ranking minority member of the Subcommittee on the Defense Department. The full subcommittee is now brought together more frequently to consider reprogramming actions.

With regard to authorizing committees, the full House Armed Services Committee acts on reprogramming requests. The Senate Armed Services Committee, in earlier years, used to delegate reprogramming decisions to the committee chairman and the ranking minority member, assisted by committee counsel. In 1970 a separate Subcommittee on Reprograming of Funds was established. Depending on the issues involved, this five-member subcommittee may decide the reprogramming request or else pass it on to the full committee. The tendency in recent years has been toward greater involvement by the full committee.

Without access to reprogramming records in the Pentagon and in the review committees, it is impossible to know the extent to which this spending flexibility is abused. It is the impression of this research that most reprogramming actions are routine and noncontroversial. Yet the reprogramming process occasionally breaks down, allowing policy changes of major significance and occasional violation or circumvention of congressional controls.

1. *Bypassing the Congress*

It is evident that reprogramming can become a convenient instrument for circumventing the normal authorization and appropriation stages. Instead of obtaining approval of Congress as a whole, executive agency officials need only obtain approval from certain subcommittees or of subcommittee ranking members. The opportunity for mischief is substantial. An agency could request money for a popular program, knowing that Congress would provide the funds. Later it could use the money for a program that might not have passed scrutiny by the full Congress. In a 1966 report, three Republican members of the House Appropriations Committee—Glenard P. Lipscomb (Calif.), Melvin Laird, and William E. Minshall (Ohio)—said that a reprogramming action is, in essence, "a procedure which bypasses the Congress. The reprogramming process is recognized by the undersigned to be a useful and necessary procedure for meeting emergencies and unusual unforeseen situations. What is of concern is the tendency on the part of the Defense Department to use what is essentially an emergency tool on a more regular and frequent basis than the situations warrant."[28]

Congressional control is also affected when the Pentagon alters the base from which reprogrammings are made. In submitting budget justifications for RDT&E, the Pentagon divides each appropriation account—for the army, navy, air force, and defense agencies—into program elements. Program elements are then broken down into separate projects. For example, under the account "RDT&E/Navy" you will find the program element "Missiles and related equipment," containing such programs as the *Aegis*, *Trident*, and submarine-launched cruise missile.

These points may appear to be overly technical, but they go to the heart of the reprogramming procedure. Generally speaking, if funds are to be shifted *between* program elements, committee interest is at its highest, leading either to notification or prior approval. But if funds are to be shifted *within* program elements, the basic control shifts toward the Pentagon. When the Pentagon presented its budget justifications for fiscal

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1973, it reduced the number of program elements, provoking a particularly vigorous reaction from the Senate Armed Services Committee. This opposition caused the Pentagon to abandon its new budget format and return to its standard presentation of the estimates.[29]

2. "Ace in the hole"

Reprogramming, at times, becomes a convenient remedy for administrative indecisiveness. In the fall of 1964 the House Armed Services Committee approved an emergency request by the navy to reprogram funds for the TA–4E, a subsonic jet training aircraft. An investigation by the committee subsequently disclosed that the "emergency" nature of the request resulted from an inability, or unwillingness, on the part of the Pentagon to reach a decision several years earlier. As a consequence, funds were not provided in the regular budget for the trainer aircraft. The committee study observed that reprogramming had been used as an "ace in the hole" to resolve situations "that have been allowed to deteriorate to the point of emergency." [30]

3. Undoing the work of Congress

The Defense Intelligence Agency (DIA) requested $66.8 million for fiscal 1971 to cover certain operating funds. The House Appropriations Committee cut that request by $2 million, largely on the conviction that the agency was heavily overstaffed. DIA proceeded to reduce its budget by only $700,000, having successfully prevailed upon the Defense Department to request reprogramming for $1.3 million to make up the difference. Incensed, Congressman Jamie L. Whitten (D-Mass.) asked if he was to understand that "after Congress developed the record and made reductions on that basis, we are to have them come in here and ask for restoration, which is what it amounts to, of funds that the Congress saw fit to eliminate?" After the DIA director signed the reprogramming request, almost three months elapsed before the agency came before the House Appropriations Committee. Of course, that made it even more difficult to hold DIA to the original congressional reduction.[31] Of $1.3 million requested for reprogramming the committees allowed $700,000.

4. Circumventing thresholds

For any reprogramming on a new research project of $2 million or more, the Defense Department must present the proposal for committee review. During fiscal 1971, the Defense Department wanted to initiate a $4 million research project, to be handled by the Defense Special Project Group (DSPG). The Defense Department told DSPG to use $1 million to start the project and promised $3 million later from the Emergency Fund. By the time the proposal reached Congress, the project was three months underway. Whitten described the circumvention of the $2 million threshold in these terms: "You took a million dollars and got it started, and now you come up here and we are caught across the barrel. You have already started with a million dollars, but the million dollars was part of something which cost more than $2 million and clearly comes within the reprograming agreement." [32] The reprogramming request was rejected.

The effect of the request went even further. DSPG was a new name for the Defense Communications Planning Group (DCPG), which had been responsible for administering the electronic battlefield (the "McNamara Line"). Congress was under the impression that DCPG would be disbanded and the project transferred to the military services. Instead, it adopted a new name and dreamed up new research projects to keep itself alive. The House Appropriations Committee characterized the attempt to perpetuate DSPG as "a classic example of bureaucratic empire building and of the bureaucratic tendency to never end an organization even after the work for which it was created has been concluded." [33] Both of the Appropriations committees agree to terminate the agency.[34]

5. New starts

Reprogramming has been used in several instances to initiate major weapons systems or to move from the research and development stage into production. The electronic battlefield, for example, was originally started in the fall of 1966 by means of a reprogramming action.[35] Not until years lated did Congress as a whole learn of the project. Even Senator Stuart Symington (D-Mo.), a ranking member of the Senate Armed Services Committee, said that he first learned of the project "when I read about it in a weekly magazine." [36] The cost of the system from fiscal 1967 to fiscal 1971 was $1.68 billion.[37]

Another controversial use of reprogramming involved the F–14 Navy fighter aircraft. A 1969 committee report by House Appropriations directed that no funds were to be used "for tooling beyond that needed for fabrication of the test aircraft." [38] The painful and costly experience of the F–111 aircraft convinced the committee that technical and developmental problems should be ironed out first before moving to the production stage. But when the Navy requested permission the next year to reprogram $8.5 million for advance procurement items—to allow funds to be obligated toward production of 26 aircraft—House Appropriations approved the request.[39] The committee later explained that it had seriously considered the possibility of halting further production of the F–14, returning it to RDT&E status, but that "the Navy prevailed upon the Committee to reverse its position." [40]

6. Risk-taking

An element of risk accompanies each reprogramming proposal. Whenever the Defense Department requests that funds be shifted from one program to another, it necessarily admits that (1) the original program was overfunded; (2) there has been slippage in the original program (thus freeing additional funds); or (3) the original program has been downgraded in priority. Reprogramming therefore alerts the Appropriations committees to potential areas for retrenchment and economizing. That type of situation in 1969 prompted the House Appropriations Committee to recommend that the budget for "Aircraft Weaponization" be reduced "because about 50 percent of the funds appropriated for this program element in the last three fiscal years have been reprogramed for other uses." [41]

In cases where a reprogramming proposal is rejected, the Appropriations committees may go a step further and also eliminate the very programs that the Pentagon had shown a willingness to sacrifice. For example, in the spring of 1971 the Defense Department announced that it was willing to give up $139.5 million that had been requested for an AOR oil tanker and three ATS rescue and salvage ships, in order to divert those funds to a new nuclear-powered aircraft carrier (the CVAN–70, later designated CVN–70). After strong opposition was voiced by members of Congress, the Office of Management and Budget submitted a budget amendment to delete $52.6 million for two of the salvage ships. Both Appropriations committees supported this reduction.[42] Senate Appropriations also wanted to eliminate $56.5 million for the oil tanker, a ship of such "low priority that it can be deferred without endangering the operational capability of the fleet. . . " [43] The oil tanker was eventually funded. The net result of a Pentagon suggestion to reprogram funds for a new carrier was therefore the loss of two salvage ships.

CLOSER LEGISLATIVE CONTROL

It is a peculiar fact of the appropriations process that budget estimates are scrutinized by the authorization and appropriation committees—often undergoing intensive review by party study groups, by outside professional organizations, and during floor debate—and yet no comparable review exists for the billions of dollars that are reprogrammed after the appropriation bill becomes law. As Stephen Horn observed: "It is incongruous that the [Senate Appropriations] committee spends days, weeks, or even months holding hearings to review a particular budget—and additional time in markups and on the floor and in conference, arguing the merits of various appropriations—only to have one or two members months later approve an agency's request to shift funds often amounting to many millions of dollars from one purpose to another." [44]

Reprogramming has been subject in recent years to tighter controls, both direct and indirect. An indirect approach is to cut down on the amount of carry-over balances. The existence of unused funds from prior years creates an opportunity (and a temptation) to apply those funds to new purposes. A report by the House Appropriations Committee in 1970 told of a reprogramming request in which the Defense Department had "found" unexpended funds from fiscal years 1961 through 1966, primarily from *Polaris* accounts, as a source of financing new projects. The availability of such funds, the committee noted, "makes defense planners, to a limited extent, immune from tight Congressional fiscal control." [45]

The fiscal 1970 appropriation bill for the Defense Department attempted to bring carry-over balances under closer control by directing the secretary of defense to identify all old balances and recommended rescissions.[46] Disappointed by the results, Congress went a step further the next year by changing no-year ("available until expended") appropriations to multi-year appropriations. Appropriations for major procurement became available for only three fiscal years (except for shipbuilding, which requires a five-year term), while appropriations for RDT&E were made available for a two-year period.[47] Those limits were repeated in the Department of Defense Appropriations acts for fiscal 1972 and fiscal 1973.[48]

Another indirect approach is to open up the budget process by making reprogramming more visible. In previous years, whenever hearings were held on defense reprogrammings, transcripts were simply filed with the committees. They were not printed in the published hearings (except for brief accounts), nor was there any indication—through deletions or other notations—that reprogramming hearings had even been held.

In response to criticism of the reprogramming technique, the House Appropriations Committee has begun to print large portions of the transcripts in its published hearings. In 1970 the committee included 156 pages on reprogramming actions, focusing on the controversial F–14 aircraft. In hearings the next year on the defense budget, over 500 pages were devoted to discussion by committee members and DoD officials on reprogramming requests. Published hearings by the House Appropriations Committee on the defense budget in 1972 included 229 pages on reprogramming.[49]

New rules adopted by the House of Representatives on March 7, 1973, provided for open meetings unless the committee or subcommittee, in open session and with a quorum present, determines by roll-call vote that all or part of the remainder of the meeting shall be closed to the public. As a result of that change in the rules, the defense subcommittee of House Appropriations began opening some of its hearings on reprogramming actions.

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The heavy volume of reprogramming has produced sharp criticism from leading members of the House and Senate. Chairman Mahon of the House Appropriations Committee remarked in 1971 that "we cannot have double hearings on all programs every year. We are a little irritated—at least I am—that we are confronted with this sort of thing." [50] During hearings that same year by the Senate Armed Services Committee, the chairman, John Stennis (D-Miss.) issued this warning to Secretary Laird:

"I want to refer to reprograming now. It seems to me, and I think others see it about the same way, that this matter of reprograming has gone too far, Mr. Secretary. Someone called my attention to the fact that $42 million of the fiscal year 1971 SAFEGUARD research and development funds are being reprogramed to be used for a variety of personnel purposes. Now we debated 5 or 6 weeks on the floor and told the Members of the Senate who voted for the SAFEGUARD money that it was needed and it was necessary. We had a tie vote in 1969, and we had to go through a battle last year, you remember, and now to come along and say we are going to take $42 million of that because we did not need it after all, looks bad." [51]

The Senate Armed Services Committee set up a separate subcommittee on reprogramming in 1970. The new unit was a response to the growing criticism of the defense budget, the stringency of money, and an insistence on the part of Senate members and the public for greater visibility of the budget and legislative process.

Legislative efforts to monitor reprogramming are not confined to the review responsibilities of the Appropriations and Armed Services committees. Just as the Pentagon is to keep faith with the committees, the committees are to keep faith with Congress as a whole. For instance, the Defense Department submitted a reprogramming request late in 1964 to use $3.1 million for a new program called STEP (Special Training and Enlistment Program). During hearings by the defense subcommittee of the Senate Appropriations Committee, Leverett Saltonstall (R-Mass.) and Mike Mansfield (D-Mont.) questioned the propriety of using reprogramming to initiate it. Saltonstall thought that the whole Congress should know about it, while Mansfield considered it advisable to have the program examined by the Senate Armed Services Committee and by the entire Senate Appropriations Committee. Appropriations committees from both houses turned down the reprogramming request.[52]

Another example of committee sensitivity to other members occurred in 1971 when Secretary Laird expressed interest in obtaining funds to begin construction of a fourth nuclear-powered carrier. He suggested that he might seek funds either through reprogramming actions or budget amendments.[53] Senators Walter Mondale (D-Minn.) and Clifford Case (R-N.J.) wrote to Sen. Allen J. Ellender (D-La.), chairman of the Appropriations Committee, to voice their opposition to this use of reprogramming. Ellender assured them that funding for the carrier would have to follow the regular appropriation process: a budget request from the President followed by congressional authorization and appropriation.[54] Senator Stennis took the same position.[55] Instead of confining legislative approval to the four review committees, the decision was opened up to Congress as a whole.

When the Defense Department submitted a reprogramming request for an additional $61.2 million for the *Cheyenne* helicopter in 1971, committee sensitivity was again apparent. Since this weapons system had been the object of severe criticism by members of Congress, the House Appropriations Committee allowed reprogramming of only $35 million to reimburse the contractor for services rendered. The committee denied the request to reprogram funds for fiscal 1973 development on the ground that "it did not seem proper to anticipate the will of Congress with respect to the Cheyenne program that far in advance." [56] The Senate Appropriations Committee also noted that members of the Senate were "opposed to the procedure of providing funds for the continuation of the development program through a reprogramming action." With regard to fiscal 1972 development, $9.3 million was placed in the appropriation bill as a separate and identifiable item, allowing the full Congress to work its will.[57] The army finally canceled the *Cheyenne* in 1972.

A more formal and systematic review role for Congress was contemplated in a bill introduced in March 1971 by Sen. Lawton Chiles (D-Fla.). The bill directed the head of each federal agency, on or before the thirtieth day after the close of each fiscal year, to report to the comptroller general: (1) the amount of reprogrammed funds expended during the fiscal year; (2) the purpose for which such reprogrammed funds were expended and the amount expended for such purpose; and (3) the purposes for which the funds were originally appropriated and the amount appropriated for each purpose. The comptroller general would then compile this information and furnish it to each committee and to each member of Congress.[58]

Instead of annual reports, it would seem reasonable to have the federal agencies submit their reprogramming requests to the General Accounting Office (GAO) at the same time that they send them to the review committees. They could simply send an extra copy to GAO. GAO and Congress would thus know of reprogramming requests before, not after, the fact. When committees act on the requests, it would also be an easy matter to have them send an extra copy of their actions to the GAO to show which reprogrammings were approved.

Still another suggestion is to have reprogramming proposals subject to a "lay on the table" procedure, with the understanding that they could not be implemented until a period of 15 to 30 days had elapsed. This requirement would at least give interested and motivated members of Congress an opportunity to mobilize support against controversial reprogrammings. With hindsight, one can see that the decision to proceed with production of the F–14 aircraft could have benefited from closer examination and deliberations by Congress acting as a whole.

CONCLUSION

The scope of reprogramming by the Defense Department helps to underscore the highly tentative nature of its budget estimates. Although budget estimates are merely that—*estimates*—there is a tendency at times to consider them as permanent monuments, chisled in stone. Defense secretaries characteristically advise the Appropriations committees that the military budget has been scrutinized and gone over with a fine-tooth comb. The fat has been trimmed; only the muscle remains. To tinker with the budget, Congress is warned, is to risk upsetting the delicate balance of priorities and "force levels" established by military planners.

The heavy and regular use of reprogramming, amounting to billions of dollars each year, emphasizes the fact that the defense budget is anything but firm. If more members of Congress understood how much money is shifted around after passage of the defense appropriation bill, they might be a little more bold and penetrating when questioning the Pentagon's budget requests. The case of the *Safeguard* ABM system shows what can be done when Congress examines a weapons system in detail.[59] A prospect of closer legislative review might stimulate the Defense department to improve its planning operations and procurement policies.

The implications of reprogramming go beyond questions of the defense budget. We have numerous studies on the committee veto, yet none touch on the committee veto involved in prior-approval reprogramming. We focus on the committee-veto procedures that have statutory backing, while at the same time remaining unaware that some nonstatutory committee activities probably have far greater significance.

Studies on legislative liaison are also incomplete. Such studies describe in detail the formal offices established in executive departments and the White House. But what of the day-to-day liaison activities that take place with reprogramming? Departmental officials remain in close touch with review committees to seek advice on matters that might be of "special . . . interest." To what extent does a president and the Office of Management and Budget retain control of reprogramming actions? It appears that they are largely excluded from what seems to be essentially an agency-committee operation. To ask such questions is to encourage students to pay closer attention to administrative and congressional practices of budget execution.

FOOTNOTES

[1] "Congressional Oversight of Administration: The Power of the Purse" (pt. 2), *Political Science Quarterly*, 58 (September 1943), 380, 404. Reprogramming is sometimes spelled with one "m." This article uses two, except when a quotation has the alternate spelling.

[2] *Ibid.*, 404.

[3] *The Purse and the Sword* (Ithaca, N.Y.: Cornell University Press, 1950), 352.

[4] 63 Stat. 586, sec. 403 (Aug. 10, 1949).

[5] For presidential complaints regarding the use of the committee veto, see comments by Harry Truman, *Public Papers of the Presidents, 1951*, 282; by Dwight Eisenhower, *Public Papers of the Presidents, 1954*, 508, *1955*, 689, *1956*, 596, 649–650; by John F. Kennedy, *Public Papers of the Presidents, 1963*, 6; and by Lyndon B. Johnson, *Public Papers of the Presidents, 1963–64*, I, 104, II, 861, 1,249, *1965*, II, 1,083, and *1966*, II, 1,008, 1,354.

[6] U.S., Congress, House, Committee on Appropriations, *Department of Defense, Appropriations for 1951, Hearings*, 81st Cong., 2d sess., 1950, pt. 2:1,000.

[7] S. Rept. 1582, 83d Cong., 2d sess., 1954, 1–2.

[8] H. Rept. 1917, 83d Cong., 2d sess., 1954, 8.

[9] House, Committee on Appropriations, *Department of Defense Appropriations for 1956, Hearings*, 84th Cong., 1st sess., 1955, 562–563.

[10] H. Rept. 493, 84th Cong., 1st sess., 1955, 8.

[11] Reprinted in Senate, Committee on Government Operations, *Budgeting and Accounting, Hearings*, 84th Cong., 2d sess., 1956, 113–119. For dissatisfaction expressed by the House Appropriations Committee in 1956 regarding a reprogramming action, see H. Rept. 2104, 84th Cong., 2d sess., 1956, 13.

[12] H. Rept. 408, 86th Cong., 1st sess., 1959, 20. *Department of Defense Instruction*, "Reprogramming of Appropriated Funds—Report on," No. 7250.5 (Oct. 23, 1959). The House Appropriations Committee expressed its satisfaction with these revised procedures in H. Rept. 1561, 86th Cong., 2d sess., 1960, 26–27.

[13] House, Committee on Appropriations, *Department of Defense Appropriations for 1962, hearings*, 87th Cong., 1st sess., 1961, pt. 1:105–106.

[14] *Ibid.*, 109.

[15] House, Committee on Appripriations, *Department of Defense Appropriations for 1962, Hearings*, 87th Cong., 1st sess., 1961, pt. 3:578.

[16] *Ibid.*, 579–580. Section 412(b) of the Military Construction Act of 1959 provided: "No funds may be appropriated after December 31, 1960, to or for the use of any armed force of the United States for the procurement of aircraft, missiles, or naval vessels unless the appropriation of such funds has

been authorized by legislation enacted after such date." 73 Stat. 322 (1959).

[17] Harold W. Stoneberger Colonel, U.S. Air Force, "An Appraisal of Reprogramming Actions," Student Research Report No. 159, Resident School Class of 1968 (Washington, D.C.: Industrial College of the Armed Forces), 48–50.

[18] H. Rept. 1607 (March 4, 1963), 87th Cong., 2d sess., 1962, 21. *Department of Defense Directive*, "Reprogramming of Appropriated Funds," No. 7250.5.

[19] *Department of Defense Directive*, "Reprogramming of Appropriated Funds," No. 7250.5 (May 21, 1970), sec. II.B.

[20] *Ibid.*, sec. II.C.17.

[21] *Ibid.*, sec. II.C.2.

[22] Letter from Secretary Laird to Sen. Allen J. Ellender, May 8, 1972, together with memorandum dated May 9, 1972, amending DoD *Instruction* 7250.10.

[23] *Department of Defense Directive*, "Reprogramming of Appropriated Funds," No. 7250.5 (May 21, 1970), sec. II.C.4.

[24] *Department of Defense Instruction*, "Implementation of Reprogramming of Appropriated Funds," No. 7250.10 (Apr. 1, 1971), sec. V.A.2.

[25] *Department of Defense Directive*, "Reprogramming of Appropriated Funds," No. 7250.5 (May 21, 1970), sec. II.D.2.

[26] Appraisal," 43–54.

[27] House, Committee on Appropriations, *Department of Defense Appropriations for 1969, Hearings*, 90th Cong., 2d sess., 1968, pt. 1:351,355.

[28] H. Rept. No. 1316, 89th Cong., 2d sess., 1966, 18. Congressman Albert J. Engel (R-Mich.) noted in 1950: "I cannot help but go back to what happened heretofore, where the War Department told us they were going to use money for one purpose and used it for an entirely different purpose for which the committee might not have appropriated the money had it been justified for that purpose." House, Committee on Appropriations, *Department of Defense Appropriations for 1951, Hearings*, 81st Cong., 2d sess., 1950, pt. 3:1,512.

[29] S. Rept. 962, 92d Cong., 2d sess., 1972, 107–110.

[30] House, Subcommittee for Special Investigations of the Armed Services Committee, *Department of Defense Reprograming of Appropriated Funds: A Case Study*, 89th Cong., 1st sess., 1965, 16.

[31] House, Committee on Appropriations, *Department of Defense Appropriations for 1972, Hearings*, 92d Cong., 1st sess., 1971, pt. 2:331-339. DIA argued that one reason for not complying fully with the congressional cut was that almost half the fiscal year had elapsed by the time the House Appropriations Committee acted on its budget. Committee staff say that the $2 million cut had taken the late appropriation into account.

[32] *Ibid.*, 610.

[33] H. Rept. 666, 92d Cong., 1st sess., 1971, 118-119.

[34] *Ibid.*, 118; S. Rept. 498, 92d Cong., 1st sess., 1971, 197, and H. Rept. 754, 92d Cong., 1st sess., 1971, 14.

[35] Senate, Armed Services Committee, *Investigation into Electronic Battlefield Program, Hearings*, 91st Cong., 2d sess., 1970, 36. This reference does not explicitly support my statement, but conversations with several officials in DoD's comptroller's office have confirmed that reprogramming was the initial means of financing the electronic battlefield. Moreover, a private study by McGraw-Hill's DMS Market Intelligence Report stated that the "original FY67 funding of the program was $3.5 million. After creation of the DCPG, the three services quickly upped funding to several hundred times that by reprogramming and use of emergency funds." 116 *Congressional Record* 23,827 (July 13, 1970). A letter from the author to the secretary of defense, June 22, 1972, attempting to pin down more precisely the relationship between reprogramming and the electronic battlefield, was not acknowledged. A follow-up letter of March 10, 1973, also went unanswered.

[36] 116 *Congressional Record* 23834 (July 13, 1970).

[37] *Investigation into Electronic Battlefield Program*, 15.

[38] H. Rept. 698, 91st Cong., 1st sess., 1969, 75. The conference committee rejected the amount of $8.5 million which had been proposed by the Senate for advance procurement. H. Rept. 766, 91st Cong., 1st sess., 1969, 6.

[39] House, Committee on Appropriations, *Department of Defense Appropriations for 1971, Hearings*, 91st Cong., 2d sess., 1970, pt. 5:1,114. See 1,100-1,124 for discussion on the reprogramming request.

[40] H. Rept. 666, 92d Cong., 1st sess., 1971, 76–77.

[41] H. Rept. 698, 91st Cong., 1st sess., 1969 72.

[42] H. Rept. 666, 92d Cong., 1st sess., 1971, 89, and S. Rept. 498, 92d Cong., 1st sess., 1971, 135.

[43] S. Rept. 498, 92d Cong., 1st sess., 1971, 131. The Senate Committee on Armed Services had denied authorization of the oiler because of its admittedly low-priority nature. S. Rept. 359, 92d Cong., 1st sess., 1971, 69.

[44] *Unused Power: The Work of the Senate Committee on Appropriations* (Washington, D.C.: The Brookings Insittution, 1970), 212.

[45] H. Rept. 1570, 91st Cong., 2d sess., 1970, 8.

[46] 83 Stat. 487, sec. 642 (Dec. 29, 1969).

[47] 84 Stat. 2037, sec. 842 (Jan. 11, 1971).

[48] 85 Stat. 716 (Dec. 18, 1971), and 86 Stat. 1184 (Oct. 26, 1972). The multi-year provisions are repeated under separate titles.

[49] House, Committee on Appropriations, *Department of Defense Appropriations for 1871, Hearings*, 91st Cong., 2d sess., 1970, pt. 5:987–1,143; House, Committee on Appropriations, *Department of Defense Appropriations for 1972, Hearings*, 92d Cong., 1st sess., 1971, pt. 2:328–729, and *ibid.*, pt. 9:201–330; House, Committee on Appropriations, *Department of Defense Appropriations for 1973, Hearings*, 92d Cong., 2d sess., 1972, pt. 2:137–366.

[50] House, Committee on Appropriations, *Department of Defense Appropriations for 1972, Hearings*, 92d Cong., 1st sess., 1971, pt. 2–336–337.

[51] Senate, Committee on Armed Services, *Fiscal Year 1972 Authorization for Military Procurement, Research and Development, Construction and Real Estate Acquisition for the Safeguard ABM and Reserve Strengths, Hearings*, 92d Cong., 1st sess., 1971, pt. 1:232–233.

[52] Senate, Committee on Appropriations, *Department of Defense Reprograming, 1965, Hearings*, 89th Cong., 1st sess., 1965, 1–4, 9.

[53] Senate, Committee on Armed Services, *Fiscal Year 1972*, 97.

[54] Senate, Committee on Appropriations, *Department of Defense Appropriations for Fiscal year 1972, Hearings*, 92d Cong., 1st sess., 1971, 1,344–1,345.

[55] *New York Times*, Apr. 18, 1971, 40.

[56] H. Rept. 666, 92d Cong., 1st sess., 1971, 105.

[57] S. Rept. 498, 92d Cong., 1st sess., 1971, 18; H. Rept. 754, 92d Cong., 1st sess., 1971, 13.

[58] S. 1333, 92d Cong., 1st sess. (March 23, 1971. A letter from Caspar W. Weinberber, deputy director of the Office of Management and Budget, to Sen. John L. McClellan (D-Ark.), chairman of the Senate Government Operations Committee, July 6, 1971, strongly opposed the bill. A similar bill, H.R. 10429, was introduced on August 5, 1971, by Congressman Dante B. Fascell (D-Fla.). Neither bill was acted upon. For an earlier proposal to involve the full Congress in major reprogramming actions, see Horn, *Unused Power*, 230–231.

[59] Louis Fisher, *President and Congress: Power and Policy* (New York: The Free Press, 1972), 212–224, 324–327.

AMENDMENT No. 1374

At the appropriate place in the bill insert a new section as follows:

SEC. —. (a) Section 3732 of the Revised Statutes (41 U.S.C. 11) is amended by—

(1) striking out in subsection (a) the following: ", except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year";

(2) striking out the subsection designation "(a)" at the beginning of such section; and

(3) striking out subsection (b) of such section.

(b) The first proviso contained in the paragraph entitled "Medical and Hospital Department", under the heading "MEDICAL DEPARTMENT", in the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and seven" approved June 12, 1906 (34 Stat. 240), is amended by striking out the following: ", except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, which however, shall not exceed the necessities of the current year".

AMENDMENT NO. 1377

(Ordered to be printed, and to lie on the table.)

Mr. HARTKE submitted an amendment, intended to be proposed by him, to Senate bill 3000, supra.

AMENDMENT NO. 1378

(Ordered to be printed.)

Mr. HUMPHREY proposed an amendment to Senate bill 3000, supra.

ADMISSION OF WOMEN TO SERVICE ACADEMIES—AMENDMENT

AMENDMENT NO. 1375

(Ordered to be printed and referred to the Committees on Armed Services and Commerce.)

Mr. HATHAWAY. Mr. President, today, along with Senators THURMOND, MANSFIELD, and JAVITS, I am introducing a substitute amendment to S. 2351, the bill I introduced last summer that would have allowed women to be admitted to the service academies. This amendment does not change the substance of that bill; it merely makes a few technical changes.

Last December, we supported an amendment on the floor to the enlistment bonus bill, S. 2711, that also contained the substance of S. 2351. That amendment passed the Senate without opposition, but was deleted in the House Armed Services Committee by a margin of one vote.

In the conference, the House position prevailed, but only when the Senate was promised the House would hold hearings and consider the matter further. Those hearings commenced on May 29, and today we are introducing our amendment in hopes that action can be taken on this measure soon.

We feel it is time discrimination in this area came to an end.

Mr. President, I ask unanimous consent that the text of this amendment be included in the RECORD at the conclusion of my remarks.

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

AMENDMENT No. 1375

Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) subsections (a), (b), and (c) of section 4342 of title 10, United States Code, are each amended by striking out the word "sons" wherever it appears in such subsections and inserting in lieu thereof "children".

(b) Section 4346 of such title is amended by adding at the end thereof a new subsection as follows:

"(e) A female who is qualified to be trained in a skill or profession in which females are permitted to serve as commissioned officers in the armed forces shall not be ineligible for or denied admission to the academy on account of sex."

SEC. 2. (a) Subsections (a), (b), and (c) of section 6954 of title 10, United States Code, are each amended by striking out the word "sons" wherever it appears in such subsections and inserting in lieu thereof "children".

(b) Subsection (d) of section 6956 of such title is amended by striking out "men" each time it appears in such subsection and inserting in lieu thereof "members."

(c) Section 6958 of such title is amended by adding at the end thereof a new subsection as follows:

"(d) a female who is qualified to be trained in a skill or profession in which females are permitted to serve as commissioned officers in the armed forces shall not be ineligible for or denied admission to the academy on account of sex."

SEC. 3. (a) Subsections (a), (b), and (c) of section 9342 of title 10, United States Code, are each amended by striking out the word "sons" wherever it appears in such subsections and inserting in lieu thereof "children".

(b) Section 9346 of such title is amended by adding at the end thereof a new subsection as follows:

"(e) A female who is qualified to be trained in a skill or profession in which females are permitted to serve as commissioned officers in the armed forces shall not be ineligible for or denied admission to the academy on account of sex."

TEMPORARY INCREASE IN PUBLIC DEBT LIMIT—AMENDMENTS

AMENDMENT NO. 1376

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

Mr. TAFT. Mr. President, today the Senator from California (Mr. CRANSTON) and I are introducing an amendment to the upcoming debt limit bill, H.R. 14832, which would ensure that aged, blind and disabled recipients of supplemental security income will not have their food stamps cut off by a change in the laws scheduled for June 30. Our amendment would also prevent an additional administrative burden so great that it is certain to disrupt the operation of the food stamp program, starting next month.

Except in the five States which elected to "cash out" food stamps when the welfare program for the aged, blind and disabled was converted from State administration to the federally administered supplemental security income program, SSI recipients presently can receive food stamps based on their incomes in the same manner as any other citizen. The only exception is that by regulation they are guaranteed eligibility for the minimum amount of food stamps, as is traditional for welfare programs.

Unless Congress acts, as of June 30, the law would change; the provisions of Public Law 93–86 come into effect. This law would provide that in all States, eligibility for food stamps would be determined by comparing present SSI benefits with payments under the old welfare program applicable, plus the value of food stamp benefits on December 31, 1973, for each SSI recipient. Only recipients whose SSI benefit is less than the sum of the December 31 welfare and food stamp benefits would be eligible for food stamps.

These changes would eliminate food stamps in a discriminatory manner for many poor and needy SSI recipients. At the same time, the changes require the burdensome and costly administrative task of determining promptly these people's food stamp and welfare benefit levels as of last December on a case by case basis.

Furthermore, since SSI benefits must increase with time just to keep pace with the cost of living, while the December 31, 1973, benefit levels will not increase, more people will need food stamps as time passes even if their spending power has not increased. This will happen for the first time when SSI benefits increase from $140 to $146 per month on July 1.

Our amendment, which has already been passed by the Senate as a Finance Committee amendment to H.R. 3153, would remedy this situation by keeping the status quo in effect until June 30, 1975. After that time, States would have no "cash out" option and food stamps could no longer be "cashed out." Federal welfare payments in the five affected States would be reduced accordingly, but the SSI recipients in these States would instead become eligible for food stamps for the first time since the initiation of SSI.

I realize that in recognition of the problems which would be created if Public Law 93–86 is allowed to go into effect on June 30, the administration has now introduced its own proposal for a permanent settlement of this problem. However, it is quite likely that that proposal would not be acted upon by June 30. Furthermore, the situation after June 30, 1975, under our amendments is different from the administration's proposals only in that our amendment does not statutorily eliminate the automatic eligibility for the minimum amount of food stamps which SSI recipients now enjoy, while it does eliminate cash payments for the bonus value of food stamps in the five "cash out" States.

I am hopeful and confident that once again the Senate will see the need for this legislation. With the June 30 date close at hand, it is essential that the amendment quickly be enacted.

I ask unanimous consent that the text of the amendment be printed in the RECORD at this point.

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

AMENDMENT No. 1376

At the end of the bill, add the following new section:

Sec. —. (a) (1) Section 3(e) of the Food Stamp Act of 1964 is amended, effective July 1, 1974, to read as it did before amendment by Public Law 92–603 and Public Law 93–86, but with the addition of the following new sentence at the end thereof: "No individual, who receives supplemental security income benefits under title XVI of the Social Security Act, State supplementary payments described in section 1616 of such Act, or payments of the type referred to in section 212(a) of Public Law 93–66, shall be considered to be a member of a household or an elderly person for purposes of this Act for any month during the 12-month period beginning July 1, 1974, if for such month, such individual resides in a State which provides State supplementary payments (A) of the type described in section 1616(a) of the Social Security Act, and (B) the level of which has been found by the Secretary of Health, Education, and Welfare to have been specifically increased so as to include the bonus value of food stamps.".

(2) Section 3(b) of Public Law 93–86 is repealed, effective July 1, 1974.

(b)(1) Section 4(c) of Public Law 93–86 is repealed, effective July 1, 1974.

(2) The last sentence of section 416 of the Act of October 31, 1949 (as added by section 411(g) of Public Law 92–603) is repealed, effective July 1, 1974.

(3) No individual, who receives supplemental security income benefits under title XVI of the Social Security Act, State supplementary payments described in section 1616 of such Act, or payments of the type referred to in section 212(a) of Public Law 93–66, shall be considered to be a member of a household for any purpose of the food distribution program for families under section 32 of Public Law 74–320, section 416 of the Agricultural Act of 1949, or any other law, for any month during the 12-month period beginning July 1, 1974, if, for such month, such individual resides in a State which provides State supplementary payments (A) of the type described in section 1616(a) of the Social Security Act, and (B) the level of which has been found by the Secretary of Health, Education, and Welfare to have been specifically increased so as to include the bonus value of food stamps.

(c) For purposes of the last sentence of section 3(e) of the Food Stamp Act of 1964 (as amended by subsection (a) of this section) and subsections (b)(3) and (f) of this section, the level of State supplementary payment under section 1616(a) shall be found by the Secretary to have been specifically increased so as to include the bonus value of food stamps (1) only if, prior to October 1, 1973, the State has entered into an agreement with the Secretary or taken other positive steps which demonstrate its intention to provide supplementary payments under section 1616(a) at a level which is at least equal to the maximum level which can be determined under section 401(b)(1) of the Social Security Amendments of 1972 and which is such that the limitation on State fiscal liability under section 401 of such Amendments does result in a reduction in the amount which would otherwise be payable to the Secretary by the State, and (2) only with respect to such months as the State may, at its option, elect.

(d) Section 401(b)(1) of the Social Security Amendments of 1972 is amended by striking out everything after the word "exceed and inserting in lieu thereof: "a payment level modification (as defined in paragraph (2) of this subsection) with respect to such plans."

(e) Section 401(b)(3) of the Social Security Amendments of 1972 is repealed.

(f) The amendments and repeals made by subsections (d) and (e) shall be effective July 1, 1974, except that such amendments and repeals shall not during the 12-month period beginning July 1, 1974, be effective in any State which provides supplementary payments of the type described in section 1616 (a) of the Social Security Act the level of which has been found by the Secretary to have been specifically increased so as to include the bonus value of food stamps.

AMENDMENT NO. 1379

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

TEMPORARY INCREASE IN PUBLIC DEBT LIMIT—AMENDMENT

Mr. EAGLETON. Mr. President, I submit for appropriate reference an amendment to H.R. 14832, an act to provide for a temporary increase in the public debt limit. This amendment would extend the provisions of Public Law 93–233 relating to the eligibility of supplemental security income recipients for food stamps, now due to expire on June 30, for an additional 9 months.

FOOD STAMP ELIGIBILITY OF SSI RECIPIENTS

As Senators will recall, Public Law 92–603 which authorized the SSI program also included a provision under which aged, blind, and disabled individuals eligible for SSI benefits would be ineligible to participate in the food stamp or food distribution programs.

On two occasions last year, the Senate voted to reverse that decision by making SSI recipients eligible for food stamps if they meet the income eligibility standards of the food stamp program.

This provision was first included in S. 1888, the Agriculture and Consumer Protection Act, by the Senate Agriculture Committee. Subsequently, the provision was drastically modified by the conference committee. Public Law 93–86 would make an SSI recipient eligible for food stamps only if his SSI payment plus his State supplementary payment, if any, does not exceed the payment he would have received under the State's applicable public assistance program as in effect for December 1973 by an amount at least equal to the food stamp benefit for which he would have been eligible under the July 1973 food stamp schedule.

The ink was scarcely dry on Public Law 93–86 when it became evident that this provision would be not only administratively cumbersome, but would have the effect in general of disqualifying those SSI recipients with the lowest incomes while preserving food stamp benefits for those with relatively higher incomes, that is, those whose December 1973 incomes were already above the SSI payment levels.

Recognizing the serious problems associated with these provisions of Public Law 93–86, the Senate Finance Committee included in H.R. 3153, the Social Security Amendments of 1973, a provision making SSI recipients eligible for food stamps if they meet the income eligibility criteria of that program.

Again, however, the conference committee declined to approve this Senate-passed provision and instead included in Public Law 93–233 a temporary suspension of the provisions of Public Law 93–86 in order to allow time for further study of the SSI-food stamp issue.

Under that temporary provision now in effect and which expires on June 30, SSI recipients are eligible for food stamps except in the five States which had already agreed to "cash out" food stamps by providing higher supplementary payments to their SSI recipients. Those States are California, Massachusetts, Nevada, New York, and Wisconsin.

During this 6-month period, under regulations issued by the Department of Agriculture, SSI recipients are automatically eligible for food stamps without regard to their income or assets if all members of the household are SSI recipients, if the household consists of an SSI recipient and an "essential person," or if the household consists of SSI and AFDC recipients. SSI recipients who reside in households with persons who are not public assistance recipients have their eligibility determined on the basis of their income and resources.

We are now approaching June 30, the date on which this temporary provision will expire. Three principal courses of action are available.

First, Congress could take no action, permitting the provisions of public law 93–86 to go into effect on July 1. In my view, this should not be allowed to occur. It would be a most unfortunate result for thousands of low-income aged, blind, and disabled persons who in these inflationary times, need and deserve every bit of assistance they can get. And it would impose an enormous administrative burden on what are, in many cases, already overburdened State and local welfare agencies.

Second, the House and Senate could come to an agreement prior to June 30 on a permanent solution to the question of SSI food stamp eligibility. It is my understanding that the House Agriculture Committee is now considering recommendations recently submitted by the Department of Agriculture which would make SSI recipients eligible for food stamps after June 30 if they meet the food stamp income and assets tests.

Third, the temporary provisions of public law 93–233 could be extended for an additional period of time, thereby guaranteeing the continuation of food stamp benefits for all of those now receiving them. The amendment I am submitting today would extend those temporary provisions for an additional 9 months, or until March 31, 1975, the same period of time as the extension of the debt limit by H.R. 14832.

Mr. President, I believe it is extremely important that there be no disruption next month of the food assistance now available to SSI recipients. Therefore, absent some clear indication that legislation will be enacted prior to June 30 that will preserve food stamp benefits of low-income aged, blind, and disabled persons, it is my intention to propose this amendment to H.R. 14832, the public debt limit bill.

I ask unanimous consent that the text of my amendment be printed in the RECORD.

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

AMENDMENT No. 1379

At the end of the bill, add the following new section:

Sec. —. (a) Section 8 of Public Law 93–233 is amended, in subsection (a), (b), and (e) thereof, by striking out "6-month", wherever it appears therein, and inserting in lieu thereof "15-month".

(b) The last sentence of section 3(e) of the Food Stamp Act of 1964 (as added by section 8 (a) (1) of Public Law 93–233) is amended by striking out "6-month" and inserting in lieu thereof "15-month".

Amend the title of the bill to read as follows: "A bill to provide for a temporary increase in the public debt limit, and for other purposes."

ADDITIONAL STATEMENTS

THE CASE AGAINST PUBLIC FINANCING OF FEDERAL ELECTIONS

Mr. ALLEN. Mr. President, many words were spoken, pro and con, about public financing of political campaigns during Senate debates in November and December, 1973, and in April of this year. While many points were made independently during these debates, no effort was made to present a compilation of the various arguments.

At my request, however, Mr. Frederick Pauls, analyst in American National General Research Division, Congressional Research Service, Library of Congress, has compiled arguments against the public financing of political campaigns, and in the process discusses 26 different points.

Mr. President, I believe that this document has great value in the continuing debates surrounding public financing of political campaigns and that it should be given the broadest possible coverage. I ask unanimous consent that this compilation be printed in the RECORD.

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

CASE AGAINST PUBLIC FINANCING OF FEDERAL ELECTIONS

INTRODUCTION

In the report are noted arguments against the public financing of political campaigns. The report does not attempt to examine each of the various bills which has been introduced in the 93rd Congress to provide public money in one way or another for campaigns. Proposals introduced range from total subsidy for general elections only to partial funding of primary elections as well. In addition, some bills propose government financing of selected campaign costs (e.g., mail, radio-TV). Some bills make public financing optional, some make it mandatory. Rather than examine each of the bills for faults, we have concentrated on arguments which can be made against the general concept of public financing of campaigns. We caution, therefore, that some of the criticisms raised may not apply to certain bills.

Our sources have included hearings held on the subject in 1973 by the Senate Subcommittee on Privileges and Elections, hearings in 1967 on campaign financing by the Senate Finance Committee, and excerpts from various articles, statements, and books. In addition to our discussion of each argument we have quoted for some arguments from persons making the same general point. Each quotation is documented. These quotations often develop subsidiary points of an argument.

The report does not review arguments favoring public financing of Federal election campaigns although these have been made. This exclusion of favorable arguments does not represent a position or preference of the Service on the merits of the proposal.

1. *So Radical an Idea Should be Subject to Careful Scrutiny Before Adoption*

Twice the Congress has enacted Presidential Election Campaign Fund Acts as amend-

ments to tax bills. A third attempt to attach public-financing-of-all-Federal-elections amendments to the second debt ceiling act of 1973 failed only after the House refused to accept it and several Senators engaged in lengthy debate which forced the provisions to be deleted from the bill. In a fourth attempt by supporters this year, the Senate passed public campaign financing provisions and the matter now lies in the House Administration Committee.

It can hardly be contended that the concept has been thoroughly aired before congressional committees. In 1966, when the first Presidential Election Campaign Act was passed, a mere two days of hearings in August were held on that idea and on bills to permit tax credits and tax deductions. Only ten persons testified before the Finance Committee when it held those hearings and not all of them spoke to the idea of Federal financing of presidential-election-campaign-fund amendment to the foreign Investors Tax Act. The House acquiesced and the first Presidential Election Campaign Fund Act was established only to be suspended in 1967 when the Senate on reflection found it wanting in many aspects.

Subsequently, in June, the Senate Finance Committee held six days of hearings on various campaign financing proposals, including public financing of presidential and senatorial elections. It reported a bill providing for such assistance on November 1, 1967 but no floor action was taken.

Thereafter, the notion lay dormant until resurrected by the Senate in November, 1971. The House acquiesced and the Presidential Election Campaign Fund Act became operative without adequate hearings having been held on the proposal.

By 1973 some Members of Congress were advocating that all Federal elections be financed in whole or in part from the Treasury. In late June an attempt to repeal the Presidential Election Campaign Fund Act of 1971 failed in the Senate by a vote of 30–62. In late July Senators Kennedy and Scott attempted to amend S. 372, the Federal Elections Campaign Act Amendments of 1973 (passed by the Senate July 30), to provide for public financing of congressional general elections. This effort failed when the amendment was tabled by a 53–40 vote. Senators argued, including some who supported the idea, that hearings should be held on such a radical proposal.

It was not until September of 1973 that four days of hearings by the Privileges and Elections Subcommittee were held on the specific idea of public financing of congressional campaigns. Pursuant to those hearings Senator Pell, the Subcommittee's chairman, introduced Federal Election Campaign Fund bill (S. 2718) on November 16, 1973.

However, proponents of public financing were not content to let the full committee work its will and report the Pell bill, or a clean bill, to the Senate for orderly debate. On November 15, just a day before Senator Pell introduced his bill, the Senate Finance Committee, in a hearing on the Public Debt Limit Act (H.R. 11104), considered an amendment to that bill to provide for full public financing of congressional general elections and partial public financing of presidential primary elections. In late November the Senate accepted the amendment. The House, however, balked and in the end the Senate deleted the offensive provisions from the bill.

In late February 1974 the Senate Rules and Administration Committee reported a public financing bill (S. 3044) to provide public money for presidential and congressional primary and general elections. The Federal Election Campaign Act Amendments of 1974 passed the Senate on April 11, 1974.

No proposal will more dramatically affect the conduct of elections in the United States than this one. Yet the history of congressional consideration of the idea is replete with haste. With the single exception of the 1973 hearings by the Senate Subcommittee on Privileges and Elections, the Senate has failed to hold comprehensive hearings on the subject. Time and again it has attempted, sometimes successfully, to legislate this matter on the floor. Such legislation is almost always ill conceived. In testimony before the Subcommittee, Robert G. Dixon, Jr., an Administration spokesman, urged that Congress await hearings and recommendations on this proposal by a Commission on Federal Election Reform, which President Nixon called for in 1973 and which the Senate voted in July (S.J. Res. 110).

It is unfortunate that the Presidential Election Campaign Fund was adopted through floor amendment. It would be equally unfortunate if congressional public financing became law in a rush for reform. It makes far better sense to establish the Election Reform Commission and let the idea be reflected upon before plunging onward.

Beyond that, the Senate owes the House the opportunity to hold hearings on the subject and to work its will upon a public financing bill in circumstances other than that of having a gun at its head—as was the situation with the public fiancing proposal attached to the Debt Ceiling Act in November 1973 and the two actions on the Presidential Election Campaign Fund Act.

Only if Congress moves in an orderly fashion can the public be assured that public financing is a sound idea and the evidence on that proposition is far from positive. This area of doubt reinforces the argument that such a proposal should be debated only after the fullest consideration of its wisdom and impact.

Additional commentary

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"The arguments in favor of public financing are not without merit. However, the idea has not received adequate study and the arguments in its favor are not as strong as is commonly thought. Certainly, a proposal that could entail such dramatic change in the political process might have many unforeseeable consequences, and has such powerful arguments both for and against should warrant a most careful examination and evaluation [sic]. Furthermore, proponents of public financing should not forget that the same goals can be achieved by writing responsible rules into a system of private financing. Intensive study of both public financing and alternative means of private financing is needed before we decide which means is best suitable for achieving the goal of open, honest and clear [sic] elections."—William Frenzel (R), Rep. from Minnesota, in Senate Hearings before Subcommittee on Privileges and Elections, 93rd Congress, 1973, p. 158.

2. The Belief that Public Financing Will Purify the Electoral Process in a Way that No Other Reforms Will Is Naive and Untrue.

Fervent proponents of public financing assume that it will cure all that ails our system of political campaigning. The axiom is that money was the root of all Watergate evils. Take away all that privately given and garnered money, according to this theory, and all those obnoxious, unethical, and illegal political activities engaged in during the 1972 election will disappear.

Certainly we are sophisticated enough not to believe that there is any simple solution to such problems. There is no legislative solution to ill will; no means of curbing those intent upon questionable campaign practices. Those breaking the rules in 1972 knew what the rules were and that they were breaking them, no matter what sophistry they may later have contrived to justify their behavior. Would public financing of campaigns have precluded such activity as occurred in 1972? The honest man must admit that it is uncertain that this would have been the case.

Before adopting public financing of campaigns, it would be better to gauge the effects of the full-disclosure law enacted in 1971 (the Federal Elections Campain Act); to measure the effectiveness of that Act over a span of elections; and to make such changes in that law as are necessary to regulate properly, fairly, and effectively political campaigns and election finance. In 1973 the Senate passed numerous amendments to the 1971 campaign finance law some of which attempt to make it more difficult for Watergate-type excesses to take place. One such amendment would limit the amount of money which can be contributed in cash. Another would limit the total amount any one individual can annually contribute both to a canditdate and to all candidates (see under argument about the constitutionality of limiting campaign contributions). This may be a more sensible route to controlling campaign spending and election practices than public financing and it deserves a fair trial before the private financing system is disposed of.

Additional commentary

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"It is simplistic to expect that public financing is a panacea for the electoral system, or to believe that fundamental changes in the political structure or electoral processes will not result. Change is desirable, perhaps, urgent, but further thought and dialogue are necessary to a better understanding of what impending changes mean."—Herbert Alexander, Director, Citizens' Research Foundation, in "Watergate and the Electoral Process," a paper delivered at the Center for the Study of Democratic Institutions, Santa Barbara, Calif., Dec. 1973.

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"[T]here is no magic in public financing. It is not going to do anything mysterious to purify a system that good rules in a private financing system cannot do.

"To state it another way, a lawbreaker will be a lawbreaker, under any system. It is far more important to pass the kind of bill that you passed in July [S. 372, Federal Elections Campaign Act Amendments of 1973] if we are going to assert any law and order in our election system.

"Every evil that is detailed in the testimony of the previous witnesses can be curbed by bills such as you already passed."—William Frenzel (R), Rep. from Minnesota, in *Hearings* before the Senate Subcommittee on Privileges and Elections, 93rd Cong., 1st Sess., 1973, p. 142.

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"The abandonment of private financing will not necessarily end campaign abuses. Under public financing, those who are dishonest might still find means of circumventing the law. Events such as Watergate might still occur, because they may be not just a reflection of the way in which we finance our campaigns, but of a mentality and set of attitudes that will persist even with the advent of public financing."—William Frenzel, Rep. from Minn., *Hearings* before Senate Subcommittee on Privileges and Elections, 93rd Cong., 1st Sess., 1973, p. 151.

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"One allegation about providing financial subsidies to political candidates is that the temptation to engage in illegal activities would diminish.[47] Both experience and logic suggest this would not be the case. Experience with subsidies in Puerto Rico demonstrates that the subsidies are used up before the election and that the illegal solicitation

[47] See TV address of Spiro T. Agnew, New York Times, October 18, 1973, p. 34.

of funds, for example, from government employees, ensues.[48] Such a result seems logical, for there is no fixed amount needed for a truly contested campaign. It is a myth to think that the provision of subsidies would change this. In fact, activities such as the Watergate break-in are more likely to occur in campaigns where the level of normal propaganda is low than in campaigns where extensive activities of the ordinary kind take place. The argument that we can reduce the number of break-ins by limiting the amount of advertising on television and by financing campaigns with public money seems a dramatic non sequitur."—Ralph K. Winter, Jr., Campaign financing and political freedom (AEI), 1973, pp. 21–22.

3. *Public Financing Is Contrary to Our Tradition of Private Financing, a Tradition Which Both Weeds Out Unviable Candidates and Underpins the Voluntaristic Nature of Our Political System.*

One measure of a candidate's viability is his ability to generate contributions on his behalf for public office. Proponents of public finance portray this process as seedy and sinister at worst, demeaning at best. Some of this reaction may flow from the regrettable excesses of the 1972 elections. It is a fact, however, that private financing has served the Republic well from its beginning. The solicitation of political contributions is a learning process for the office seeker and communications channel for the contributor. It is a means of "putting your money where your mouth is."

Moving to a system of public finance may well encourage those to seek office who would not stand a chance of surviving the "fires" of seeking financial support for their campaigns.

It is questionable whether private financing precludes any viable candidacy from surviving. Senator McGovern's success in 1972 indicates that those with limited initial appeal in opinion poll soundings on potential presidential nominees are not automatically closed off from the money necessary to conduct a campaign, while front runners may fall by the wayside and see their sources of funds dry up. This selecting out process is an essential part of our electoral system. Public financing could alter this process by allowing all to remain in to the very end and, in the case of presidential nominations, might create a situation in which the power brokers at a convention would make the final determination.

Moreover, our party system has always been one which relied on voluntarism, an important ingredient of which has been the solicitation of money to finance the party and its candidates. Adoption of public financing is bound to alter this state of affairs, largely removing this input from the people thus making politics an affair of the state, possibly more remote from the people than is presently true.

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Additional commentary

"Private financing is a traditional and useful way to determine candidate attractiveness. It is the old market test, not always effective or fair, but it is not a bad one."

"The enthusiasm of contributors enlivens campaigns and increases voter participation. Also, private financing functions in a manner similar to the free market. It has been one of the traditional ways of determining the popularity and attractiveness of a candidate. Popular candidates rarely have a shortage of funds, while unpopular candidates are usually unable to raise large amounts of funds. Many public financing proposals would give equal amounts of funds to both types of candidates, thereby discriminating against those who are more popular."—William Frenzel (R), Rep. from Minnesota in Hearings before the Senate Subcommittee on Privileges and Elections, 93rd Congress, 1st Sess., 1973, p. 143, 151.

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"Is the use of tax revenues for financing of campaign expenses of political parties and candidates the answer? We think not.

"Indeed, we believe this approach to the problem would be wrong, unfair, and dangerous. Wrong—because it is not compatible with our democratic system which is based on voluntarism. Unfair—because incumbents would have the advantage of public financing of their campaigns on top of free mailing privileges, offices, staffs, phone and travel allowances, to the detriment of challengers. Dangerous—because it may pave the way to profound and unwelcome changes in our democratic system and an undue influence of government in our political process.

"Federal funds applied to Presidential and congressional campaigns, and perhaps later to State and local campaigns, would substantively change the extent of personal participation in politics and significantly alter our political system which has operated with reasonable success for 200 years. It stands to reason that once the campaign finance door is opened to public funding, no matter how slight the crack, ways will be found within the Congress to open it ever wider.

"This Nation's political system is predicated on the proposition that our people are free to group together to pursue legitimate political objectives through a voluntary contribution of time, effort, and money. To sharply diminish that proposition would imply that Congress has lost faith in the American way. Furthermore, now to offer Federal subsidies as the cure-all for our political illnesses might well be compared to the hastily conceived remedy, combined with an improper diagnosis, that killed the patient it was intended to help."—Charles F. Hood, representing the Chamber of Commerce of the U.S., Hearings before the Senate Subcommittee on Privileges and Elections, 93d Cong., 1st Sess., 1973, p. 363.

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"The existence of subsidies might well decrease citizen participation and the morale of those active in politics. Such was the result in Puerto Rico where, over time, party morale declined and voter interest in party activities was correspondingly reduced.[56] The existence of subsidies, in short, might increase the distance between voters and candidates."—Ralph K. Winter, Jr., Campaign financing and political freedom, (AEI), 1973, p. 24.

4. *Public Financing Will Repose Power Over Campaigns in the Bureaucrats Not the People.*

At present financing political elections lies ultimately with the people. They are the source of money and they help to determine who shall run for office and who shall not. Public financing will remove this power from them. It will place that power in the hands of government bureaucrats which, though not an evil *per se*, is less desirable than leaving the matter in the hands of the people.

Voter interest is poor enough (only 55 percent of eligible voters in the last presidential election chose to exercise their voting privilege) without doing more to discourage involvement, which is likely to be a consequence of public financing of campaigns. We should be finding ways to involve the people, not ways to further remove them from the electoral process.

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Additional commentary

"The enthusiasm of contributors enlivens campaigns and increases voter participation."

"Depending on the type of public financing, I believe elections would be drab . . . In my judgment, enthusiasm would decline."

"Bureaucrats would write the rules, control the money, and supervise the law. Our Government would then be leaving the people almost nothing. If we take the elections from the people, we have stolen their heritage.

"That is an overdramatization of the problem, but, somebody is going to decide when a fellow made a right report. If he did not, he is not going to get his Federal money."—William Frenzel (R), Rep. from Minnesota, in Hearings before the Senate Subcommittee on Privileges and Elections, 93rd Congress, 1st Sess., 1973, p. 143.

"In our fervor for cleaning up the dirtier aspects of political campaigning, we mustn't make it a sterile operation—too pure and fragile to be touched by the hands of the people. We think that 100 percent public financing would remove an important element of citizen involvement."[1]—Lucy W. Benson, President of the League of Women Voters, as quoted in a Washington Star News article, January 16, 1974 [p. A 15]

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"And there is one other aspect to the personal involvement and participation in campaigns in America, and that is this: As men who have been elected to public office statewide, each of you is aware of the increasing professionalism in campaigns. Professional managers, consultants and specialists in media, advertising, demographics, research, computers and scheduling are part of nearly every major campaign in this country. Regrettably, however. I fear that much of the citizen involvement and therefore influence is being eroded.

"The use of volunteers is on the decline, which is very sad, but one of the few growing areas of political participation is in the contributing arena. More and more people are participating in campaigns by giving in relatively small amounts of their financial resources, and I do not believe we should in any way discourage this growing trend. Rather, we should congratulate those who have made viable the solicitation of financial support from the many instead of the few, and we should encourage this growth instead of discouraging it.

"As long as campaign financing is on a voluntary basis, the public can exercise some control over the choice of candidates and politics. If politicians do not have to rely on private donations, public influence is weakened over the process of government."—Bernard M. Shanley, vice chairman of the Republican National Committee, in Hearings before the Senate Subcommittee on Privileges and Elections, 93rd Congress, 1st Session, 1973, p. 318.

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"Here are some of the ways public financing might open the electoral process to manipulation by the federal government: 1) The federal government could set conditions on the candidate's qualifications over and above those already in existence. For various reasons, it could refuse to give federal funds to candidates who were allegedly in 'violation' of the law, classified as 'subversive,' or who were actively opposed to the major par-

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[48] Henry Wells and Robert Anderson, Government Financing of Political Parties in Puerto Rico: A Supplement to Study Number Four (Princeton, N.J.: Citizens' Research Foundation, 1966), p. 5.

[56] Committee for Economic Development, Financing a Better Election System (New York, 1968), p. 48.

[1] The article notes further, however, that "the League favors a mix of private and public financing that would encourage small individual contributions through tax credits and the income tax checkoff. Additional money then could be made available to candidates who have shown they have 'substantial public support,' the League said without going into detail."

ties or the party in power. 2) The federal government could force parties to conform to federal rules and regulations and might eventually gain control of them. 3) Incumbents could purposefully appropriate small amounts of money for political campaigns, thereby making it impossible for the challenger to wage an effective campaign and assuring themselves of victory. 4) Congress and the President might be unable to agree upon how much money to appropriate, in which case there might be little or no funds for political campaigns. 5) The federal agency in charge of administering public financing might manipulate the electoral process. It could amend the law by rule without Congress knowing exactly what changes were being made."—William Frenzel, Rep. from Minnesota, Hearings before Senate Subcommittee on Privileges and Elections, 93rd Cong., 1st Sess., 1973, p. 150.

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"Relationships between political parties and voters may be weakened, and citizen interest in working actively in a campaign lost."—Robert G. Dixon, Jr., Asst. Atty. Gen., Dept. of Justice, Hearings before Senate Subcommittee on Privileges and Elections, 93rd Cong. 1st Sess. 1973, p. 306.

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"While the actual cost of administering a program of Federal financing of elections is still unknown; a massive bureaucratic organization would have to be established to supervise the program. Its cost eventually would become exorbitant, and I question seriously that such a program could be realistically and fairly administered. We are all too well aware of the history of bureaucratic involvement in something as open as the political process."—Bernard M. Shanley, Vice Chairman, Repub. National Comm., *Hearings* before Sen. Subcomm. on Privileges and Elections, 93rd Cong., 1st Sess., 1973, p. 317.

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"It is unfortunate that progressive and successful steps to broaden and expand the base of financial support in the campaign last year have been clouded by attention to big money, 'fat cats,' and illegal contributions. The good that took place in 1972 should be a part of our thinking on Federal financing of campaigns. For example, approximately 1 million contributions were received in behalf of President Nixon's reelection. The majority of the contributions were in amounts of $100 or less, with the average of these contributions less than $25. The contributions received in these small amounts totaled more than $15 million.

"Senator McGovern likewise, raised a similar amount through the financial support of tens of thousands of individuals who contributed in relatively small amounts.

"In contrast, it has been estimated that only 30,000 American citizens contributed to the 1960 campaign of both Presidential candidates. Thus, in only 12 years there has been a sixfold increase in the number of small donors who voluntarily participated in the all-important elective process.

"Campaign reform is necessary. Considering the legislation required for this reform, I urge that you amplify the good while cutting away the bad. Legislation that would force out the small contributor would do irreparable damage to our elective process."—Bernard M. Shanley, Vice Chairman of the Republican Nat'. Comm., *Hearings* before Senate Subcom. on Privileges and Elections, 93rd Congress, 1st Sess., 1973, pp. 315–316.

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"In 1973, almost 85 percent of our total contributions came from the small giver. I think you know, Mr. Chairman, as well as I do, and a lot better, perhaps, that where an individual gives a small amount—I do not care whether it is $1 or $5—to a candidate, he then becomes an advocate, he becomes interested. And this is good, it seems to me, for the electoral process. This is what we want; we do not want to lose them.

"And with the present erosion of both parties—both the Democrat and the Republican Party—we are losing people every day, as opposed to the independents. And we cannot afford it. And the tragedy in this country will be when we lose the two-party system. As you know better than I do, it will be a disaster for this country; it is the basis of our whole system."—Bernard M. Shanley, Vice Chairman, Repub. Nat'l. Comm., *Hearings* before Senate Subcom. on Priv. and Elections, 93d Cong., 1st Sess., 1973, p. 321.

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"The current fault of our political system is the shortage of 'people participation.' Too few of our eligible citizens vote. In 1972, 48 million potential voters stayed away from the polls. This number exceeded the votes cast for any candidate.

"Too few work in political campaigns, and too few support financially the party or candidate of their choice. It is estimated that 90 percent of all political contributions come from 1 percent of the population. Here in the world's greatest democracy, such lack of political involvement is deplorable. Public financing would only widen the gap between the electorate and the political process.

"Our greatest need is to develop a sense of obligation and responsibility on the part of more Americans to participate fully in the electoral process—in short, to broaden the popular base of political activity and political giving."—Charles F. Hood, representing the Chamber of Commerce of the U.S. Hearings before Sen. Subcom. on Priv. and Elec. 93d Cong., 1st Sess., 1973, p. 364.

5. *Public Financing Is Yet Another Example of the Subsidy Philosophy.*

Public financing is yet another example of the propensity to attempt solution of national problems with Federal handouts. Subsidization should be employed only if absolutely necessary and that hardly appears to be the case in campaign financing. Other approaches may prove more helpful in controlling campaign costs, e.g., contribution and expenditure limitations, increased or better advertised tax credits and tax deductions, or limited government assistance which treats all candidates in an equal way (say in mail privileges).

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Additional commentary

Government subsidies for campaigns "would create intractable problems principally because there is no sound underlying theory to justify the subsidy."—Ralph K. Winter, Jr., Campaign Finances (AEI Special Analysis, 1971).

6. *Public Financing Proposals Prohibiting or Unreasonably Limiting Private Contributions May Violate First Amendment Guarantees of Free Speech.*

Some constitutional scholars and others contend that to prohibit or unreasonably limit contributions by individuals is to violate First Amendment guarantees of free speech. In the contributing context, the giving of money constitutes a "free-speech" act. This argument was perhaps partially responsible for the elimination of limitations on the size of contributions done in the Federal Election Campaign Act of 1971. Public financing proposals which would preclude any private financing seem on their face to violate this constitutional guarantee. Any unreasonable limitation would also seem to violate that guarantee. Such proposals, accordingly, are constitutionally dubious.

S. 372, the Federal Election Campaign Act Amendments of 1973, passed by the Senate July 30, 1973, contain limitations on contributions ($25,000 maximum by an individual to all Federal candidates in any election and $3,000 maximum by an individual to each Federal candidate in any election). How constitutionally valid these limitations are is a question yet to be settled by the courts. Limitations are predicated on Congress' right to regulate Federal elections and to "purify" the electoral process. In any court test the principles of regulation and electoral purity will undoubtedly be weighed against the guarantee of free speech in order to reach a conclusion. This same weighing process would probably occur if a public financing system were brought to court by an individual who felt his First Amendment guarantees were being violated because he was denied, or unreasonably constrained, in his right to contribute to a political campaign.

Additional commentary

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"Prohibition, or unreasonable limitation of private contributions is an unconstitutional denial of a long-enjoyed right. It is an obvious discrimination that I do not have to point out to you if we allow one person to volunteer services, and deny another person his right to contribute money. If an accountant, executive or lawyer can contribute $5,000 to my campaign in volunteer services, which they regularly do, how can we tell a person in a wheelchair who wants to give me $5,000 that he cannot."—William Frenzel (R), Rep. from Minnesota in *Hearings* before the Senate Subcommittee on Privileges and Elections, 93rd Congress, 1st Sess., 1973, p. 142.

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"Under some bills, candidates who do not elect to receive a subsidy must nevertheless abide by limitations on contributions and spending. Such limitations may conflict with the First Amendment policy of encouraging as much communication in the political realm as possible."—Robert G. Dixon, Jr., Asst. Atty. Gen., *Hearings* before Senate Subcommittee on Privileges and Elections, 93rd Cong., 1st Sess., pp. 306–307.

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"Direct subsidies would also raise serious problems of freedom of expression. They would be a form of compulsory political activity which limited the freedom of those who would refrain as well as of those who chose to participate. When an individual is forced, in effect, to make a contribution to a political movement to which he is indifferent or which he finds distasteful, it may fairly be said that a basic freedom is being infringed. When this forced payment is combined with limits on contributions to favored candidates, political freedom is drastically limited. Many who today propose subsidies to political parties or candidates condemn subsidies where religious organizations are concerned. The precise constitutional issues differ but they are sufficiently analogous that one may well question whether the underlying principle is not the same. Indeed, what if a religious party were formed?"

"Public financing of campaigns might run afoul of the Constitution in other ways. Whatever the size of the subsidy, and particularly when combined with a limit on expenditures, the precise amount would be subject to constitutional challenge on the grounds that it discriminated in one fashion or another. The charge would not be less forceful for the fact that it would be entirely up to those in power to say how large the subsidy would be." [57]

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[57] A subsidy proposed for Massachusetts in 1964 would have allocated $200,000 to the two major parties in proportion to each party's share of the total vote in the last state primary. This formula would have given the Democratic Party the great bulk of the subsidy. An Opinion of the Justices, 347 Mass. 797, 197 N.E. 2d 691 (1964), however, found the then-pending legislation not to be a "public purpose" under state law, thus strongly implying that the bill's constitutionality was doubtful.

"Any formula for determining who gets what subsidy is open to constitutional challenge, for subsidies are inherently inconsistent with a 'free trade in ideas.' One commentator has stated it thus:

"The traditional meaning of this concept is that government must not interfere on behalf of either a majority or a minority; if the majority's superior resources give it greater power to express its views through the mass media, this is a natural and proper result of the superior appeal the majority's 'product' has to the public. Government intervention on behalf of minorities would deny first and fourteenth amendment rights to members of the majority group by undermining the preponderance which the free market has given them. Likewise, state action calculated to reduce the relative power of minorities to express their views would infringe their constitutional rights. A plan allocating funds to all parties equally would give minorities publicity out of proportion to the size of their following thus discriminating against the majority, and a plan apportioning funds according to party size would give the majority more funds with which to influence uncommitted voters, tending to increase the majority's preponderance.[58]

"This dilemma seems inescapable unless we abandon the tradition that government neither help nor hinder the propagation of the views of a political movement."—Ralph K. Winter, Jr., Campaign financing and political freedom (AEI), 1973, pp. 25–26.

7. *Whether or Not Americans Support Public Financing Is Open to Question.*

While a Gallup poll released September 30, 1973 found 65 percent of its respondents thought it a "good idea" that "the federal government provide a fixed amount of money for the election campaigns for the presidency and for Congress and that all private contributions from other sources should be prohibited," a Harris poll released September 24, 1973 found that 73 percent opposed "ending all private contributions to political campaigns, and [having] the federal government finance campaigns out of tax money." Such diametrically opposed findings leave in doubt what actual support there is for the concept among the American people. Moreover, most Americans are so uninformed as to the purposes of and means for public financing of campaigns, not to mention its consequences, that they are in no position to formulate an intelligent opinion. Certainly they are owed an opportunity to be educated in this matter and to register their opinions with the Congress prior to the Government instituting wholesale public financing of national level political campaigns.

Moreover, first year experience with the tax checkoff to finance the Presidential Election Campaign Fund, established by the Revenue Act of 1971, indicates little interest and enthusiasm among the people. Only 3.1 percent of taxpayers submitting returns for 1972 chose to direct that $1 (or $2 on a joint return) of their taxes owed be designated for the Fund. The total amount designated in 1972 was $3.9 million.

Over a four year period this trend, if it holds, would provide no more than $16 million to be divided among the major and minor party candidates who could qualify for and did choose public financing of their campaigns in 1976. In 1972 George McGovern spent about $28 million in a losing and President Nixon about $55 million in a winning effort. Obviously, if the taxpayer continues to demonstrate apathy for the checkoff there will be hardly enough money available for one decent campaign, let alone more than one. (Note: Early tax returns for 1973 indicate a higher level of participation—14.5 percent. If this high participation rate continues, the Fund would have sufficient amounts by 1976 to finance the general election campaigns of presidential candidates. However, this high rate of checkoff may be a temporary taxpayer reaction to Watergate and enthusiasm could wane in future years.)

At all levels in 1972 it has been estimated that $400 million was expended in political campaigns. All of this money was privately raised, which suggests that private financing is a viable system. It remains to be proven that public financing via the checkoff can do as well.

Additional commentary

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"The American public largely ignored the tax checkoff last year, and indications are they will do so again, even though the checkoff form is moved on the form 1040 page of the income tax return. Citizens want to identify directly with the candidate or party of their choice, not through the Treasury Department. Through Federal financing, personal involvement and real participation are lost."—Bernard M. Shanley, Vice Chairman Repub. Nat'l. Comm., in Hearings before Senate Subcommittee on Priv. and Elec., 93d Cong., 1st Sess., 1973, p. 318.

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"In a recent poll of our members, we found that: 93 percent favor overall election reform; 94 percent support public disclosure of contributions to, and expenditures by, all candidates for Federal office; 74 percent believe the election campaign law should be administered and enforced by an independent agency; 88 percent favor shorter campaigns; 92 percent would require each candidate to have one central committee for reporting and recordkeeping purposes; 83 percent oppose the granting of free or reduced postal rates to any Federal candidate; 83 percent oppose the present practice of permitting labor and business-related political action groups to contribute unlimited amounts to candidates or parties; and *76 percent favor the continued voluntary funding of political campaigns.*" [Emphasis supplied.]—Charles F. Hood, representing the Chamber of Commerce of the U.S., in *Hearings* before the Senate Subcom. on Priv. and Elections, 93d Cong., 1st Sess., 1973, pp. 364–365.

8. *Public Financing Will Unfairly Work to the Advantage of Incumbents.*

Incumbents enter a campaign with advantages over their opponents. Because of their free mailing privilege they can make known their names in their districts or State through letters, newsletters, and questionnaires. Accordingly, voters are more familiar with them than they are with those who run against them.

A Twentieth Century Fund study, *Electing Congress*, shows that between 1954 and 1968, 92 percent of all House incumbents who sought re-election (3,220 races) were successful, while 85 percent of Senate incumbents won re-election (224 races) during that same period of time. Proponents of public financing claim that it will even the odds between incumbent and opponent. There is a real question as to the validity of that claim. Opponents normally must spend more than incumbents if they are to be successful. Public financing will preclude that possibility and thus benefit the incumbent who already has the advantage. This occurrence is as likely, if not more likely, than that of evening the odds between incumbent and challenger. This is especially true in House races where the challenger must outspend the incumbent if he is to have any chance.

Additional commentary

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"Challengers are at the mercy of incumbents . . . In the Senate it is said that your challengers can win with less dollars. I will stipulate that. However, in the House it is different. You fellows in the Senate are important big shots. When you fellows run, you dominate the media. When you run every person in the media is hanging on your every word.

"Over in the House we have to fight for a little visibility. Now, in the House an incumbent has access to the media, but the challenger is just another guy. [T]ables out of a study . . . indicate that a challenger has to spend 10 times as much money as an incumbent to prevail in a House election. I am not sure that I agree with that factor, but I must conclude that in the House it is an unequal struggle with the incumbent heavily favored, and that the House and Senate are two completely different kinds of races."—William Frenzel (R.) Rep. from Minnesota, in *Hearings* before the Senate Subcommittee on Privileges and Elections, 93rd Cong., 1st Session, 1973, p. 142.

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"A $150,000 limitation for a Congressional campaign may sound huge to reformers or to incumbents whose re-election does not require spending of amounts anywhere near this figure. However, for the challenger, lower limitations impose nearly impossible problems. With today's costs there is no way a challenger can make himself known over a well-identified incumbent when there are stringent expenditure limitations.

"An interesting study by W. F. Lott and P. D. Warner III of the Economics Department of the University of Connecticut written in 1971 is reproduced in the Congressional Record of September 23, 1971 on pages 33137 to 33140. Lott and Warner say bluntly that the impact of spending restrictions is 'to insulate the incumbent and for all practical purposes insure his election.'

"Warner-Lott's research 'indicates, for example, that an office-holder who has 40 percent of the total eligible votes in his district registered in his party, can, if he and his opponent are limited to $50,000, expect to receive 60 percent of the total votes cast.'

"Table 4, reproduced on the next page, on page 33140, shows that with a 50 percent-party registration, the challenger must spend over $54,000 and the incumbent only $5,000 to have an equal chance of election."

TABLE 4.—MAXIMUM LIKELIHOOD POINT ESTIMATE OF CAMPAIGN EXPENDITURE NECESSARY TO GIVE CANDIDATE AN EQUAL A PRIORI CHANCE OF ELECTION

Voter registration in the party of the candidate, as a percentage of total registration	Expenditures	
	Incumbent	Challenger
30	$31,335.59	$343,960.69
40	11,091.46	121,747.36
50	4,955.96	54,399.96
60	2,566.08	28,167.05
70	1,470.89	16,145.54

"One way to balance the scales under a system of public financing does exist. A candidate would require more money if he was a challenger than he would if he were an incumbent. In order for this alternative to be effective, a measure of the value of incumbency would have to be calculated and the difference paid to the challenger. This system, however, stands little or no chance of passage because Congressmen would not want to see their challengers in a position of

[58] NOTE.—"Payment of State Funds to Political Party Committees for Use in Meeting Campaign Expenses Lacks a Public Purpose," Harvard Law Review, vol. 78, pp. 1260, 1262–1263. See also Williams v. Rhodes, 393 U.S. 23 (1968). There an Ohio law which made it quite difficult for third parties to get on the ballot was considered. Justice Black, writing for the majority, noted that "there is, of course, no reason why two parties should retain a permanent monopoly on the right to have people vote for or against them. Competition in ideas and governmental policies is at the core of our electoral process and of the First Amendment freedoms." 393 U.S. 32. Similar considerations would seem to apply to a subsidy which gave third parties less than major parties.

beating them at election time."—William Frenzel (R), Rep. from Minnesota, statement submitted to Senate Subcommittee on Privileges and Elections, 93rd Cong., 1st Session, 1973, p. 157.

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"I don't go in very strong for public financing. On the face of it, it would give the party in power [or incumbent] what would seem to be an advantage."—Sen. George Aiken, in "Political Report/Public financing sought, House committee battle likely over Senate plan," by Jonathan Cottin, *National Journal Reports*, 11/10/73, p. 1683.

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"What would prevent an incumbent President from vetoing or an incumbent Congress from refusing to appropriate money for political campaigns, thereby insuring their own re-election?"—William Frenzel, Rep. from Minn., *Hearings* before Senate Subcom. on Privileges and Elections, 93d Cong., 1st Sess., 1973, p. 151.

"Federal financing would be of tremendous aid to incumbents and a major disadvantage to challengers, which I think Senator Johnston just indicated, although he did not say it. It would be virtually impossible for an unknown challenger in a large State, such as Texas or California, to unseat an incumbent Senator if he could only spend $175,000, the limit proposed in one bill under consideration. It would take more than that to even get his name known to a majority of the State's voters."—Bernard M. Shanley, Vice Chairman, Repub. Nat'l. Comm., *Hearings* before the Sen. Subcom. on Priv. and Elec., 93d Congress, 1st Sess., 1973, p. 317–318.

9. *The Problem of Frivolous Candidacies.*

One of the great problems with all public financing proposals is that they may spawn frivolous candidacies because of the lure of public funds. Three ways have been proposed to discourage the emergence of such candidacies: 1) qualifying petitions, 2) bonds, and 3) matching grants. None of them, however, is without problems.

Petitions present the problem of conflicting laws in the several States and raise questions about what is a valid signautre, how to deal with challenges, and who may sign a petition (and how many he may sign). Verification and processing may take so long as to hamper, if not prevent, the granting of money to candidates. Also, the petition method favors those with money nad party-backed candidates because these candidates can field the manpower necessary to obtain the needed signatures.

Posting bonds would discriminate against candidates in poor areas because they would find it difficult to obtain the bond. It might also discourage independent candidates who would fear going into deep debt if their bids proved unsuccessful. Finally, it could lead to endless recounts in election after election demanded by candidates who fail to receive enough votes to secure their bond and their subsidy.

Matching grants, while the least objectionable, could lead to washing of funds (e.g., a contributor of $1,000 could increase his contribution 100 percent by having it given under 20 different names at $50 per name, thus qualifying it for matching grants) to help candidates qualify for public funds. This method also might fail to produce adequate funds for some races, particularly if combined with stringent contribution limitations. Also, high threshold figures to qualify for matching funds could deter economic and social minority candidacies.

Among general problems inherent in all these approaches are: 1) discouragement of candidacies by those who want to educate the public, 2) discouragement of those who do not want to go through the bureaucratic hassles involved in applying for funds, and 3) discrimination against frivolous candidates by denying them access to the political process.

Additional commentary

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"When the public financers go further and apply their concept to primary or pre-nomination electioneering, the problems multiply. How do you separate serious from frivolous candidates for a House or Senate seat, particularly when the prospect of public money guarantees candidates an opportunity for exposure at a minimum of cost. Do you require signatures on a petition before a candidate is qualified to get federal funds? A firm can be hired to get them—at $50 per 100 in California. Do you require a prospective candidate to raise some amount in small contributions? How much? Since interest groups already are organized and making just such small contributions upon direction, they could have more clout from their traditional donations, while letting the U.S. Treasury pay part of the costs."—Walter Pincus, Campaign financing, the New republic October 27, 1973. p. 18.

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"A second allegation made on behalf of subsidies is that they would increase 'the opportunities for meaningful participation in . . . electoral contests without regard to the financial resources available to individual candidates. . . .'[49] But how many would become candidates if we subsidized campaigns? Unrestricted access to such subsidies would be an incentive to everyone with a yen for publicity to become a candidate; elections would thus become an anarchic jungle with policy issues wholly obscured. For that reason, many subsidy proposals suggest limitations on eligibility. One formula might call for a subsidy adjusted to performance on previous elections, but that seems unfair to newcomers and overly generous to the "old guard." Another route would be to adjust the subsidy according to performance in the election itself. For example, the Hart bill (which applies only to Senate and House races but could easily be extended to presidential campaigns) would require a security deposit equal to one-fifth of the anticipated subsidy. If the candidate got less than 10 percent of the total vote, the deposit would be forfeited. If he got less than 5 percent, he would have to repay whatever subsidy he had received."[50]

"Such a provision, however, is hardly consistent with the bill's ostensible purpose. A candidate such as Fred Harris, for example, might well have no chance under such a law. If he refused the subsidy, it would be a signal that he did not take his chances seriously. He would then be quite unlikely to raise substantial funds, unless he had a rich patron, an alternative closed off by limits on individual contributions. If he took the subsidy, he would risk bankruptcy. The Hart formula could thus be a Trojan horse to the average candidate.

"What the formula would create, however, would be a temptation for those who anticipated financial gain from running for office. Under the Hart plan, the author/candidate might be encouraged to enter the race to gather material for a book. A publisher's advance could cover the cost of posting the security bond or returning the subsidy. Similarly, many young lawyers would be likely to find it profitable to enter congressional races and take their chances on the subsidy in order to get publicity beneficial to their practices. Even if they might have to forfeit their bond or return the subsidy. it might seem a good risk when the amount was capitalized over the period of time that the anticipated income would accrue. The Hart formula might thus increase the number of non-serious candidates while discouraging those the bill is designed to aid."—Ralph K. Winter, Jr., Campaign financing and political freedom. (AEI), 1973, pp. 22–23.

10. *There Are Ways for the Government to Assist Candidates Other Than by Total Subsidy.*

If it is felt that the Government ought to provide assistance to candidates for public office, there are more equitable and less complicated ways of doing it than through direct financial assistance. For example, the Government could subsidize part of the mailing costs of candidates; or repeal Section 315 of the Federal Communications Act to permit commercial broadcast of political programs without having to give equal time to all candidates; or meet expenses which are equally shared by candidates. This kind of approach avoids the sticky problems of formulas, enforcement, and inequitableness which attend public financing of campaigns.

Additional commentary

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"All necessary election and primary costs that do not benefit one candidate or party or position on election issues against any other are properly a public responsibility and should be conducted at governmental expense."—Committee for Economic Development, "Restoring confidence in the political process," January 21, 1973, p. 10.

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"A public subsidy for all Federal elections could not be enforced effectively; if granted, it should be confined to specific areas readily monitored.

"Pending bills to determine, among other matters, eligibility of candidates for funds, review of cases where funds are denied, policing records and making investigations involve complicated, protracted and costly administrative and judicial procedures; and enforcement would be difficult."—Robert G. Dixon, Jr., Asst. Atty. Gen. Dept. of Just., *Hearings* before the Senate Subcommitteee on Privileges and Elections, 93rd Cong., 1st Sess., 1973, p. 306.

11. *Tax Credits and Deductions Can Be Increased or Those Existing Better Advertised in Preference to Public Financing.*

The Revenue Act of 1971 allows the taxpayer to claim annually either a tax credit of $12.50 ($25.00 on joint returns) or a tax deduction of $50.00 ($100.00) for political contributions. The purpose of this credit or deduction is to encourage small contributions. as an alternative to public financing efforts should be made (1) to increase the credit and deduction if the present ones are considered insufficient to stimulate giving, and (2) to inform voters of the existence of the credit and deduction in order to encourage contributions in small amounts. If large amounts can be raised in small sums, then the pressure for solicitation of large contributions will be eased and the fear of improper influence because of large contributions abated. The private financing system can continue then to finance elections in America and public financing can be avoided with its many problems and negative features.

Additional commentary

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"We urge the federal government, political organizations, and citizen groups to conduct an extensive campaign to inform voters and taxpayers of the tax-incentive provisions in the new law. States levying personal income taxes should adopt tax credits similar to those allowed on the federal income tax. Moreover, we recommend that state tax-credit provisions include contributions to all campaigns on issues subject to popular vote, as well as gifts to primary and general election campaigns."—Committee for Economic Development, "Restoring confidence in the political process," January 21, 1973, p. 9.

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[49] Hart bill, section 2(1).

[50] *Ibid.*, Section 7(a).

Former Senator Robert F. Kennedy prefered tax incentives to public subsidies. In testimony before the Senate Finance Committee in 1967 he said: "By comparison to tax incentives, I believe individual participation will be discouraged if we use direct subsidies from the Treasury to finance campaigns. I would prefer to have the committee consider moving in the direction of encouraging individual contributions through tax incentives."

In opting for tax incentives the Senator noted seven arguments that favor this approach over public subsidies. These are: (1) incentives would aid candidates prior to the general election while subsidies would "almost necessarily" be limited to activities after the conventions; [2]

(2) incentives would encourage contributions for candidates below the presidency, who are future presidential candidates; [3]

(3) incentives do not represent the threat to our party system that subsidies do; [4]

(4) direct subsidies raise difficult problems regarding who shall qualify, proliferation of candidates, arbitrary formulas that will not work in practice, and interference in state and local party disputes; (5) public subsidies raise constitutional dilemmas not present with tax incentives, in particular ones regarding minor party right to funds and traducing of First Amendment rights of free speech in denying the private citizen the right to contribute; (6) a checkoff permits the taxpayer to earmark how his tax dollar shall be spent, which is contrary to tradition, while direct appropriations would leave a public subsidy system open to the vagaries of the appropriations process; and (7) direct subsidy would "further separate the individual citizen from the political process—insulating the party organization from any need to reach citizens except through the one way communication of television and advertising. The political parties would talk to the citizen; but the individual could not effectively talk back." [5]—Robert F. Kennedy, a Sen. from N.Y., in Senate Committee on Finance, Political campaign financing proposals (hearings), 90th Congress, 1st Session, 1967, pp. 244–248.

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"Sounder solutions than direct public financing may be available by broadening the base of voluntary citizen participation, examples include tax and other inducements."—Robert G. Dixon, Jr., Asst. Atty. Gen., Dept. of Justice, Hearings before the Senate Subcommittee on Privileges and Elections, 93rd Cong., 1st Sess., 1973. p. 306.

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"To broaden the base of political giving, we urge the Congress to provide for reasonable tax deductions as further incentive to smaller contributors."—Charles F. Hood, representing the Chamber of Commerce of the U.S., *Hearings* before Senate Subcom. on Priv. and Elec., 93rd Cong., 1st Sess., 1973, p. 364.

12. The Taxpayer's Dollar Will Be Used To Support Candidates He Does Not Favor and Campaign Activities He Abhors.

The 1971 law establishing the Presidential Election Campaign Fund provided for separate accounts for the two major parties and a general fund for other parties. Presumably this permitted the taxpayer the option of designating to which account he wished to allocate his dollar. The option was included to meet objections to a single fund which would deny the taxpayer the right to earmark his contribution. This segregation of funds was vitiated, however, by a provision of the law which authorized the transfer of funds from the general account to the accounts of each major party 60 days prior to a general election. In other words, a taxpayer who had designated money to the general account, perhaps because he did not want his money to support candidates of either major party, could see some of his money transferred to the accounts of the major parties. This transfer authority made a mockery of the ostensible right to designate one's tax dollar to other than a major party.

In 1973 Congress took yet a further step and obliterated altogether the right of the taxpayer to earmark his dollar. A provision of the first Debt Ceiling Act of 1973 (P.L. 93–53) eliminated the special accounts and provided instead for one general account from which all candidates would draw funds. While this move had the saving grace of excising hypocrisy from the initial act, it made the plan vulnerable to the criticism that the tax checkoff denies to the taxpayer the right to designate who shall benefit from his contribution. The present system of private financing, on other other hand, retains sole power to the contributor in making this determination, a fundamental right which ought not to be denied him.

Obviously, the problem which proponents of the tax checkoff proposal confront is that if they permit the taxpayer final say in the allocation of his dollar, with no provision to transfer money from one fund to another, the embarrassing situation might arise of insufficient funds being earmarked to finance a candidate of a major party. Their solution is to take away what should be guaranteed.

Others have proposed having no checkoff but instead authorizing the Congress to appropriate such amounts as are necessary to fund public financing of elections. This proposal compounds the problem by removing from the taxpayer any say whatsoever in the matter and by making all taxpayers contributors whether they want to be or not. Accordingly, it is even more unfair than the checkoff.

Yet another problem encountered in public financing is the use of taxpayer dollars to finance campaign activities which he does not approve. The clever and engaging spot advertisement is a favorite of political candidates yet appalls many people. Public financing is not going to change the use of such spots. It will simply use the reluctant taxpayer's dollar to finance them. Even less palatable would be the demagogue financed from the public treasury. The taxpayer might take great exception to him and to financing his type campaign but unless elaborate, and probably unconstitutional, restrictions were placed upon the speech of candidates nothing could be done to curtail the demagogue. At least under the private financing system his money comes only from those who support him.

Additional commentary

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"A very basic question, not yet answered, is whether the average citizen wants his tax dollars spent on billboards, campaign flyers and such standard political gimmicks as balloons. Reliability of campaign management would not be increased with Federal financing; the reverse, I am confident, would be true."

"Citizens want to identify directly with the candidate or party of their choice, not through the Treasury Department. Through Federal financing, personal involvment and real participation are lost."—Bernard M. Shanley, vice chairman of the Republican National Committee, in *Hearings* before the Senate Subcommittee on Privileges and Elections, 93d Congress, 1st Sess., 1973, p. 317–318.

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"The use of private money is said to have weakened public confidence in the democratic process. We ought to ask, however, whether confidence is likely to be restored when taxpayers pay for campaigns they regard as frivolous, wasteful, and, in some cases, abhorrent. Would the taxpayer viewing television spots have more confidence because part of the tab came out of his paycheck? Would the voter have more confidence because he had to help pay for activities with which he disagreed? What would happen if a racist ran for office and delivered radical and quasi-violent speeches? One result might be cries for even more regulation—in particular, for regulation of the content of political speech. Those calling for public financing often point to polls showing public discontent with the high cost of campaigns. The same polls, however, show as much discontent with 'too much mudslinging.' [56] Indeed, the question, 'Why should the public pay for—?' seems a natural response to repugnant, but subsidized, campaign rhetoric."—Ralph K. Winter, Jr., Campaign financing and political freedom, (AEI), 1973, p. 24.

13. Cost of Elections Is Entirely in Keeping with What Is at Stake.

The favorite adjectives used to describe campaign costs by those seeking public financing of elections are "soaring," "exorbitant," "skyrocketing," "mushrooming." With great lament it is noted that costs have doubled or tripled in recent years. Yet, as a noted authority on the subject, Herbert Alexander, Director of the Citizens' Research Foundation, has pointed out, campaign costs when looked at in perspective are not that extraordinary in our rich, post-industrial society. In March 1973 he wrote, "political costs need to be considered in perspective. Considered in the aggregate, politics is not overpriced. It is under financed. $400 million [his estimate of the costs of all elections in 1972] is just a fraction of 1 per cent of the amounts spent by governments at all levels, and that is what politics is all about, gaining control of governments to decide policies on, among other things, how tax money will be spent. $400 million is less than the amount

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[2] At the time the Senator was testifying his remarks were premised on the 1966 Election Campaign Fund Act, which had just been shelved in the Senate. That plan did not forsee the financing of presidential primaries, a proposal which has since emerged; hence, the Senator's comment that subsidies "almost necessarily" would have to be limited to activities after the convention. Elsewhere in this listing of arguments the problems attendant with financing primary campaigns have been addressed (see, "We Do Not know What Effect Public Financing Will Have on Pre-nomination Presidential Campaigns").

[3] Again, Senator Kennedy did not foresee the proposal to finance congressional campaigns as well as those for the presidency, and his argument here is premised on private financing of those elections.

[4] Senator Kennedy was particularly concerned that overcentralization of our party system would occur because the 1966 Act gave a large role to the national parties in controlling the expenditure of public funds. Most current plans would subsidize the candidates directly, which proposal raises a separate set of problems regarding the party system. Nevertheless, the Senator's point that public subsidy would dramatically affect our party system is valid whether they play a central role, as he feared, or almost no role, as envisioned in current public financing proposals.

[5] Again, the Senator's contention in this argument is premised on the 1966 plan which gave parties a central role. However, if the word "candidate" is substituted for "party" the argument still retains validity and his basic point that it insulates the electoral process from the individual remains valid whether control is vested in the candidate or the party.

[56] The results are from a Gallup poll reprinted in *Hearings*, p. 456.

spent in 1972 by the two largest commercial advertisers in the United States." [6]

In a post-1972-election interview with U.S. News and World Report,[7] Alexander stated that the spending total for 1972 was not excessive for an affluent nation, observing that "it's not much in terms of what is spent on chewing gum and cosmetics." The amount spent in 1972 amounted to less than $3 a head on the basis of nearly 140 million Americans of voting age, or about $5 per actual voter.

Accordingly, how valid is the claim of public financing proponents that our election costs are too high or that the only fair and feasible means of meeting them in the future is through public subsidy? Our rich country is undoubtedly capable of supporting campaigns without recourse to that solution.

Additional Commentary

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"I do not think we spend too much on elections. Federal elections in this country cost less per voter than elections in many other democratic countries. Total expenditures for Federal elections are only somewhat more than the annual Procter & Gamble advertising budget.

"We ranked in the lower third of the democratic countries in the way we spend money for elections. I think it is darn important, so I do not mind spending as much on our legislative process as we do for soap suds or polished chrome."—William Frenzel (R) Rep. from Minnesota, in Hearings before the Senate Subcommittee on Privileges and Elections, 93rd Congress, 1st session, 1973, p. 143.

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"Fourth, it is alleged that public financing will help determine 'the extent to which expenditure levels may be substantially higher than necessary for the conduct of a competitive, informative, and effective campaign. . . .' [52] This statement, too, seems a nonsequitur, since a subsidy tells us nothing about whether present non-subsidized expenditures are excessive. In addition, provision of a subsidy would almost surely increase the amounts spent, as it did in Puerto Rico." [53]—Ralph K. Winter, Jr. Campaign financing and political freedom, (AEI), 1973, p. 23.

14. *Pernicious Impact of Public Financing on Our Party System.*

No matter what system of public financing is devised it would appear to have an adverse effect on our present party system. Under the present system the parties play a limited role in election campaigns but do not so totally dominate them as to exclude independent-minded candidates from winning elections. If public financing were done exclusively through political parties, power to control dissidents and party independents would accrue to party leaders, potentially smothering a vital force for new ideas and change within a party. Also, because parties would no longer be dependent on private sources for funds, they might be less responsive to popular will.

If, on the other hand, financing were done entirely through candidates, parties could be greatly weakened, splinter candidacies fostered, and the strong two-party system potentially threatened by proliferating third party candidacies. The possibility of financing both candidates and parties would be costly and it might be difficult to maintain an equitable balance between them.

Additional commentary

"In all this discussion of public financing, where does the political party fit in? Should federal funds go directly to the candidates? If so, how does a party organization support itself? Won't this make candidates more indifferent to party discipline than they are now? Is this desirable? Or if the party becomes the custodian of federal money, won't we be encouraging various interest groups to set up their parties?"—Walter Pincus, campaign financing, the New Republic, October 27, 1973, p. 18.

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"If a subsidy is given to individual candidates, party discipline may be impaired. If the subsidy is given to parties, independence of candidates may be lost."—Robert G. Dixon, Jr., Asst. Atty. Gen., Dept. of Justice, Hearings before Senate Subcommittee on Privileges and Elections, 93rd Cong., 1st Sess., 1973, p. 306.

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"Public financing would also endanger the delicate balance of our party system. If the subsidy were to go largely to party organizations, they would be immensely stronger than they are now. On the other hand, if it were to go directly to candidates, party organizations would be considerably weakened. The subsidy question thus can be rationally decided only after a number of normative as well as empirical inquiries into the nature of our party system have been satisfactorily resolved. Do we need stronger national parties or stronger state parties? Do we need more candidates independent of existing party organizations, or do we need more organizations such as the Committee to Re-Elect the President? Do we need more party solidarity or will this simply lead to greater executive power?

"There are no settled views on any of these questions. Yet the proposals now before Congress threaten to impose a solution to each and perhaps to change our present system radically and rapidly. The danger is not the less because the effect is random or unintentional—or perhaps even mindless."—Ralph K. Winter, Jr., campaign financing and political freedom, (AEI), 1973, pp. 24–25.

15. Party Responsibility May Decline Because of Public Financing.

One of the functions of party leaders at the State and local level, and at the national level, is to know the possible sources of financial support for campaigns and to help solicit this money. Remove this function from them and our party system may well die. Proposed systems of public financing which circumvent the party—and most do—may encourage dissolution of parties as we have known them. Historically parties have served as conduits for the various interests of our pluralistic society, binding these together in broad-based coalitions. They have also served to focus voter attention on competing philosophies of government. Thus, they have been a source both of cohesion and of diversity. With their role in promoting and financing candidacies replaced by public funding one wonders whether they could long survive or continue to function in the traditional manner at the national level.

Additional commentary

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"If government funding is provided, the candidate may need to rely less than at present on the party or on party identification. Would relationships between parties and candidates diminish further if candidates receive government financing without reference to parties? Would this, in turn, affect the cohering and unifying roles parties play?"

"When subsidies are extended to Senatorial and Congressional campaigns . . . reduced party loyalty would tend to fragment both majorities and minorities, perhaps leading to new factionalism and splinter parties."—Herbert Alexander, Director Citizens' Research Foundation, "Watergate and the electoral process," a paper delivered at the Center for the Study of Democratic Institutions, Santa Barbara, Calif., Dec. 1973.

"We have, I believe, exaggerated the limiting effect the need to raise campaign funds has on prospective candidates. And we are in danger of forgetting that the present system is largely responsible for our having two parties, as against three, four or more parties in congressional, senatorial or presidential elections. Do we want to change the two-party system? If so, we are talking of a major structural change, a hazardous one, and not one that should come about as a side effect of public financing."—Walter Pincus, Campaign financing, the New republic, October 27, 1973. p. 18.

16. Many State Party Leaders Are Opposed to Public Financing.

A survey by the U.S. News and World Report in August 1973 found that "Republican State leaders are virtually unanimous in opposing the use of taxpayers' dollars for political expenses. Democrats are overwhelmingly in favor of the idea." Based on a telegraph and telephone survey of 110 chairmen of State parties (54 of whom responded), they discovered that 28 chairmen (22 Republicans and 6 Democrats) were opposed to public financing of political campaigns, while 20 (all Democrats) favored it, and 6 had no opinion or declined to offer one.

Here is what some of those opposed to public financing had to say about it:

Alabama, J. Richard Bennett, Jr., Repub.: "I am unalterably opposed to the financing of campaigns with public funds. Such a system is unworkable, inconsistent with our system of government, would be impossible to administer fairly, and is fraught with the danger of abuses."

Arizona, Harry Rosenzweig, Repub.: "The use of public funds for national political campaigns would open a Pandora's box of problems."

Florida, L. E. Thomas, Repub.: "The concept of federal funding of campaigns is certainly a form of socialism and is much worse than the present system. The very newspapers and radio and television stations that bemoan the high cost of campaigns could cut campaign costs by as much as two thirds by providing equal advertising space and time to all candidates as a public service."

Hawaii, Carla Coray, Repub.: "The income-tax checkoff is a failure. Citizens want to donate directly to candidates on their choice."

Kansas, Jack Ranson, Repub.: "Federal financing would bring much more federal control, and we need less federal control of all aspects of our lives, not more."

Kentucky, Charles Coy, Repub.: "Generally government supervision should be limited to seeing that elections are fairly conducted."

Kentucky, J. R. Miller, Demo.: "I do not favor federal financing. I favor a strong appeal to the public. Restore confidence in the average person. Instill pride in the U.S., and the money will come."

New Jersey, James Dugan, Demo.: "I have difficulty accepting totally public-financed campaigns. I believe them contradictory to the Constitution."

New Jersey, John Spoltore, Repub.: "The taxpayers have too much to pay for now without the further burden of public financing of campaigns."

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[6] Herbert E. Alexander, The high costs of politics, New York times, March 30, 1973, p. 39.

[7] History's costliest campaign, U.S. News and World Report, November 13, 1972, p. 20. "In Israel they spend over $21 a head for elections. In America in 1968 the figure was $1.12. You have before you a $1.88 figure for this year.

[52] Hart bill, Section 2(3).

[53] Arlen J. Large, "How Should We Finance Elections?" Wall Street Journal, May 10, 1973, p. 24, col. 4.

New Mexico, Murray Ryan, Repub.: "The use of public money for national campaigns would result in an undesirable bureaucratic maze."

New York, Richard Rosenbaum, Repub.: "The existing federal laws should be more thoroughly assessed before tampering with them by placing stringent limitation on contributions, or providing for either full or partial government financing of political campaigns. The kind of laws frequently discussed today could wind up giving government an inordinately large roll in determining who may run for office and how effective any given candidacy may be."

North Carolina, James Sugg, Demo.: "I am not at all certain a system of public funding can be devised that will solve the problem of campaign financing satisfactorily, because of the complexities in choosing candidates eligible for funds."

Oklahoma, Clarence Warner, Repub.: "I am strongly against tax dollars being used in campaigns and against limiting the total amount which can be spent. Both of these proposals work to the advantage of the incumbents."

17. *We Do Not Know What Effect Public Financing Will Have on Pre-nomination Presidential Campaigns.*

It has been suggested and proposed that public financing is desirable for pre-nomination presidential campaigns. This will considerably affect the manner in which such campaigns are conducted and may close out options which exist in the present system. Among questions raised: will public financing include funding the cost of wooing or electing State convention delegates in those States which use the convention system for selecting delegates to national conventions? If so, how are legitimate expenses for that purpose to be defined? If not, will States be forced into primary selection of such delegates against their wishes?

Herbert Alexander has pointed out some options in the present system which may be adversely affected by a system of public financing:

"A movement to draft a potential nominee who had not announced his candidacy or participated in any primaries;

Dark horse candidates;

Favorite son and daughter candidates;

A candidate who loses a primary or two but insists his candidacy is viable and wants continued government assistance;

A candidate who does not expect to be nominated, but enters the contest in order to dramatize an issue, such as Representative McCloskey in the Republican Party in 1972." [8]

He concludes: "solutions to many of these contingencies may well be found, but these are [the] kinds of activities that offer safety valves, which should not be closed without considerable scrutiny." [9]

Additional commentary

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"What about the presidential race, which may begin for any one of a number of hopefuls at least a year before any primary? Do you require a man to raise $100,000 or $250,000 in small contributions before he gets any federal funds? Must he do that before the first primaries have started or can he start after? Can he do it just before the national convention, even if he has no delegates? Can he keep getting federal funds after losing several primaries? Can a favorite son get his small contributors from his own state, then use his federal money to run in other states?"—Walter Pincus, Campaign financing, the New republic, October 27, 1973. p. 18.

[8] Herbert Alexander, "Watergate and the electoral process," paper delivered before the Center for the Study of Democratic Institutions, Santa Barbara, Calif., Dec. 1973, p. 28.

[9] *Idem.*

18. *Public Financing in Parliamentary Systems Is Not Analogous to the U.S.*

To draw comparisons between subsidies in parliamentary systems and in the United States overlooks the basic fact that we have an electoral system different from theirs. Subsidies in European countries with parliamentary systems are made to political parties, not to candidates. In these countries, parties control the campaigns of their candidates, supplying most of the money to finance those campaigns. While parties in our country do supply some financial assistance to candidates, they do not exercise the iron control over campaigns that is true in parliamentary systems.

Campaign financing with government subsidy is far less of a threat to the party system of a parliamentary form of government than it is to the political party system in our country. Accordingly, what may work in Norway will not necessarily work in the United States. What particularly distinguishes our electoral system from those of Western European countries is our primary system by which we choose nominees for the general election. This factor complicates the public financing of our campaigns and makes it difficult to finance them fairly. In parliamentary systems parties choose candidates and do not face the difficult problem of primaries in financing elections with public money.

Additional commentary

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"In most of the nations with subsidies, governments fund the parties annually, not only at election time. This is supplemented by free broadcast time, again made to the parties and not to the candidates. Historically, at first, most of the subsidies were given in small amounts to supplement resources already in the political process, and later increased when the system adjusted to the infusion of new funds. Excepting in Puerto Rico, in no country providing subsidies have ceilings been imposed on private contributions. In contrast, efforts are being made in this country to both limit and subsidize. Would that we knew the possibilities of doing both effectively, or the consequences of doing either ineffectively."—Herbert Alexander, Director, Citizens' Research Foundation, in "Watergate and the electoral process," a paper delivered at the Center for the Study of Democratic Institutions, Dec. 1973.

19. *Will Public Financing Really Curb the Power of Special Interests?*

Some proponents of public financing believe that it will rid the political process of the corrupting influence of corporate and private wealth. However, it is questionable whether contributions from them are a primary source of their influence. In this regard two assumptions of those who advocate public financing are more myth than fact. These are: (1) that special interests dominate the political process to the exclusion of the public interest, and (2) that their influence is a direct function of their campaign contributions. Suspicion and accusation, far more than hard evidence, are the foundation for these beliefs.

The Founding Fathers recognized the inevitability of interest groups in society and so created a form of government designed to balance their competing demands. It is both reasonable and acceptable in our political system to have groups petition political leaders on behalf of their interests. Many groups go a step further and solicit from their membership contributions for candidates who look upon their interests with favor. When these contributions cumulate to several thousands of dollars, they become sinister in some people's minds. Actually, they can be thought of as investments which sometimes pay off and sometimes don't. Corporate leaders themselves have spoken of campaign contributions as attempts not to curry favor but to prevent harmful government actions.[10] Regardless of the motivation behind such contributions, no self-respecting Member of Congress nor any President considers himself a lackey for any interest group whose members contribute to his campaign.

Moreover, the power of interest groups will continue to be exercised in the political arena regardless of whether there is public financing of election campaigns. It is doubtful that such a system of financing elections will diminish the proper role that groups play or their attempts to persuade legislators to vote in ways favorable to their interests. Nirvana will not come to pass with public financing; nor is it likely that the Congress will somehow become populated with whomever it is the proponents of public financing believe will be elected if their proposal is adopted.

Additional commentary

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"The assertion that the political process is dominated by the wealthy, vested interests to the exclusion of the public interest is misleading and an over-simplified view of the realities of our democratic processes. While there are numerous examples in which heavily financed interest groups have obtained tax loopholes, subsidies and other government favors, there are also many instances where these interest groups have been frustrated in their attempts to obtain legislation favorable to their interests or to block legislation that was unfavorable. For example, in recent years, there has been:

"The defeat of the aerospace lobby in the battle over the SST:

"Reduction of the oil depletion allowance in the 1969 Tax Reform Act in the face of strong industry opposition;

"Active government efforts to clean up our waters, launched over the intense opposition of industries such as paper and chemicals;

"Passage of Medicare in 1965 in the face of an all-out AMA mobilization against the bill;

"Enactment of stringent air pollution control standards regarding auto emissions despite the opposition of the auto industry;

"Justice Department consent decree requiring ITT to divest a half-dozen major subsidiaries acquired in mergers, despite its vast financial resources and an intense campaign to get the case dropped;

"Opening of the highway trust fund in spite of extensive lobbying efforts by the highway lobbies.

"Nor have these been isolated incidents. Defense and space funding have experienced steady relative declines, despite heavy lobbying and spending by the so-called 'military industrial' complex, while spending for health, education and welfare programs has soared, doubling to around $100 billion.

"These examples are not meant to be an attempt to obfuscate the sometimes excessive and occasionally overwhelming power of the vested interests, but rather they are an effort to place the influence of the special interests vs. the public interest into a more realistic perspective."—William Frenzel, Rep. from Minnesota, *Hearings* before the Senate Subcommittee on Privileges and Elections, 93rd Congress, 1st Sess., 1973, pp. 148–149.

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"Special interest influence is a problem, but campaign contributions are only one of many contributing factors. In fact, political contributions may not be a major or primary source of power for the special and vested interests. There are at least three other factors that are important and significant sources of their power and influence.

"1. The producer groups (usually the special and vested interests) have an inherent

[10] Eileen Shanahan, They felt they bought protection, New York Times (Week in review), November 18, 1973, p. 1.

advantage over consumer groups (usually the general public). Specifically, producer groups have more time and greater resources which allow them to develop the following attributes that give them an important edge in the struggle for political power:

"Specialized knowledge and expertise in the complex and technical matters in which governmental decisions are required;

"Professional staff and representatives possessing knowledge of the governmental processes, and access to the key people who make the decisions;

"A large stake in the limited range of issues that affect their interest, thus allowing for maximum mobilization of resources at the appropriate time and place;

"A certain 'legitimacy,' because the parties most affected by a governmental action should have a large role in determining the outcome;

"Organization networks and structures that facilitate articulation and forceful presentation of their views to both the public and the relevant government decision makers.

"For example, if a public utility wants an increase in rates, it has the time and resources to invest a considerable amount of effort in a campaign to obtain governmental approval. It can develop information that will demonstrate the great need for such an increase. The utility knows the process by which to obtain approval and can easily contact the proper people and decision-makers. Having a huge stake in the issue, the entire corporation's resources can be mobilized for this particular effort. Since the company is greatly affected by the possible increase, the government must listen and weigh its case.

"2. Political parties in the United States are relatively weak, broad-based and decentralized. In many other democratic nations, the parties provide a stronger focus and rallying point for the consumer or public interest. The influential special and vested interests in the United States are not often challenged by the political parties. The main check on their powers are the other, conflicting, influential special and vested interests.

"3. Even more importantly, the United States is a highly fragmented, governmental structure. Decisions on particular issues are focused in legislative committees and subcommittees and in executive agencies and bureaus. With the possible exception of the Office of Management and Budget, there is no overall budget control mechanism, no overall view of the allocation of national priorities, and no central agency that can shape and define national public policy. Each special and vested interest merely must concentrate its resources on a handful of committees, agencies or bureaucracies to obtain governmental favors and assistance. Meanwhile, more broadly-based groups, such as the consumer and the public interest groups, face the more difficult job of monitoring and overseeing dozens of committees, hundreds of departments, agencies and bureaucracies, and hundreds of thousands of state and local political entities.

"Given these other factors, public financing may fail completely to curb the 'excessive and corrosive' influence of the special and vested interests. Certainly, it will not eliminate or drastically reduce their power and influence."—William Frenzel, Rep. from Minnesota, *Hearings* before the Senate Subcommittee on Privileges and Elections, 93d Congress, 1st Sess., 1973, pp. 149–150.

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"Besides being related to free expression private political contributions provide a means for social or economic minorities, notably business, to gain extra political leverage. This function places campaign giving within the tradition of social pluralism established by the drafters of the U.S. Constitution."—A. James, Reichley, Let's reform campaign financing but let's do it right, Fortune, December 1973, p. 158.

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"Finally, we are told that subsidies will reduce the pressure on Congressional candidates for dependence on large campaign contributions from private sources. . . .[54] If, however, one reduces the pressure on candidates to look to the views of contributors, to whom will the candidates look instead? The need to raise money compels candidates to address those matters about which large groups feel strongly. Candidates might well, upon receiving campaign money from the government, mute their views and become even more pre-packaged. Eliminate the need for money and you eliminate much of the motive to face up to the issues. Candidates might then look more to attention-getting gimmicks than to attention-getting policy statements. A subsidy combined with spending limits might insulate incumbents both from challengers and the strongly held desires of constituents."—Ralph K. Winter, Jr., Campaign financing and political freedom, (AEI), October 27, 1973, pp. 23–24.

20. *It Would Be More Difficult and Probably More Costly to Finance Campaigns Publicly at the Congressional Level than Under the Present System.*

Leaving aside for the moment the many difficulties involved in financing publicly presidential elections, the problems encountered in financing elections for Congress are even more overwhelming.

The degree and intensity of competition in presidential elections is fairly uniform from election to election. This is not true in congressional elections. In some congressional elections there is little general election competition. Accordingly, elections are really determined at the primary level. Two problems arise from this fact. First, public financing would seem to be required at the primary as well as the general election level in order to realize its stated goal of "purifying" the election finance process. This obviously would increase the cost of election finance to the taxpayer. Second, public financing could increase the cost of elections by encouraging excessive intra and inter-party competition.

Presently, there are several states that are one-party States. Perhaps public financing will change this and create a two-party system in those States, but that is not a certainty. What is more likely is that persons with little chance of victory will nevertheless contest for office because of the availability of funds to them, thus driving up costs, and that candidates who in the past needed to spend small sums to get elected now will spend the total available to them either because of competition or because the money is there for the asking.[11] The one-party-state syndrome also raises the difficult problem of determining whether the candidate of the other "major" party merits major-party funding support since the track record of his party on its face does not indicate that he so qualifies.

Most formulas for public financing depend on the eligible voting age population as the base for determining what money shall be allocated to finance a campaign. Under this formula "x" cents times the EVP produces "y" funds. Unfortunately, election realities may indicate that either more or less money is required in any given race than is produced under the formula. Accordingly, some will be generously treated while others are starved. Candidates A and B in one State may require only several thousand dollars to run a campaign against each other but be allocated far more than that while candidates C and D in another State require more than is prescribed by law for them, hence they are penalized. In other words, there are more variables which figure into the amount of money which is necessary to compete for election than are reducible to a formula for determining that figure. Under current practice these variables (degree of party competitiveness, incumbency of one of the opponents, non-incumbency of either opponent, nature of the State or district involved, cost differential of campaign services across the United States, travel cost differential in States and districts) can be more easily accommodated to, budgeted for, and financed than is true under a system of public finance.

At the primary level, assuming that public financing must also exist there, the devilishly difficult problem arises concerning how to limit the number of candidates who shall be publicly financed. Obviously, it is not financially feasible to fund everyone who runs. Accordingly, lines must be drawn below which the right to funds is denied. Who is to decide at which point some candidate is to be denied public money—below 5 percent of the vote? 10 percent? 15 percent? No one really has a good answer.[12]

Moreover, the process of financing at the primary level is far more difficult than at the general level. Some plans call for candidates to post a bond which they would forfeit if they fail to secure the required percentage of votes to qualify for public financing. Most also have a payback provision, requiring candidates to pay back public funds which they have received if they fail to garner a sufficient number of votes to qualify for assistance. Thus the allocating of funds is complex and the bookkeeping involved is horrendous. Without knowing whether they will receive a vote sufficient to qualify them for assistance, the Government would be giving funds to candidates so they may compete for nomination. It would then have to get back that money from those who fail to qualify. Clearly this is a potential Frankenstein monster.

Bonding and payback provisions are necessary, it is said, to discourage frivolous candidacies while public financing is needed to encourage and aid those to run who might not otherwise be able to. One wonders who are the former and who the latter in this situation? By comparison the present private financing system seems far simpler and more preferable.

Suppose that there is primary competition between third party candidates. Are they to receive no public funds? If they are to receive funds, what lines of non-eligibility are to be drawn for them? Is the amount to be made available to them to be determined by the total votes they receive? If so, is this fair since it is seldom that primary turnout matches general election turnout with the possible exception of those one-party States where primaries determine general election victors?[13]

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[54] Hart bill, Section 2(4).

[11] S. 3044, however, prescribes a limit on public money available to and spendable by candidates in uncontested elections. That limit is 10 percent of their expenditure ceiling in a contested election.

[12] S. 3044 avoids this difficulty by requiring a candidate to raise threshold money before he can qualify for Federal dollars. The problems with this approach are (1) that it can enhance the influence of special interests who can easily aid their candidates in raising the sums needed, (2) that it invites the large contributor to devise means for sub-dividing his contribution in order to augment its value, and (3) that high threshold requirements discriminate unfairly against economic and social minority candidacies, because such candidates will find it difficult to raise this threshold money in small contributions.

[13] Obviously a high threshold requirement, as provided in S. 3044, greatly diminishes the prospects of third party primary candidates for obtaining public funds.

(For additional comment on the problem of third parties see argument 22 *infra*).

(NOTE.—The problems of incumbency are addressed in argument 8, *supra*)

Additional commentary

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"Public financing plans do not really fit our Federal, pluralistic election system. States vary; districts vary; people vary.

"In the House, all of the action occurs in

"If you publicly finance all of the races, you will be literally pouring down the drain 85 percent of the taxpayers' money that you spend for elections.

"Are you going to spend money for all the guys that run against Wilbur Mills, George Mahon, Carl Albert, and Wright Patman. They seldom have primary opponents, and yet certainly they will want to use that money.

"And also, the House Members who think they are safe in the House elections will take the money and spend it on the public media, so they will be in a good position to challenge you guys in the Senate the next time around."—William Frenzel, Rep. from Minnesota, *Hearings*, before the Senate Subcommittee on Privileges and Elections, 93rd Congress, 1st Session, 1973, p. 144.

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"In addition to the problems that I previously have noted with respect to certain of the pending public financing proposals, I would like to point out one other problem, Mr. Chairman, that is present in my State of Louisiana with respect to other proposals that have been made to the committee. My State is favored or disfavored, depending upon your point of view, with the fact that we have only 3 percent of our registered voters who are Republicans.

"Now, as a believer in the two-party system, I don't believe we ought to forever seal off the chance of Republicans getting elected in our State by saying that they are entitled, under some kind of Federal financing arrangement, to only 3 percent of Federal campaign money.

"On the other hand, I do not think the Federal Government ought to finance a party representing such a small percentage of the registered electorate on an equal basis with Democrats."—J. Bennett Johnston, Sen. from La., *Hearings* before the Senate Subcommittee on Privileges and Elections, 93rd Con., 1st Sess., 1973, p. 312.

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"Certain of the proposed bills make no provision for financial [sic] primary elections. Thus, would anything really be accomplished by financing general elections from the Federal till while having primaries funded through private donations?"

"There are some sections of the country, may I say, in parentheses, Senator Pell, that the primary election is the election. And consequently, a primary election by all odds is the most important part of the election process.

"It has been my experience in politics that money spent in primary campaigns probably has greater impact on results than that spent on general elections."—Bernard M. Shanley, Vice Chairman, Repub. Nat'l. Comm., *Hearings* before Sen. Subcom. on Priv. and Elec., 93d Cong., 1st Sess., 1973, p. 317.

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"There is absolutely no way that the people in my district would accept the spending of $90,000 in a congressional race. It is more than has ever been spent in a general election in the history of the State of Wisconsin.

"Nationally, only a handful of the 831 candidates for the House in the last general election spent that much. That vast majority spent half that amount in the general and primary elections combined. We need to clean up the way we are financing campaigns but not by lavishing candidates with huge amounts of Federal dollars."—David Obey, Rep. from Wisconsin, remarks in the *Congressional Record*, February 13, 1974, p. 3042, regarding S. 3044, reported by the Senate Committee on Rules and Administration.

"Few of the proposals for public financing are contoured to meet the many peculiarities and idiosyncrasies of the states and localities. Among problems which are encountered: 1) discriminatory petition requirements for third party candidates; 2) deposit requirements favor the wealthy over the poor; 3) spending limitations are unreasonably low for some states, unreasonably high for others; 4) equal amounts for major party candidates may help challenges in Senate races (because incumbents normally outspent challengers) but will hurt challengers in House races (because challengers must outspend incumbents if they are to have a chance); 5) misallocation of funds by giving equal amounts to those in hot races and those in weakly contested races, thus underfinancing important races, and over-financing relatively unimportant races."—William Frenzel, Rep. from Minn., *Hearings* before the Senate Subcommittee on Privileges and Elections, 93d Cong., 1st Sess., 1973, p. 152.

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"The nomination process for the House varies from state to state, district to district, and a House race differs from statewide Senate campaigns, which themselves vary from state to state. The presidential nomination process varies not only from state to state, but from candidate to candidate. To impose a uniform method of financing on all candidates, both in primary and general elections, would inevitably require one uniform selection process thereby dislocating a variety of local and state arrangements whose strength as well as weaknesses have been certified by experience. When we speak of public financing we are suggesting not simply some casual reform but a fundamental change in the heterogeneous ways candidates for federal office are chosen."—Walter Pincus, Campaign financing, the New Republic, October 27, 1973, pp. 17–18.

21. *Public Financing of Congressional Elections May Adversely Affect the Executive-Legislative Balance of Power.*

Herbert Alexander has raised the interesting point that subsidies for senatorial and congressional campaigns will lead to more independent-minded candidates on the ballot, some of whom will be elected. "At a time when there is concern over Executive-Legislative relationships, when there is concern about Executive encroachment, any further splintering of Congress . . . would ensure the diminishing of the Legislative branch. Checks and balances would be more diffused."[14]

22. *Problems Encountered because of Minor and New Parties.*

One of the difficulties inherent in any public financing proposal is that it discriminates against minor and new parties. This is so because all plans treat the major parties as equals (even though from election to election and State to State this is untrue) in the allocation of public funds to their candidates while employing a different formula for minor and new parties—usually in their case predicating support either on past performance at the polls or performance in the year for which funds are granted.

Such a differentiation may operate to freeze into place minor and new parties. Correlatively, the present two party system may get locked into place because candidates of these parties will always be guaranteed uniform sums so long as they poll a certain percentage of the vote (usually 25 percent). It is true that the present two party system has existed for more than 100 years and that it may remain that way another 100 years with or without public financing, but at least under a private financing system there is a better chance than one of the major parties might expire for lack of financial support. This need to survive financially is one reason our party system has remained dynamic. It cannot be denied, of course, that even under a public financing system one of the present major parties might pass from existence. However, the security public financing would offer the present major parties would militate against that occurring.

Yet a different consequence is the possibility of third party movements proliferating in the hopes of capturing sufficient votes to obtain public money. Once such support is earned, public finance may then prolong the life of a third party. This possibility does not exist with a private financing system in which minor parties survive only so long as people are willing to contribute to them.

Additional commentary

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"Proponents of public financing have failed to arrive at a workable, fair and equitable formula for third and minor parties. They have failed to derive a formula that would make it fairly difficult, but still quite feasible for a third party to receive federal funding. A system (e.g. use of petitions) that might work well for qualifying third and minor parties in California and Oregon might fail miserably in New York and Vermont. A system (e.g. security deposit) that might cause a proliferation of third party and splinter party candidates in one area (e.g. Westchester County) might make it extremely difficult for a third or splinter party to get federal financing in another area (e.g., South Bronx). Proponents have also failed to come up with a formula that will distribute funds fairly and equitably among major and minor parties.

"The treatment of major, minor and third parties raises substantial constitutional questions. Under a system of public financing, must minority parties be guaranteed equal protection? If they are, they would have to receive as much or more than major parties. This would cause a proliferation of minor parties. If they are not given equal protection, the system may be declared unconstitutional. Even if a minor or third party is given as much as a major party, it may still be discriminatory, because the minor party must spend more if it is to do well in an election. To limit the amount a new, minor or third party can receive from the federal treasury to as much as or less than the amount for major parties might severely cripple the ability of these parties to wage successful campaigns. Furthermore, there are ample legal precedents against arbitrary classification of this nature."—William Frenzel, Rep. from Minn., *Hearings* before the Senate Subcommittee on Privileges and Elections, 93d Cong., 1st Sess., 1973, p. 53.

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"A subsidy for a minor party may enable it to survive, although its aims and methods merit an early demise.

"Constitutional objections are also likely to be raised to proposals for a public subsidy to the extent that:

"Major parties receive larger subsidies than minor parties;

Minor parties are required to make refunds of subsidies if they fail to obtain a certain number or percentage of votes, or to forfeit security deposits whereas similar conditions are not imposed on major candidates."—Robert G. Dixon, Jr., Asst. Atty. Gen., Dept. of Justice, *Hearings* before the Senate Subcommittee on Privileges and Elections, 93rd Cong., 1st Sess., 1973, p. 306.

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[14] Herbert Alexander, Watergate and the electoral process, a paper presented at the Center for the Study of Democratic Institutions, Dec. 1973.

"Splinter and third parties would benefit greatly by Federal financing at the direct expense of the national parties. For instance, if there had been Federal financing in 1968, it is reasonable to assume that Senator McCarthy, denied the Presidential nomination by the Democratic Party, might have formed his own third party, virtually assured of getting at least 5 percent of the vote and being guaranteed retroactive reimbursement of his campaign expenses.

"With the independent vote increasing as it is, the two major parties cannot afford a further splintering of their efforts or of our two-party system, which, in my opinion, makes our Constitution effective. I believe some of the bills being proposed foster erosion of the two great parties in this country by providing for the subsidizing of minority parties in elections."—Bernard M. Shanley, Vice Chairman, Repub. Nat'l. Comm., *Hearings* before Sen. Subcom. on Priv. and Elec., 93 Cong., 1st Sess., 1973, p. 317.

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"Under a system of public financing, a one-shot third or minor party might poll sufficient votes in an election to assure a sizeable subsidy in the next campaign. By the time of the next election, it is feasible that such a party would have spent its fury and be virtually extinct. Yet, it would receive several million dollars which it could decide to spend in a squanderous fashion."—William Frenzel, Rep. from Minn., *Hearings* before Senate Subcom. on Privileges and Elections, 93d Congress, 1st Sess., 1973, p. 152.

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"Similarly, direct subsidization of campaigns must have an enormous but uncertain impact on third parties. If a formula like that contained in the Hart bill is employed, third parties would usually have to gamble whether to take the subsidy. The 'seriousness' of a party would have little to do with its decisions since early showings in the polls might augur well—but all third parties suffer late in campaigns from the urge of voters to make their votes 'count.' Declining the subsidy would be taken to mean that the party was not serious and, in any event, the possibility of subsidy would deter further giving. If the formula is based on showings in previous elections, subsidies would sustain third parties long after their appeal had diminished, simply because they once received a significant portion of the vote."—Ralph K. Winter, Jr. Campaign financing and political freedom, (AEI), 1973, p. 5.

23. *Public Financing Will Either Dry Up Money Available to Local Candidates or Focus the Special Interest Money at the Local Level.*

There is a definite possibility that public financing of national elections will not spur an outpouring of private money to finance state and local elections but will dry up traditional sources of money because it is more difficult to generate contributing enthusiasm at that level. To the degree that this occurs, the so-called special interests may step in, or be called upon, to finance state and local election campaigns. The howl will then go up to finance these elections from public funds and another bite will be put upon the taxpayer if that is enacted. Elections will then become the sole responsibility of the State (Nation) and the voluntary basis of our political system will be wiped away. Is this what we want to see happen?

Additional commentary

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"If a system of public financing is adopted, it is very likely that many states would continue with their systems of complete private financing. There are two possible serious consequences of a system of public financing. Such a system could dry up funds for state and local candidates, who already have a difficult time raising adequate funds. Private givers might feel that their responsibility has been satisfied by the National Program. Special interests would not. As a result, state and local candidates and the quality of state and local governments might decrease.

"On the other hand, private contributors—especially special interest groups—might channel the funds formerly used in federal lections into state and local government. Expenditures in State and local races are presently much less than in national races. So if private funds were channeled toward the state and local sector, it might be easy to 'buy' candidates with 'dirty money.' Furthermore, a dramatic increase in spending at the state and local level would probably mean a dramatic increase in overall spending in political campaigns, which is contrary to the goals of many of the proponents of public financing. Chasing 'dirty money' from the nation's capitol to the state capitols and court house would be an ironic by-product of federal financing."—William Frenzel, Rep. from Minnesota, *Hearings* before Senate Subcommittee on Privileges and Elections, 93d Congress 1st Session, 1973, pp. 154–155.

24. *It Is False to Assume that Money Raised Privately Is Necessarily Suspect.*

Proponents of public financing seem to begin with the assumption that money privately contributed to finance campaigns is necessarily suspect. Yet, there is good reason to doubt the validity of that assumption It is true that interest groups donate with the expectation that those they support who win office will vote in ways beneficial to their interests. But often the candidates they support share a community of interest with them anyway and would vote in their favor on the basis of philosophical predilections irrespective of financial support. Why must the conclusion be drawn that such candidates are "bought" or "unduly influenced" by the funds which come to them from people with whom they share interests? This dark connotation to contributing distorts reality. In some measure it is the "hobgoblin" of liberal minds seeking sinister forces at work to subvert the public interest. These same liberals who see so much wrong in corporate executives contributing to campaigns find nothing sinister in the funds contributed on their behalf by interest groups which favor them. This "good guys"/"bad guys" division among contributors is a false one.

Moreover, whatever faults may exist in the private financing system can be corrected by sensible and effective legislation. The 1971 Federal Election Campaign Act was a step in that direction. Efforts further to perfect it are preferable to junking the private financing system. Public financing as a solution is like throwing the baby out with the bathwater. Much money contributed to finance campaigns in our country is without taint. It is contributed by thousands of Americans who believe in our system of government and want to show their support for the kind of candidates they think should hold office. There is no good reason to deprive them of this opportunity.

Additional commentary

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"Privately raised money is not necessarily 'dirty' money. Good rules can clean it. I will bet every member of this committee has raised hundreds of thousands of political dollars that they do not think is dirty money."—William Frenzel (R.) Rep. from Minnesota, in *Hearings* before the Senate Subcommittee on Privileges and Elections, 93rd Cong., 1st Sess., 1973, p. 142.

25. *Fundraising Is not Demeaning, but Challenging. The Object Is to Solicit Support Based on Previous Performance and to Constantly Enlarge that Support.*

Underlying the notion of public financing is the idea that fundraising is a shabby, distasteful, and demeaning process. Is this really true? Is not the need to solicit funds one more way in which the officeholder remains in touch with the people? Is it not a means for him to measure public response to his performance in office? Should we insulate the candidate from this process of sufficiently proving himself to the satisfaction of the electorate that they are willing to invest in his candidacy? Perhaps we do need to widen the contribution base in this country—and tax incentives which are on the lawbooks have that goal in mind; but it is questionable that we ought to insulate the candidate from the need to raise money to finance his campaign. This need does not demean him. It does require him to convince people that he merits their financial backing, a requirement that is in keeping with our electoral tradition and one worth preserving.

Additional commentary

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"Political fundraising is not demeaning to me. It is not easy, and it may never be fun, but I have never been ashamed to ask for money for candidates I support, including myself.

"I wonder if those that are demeaned have as good a product to sell.

"In my State the Republican Party raised $1 million from 68,000 contributors. We get over 10 percent of the members of our parties to contribute, and the biggest fundraising adventure has an average per capital [sic] contribution of $7.05.

"I think that is pretty democratic fundraising."

"In support of public financing, proponents assert that private fund raising is a humiliating and degrading experience that political candidates should not be forced to face. While fund raising can be difficult and occasionally embarrassing, proponents fail to recognize its value as a barometer of: 1) a candidate's popular support, 2) public approval of his record while in office, and 3) his seriousness about serving in public office. Furthermore, many public financing proposals might put candidates, especially incumbents, in a position where they would have to do very little to get elected."—William Frenzel, Rep. From Minnesota, *Hearings* before the Senate Subcommittee on Privileges and Elections, 93d Congress, 1st Session, 1973, p. 143, 151.

26. *Definitional Problems Are Encountered in Public Financing Proposals.*

In other arguments presented in this compilation definitional problems have been alluded to. These problems are difficult and raise doubt that fair subsidies can be worked out based on formulas that do not treat candidates as equals. Herbert Alexander, America's foremost analyst of campaign financing, has stated that "presumably, the goal of government subsidy is to help serious candidates, yet retain enough flexibility to permit opportunity to challenge those in power without supporting with significant tax dollars candidates merely seeking free publicity and without attracting so many candidates that the electoral process is degraded. Accordingly, . . . how [do we] define major and minor parties, and distinguish serious and frivolous candidates, without doing violence to equality of opportunity, or to 'equal protection' under the Constitution?" [15] These questions admit of no easy answer. Alexander continues, "any standards must be arbitrary, and certain screening devices must be used, based upon past vote, numbers of petitions, posting of money bonds, or other means. Some of these means require 'start up' funds or masses of volun-

[15] Herbert Alexander, Watergate and the electoral process, a paper presented at the Center for Democratic Studies, Dec. 1973.

teers to get petitions signed, and other plans, such as matching incentives, require popular appeal that can best be achieved through incumbency or years of exposure which also costs money." [16]

Additional commentary

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"If the amount of the subsidy is based upon previous votes received by the candidate's party, incumbents would receive more money than challengers, who are already at a disadvantage for other reasons. (Under 1966 and 1967 Senate Finance Committee formulas, the parties or candidates qualifying as 'major' would receive equal subsidy assistance.) Subsidies require formulas that raise difficult questions as to what is a 'major' or 'minor' party and why a party is so classified.

"They also bring up the issue of what is a 'qualified candidate,' particularly in the pre-nomination period. Eligibility by petition on a nationwide basis presents problems of validation of signatures and possible harassment by challenging petitions. If subsidies base eligibility on the vote received by a party in the previous election, new parties would not qualify until two or more years after they have organized. To subsidize a minor party after its political activity has peaked could prolong its uselessness; otherwise it might fade away."—Herbert E. Alexander, Money in politics, (1972), p. 238.

VETERANS DAY

Mr. DOLE. Mr. President, today the Subcommittee on Federal Charters, Holidays, and Celebrations of the Senate Judiciary Committee held hearings on returning the celebration of Veterans Day to the traditional date of November 11. In view of the widespread interest in making this change in Kansas and the majority of other States, I believe every Senator should be aware of the importance of this issue. Mr. President, I request unanimous consent that my statement before the subcommittee be printed in the RECORD.

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

VETERANS DAY

Mr. Chairman, I appreciate the opportunity to testify on returning Veterans' Day to November 11 and commend you on your efforts in scheduling these hearings.

On November 11, 1971, in the 92nd Congress, I introduced a Bill to restore the special day for veterans to November 11. Since that time, five more bills have been introduced in the Senate to accomplish the same purpose.

The simple fact is that the vast majority of veterans in Kansas and across the country want their holiday celebrated on the traditional date—November 11. In 1954, the Congress changed Armistice Day to a day for the honoring of all veterans. The original measure to establish Veterans' Day was introduced by the Honorable Edward Rees of Emporia, Kansas, who served the Fourth District of Kansas for 24 years in the Congress. In view of the distinguished service of Congressman Rees, the celebration of Veterans' Day on November 11 has a special meaning and importance to the former servicemen of Kansas. Since we in the Congress have taken the action to set aside a day in honor of veterans, we have the responsibility to be attentive to the preferences of veterans as to when their day should be celebrated.

STATE ACTIONS CLEAR

Currently there are 42 States which celebrate Veterans Day on November 11. It is significant that 40 of these States have returned to the traditional date after a period of celebrating it on the fourth Monday of October in response to the Federal change as established by the Congress in 1968.

In the remaining 8 States which have not returned to the traditional date, there are several moves in progress to accomplish this. These efforts range from bills in State legislatures to memorial resolutions to the Congress.

So the preference of the vast majority of State governments has been made clear. I think this is mandate enough for the Congress to return Veterans Day to November 11.

VETERANS' PREFERENCE

But the mandate is even stronger. The veterans population in the States celebrating on November 11 amounts to over 85 percent of the total living U.S. veterans. It is their actions which have caused 42 States to use the traditional date for honoring veterans. So the preference of the vast majority of veterans is clear, and we in the Senate should be responsive to this.

I can personally speak for the tremendous number of letters and phone calls I have received from veterans and their families and friends on this issue. The veterans organizations testifying here today also indicate the high level of support among those for whom this holiday was originally intended to honor.

SENATE SUPPORTS

It is significant that six bills have been introduced to change Veterans Day back to November 11. I was pleased to see that almost the entire Veterans' Affairs Committee has come out in support of a bill to accomplish this action. The distinguished Senator from Nebraska who sits on this subcommittee has also given his support to a similar measure.

All of this support—from the States, veterans and Senators—clearly shows the desire of the Nation. I think our actions here in the Senate should reflect that mandate.

Working men and women have chosen a day of their own—Labor Day. By the same token, veterans—who have given so much to preserve the things we cherish in this country—should have the same opportunity.

VETERANS RISING IN STATURE

Mr. Chairman, I think the controversy and division in this country over the American involvement in the Vietnam war may have caused us to overlook the contributions of those who served during that time. Regardless of our feelings about Vietnam, we can all agree that the veterans of that era performed as heroically as American soldiers in any war.

Those men have not received many of the benefits of G.I.'s of earlier periods. I believe the attitude of Congress and the American people toward Vietnam veterans is changing. One way this can be expressed is to give a special significance to the day for all veterans and this can be done by putting the celebration on November 11, the traditional date.

SACRIFICE IS PRESERVING

Veterans Day deserves the highest recognition possible. Millions of Americans have sacrificed their time, their talents and even their lives to secure and strengthen the ideals of liberty, freedom, and democracy which gave birth to our Nation. These Americans—our veterans—have earned the respect, gratitude and recognition of their fellow countrymen. Their contribution to America is unique and America's tribute to them should be equally unique.

For many years, this tribute was paid on November 11, a day which is both unique in history and appropriate for recognizing the contributions of Americans to world freedom. November 11 is Veteans Day and always will be in the hearts and minds of millions of Americans. The change in the legal designation cannot erase the significance of this date, nor can an extra 3-day weekend justify a reduction in this Nation's tribute and homage to the men and women who have given so much in their quest for world peace and freedom.

With these thoughts in mind, I urge that every effort be made to pass this legislation to reinstate the date of November 11 as Veterans Day. Passage of this legislation will again establish a legal holiday which represents American tradition and provides a unique and fitting day of recognition for American veterans.

Again, I express my appreciation for this opportunity to testify and hope we can act quickly to restore November 11 as our official national day of salute and tribute to the men and women who have so proudly worn the uniform of the United States.

ATOMIC ENERGY SECURITY

Mr. BIDEN. Mr. President, as the use of atomic energy expands, security becomes an increasingly larger problem. Rigorous efforts must be taken to insure against the possibility of the theft of nuclear materials, such as plutonium and certain forms of uranium. Even a crude homemade bomb could cause a large number of casualties and much damage, if detonated. In addition, safeguarding the transportation of such material remains a problem which has not been completely worked out yet.

Security is just one of the crucial problems that must be dealt with as the number of plants handling atomic materials proliferates. Others, such as those involving radioactivity, waste disposal and storage, transportation, and risk of accident must all be part of the equation which determines the method and use we make of nuclear energy.

Two particularly interesting articles by Thomas O'Toole, which appeared recently in the Washington Post, explore the matter of security regarding atomic energy. I ask unanimous consent that they be printed in the RECORD.

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

FEARS OF NUCLEAR THEFT STIRS EXPERTS, AEC—I

(By Thomas O'Toole)

When an atomic weapon travels by train in the United States, it moves in a gray metal car whose two-ton steel top is locked into place by massive bolts. If the same weapon rides on the road, it travels in a truck whose wheels can be locked and whose armor-plated sides can only be pierced by bazooka shells.

The reasoning for such tight security is obvious, but not so obvious is the fact that the Atomic Energy Commission is thinking seriously of ordering the same precautions when shipping nuclear materials, not just the finished weapons.

Such deep concern is rooted in some deep fears that the worldwide growth of atomic energy might be accompanied by attempts at atomic theft, either by organized criminals, terrorists or even governments. The results of nuclear theft are not easy to contemplate, involving as they do the almost unspeakable threats of billion-dollar ransoms and downtown nuclear explosions in the world's cities.

[16] Idem.

"The human casualties and property damage that could be caused by nuclear explosions vary widely," is the way it's put by Theodore B. Taylor, a onetime designer of nuclear weapons and now a crusader for tighter nuclear safeguards, "but even a nuclear explosion 100 times smaller than the one that destroyed Hiroshima could have a terrible impact on society."

Taylor calculates that impact. A nuclear blast so small that weapons experts might describe it as a "fizzle" might be enough to kill 100,000 people watching a football game. The fallout alone from a "fizzle" blast in the open could kill another 5,000, while the same explosion set off beneath Manhattan's World Trade Center could topple both buildings, and kill as many as 200,000 people.

"Fizzle" blasts worry people like Taylor the most, because that's the kind of bomb atomic thieves are most likely to build. Nobody thinks thieves can build a hydrogen bomb. But a number of people (Taylor included) are convinced that sophisticated thieves could put together a bomb with the same destructive force as the 13-kiloton explosion that leveled Hiroshima.

A growing number of weapons experts think that "basement" nuclear bombs are real possibilities. Taylor says that everything the bomber needs to know is buried in the stacks of the nation's public libraries. He says the most concise explanation of the theory of making a bomb is in the Encyclopedia Americana, written by the onetime research director for the Pentagon.

"Every educated person already knows the single most essential fact about how to make nuclear explosives, namely that they work," Taylor said in a book he co-authored for the Ford Foundation's Energy Policy Project. "Also, every country including India has successfuly tested a nuclear weapon on their first attempt. That's important."

The Atomic Energy Commission is not as concerned as Taylor is about basement bombers, but no longer does it consign them to the pages of science fiction. This is the way the threat is assessed by Edward B. Giller, assistant general manager for military applications:

"If you're a bomb designer like Ted (Taylor) who's worked in a big bomb factory for 10 years, then it's easy. It's not easy, but if I lost 20 kilograms (44 pounds) of plutonium last night to a big gang and they were in fact members of a gang identified by the FBI as terrorists, it's conceivable they could put together without blowing themselves up. . . . It would probably be a pretty clumsy thing, something you'd have to put in a truck but they'd have a credible threat."

The AEC ran a test on itself a few years ago just to find out how easy bomb making had become. It quietly hired two young physicists with no more experience than their Ph. D. degrees, gave them access to a small computer and an unclassified library, then told them to design a nuclear weapon and predict its yield.

The two physicists had a finished weapon in six months. Their predicted yield came within 10 per cent of what their weapon would have produced had it been fired. They now work in the weapons program at Los Alamos Scientific Laboratory, where Taylor spent 10 years.

About four months ago, AEC Director of Licensing John O'Leary asked an AEC study group to investigate the possibility of nuclear theft. Don't study it to death, O'Leary told them, just take six or eight weeks and see if there's anything to it. Make sure it's not a crackpot scheme.

The study group included an MIT physics professor, a weapon designer at Sandia Laboratory and William Sullivan, one time assistant to the FBI Director and former director of the Office of National Narcotics Intelligence. Here's what they concluded:

"There is widespread and increasing dissemination of precise and accurate instructions on how to make a nuclear weapon in your basement. . . . There is also a slow but continuing movement of personnel into and out of the areas of weapons design and manufacture. . . . We believe these factors necessitate an immediate and far-reaching change in the way we conduct our safeguards programs."

What triggered the study group's deepest fears was the rapid rise in worldwide terrorism and the sudden spurt of political kidnappings, which it concluded "may lead to a rise of urban terrorist groups in this country of a sort without precedent in our history."

There are now 50 known terrorist groups operating around the world, most of them well-financed and well-armed. There are five active terrorist organizations in North America, five in Latin America, five in Europe and ten in the Middle East. Their names are household words. Black September, Al Fatah, Tupamaros, the Japanese Red Army, the Ulster Freedom Fighters, the IRA.

In the six years ending Dec. 31, 1973, there were 422 known terrorist incidents that ended in 236 deaths. Fifty-nine of the 422 incidents ended in at least one death.

More important, terrorism is on the rise. There were 50 incidents in 1969, 74 in 1972 and 120 last year. The size of the force and the size of the ransom has also increased. There were 4.6 terrorists per incident in 1970, 8.7 in 1972. Terrorists reaped $11 million in ransom in 1972, $13.3 million in 1973.

Despite their great leap upward, terrorists have yet to threaten nuclear theft. There have been some disquieting incidents, like the threat by a 14-year-old physics student to blow up Orlando, Fla., unless he was given $1 million. He sent in a sketch of his nuclear weapon, precise in its detail.

Not long ago, a man hijacked an airplane and threatened to dive-bomb the Oak Ridge National Laboratory. The most serious threat took place in Austria, where terrorists poisoned a railroad car with radioactive iodine. The car was taken out of service and the Austrian Federal Railroad Administration offered a $5,200 reward (highest in its history) for information about the radiation terrorists.

The attack with radioactive iodine points up two things about nuclear theft. First, the terrorists were thinking about the public's fear of radiation. Second, they had access to radioactive materials. It's true that radioactive iodine is no nuclear bomb, but it's not sold in the corner drugstore, either.

Outside of the James Bond movie "Thunderball," nobody has ever threatened the United States with the theft of a nuclear weapon, although it admits to two threats "of a similar kind" in the last month.

The United States goes to unusual lengths to prevent the loss of an atomic weapon, but nevertheless it has lost a few. Four fell out of a B–52 over Palomares in Spain, while another four dropped out of another B–52 over Greenland. All eight were recovered.

Not so with a bomb that dropped out of a plane over South Carolina some years ago. It's still missing, presumably buried in a South Carolina swamp. A Navy fighter-bomber reportedly missed the carrier deck once and sank to the bottom of the Pacific, its nuclear bomb aboard. It's still there.

Outside of weapons in stockpile, the United States has over 40,000 atomic weapons scattered around the world. Most are in the United States, but about 7,000 are in Europe and a smaller number are in the Far East.

The number of countries where American nuclear weapons are located is small, the number having shrunk when President Kennedy discovered that nuclear missiles were unlocked and relatively unguarded in Turkey and Italy about the time of the Cuban missile crisis.

Where and how weapons are stored is a secret, but they're all kept in underground vaults. The vaults are guarded in roughly the same way the gold is guarded at Fort Knox. Electronic locks and cryptographic codes are used to close and open doors leading to the vaults.

How many weapons are moved each year is a secret. They are believed to move one at a time, some by truck. The train is a full train, even though only one car contains a weapon. Each car on the train has armed guards.

The truck that carries atomic weapons travels in convoy. There is an armed car ahead of it, an armed van just behind it and a third armed car five miles to the rear. The truck itself is secret. It can be made immobile if attached and is built to resist penetration. It would take hours for a full squad of men armed with bazookas to get inside the truck, and by then electronic signals would have sounded the alarm that the truck was under attack.

Suppose an attack succeeds and a terrorist group steals a weapon. Can they arm it and fire it? Nobody really knows the answer to that since there are so many electronic barriers built into the bomb. It might take them months to figure a way to trigger the bomb.

"They'd probably have to tear the whole thing apart and put it back together again," the AEC's Edward Giller said. "In effect, they would have to rewrite the whole mechanism"

The Atomic Energy Commission worries less about a bomb being stolen than it does about the nuclear materials used in the making of a bamb. Three metals can be made into a bomb, plutonium and two isotopes of uranium. One is uranium-233, the other uranium-235.

Just how much plutonium and uranium are needed to make a bomb is a secret, but it's a lot less than it used to be. The first atomic bomb that was detonated in the New Mexico desert contained about 60 pounds of plutonium. The bomb dropped on Hiroshima contained 132 pounds of uranium. Ted Taylor has described both bombs as "stupid," mostly meaning they were overweight.

Nobody can buy plutonium or uranium on the open market. Plutonium doesn't even occur in nature. It's made by man, as a by-product of fissioning uranium in nuclear power plants. Natural uranium cannot be used to make bombs either. A bomb maker needs uranium that is at least 90 per cent Uranium-235, which is only made in uranium enrichment plants.

There is a uranium enrichment plant in France, another in England, a third in China and several in the Soviet Union. A pilot enrichment plant is operating in the Netherlands, producing low-enriched uranium for atomic power plants.

Three enrichment plants are in the United States, one at Oak Ridge, a second at Paducah, Ky., and a third at Portsmouth, Ohio. The one at Portsmouth makes uranium fully enriched with U-235.

Time was when fully enriched uranium was used only to make bombs. No longer. It is the fuel for the Navy's 107 nuclear-powered ships and the fuel for a new type of power plant called the High Temperature Gas Cooled Reactor, which operates at twice the temperatures of ordinary nuclear power plants.

Only one of these plants is in existence today, being operated at Fort St. Vrain, Colo. Ten are on order in the United States alone. Japan is building one, and West Germany plans to build one. West German Energy Minister Horst Ehmke believes it is the power plant of the future.

Nobody would want to steal the uranium

or the plutonium that is inside a submarine reactor or a nuclear power plant, for the same reason that nobody would want to steal it when it came out of the reactor or the power plant. It's too radioactive, lethally so. It would have to be stolen and then handled by remote control, then put through an exhaustive chemical reprocess to get the radiation out.

On the other hand, the metal that comes out of the enrichment plant, that goes into the fabrication plant where it's made into fuel elements and even the metal that's shipped to the submarine or the power plant before it's installed is invaluable.

Not only to the terrorist, either. Uranium and plutonium in their pure form are worth more than their weight in gold. Uranium is worth about $6,000 a pound. Back in the 1950s, a ring of thieves stole some uranium fuel elements from the Bradwell power plant in Britain and even employed a "fence" to sell them. They were caught before a sale could be made.

Just how much uranium and plutonium exist in their pure form in the United States today is a secret, but the numbers are large and growing. One estimate is that almost 2 million pounds of both metals are in storage at AEC plants around the country. That figure is expected to grow to at least 3 million pounds by 1980.

The uranium and plutonium that's stored at AEC plants is believed pretty safe. What worries the worriers and keeps security men awake at night are the shipments that must be made, almost all of them covering long distances.

"There's no question transportation is our weakest link," the AEC's Ed Giller says. "If a terrorist is going to make an attempt, that's where he'll make it."

The AEC ships uranium from its enrichment plants to its reactors at Hanford, Wash., and Savannah River in Georgia. Plutonium is shipped out of Hanford and Savannah River to the fabrication plant at Rocky Flats, Colo. Rocky Flats ships to the weapons plants in Pantex, Texas and Burlington, Iowa.

That's only for weapons shipments, whose size and number are secret. There are also shipments on the civilian side, though they're not as large and don't often contain the pure metal the way weapons shipments do.

In the year ending March 31, 1974, the AEC counted 455 shipments of what it calls "special nuclear materials" by its civilian licensees. Special nuclear materials are quantities of plutonium and fully enriched uranium that are in excess of what the AEC calls "trigger quantities."

The trigger quantity for plutonium is two kilograms, 4.4. pounds. The trigger quantity for fully enriched uranium is five kilograms, which is 11 pounds. The trigger quantity is not enough to make a bomb. At least four times the trigger quantity is understood to be enough for a bomb, though the exact quantity is secret.

There are 26 plants in the U.S. licensed by the AEC to handle and ship plutonium and fully enriched uranium. The largest number of shipments are made by five plants scattered across the country.

A plant owned by Gerr-McGee in Cimarron, Okla., makes plutonium fuel pins for a new test facility in Richland, Wash. A factory outside Pittsburgh also ships fuel pins to Richland. Together, the two plants handle and ship close to 2,000 pounds of plutonium in a year.

Fully enriched uranium is coming into the power plant at Fort St. Vrain, Colo. from a factory in San Diego. The largest uranium handlers in the country are the factories making fuel for the Navy's 102 atomic submarines. These are United Nuclear in New Haven and Babcock & Wilcox in Lynchburg, Va., which together handle thousands of pounds of weapons-grade uranium every year.

The plutonium and uranium that are shipped from these plants go out under armed guard, either in armored cars or in trucks escorted by armed guards in a second car. They follow preplanned routes, so if they're hijacked rescue squads know where to look.

While uranium and plutonium on the move is the big worry of the AEC, there is still a lot of concern about the same materials disappearing from the factory itself. An armed attack on a factory is unlikely, but a theft from the inside is not so unlikely.

Plutonium and uranium disappear in large enough quantities every year for the AEC to investigate each disappearance. The AEC calls the disappearances a "MUF," for material unaccounted for. The AEC loses as much as 100 pounds of uranium and 60 pounds of plutonium every year, enough to make more than 10 atomic bombs.

Most times, the MUF is due to poor inventory measures, bad weights, lost scrap—carelessness, in other words. But each time a MUF takes place, diversion is suspected. An investigation is begun. Plants are closed down. Sometimes fines are levied.

The most celebrated MUF took place back in the Apollo, Pa., plant of NUMEC. The factory had just taken a big order to process and fabricate 2,200 pounds of fully enriched uranium for Westinghouse Astro-Nuclear, which was making the fuel for the nuclear-powered rocket.

In the fall of 1965, NUMEC was told to make an inventory of its uranium. It came up short by 207 pounds, worth at that time over $1 million. It was also enough to make several large bombs. For a while, China and Israel were both under suspicion as the possible thieves.

The AEC closed down the plant and began to look for the missing uranium. It found some in the air filters, about 12 pounds in the 730 filters that kept uranium from blowing out the smokestacks. It found another 14 pounds in a burial pit on a mountaintop eight miles away. It cost the factory $100,000 to dig up the burial pit looking for the missing metal.

At the end of the search 148 pounds of uranium was still missing, NUMEC was forced to pay the AEC $834,000 for the missing metal. Diversion was still suspected, so the AEC interviewed every employee in the plant and every one of its past employes. The AEC concluded there was "no evidence" of diversion, but there are still a few people there who suspect China and Israel.

AEC Seeking To Cut Peril of Atom Theft—

(By Thomas O'Toole)

John O'Leary, Director of Licensing, Atomic Energy Commission: "I think we have to bring this possibility of your being incinerated by a diverted or stolen nuclear bomb down to a level of risk comparable to . . . being struck by lighting."

Nobody knows what the risk of incineration from nuclear theft is, but it isn't as small as being hit by lightning.

Whatever the risk, Jack O'Leary says, it's too high. Maybe it's something like 100,000 to 1, he says, but that's too high. The chance of being killed by a atomis bomb exploded by terrorists, extortionists or blackmailers, O'Leary says, should be in the realm of unthinkability.

O'Leary is the AEC official who commissioned a study of the threat of nuclear theft about four months ago. The study was done by five men—three physicists, a weapons designer and the onetime assistant (William Sullivan) to FBI Director J. Edgar Hoover. Their conclusions were that the United States is not spending enough money and effort to prevent nuclear theft.

"It is our strong feeling," the study team wrote, "that the point of view adopted, the amount of effort expended and the level of safety achieved in keeping special nuclear material out of the hand of unauthorized people is entirely out of proportion to the danger to the public. . . ."

Special nuclear material is plutonium uranium-233 and uranium-235. The wrong hands could take the right amounts of any of these three metals and make an atomic bomb. The right amounts aren't all that much. Twenty pounds of uranium might be enough to make a bomb.

Few people worry about the outright theft of an atomic bomb. The United States has more than 40,000 atomic bombs around the world, but they're in underground vaults at heavily guarded military bases. When they are moved they travel in special aircraft, trains and trucks, all of them under armed guard.

Even if a bomb were stolen, it would take an incredible effort to set it off. Intricate electronic locks are built into every atomic weapon, meaning that bomb thieves would have to take the weapon apart and put it back together again to set it off.

More and more people worry about the theft of plutonium and uranium that the thieves could use to make a bomb themselves. Where would they steal it? An atomic power plant burning low-enriched uranium (not good enough for bombs) makes enough by-product plutonium in a year for two bombs. There is enough pure and fully-enriched (93 per cent U235) uranium being shipped around the United States for submarine and power plant fuel for another 10 bombs a year.

The growth of nuclear power will multiply the threat. The 55 atomic power plants operating in the United States will grow to 150 by 1980 and as many as 1,000 by the end of the century. There are 90 nuclear power plants abroad, a number expected to grow more than 200 by 1980 and to 1,400 by the year 2,000.

As many as 10 per cent of these plants are expected to be of a relatively new class of plant known as the High Temperature Gas Cooled Reactors. They operate at twice the temperatures of conventional nuclear plants, meaning they make twice as much heat and twice as much electricity as conventional plants from the same amount of uranium. How do they do this? By burning fully enriched uranium, the same metal used in nuclear bombs.

All nuclear power plants make plutonium as a byproduct, some more than others. The fast-breeder power plants built or being built in the Soviet Union, France, Britain and the United States make more plutonium, than they burn uranium, which is the purpose of the breeder plant.

Whatever the type of plant, plutonium will gather in mounting quantities the world over. The United States will have accumulated almost 900 tons of plutonium by 1990, Europe and Japan more than 900 tons. At the end of the century, the United States, Europe and Japan will be generating plutonium at the rate of 1,200 tons a year. That's enough for 200,000 bombs.

There are two things that can be done with all this plutonium—store it or use it. If the world stores it, that means expensive garbage dumps that can be counted on to keep the plutonium safely for 24,000 years. An anticipated worldwide shortage of uranium at less than $20 a pound is enough to act against storing it.

Most experts assume atomic power will be running on what they call a "plutonium recycle" economy, meaning that the plutonium will be recovered and used as fuel itself.

That means another 15 to 20 factories in the United States alone to process the plutonium into fuel elements, making theft from

one that much easier. It also means several shipments of plutonium around the country every day, again raising the risk of plutonium theft. Thieves might choose to steal plutonium for money alone. They could get as much for plutonium as they get today for pure heroin.

The first line of defense against nuclear theft is the risk thieves run when they steal bomb material. The form thieves are likely to find it in is radioactive. The AEC ships fuel elements in heavy casks just to protect the handlers.

How secure are the casks? Trucks carrying nuclear fuel cores have rolled off hillsides, killing the drivers but not cracking the cores. Cylinders of uranium hexafluoride have fallen off trains and under their wheels without breaking open.

Next, the thieves run a terrific risk when they attempt to build a bomb. Four men have died in the United States putting bomb components together in what weapons experts call the "criticality" experiment, a test the thieves must do if their weapon is to work.

"This is an experiment that's called 'twisting the lion's tail' " said Edward B. Giller, AEC assistant general manager for military applications. "You can get bit."

Another risk comes from the high explosive that must be wrapped in a perfect sphere around the plutonium or uranium to squeeze it into a critical mass. The people handling the explosive as they build the trigger must be expert at their craft, not just knowledgeable.

"You can melt dynamite and you can machine it," Giller said, "but if you don't do it right you have a very good chance that your basement will blow up with your house."

The second line of defense against nuclear theft is the physical safeguards built to protect the plutonium and uranium at the factory and on the road. The AEC spends $50 million a year safe-guarding its material, a figure that's bound to grow in the years just ahead.

"We need to spend money on this; this isn't some two-bit problem," said the AEC's Robert Minogue, one of the nation's leading experts on safeguards. "This is a serious problem and it needs a serious effort."

There are 26 factories in the United States licensed to handle plutonium and uranium. Some are modern and well-protected. Others are not. The United Nuclear plant that makes fully enriched submarine fuel (ideal for weapons) consists of several buildings in a rundown neighborhood of New Haven, one or two as rundown as the neighborhood. A chain-link and barbed-wire fence runs around the plant, except where the walls border the sidewalk.

"It's bad," states Ralph G. Page, chief of the AEC's Materials and Plant Protection Branch. "It is not good, not good."

Bad as it is, the AEC let United Nuclear get off this year without upgrading its protection. The reason is that United Nuclear is closing its New Haven plant in September to move to a new factory in Mottville, several miles from New Haven.

The "upgrading" was ordered by the AEC this year for all 24 plants. The cost of the new protective measures ranges from $500,000 to $2 million per plant, includes things like putting in outdoor searchlights, higher fences and more guards.

The biggest single expense ordered by the AEC for the factories is an intrusion alarm system. Estimates run as high as $400,000 for each factory, as much as $10 for each foot of fence. The alarms aren't tied to the fence and they're not the conventional "ringing" alarms that most people identify with burglar systems.

They include infrared devices to detect warm bodies at night. There are magnetic detectors to sound out weapons, seismic listening devices that can hear the fall of feet, pressure detectors that pick up any force being exerted on the fence.

The AEC is almost as concerned about the people on the inside of the factory. It has developed and begun to use a super Geiger counter that looks like one of those electronic portals now in use at airports to check passengers. This new device can detect pieces of plutonium or uranium as small as one gram, whether it's being carried out in a person's clothes or inside his body.

One reason the AEC installed these doors is that security people remember how many well-known physicists walked out of Los Alamos Scientific Laboratory during the war with uranium souvenirs. They had to send the FBI after many of them, just to get the uranium back.

The Achilles heel in all this is not the factory, it's the truck or train that carries the uranium and plutonium away from the factory. New regulations put in this year require shipments to be accompanied by a driver and a guard, both of them armed. They're required either to drive an armored car or to be followed by an armed escort car.

The truck driver must follow a pre-planned route, so that rescue teams would know where to look if the truck is attacked. The driver uses a radiotelephone to call in regularly along his route.

There are shortcomings to all these plans. The AEC would like to scrap the radiotelephone, mostly because the lines are often busy. It would like to install in the trucks radios with a cleared frequency, right into central communication centers that keep track by computer of all the nuclear trucks on the road. Eventually, the AEC would like its own communications satellite hovering above the earth, watching and listening to its trucks.

What the AEC would also like is an unclassified version of the secret truck that hauls nuclear weapons. If the truck were attacked, the driver could stop the truck and freeze the engine by pushing a button. Another push and two of the wheels might blow off, rendering the truck immobile.

Even measures like these don't satisfy the safeguards experts. Some think the shipments of nuclear metals should be shrunk, so that only one-fourth of the "trigger quantity" for uranium and plutonium travel at any one time.

Others think the 10 or so chemical reprocessing plants planned for the United States should be built alongside the 26 fuel fabrication plants already doing business, so there will be no need to ship metals from one to the other.

One of the most extreme solutions to the safeguards problem would be to "poison" the uranium and plutonium whenever it leaves the factory. Poison it with excess radioactivity, making it that much more hazardous for the thief to steal it. Almost bizarre, this solution is under serious study at the AEC right now.

The trouble with all these schemes is that they add expense to the already skyrocketing cost of doing business in the nuclear power industry. The poison idea is also dangerous, introducing a large hazard to the people handling the nuclear material and to the public if there's an accident.

Nonetheless, new changes in nuclear safeguards will have to be made, if safeguards are to make incineration from nuclear theft a risk comparable to being hit by lightning.

The fear among some experts is that the AEC will move slowly and somewhat reluctantly to strengthen its safeguards. Some experts worry that the AEC might feel that stronger safeguards would inhibit the growth of nuclear power, by focusing too many spotlights on its hazards.

The AEC can boast that its safeguards have worked so far, but its track record is far from spotless. The agency still does not have an overall chief in charge of safeguards. It had one, Delmar Crowmon, but forced him out a few years ago.

His deputy, Charles Thornton, was shunted to the side not long ago because he wanted stiffer safeguards. Thornton wanted armed guards even on shipments of natural uranium, which cannot be used to make weapons, but which conceivably could produce plutonium if it were used as fuel in a secret reactant.

The AEC set up an outside watchdog committee on safeguards seven years ago. The committee's job was to advise the AEC and it met at least twice a year until 1971. It has not met since—some feel because the AEC believes the committee might embarass it. The AEC has a different explanation.

"There's a representative of Consolidated Edison and a representative of Westinghouse Electric on that committee," explains L. Manning Muntzing, AEC director of regulation and a man to whom the committee reports. "I've taken the position that until the committee is reconstituted and that conflict of interest is removed, I will not use that committee."

One member of the committee who does not serve private industry claims that the two members Muntzing is talking about are the toughest members of the committee. They're former FBI men and one-time executive assistants to the Joint Committee on Atomic Energy in Congress, men who "really understand the troubles we'll have if safeguards don't work."

There is a single statistic that safeguards experts often quote in assessing the threat of nuclear theft. Between 1 million and 2 million men have already been trained by the United States in the handling, moving and operation of nuclear weapons.

FOREIGN AID—ADDRESS BY SENATOR INOUYE

Mr. McGEE. Mr. President, last Wednesday the distinguished junior Senator from Hawaii (Mr. INOUYE) delivered a speech in Honolulu to the Western Regional Convention of American Society of Women Accountants. In that speech, Senator INOUYE urged a complete reassessment of our foreign aid program.

Senator INOUYE did not advocate that we abandon our international responsibility for assisting in the development of the poorest nations of the world. Quite the contrary, his call for a reassessment of our assistance programs stems from his very deep concerns for the present and future well-being of millions of people in the world who live and die daily in an environment of starvation, disease, and illiteracy.

In opening his remarks, the Senator noted:

Since 1970, something almost unnoticed—yet basic and universal—has occurred in the world. Mankind has slipped out of the Era of Plenty into the Era of Scarcity. This change represents the most profound alteration in the society of man since the Renaissance. It affects each and every one of us to some degree today. In the not too distant future, it will dominate the lives of two-thirds of mankind; later it will overpower the hopes and dreams of four-fifths of the world.

I have the privilege of serving on the Foreign Operations Appropriations Subcommittee of which Senator INOUYE is chairman. While we have experienced honest differences over how we attempt to attack the problems of the world—problems which threaten our very own existence—I have a tremendous respect

for his ideas. Again, while I may not agree with everything he has said in his speech. I commend him for continuing the debate on the issue of foreign aid. It is an enlightened debate and one in which all of us benefit.

Senator INOUYE's speech is healthy. Our Foreign Operations Appropriations Subcommittee sessions are healthy discussions of issues as the distinguished chairman directs the subcommittee in an attempt to achieve the most viable development assistance program possible.

I congratulate him for carrying his concern to the people. I ask unanimous consent that his speech be printed in the RECORD.

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

SPEECH BY SENATOR DANIEL K. INOUYE

Since 1970, something almost unnoticed—yet basic and universal—has occurred in the world. Mankind has slipped out of the Era of Plenty into the Era of Scarcity. This change represents the most profound alteration in the society of man since the Renaissance. It affects each and every one of us to some degree today. In the not too distant future, it will dominate the lives of two-thirds of mankind; later it will overpower the hopes and dreams of four-fifths of the world.

Strangely, very few of us are aware of what has happened. However, these world issues are of such enormous scale that sensible people can no longer ignore them.

United Nations Secretary General Kurt Waldheim stressed this when he recently said, "The pursuit of short-term national interests by any nation or group of nations can no longer provide even a brief reprieve from the inevitable results of the present trends." In an April 15th address before the U.N., Secretary of State Henry Kissinger called it, "the challenge of interdependence." Secretary Kissinger stated, "We are part of a single international economic system," and he somberly challenged the assembly and the world "to come to terms with the fact of our interdependence."

Like a runaway engine with numerous attached cars, there are six major interconnected problems that we must face and somehow master if the collision and tragedy that confront us all are to be avoided. These problems are: poverty, population, food shortages, inflation, energy shortages, and weapons control.

Each inescapable element has its own properties and problems. When they are combined, as they now are rapidly combining, they, like the various elements of a nuclear bomb, may trigger an explosive chain reaction of massive forces—social, economic, and political. Some are now already quite evident.

Poverty grips more than two-thirds of the world's people. Some of the world's poverty-stricken are here in America, where 10 million adults over the age of 16 years are functionally illiterate and 24 million of our citizens are officially malnourished. However, this represents only a small fraction of the abject and inhumane poverty that exists abroad. While one-third of mankind lives in relative abundance—and some in superabundance—the rest of the world's population remains entrapped in a web of hunger, malnutrition, illiteracy, unemployment, and corrosive poverty. The gap between the rich and the poor widens daily in an almost insurmountable chasm.

Last year, average income in developed countries was approximately $2,400 per capita. The comparable income in the non-developed countries was $180. Within 10 years, the industrialized and developed nations will raise their per capita income by $1,200 to $3,600 per person. Three-quarters of the rest of the world will be fortunate to add $100 each raising their per capita income to $280. Imagine that: by 1980, the numbers will be $3,600 to $280—a 13.1 ratio.

Each year, 80 percent of the increase will go to those countries where per capita income already averages more than $1,000. These countries contain only one-quarter of the world's population. A mere 6 per cent of the gain will go to countries with per capita incomes averaging $200 or less—countries which nevertheless contain more than 60 per cent of the world's people.

There are many types of poverty. Poverty is a relative term. Poverty as experienced in America's Appalachia would represent a reasonably comfortable middle-class existence to the poor of the Sahel or Bandgladesh.

The poorest of the poor—or roughly 40 per cent of the developing countries—have shared alomst no growth and live in conditions of deprivation that fall below any rational definition of human decency. In more than twenty countries, the very poor earn less than $80 a year or less than 30¢ a day. In India alone, more than 210 million people—the approximate population of the United States—live on less than $40 a year.

Unless governments can reverse the present trend, the income share of the poorest 60 per cent will further decrease while that of the richest 5 per cent will continue to increase. There has been virtually no "trickle down" of resources and income. Here development efforts have almost completely failed.

The population problem is undoubtedly the greatest single obstacle to world economic and social improvement. While it took our planet approximately two million years for the human population to reach three billion, it will require only 35 years at present rates to add an additional three billion people. By the year 2000, the earth's population will increase by more than one billion persons every eight years.

What does this really mean? Let us try to visualize it. If you became a parent today and your child lived into his seventies, he would know a world of approximately 15 billion people. Today's population is just over four billion. Assuming this rate of increase continues, his grandchild would share a world of more than 60 billion. Obviously, some links in the chain of life would break before then.

The United States and other industrialized nations have allocated considerable resources and talent to their own population control problems. At present, the developed world has achieved a stable population with very little numerical growth.

When India announced a year and one half ago that she had achieved a decrease in her growth rate, it was hoped that the populations of less developed countries might be eventually controlled. Now we know that, not only did India not achieve the announced reduction, but her population, like much of the rest of the Third World, is actually hopelessly out of control. By the year 2000, the number of inhabitants of the developed and industrialized countries will scarcely change, but the populations of the developing and less developed nations will at least double. Approximately 20 per cent of the world's population will then live in the developed countries. By the year 2040, this will drop to just 10 per cent and continue to decrease unless we can effect rather massive change in the world.

Of the six international and intranational trends being discussed today, food and food shortages are perhaps the most well known and pathetic.

Last year saw food shortages in India, Sahel, Bangladesh and other areas of the world. That was before the oil crisis. Now there will be far less energy available to run tractors, irrigate marginal land, and produce vital fertilizer. Due to lack of fertilizer alone, it is estimated that India's wheat crop will be reduced by at least one-third this year. Throughout most of Asia, crop production will be down sharply and with a 2 to 3 per cent yearly population increase certain, a huge food deficit threatens.

For weeks, alarming reports have been circulated predicting poor harvests in India. Afghanistan, New Guinea, Kenya, Ethiopia, and other Third World nations. At present, across the Sahel region of North Africa, a full-scale starvation grips entire nations. In spite of massive international humanitarian relief efforts, an ever-increasing number are dying, and unless other methods are utilized, millions more will starve and additional millions will be debilated and retarded.

In the developing countries, close to one billion persons presently suffer from severe malnutrition or starvation. Twenty to 25 per cent of all children die before their fifth birthday. The life expectancy is 20 to 30 years less than it is here in America. With the developed population now stable and the developing nations rapidly gaining additional inhabitants, this chaotic situation will worsen.

A profound moral and political test awaits the United States and other developed nations on the issue of food.

Recently a well-known nutritionist at Harvard got to the heart of this problem. He stated, "The same amount of food that is feeding 210 million Americans would feed 1.5 billion Chinese on an average Chinese diet."

The older developed nations and numerous newly-developed nations are constantly improving their diets. As the food supply in the world during any given year is relatively finite and fixed, this dietary improvement is often achieved at the expense of marginal diets elsewhere. Americans ate 50 pounds of beef per capita in 1950. In 1973, it was 119 pounds per person. Presently an American consumes 2,200 pounds of grain—most of it to fatten his animals. A Chinese needs only 400 pounds to live on an average Chinese diet.

Simply averting our attention will not deny the linkage between the level of food production and consumption in the U.S. and other developed nations, and the ever-widening ripple of starvation throughout the world. In order to merely maintain the present inadequate diets, food production must double by the year 2000 to keep up with population increases. At present, world food reserves are down from the 69-day supply in 1970 to less than a 30-day supply in 1974—the lowest level since the holocaust of World War II.

While time does not permit me to dwell on it at length in this discussion, the interrelated problems of worldwide inflation and the energy crisis are pertinent. If oil prices, which are now approximately four times 1972 prices, stay at present levels, it will cost the developing countries some $15 billion more for essential imports in 1975 than it did in 1974.

This increase is equivalent to nearly five times the total net U.S. development assistance in 1972 and almost double the total amount of development assistance for all developing countries from all sources that year.

This year, all nations must face increased oil prices as well as higher prices for essential food, fertilizer, raw materials and/or finished products. The rate of inflation ranged from some 7 per cent to 25 per cent for developed countries this past year. However, the rate was much higher in the nonindustrialized countries where it ranged from 20 per cent to 200 per cent.

Some developing countries will be able to partially offset increased prices and inflation

with exports of raw materials. For the poorest 40 countries, there is little relief available. In the near future, they will need at least an additional $5 billion in aid merely to maintain this stability and survive.

Perhaps the greatest paradox in the entire aid picture centers on weapon development and procurement. For whatever it is worth to America, we are the world's largest supplier of weapons and military material to the developing nations: Planes and advisors to Bolivia, F–14 jets to Iran, tanks to India and Pakistan, carbines, helicopters and transports to the Philippines. The shopping list is endless and the customers read like a list of the Who's Who in the United Nations.

Over the past decade alone, the United States sold or gave away more than $21 billion in weapons to more than 60 countries. This accounts for more than one-half of the total international trade in arms. Even more unsettling is the fact that our military exports have doubled in the past four years and jumped again this year—to more than $5.4 billion.

We supply not only arms and material, but also war technology and advisors. Many thousands of police and military have been trained with U.S. foreign assistance and weapons development encouraged. You may have noticed that a few weeks ago, India, one of the largest and poorest nations on the earth, exploded a nuclear device underground. At a time when her millions are literally starving, India has invested millions of dollars and valuable technology in the preliminary production of a nuclear capability.

Last year, I called for our government to curtail this senseless policy of weapons distribution and sales. I urged at that time that the Administration attempt to bring about a meaningful international agreement on conventional (non-nuclear) arms distribution, especially in the developing world.

Americans are the most generous and humanitarian people in the world. Since World War II, the United States has provided more than $183 billion to the world in international assistance. In a recent public poll, 84 per cent believed it to be in the best interest of the United States to help other countries. Almost 70 per cent favored the United States providing direct and multilateral assistance to the developing world. Yet, foreign aid is the most unpopular program within the Congress and in the nation.

As chairman of the Foreign Operations Subcommittee of the Appropriations Committee, I can assure you that there are many valid reasons that Americans react this way.

Whereas most Americans believe that foreign aid means "helping other countries and people by sending money and food," military items and police training represent a larger percentage of our total foreign aid than does economic and humanitarian assistance.

Our priorities in the way aid is distributed also need reordering. What is the Administration's sense of values—what is the grasp of the real problems facing humanity—when, this year, the Administration proposes to spend ten times as much on South Viet Nam with a population of 19 million persons, as on India, Pakistan, and Bangladesh with a total population of 711 million?

Clearly, drastic reforms are called for. Foreign aid, throughout the 1950's and 1960's, was closely associated with our overall foreign policy objectives for gaining political advantage in the Cold War. Today, the overall goals of the foreign assistance programs of the United States must not be primarily to halt the flow of communism and aggression. Detente and improved relations with the Soviet Union and China have removed much of that menace. Today, if our aid is to continue to be supported by Congress and the American people, it must speak to the real social and economic problems found in the less-developed world.

In addition, the entire U.S. assistance apparatus—which is the most top-heavy and expensive of all governmental agencies—must reduce its administrative cost and redirect its efforts.

The military component must be taken out of the foreign aid bill. In the past, it was argued that the military aspects helped to justify the economic and humanitarian aspects. I believe this is no longer the case. The world urgency of development—energy, food, and social—will easily absorb all the funds that we can make available for assistance. Continuing to pour American tax dollars and technology into bolstering the police and military forces of more than sixty nations can no longer be justified. In most cases, it compounds—rather than eases—the problem. Assistance should and does begin at home. We find ourselves in a rising price spiral, which demands that the expenditures of our tax dollars must be fully justified. Poverty, illiteracy, and hunger still exist within our land and our first priority must be to assist our own citizens.

Whatever funds the United States can make available for foreign assistance must be directed to reach and to assist the poorest people elsewhere in the world—not the richest, as has too often been the case in the past.

A complete foreign aid reassessment is essential. In the past, aid from rich to poor nations has had only a limited success in fostering development. Given the scope of the problems now forming throughout the world, our aid philosophy and methodology are antiquated and doomed to fail. The dangers of unbalanced economic and social world growth cannot be ignored. The adjustments must begin now.

RESOLUTIONS OF NATIONAL GUARD ASSOCIATION OF ARIZONA

Mr. GOLDWATER. Mr. President, recently the National Guard Association of Arizona held its 1974 annual conference in the city of Tucson and took action on three matters which I believe are of importance to the Members of Congress. The action was taken in resolutions which were unanimously adopted and which urged Congress and the Department of Defense to:

First. Take every possible step to make every possible effort to account for the more than 1,300 American servicemen still missing in Southeast Asia and to secure the immediate release from captivity those still alive

Second. That the Department of Defense be urged not to propose or direct a reduction in the authorized strength of the National Guard or the inactivation of existing National Guard units.

Third. That legislation be enacted making additional recruiting and retention incentives available to guardsmen and reservists.

Mr. President, I ask unanimous consent that the full text of these resolutions adopted by the National Guard Association of Arizona be printed in the RECORD.

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

RESOLUTION

Know all men by these presents: That the National Guard Association of Arizona at the Annual General Conference of the Association Assembled at Tucson, Arizona, on the 27th day of April, 1974, adopted the following resolution:

RELATING TO STEPS TO BE TAKEN TO ACCOUNT FOR AMERICAN MIAS IN SOUTHEAST ASIA

Whereas, American military involvement in Southeast Asia is rapidly drawing to a close with the signing of a truce agreement calling for return of all American prisoners of war; and

Whereas, American military forces in the Republic of Vietnam have been withdrawn pursuant to that truce agreement; and

Whereas, although almost five hundred Americans missing in action and held as prisoners of war have been accounted for and released from captivity, there remains at least thirteen hundred of their fellow Americans yet unaccounted for in Southeast Asia; and

Whereas, it is the responsibility of the people of this nation to do everything in their power to determine whether these men are still alive and, if so, to secure their immediate release from captivity;

Now, therefore, be it resolved, by the National Guard Association of Arizona, in Annual General Conference Assembled this 27th day of April, 1974 at Tucson, Arizona, that the President and the Congress of the United States be and they are hereby earnestly requested and urged to take every possible step and to make every possible effort to account for the more than thirteen hundred American servicemen still missing in Southeast Asia and to secure the immediate release from captivity of those still alive; and

Be it further resolved, that the President of this Association be and he hereby is authorized and directed to send a copy of this Resolution to the President of the United States, each member of Congress from Arizona, the National Guard Bureau and the National Guard Association of the United States.

In witness whereof, the undersigned officers of the Association have hereunto set their hands officially and affixed the seal of the Association this 27th day of April, 1974.

RESOLUTION

Know all men by these presents: That the National Guard Association of Arizona at the Annual General Conference of the Association Assembled at Tucson, Arizona, on the 27th day of April 1974, adopted the following resolution:

RELATING TO OPPOSING A REDUCTION IN STRENGTH OF THE NATIONAL GUARD

Whereas, the National Guard is the largest organized element in the reserve forces and provides a significant portion of the organized structure and combat strength of the military forces of the United States under the Total Force Concept; and

Whereas, the reduction in strength of the active military forces of the United States has placed increased responsibility for the national defense on the National Guard; and

Whereas, the National Guard is available for local disaster assistance and support of State and local civil authorities, as well as being the first line reserve element in the national defense establishment; and

Whereas, the cost of maintaining the National Guard is far less than maintaining equal active forces, making the Guard the best buy in today's defense market;

Now, therefore, be resolved, by the National Guard Association of Arizona, in Annual General Conference Assembled this 27th day of April 1974 in Tucson, Arizona, that the Department of Defense be and it is hereby earnestly requested and urged that it not propose or direct a reduction in the authorized strength of the National Guard or the inactivation of existing National Guard units, but rather that it convert existing units for which no need is recognized to units required under the current Total Force Concept to provide an effective well-rounded military establishment; and

Be it further resolved, that the President of this Association be and he hereby is au-

thorized and directed to send a copy of this Resolution to the President of the United States, the Secretary of Defense, the Secretaries of the Army and the Air Force, each member of Congress from Arizona, the National Guard Bureau and the National Guard Association of the United States.

In witness whereof, the undersigned officers of the Association have hereunto set their hands officially and affixed the seal of the Association this 27th day of April, 1974.

RESOLUTION

Know all men by these presents: That the National Guard Association of Arizona at the Annual General Conference of the Association Assembled at Tuscon, Arizona, on the 27th day of April, 1974, adopted the following resolution:

RELATING TO LEGISLATION TO PROVIDE FOR CERTAIN RECRUITING AND RETENTION INCENTIVES

Whereas, the increased responsibility for the national defense placed upon the National Guard and for other reserve forces makes it necessary that the authorized strength of units be maintained; and

Whereas, experience in the volunteer service no-draft environment indicates that additional recruiting and retention incentives are necessary to insure that units are maintained at full strength; and

Whereas, enlistment and re-enlistment bonuses, reduction of the age for commencement of retired pay, lifting of sixty retirement points per year ceiling for inactive duty training, survivors' benefits for survivors of guardsmen and reservists who die before date of eligibility to receive retirement pay, G.I. Bill benefits, full commissary and post exchange privileges, and increased medical and dental benefits would be strong recruiting and retention incentives; and

Whereas, proposed legislation has been introduced in the Congress of the United States which, if enacted into law, would make these benefits available to guardsmen and reservists;

Now, therefore, be it resolved, by the National Guard Association of Arizona, in Annual General Conference Assembled this 27th day of April, 1974 at Tuscon, Arizona, that the Congress of the United States be and it is hereby earnestly requested and urged to enact proposed legislation pending before it making the above described benefits availabel to guardsmen and reservists; and

Be it further resolved, that the President of this Association be and he hereby is authorized and directed to send a copy of this Resolution to the President of the United States, each member of Congress from Arizona, the National Guard Bureau and the National Guard Association of the United States.

In witness whereof, the undersigned officers of the Association have hereunto set their hands officially and affixed the seal of the Association this 27th day of April, 1974.

THE THREAT TO IDAHO WATER

Mr. CHURCH. Mr. President, it was recently revealed that the U.S. Water Resources Council is conducting a study on the use of water resources to meet the national energy crisis.

The trouble is that the Council is now talking about the possibility of "interbasin diversion" of water, and even the assertion of Federal jurisdiction over State water rights.

As chairman of the Senate Interior Subcommittee on Water and Power Resources, I think it appropriate that the Nixon administration be reminded that under current law, any studies of water diversion are prohibited. That prohibition, in the form of a 10-year moratorium, was written into law in 1968, and I am proud to have been one of its coauthors.

However, the fact remains that the moratorium is under attack, and in Idaho—where water is our life blood—there is an understandable concern.

On May 24th, the Coeur d'Alene Press stated well the opposition of Idahoans to water diversion or the assertion of Federal jurisdiction over Idaho water rights:

We will do everything we can within our power to fight this asinine proposal. Here is a time when all Idahoans need to stand up and be counted. Here is a time to take the battle to the halls of Congress and the White House. Here is a time to draw a line and say, "Enough!"

I agree, and as chairman of the Water and Power Subcommittee, I advise the Nixon administration to drop any plans it has for diverting Idaho water or attempting a takeover of Idaho water rights.

I ask unanimous consent that the editorial form the Coeur d' Alene Press be printed in the RECORD.

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

[From the Coeur d'Alene Press, May 24, 1974]

HANDS OFF IDAHO'S WATER

An ominous cloud from Washington, D.C., has blown over Idaho's precious water resources.

Gov. Cecil Andrus hauled up the storm flag this week when he revealed that the federal government is showing a great interest in diverting water from the Northwest to meet the needs of the rest of the nation.

Andrus issued the alert after he received word from the Federal Water Resources Council that it is considering meeting the nation's energy needs by asserting federal control over state water rights, by interbasin transfers and by changing the use of water from the existing reservoir projects.

The rationale for such Neanderthal thinking is that the water is needed more to meet national energy requirements, such as the use of water to extract oil from shale rock in Colorado, than it is needed by Idaho citizens.

This is in spite of the fact that computer research indicates that the critical need for Idaho by the year 2020 will be water.

We supported editorially the transfer of electrical power generated from Northwest dams during the energy crisis last winter. We felt the region should be willing to share its electricity because everyone was suffering equally and because the water would return when the rains returned, as it indeed did. The water stayed in the region. Only the power it produced was exported.

But we draw a battle line at this latest proposal. They are not talking about diverting the product of water by the water itself.

Idaho is rich in water resources because state officials and others had the foresight years ago to prevent their despoiling through overuse, industrial pollution and urban sprawl. As a result, Idaho remains rich in natural resources while other states, particularly in the East, have overbuilt, overpopulated and overpolluted to the point that many areas have become a vast wasteland of barren soil jammed horizon to horizon with a teeming mass of humanity.

Now Idaho is expected to bail them out. Federal officials are saying, in effect, "Well, we let this get all messed up, now we're going to take what you have because we need it more. After all, you've got more than we've got and so we want some of it."

So to salvage the horrendous conditions in many parts of the nation, the Northwest is expected to play dead and let itself be stripped until it is in the same condition as they are.

We don't believe the writers of the U.S. Constitution had this in mind when they stressed the importance of "equality."

We will do everything we can within our power to fight this asinine proposal. Here is a time when all Idahoans need to stand up to be counted. Here is a time to take the battle to the halls of Congress and the White House. Here is a time to draw a line and say, "Enough!"

We don't know what bureaucratic bubblebrain dreamed up this little fantasy, but whoever he is, we urge that he be relegated to the farthest reaches of the Interior Department where he will not be a danger to himself and the public at large.

PEACE CORPS AUTHORIZATION ACT, 1975

Mr. BIDEN. Mr. President, unfortunately, due to scheduling difficulties, I was unable to be present during the debate and vote on Thursday, May 2, 1974, on the Peace Corps Authorization Act of 1975, H.R. 12920. At this time, I would like to make it a part of the record that, had I been present, I would have voted affirmatively.

As originally conceived in 1961, when the Congress passed the Peace Corps Act, it was meant to promote world peace and friendship. Specifically, its purpose was manifold. Young volunteers were sent to recipient countries to provide needed manpower. Also, the Corps was meant to promote a better understanding between American and foreign nationals. I think that our Peace Corps has been very successful in both instances.

I have studied the report of the Foreign Relations Committee and I have concluded that the modest increases requested are justified in light of general inflation and the demands of the work. For these reasons, I also would have supported both the Mondale and Cranston amendments to increase readjustment allowances reflecting an enormously increased cost of living since 1961.

In light of this authorization request, I think that it is worth mentioning the unique role that the Peace Corps plays in our foreign assistance program. The Peace Corps gives volunteers the chance to help the everyday person in underdeveloped countries, while enhancing their own self-growth. For all of these reasons, I would have voted for H.R. 12920, had I been present.

NATIONAL SUMMER YOUTH SPORTS PROGRAM—A GOOD PROGRAM

Mr. DOMENICI. Mr. President, today I would like to go on record as adding my support to S. 3480, the National Summer Youth Sports Program Act of 1974. Congress founded this worthwhile program in 1969 which has since supervised sports activities for more than 200,000 disadvantaged youngsters between the ages of 10 and 18.

It is quite astounding that this pro-

gram is scheduled to expire at the end of this fiscal year. I feel very strongly that this Congress take the initiative in establishing the national summer youth sports program as a permanent program.

This program with the cooperation of the President's Council on Physical Fitness and the National Collegiate Athletic Association has spread to 36 States and 105 institutions. A basic requirement is that at least 90 percent of the youths participating in each program be selected from families whose income falls below the poverty level.

I have been witness to the success of this program in my own State of New Mexico. The University of New Mexico became involved with the summer youth program in 1970 and has since worked with 1,900 youths. This program also offered employment for 72 professional employees and 57 part-time aides. During the summer months these youths receive medical examinations, daily nutritious meals, health education, and counseling in study and career opportunities along with instruction in supervised sports activities.

I express my support for this bill because it offers a much needed mechanism to afford underprivileged youths the opportunity of growing through athletic competition and their surrounding programs. We must not forget out obligations to our young people by allowing this program to die for lack of funds.

PAY COMPRESSION IN THE CIVIL SERVICE

Mr. McGEE. Mr. President, the current issue of the Federal Times carries, in its Forum column, an article by Chairman Robert E. Hampton of the Civil Service Commission which I would like to bring to the attention of every Senator. It deals with the problems of pay compression in the civil service and advocates adoption of the President's recently submitted proposal to alleviate this situation somewhat by granting some salary increases in the executive branch only.

The problem created by the failure to approve an earlier recommendation on executive, legislative, and judicial salaries has exacerbated an already sorry situation, but I would point out that the problem is not solely centered in the executive branch.

Chairman Hampton's article gets to the heart of a very serious aspect of the overall problems, however. That is, of course, the illogical, morale-dampening impact of long-term pay freezes which sometimes make it preferable for experienced, competent career professionals to retire early and leave Government service. I ask unanimous consent that the article by Chairman Hampton be printed in the RECORD.

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

THE EXEC PROBLEM: A COMPRESSION CRISIS

(By Robert E. Hampton)

Can you imagine any well-run business with an organizational structure in which the chief administrative officer and officials at five or six subordinate reporting levels are all making the same salary?

Can you imagine such a company retaining the services of those executives if their pay remains frozen from three to five years and possibly more, while inflation rages and their contemporaries in other companies receive appropriate annual increases?

How do you think such a situation would affect the morale, motivation and productivity of the executives whose pay is so frozen?

How would you expect such executives with long service to react when they realize they may retire and receive annuities amounting to 60 or 65 percent of their present "take home" pay—and look forward to cost-of-living annuity increases that within a few years could bring them to present take home pay levels? (A few, in fact would wind up receiving more in annuities than their take home pay.)

What would happen to the efficiency and effectiveness of the business that experiences such a leadership drain?

The answers to these questions should be obvious. They sum up the situation facing the federal government as a result of the compression of salaries of the top-level of the career service that has occurred over the past few years. And the problem will grow increasingly worse unless salary compression is soon relieved.

The problem stems from "linkage" of top career salaries to levels of pay established by the Executive Pay Act, and the recent rejection by Congress of the President's proposed adjustment of salaries of members of Congress and top officials of the Executive and Judicial Branches.

Since under provisions of present law it would be four years before another such proposal, the President on May 7 urged Congress to take action this year on an emergency measure that would provide at least partial relief of the compression of senior career level salaries.

The current salaries for officials covered by the Executive Pay Act were set in early 1969. Since that time, the Consumer Price Index has risen more than 34 percent, and private sector executive pay has gone up by a like amount.

The government's 1.3 million general schedule employees, first catching up to and then maintaining comparability with private enterprise pay, have received six pay increases in this period, totaling more than 42 percent.

Despite these increases, and parallel increases in almost every other economic indicator, the salaries for top officials in the federal government have remained frozen.

While this pay freeze directly applies only to the 700 top officials in the Executive Branch (and to 1700 officials, including judges and members of Congress, in the other two branches), it has indirectly frozen the pay of nearly 10,000 senior executives and professionals in the government's career service.

This has happened because a provision of federal law prohibits paying employees under the general schedule or the other career pay systems more than the salary for the lowest rung, level V of the Executive Schedule, the pay system for the top officials. The level V salary is now $36,000.

This limitation on pay for career employees has resulted in a highly technical, but very real, problem of "salary compression." General schedule salaries are supposed to be adjusted every year to keep them comparable with private enterprise pay for work of similar difficulty and responsibility.

Every year since 1971, comparability has called for more and more of the pay rates of the general schedule to be higher than $36,000, but only $36,000 could be paid.

This pay limitation is currently preventing the government from paying comparability pay rates to managers and professionals in 13 theoretically different pay steps: The top step in GS–15, six of the nine steps in GS–16, all five steps in GS–17, and the single step of GS–18.

Employees in these four different GS grade levels are receiving the same pay rate, despite the fact that the difficulty and responsibilities of their jobs vary greatly.

This is "salary compression," and it is getting worse every year, as more and more steps are limited to $36,000, despite the fact that higher salaries would be necessary to provide comparability with what private enterprise pays similar managers and professionals.

Clearly, it is very demoralizing for one of our top career executives in GS–18 to realize that his pay is more than 20 percent below comparability and that this lag has cost him more than $15,000 since he first hit the $36,000 in January 1971.

There can be little wonder that many of our best senior employees at the $36,000 ceiling are retiring, since they can often better themselves financially by taking their civil service retirement annuities and finding a non-federal job.

Furthermore, they realize that, if they remain in the government, they will have to forego cost-of-living increases in civil service annuities, increases which have amounted to more than 10 percent in the last year.

The most recent COL increase in annuities of 5.5 percent last January brought a total of 20,000 retirements, of which 400 were by executives being paid salaries of $36,000.

The CPI for April 1974 was sufficient to trigger another annuity increase of 6.4 percent, effective in July. It will bring another big wave of retirements of top career executives—perhaps higher than before, in the light of the current freeze on their pay.

The federal service can ill afford such exodus of its most able career leaders at the peak of their performance potential.

In addition to the problem caused by the ever-increasing rate of these executives and professionals, recruitment of highly qualified individuals from outside the government to take the places of the retirees is also becoming harder, as outstanding candidates observe not only the present inadequacy of our higher-level salaries but also the limited prospects for an improvement in this situation.

We are even beginning to see cases where some present federal employees are declining promotions because they are unwilling to assume the burdens of a more difficult job without a commensurate increase in pay.

So far, these problems have only had a limited impact on the quality of the government, but I am deeply concerned that we will begin to see a precipitous erosion of the career service's best talents if action is not taken soon.

Already we can see danger signs—top researchers leaving the National Cancer Institute, the Social Security Administration unable to fill its chief actuary position for nearly a year—and these types of cases are multiplying.

Last year, a special nine-member panel appointed by the President, the Chief Justice, the Vice President, and the Speaker of the House of Representatives studied the executive pay situation and recommended an immediate 25 percent pay raise for top officials in all three branches of government.

President Nixon agreed with this recommendation, but decided to phase the increase over three years, with a 7.5 percent increase each year. He recommended this approach to Congress in February of this year. In March, Congress rejected the President's recommendation.

Many knowledgeable observers felt this rejection was largely because a pay raise for Congress was included in the recommendation, and this is always a politically volatile subject in an election year.

Because of the urgent need for action to

ease the impact of the pay freeze on the Executive Branch's ability to carry out the management of federal programs, the President decided it was necessary to ask Congress to reconsider this subject.

Therefore, he submitted a new recommendation.

However, this new pay recommendation would not provide any pay raise for Congress, nor would it affect any federal salary currently at the congressional salary rate of $42,500 or higher. The chart below shows the effect of the President's new recommendation.

Raising the ceiling on career employees' pay to $41,000 will not eliminate salary compression—some employees in GS–16, GS–17 and GS–18 will still be receiving somewhat less than comparability with private enterprise would call for—but it will substantially alleviate the compression problem, and will help our top career employees regain some of the financial ground they have lost in the past few years.

I am hopeful that Congress will act very rapidly on the President's recommendation, since fast action on this matter is essential to our efforts to maintain the outstanding managerial work force the government has developed in its career service.

Executive schedule level	Present salary	Recommended salary
Level I (Cabinet members)	$60,000	(1)
Level II (Deputy Secretaries and heads of a few major agencies, etc.)	42,500	(1)
Level III (heads of most major agencies, etc.)	40,000	$42,000
Level IV (Assistant Secretaries, etc.)	38,000	41,500
Level V (heads of major bureaus, etc., and ceiling on career pay)	36,000	41,000

1 No change.

WITHOUT BUSING, WOULD ANYONE REALLY CARE?

Mr. MUSKIE. Mr. President, there is no way to "prove" the degree to which busing and desegregation bring us closer to our goal of equality in education, and in society at large. But what I thought were some particularly instructive observations about the value of desegregation were made recently by a teacher in one of our local school systems, and were reprinted last Friday, May 31, in the Washington Post column of William Raspberry.

The teacher, Phoebe E. Cuppett, is a reading specialist in the Prince Georges County, Md., public school system. She reported that desegregation—through busing—has made visible progress in correcting inequalities, ranging from "little inequities," like the availability of chocolate milk and ice cream, to "more profound discrepancies," like the quality and quantity of teaching materials. And she found that desegregation brought new cooperation and positive attitudes among students and parents, bringing black and white together, "learning compassion and coming to understand each other's values."

Ms. Cuppett's observations may not qualify as scientific proof of the value of busing in her county, and they do not pretend to demonstrate that the details of that desegregation plan are perfect. But they illustrate well an important reason for maintaining our commitment to desegregation—that without busing, we would have no insurance that anyone would "care enough to spend equal time, effort and money on neighborhood schools."

Mr. President, I ask unanimous consent that the William Raspberry column containing Ms. Cuppett's comments be printed in the RECORD.

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

[From the Washington Post, May 31, 1974]

WITHOUT BUSING, WOULD ANYONE REALLY CARE?

(By William Raspberry)

Phoebe E. Cuppett, a teacher in the Prince George's County schools, takes impassioned exception to some things I had to say recently against the primacy of racial balance in the public schools. She took particular exception to a paragraph that said:

"Granted the popularity of the antibusing sentiment doesn't make it right. But if you're going to push a clearly unpopular program, you ought to be damned sure that the struggle and the risk of losing are worth it."

Here are excerpts from her response:

In the last analysis, you seemed to advocate that it may be better simply to shore up the neighborhood schools and forget the painful continuation of forced busing to achieve the dubious value of racial balance. "The time, effort and money spent on busing could be better used for other things. Like better schools, for instance."

The question in my mind is that if busing were removed (like the Ten Commandments from society), what would insure that anyone would care enough to spend equal time, effort and money on neighborhood schools?

Even with the busing, certain hardcore conservative factions in and out of the county school system would like to curtail the momentum made since Jan. 29, 1973. The County Council is proposing a gigantic funding cut. This will affect the sizes of classrooms and will place a greater burden on the possibility of the integration plan working more and more smoothly.

Most appalling, the school board proposes to do away with Head Start and to concentrate on developing the *lack* of modern, innovative methods by reinstating corporal punishment. If these proposals are carried through, the disadvantaged children of the lower socio-economic areas will not receive the chance to "catch up." Many of the human relations programs set up last year will be axed. Remember, this is what is happening *with* busing. Are we to be intimidated to lose the significant gains we made last year? . . .

I was hired in 1970 as a reading specialist. It was my assignment to visit four or five schools a week to offer my services. Some of the things I saw were little inequities, such as children never seeing chocolate milk or ice cream in their cafeterias. (Later on when white children arrived at some of these schools, the chocolate milk and ice cream did, too.)

More profound discrepancies were observed in the ways resources were supplied to the schools. A lack of materials and a surfeit of out-of-date textbooks were often in evidence in the poorer neighborhood schools. Sometimes the attitudes of individual teachers were not tolerant. . . .

I remember my feeling of shock and helplessness shortly after arriving in 1972 at my present school. I found that 75 per cent of the school was reading two or more years below grade level. How could one reading teacher ever begin to help two or three hundred children with individual and specific needs so severe?

Shortly afterward, the order to desegregate came. A great many of those children needing crucial help were bused out to more prosperous neighborhood schools. A large number of children from those schools came to ours. A strange mixture of white and black adult liberals suddenly joined hands to try to make this important changeover work. Perhaps 10 or 15 persons came to me, volunteering to work without pay, helping children learn to read. . . .

It is not a Utopia. We have little frictions and sometimes fights on the playground. But we also have children making friends and children acquiring knowledge of each other's culture. Most significant to me, we have a larger part of the school population reading on grade level. The children who were the farthest behind have caught up by one, two and sometimes three grade levels within little more than a year's time. This is exciting!

Was busing worth it? I have only to look at two of my sixth grade student volunteer reading tutors in order to know. Michael is black. Cathy is white. Both sets of parents have helped as volunteer aides and tutors during the changeover.

Before the January order, Michael was a fifth grader reading on a 3.2 level. This year he is on a sixth grade level in reading. Michael and Cathy and I have many rap sessions together. After watching "The Autobiography of Miss Jane Pittman," we talked about it.

Cathy's eyes grew wide with shock and sadness. "I never knew white people had treated black people in that way," she said. Her friend Michael made the evils of past humanity more real and more unjust than a thousand abstract lectures could have.

As an adult I am learning, too. Being a WASP from a tiny Pennsylvania town where seeing a black American is a rarity has made me dig deeply into my own set of prejudices and lack of them to "know where I am at."

It is partly because the busing forced us to be together that we are together, learning compassion and coming to understand each other's values.

CREDIT NEEDS OF FARMERS AND RANCHERS

Mr. CURTIS. Mr. President, the Economic Research Service of the Department of Agriculture has predicted that the credit needs of America's farmers and ranchers will double between 1970 and 1980—from $10 billion annually to $20 billion.

Ways and means of providing this additional capital has been of great concern to myself and other members of the Committee on Agriculture and Forestry. Amendments to the Farmers Home Administration Act in 1972 and 1973 increased the amount of money that agency could lend to a single customer. Because of the inflation in the ensuing period, these limits are already obsolete, and I intend to support legislation now before Congress to double the current farm ownership and farm operating loan limits of FHA.

I would add, however, that many private commercial banks and the member associations of the farm credit system are doing everything they can to help meet this ever-increasing credit need of farmers and ranchers.

The Omaha National Bank has been a prime agricultural lender for many years and has just increased this effort through the formation of an agricultural credit subsidiary which will attempt to tap the major money markets for funds.

A very interesting article on this new program and its initiator, Morris F. Mil-

ler, chairman of the Omaha National Bank, appeared in the June 2 edition of the New York Times. I ask unanimous consent that that article be printed in the RECORD.

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

INNOVATIVE OMAHA BANKER: HE TAPS THE EAST'S FUNDS FOR BENEFIT OF FARMERS

(By H. J. Maidenberg)

If necessity and capital are the parents of invention, Morris Folsom Miller must be one of the most innovative matchmakers to ply Wall Street in many a year.

Mr. Miller, chairman of the Omaha National Corporation and its chief subsidiary, the Omaha National Bank, recently helped introduce an unusual method of marketing commercial paper—that is, businessmen's I.O.U.'s.

These businessmen are ranchers and farmers, and their needs for credit have never been greater. But the Wall Street money market is unsettled, and the traditional gulf between Eastern bankers and the nation's largest industry—agriculture—yawns as wide as ever.

The Omaha National Bank finds the problem particularly vexing. Although it is the largest bank in its region, it ranks 187th among the nation's commercial banks, it is hard pressed to provide financing to ranchers and farmers.

"We can't make any loan for more than $4-million," Mr. Miller explained at breakfast in New York the other day. "With both record plantings and the distressed cattle market putting pressure on us, we had to find a way into outside money markets."

The way seems simple, in retrospect. Omaha National formed a subsidiary, the Ag-Co Corporation, which began operations late in May. Ag-Co's plan is to make loans to farmers and ranchers, put up 25 per cent of the money and turn over the rest of the loan (commercial paper) to Blyth Eastman Dillon & Co., Inc., the big Wall Street investment banking house.

To make the commercial paper attractive to investors, the Aetna Casualty and Surety Company insures the loans against default. Blyth Eastman Dillon then markets the paper, with the Morgan Guaranty Trust Company acting as paying agent and doing the paperwork.

For investors, it is the first time that insured commercial paper backed by "prime names" has become available. Such investment instruments mature in about six months and carry interst rates 1.5 or 2 per cent above the prime rate.

"Initially, most of the paper will represent loans to the hard-pressed cattle feeders who are losing about $150 on every animal they sell today," Mr. Miller said in his direct manner.

Reeling off figures without hesitation, the 55-year-old Omaha banker described the plight of the cattle feeders.

"On one hand," he said, "it takes eight pounds of feed to produce a pound of beef, and grain prices are still high. On the other hand, consumers can't afford or won't buy as much beef as they did a few years ago."

Cattle feeders have become caught between their own progress and the public's growing concern over the environment. Unlike many breeders, who have the pastures needed to feed calves, the feeders pack 100 to 150 calves and yearlings onto each acre.

Not only do their feedlots lack grass, Mr. Miller pointed out, but also the problem of disposing of animal waste aggravates the cost of expensive feedstuffs.

"The feedlots have moved closer to the markets, usually expanding urban centers," he said, "and the people there don't want that waste polluting their waterways and lands.

"This also means that expansion is often out of the question. And let's remember that 75 percent of our beef production today comes from feedlots."

It was a far different situation 20 years ago when Americans began consuming more beef than pork and the relatively new type of feedlot operator began thriving on cheap subsidized grain and plenty of available acreage.

Although the livestock industry is rapidly becoming integrated (horizontally and vertically) into huge companies, their names remain largely unknown to Eastern money managers.

"Besides," the chairman of the Omaha National Bank continued, "most big banks favor customers who generate deposit flows such as retailers, manufacturers and the like. Feedlot operators don't generate this kind of interest-free deposits."

Mr. Miller ought to know. He was born in Omaha, the center of the nation's beef industry, and he was the son of an owner of a grain milling company that was sold 21 years ago to the Kellogg Company, the cereal producer.

"As long as people eat every day," he said over his fried eggs and sausages at the New York Athletic Club, "our town will have a stable economy. But we do have problems in finding work for those people in the packing houses. The decentralization of packing firms has reduced that employment sector."

Mr. Miller's home town, Omaha, is nevertheless a prosperous city of 350,000 within a metropolitan area of 550,000. With the movement of packing houses closer to urban markets, the Western Electric Company and the Union Pacific Corporation have become the city's major employers, he said.

"We still have fine schools; I mean public schools and all my family has gone to them."

After attending Omaha public schools, he earned his Bachelor of Arts degree in business administration at the University of Michigan in 1940. Soon after Pearl Harbor, Mr. Miller entered the Army Air Corps. He spent 39 months in the Far East, rising to the rank of major.

Upon his discharge, he joined a small bank as a bookkeeper. Within a year he switched to another small-town bank as a teller, a position he held five years.

"It all began to happen in 1951," he recalled. In that year he moved back to Omaha and joined the bank he now heads as assistant cashier. He married a doctor's daughter a year later and was soon recalled to active service in the Korean War. He emerged as a reserve colonel.

Since then he has quickly moved up Omaha National's organizational ladder. He was named a director in 1958, vice president in 1962, president in 1969 and a chairman a few months later.

One former mentor at Omaha National who has long known Mr. Miller observed recently: "Moe is a serious banker. I don't care what sports he says he plays, he is and has always been a no-nonsense banker."

But there is another side of Mr. Miller. On June 8, he will receive a medal from the Israeli Government for his efforts over the years to both aid that nation and relations between Omaha's Christian and Jewish communities.

A present officer of the bank commented: "Moe won't slap you on the back, and he won't stab you in the back. Besides his wife and three children, I don't think anything counts with Moe but the bank. All I can add is that his golf is mediocre, his politics is Nebraska Republican and his faith is in America."

Asked to comment on that estimation, Mr. Miller replied that he also had faith in the nation's agricultural strength and ability to serve as an international breadbasket, adding:

"Oh, I suppose we won't be eating as much beef in the future as we have in the past because of the growing demand for grain as human food. Another factor is that beef doesn't keep as well as pork, which can be smoked, or poultry and fish, which can be frozen for long periods."

While many packing houses are expanding into the production and finishing of livestock, the Omaha banker does not expect any General Motors to develop in agriculture. For one thing, Midwest and Far West farmers and ranchers have traditionally fought against large interest controlling water rights. And available water, rather than capital, determines the size of farms and ranches.

"Our part of the country has also had strong prejudices against bigness in any form," Mr. Miller observed. "So we may see the old system returning to the beef industry."

The old system was one in which farmers used some of their autumn harvest earnings to buy calves or yearlings, fed them on the grain put aside for that purpose and then marketed the mature animals in late spring. The farmer-feeder also had enough land to accommodate animal waste without disturbing his community's ecology.

However, the old system will not lessen the farmer's demands for credit, for as prices rise for crops, equipment and land, so does the need for financing increase.

Mr. Miller said that banks only provide some 35 per cent of the farmer and rancher financing today. "The rest comes from the credits extended by seed, equipment, fertilizer and other 'input' providers the farmer deals with, or the various Federal agricultural lending agencies."

Omaha National would like to expand its agricultural lending, which now accounts for a third of the bank's loan portfolio of some $340-million.

"But that would require branching and most Midwest states, including Nebraska, do not permit branching. It's part of the fear or dislike of bigness," Mr. Miller said.

"As to more immediate things, I'm going back to Omaha, pick the family up and fly out to our little place in Wyoming for a week of trout fishing. Now there is this trout stream just a few feet from our door out there. . . ."

THE BIG FARM LENDERS

[In millions of dollars, as of June 30, 1973]

	Total agricultural loans	Total deposits
Bank of America, San Francisco	$717.1	$36,861.7
Security Pacific National Bank, Los Angeles	269.5	11,304.7
Valley National Bank, Phoenix	204.3	2,249.0
Crocker National Bank, San Francisco	136.5	6,532.1
United California Bank, Los Angeles	127.8	6,386.4
Wells Fargo Bank, San Francisco	121.8	8,317.1
Omaha National Bank, Omaha	106.4	419.8
Seattle-First National Bank, Seattle	103.7	2,625.6
Idaho First National Bank, Boise	88.3	688.5
First National Bank, Portland, Oreg	71.9	2,106.1
First National Bank, Phoenix	69.5	1,492.8
First National Bank, Chicago	67.9	10,725.5
U.S. National Bank, San Diego, Calif.[1]	67.1	933.9
National Bank of Commerce, Seattle	60.6	1,687.6
Chase Manhattan Bank, New York	57.0	26,175.8

[1] Bank insolvent Oct. 18, 1973. Assets and liabilities taken over by Crocker National Bank.

Source: Compiled by American Banker.

DELAWARE STATE JAYCEES CAMPAIGN TO REDUCE ALCOHOLISM

Mr. BIDEN. Mr. President, the enactment of the Alcohol Prevention, Treatment, and Rehabilitation Act, which I cosponsored, recognizes the magnitude of alcoholism as a major health problem. Although passage of this legislation is a major landmark in the fight to eliminate

alcoholism, it is only a beginning. There is still a great deal of work to be done.

Once again, Delaware is taking a lead in the battle to stamp out this insidious disease. The Delaware State Jaycees have launched a media campaign to call attention to this health problem, and to the fact that there are 9 million alcoholics in the United States. Further, the Delaware State Jaycees have joined their national organization in sponsoring "Operation Threshold," a program which is aimed at reducing alcoholism.

Mr. President, I commend the Delaware State Jaycees for their fine work in fostering public awareness of alcoholism and the need to prevent it and treat it. I ask unanimous consent that a resolution, introduced in the Delaware General Assembly by State Representative Hudson E. Gruwell, which commends the Delaware State Jaycees, be printed in the RECORD.

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

RESOLUTION

To call to the attention of all of the people of Delaware the excellent work being done by the Delaware State Jaycees in the campaign to reduce alcoholism

Whereas, despite the services of hospitals, detoxification centers and medical science generally there is a continuing growth of alcoholism in the United States; and

Whereas, alcoholism is considered the most insidious drug-related disease; and

Whereas, the Delaware State Jaycees are calling attention to this mentally, physically and emotionally-crippling disease with a series of commercials used by WDOV, Dover radio station, and other radio stations; and

Whereas, this commercial states that there are nine million alcoholics in the United States, that alcoholism is the number-one health problem, that fifty percent of traffic fatalities are alcohol-related, and that 450,000 alcoholics in the United States are between the ages of nine and twelve; and

Whereas, the Delaware State Jaycees have joined their national organization in sponsoring Operation Threshold which seeks to reduce alcoholism.

Now therefore, be it resolved that the House of Representatives of the General Assembly of Delaware, the Senate concurring therein, wishes to commend most sincerely the campaign of the Delaware State Jaycees and especially the excellently-prepared commercial used by Radio Station WDOV and other media outlets in the drive to reduce alcoholism.

Be it further resolved that the General Assembly of the State of Delaware by this joint resolution expresses the wish that this campaign to reduce this insidious disease be continued not only by the Delaware State Jaycees but by all of the public and private agencies now engaged in this work.

Be it further resolved that copies of this joint resolution be conveyed to each member of the Delaware Congressional Delegation for their consideration and cooperation.

SENATOR RANDOLPH COMMENDS THE WEST VIRGINIA MOUNTAINEERS FOR RURAL PROGRESS COUNCIL FOR SUPERIOR SERVICE AWARD IN RURAL COMMUNITY DEVELOPMENT; CITES COOPERATION BY ALL LEVELS OF GOVERNMENT

Mr. RANDOLPH. Mr. President, on May 16 at the Department of Agriculture's 28th annual honor awards ceremony in Washington the only recipient of the Superior Service Award for Rural Community Development was the West Virginia Mountaineers for Rural Progress Council. This is a statewide organization based in Morgantown. This well-deserved award is the culmination of diligent efforts and effective planning. The Department of Agriculture cited the council—

For significant achievement in obtaining Federal, State, and County agency cooperation in rural development efforts; and for creating awareness and motivating local citizens, groups, and organizations into a total rural development program.

The West Virginia Mountaineers for Rural Progress Council—MRP—is the fourth State organization to receive the Superior Service Award for Rural Community Development.

The MRP and its county committees provide collective leadership through Federal, State, and local agencies and organizations to encourage local participation in achieving various rural program objectives. The West Virginia MRP Council stresses interagency cooperation and full resource commitment.

Four years ago West Virginia's Rural Development Committee—with its theme "Mountaineers for Rural Progress"—determined that rural progress in West Virginia could not be effective without a combined and coordinated Federal, State, and local effort to improve our State's social and economic development. The MRP stressed that greater progress can be achieved through maximum utilization of existing resources and a constant endeavor to eliminate duplication of programs already being undertaken by other agencies.

Through this unique organizational framework and communications system, rural development in West Virginia has made significant gains. The council coordinates rural development activities, reviews the monthly reports of the county MRP committees, and monitors the progress of various programs.

The Mountaineers for Rural Progress nomination report states:

For the first time in West Virginia history, Federal, State, and County Agencies, along with local groups, are meeting together and accomplishing rural progress that no one agency could achieve alone.

Mr. President, having sponsored the Appalachian Regional Development Act and the Public Works and Economic Development Act, I am intensely aware of the neeed for the role being exercised by Mountaineers for Rural Progress. Practical realities of limited funding and resources demand that we approach social and economic development on a regional basis to the maximum extent possible.

To help achieve its objectives, MRP has formed 10 State committees comprised of leaders in business, industry, education, and local and State government. These committees are waste disposal; environmental improvement and rural beautification; agriculture; land use development; forestry; econ-environment; environmental education; vocational, technical and adult education; water recreation; and wildlife resources.

These committees are working toward a comprehensive approach to solve critical State problems. These efforts include the initiation of new vocational education programs, a statewide land-use conference, material recycling workshops, and county recreation plans. The county MRP committees can provide increasingly greater assistance in the planning of such vital facilities as sewage treatment and water systems.

It was my privilege to meeet with many of the members of the Mountaineers for Rural Progress State Council following the agriculture awards ceremony. Those able to attend the ceremonies were: J. Kenton Lambert, Director, Farmers Home Administration; James S. Bennett, State conservationist, Soil Conservation Service and former chairman of the MRP State Council; Gus R. Douglass, Commissioner, State Department of Agriculture; Edward H. Post, executive secretary, State Department of Highways, representing William S. Ritchie, Jr., Commissioner, Department of Highways; H. G. Woodrum, Department of Natural Resources, representing Ira S. Latimer, Jr., director, Department of Natural Resources; Carl S. Thomas, Bureau of Vocational, Technical, and Adult Education, representing Daniel B. Taylor, State superintendent of schools; Ronald L. Stump, director, Cooperative Extension Service; George Heidrich, president, West Virginia District Supervisors Association; Alfred Troutt, forest supervisor, Monongahela National Forest; William B. Bridgforth, field representative, Rural Electrical Administration; Dr. George W. Hess, USDA Animal and Plant Health Inspection Service; Dr. B. L. Coffindaffer, president, Bluefield and Concord State Colleges, and former chairman of the Mountaineers for Rural Progress State Council; and Kermit R. Zinn, State executive director, Agricultural Stabilization and Conservation Service, and presently the chairman of the MRP State Council.

Other members of the State council include Betty Dean, executive director, West Virginia Council of Towns and Cities; Orus L. Bennett, research soil scientist, Agricultural Research Services; John D. Hurd, executive secretary, West Virginia State Chamber of Commerce; Carl L. Bradford, director, Office of Federal-State Relations; Dr. N. H. Dyer, director, West Virginia State Department of Health; William W. Myers, president, West Virginia Banker's Association; Donald L. Fogus, executive secretary, West Virginia Forests, Inc.; Dr. Homer Evans, acting dean, West Virginia University College of Agriculture; Richard Shelton, executive director, West Virginia Association of County Officials; and James White, president, West Virginia Homebuilders' Association.

Mr. President, I commend the members of the State council and the many citizens and Government officials responsible for this award. West Virginia Mountaineers for Rural Progress Council is a splendid example of cooperation by all levels of government in the development of programs and projects that best respond to the needs of rural Americans, particularly through the active

participation by citizens at the grassroots level.

EXIMBANK ENERGY LOANS

Mr. SCHWEIKER. Mr. President, I would like to call to the attention of my colleagues an article which appeared in the Washington Star-News May 31, entitled "Ex-Im Oil Loans Drawing Fire."

This article details the shocking shortages of oil drilling equipment and production machinery which have been created in this country by Eximbank subsidies of overseas operations.

Since last June, according to the article, the Eximbank has financed the export overseas of $460 million of exploration, production, transport, and refinery material, at 6-percent and 7-percent interest—while the prime rate today in this country is 11½ percent. In this situation, no businessman in his right mind would focus his energy development efforts in this country; if this national policy has a name, it should be "Total Energy Dependence—1980."

I have introduced S. 3229, to absolutely prohibit Eximbank participation in the proposed multibillion dollar Siberian energy development project. This article makes clear that in addition to enacting S. 3229, we must reconsider the entire issue of Eximbank financing of foreign energy projects. I ask unanimous consent that the article be printed in full in the RECORD.

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

[From the Washington Star-News, May 31, 1974]

EX-IM OIL LOANS DRAWING FIRE

(By John Holusha)

Independent oil producers are complaining bitterly that the nation's Project Independence is being undermined by low-cost government-backed loans for the export of drilling and refining equipment despite shortage at home.

"This is nonsense," one independent promoter snorted. "Here we have this program that's supposed to make us self-sufficient (in energy) but the Export-Import Bank is giving long-term credits at 7 percent to export a flood of pipe and equipment.

"Even if I could get it, I'd have to pay prime rate." The prime bank lending rate is now at a record 11½ percent.

A search of Ex-Im Bank records shows that since last June the bank has made available more than $200 million to finance the export of some $460 million of exploratory, production, transport and refinery materials.

Interestingly, some $340 million of this has been agreed to since the October Arab oil embargo.

Some of the financing arrangements include: Slightly over $6 million for an offshore drilling rig to be used in the Arab emirate of Abu Dhabi. Abu Dhabi is a member of OPEC, the organization that coordinated the cutoff of oil shipments to the United States.

Credits up to $100 million to build an oil pipeline from the Gulf of Suez to Alexandria, Egypt. The line will be owned 50 percent of Egypt, with the remainder shared by Saudi Arabia, Kuwait, Abu Dhabi and Qatar—all OPEC members.

$4 million for drilling rigs to be used by a subsidiary of Ashland Oil Co. in Nigeria.

$49.6 million for desulfurization equipment at a refinery in the Bahama islands. The plant is owned by Standard Oil of California and New England Petroleum Corp.

Most of these loans were made at a 6 percent interest rate, since the increase to 7 percent did not come until February. Ex-Im Bank usually advances 45 percent of the cost of the equipment to be exported, with a commercial bank advancing a similar amount and the buyer putting 10 percent down. Ex-Im will guarantee the bank loan in some cases.

Although Ex-Im does not receive a regular appropriation from the government, its loans are backed by the full faith and credit of the United States. Moreover, it was initially capitalized by $1 billion from the U.S. Treasury.

There is little question that there is a shortage of oil exploration and production machinery in the United States. The recent tripling of the price of crude oil has touched off a wildcatters' boom.

J. A. Mull of Mull Drilling Co. in Wichita, Kan. is a typical explorer.

"I've got 40 locations, including offsets, I could be drilling now. But I've only got two rigs and three strings of casing (the pipe used to line the drilled shaft). It's so bad that we're pulling secondhand casing out of wells in Louisiana that are 35 years old."

Other bottlenecks are in drilling pipe ("I've been promised only two strings this quarter") and the rigs themselves. ("They said 18 to 24 months was the best delivery they could promise.")

"And, hell, there isn't a pumping unit in the country," he adds.

An aide to the Senate Interior Committee, which has looked into domestic production problems, concurs on the shortage.

"Part of the problem of course, is that anybody who can string two pipes together is out in his back yard trying to punch holes," he said.

But another factor is links between the major oil companies and equipment producers and lenders, he adds. "We hear stories of equipment heading down toward the Gulf. Instead of turning up in the production fields it heads toward the port of Houston and Galveston."

"There is also the issue of whether it is better to use, say, four rigs on 10,000 barrel-a-day wells in the United States or send them to four different countries overseas for 50,000-barrel wells."

The problem of resource allocation, the aide says, "is terribly complex."

The attitude at the Federal Energy Office is similarly divided. A middle-level official said the Ex-Im Bank notifies the FEO of prospective loans for export of petroleum gear. "If it's on the critical list, we tell them we'd rather they didn't finance it."

Does the comment have any impact? "I don't know, we don't follow up."

At the policy-making level, the tone is somewhat different.

The independents have "legitimate complaint" when they see badly needed equipment go overseas with the help of the Ex-Im Bank, an aide to policy chief Duke Ligon concedes.

But the FEO feels "our focus can't be so narrow that we concentrate solely on U.S. production. We can't afford to ignore world supply and the effects on countries like Japan."

Ex-Im Chairman William J. Casey, a former under secretary of state for economic affairs, sees the issue in terms of payments balances and the competitive position of American industry.

"In some types of equipment we have an advantage. If we step out of those markets now, we'd be inviting other countries to step in," he said.

Casey said it could be "counterproductive" to sacrifice these markets now and be frozen out of them in a few years when production of drilling and refining machinery has caught up to demand.

Since the oil companies claim they need large profits to finance exploration, why give them low-cost loans? Casey was asking.

"Well, we could sit here and say use your own money," Casey said. "But other countries like Britain, France and Japan support their industries more than we do. Other countries make 5 percent money available."

Casey added that the bank has "been going slow" in financing the export of materials in short supply.

The FEO aide admitted there is somewhat of a conflict between the goal of U.S. self-sufficiency and Ex-Im's role of bolstering payments surpluses through exports.

"Up until now, as you know, we've been too busy putting the fire out.

"Now we're trying to create some unity of approach. We've got to come up with some long-range policies to eliminate the bottlenecks."

HOUSING

Mr. BIDEN. Mr. President, in a statement adopted by its executive council, the AFL–CIO deplored heavy inflation pricing American families out of the housing market and lack of legislation for the poor who are relying on the Federal Government for assistance. The executive council also suggests solutions for the crisis which are sound and viable:

We urge that special assistance programs be dramatically expanded, and that direct loans to low- and moderate-income families be made. We urge the Administration to accept the principle of additional funding for subsidized housing programs, for new public housing construction, and for rural housing needs.

Housing as an issue can no longer be equated with the inability of the low- and moderate-income family to survive without Federal assistance because it represents a social and economic complex of considerations to all Americans. The AFL–CIO statement lets Congress know that the public is aware of measures which actually shortchange them, and that Americans are concerned about those inadequacies. Mr. President, I ask unanimous consent that the text of the AFL–CIO statement be printed in the RECORD.

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

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON HOUSING

Each day as mortgage interest rates climb higher (they have passed 9% with no end in sight), additional thousands of American families are being shut off from homeownership and from decent rental housing.

By customary standards, including those of lenders, a family should not have to pay more than 25% of its income for housing. With current housing costs, and particularly the astronomic costs of mortgage interest rates, families earning $15,000 a year or less cannot afford the monthly costs of buying an average-priced home, with principal and interest payments, real estate taxes, utilities and hazard insurance.

Some 70% of America's households have an annual income less than $15,000. Their inability to buy housing is the key to the disastrous drop in home building.

In the first quarter of 1974, a reduction in housing construction was a major factor

in the drop in the Gross National Product. President Nixon continues to proclaim his "hope" that increased housing production will play an important role in "upturn" in the economy he predicts, but his one decisive action in the housing area was to suspend Federally subsidized housing programs.

The Federal Government has made only feeble and ineffectual efforts, in response to this housing crisis, despite the role that housing plays in the country's economic health. Arthur F. Burns, chairman of the Federal Reserve Board, has admitted that present monetary policies will be destructive to the housing industry. This is not an adequate response by the Federal Government to the problems of low and moderate income families or to the sad state of the housing industry.

The AFL-CIO Executive Council once again calls upon the Administration to take prompt action under precedents firmly established. We urge that special assistance programs be dramatically expanded, and that direct loans to low and moderate income families be made. We urge the Administration to accept the principle of additional funding for subsidized housing programs, for new public housing construction, and for rural housing needs.

Nothing short of such major and immediate efforts can restore health to the low and moderate income housing market, to the housing industry and to the total economy.

NIXON TRIP TO MIDDLE EAST UNNECESSARY

Mr. CHURCH. Mr. President, I applaud Secretary of State Henry Kissinger's month-long efforts in negotiating a disengagement agreement between Israel and Syria. This is a singular accomplishment which I fully support.

The proposed follow-up trip to the Middle East by President Nixon, however, is unnecessary. I do not see what benefit such a tour would be except for the President himself. As noted historian and political commentator Arthur Schlesinger, Jr. pointed out in his excellent article in last Friday's Wall Street Journal, Nixon's "magical mystery tours must be regarded as part not of the defense policy of the United States but of his own defense policy against impeachment."

I ask unanimous consent that Professor Schlesinger's contribution to the Wall Street Journal's editorial page be printed here in the RECORD.

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

[From the Wall Street Journal, May 31, 1974]

MR. NIXON'S MAGICAL MYSTERY TOURS

(By Arthur Schlesinger, Jr.)

President Nixon has often claimed that foreign policy is his strongest suit. In his moment of extremity, he is evidently determined to play that suit for all it is worth. His plan to visit the Middle East and the Soviet Union while the House Judiciary Committee is weighing his fate therefore confronts Congress and the American people with grave and curious questions.

The only possible justification for the presidential trips must be that through his physical presence Mr. Nixon will win advantages for the United States that are not to be won otherwise. Congress is entitled to know what these advantages might be. They are certainly not self-evident. In the Middle East Mr. Nixon would do no more than bless a settlement already worked out by Dr. Kissinger. In Moscow, if he tries to go beyond deals already completed, he would enter into negotiations from the unpromising situation of a President who, not being able to afford a failure, may be tempted to pay too high a price for an appearance of success.

Until we are told what added benefits Mr. Nixon's personal touch will bring, his magical mystery tours must be regarded as part not of the defense policy of the United States but of his own defense policy against impeachment. And if Congress, without question or objection, permits a President in almost unprecedented disrepute to wander about the world in a transparent effort to shore up a crumbling political position at home, it will quite deserve the contempt with which Mr. Nixon has been treating it.

Mr. Nixon's current strategy is to present himself, as he did in his recent seance with James J. Kilpatrick, as America's indispensable man in world affairs. If his steady hand should ever leave the tiller, this argument implies, American foreign policy will run around or crash into the rocks. The argument hardly puts the man he recently chose as his Vice President in a flattering light. But then Mr. Nixon in the same interview indicated his opinion of Vice Presidents, especially in connection with foreign policy. Mr. Kilpatrick asked him whether he had told his Vice President of 1971 about the diplomatic opening to China. "Agnew?" Mr. Nixon replied in what Mr. Kilpatrick describes as an "incredulous" tone. "Agnew? Oh of course not."

Mr. Nixon seems genuinely persuaded that no other American can deal as well with foreign leaders. In fact, many of the foreign leaders he has dealt with are in trouble too or are no longer around (England, France, West Germany, Israel, Egypt, Portugal, Canada, even perhaps Chou En-lai in China). And one wonders whether any realistic foreign leader these days will not be embarrassed by Mr. Nixon's drowning embrace and prefer to talk to an American President who commands a modicum of respect from his own people.

Nor, for that matter, does Mr. Nixon's argument for his personal indispensability cast a flattering light on his Secretary of State, who, there is every reason to suppose, would also be President Ford's Secretary of State. The White House story is that all Dr. Kissinger does is to execute Mr. Nixon's instructions. Without the guiding presidential hand, we are given to understand, the Secretary of State would only make a mess of things. Thus presidential spokesmen claim that Dr. Kissinger's Middle East negotiations have been subject to Mr. Nixon's constant "direction"—though reporters covering the White House, as this newspaper disclosed last week, regard this as a fiction and resent it.

WHO'S IN CHARGE?

Is Mr. Nixon really in daily charge of foreign affairs? Has he ever been? When he refused to meet last winter with the Senate Watergate Committee, Sen. Weicker of Connecticut sent him a list of written questions. One question noted that Mr. Nixon had said he had been too busy with foreign affairs to find out about Watergate and the cover-up; "yet your daily logs for June and July 1972 show literally hundreds of minutes for meetings with principal Watergate figures while only minutes were spent with individuals such as Dr. Kissinger." (Mr. Nixon did not respond to Sen. Weicker's observation.) The tapes have pretty well laid to rest the carefully cultivated myth of Mr. Nixon as a forceful, well-organized, decisive executive. One imagines that he can be quite as rambling and deferential in discussing what to do about foreign affairs with Dr. Kissinger as he was in discussing what to do about Watergate with Messrs. Haldeman, Ehrlichman and Dean.

No doubt the President has intervened personally from time to time, as in ordering the invasion of Cambodia in 1970 and the Christmas bombings of 1972, and in so doing may even have rejected the advice of Dr. Kissinger. But the main line of the Nixon foreign policy bears less the imprint of the pre-1969 Nixon than of the pre-1969 Kissinger. The foreign policy of a Ford administration would doubtless bear the same imprint.

Even supposing that American foreign policy might change under Mr. Ford, has it been so wise and effective under Mr. Nixon that the American people should sacrifice domestic values in order to insure its continuation? No one can doubt that as a negotiator Dr. Kissinger is an invaluable national resource. His work in the Middle East in recent months has been extraordinary. His ability to enter into the viewpoints of others, his instinct for areas where compromise might be possible, his penetrating intelligence and imperturbable good cheer, his combination of tact, patience and sheer physical stamina—all these qualities make him one of the exceptional diplomatists of the century.

Whether his conceptions are as impressive as his skills is another question. He sees the world essentially in terms of the political and military relations among the great powers. He is everlastingly right, of course, in his view that national interest is far more decisive than ideology in shaping a great power's policy. This view made it easier for the United States to embark on relations with Peking. But that development was not in itself any great feat of diplomatic prestidigitation. By 1969 the Chinese leaders were desperate to break out of isolation and determined to block the consolidation of a Soviet-American combine against themselves. The Chinese connection was ripe for the plucking. It did, however, require maladroit diplomacy to pluck it at such unnecessary cost for the United States in Japan and India.

The besetting sin of the Nixon-Kissinger policy is that it expands far more concern on our enemies than on our friends, on dictatorships than on democracies. It is easier to deal with leaders who can deliver their countries than with leaders who must take account of a restless internal opinion. Dr. Kissinger's impatience with the democratic governments of Western Europe, for example, has hardly been concealed. He has even questioned their legitimacy—a singular observation by the representative of a government whose own legitimacy is in doubt. But this concern for enemies, for dictataorships, for political and strategic issues may obscure other factors on the world scene. In consequence of Dr. Kissinger's preoccupations, our foreign economic policy has been a shambles, our Latin American policy dismal, our African policy largely non-existent, our European policy a failure, our United Nations policy a scandal.

THE TIMES' HEADLINE

Even in the countries themselves, preference for authoritarian regimes will only cause trouble for the United States in the longer run. On May 6 The New York Times had an arresting headline: "Communist Party Emerges as Strongest in Portugal." Our policy in Portugal had been to give fervent support to an authoritarian government. That government, by representing its constitutional opponents, had predictably placed the opposition under the command of the Communists, who alone were proficient at underground organization and survival. Portugal may end up with a Communist government in another year. It may be predicted that, so long as we pursue in Greece, Spain, Chile and elsewhere the same policy we pursued in Portugal, that policy will eventually produce the same result—and the same headline.

This policy, by tying the United States to detested local tyrannies, also intensifies American unpopularity among peoples struggling to get on the democratic path. Nor does the Nixon administration apparently find it easy to identify the United States with democratic developments. In the case of Portugal we kept our enthusiasm for the overthrow of the dictatorship under stern control. On May 3, the European Economic Community hailed the emergence of "a democratic Portugal." But the United States, so far as I have been able to discover, maintained a gloomy silence until May 22 when the American ambassador finally gave the new government a goodwill message from President Nixon.

The time may well be arriving for a reorientation of our foreign policy. Dr. Kissinger's skills and preoccupations may have defined our international agenda long enough. He has done remarkable things, and he remains our best negotiator. We must build on his success in detente with the Soviet Union, in opening relations with China, in the stabilization of the Middle East. But we need more than ever to pay attention to the things Dr. Kissinger has ignored: to our democratic friends in Europe and our own hemisphere; to food, energy, trade, aid, the monetary system and other international economic problems; to the United Nations.

In short, the preservation of President Nixon and his foreign policy is not necessarily what the United States most needs today. Even if it were, however, that should not be the overriding issue brought up by the movement for Mr. Nixon's impeachment. Professor Hugh Trevor-Roper, the English historian, has explained Watergate to his fellow countrymen by drawing a parallel between Watergate and Hampden's refusal to pay ship-money to Charles I. "No doubt, in the 1630s," Mr. Trevor-Roper writes: "foreigners thought the English very foolish to make such a fuss about ship-money when a firm and unhampered English government might have been effective in Europe. But the English thought first of their own liberties; and who shall say that they were wrong?"

LEARNING THE METRIC SYSTEM

Mr. BIDEN. Mr. President, the Senate recently passed the Elementary and Secondary Education Act Amendments of 1974. I was pleased that this legislation included a provision to prepare for the use of the metric system of measurement, because I believe that this demonstrates the foresight which is essential for effective educational planning.

Two decades ago this Nation was taken by surprise when the Soviets launched the Sputnik. What followed was a rapid shifting of educational priorities. There was an onslaught of new math programs, new science programs, and an urgency to catch up quickly. It was an educator's nightmare that would have delighted Thomas Henry Huxley and depressed Matthew Arnold.

It would be easy to follow along this path once more—to pretend that the old traditions will prevail. But more logical minds have begun to anticipate changes, and one of these changes must eventually be the move away from traditional English measurement to the metric system of measurement.

Were it not for this early indication that the transition will soon be upon us, we might one day confront the bureaucratic decision that on Monday morning, July 1, 1983, all Americans will begin using the metric system of measurement—notwithstanding the fact that many have never heard of it.

Instead, we have chosen a more enlightened route. The Education Amendments of 1974 provide for grants to schools which are developing projects for education in the metric system of measurement. Moreover, the provision states that—

It is the policy of the United States to encourage educational agencies and institutions to prepare students to use the metric system of measurement with ease and facility as a part of the regular education program.

There should be no element of surprise then as the United States gradually shifts from the English measurement system to the metric system. But more important than the element of surprise is the fact that not only did we see the change approaching, but we acted to prepare ourselves.

Mr. President, I commend the Senate for its favorable support of the metric education provision; although its inclusion in the education bill was not greeted with a burst of cannon, it is deserving of special recognition.

For this reason, I am especially pleased that Delaware is once again in the vanguard of progress. On February 21, 1974, the Delaware State Board of Education adopted the Metric in Delaware Resolution, which mandates the shift from the English measurement to the metric measurement system. A plan for implementation has been developed to achieve a smooth transition.

Mr. President, I also wish to commend the board of education in Delaware for their foresight in this area, and I ask unanimous consent that a brochure published by the State department of public instruction, "Metric in Delaware," be printed in the RECORD.

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

STATE BOARD ADOPTS INTERNATIONAL METRIC SYSTEM OF MEASUREMENT

The State Board of Education, at its February 21, 1974 meeting, passed a resolution that mandates a move from the traditional English system of measurement to the *International* Metric *System* of *Measurement*.

The implementation plan has been developed to make the move to metric as painless and effortless as possible. Inservice training will indeed be a major requirement and the Department of Public Instruction is readying materials and obtaining ideas to get this program underway in the near future. Another important facet of the *Metric in Delaware resolution* is the selection of textbooks that use the International Metric System as the primary system of measurement. Text materials are expected to be replaced in accordance with district schedules for textbook adoption. All text materials should have the International Metric System of Measurement as the primary measurement system by September, 1980. This includes texts used for all disciplines: economics, business, social studies, art, etc.

Panic should not be a factor in hasty decisions about the metric system. There are many materials on the market to be evaluated; one must decide what is wanted, and most importantly, what is needed. Teaching the metric system will be just like teaching the English system. *Measurement skills* are needed to be taught, and the International Metric System of Measurement will make it easier.

DOES THE METRIC SYSTEM GIVE YOU TROUBLE?

You have been using a metric monetary system for years

1 Penny equals 1 "Centidollar."
1 Dime equals 1 "Decidollar."
1 Dollar equals 1 "Dollar."
10 Dollars equal 1 "Dekadollar."
100 Dollars equal 1 "Hectodollar."
1000 Dollars equal 1 "Kilodollar."
How many pennies in 1000 dollars?
How many centimeters in a kilometer?

What Do You Really Need to Teach Metric?

There are a few additional materials that a teacher needs in her classroom in order to adequately teach the metric system of measurement to her students. This list is neither minimum nor maximum but is what might be thought of as adequate. It is realized that much of this equipment can be shared among teachers so not every classroom needs to have all of this material all of the time. However, teachers must have access to the material. Remember, these materials are to be in addition to materials for measurement already in the classroom.

It must also be remembered that measurement is an activity—an experience—hence, activities which all students are expected to master in the fourth grade will be exploratory activities in the first, second, and third grades. As a result, much of the material overlaps grade levels but this is not to imply that objectives overlap or that students will be doing the same things year after year.

Kindergarten

Bathroom scales calibrated in metric.
Meter sticks.
Centimeter graph paper.
Graduated liter pitcher.
Centimeter cubes, interlocking.

Grade one

Bathroom scales calibrated in metric.
Balance scales.
Metric weights, 50 g to 200 g.
Spring scale, metric.
Meter sticks marked in centimeters and decimeters only.
30 cc rulers marked in centimeters and decimeters only.
Centimeter graph paper.
Graduated beakers and pitchers.
Thermometer calibrated in degree celsius.
Centimeter cubes, interlocking.

Grade two

Spring scale, metric.
Balance scale.
Metric weights, 20 g to 200 g.
Meter sticks marked in centimeters and decimeters only.
30 cc rulers marked in centimeters and decimeters only.
Centimeter graph paper.
Centimeter cubes, interlocking.
Graduated beakers and pitchers.
Student calipers.
10 meter tape measure.
Thermometer calibrated in degree celsius.

Grades three to six

Spring scale, metric.
Balance scale.
Metric weights, 1 g to 500 g.
Meter sticks with millimeter markings.
30 cc rulers with millimeter marking.
Metric adhesive tape.
Centimeter graph paper.
Centimeter cubes, interlocking.
Graduated beakers and pitchers.
Liter cube, fillable.
Student calipers.
10 meter tape measure.
Metric trundle wheel.
Thermometer calibrated in degree celsius.

HOW HOT IS HOT?

Prefixes are not commonly used with temperature measurements as they are with

those for weight, length, and volume. Temperatures in degrees Celsius, as in the familiar Fahrenheit system, can only be learned through experience. The following may help to orient you with regard to temperatures you normally encounter.

0° C. Freezing point of water.
10° C. A warm winter day.
20° C. A mild spring day.
30° C. Quite warm—almost hot.
37° C. Normal body temperature.
40° C. Heat wave conditions.
100° C. Boiling point of water.

THE FARMER IS NOT TO BLAME

Mr. ABOUREZK. Mr. President, we are all concerned about the monstrous rate of inflation that our country has been facing. The cost of living in the United States has increased by 10.2 percent in the past year and at an annual rate of 12.1 percent in the past 3 months.

Inflation rates this high are extremely unusual in American history. In fact, we would have to go back to 1951 to find anything similar to what we are now undergoing.

Food prices have been a particular problem point. You can frequently put off buying a new car or a new suit of clothes. And for items like these there is likely to be a long time interval between purchases. But not so with food. Food items are bought every day and changes in price are highly visible with an immediate impact.

The American housewife has a right to be outraged by high food prices. But I hope that she does not blame the farmer. The farmer's share of the consumer's dollar continues to decline. Right now the farmer gets 42 cents of every consumer food dollar while the middleman gets 58 cents.

Anybody who thinks that the farmer never had it so good simply has not been following the commodity markets very closely. Practically every Department of Agriculture index that you can name shows a decline in prices received by farmers and an increase in marketing margins received by middlemen.

For example, the index of agricultural prices for April 15 shows an overall decline of 6 percent. Wheat and rye prices dropped a whopping 18 percent, feed grain and hay declined 10 percent, as did poultry and eggs. Soybeans and flaxseed dropped 11 percent and meat animals, already low, declined 6 percent. The only major crop to show an increase was cotton.

Soaring inflation must be brought under control, but it would be dead wrong to blame the American farmer. In fact, that farmer has helped keep down the cost of living for over 20 years by giving Americans the best food buys in the world.

MARYLAND GENERAL ASSEMBLY'S RESOLUTION ON STATUS OF PANAMA CANAL

Mr. BEALL. Mr. President, on Friday, May 31, 1974, at a ceremony in Annapolis, Governor Mandel, State Senate President James, and House Speaker Briscoe affixed their signatures to Senate Joint Resolution No. 34. This legislation, which passed both Houses of the Maryland General Assembly overwhelmingly, supports continued undiluted sovereignty and jurisdiction by the United States over the Canal Zone and the canal on the Isthmus of Panama.

In recent months, I have become aware of the necessity for the Congress to steadfastly maintain the present status of the canal and the Canal Zone. I believe continued U.S. sovereignty best serves the commercial interests of all the nations of the world. Consequently, on March 29, 1974, I joined with 34 of my colleagues in cosponsoring Senate Resolution 301. This resolution is similar to numerous resolutions which are pending in the House of Representatives.

Mr. President, I believe that the future status of the Panama Canal Zone and the modernization of the canal are important policy matters which the Congress may be asked to grapple with in the not too distant future. Because approximately 70 percent of the traffic through the canal either originates or terminates in the United States, the question of the future status of the Panama Canal could have great domestic as well as international implications. This is especially true in the coastal States with great seaports such as Baltimore.

Unfortunately, the modernization of the canal has long been delayed, partly because of concern regarding the future status of the Canal Zone. It would seem unlikely that a major modernization project would be undertaken as long as the future status of the canal remains in doubt.

I believe, Mr. President, that the domestic impact of the possible closing of the Panama Canal cannot be overlooked. This is especially true in light of the impact on world commerce and various national economies which have occurred as a result of the periodic closings of the Suez Canal. If the Panama Canal were closed to American shipping, it would obviously complicate the transfer of military vessels from the Atlantic to the Pacific and vice-versa. But it would also have great impact on our domestic way of life. The American merchant marine, which is badly in need of modernization, would be placed under immense strain if it were required to transport cargo around the continent of South America. Cargoes would be reduced, fuel consumption would be increased, and the cost of transporting these cargoes would be significantly increased. Within the continental United States, our trucking industry and rail freight industries would be called upon to bear an additional burden. This would have a major impact on our environment, on highway congestion, and on domestic energy consumption. All of these factors could contribute to higher costs and thus aggravate the current inflation.

Adm. John S. McCain, Jr., former Commander of American Forces in the Pacific and now president of the U.S. Strategic Institute, and Maj. Gen. Thomas A. Lane, editor-in-chief of the Strategic Review, the institute's quarterly publication, recently published an editorial entitled "The Problem in Panama." Mr. President, I ask unanimous consent that the text of the Maryland State Senate Joint Resolution No. 34 be printed in the RECORD at the conclusion of my remarks along with the editorial entitled "The Problem in Panama," the text of the statement presented before the Maryland State Senate Committee on Judicial Proceedings by Walter C. Boyer, deputy administrator of the Maryland Port Administration, and portions of the testimony presented during the same hearing by Franz O. Willenbucher, J. D., captain, U.S. Navy, retired.

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

RESOLUTION

(Explanation: Capitals indicate matter added to existing law. [Brackets] indicate matter stricken from existing law. [[Double brackets]] indicate matter stricken out of bill. *Italic* indicates amendments to bill.)

Senate Joint Resolution No. 34: A Senate Joint Resolution concerning Panama Canal and Panama Canal Zone for the purpose of supporting continued undiluted sovereignty of the United States and jurisdiction by the United States over the Panama Canal and the Panama Canal Zone on the Isthmus of Panama.

Whereas, United States diplomatic representatives are presently engaged in negotiations with representatives of the *de facto* Revolutionary government of Panama, under a declared purpose to surrender to Panama, now or on some future date, U.S. sovereign rights and treaty obligations, as defined below, to maintain, operate, protect, and otherwise govern the United States-owned Canal and its protective frame of the Canal Zone, herein designated as the "Canal" and the "Zone," respectively, situated within the Isthmus of Panama.

Title to and ownership of the Canal Zone, under the right "in perpetuity" to exercise sovereign control thereof, were vested absolutely in the United States and recognized to have been so vested in certain solemnly ratified treaties by the United States with Great Britain, Panama, and Colombia, to wit:

(1) The Hay-Pauncefote Treaty of 1901 between the United States and Great Britain, under which the United States adopted the principles of the Convention of Constantinople of 1888 as the rules for operation, regulation, and management of the Canal; and

(2) The Hay-Bunau-Varilla Treaty of 1903 between the Republic of Panama and the United States, by the terms of which the Republic of Panama granted full sovereign rights, power, and authority in perpetuity to the United States over the Zone for the construction, maintenance, operation, sanitation, and protection of the Canal to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority; and

(3) The Thomson-Urrutia Treaty of April 6, 1914, proclaimed March 30, 1922, between the Republic of Colombia and the United States, under which the Republic of Colombia recognized that title to the Canal and the Panama Railroad is vested "entirely and absolutely" in the United States, which treaty granted important rights in the use of the Canal and Railroad to Colombia.

The United States, in addition to having acquired title to and ownership of the Canal Zone, purchased all privately owned land and property in the Zone, from individual owners, making the Zone the most costly United States territorial possession.

The United States since 1903 has continuously occupied and exercised sovereign control over the Zone, constructed the Canal, and, since 1914, for a period of 60 years, operated the Canal in a highly efficient manner without interruption, under the terms of the above mentioned treaties, thereby honoring its obligations, at reasonable toll rates to

the ships of all nations without discrimination.

From 1904 through June 30, 1971, the United States made a total investment in the Canal, including defense, at a cost to the taxpayers of the United States of over $5,695,745,000.

Under the terms of the 1903 treaty and the 1936 and 1955 revisions thereof, Panama has been adequately compensated for the rights it granted to the United States, in such significantly beneficial manner that the compensation and correlated benefits have constituted the major portion of the economy of Panama, giving it the highest per capita income in all of Central America.

The Canal is of vital and imperative importance to hemispheric defense and to the security of the United States and Panama.

Approximately 70 percent of Canal traffic either originates or terminates in United States ports, making the continued operation of the Canal by the United States vital to its economy.

The present negotiations and a recently disclosed statement of "principles of agreement" by our treaty negotiator, Ambassador Ellsworth Bunker, and Panamanian Foreign Minister Juan Tack, Panama treaty negotiator, constitute a clear and present danger to hemispheric security and the successful operation of the Canal by the United States under its treaty obligations.

The present treaty negotiations are being conducted by our diplomatic representatives under a cloak of unwarranted secrecy, thus withholding from our people and their representatives in Congress information vital to the security of the United States and its legitimate economic development.

The United States House of Representatives, on February 2, 1960, adopted House Concurrent Resolution 459, 86th Congress, reaffirming the sovereignty of the United States over the Zone territory by the overwhelming vote of 382 to 12, thus demonstrating the firm determination of our people that the United States maintain its indispensable sovereignty and jurisdiction over the Canal and the Zone.

Under Article IV, Section 3, Clause 2 of the United States Constitution, the power to dispose of territory or other property of the United States is specifically vested in the Congress, which includes the House of Representatives.

The Panama Canal is essential to the defense and national security of the United States. It is of vital importance to the economy and interoceanic commerce of the United States with the remainder of the free world.

Valuable exports from the State of Maryland and valuable imports to this State go through the Panama Canal to and from distant reaches of the globe.

Under the sovereign control of the United States, the Panama Canal has provided uninterrupted peacetime transit to all nations[[.]] *; now, therefore be it*

[[The traditionally unstable nature of Panamanian politics and government poses an implicit threat to the security of the interests of the United States which for many years have been served by the Panama Canal.

The Republic of Panama possesses neither the technical nor the managerial expertise effectively to operate and maintain the Panama Canal; and the Republic of Panama does not have the capabilities to meet the growing demands placed upon the Canal; now, therefore, be it]]

RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(1) The government of the United States should maintain and protect its sovereign rights and jurisdiction over the Panama Canal and Zone, and should in no way cede, dilute, forfeit, negotiate, or transfer any of these sovereign rights, power, authority, jurisdiction, territory, or property that are indispensably necessary for the protection and security of the United States and the entire Western Hemisphere; and

(2) There be no relinquishment or surrender of any presently vested United States sovereign right, power, authority, or properly, tangible or intangible, except by treaty authorized by the Congress and duly ratified by the United States; and

(3) There be no recession to Panama, or other divestiture of any United States-owned property, tangible or intangible, without prior authorization by the Congress (House and Senate), as provided in Article IV, Section 3, Clause 2 of the United States Constitution; and be it further

Resolved, That the General Assembly of Maryland requests the Congress of the United States to reject any encroachment upon the sovereignty of the United States of America over the Panama Canal and insists that the terms of the Hay-Bunau-Varilla Treaty of 1903 as subsequently amended be adhered to and retained; and be it further

Resolved, That the Secretary of State of Maryland, under the great Seal of this State, send copies of this Resolution to Richard M. Nixon, President of the United States; Gerald R. Ford, Vice-President of the United States; Henry A. Kissinger, Secretary of State; Carl Albert, Speaker of the House; J. William Fulbright, Chairman, Senate Foreign Relations Committee; and to each member of the Maryland Delegation to the Congress of the United States; and be it further

Resolved, That copies of this Resolution be sent to the presiding officers of the legislatures of the several states with request for similar action.

THE PROBLEM IN PANAMA

Ellsworth Bunker, so recently our esteemed Ambassador to the Republic of Vietnam, and presently in charge of negotiating an adjustment of treaty arrangements with the Republic of Panama, has announced the conclusion of a broad negotiating agreement committing the United States to surrender its sovereign rights in the Canal Zone. The change would be made through the negotiation of new treaties for operation and defense of the Canal.

The announcement was accompanied by sympathetic propaganda in the press, affecting to reassure our people that Canal Zone sovereignty is a relic of the colonial era which affronts our neighbor, Panama, and must be relinquished to restore good relations. We think such treatment is a serious disservice to an important question of policy.

When the United States became interested in building a canal at Panama, the isthmus was a disease-ridden jungle area in which a French company, in twenty years of effort and at a cost of 20,000 lives, had failed utterly to overcome the problems of sanitation and engineering. In a decade of great investment of money, energy and both medical and engineering skills, the United States transformed the country of Panama, as well as the Zone, and in 1914 opened the waterway.

To protect this investment, which was to be for the ages, the United States, under the terms of the Hay-Bunau-Varilla Treaty of 1903 with Panama, had taken full rights of sovereignty in perpetuity to a zone ten miles wide embracing the Canal route. It had also undertaken, in the Hay-Pauncefote Treaty of 1901 with Great Britain, to operate the Canal for world commerce with no special privileges for U.S. shippers.

It is estimated that the net cost of the Canal to the United States to date, including defense and not including interest on investment, has been about $6 billion.

Until the riots in Panama in January, 1964, the United States had made concessions to Panama on various aspects of the 1903 Treaty but had firmly resisted claims for relinquishment of sovereignty. It is this apparent change of position on the perpetuity of U.S. sovereignty.

Under the 1903 Treaty, the authority and jurisdiction of the United States in the Canal Zone are legally unchallengable. The Canal, the U.S. investment in it, and the interests of world commerce are secure.

Under the proposed retrocession of sovereign powers to Panama, that Republic would acquire sovereign rights and authority over the operation and defense of the Canal; and the United States would then hold any such rights only by virtue of its treaty with Panama. Against eviction by a hostile government in Panama, the United States would have no more legal standing than Britain had against Egypt in its base at Suez in 1951.

The population of Panama is about the same as that of Detroit, about 1.5 million. The proposition before us is that Panama holds some inherent right of sovereignty which entitles it to take over this high American investment and operate it for its own benefit. It is perfectly clear that Panama has no such right today, and that it will not have such authority over this critical waterway unless the United States now cedes this authority to Panama.

We suggest that to enter such negotiations today is a serious abandonment of U.S. authority and responsibility. To confide this crucial waterway to the nominal control of a small country which is ill-qualified to administer or defend it is an act of Great Power irresponsibility. If Great Britain had, in 1951, asserted the world interest in Suez and committed military forces to defend that interest, the Canal would not have been closed but would today be a lively artery of commerce bringing great tributory benefit to the people of Egypt.

The belief of some officials that U.S. operation and defense of the Canal under treaty provisions, instead of under sovereign authority, would eliminate the friction of recent years is a calamitous misjudgment of the present scene. Marxist-Leninist subversion would be intensified by such a retreat. Friction would mount and the U.S. position would become intolerable. The United States would be compelled to use force against the Republic of Panama, or to withdraw and allow the Canal to be operated and defended by another lessee. That is a prospect which no President should impose on his successors.

If U.S. sovereignty is to be surrendered in two decades or five decades, that decision should be made by Americans who will be in charge of national policy at that time. The only proper consideration for our leaders today is whether the United States should surrender sovereignty here and now. If they will not act affirmatively now, they should not prejudice the right of another generation to act in its time.

STATEMENT BEFORE THE SENATE COMMITTEE ON JUDICIAL PROCEEDINGS, STATE OF MARYLAND, BY MARYLAND PORT ADMINISTRATION PRESENTED BY WALTER C. BOYER

The Maryland Port Administration is grateful for the opportunity to appear before the Senate Committee on Judicial Proceedings and lend its support to Senate Joint Resolution No. 34, introduced by Senators James, Conroy, McGuirk and Clark, calling for the continued undiluted sovereignty and jurisdiction of the United States-owned Canal and its protective frame, the Canal Zone, situated in the Isthmus of Panama.

It has been stated by others that the United States has built and maintained the Canal at its own expense, but has operated it in virtual trusteeship for the ships of all nations. It is important to place in the record, however, the significant importance of

the Panama Canal for the commerce of the United States.

In tables attached to this statement, it is shown that the Panama Canal has provided for about 15,000 ship transits, involving some 127,561,733 long tons of cargo at a revenue rate of about $1.00 per ton in 1973.

Commercial traffic involved about 73,394,000 long tons in the Atlantic to Pacific crossing, and 52,710,000 long tons in the Pacific to Atlantic crossing. However, of these substantial tonnages, trade originating in or ending in United States' ports amounted to 54,820,000 long tons in the Atlantic to Pacific crossing, and 29,033,000 long tons in the Pacific to Atlantic crossing. Additionally, the Canal provided transit for 1,405,428 long tons of United States Government cargo, much of it vital military cargo. Grouped together, this constitutes at least 67% of all trade of the Panama Canal, for the calendar year 1973, originating in or ending in United States ports. The vital importance of the Panama Canal to the United States should be evident to everyone.

The Port of Baltimore also has a vital interest in the Panama Canal. In 1972, the Port of Baltimore registered some 22,407,257 long tons of foreign commerce. Of this amount, exports totalling 2,499,214 long tons and imports totaling 1,282,946 long tons involved trade utilizing the Panama Canal. This constituted 17% of the foreign commerce of the Port of Baltimore. Much of this trade is in areas such as Japan and Hong Kong where the Port Administration is making a direct solicitation effort. Additionally, significant intercoastal trade of the Port of Baltimore utilizes the Panama Canal.

It has been demonstrated that the United States has a vital stake in the Panama Canal, with the Port of Baltimore being significantly affected. This clearly becomes the business and concern of the Maryland State Legislature.

On behalf of the Maryland Port Administration, I urge adoption of Senate Resolution No. 34 by our Legislature, upon the recommendation of this Honorable Committee.

FOREIGN TRADE OF THE PORT OF BALTIMORE UTILIZING THE PANAMA CANAL, CALENDAR YEAR 1972

[Long tons]

Country	Exports	Imports
Japan	2,171,742	425,377
China	96,787	
Peru	73,546	282,025
Taiwan	66,461	
Bangladesh	45,894	
Korea	22,450	
Indonesia	22,334	
Australia		334,353
Philippines		193,038
Colombia		48,153
Total	2,499,214	1,282,946

FOREIGN TRADE OF THE PORT OF BALTIMORE

Calendar year 1972	7,300,300	15,106,957
Total	22,407,257	

SUMMARY ACTIVITY—PANAMA CANAL

	1973	1972
Oceangoing transits:		
Commercial	13,841	13,766
Government	373	413
Free	24	59
Total	14,238	14,238
Small transits:		
Commercial	722	777
Government	118	148
Free	31	35
Total	871	960
Total cargo (long tons):		
Commercial	126,143,495	109,271,968
Government	1,405,428	1,742,303
Free	12,810	62,532
Total	127,561,733	111,076,803
Total transit revenue	$131,623,544	$116,865,769

WORLD TRADE ROUTES—PANAMA CANAL

[In thousands of long tons]

	1973	1972
Atlantic to Pacific crossing:		
East coast United States to Pacific	48,397	38,575
East coast Canada to Pacific	2,105	1,576
East coast Central America to Pacific	1,755	1,820
East coast South America to Pacific	7,987	8,302
West Indies to Pacific	6,022	5,991
Europe to Pacific	6,540	5,936
Africa to Pacific	555	427
Middle East to Pacific	32	25
Total	73,394	62,652
Pacific to Atlantic crossing:		
West coast United States to Atlantic	6,555	4,709
West coast Canada to Atlantic	6,214	7,220
West coast Central America to Atlantic	2,012	2,010
West coast South America to Atlantic	14,671	10,322
Canal Zone to Atlantic	17	3
Hawaii to Atlantic	389	482
Oceania to Atlantic	4,730	4,719
Antarctica to Europe	6	22
Asia to Atlantic	18,116	17,095
Total	52,710	46,582
Both directions:		
Atlantic to Pacific crossing	73,394	62,652
Pacific to Atlantic crossing	52,710	46,582
Total	126,104	109,234

TRADE ORIGINATING IN OR ENDING IN THE UNTIED STATES

Atlantic to Pacific crossing:		
East coast United States to Pacific Ports	48,397	38,575
East coast Canada to West Coast, United States	9	15
East coast Central America to West Coast, United States	40	151
East coast Central America to Hawaii	39	25
East coast South America to West Coast, United States	2,414	2,527
East coast South America to Hawaii	31	28
West Indies to West Coast, United States	2,106	2,444
West Indies to Hawaii	69	92
Europe to west coast, United States	1,643	1,338
Europe to Hawaii	5	7
Africa to west coast, United States	53	53
Middle East to west coast, United States	14	11
Total	54,820	45,266
Pacific to Atlantic crossing:		
West coast United States to Atlantic	6,555	4,709
West coast Canada to east coast, United States	1,987	2,312
West coast Canada to Puerto Rico	127	120
West coast Central America to east coast, United States	1,009	1,102
West coast South America to east coast, United States	5,273	4,585
West coast South America to Puerto Rico	336	40
Hawaii to east coast, United States	358	437
Hawaii to other Atlantic destinations	31	45
Oceania to east coast, United States	1,825	1,799
Oceania to Puerto Rico	6	8
Asia to east coast, United States	11,263	10,421
Asia to Canal Zone	83	70
Asia to Puerto Rico	180	160
Total	29,033	25,808
Both directions:		
Atlantic to Pacific crossing	54,820	45,266
Pacific to Atlantic crossing	29,033	25,808
Total	83,853	71,074

TAKEN FROM THE STATEMENT BY FRANZ O. WILLENBUCHER, J.D., CAPTAIN USN (RETIRED) BEFORE THE MARYLAND SENATE COMMITTEE ON JUDICIAL PROCEEDINGS

Adoption of Senate Joint Resolution No. 34 by our Legislature will constitute another shining example of the traditional contributions by the Free State of Maryland to the progress of our great nation in its quest for freedom and justice for all. Such action will exemplify the intended constitutional purpose of our Founding Fathers that the sovereign People, through their state legislators, acting in their highest sovereign capacity, should let their representatives in the national Congress know their views on matters of such vital importance as that which is now being considered by this Committee.

About a year ago, on the educational television program—The Advocates—the question of surrender of the United States-owned Canal and Canal Zone was comprehensively debated. Both those for United States surrender at Panama and those who opposed such abject surrender were represented by the most capable advocates that they could find. On completion of that nationwide debate, the moderator asked the extensive audience to cast votes by mail, giving The Advocates' post office box number in Boston. More than 12,000 responded, with 86 per cent registering a resounding "No!" When, in 1960, the question of authorizing the flying of the Panamanian flag in the Canal Zone was debated in our national House of Representatives, the recorded vote was 382 to 12 against such authorization, as unwarranted and a danger to the essentially necessary continued recognition of United States sovereignty there. How prophetic was the warning? Notwithstanding that resounding congressional disapproval, the flying of the Panamanian flag in the Canal Zone was authorized by the United States and *now* we have a clear and present danger of proposed abject and complete surrender.

For far too long, it has been completely unnecessary to ask—What are the aspirations of Panama with respect to the Canal Zone and the Canal? Panamanian leaders and agitators have never disdained to publish their objectives. But no clearer summary of them has ever been made than that by Gilberto Arias, recently Secretary of Finance in the Cabinet of President Chiari, as quoted on March 19, 1963, in the isthmian newspaper, Critica. His words were:

"In the future, with God's help, we will achieve our objective: that the Panama Canal be the property of Panamanians, under full and absolute jurisdiction of the Republic of Panama, maintained by Panamanians, operated by Panamanians, sanitated by Panmanians and protected by Panamanians."

More recently, there have been even increasingly irresponsible propagandistic statements, including blackmail, with threats of violence, expropriation and exploitation.

Contrast this to the more than 60 years of peaceful, uninterrupted, efficient operation of the Canal by the United States at rates so reasonable as to require expenditures by the United States to provide operating expenses above net receipts.

Moreover, Panama has been a country plagued with endemic revolution, having had 59 presidents in the 70 years since it granted sovereignty over the Canal Zone to the United States in perpetuity. Its present government is de facto, having instituted itself in power by military coup . . .

At the present time, the principal points in the canal situation can be emphasized as follows:

First. The United States has a fine canal at Panama *now* with indispensable sovereignty and jurisdiction over the Canal Zone for its efficient maintenance, operation, sanitation and protection.

Second. Experience has shown that the present canal works, and will continue to work, and how to provide for its major increase of capacity and operational improvement, *without a new treaty with Panama.*

Third. This modernization program, developed during World War II, known as the Terminal Lake-Third Locks plan, can be

accomplished "at comparatively low cost" and in a relatively short time.

Fourth. Between 1904 and 1971 we, the American taxpayers, invested almost $6-Billion on the Panama Canal and its defenses.

Fifth. If we cannot hold the Canal which we built, own, and have maintained at our own expense and operated in virtual trusteeship for the ships of the world, the United States will be completely driven from the Isthmus, Panama will become another Cuba, and the Canal another Suez.

Adoption of Senate Resolution No. 34 by our Legislature, upon the recommendation of this Honorable Committee, will provide a rallying point for other sovereign states to follow. Our Committee has become informed that the American Legion and the Veterans of Foreign Wars, both, are presently distributing copies of Maryland's Senate Joint Resolution No. 34 to the presiding officers of all of the legislative bodies of the remaining states with request for similar action. Thus, the Free State of Maryland, once again, occupies a position of leadership for which we can all take justifiable pride. As Douglas Freeman, one of our most noted historians said: "If our nation ever falls, it will not be because of the common man, for he is sound. It will be because of the refusal of those of leadership capacity to lead."

NUTRITION AND USDA COMMODITIES

Mr. BIDEN. Mr. President, I am gratified that my colleagues in the Senate have expressed their support for the legislation, introduced by Senator McGOVERN, which will increase the scope of Federal food assistance programs. Senate passage of S. 3458, which authorizes the Department of Agriculture to purchase nonsurplus commodities for nutrition programs, and S. 3459, which increases the level of assistance for school lunch programs recognizes the need to insure nutritional adequacy for the indigent and for our school-age children.

Of particular importance to my State of Delaware is the permanent authorization for the purchase of nonsurplus commodities by USDA for donation to the child nutrition, institutional feeding, supplemental feeding, disaster relief programs, and other traditional recipients of these commodities. The current lack of surplus food has driven prices skyward, and without the authority provided in this legislation individual organizations, purchasing locally, would not be able to afford the same variety and quantities of food they now offer. The victims, of course, would be the indigent and the children.

In Delaware, the Division of Purchasing distributed 1,880,318 pounds of food to the schools and day care centers participating in the national school lunch program during the period of August, 1973, and January, 1974. These foods were purchased by USDA at a cost of $605,063.73. If the same food had been purchased locally, the cost would have been $809,406.81. Without this legislation the effects of these higher local costs on the 105,000 children served daily are obvious.

Another important aspect of this legislation, and there are many, is the authority for States to serve reduced price school lunches to children from families whose marginal income cannot provide for adequate meals. As the price of the school lunch rises, participation in the program drops, and the incidence of malnutrition or subnutrition increases. Information from school districts in Delaware indicates that the greatest drop in participation has occurred in the elementary schools, where the need for adequate nutrition is most essential.

Therefore, I commend Senator McGOVERN for his efforts in designing this important legislation, and my colleagues in the Senate for recognizing the need.

Mr. President, I would also like to express my appreciation to the many Delawareans who participated in an intense campaign to create public awareness of the need for this legislation. I have met with representatives from school district food services and from the Delaware Division of Purchasing, and through the efforts of these individuals, and many like them in other States, we have begun to consider Federal food assistance a national priority.

In this respect, I would like to share with my colleagues some of the information I received from the Delaware Division of Purchasing concerning the role of Federal food programs in Delaware.

Mr. President, I ask unanimous consent that two communications from the Division of Purchasing, the first to participants in the school lunch program, and the second to institutional participants, be printed in the RECORD.

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

DIVISION OF PURCHASING,
DEPARTMENT OF
ADMINISTRATIVE SERVICES,
Delaware City, Del., February 19, 1974.

During the period August 1, 1973 through January 31, 1974, federally donated foods totaling 1,880,318 pounds were delivered to those schools and day care centers participating in the National School Lunch Program. These foods were acquired by USDA at a cost to the federal government of $605,063.73.

If purchased locally, the same food, if and when available, would have cost $809,406.81.

The Division of Purchasing distributed the 1,880,318 pounds of food at a cost to the schools and day care centers of $22,844.52 in service charges.

The difference between what the food would have cost, the schools and day care centers, if purchased locally, and our service charges, is $786,562.29. This figure could, theoretically, be considered a savings to our local programs.

State-wide participation is 191 Schools, and 46 Day Care and Head Start Centers feeding 105,000 children daily.

Here are the price comparison figures:

PRICE COMPARISON FIGURES

Commodity	USDA cost, f.o.b. destination	Local price
Butter	$20.69	$25.60
Shortening	10.82	14.40
Flour, A. P	5.07	10.00
Cornmeal	3.91	8.00
Rice	12.42	16.00
Rolled oats	3.34	14.40
Dry milk	39.99	43.20
Dry beans	12.23	32.00
Peanut butter	15.88	22.08
Salad oil	13.68	21.00
Cranberry sauce	8.40	12.00
Frozen turkeys	$29.61	$34.40
Frozen orange juice	9.57	18.48
Canned green beans	7.62	11.04
Grapefruit juice	4.60	5.64
Boned poultry	49.56	NA
Ground beef	52.75	61.60
Canned tomatoes	7.86	10.02
Canned plums	8.17	11.28
Canned pears	11.27	16.96
Sweet potatoes	9.36	15.04
Frankfurters	32.37	40.59
French fries	5.79	5.94
Fruit cocktail	8.75	11.28
Canned corn	8.51	11.28
Canned peaches	9.03	18.40
Frozen chicken	13.90	16.50

NA—Not available.

DIVISION OF PURCHASING,
DEPARTMENT OF
ADMINISTRATIVE SERVICES,
Delaware City, Del., April 25, 1974.

Memorandum

To: Institutional Participants.
From: Russell Frey, Field Representative.
Subject: Federally Donated Food.

For almost 40 years there has been a Federal law, Section 32 of PL 320, regarding the purchase of surplus foods; since 1949, Section 416 of the Agricultural Act, regarding price supporting. Since all of you are involved daily with feeding and its accompanying problems, you are aware that, recently, there has been virtually no surplus, and no need for price supports. In order to purchase the greatest part of USDA commodities, special legislation was enacted last August, Section 4(a), P.L. 93–86, which authorized USDA to purchase commodities even though they are not in surplus nor need to be price supported. This authority expires June 30, 1974.

Without this authority, USDA estimated that 75% of the commidities distributed this year would *not* have been purchased. What does this mean to the Institutional Food Program? You may well understand that individual organizations, purchasing locally, in relatively small amounts, would not be able to buy the variety and quantities for the low per capita charge, rendered by this agency, which applies regardless of the quantity of food received by you. It should be clear to all of you how important these commodities are to the Institutional Food Program. . . .

During the period, Fiscal 1973, federally donated foods totaling 344,452 pounds were distributed to institutions in Delaware. These foods were acquired by USDA at a cost to the federal government of $87,628.59. With a participation figure of 5,585 persons during that same period, the cost to the recipient institutions was approximately $8,500.00 in assessments charged by this agency.

LEGION COMMANDER EATON SUPPORTS VIETNAM VETERAN

Mr. McGOVERN. Mr. President, the Senate Veterans' Affairs Committee has announced that comprehensive legislation dealing with the inequities in the GI bill will be ready for final Senate action with in a week or so. I want to commend the committee and particularly, the chairman, Senator HARTKE, for the fine work done on the legislation. The announcement that the final Senate bill will include a tuition payment proposal similar to the one I have been advocating in the Senate for over a year is welcome indeed.

In the past year or so, there has been some misunderstanding and some bitter-

ness on the part of ardent supporters of reforms for Vietnam veterans. Among other complaints, it was felt that the major established veterans' organizations were not supporting the reforms as strongly as they might. My own experience as a long-time supporter of increased benefits for Vietnam veterans does not support that contention.

In the most recent edition of the American Legion magazine, Comdr. Robert Eaton has written a straightforward analysis of the situation that leaves no doubt about the Legion's total commitment to the Vietnam veteran.

Mr. President, I ask unanimous consent that Commander Eaton's article be printed in the RECORD. Its timeliness in regard to the activities of the Congress speaks very well for itself.

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

THE SORRY STATE OF VIETNAM VETS' EDUCATION—AND WHAT TO DO ABOUT IT

(By Robert E. L. Eaton)

In recent months, newspapers and TV stations have begun to make the public more aware of the plight of thousands of Vietnam veterans in attempting to go to college under their GI Bill.

Many of them (typically those most in need of help) cannot go to school at all.

Their GI Bill benefits, which are far short of the WW2 benefits in the education they can buy, are too meager for them to make out.

Each Vietnam vet who wants to go to school on his GI benefits but can't represents a failure of the program, but a windfall for the government.

Last year, the Vietnam GI Bill benefits for a full-time, single, college student came to $220 a month or about $55 a week—known as a subsistence allowance. For a normal nine-month college program, this came to $1,980. For each Vietnam veteran who could see no way to pay for his tuition, books, college fees, room, board and transportation on $55 a week for nine months, Uncle Sam simply saved himself the whole $1,980, while the Vietnam vet got no allowance and no education.

The chief difference between the WW2 GI Bill education program and the Vietnam benefits is that in addition to a subsistence allowance, the WW2 veteran got up to $500 toward his tuition, books, etc. In those days, this covered the entire cost of tuition and books at most colleges.

The American Legion estimates that a similar allowance, not to exceed the actual cost of tuition, fees, books, etc., and with a ceiling of $1,000, would serve fairly well under today's soaring education costs.

But Vietnam veterans get no such allowance at all. Their subsistence allowance is their entire GI benefit. If they can't pay for their tuition, books, fees, etc. out of their $55 a week "subsistence" they can forget about school unless they have ample means from other sources.

The average cost for books and miscellaneous fees at most colleges today is put at about $216, or just about one month's Vietnam GI "subsistence." Tuition fees range all up and down the scale, and are going up. In some state universities, tuition is free for veterans of that state, which is a real break for as many resident veterans as they'll accept. In others, it is as high as $890 for residents and $1,000 or more for non-residents. Private colleges and universities may charge up to $5,000 or more with no break for state residents. Some purely technical schools below college level charge over $2,000 in tuition. Tuition in the neighborhood of $700, which is quite common and due for a further raise next fall, would take every cent of 13 weeks subsistence allowance.

Small wonder that TV stations have had little trouble finding Vietnam veterans to put on the air to make cynical remarks in the order: "Yeah, I could make it to college if I didn't eat, and slept in the gutter."

Nevertheless, the program has worked "well" enough to permit a large number of rosy statements from government sources citing its "success." Large numbers of Vietnam veterans have been able to use their GI benefits. But citing the raw numbers hides the discrimination against the neediest veterans that is built into the meagreness of the Vietnam education program to date.

The $55 a week has been of great value to those veterans who have enough money of their own to make up for its inadequacy, or whose parents can afford them substantial help, or who have been able to qualify for substantial scholarships or loans, or who are lucky enough to live in those states with the most progressive state university programs for their young citizens.

State aid seems to account for a large percent of college attendance by Vietnam veterans for which the federal government has tended to credit the Vietnam veteran's GI benefits. California, with an excellent state university program, seems to have a veteran enrollment of about 37%. Vermont, whose state program is no match for California's, shows about 14.2% veteran enrollment. West Virginia, Indiana and quite a few others don't show a great deal more. This situation has been continuous since the first substantial number of Vietnam veterans began to be discharged nearly ten years ago.

Many borderline Vietnam veterans (financially) are going to college but can hardly be considered a success for the GI program. They have made it by shopping around for the cheapest course in the cheapest college, often abandoning the course of study they preferred because it wasn't offered in the schools they could afford to attend. Any WW2 vet who was accepted for admission could have made it to Harvard Business School financially, in 1946, granted he would take the usual student jobs if he was personally on his uppers. His GI Bill was sufficient to scratch through somehow. This is impossible for a Vietnam veteran if his chief asset is his GI benefits.

The worst situation by far, however, is the plight of the Vietnam veteran without other resources, who simply cannot go to school at all.

It is remarkable that a nation which expresses a great concern for the needy has for years gone along with a GI education program whose workings favor those veterans with the most means and deny any benefits at all for those with the least.

I am hopeful that the sudden interest of the news media will help push forward a speedy reform. The Legion has been seeking improvement for some years but without much support from other segments of the public. Two years ago the Harris poll took an interest. It reported, after a survey, that 59% of Vietnam veterans didn't apply for GI school benefits, and as many as 83% of these indicated that there was no point in applying because there was no way they could afford college even with their GI benefits.

The media have as yet largely failed to pinpoint where the trouble has been or what the remedy is. Some TV programs have done an excellent job of portraying the plight of the veterans, but have then explained that it was the fault of the public, of the viewers, of you and me, because we just had too little sympathy for Vietnam veterans and were "turned off" on their war.

The nub of the problem is quite simple. Vietnam veterans need a tuition and book allowance on top of their subsistence payments. The TV viewers never did anything to prevent it. Only the Congress and the President can provide it. Neither President Johnson nor President Nixon ever gave Administration support for GI tuition and book allowances. News programs sometimes blame the Veterans Administration. The VA has consistently opposed tuition payments while issuing statistics about the success of the present benefits. It does this as an arm of an Administration which is opposed to tuition aid. But the VA cannot grant tuition allowances until the Congress enacts authorization, and if it does, the VA then must pay the allowances. The Congress has never approved tuition allowances and has rejected the appeals of Vietnam students and the Legion, working together.

Not until the 7th of April of this year have I seen any of the media indicate where the center of resistance has been in Congress. On that day, William Greider reported in the Washington Post that Rep. Olin E. Teague, of Texas, has opposed veterans' tuition allowances since 1950 when, as a young member of the House Veterans Affairs Committee, he led an investigation of the rackets which colleges, universities and their faculties made of the tuition and book allowances granted WW2 veterans.

This is an old story to the Legion. Rep. Teague rose to be Chairman of the House Veterans Affairs Committee, and held the chairmanship until quite recently, when he voluntarily left it to head a different committee. During his years he did a great deal for veterans, but he became a stone wall of opposition to tuition allowances for Vietnam veterans. In his powerful position he refused to report out any bill authorizing them.

In 1971, Gil Moody, the state Legion Commander in Rep. Teague's own state of Texas, wrote him beseeching him to report out some kind of tuition payment to Vietnam veterans. The answer was a flat no, because the colleges had cheated the government after WW2 by abusing the tuition allowance as it was then administered.

In 1972, when Legion National Commander John Geiger was trying desperately to get tuition payments authorized, the Legion's Director of Rehabilitation and Veterans Affairs, Edward Golembieski, advised in a letter of Jan. 2, that there was almost no point of the Legion even putting in a tuition bill "in view of the Chairman's adamant opposition." We did put it in, and, as predicted, it was never reported out.

What we were able to get was a gradual increase in the subsistence allowance to the $55 a week in effect last year. The House of Repersentatives has recently approved a 13% increase for next year, bringing the weekly allowance for a single, fulltime student to about $62. Though any increase would help, this would hardly solve the problem. In fact its chief effect would be to keep the present situation from getting worse in the face of mounting educational costs, every aspect of which is rsing faster than the cost of living.

It is ironical to think that it was the sins of the colleges and universities a generation ago which have been invoked to deny an education to the Vietnam veterans who need help the most—and not the nature of the Vietnam war, as many have said.

It is entirely possible for Congress to devise a program granting tuition which the colleges could not so easily abuse, and I am happy to report that the Senate Veterans Affairs Committee is now considering several bills to provide a tuition allowance to Vietnam vets. I had the pleasure on April 9 of discussing it in person with the Chairman, Sen. Vance Hartke of Indiana, and the next day our representatives testified before a Senate sub-committee, offering our recommendation that a tuition allowance of up to $1,000, but not to exceed the actual cost should be authorized.

Since there is no such provision in the House bill—while the President and the Veterans Administration actively oppose tuition—I hope that the public will now get in the act and write vigorous letters to their Representatives and Senators to support such a measure. I hope the media will keep it up, too, and will do more to spell out what their audiences can do to help. It isn't very hard to do. Demand reasonable tuition and book allowances for Vietnam veterans, so that the neediest veterans can benefit as much as those with more ample resources.

ADDRESS BY DEAN CLARENCE E. MANION

Mr. THURMOND. Mr. President, on May 15, 1974, Dean Clarence E. Manion delivered an inspiring address on the foundations of our Republic and the significance of the Declaration of Independence. The occasion of his address was a Washington testimonial dinner in his honor. Dean Manion used that opportunity to deliver a stirring call for a return to the religious principles instilled in our American declaration.

In the clarity of his words, Dean Manion recited the Nation's drift away from those lofty ideals which made such an impact upon the world in 1776. He reminded us that the Founding Fathers never intended that freedom of religion be a bill of divorce from the Almighty. As he pointed out, the Congress on September 24, 1789, called upon President Washington on the same day it approved the first amendment to the Constitution, to proclaim a national day of thanksgiving and prayer to Almighty God.

Mr. President, as we approach the time of our Bicentennial celebration, the words of this distinguished American should be heard and heeded. For, as he said, it is the 200th anniversary of the Declaration of Independence which we will be observing in 1976. It was that inspired document which established the American Nation under God.

Mr. President, Dean Manion so eloquently presented his case for a reaffirmation of the basic American principles that I would like to share them with the Members of the Senate. I ask unanimous consent that his address, entitled "To The Republic—Where Is It? Could It Be Hiding in Our Declaration of Independence?" be printed in the RECORD at the conclusion of my remarks.

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

"TO THE REPUBLIC"—WHERE IS IT? COULD IT BE HIDING IN OUR DECLARATION OF INDEPENDENCE?

(By Clarence E. Manion)

This will be the first speech I ever made in response to a subpoena. I wasn't asked to come here tonight; I was ordered to come. Nor was I promised immunity in exchange for this testimony at my own testimonial. Neither do I have access to the Fifth Amendment. I don't know what Judge Sirica would think of such a witness, but I want to assure him and everybody else that I did not break into the Mayflower! I have been brought in, and any plans or secrets of the Liberals that I have in my possession came from the public domain, namely, the newspapers.

But next—and more seriously this time—let me say that while I do not deserve it, and tried my best to prevent it, I am nevertheless overjoyed by this beautiful tribute. My gratitude for it is so deep that I dare not trust my notoriously weak emotional restraints by trying adequately to express that gratitude now to Phyllis Schlafly, Senator Helms and all of the wonderful men and women in the great patriotic organizations and publications who conceived, sponsored and produced this memorable occasion.

So permit me to detour around a possible crack-up by simply expressing the hope that the Good Lord will richly bless all of these unselfish sponsors and all of you, too, my dear friends, for this comforting manifestation of your great charity. From my long experience with Him, I am sure that He will do just that.

During this dinner I have been making a person-to-person, visual canvass of this remarkable audience. My conclusion now is that, by and large, we have here tonight the most distinguished, learned, heat-tempered, case-hardened group of patriotic Conservatives ever assembled in this country, No doubt the reporter whom I observed identifying each of you as you arrived has now gone back to his pressroom convinced that here tonight there has just arrived, and most appropriately in the Mayflower, mind you, the vanguard of the long awaited "Seven Days in May." He will probably report that each of you arrived armed with a big "piece of the rock"—the Plymouth Rock, of course.

Your conservative learning and experience emancipates me from a chronic obligation that I habitually assume on the radio in trying to convert at least a part of the listeners to an appreciation of some facet of conservatism as the saving grace of American freedom. Fortunately, all here tonight understand that sweet mystery of life as well as I do. So, at long last, I am free to say a few, although not entirely unrelated, words about something else.

To me, the stubborn persistence of the Manion Forum through the years invariably recalls the outstanding, enduring character described in Carlyle's dramatic story of the French Revolution, the mercurial but dedicated Abbe Sieyes.

The Abbe was the only clergyman who turned up in the first French Revolutionary Assembly in 1789. He joined the revolutionary movement with an iron-clad determination to draw up a strong constitution for the New Free France modeled on the one that had just been adopted in America. For ten turbulent, frustrating years the Abbe kept his long nose to that rough grindstone, straight through the ruthless reign of terror while the busy guillotine was washing the streets of Paris with the blood of hundreds of his fellow revolutionary leaders, and right up to 1799 when Napoleon Bonaparte quieted everything down with his long promised blast of grapeshot.

Many, many years later, a very young Frenchman asked the aged Abbe Sieyes to tell him all that he had accomplished during the big Revolution. Replied the Abbe, "I survived." Like the Abbe Sieyes, the Manion Forum has survived, and in spite of its twenty years of ups and downs it is still going strong.

I am more than ever convinced now, at this perilous point in time, so to speak, that it is critically important for learned and concerned Conservatives to give studious attention to this critical key concept called "Survival."

For instance, there is a great debate going on now about the moral propriety of employing extraordinary methods for keeping a sick human being alive beyond the point when all hope for his or her recovery is gone. Now, let's face it, similar questions are currently plaguing many Conservatives about the hope of reviving what often appears to be the moribund conservative cause. Their question is: "Can the conservative cause survive?" And, beyond that, under our presently depressed and demoralized political circumstances, *should* it any longer survive?

But let me quickly submit that this is not the basic question. The basis question is: "Can and should the American Republic survive? Has our unique system of constitutional government, which was designed for our federated nationally independent country, now outlived its usefulness?" This basic question tells us exactly what the conservative cause is all about. The fact is that what we Conservatives have always been and still are trying to conserve is the National Independence and Constitutional Government of the United States of America.

We have sometimes allowed ourselves and others to forget that political Conservatives are the real, authentic American conservationists. Political Conservatives are dedicated to the preservation of the truly basic, irreplaceable resources of this country, namely, its moral, spiritual and legal resources. Patriotic Americans who are seriously interested in preserving the basic national resources implicit in our traditional climate of freedom with its safe environment of law and order, should quit listening to Ralph Nader and start reading the American Declaration of Independence. There—in our official declaration of national purpose—is where our basic store of these indispensible resources are enshrined.

Fortunately, unlike the Constitution of the United States, the Declaration of Independence has not had to suffer the slings and arrows of recent Supreme Court misconstructions. The American Civil Liberties Union has not sought—not yet, at least—to get Federal Court injunctions against the public reading or schoolroom explanations of the great Declaration. This is only because little if any of that is now being done. Nevertheless, in their recent decisions, Federal judges have openly invited the A.C.L.U. to present, on behalf of its atheistic clientele, such injunctive petitions when and if such reading, recitation or study of the Declaration becomes popular.

Unlike the Constitution, the Declaration is not what the judges say it is. On the contrary, it is the unchanging voice of self-evident truth speaking with the first breath of the new life of "the Republic for which it stands." So, in our search for the Republic, that remarkable Nation under God which the flag represents and which we all saluted so proudly at the outset of this dinner, we must turn to the Declaration which provided our Federal Constitution, and which so conclusively rationalized all of the principles, purposes and procedures of our entire constitutional system.

At its outset the Declaration states that we trace our title to our national independence to Almighty God Himself. Then, before we are ten lines deep into the document, we find that "We hold these truths to be self-evident: (1) That all men are created;"—in other words, God exists.

Please pause here to note that, expressly, this holding is not advanced as a logical conclusion. Deliberately, no evidence is offered to support it. For the members of the Continental Congress, no evidence was needed. They all join in the Declaration unanimously. They *knew* that Almighty God exists—not merely as a matter of their great religious faith but as an obvious matter of fact. Everyone of them believed these self-evident truths as confidently as he knew that he was alive when he subscribed to them. *Thus our Declaration of Independence was, and remains today, one of the most profound acts of religious faith in all history.*

The signers went on to declare that all men are "created equal"—equal in the sight of God, their Creator, that is, and therefore equal before the law of the new land that they had brought into existence then and

there. All men are thus equal before God and before the civil law, and they are otherwise unequal, different, that is, in every conceivable way. The Declaration does not say that all men are born equal, because obviously they are not. Our Creator gives each of us a special, different personality that is apparent from our looks and actions and is finally certified by your fingerprint. Take a look at that fingerprint of yours. It is your God-given individuating trade mark which distinguishes you and each of us from every other person who now lives or who has ever lived on the face of the earth.

This is the vital point and place where Abbe Sieyes' French constitution-makers cracked up on their man-made, atheistic rock called "liberty, equality and fraternity." Our God-fearing political ancestors went the French Revolutionaries one better: they insured the success of our constitutional system by latching it into eternal God-made truth.

If all men were identical, if they had been geared like the lower animals—to do the same thing under the same circumstances at the very same time—and had been left without the individual incentives, ambitions and aptitudes that have collectively pulled human civilization steadily forward, no one would have ever made "two blades of grass grow where one grew before." That being so, the human race would have starved to death thousands of years ago.

The Declaration goes on to say that all men are endowed, not by the civil government, but by God Himself, with "certain unalienable rights" and that the one over-riding purpose of all civil government is to secure and protect each person's God-given life and liberty while that person is making his particular contribution to the general good by using his personal talents to provide for his own welfare.

The Declaration makes it clear that civil government is never our master. On the contrary, such government is merely man's agent for the protection of God's gifts. All of this makes our Declaration of Independence the greatest theo-political document ever published in the world. It is the most perfect orientation of man to his God, to his government, and to his fellow-man to be found anywhere in all literature outside of Holy Writ.

It speaks eloquently and directly to the point of all of our present political discouragements and disconsolations, but, apparently nobody is listening to the Declaration of Independence. And, unfortunately, the people who are most completely deafened to its voice are a majority of the Justices of the United States Supreme Court.

In the beginning of our history, Supreme Court Justices were continuously construing the letter of the Constitution in the spirit of the Declaration of Independence, and said so. But, unfortunately, our recent generation of Justices have short memories. They remember and rely entirely and without question upon the ruling of Tom Clark, Hugo Black, Earl Warren, Arthur Goldberg, and William O. Douglas. They apparently have no official recollection of Justices Marshall, Moody, Brewer, Hughes, and Cardozo, or of their periodic face-to-face castigations by Felix Frankfurter.

And so, fifteen years ago, while the Fedtral Trade Commission wasn't looking, the errant Justices climaxed their insulated wisdom by gratuitously merging the first eight amendments into the 14th Amendment, and thus effectively wiped out the basic separation of powers between the States and the Federal Government that the Founding Fathers had used as the warp and woof of our Federal system.

Since that time, our Supreme Court picks up the entire Constitution only when and where, if ever, the 14th Amendment leaves off. Thus, and right while the Congress and the Presidency have been making Brownie points about the sacredness of the separation of their respective powers, the Supreme Court and its deputy District Federal Judges have taken over the administrative supervision of state insane asylums, state prison reform, state school busing, state abortion and pornography laws, and, among other things, state legislative, school and Congressional districting. At the same time, Federal judicial oversight has blanketed and preempted the whole field of state crime and punishment.

Over the Manion Forum microphone a few weeks ago, the able Attorney General of Indiana, Theodore Sendak, complained and cited numerous examples to show that in the last few years the Federal courts have decided that they are to legislate. They now make new laws instead of deciding cases and controversies under existing laws. He said that by the current use of so-called equity powers, the Federal courts have carried their jurisdiction to the point where they are now all three branches of government in one.

The remedy that our Chief Justice Burger proposes for the resulting over-crowded and conjested Federal Court dockets is more Federal judges. To the layman it appears that if we could get the Federal judges out of state schools, insane asylums and prisons, we might find ourselves with more of them than we need.

One hundred and twenty-five years ago, in deciding for the Supreme Court of the United States that the Federal courts should not intervene in state political controversies, the Court's distinguished Justice Woodbury said this:

"If the people in the distribution of powers under the Constitution should ever think of making (Federal) judges supreme arbiters in political controversies when not selected by nor frequently amenable to the people, they (the people) will dethrone themselves and lose one of their own invaluable birthrights; building up in this way slowly but surely a new sovereign power in the republic in most respects irresponsible and unchangeable for life—and one more dangerous than the worst elective oligarchy in the worst of times." (Luther v. Borden, 7 Howard 51–53–1849)

Not as slowly, but just as surely, as Justice Woodbury prophesied, the separation of powers, which for so long constitutionally characterized our Republican form of government, has been wiped out by the new consolidated power of the Barons of the Federal Bench.

But the most significant result of its gratuitous consolidation of the First Amendment with the 14th came when the Court held that the First Amendment's "no religious establishment" clause was now suddenly an indissoluble part of the 14th Amendment and thus now and forevermore a restriction upon the states. Consequently, henceforth the states could not any longer permit students in its public schools voluntarily to say together, out loud:

"Almighty God, we acknowledge our dependence upon Thee and we beg Thy blessings upon us, our parents, our teachers and our country." (Engle v. Vitale, 370 U.S. 421, 1962)

That was in 1962. Since then, under the prodding of professional atheists, the absolute divorce of God from the Government of the states and of the United States has been affirmed every time that a case in point could manage to get itself before the Supreme Court for decision.

The irony of this contrived, official anti-God twist in the Supreme Court's version of our constitutional history is disclosed in the Congressional Record. The Court has insisted that this ruthless separation of God from government was written into the First Amendment by Congress. However, the Congressional Record reveals that on September 24, 1789, the very same day on which it approved the First Amendment, Congress called upon President Washington to proclaim a National Day of Thanksgiving and Prayer to Almighty God.

Wasn't the Supreme Court able to find the record of that Congressional call in 1962? Or did it ignore it?

Back in 1917, Vice President Tom Marshall suddenly interrupted and cooled down a heated Senate debate on the pressing needs of the Nation. Said Marshall: "All this country needs is a good five-cent cigar." If Marshall came back to look us over today, he would probably say that all this country needs now is a good exorcist! Old-timers like Marshall would undoubtedly see a lot of devilry in our American way of life and strife today. The kidnappings, burglaries and blackmail merely headline the constantly rising currents of crime, cruelty, amorality and wide-spreading popular fear.

For the first time in a hundred years, Congress is challenging the right of the President to complete his term of office. The easy excuse is to blame all of the turmoil on the stubborn iniquity of Richard Nixon, but in the perspective of our troubles that explanation doesn't stand up. Mr. Nixon's publicized deficiencies are among the effects rather than the causes of our troubles.

Vice President Marshall would undoubtedly say that our present plethora of troubles is a Divine Judgment that we have brought upon ourselves. He would read the Declaration of Independence and then look at the present anti-God decisions of the United States Supreme Court. He would want to know how resounding was the roar of protest from the Bar, the state judges, the colleges, the churches, the Congress and the President when these no-prayer, anti-God decisions were announced? At that time our children had been praying aloud in all of our schools, public and private, for 170 years under the same First Amendment that the Supreme Court now uses to silence them.

Was it popular ignorance or popular apathy that accommodated our people to this proclamation of neutrality for our government in the battle between God and the devil? Marshall would ask what kind of a face will this put upon our upcoming celebration—or will it be a cremation—of the Declaration of Independence on July 4, 1976? He would remember that John Adams, who signed the Declaration of Independence, wrote to his wife the next day that the great event "should be solmenized by future generations with pomp, parade and bonfires from one end of the country to another with acts of devotion to God Almighty from this time forward forevermore."

Marshall would have missed what President Coolidge said about the Declaration on its 150th anniversary in 1926, but he probably heard about that, too. Listen to it:

"There is a finality about its self-evident truths that is exceedingly restful . . . No advance, no progress can be made beyond these propositions. If anyone undertakes to deny these truths, the only direction in which he can proceed historically is backward to the time when there were no rights of the individual . . . These principles have their source and roots in religious convictions. Unless the faith of the American people in these religious convictions is to endure, the principles of the Declaration of Independence will perish."

Now, at this point, we would be forced to tell Marshall the hard truth. During the last eight years Presidents Johnson and Nixon have appointed three commissions which have spent millions of dollars doing nothing about the upcoming 200th anniversary of the Declaration. Unfortunately the only activity that I have encountered in connection with 1976 is by an organization that ignores the Declaration of Independence and is hailing the anniversary as a time to bring

about a new revolution which will destroy our constitutional system by the establishment of a Maxist government for the United States.

Are the officially appointed Presidential Commissioners afraid that they may be enjoined, or arrested if this precious, priceless document is read and explained over the air and otherwise publicized under their auspices?

Remember, please, that it is the 200th anniversary of the Declaration of Independence that we are to celebrate in 1976. We are not commemorating the anniversary of our national independence itself; that was not confirmed until 1783. In 1976 we will, or should be, celebrating the survival of our Republic as it is defined and previewed in this inspired and inspiring prospectus for our free constitutional system. So at the moment it is the Declaration of Independence that is calling—in vain—for volunteers.

I therefore hope and pray that political Conservatives will move in at once and en masse to occupy the disgraceful vacuum that now surrounds this upcoming bicentennial. And let all Conservatives who aspire to be President, Senator, Congressman, governor or state legislator adopt the Declaration of Independence as the supporting base of their platform, with the Ten Commandments as the next adjacent plank.

This will remind our countrymen that each and all must govern themselves according to God's moral laws if the constitutionally limited civil government of our Republic is to succeed and be sustained. This resounding conservative act of faith will catch the conscience of every patriotic American. It will cut our bewildered people loose from the wickedness and snares of the Devil who now slithers through the seductive Utopian doctrines of Permissiveism, Behaviorism, Humanism, Liberalism, Socialism and Communism.

It will revive the unconquerable "Spirit of '76" that is the key to the survival and revitalization of the Republic and to a sweeping victory for the union of God and Country, one and inseparable, then and now and forever.

A NEED FOR DRASTIC REORDERING OF OUR FOREIGN AID PRIORITIES

Mr. PROXMIRE. Mr. President, on May 29, my distinguished colleague from Hawaii, Senator INOUYE, who is also chairman of the Foreign Operations Subcommittee of the Appropriations Committee, delivered a speech to the western regional convention of the American Society of Women Accountants. His speech eloquently calls attention to six problems of the "era of scarcity" that we now live in: poverty, population, food shortages, inflation, energy shortages, and weapons control. After analyzing these problems, he calls for drastic reform in the way our foreign aid is distributed and urges that the United States alter its priorities by concentrating its aid on social and economic hardships of the less developed world, rather than on military aid, in order to meet the pressing problems of the era of scarcity.

I would like to commend his remarks to the serious attention of the Members of the Senate, and I ask unanimous consent that they be printed in the RECORD.

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

REMARKS

(By Senator DANIEL K. INOUYE)

Since 1970, something almost unnoticed—yet basic and universal—has occurred in the world. Mankind has slipped out of the Era of Plenty into the Era of Scarcity. This change represents the most profound alteration in the society of man since the Renaissance. It affects each and every one of us to some degree today. In the not too distant future, it will dominate the lives of two-thirds of mankind; later, it will overpower the hopes and dreams of four-fifths of the world.

Strangely, very few of us are aware of what has happened. However, these world issues are of such enormous scale that sensible people can no longer ignore them.

United Nations Secretary General Kurt Waldheim stressed this when he recently said, "The pursuit of short-term national interests by any nation or group of nations can no longer provide even a brief reprieve from the inevitable results of the present trends." In an April 15th address before the U.N., Secretary of State Henry Kissinger called it, "the challenge of interdependence." Secretary Kissinger stated, "We are part of a single international economic system," and he somberly challenged the assembly and the world "to come to terms with the fact of our interdependence."

Like a runaway engine with numerous attached cars, there are six major interconnected problems that we must face and somehow master if the collision and tragedy that confront us all are to be avoided. These problems are: poverty, population, food shortages, inflation, energy shortages, and weapons control.

Each inescapable element has its own properties and problems. When they are combined, as they now are rapidly combining, they, like the various elements of a nuclear bomb, may trigger an explosive chain reaction of massive forces—social, economic, and political. Some are now already quite evident.

Poverty grips more than two-thirds of the world's people. Some of the world's poverty-stricken are here in America, where 19 million adults over the age of 16 years are functionally illiterate and 24 million of our citizens are officially malnourished. However, this represents only a small fraction of the abject and inhumane poverty that exists abroad. While one-third of mankind lives in relative abundance—and some in superabundance—the rest of the world's population remains entrapped in a web of hunger, malnutrition, illiteracy, unemployment, and corrosive poverty. The gap between the rich and the poor widens daily in an almost insurmountable chasm.

Last year, average income in developed countries was approximately $2,400 per capita. The comparable income in the nondeveloped countries was $180. Within 10 years, the industrialized and developed nations will raise their per capita income by $1,200 to $3,600 per person. Three-quarters of the rest of the world will be fortunate to add $100 each raising their per capita income to $280. Imagine that: by 1980, the numbers will be $3,600 to $280—a 13.1 ratio!

Each year, 80 per cent of the increase will go to those countries where per capita income already averages more than $1,000. These countries contain only one-quarter of the world's population. A mere 6 per cent of the gain will go to countries with per capita incomes averaging $200 or less—countries which nevertheless contain more than 60 per cent of the world's people.

There are many types of poverty. Poverty is a relative term. Poverty as experienced in America's Appalachia would represent a reasonably comfortable middle-class existence to the poor of the Sahel or Bangladesh.

The poorest of the poor—or roughly 40 per cent of the developing countries—have shared almost no growth and live in conditions of deprivation that fall below any rational definition of human decency. In more than twenty countries, the very poor earn less than $80 a year or less than 30¢ a day. In India alone, more than 210 million people—the approximate population of the United States—live on less than $40 a year.

Unless governments can reverse the present trend, the income share of the poorest 60 per cent will further decrease while that of the richest 5 per cent will continue to increase. There has been virtually no "trickle down" of resources and income. Here development efforts have almost completely failed.

The population problem is undoubtedly the greatest single obstacle to world economic and social improvement. While it took our planet approximately two million years for the human population to reach three billion, it will require only 35 years at present rates to add an additional three billion people. By the year 2000, the earth's population will increase by more than one billion persons every eight years.

What does this really mean? Let us try to visualize it. If you become a parent today and your child lived into his seventies, he would know a world of approximately 15 billion people. Today's population is just over four billion. Assuming this rate of increase continues, his grandchild would share a world of more than 60 billion. Obviously, some links in the chain of life would break before then.

The United States and other industrialized nations have allocated considerable resources and talent to their own population control problems. At present, the developed world has achieved a stable population with very little numerical growth.

When India announced a year and one half ago that she had achieved a decrease in her growth rate, it was hoped that the populations of less developed countries might be eventually controlled. Now we know that, not only did India not achieve the announced reduction, but her population, like much of the rest of the Third World, is actually hopelessly out of control. By the year 2000, the number of inhabitants of the developed and industrialized countries will scarcely change, but the populations of the developing and less developed nations will at least double. Approximately 20 per cent of the world's population will then live in the developed countries. By the year 2040, this will drop to just 10 per cent and continue to decrease unless we can effect rather massive change in the world.

Of the six international and intranational trends being discussed today, food and food shortages are perhaps the most well known and pathetic.

Last year saw food shortages in India, Sahel, Bangladesh and other areas of the world. That was before the oil crisis. Now there will be far less energy available to run tractors, irrigate marginal land, and produce vital fertilizer. Due to lack of fertilizer alone, it is estimated that India's wheat crop will be reduced by at least one-third this year. Throughout most of Asia, crop production will be down sharply and with a 2 to 3 per cent yearly population increase certain, a huge food deficit threatens.

For weeks, alarming reports have been circulated predicting poor harvests in India, Afghanistan, New Guinea, Kenya, Ethiopia, and other Third World nations. At present, across the Sahel region of North Africa, a full-scale starvation grips entire nations. In spite of massive international humanitarian relief efforts, an ever-increasing number are dying, and unless other methods are utilized, millions more will starve and additional millions will be debilitated and retarded.

In the developing countries, close to one

billion persons presently suffer from severe malnutrition or starvation. Twenty to 25 per cent of all children die before their fifth birthday. The life expectancy is 20 to 30 years less than it is here in America. With the developed population now stable and the developing nations rapidly gaining additional inhabitants, this chaotic situation will worsen.

A profound moral and political test awaits the United States and other developed nations on the issue of food.

Recently a well-known nutritionist at Harvard got to the heart of this problem. He stated, "The same amount of food that is feeding 210 million Americans would feed 1.5 billion Chinese on an average Chinese diet."

The older developed nations and numerous newly-developed nations are constantly improving their diets. As the food supply in the world during any given year is relatively finite and fixed, this dietary improvement is often achieved at the expense of marginal diets elsewhere. Americans ate 50 pounds of beef per capita in 1950. In 1973, it was 119 pounds per person. Presently an American consumes 2,200 pounds of grain—most of it to fatten his animals. A Chinese needs only 400 pounds to live on an average Chinese diet.

Simply averting our attention will not deny the linkage between the level of food production and consumption in the U.S. and other developed nations, and the ever-widening ripple of starvation throughout the world. In order to merely maintain the present inadequate diets, food production must double by the year 2000 to keep up with population increases. At present, world food reserves are down from the 69-day supply in 1970 to less than a 30-day supply in 1974—the lowest level since the holocaust of World War II.

While times does not permit me to dwell on it at length in this discussion, the interrelated problems of worldwide inflation and the energy crisis are pertinent. If oil prices, which are now approximately four times 1972 prices, stay at present levels, it will cost the developing countries some $15 billion more for essential imports in 1975 than it did in 1974. This increase is equivalent to nearly five times the total net U.S. development assistance in 1972 and almost double the total amount of development assistance for all developing countries from all sources that year.

This year, all nations must face increased oil prices as well as higher prices for essential food, fertilizer, raw materials and/or finished products. The rate of inflation ranged from some 7 per cent to 25 per cent for developed countries this past year. However, the rate was much higher in the non-industrialized countries where it ranged from 20 per cent to 200 per cent.

Some developing countries will be able to partially offset increased prices and inflation with exports of raw materials. For the poorest 40 countries, there is little relief available. In the near future, they will need at least an additional $5 billion in aid merely to maintain this stability and survive.

Perhaps the greatest paradox in the entire aid picture centers on weapon development and procurement. For whatever it is worth to America, we are the world's largest supplier of weapons and military material to the developing nations: Planes and advisors to Bolivia, F–14 jets to Iran, tanks to India and Pakistan, carbines, helicopters and transports to the Philippines. The shopping list is endless and the customers read like a list of the Who's Who in the United Nations.

Over the past decade alone, the United States sold or gave away more than $21 billion in weapons to more than 60 countries. This accounts for more than one-half of the total international trade in arms. Even more unsettling is the fact that our military exports have doubled in the past four years and jumped again this year—to more than $5.4 billion.

We supply not only arms and material, but also war technology and advisors. Many thousands of police and military have been trained with U.S. foreign assistance and weapons development encouraged. You may have noticed that a few weeks ago, India, one of the largest and poorest nations on the earth, exploded a nuclear device underground. At a time when her millions are literally starving, India has invested millions of dollars and valuable technology in the preliminary production of a nuclear capability.

Last year, I called for our government to curtail this senseless policy of weapons distribution and sales. I urged at that time that the Administration attempt to bring about a meaningful inernational agreement on conventional (non-nuclear) arms distribution, especially in the developing world.

Americans are the most generous and humanitarian people in the world. Since World War II, the United States has provided more than $183 billion to the world in international assistance. In a recent public poll, 84 per cent believed it to be in the best interest of the United States to help other countries. Almost 70 per cent favored the United States providing direct and multilateral assistance to the developing world. Yet, foreign aid is the most unpopular program within the Congress and in the nation.

As chairman of the Foreign Operations Subcommittee of the Appropriations Committee, I can assure you that there are many valid reasons that Americans react this way.

Whereas most Americans believe that foreign aid means "helping other countries and people by sending money and food," military items and police training represent a larger percentage of our total foreign aid than does economic and humanitarian assistance.

Our priorities in the way aid is distributed also need reordering. What is the Administration's sense of values—what is the grasp of the real problems facing humanity—when, this year, the Administration proposes to spend ten times as much on South Viet Nam with a population of 19 million persons, as on India, Pakistan, and Bangladesh with a total population of 711 million?

Clearly, drastic reforms are called for. Foreign aid, throughout the 1950's and 1960's, was closely associated with our overall foreign policy objectives of gaining political advantage in the Cold War. Today, the overall goals of the foreign assistance programs of the United States must not be primarily to halt the flow of communism and aggression. Detente and improved relations with the Soviet Union and China have removed much of that menace. Today, if our aid is to continue to be supported by Congress and the American people, it must speak to the real social and economic problems found in the less-developed world.

In addition, the entire U.S. assistance apparatus—which is the most top-heavy and expensive of all governmental agencies—must reduce its administrative cost and redirect its efforts.

The military component must be taken out of the foreign aid bill. In the past, it was argued that the military aspects helped to justify the economic and humanitarian aspects. I believe this is no longer the case. The world urgency of development—energy, food, and social—will easily absorb all the funds that we can make available for assistance. Continuing to pour American tax dollars and technology into bolstering the police and military forces of more than sixty nations can no longer be justified. In most cases, it compounds—rather than eases—the problem. Assistance should and does begin at home. We find ourselves in a rising price spiral, which demands that the expenditures of our tax dollars must be fully justified. Poverty, illiteracy, and hunger still exist within our land and our first priority must be to assist our own citizens.

Whatever funds the United States can make available for foreign assistance must be directed to reach and to assist the poorest people elsewhere in the world—not the richest, as has too often been the case in the past.

A complete foreign aid reassessment is essential. In the past, aid from rich to poor nations has had only a limited success in fostering development. Given the scope of the problems now forming throughout the world, our aid philosophy and methodology are antiquated and doomed to fail. The dangers of unbalanced economic and social world growth cannot be ignored. The adjustments must begin now.

ECONOMIC DEVELOPMENT PROJECTS CAN HELP SOLVE POVERTY PROBLEMS—OR AGGRAVATE THEM

Mr. HUMPHREY. Mr. President, a number of reports from the drought-stricken nations of the Sahel have pointed out how past economic development projects have often contributed to the problems of this extremely poor area rather than to providing solutions. The most recent such report is Ray Vicker's article in the Wall Street Journal of May 24, "Ancient Enemy: Many People and Cattle Exacerbate the Effects of Drought in Africa."

It is pointed out that cattle vaccination programs have resulted in herds too large for these marginal lands to bear. Wells dug in semidesert areas have resulted in overgrazing in the well areas. With the grass gone, cattle have stripped and killed the trees that prevented soil erosion. In farming areas, concentration on the production of on cash crop has caused deterioration of the soil.

Not only in the Sahel, but in many other parts of Africa as well, growing populations have in recent years been pushing against the limits of their land. More and more people are trying to make a living from Africa's marginal lands—farming and raising livestock in areas where rains are uncertain, where frequent years of drought destroy crops and pastureland. The dependence of ever greater numbers of people on these lands threatens the ecological environment and, at the same time, makes the consequences of drought and famine more severe.

The effects of development projects in the Sahel that did not take into account the total environment have taught us the great need for integrated development planning in this and all similar areas. To increase the cattle population in order to increase meat production, to drill wells at random in order to provide more water, to concentrate on increasing the production of a single cash crop, are obviously shortsighted projects which might raise incomes in the short run but have disastrous consequences for the economy in the long run. Unfortunately, these are often the least expensive development projects for countries with few resources. They require a minimum of training and detailed planning.

But as this article points out, it is training and careful planning that are essential if these mistakes are not to be repeated in the Sahel and other parts of

Africa. Herdsmen must be taught to raise fewer, better quality livestock—and provided with easy access to markets where their cattle may be sold. Research must be done on the kinds of crops and patterns of crop rotation most suitable to semiarid areas—and least damaging to the ecological environment. And efforts must be made to increase production per acre on the good land, so that fewer people will have to move to marginal areas to make a living.

The MIT study that AID has commissioned on the ecological effects of various development alternatives for the Sahel is a promising indication that we have learned that development requires more than simply increasing output in the short-run. But there is a need for a much greater commitment on the part of the developing countries and the international donor community to research in livestock and crop production in areas where rainfall is inadequate and uncertain, to adapting the findings of this research to the ecological requirements of each area, and to investing in the human resources of these countries as well as the natural resources.

Mr. President, I ask unanimous consent that Ray Vicker's article, "Ancient Enemy: Many People and Cattle Exacerbate the Effects of Drought in Africa," from the May 24, 1974 Wall Street Journal, be printed in the RECORD.

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

ANCIENT ENEMY—MANY PEOPLE AND CATTLE EXACERBATE THE EFFECTS OF DROUGHT IN AFRICA

(By Ray Vicker)

TIMBUKTU, MALI.—Two bony cows stand motionless in the glaring sunlight about 40 miles north of here, watching a blue-robed nomad of the Tuareg tribe cut down a lone acacia tree in a barren gully. As the tree crashes to the ground, the cows move slowly toward the leaves. They are starved for food, but too weak to run for it.

"There! You are seeing one of the causes of this drought," shouts a British agricultural expert on an aid mission as he brakes his Land Rover. He points to the fallen, stripped trees that lie along the gully. "The few trees help hold the soil for grass to grow after the rains," he explains. "With the trees gone the soil blows away, and there will be no grass for a long time even if the rains return to normal."

It is a lesson in the fragile ecology of this vast Sahel, the sub-Saharan region that is suffering from the worst drought in living memory. It is a drought that stretches across Africa from the Atlantic to Ethiopia and the Indian Ocean. A shift in weather patterns is the essential cause, of course, but overpopulation and overgrazing and other bad agricultural practices are tightly interwoven in the reasons why this drought is so severe—and why recovery, when and if it comes, will be agonizing and expensive.

The drought is of such staggering proportions that relief and aid agencies thus have focused most of their efforts on trying to feed the hungry; the problems of the drought's longer-term effects largely have been set aside.

AID ISN'T A SIMPLE MATTER

There are six million to eight million people in the Sahel who are acutely affected by the drought, plus unknown millions more in Ethiopia, where statistical enumeration is lacking. The volume of food aid for these people is likely to total 600,000 metric tons this year, up from 450,000 tons last year, says Kenneth A. P. Stevenson, the Rome-based director of the Food and Agriculture Organization's Office for the Sahelian Relief Operation.

Aid in this part of the world isn't a simple task. Often, determining where to send the food necessitates surveys, which the dirt-poor countries hit by the drought can't handle themselves. Then, roads, communications and such sometimes must be established in order to get the food to where it is needed. From Ethiopia in the east to Mauritania in the west, United Nations, Red Cross and other aid groups are frantically working long hours to create patchwork distribution facilities.

Near Dessie, Ethiopia, for instance, a British army team hacks feeder roads to remote villages that previously had to rely on mules to bring in supplies. Air transport would seem to be a faster, more efficient way to distribute urgently needed food and medical supplies, but aid officials largely avoid it. Why use precious aid funds on air transport, they ask, when the money might be better used for building roads that may be permanent?

It is a pertinent question, for if meteorological pessimists are right, African drought relief could develop into a long-lasting task.

THE HUMAN FACTOR OF DROUGHT

In fertile areas with considerable rainfall, somewhat less may not matter much. But in marginal lands such as the Sahel even a relatively small decline can be catastrophic. The African drought is not marked by a complete lack of rain; there usually is some during the June-September rainy season. What counts, though, is the volume of rain through the summer and its distribution over the Sahel. Since 1968, the rainfall has been under average and too spotty to sustain the demands that people are placing on the land.

"It won't be until next September that we will know whether or not adequate rainfall this year is breaking the drought," Alexander Rotical, UN aid chief in Mali, says in his Bamako office.

Meanwhile, some think the Sahel has been so devastated by drought that it will take more than a year of rain to end it. One theory is that the Sahara is relentlessly moving south, enveloping pasture and farming land. But others aren't so sure. "If the phenomenon of desertification exists at all, it is due to the human and animal element and not to climatic variations," says Marcel Roche, a Paris scientist with the French Organization for Scientific Research in Overseas Territories.

There certainly is much evidence supporting this condition. Population in the Sahel is increasing at a rate of nearly 3% annually, according to A. I. Grove, an authority on desert countries at the University of Cambridge in England. The Sahel has "one of the highest birth rates in the world," Prof. Grove says.

These growing numbers of Africans value cattle for prestige as well as for wealth. They tend to push the expansion of herds to the limit, with each man's social and economic position determined by the size of his herd. There were an average of 18 million cattle in the Sahel from 1960 to 1965, the FAO-estimates. By 1971 there were some 25 million—about equal to the human population. This number has declined since then as more animals died because of drought, but the herds still are too big for the available pastures to sustain safely.

In 1968, before the present drought set in, some areas were being grazed by 6,000 cattle where, the experts said, 600 would have been ideal given the water and the pasture. Now there are more cattle and less water. New wells have been drilled to provide water for the increasing number of animals, which lowers the water table.

"The new wells have allowed seasonal pastures to become all-year pastures," says A. Blair Rains, a British expert on African agriculture. "Now there are far more cattle per area, resulting in serious deterioration of the pasture."

Overgrazing has been so serious that even the roots of grasses have been destroyed. The few remaining trees are being cut down for their leaves to feed animals. Large patches of the Sahel have been stripped so bare that it might take seven to 15 years to rehabilitate them even with good rains, some experts say.

Sedentary farmers on the savannahs of the drought's southern edge also contribute toward diminishing the land's productivity. Most of them raise cattle as well as till the soil, and sometimes they farm land that might better have been left as pasture.

"But what can you do when the pressure of population calls for ever more food?" asks one French adviser to the government of Niger. He shrugs and lifts his hands in a gesture of helplessness.

Some answers may be forthcoming this fall when a U.S.-sponsored study of the region is due to be completed by Massachusetts Institute of Technology. The study, which uses systems-analysis techniques, may become the framework for long-range development in the area.

Meanwhile, some farfetched ideas are surfacing in the vacuum of realistic options. One of these schemes, proposed by those who think the drought's devastation might be halted by a torrent of cash, is to plant a green belt of trees across the Sahara. Presumably, this green belt would catch and hold moisture and thus provide pasture for the cattle.

But the only type of tree that grows in the Sahel is the stunted acacia, which has difficulty growing at all in places where a green belt would be most needed. Moreover, young trees are great gulpers of water, so in its first four years the green belt would require all the water of the Sahel; after that the trees might sink roots deep enough to reach underground water. But how would all the water of the Sahel be moved to the green belt? And how would people survive if all the water went to the trees? And who would pay for all this?

More practical programs call for teaching the people in the Sahel to practice more efficient farming and pasturing techniques, to husband the water they have and to fight erosion. Practical, that is, assuming that the six-year drought will end someday. That it might not is too terrible for people here to contemplate.

"We can't even admit that this 'drought' is anything but cyclical, nor can anybody else who is in aid work," says one western diplomat in Niamey, Niger.

"We are participating in short-range aid programs—purpose of seed to replant again this year, for instance—and other such assistance. We would be foolish to recommend such aid if we thought this drought were long-term. We would be throwing money away that might better be used for resettling these people," he explained.

Resettle them where? The question prompts a shrug. Is there a sincere conviction that the drought will end?

"But you don't understand," the diplomat says emotionally. "We can't even think of this being long-term. God! That would be too awful for any of us to face."

PRESENTATION OF PORTRAIT BUST OF PRESIDENT JOHNSON

Mr. BENTSEN. Mr. President, it was my privilege to be a guest on May 29 at the unveiling of the bust of President Johnson at the National Portrait Gallery. Our distinguished colleague, HUBERT

HUMPHREY, the Vice President under Lyndon Johnson, was the principal speaker. His eloquence was evident, as was the deep feeling which he expresses, a feeling which those who knew Lyndon Johnson share.

I ask unanimous consent that the remarks of Senator HUMPHREY be printed in the RECORD.

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

REMARKS BY SENATOR HUBERT H. HUMPHREY

It is a very great pleasure for me, and a personal pleasure, to return here to the Portrait Gallery and to share in the presentation of this remarkable likeness of Lyndon Baines Johnson. I want you to look at it. That sculpture almost comes alive to us. It is unfortunate that Miss Mason can't be here with us today to share in the spirit of this occasion, to see the many friends that are here—people that she has known so well, and to feel the admiration that her artistic work evokes. I'm sure you will agree with me that she has given loving attention to detail, and she has captured what you and I know as the qualities of this man—the dynamic and vital qualities of a man who was a leader in whatever position that he occupied.

It is difficult, even now, for me and, I am sure, for any of you—to speak of him as if he were not with us—present, physically. So, I am going to ask you to think of him in those terms—to look on him as a man of the present, and indeed, a man of the future, for surely his is a vital and perpetual and, for me, a continuing presence. And I am confident that that's the feeling of the millions and millions of people who knew and loved him, and who truly benefitted from the goals and dreams that he pursued. How well I recall how President Johnson would say to me that, as President, he was the man that had to speak for the people who could not speak for themselves. The person who serves as President has to be strong enough to speak for the weak and has to have the sense of ideals and presence to speak for those that may not be heard or who may be forgotten.

I want Lady Bird, and I want all of the friends of Lyndon Johnson, and indeed his family to know that I consider the greatest privilege of my life to have had the opportunity to serve with him—to be a candidate on the ticket with him; to run for election and win with him; and to be the Vice President of the United States in his Administration.

Mortality is a strange phenomenon. And when reflecting on the life of a great or historical figure, the temptation is always to want to enlarge and exaggerate the qualities of the one who is remembered so fondly.

But I'm going to level with you. I think it's impossible for any of us here to grasp at this hour and this time the full meaning of Lyndon Johnson's life. This will require the refinement of time, the refinement indeed of historical perspective, to filter out the dust of the minutiae, so that we can find the solid rock of character and of accomplishment that really symbolize and represent the man, his politics, his Administration.

What we can and do know is that he was a unique man. I have noted down here that he was a giant of a man. When he embraced you, you were embraced. And when he chastised you, you were chastised! There was no doubt, no ambivalence, no indifference.

He was a giant of a man that was groomed and nurtured in the great Texas hill country that he loved so much. He was touched by the disparities of great wealth and cruel poverty; by the arbitrary divisions of the North and of the South; and between the privileged and the deprived; and between the great and the mean.

Lyndon Johnson worked his way, fought his way, earned his way to the pinnacle of political power. I had a chance in a few years to watch that remarkable advance. We came to the Senate together in the same year of 1949. He moved in the company of the great world and national leaders. How well I remember. He used to tell me about people that I'd only read about, that he knew. But one thing I recall is that he never once lost sight of who he was, what he was, who he was for, and what he as for—in other words, his mission. Rooted firmly and squarely in the best traditions of our Nation, this man had a clear and sensitive understanding that people, not institutions, are the foundation of our government. He knew the first three words of the Constitution—"We the People." He never got them confused. He understood that the whole objective of government is what Thomas Jefferson said it was to be. You may recall that Jefferson said that the only legitimate objective of government is the health, happiness and well-being of the people. And that, indeed, was the guiding philosophy of President Johnson, who wanted to be remembered as the man who made great contributions to education, and wanted to be remembered as having opened the doors of opportunity for every American and even extending his great strong hand and arm to help people walk through those doors.

He was keenly aware of the worth of every person and the responsibility of government—and particularly the President—to speak to the needs and aspirations of those who are deprived of the opporutnity to enjoy the promises of freedom. I guess that's what drew me to him more than anything else.

And looking on the life of a fallen leader, we are sometimes inclined to speak of the achievements that he left behind, as I have here for this moment. But Lyndon Johnson's legacy is not the past. It is a living one. It is here and now—and that legacy is found in the face of a black child who will never again be forced to live in a society that has been divided on the basis of race.

It is a legacy of universal suffrage for all. I think that the one moment that he was happier than any time that I witnessed him in the legislative process was that moment in the joint session of the Congress when he addressed us on the voting rights—voting rights for everybody, and said, "We shall overcome!" That was a moment of tremendous emotion, and also of great purpose.

It's a legacy that he's left us for elderly Americans, hope for their greater security in their final and their dwindling years.

It is a legacy of education for every American boy and girl. Can't you just hear him say that he wanted every American boy and girl to have all the education that they could take, all that they could absorb.

And it's a legacy for economic opportunity for hundreds of thousands of disadvantaged citizens. I'd like to say here that the one war that this man really wanted to win, and the one that he wanted to wage, was the War on Poverty—not just the war on the poverty of the purse, but the poverty of spirit.

The list is endless, but most of all Lyndon Johnson left us with hope for the survival of our precious democracy. He showed us that the most diverse elements could be brought together. He understood the preamble of the Constitution—that we were required to form a more perfect union; to establish justice; to insure domestic tranquility; to provide for the common defense; to promote the general welfare; and to secure the blessings of liberty for ourselves and our posterity.

And he believed that these things could be done in the political process—with reason, and debate and decision. He defined for me and for you the challenges, and he showed us a way to meet them—upright, head-on, and not to retreat.

So this particular bust of this good man will remain here for our countrymen to see and to ponder. And I invite all Americans to remember not just the President, but to remember the man, Lyndon Johnson. Be proud of his accomplishments, for he was truly one of our own. Let's not look to his achievements as a static history of his period, but view them, rather, as a challenge to tackle the tough jobs that remain—just as he did, with a fierce, at times, and an uncompromising hatred for injustice, bigotry, and poverty which you and I know and which he knew sap the life of our people and taint the blessings of liberty.

Now I'm privileged to present a beautiful and wonderful woman that stood with this man through the years—a constant source of inspiration to him, a constant source of strength. When I think of President Johnson, I can't help but think also that the Nation received two for one—a President and Lady Bird Johnson. God bless you.

AMERICANISM—OUR PRIVILEGE AND OUR STRENGTH

Mr. PROXMIRE. Mr. President, today when so many people have lost confidence in the Government, it is refreshing to find a reaffirmation of the values upon which this country was founded.

I recently came across just such a reaffirmation. It was in the forum of an essay written by Ruth Ringelstetter of Lake Mills, Wis., who submitted it in the yearly Wisconsin American Legion essay contest. This year's theme was "Americanism—Our Privilege and Our Strength."

Her essay, which won first place in the grades 10–12 division, reminds us of our heritage and our opportunities. Most importantly, she points out that our strength is "the fact that we are one as Americans, and millions as individuals."

It is a pleasure to salute Ruth on her accomplishment and the many students across Wisconsin who took part in this worthwhile event.

I ask unanimous consent that her essay be printed in the RECORD.

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

AMERICANISM—OUR PRIVILEGE AND OUR STRENGTH

What is it about Americans that make them so special? Is it the books they read? The movies they see? The way they dress? The people they know?

No, it's none of the above. Americans are special merely because of the freedom they represent to the rest of the world. Where else but in America can a person come from a ghetto and soon be making millions of dollars doing something he really enjoys—such as playing basketball?

America is a land of opportunities. People work where they want to work. They have a choice in everything they do. Some choices are merely between a good choice and a bad one, but others are between equally good choices.

This vast land of America is a land of intellects, of artists, of writers, doctors or lawyers; but no matter what a person is, he remains the most valuable of all things—an individual.

American children are taught of their inheritance, but they are, at the same time taught that they should have their own thoughts and not be afraid to voice them.

This is where he American strength lies—in the individuality of the people and their ideas. Without them, America would remain the same—not changing—not growing, and, "in order to form a more perfect union" America must continue to listen to the ideas and dreams of its people.

America is strong because the people care about each other, and care what happens to their country, and to their homes and are willing to fight for them.

It is the privilege of every American to believe what he will and to become what he wants: Americans are free from birth. It's not something they have to work for: it is a privilege of every American.

Americans complain a lot, but sometimes complaint is necessary in order to bring about a change for the better. Americans are people who know what they want from life and who help each other get where they're going in life.

The American government has its problems, but every government does, and our democratic government is one of the better governments in the world.

From living in America a person gets a better outlook on life and knows the things that make him free. Every American with an idea should voice it even though it may seem stupid or not worth the bother. This is his country—the land of the free.

It is, therefore a privilege to be an American—to be associated with its greatness and to be a part of all that happens.

So our Americanism or the Americanism in each one of us is our strength. We will work together to create a better place to live, to breathe, and to be, just to be Americans. This is our strength—the fact that we are one as Americans, and millions as individuals.

MCPL'S REPORT ON THE ROLE OF CONGRESS IN THE LAW OF THE SEA CONFERENCE

Mr. STEVENSON. Mr President, the UN Law of the Sea Conference will convene in Caracas next month for its first session. The aim of the Conference is to draft the vitally needed new international laws to provide for the orderly use of the oceans and the resources they contain.

I think we all recognize that solutions to the problems, old and new, which confront us in the marine environment will be viable only if they have the support of the international community. It is not merely fitting, but necessary, that we endeavor to reach accord on the use and development of the oceans through multilateral negotiations.

A great deal of preparatory work over a period of years has preceded the Law of the Sea Conference. The issues on the international level have received considerable attention in the Congress. Over 50 pieces of ocean-related legislation have been introduced in the 93d Congress. Until now, however, there has been no study of the congressional role with regard to the Law of the Sea Conference.

I am happy to report that Members of Congress for Peace Through Law has given this matter attention. This organization's Committee on the World Environment and International Cooperation, of which I am vice chairman, held a symposium on Congress role late in January at Airlie House, Va., bringing together Congressmen, representatives of the executive branch, and ocean experts. Under the leadership of the committee's chairman, Representative GILBERT GUDE, of Maryland, who has just been appointed a congressional delegate to the Law of the Sea Conference, the panel examined in detail the interaction of the Congress and the Executive in developing ocean policy. I believe that the report of this symposium will be of considerable interest to Members and their staffs and, therefore, I ask unanimous consent that the full text of this report be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

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

THE ROLE OF CONGRESS IN THE LAW OF THE SEA

[Report of a symposium sponsored by the world environment and international cooperation committee of Members of Congress for Peace through Law]

PREFACE

The year 1974 may be marked by history as a time when men and nations began to take significant steps toward establishing durable institutions for the peaceful and equitable regulations of their relations and their use of the planet they inhabit. Or, it may be recorded as another instance of man's failure to live in harmony with his fellows and his environment. The verdict will be registered in the outcome of the United Nations Law of the Sea Conference and its attempt to erect a foundation for comprehensive international ocean law.

It is clear that existing ocean law is no longer adequate to meet the demands made of it. The combined pressures of expanding technology and increasing exploitation of the resources of the sea present the nations negotiating at Caracas and Vienna with both complex problems and powerful incentives.

To these problems there are no safe and simple answers. No solutions exist that will satisfy every interest of every nation. Different perspectives and different proposals exist not only between but within nations and the problems of developing common-interest approaches is not less difficult for individual governments.

It is to the part played in this process by the Congress that Members of Congress for Peace through Law addressed themselves in an Airlie House symposium in January, 1974. The participants did not attempt to achieve an agreed position for the United States in the Law of the Sea Conference. Rather, they explored their differing concerns and conceptions in an effort to find areas of consensus and to ensure that both the legislative and executive branches would carry out their obligations in the formulation of ocean law in a climate of candor and mutual understanding.

In this regard the symposium was a distinct success. The reader will find in the accompanying report of the symposium not only reflections of the differences which were expressed but also intimations of the spirit of frankness and cooperation which prevailed. I would like to express my gratitude to all the symposium participants for their part in the discussions. Special thanks are due to Senator Claiborne Pell of Rhode Island, to Representative Don Clausen of California and to Professor John Norton Moore of the U.S. Department of State for their thoughtful contributions as panelists.

GILBERT GUDE,
Chairman, Committee on World Environment and International Cooperation of Members of Congress for Peace Through Law.

EXECUTIVE PERSPECTIVES ON THE ROLE OF CONGRESS

For reasons of both practice and principle, the Congress has an important role in the formulation of international ocean law. Since the 1974 Law of the Sea Conference provides a unique opportunity for achieving a comprehensive, widely-ratified, common-interest treaty and since the consequences of a failure to reach such an agreement are staggering, it is crucial that both Houses actively involve themselves in this process.

More specifically, there are five compelling reasons for maximizing Congressional input to the development of ocean law. They are:

1. The necessity for obtaining the advice and consent of the Senate to any treaty developed in the Law of the Sea Conference. It is especially desirable to avoid what may be termed, in reference to the Versailles Treaty, a "Woodrow Wilson syndrome."

2. The desire to have the decision process as broadly based as possible, permitting all those affected to participate through their elected representatives in the Congress.

3. The existence of a large reservoir of ocean expertise in the Congress, especially on the nine House and Senate committees which address ocean-related matters.

4. The need to promote interaction between national legislation and the international negotiations, especially during the interim period, when portions of the treaty might be provisionally applied, between the signing of a Law of the Sea convention and its ratification.

5. The need to prepare the groundwork for eventual legislation implementing a Law of the Sea convention, which might include articles permitting provisional application, after ratification by the Senate, especially legislation in the areas of fisheries and seabed mining.

The fourth point—harmonizing national legislation with the negotiating process—is especially significant. While serious problems exist in regard to fisheries—problems causing the Congressional concern which led to the 200 mile fisheries jurisdiction bills—a comprehensive Law of the Sea treaty could resolve the fisheries issue through some form of 200 mile coastal state resource jurisdiction. If, however, there were a major *unilateral* shift toward extended coastal state jurisdiction, during the interim period of the negotiations, such action could impinge on the viability of the conference itself, on enforcement (especially in relation to Japan and the Soviet Union), and on the nature of the agreement. The Cold War between Britain and Iceland is an instance of the kind of enforcement problems and major confrontations that might issue from unilateral action.

Similar problems might arise from passage of legislation like H.R. 12233, the deep seabed hard minerals bill, which would give Congressional sanction to unilateral seabed mining. The administration's preference is to obtain an international agreement for this purpose and to resolve problems by multilateral negotiations.

To ensure that U.S. policy in the Law of the Sea Conference is a national policy not a special interest policy, the State Department has taken several steps that will increase Congressional participation; among them are:

1. Providing for maximum flow of information through Congressional hearings.

2. Involving Congressmen in the work of the United States delegation through the appointment of six House members and eight Senate members as Congressional delegates.

3. Adding Congressmen to the private sector advisory committee, which now has 80 representatives from the fields of international law, the environment, the fishing in-

dustry, maritime industries, and the extractive industries.

4. Institution of a Congressional liaison position in the Interagency Task Force's Law of the Sea office.

Two controversial problems which could have an impact on Congressional reactions to a Law of the Sea Treaty are: provisons for international revenue-sharing and royalty arrangements in the oceans and initiatives being taken with respect to national energy policy.

As to energy, Federal Energy Office representatives have recently been added to the National Security Council Interagency Task Force on the Law of the Sea. Furthermore, President Nixon's 1970 statement of the U.S. position on the oceans is considered by the State Department to be fully consistent with energy policies developed since then.

Regarding resource sharing, the U.S. introduced in the UN Seabed Committee at its 1973 Geneva meeting a proposal on a coastal seabed economic area, without specifying inner or outer boundaries. The issue of where the outer limit should be drawn is less important than what measures will apply in this economic area and how. The amount of royalties and the percentage of revenues from this zone to be shared with other states must be determined by the need to commence resource exploitation.

In relation to both fishing and seabed mining, there must be a treaty to protect equally national and common or international interests. These interests could be satisfied, as regards mining, by a treaty providing for non-discretionary licensing of firms and for international conservation and full-utilization standards.

The interim period between the drafting and the general ratification of a treaty is crucial, however. Two ways of coping with this interim period are being pursued by the United States. The U.S. is trying to achieve provisional solutions in the International Commission for Northwest Atlantic Fisheries (ICNAF), the last meeting of which was most successful, though it left enforcement problems unresolved. Secondly, the government seeks provisional application of any Law of the Sea Treaty after it is signed but before it is ratified. This expedient is seen as helping to solve critical "common pool" problems first, while leaving detailed or unique difficulties to later negotiation. A parallel approach was followed in implementing the Chicago International Civil Aviation Agreement.

CONGRESSIONAL PERSPECTIVES ON ITS LAW OF THE SEA ROLE

Congress has taken an active and often positive interest in ocean affairs on a variety of fronts, particularly in recent years. Over 50 pieces of ocean-releated legislation have been introduced in both Houses in the 93rd Congress. Most controversial are the bills to extend United States jurisdiction for fishing and fisheries conservation to 200 miles and to direct the Secretary of the Interior to license firms and to grant them leases to mine the hard minerals (manganese nodules) on the deep seabed. The ocean mining bills, which were reintroduced in modified form in both Houses at the opening of second session, also provide that firms so licensed would be indemnified by the U.S. government for any losses they might incure as a result of provisions of any Law of the Sea convention which might come into effect, especially provisions restricting their licenses or leases.

In the past, it was the Congress which established the Sea Grant College Program in 1968. Since then, several institutions have inaugurated sea grant programs and other colleges have indicated their desire to do so. The Congress can achieve still further progress in this field by authorizing additional funding, which has been maintained at a static level despite rising costs. Besides providing the monies for expansion of the Sea Grant College Program to other colleges and universities, Congress should look toward the development of an International Sea Grant program, which, in areas such as West Africa, could help offset aggravated protein shortages by promoting aquaculture and technology-sharing.

Likewise, the new Bureau of Oceans and International Environmental and Scientific Affairs in the State Department, which Secretaries Rusk and Rogers had not favored, was created by statute of the Congress in 1973, the only one of the Department's Bureaus to be so established. It is now well-regarded and Deputy Secretary Rush was particularly pleased at this Bureau, though the Department had to be forced to accept it.

Of more direct importance to ocean law was the Senate's draft seabed convention, Senate Resolution 186 of November 7, 1967. Paralleling the slightly earlier action of Maltese Ambassador Arvid Pardo in the UN General Assembly, this proposed treaty embodied six basic principles for governing the action of nations in the extraterritorial marine environment. Out of these proposals grew the 1971 Treaty on the Peaceful Uses of the Seabed and the Ocean Floor, banning the emplacement of nuclear weapons and other weapons of mass destruction on the seabed beyond national jurisdiction.

Though the Departments of State and Defense ridiculed the original proposals as premature, the pressures of advancing technology eventually made them a practical necessity.

These same Congressional initiatives played a role in President Nixon's early and forward-looking statement of the U.S. position on the Law of the Sea. This statement may be regarded as the jewel of President Nixon's foreign relations diadem, matching his efforts to improve relations with Moscow and Peking. Over time, however, the original U.S. negotiating position on ocean space has eroded and a special effort must be made to maintain it.

These considerations give weight to the notion that, in matters where Congress has held views unlike those of the Executive Branch, there have been benefits when Congress pressed ahead with its own proposals. This will continue to be true in the future and an analogy may be drawn between the original 1967 proposal for a seabed arms control treaty, which eventually won the approval of many nations and resounding Senate ratification in February, 1972, and current proposals to ban the military use of environmental and geophysical modification. Strong Congressional support for this latter effort, expressed in overwhelming Senate passage of Senate Resolution 281, could have results as rewarding as the Seabed Treaty and again demonstrate the foresight of Congress. To date, persistent Congressional pressure has produced some forward movement by the Executive Branch, including a promise of a second study of the proposal and some dialogue between the Defense Department and the Senate in recent hearings. The lesson to be learned is that Congress must take a lead in innovation with regard to ocean affairs and ocean law.

EXECUTIVE CONCERNS ABOUT CONGRESSIONAL ACTION

Attempts to legislate unilateral solutions to some ocean problems could entail significant costs for the United States. For example, extension of jurisdiction over fisheries, as has been proposed in the Congress, is illegal under the 1958 convention on ocean law and other nations could hale the U.S. before the International Court of Justice (ICJ) if it so extended its claims. The case of Canada, which rescinded its acquiescence in compulsory ICJ jurisdiction when it unilaterally extended its control over Arctic waters for pollution abatement purposes, provides evidence of the recognition of ICJ interest in these matters. Iceland acted similarly when it claimed additional jurisdiction over fishing.

Thus the United States might lose in the ICJ if it unilaterally extended its jurisdiction over fisheries in the period before a Law of the Sea Treaty is negotiated, ratified, and implemented. It has been objected that the ICJ does not have jurisdiction over U.S. actions because of the Connally Reservation qualifying the international court's compulsory authority regarding issues which the U.S. considers domestic in nature. The administration, however, favors repeal of the Connally Reservation. More importantly, it would be difficult, indeed, to assert that a 200-mile American fisheries zone extending over vast international waters is merely a domestic matter.

In any case, such U.S. action as is contemplated in fishing zone bills now before the Congress could encourage the very kind of unilateralism which the Law of the Sea Conference aims at curbing. Other nations will be especially unwilling to negotiate and accept international obligations if they see that the U.S. is moving unilaterally; hence, the United States must take the lead in developing multilateral solutions to ocean problems.

Unilateral American extension of ocean jurisdiction through legislation would, furthermore, undercut the government's negotiating positions on the applicability of international standards to the oceans and limitations on coastal nation control over oceanographic research, as well as discourage functional jurisdiction for the environment and for ship construction. Such unilateral measures would also appear to support the extension of jurisdiction by Peru and Ecuador, as well as of other states claiming 200-mile territorial seas. Finally, it could create enforcement problems, particularly with Japan and the Soviet Union, in the midst of delicate negotiations for a Law of the Sea Treaty which hopefully will be acceptable to them.

As to the specifics of such a convention, the State Department foresees a treaty providing for a territorial sea limited to twelve miles with broad resource jurisdiction for coastal states beyond that limit. Though the issues are enormously complex, there is a core agreement on these points among participating nations. If there is general agreement on other issues, such as the character of the International Seabed Resources Authority and navigation rights, then many states may be induced to support coastal nation resource jurisdiction out to 200 miles, or beyond in the case of fish. Under the species approach to fisheries, coastal nations would have management responsibilities for coastal species; an international regime or regional managements would be developed for management of highly migratory species; and coastal states would manage anadromous species.

Furthermore, the problem of depleted fish stocks is more effectively remedied by measures such as the Pell-Magnuson bill for the protection of certain fish stocks than by unilateral extension of jurisdiction for fishing purposes.

As regards dispute settlement, especially in the proposed 200 mile zone of limited coastal nation jurisdiction, the U.S. position stresses compulsory arbitration by a third-party. The United States has, moreover, introduced draft articles for an ocean tribunal.

Many of the proposals made in the Congress for solving the problems posed by the increasing use of ocean space and ocean resources may have consequences more serious than existing problems. The fact of declining fish stocks, which has engendered several bills to give U.S. management control over offshore fisheries, does not constitute a case for unilateral extension of jurisdiction. On the con-

trary, there is a real irony in the fact that a unilateral U.S. extension of fishing jurisdiction to 200 miles would destroy the American bargaining position on the very issue of international standards for fisheries management which would allow the maintenance of the maximum sustainable yield of fish. Unilateral American action might thus trade a near-term gain in some fish stocks for losses across the board over the long range.

Major enforcement problems and a potential for conflict will remain in the oceans, whether the rights of coastal nations are extended unilaterally or through multilateral agreement. Unilateral action would likely result in increased enforcement problems, while extension of claimed U.S. jurisdiction would strain the Coast Guard's already overtaxed capacity for enforcement.

The provisional application of any international Law of the Sea convention negotiated at Caracas would help to mitigate some of the more pressing problems. The procedure still needs to be worked out between the Congress and the Executive. Provisional application could commence upon signing or upon Senate ratification. Immediate referral of the treaty to the Senate and provisional application only after some sort of congressional approval appear to represent the wisest course. Consultations on this point remain to be carried out between the Senate and the State Department.

The concerns of the Congress—expressed directly to the Executive Branch and in legislation—cannot be finally allayed in advance of the Law of the Sea negotiations; yet the Congress must give full consideration to the costs of a failure to agree on a treaty as a result of unilateral action.

CONGRESSIONAL CONCERNS ABOUT EXECUTIVE ACTION

While Congressmen can approve the U.S. negotiating position and its objectives and appreciate the necessary ambiquity in terminology for purposes of negotiation, there remains considerable concern in the Congress over whether the government will be able to achieve the kind of treaty it is seeking in the Caracas conference. Pressures from constituents with ocean interests are growing and there is little confidence among these constituents in the ability of the U.S. to obtain the Law of the Sea convention desired. Even if such a treaty can be negotiated and ratified at some point, immediate problems persist and are causing anxiety among the people Congressmen represent. The Soviets, for example, are fishing within the U.S. twelve-mile limit at night and the Coast Guard has been unable to take effective enforcement action. Thus there are a number of very large "ifs" about the treaty itself and about the interim period between negotiations and implementation.

It is the view of some Members of Congress that fisheries differ from all other ocean-related problems, such as seabed mining, deepwater ports, and nuclear power stations, in that inaction at the international level on fisheries would result in the loss of an irretrievable source.

Because of these doubts about the government's ability to achieve an equitable treaty with adequate safeguards for American interests at a time when so many other nations are adopting strongly nationalistic positions, it is likely that even Congressmen who are not enthusiasts of bills to extend U.S. fishing jurisdiction will find it necessary to vote for them in this election year. Hence, such bills may pass easily. Yet their consequences for U.S. Law of the Sea interests may be small since they contain clauses providing for the development of a general Law of the Sea Treaty. The Deep Seabed Hard Minerals Bill, which involved resources beyond coastal or contiguous waters, faces a more difficult vote, at least in the Senate.

DISCUSSION: ISSUES AND PROPOSALS

Islands and territorial seas

The UN Seabed Committee, in its preparatory sessions, has considered a proposal for determining the territorial seas of islands on the basis of an archipelagic concept, yet an alternative approach would be to limit, for legal purposes, the continental shelf of islands to a size no greater than that of the adjacent land mass. This would permit a better cooperative division of ocean resources between continental states and off-shore islands. Such an approach has already been worked out in the cases of the French islands of St. Pierre and Miquelon off the coast of Newfoundland in the North Atlantic and the British Falkland Islands off the coast of Argentina in the South Atlantic.

The solution to the island problem may be more determinative of ocean law than is imagined and proposals such as the foregoing are especially needed and commendable. The growing importance of hitherto seemingly insignificant islands is attested to by the Clipperton Island case, involving a dispute between France and Mexico. Though a dead issue for some years. France has revived its claim by once-a-year visits to this Eastern Pacific island southwest of Mexico because there may be valuable manganese nodules on the ocean floor nearby.

The State Department, meanwhile, is studying the question of the territorial seas of islands in terms of three problems:

1. The delimitation of national boundaries, as between Greece and Turkey or between the U.S. and the U.S.S.R.; this leads to the question of whether islands as to be given the same weight as adjacent land masses in drawing national boundaries, though current opinion is that they should not be;

2. The breadth of the territorial sea around islands, a question which the 1958 ocean law convention decided in favor of granting mid-ocean islands, even if scarcely more than a rock, a twelve-mile territorial sea; and

3. The extent and nature of resource jurisdiction around islands.

International peace forces and the United Nations

At the San Francisco Conference of 1945 nations gathered to remake the world and to improve on the old League of Nations in the Charter of the United Nations. The participants, though, failed to realize that the weaknesses were not in the League structure but in the member states. Today the same is true of the UN; the United States and the Soviet Union, for example, do not want the UN to decide major issues.

Yet a functional way of achieving the San Francisco objectives may exist in the proposal to create a Seabed Resource Authority to oversee the use and exploitation of the oceans. Nations could take this opportunity to move to the concept of an International Seaguard, similar to national coast guards. This, in turn could lead to International Peacekeeping Forces and then to a world governed by law. This kind of approach seems less ridiculous now than in the past. If the U.S. backed the concept of an International Seaguard, it could take the lead in providing the nucleus for the inspection force of the Seabed Resource Authority and thereby increase its reputation as a peace-keeping nation.

Application of existing law

The concept of a 200-mile coastal nation resource zone, advocated by several nations in the meetings of the UN Seabed Committee, is likely to entail costs that are unacceptable to the international community. Furthermore, the 1958 convention on the living resources of the sea already contains articles permitting coastal nations to take non-discriminatory action to preserve fish stocks, subject to agreement by other nations. What, then, may be needed is a bill to promote utilization of the present international law. In fact, of course, American fishermen do not want non-discriminatory action but rather want foreign fishing vessels out of traditional U.S. fishing areas. While action in such matters lies with the Executive, the State Department would act if the Congress passed a resolution enjoining implementation of this 1958 provision. Again, the Pell-Magnuson bill, which places these matters in the hands of the Secretaries of State and Commerce, could assist in the conservation of fish stocks.

Regional agreements

Concern was expressed over the risks incurred by placing so many vital issues in a comprehensive, totally international decision-making forum. The UN Charter allows for regional agreements and the hope was expressed that the door to Western Hemisphere agreements on resources and navigation would not be closed, if solutions cannot be achieved in the broader context of the Law of the Sea negotiations.

It was pointed out that, while regional approaches by Africa or the Americas would be useful in certain cases, they do not satisfy the problems posed by distant water fishing fleets, such as the Soviet and Japanese fleets. The benefits of a comprehensive treaty and acceptable solutions of common pool problems must be weighed against the risks of interim solutions which might lessen the chances of protecting fisheries through a Law of the Sea convention.

Other ocean management forums

On another front, it was noted that, while ICNAF had shown progress as a management mechanism through adoption of overall instead of limited fishing quotas, it continues to have enforcement difficulties and to be restricted to the North Atlantic, and not Alaska, where similar problems exist. In multilateral negotiations, such as the Law of the Sea Conference, the State Department considers that the U.S. benefits from support for coastal nation jurisdiction, so it may be a better forum than ICNAF or regional agreements because the U.S. has the votes for its position.

Approval was also expressed for ICNAF action in permitting voluntary boarding of fishing vessels for inspection purposes. Additionally, consideration was given to the fact that some fish catches are intrinsically more valuable than others and fishing nations must arrange their priorities accordingly, while remaining ready to compromise in open negotiations.

Future deliberations

The question was raised of the need of a continuing deliberative body or forum to take up issues left unaddressed by a Law of the Sea Treaty, particularly if it confined itself to a statement of general principles. Since the conference agenda already contained some 92 issues and there would likely be some which the conference could not resolve or address, it was pointed out that there is a strong interest in finding some mechanism—perhaps conferences at five or ten year intervals—for taking them up. The U.S. as yet has no fixed policy on the matter of an ongoing ocean body. However, if an ocean regime or deliberative body is left too open in its mandate, it might prove to be an invitation to continuing challenges to the nature of specific details in the basic treaty.

Impact of U.S. offshore leasing policy

It was noted that Secretary of the Interior Rogers C. B. Morton, in January testimony before the Subcommittee on Immigration, Citizenship and International Law of the House Judiciary Committee, acknowledged that his agency was granting off-shore

oil exploration leases beyond 200 meters and that a clause in these leases making them contingent on the provisions of a Law of the Sea treaty had been dropped in November. Secretary Morton denied that these measures represented a *de facto* retreat from President Nixon's 1970 Law of the Sea position that the area beyond 200 meters would be subject to mixed international and national jurisdiction and that resources therein would be subject to some form of revenue-sharing.

The State Department maintains that that these changes by the Interior Department do not represent a change in U.S. policy. Leases beyond 200 meters will be subject to any international treaty and the policy for oil exploration leases has been examined by the government to ensure that all legal and other requirements can be met if the leases come under an international treaty. The contingency clause in the leases was dropped, it was asserted, because this clause was confusing to small oil companies. The U.S., however, has full authority to ensure compliance with the provisions of an international regime.

Attitudes of Other Nations

In view of the fact that Japan has never ratified the 1958 ocean convention (and thus could not take the U.S. before the ICJ for any unilateral actions), a question arose as to what attitude the Japanese would take if they found they did not like the treaty emerging from the Law of the Sea Conference and where their possible failure to sign the treaty would leave the U.S. Again, it was noted that in the cases of both Japan and the U.S.S.R., the U.S. has little to gain by unilateral extension of fishing rights, which would be challenged by both nations, and much to gain by attempting to bring them into the framework of international ocean law. The chances of bringing them into a *comprehensive* agreement are improved because they have a variety of other ocean interests, such as Japan's importing of oil through the Malacca Straits, the need for oil, increasing ocean research needs, and dependence on rights of navigation. Hence there is a very good possibility of obtaining trade-offs by treating these several issues in the same forum and the probability is that they will join in the treaty. Finally, the Japanese failed to ratify the 1958 Continental Shelf convention principally because of the article making sedentary species a part of the resources of the Continental Shelf. Yet now they have reason to think that there is oil in the East China Sea which they need and this exemplifies the kind of circumstances that will include them to overcome objections on some points in order to obtain rights in other areas.

CONCLUSION

The participants agreed that relations between the Executive and the Congress have been mutually open and fair with regard to the Law of the Sea question. It was noted, additionally, that Secretary of State Kissinger strongly supports the United States negotiating position in the Law of the Sea Conference. Furthermore, there was consensus that the Congress must become much more involved in the Law of the Sea Conference and related issues.

While there was general agreement that a conference format is the best means of treating the numerous Law of the Sea questions in a comprehensive whole and provides the best format for discussing them intelligently, there remained doubt that nations could agree on the text of a treaty at the Caracas session of the Law of the Sea Conference, given the enormity and complexity of the issues to be considered.

PANELISTS

The Hon. Gilbert Gude Member of Congress, Maryland.

The Hon. Claiborne Pell United States Senator, Rhode Island.

The Hon. Don H. Clausen Member of Congress, California.

Prof. John Norton Moore Chairman, NSC Interagency Task Force on the Law of the Sea.

PARTICIPANTS

Ms. Marianne Albertson Legislative Assistant to Sen. Hubert H. Humphrey.

Dr. Abram Bernstein Staff Scientist, National Advisory Committee on Oceans and Atmosphere.

Mr. Everett E. Bierman Staff Consultant to the House Committee on Foreign Affairs.

Mr. William Birkhofer Projects Assistant to Cong. Don. H. Clausen.

Mrs. Margaret L. Gerstle Attorney and Member of the ABA Panel on the Law of the Sea.

Mr. Robert Greenberg Legislative Assistant to Cong. Jonathan Bingham.

Ms. Olga Grakavac Legislative Assistant to Cong. Peter N. Kyros.

Sen. and Mrs. Floyd K. Haskell Colorado.

Mr. Samuel Levering U.S. Committee on the Oceans and Member, U.S. Advisory Committee on the Law of the Sea.

Dr. and Mrs. Gerard Mangone College of Marine Studies, University of Delaware.

Mr. David McKillop, Special Consultant to Sen. Claiborne Pell.

Mr. Myron Nordquist Law of the Sea Office, U.S. Department of State.

Mr. Richard Norling Legislative Assistant to Cong. Gerry E. Studds.

Mrs. Claiborne Pell.

Mr. David Rossiter Legislative Assistant to Sen. Edward W. Brooke, Jr.

Sen. and Mrs. William V. Roth Delaware.

Mr. C. Maxwell Stanley, President The Stanley Foundation.

Mr. William Stodart Administrative Assistant to Cong. Don H. Clausen.

MCPL Staff: Mr. Sandford Z. Persons, Exec. Dir. Mr William H. Kincade, Consultant and Symposium Coordinator.

PREPARING FOR THE FUTURE

Mr. HUMPHREY. Mr. President, I wish to point out a compelling editorial, "The World's Resources (V): No Drawbridge," in the May 28 issue of Newsday.

The editorial points out how the world has been groping toward a new relationship. It points out that countries have become more interdependent, and we will need to deal with this new reality.

The author also suggests that food stocks should be replenished through the creation of a world food bank. It also becomes clear that aid to the poorest countries is more critical than ever before.

Mr. President, this is a thoroughly sensible approach. I ask unanimous consent that the article be printed in the RECORD.

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

THE WORLD'S RESOURCE: (V): NO DRAWBRIDGE

A lot of Americans have come to think of foreign aid and international trade as charitable enterprises that this country, struggling with inflation, shortages and a slowing economy, can no longer afford. Should the United States pull up its drawbridges on the rest of the world and concentrate on its own problems?

In a series of editorials over the past few weeks, we've tried to point out that the U.S. no longer has that option. Consider:

The American economy demands a nearly limitless supply of raw materials to feed its factories and create new jobs. And the U.S. no longer has a sufficient supply of raw materials within its own borders. We now need Zaire's copper and Jamaica's bauxite at least as much as those countries need our money and technology.

The cost of imported raw materials has suddenly surged as producer nations demand a bigger slice of the economic pie. Unless prices are brought under control, the U.S. faces chronic inflation that will not only erode paychecks but also sap our capacity to pay for the natural resources that we will have to import in greater and greater quantity.

As James Akins, the U.S. ambassador to Saudi Arabia, points out, "With the possible exception of Croesus, the world has never seen anything quite like the wealth which is now flowing into the Persian Gulf." Surdenly the U.S. is no longer the world's banker. To pay their oil bills, many of our trading partners already are cutting down on U.S. imports and doing everything short of piracy to boost exports—usually at the expense of American jobs.

H. G. Wells said long ago that "our true nationality is mankind." Never before has the interdependence of people and nations been so obvious. Without substantial aid from the developed countries, millions in Africa and Asia will starve this year. And the energy crisis, and shortages of everything from structural steel to toilet paper, demonstrate the extreme vulnerability of industrialized societies in a world of dwindling resources.

From challenge comes opportunity, and history may well mark last October, when the Arabs shut off their oil taps, as the period when rich and poor nations finally acknowledged their interdependence and began working for their mutual good. But right now the poor nations are banding together in an attempt to soak the rich, while the developed countries have withdrawn within their own borders to ride out the storm. That's a blueprint for disaster, on both sides.

The immediate problem is not that the world has run out of resources, but that chasms have developed between nations and groups of nations as each struggles to get an edge on its neighbor. Helmut Schmidt, West Germany's new chancellor, put his finger on the problem: "The resources crisis toward which the world is moving is not so much one of production as it is a crisis of institutions." The institutions that govern international trade and monetary exchange must be revitalized, and in our view the following steps would go a long way toward accomplishing that goal:

The U.S. Congress should act promptly on a foreign trade bill that has been gathering dust for more than a year now. It is the key to ending the disturbing move toward protectionism that has followed the oil crisis in many countries. The trade bill would empower the President to lower American tariffs and other artificial trade barriers in return for like treatment by other nations. A critical round of world trade talks is due later this year; without new authority to negotiate agreements, the hands of U.S. negotiators will be tied.

As Gamani Corea, the new head of the United Nations Conference on Trade and Development, has urged, producer and consumer nations should join to stockpile materials that are now coming into short supply. The idea is not only to create a buffer against severe shortages but also to help stabilize world commodity prices and to insulate the fragile economies of developing nations against boom-and-bust business cycles.

Similarly, with food stocks at a 20-year low, it is vital that the U.S. join with other nations to replenish supplies through the creation of a world food bank. Failure to do

so has already led to the deaths of millions at a time of record grain yields in the U.S. and Russia.

While the Arabs decide what to do with their new-found riches, the developed nations must not abandon their aid to the so-called Fourth World countries—those with neither industrial capacity nor natural recources. They need aid more desperately than ever now, and rising oil bills make it difficult for the developed nations to supply it. But they must help, and encourage the oil producers to do likewise, or stand by while a third of the world's population slides even deeper into poverty.

The world is now at the threshold of a new age. Whether it will be dark or golden depends entirely on the degree of international cooperation that can be generated now, not only in the economic sector but also in such vital fields as population control and resource conservation. In the final analysis, the outcome will depend on whether the people of both rich and poor nations heed the words of Albert Schweitzer: "You don't live in a world all alone. Your brothers are here too."

JUDGE NOT, THAT YOU BE NOT JUDGED

Mr. CURTIS. Mr. President, former Senator John M. Butler, of Maryland, has sent me a copy of the sermon delivered on May 26, 1974 by the Reverend Walter G. Hards, Th. D., at the St. David's Church in Baltimore.

Reverend Hards' sermon merits the attention of all of us and I, therefore, ask unanimous consent that it be printed in the RECORD.

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

SERMON BY REVEREND WALTER G. HARDS

"Judge not, that you be not judged. For with the judgment you pronounce you will be judged, and the measure you give will be the measure you get. Why do you see the speck that is in your brother's eye, but do not notice the log that is in your own eye?" St. Matthew 7:1–3

I have just finished reading the White House Transcripts. The Transcripts! You may be thinking, "I don't want to hear any more about that subject, much less in church." Well, you are not going to. I do want to say something, however, not about the Transcripts themselves, but about reactions to them. I have read, not studied, the Transcripts. This means that I am not competent to speak about them. Having read them I find myself out of my depth, and certainly out of my area of competency.

I also want to emphasize this: No one should construe anything I say either as a defense or a condemnation of the President. Others, who are competent, will decide whether Mr. Nixon has committed an impeachable offense. Our Constitution provides the means by which this decision will be made. Let us, whatever others may do, leave it to those empowered by the Constitution to deal with this matter. What we as individuals may do is to pray that justice will be done and that our country will be strengthened as a result of this traumatic experience. One thing for which I pray is that justice will be done speedily, in order that the crisis of credibility which many of us suffer may be ended, and that the creative forces of justice done may begin their healing powers.

I am, I repeat, not competent to speak about the Transcripts. I have four things to say, however, about reactions to their publication.

First, I am concerned about some of the judgments made regarding the moral stance of Mr. Nixon. A knowledgeable person who has made a thorough study of the material may well make a considered decision about this question. It will still be that person's private opinion. If enough competent persons come to the same conclusion, then that will be weighty evidence.

What I am bothered about is the number of persons who, a few days after the Transcripts were published, spoke in righteous indignation about Mr. Nixon's involvement. Many of these were clergy, local and national. I seriously question whether these clergy when they made their pronouncements had had time to read the Transcripts. They may have read excerpts, but who selected the samples? Even if they had read the Transcripts I question their competency to evaluate them.

Every profession has its occupational hazards. The hazards to which clergy are prone is that of pontificating. While others have to spend long hours in careful analysis of documents, some clergy feel that by virtue of ordination they can make what in reality are snap judgments. I am a little suspicious of clergy who are always making pronouncements, who have ready answers for every problem which confronts us, who never feel the need to answer "No comment" when a reporter asks for their opinion.

I suspect that this clergy pose of being the authoritative answer-men goes back to the time when the clergyman was the only educated person in the community. In those days he was the school master, the newscaster, the molder of public opinion. He was. He isn't. Today, most of the parson's people are just as well educated as he is. In some areas of knowledge they are much better educated. It ill becomes him to play the part of the one who knows, especially when he doesn't know. I submit to you, as my personal opinion, that most of the comments made by clergy on the Transcripts were based on ignorance.

I have read the Transcripts, but I am not competent to evaluate them. If you want to know what's in them, read them. If you don't want to read them, then suspend judgment about them. Remember the words of Jesus, "Judge not that you be not judged." Don't make snap judgments about this or any other matter.

The second thing I want to say about the Transcripts relates to the "unintelligible" parts. Time and time again, sometimes with boring regularity, you read the word "unintelligible". A great deal has been made of this.

Professor Andrew Blackwood, a former teacher of mine, used to observe that anyone who uses horse sense will have a stable mind. Let's use a little horse sense about these "unintelligibles".

I am conscious during the first moments of the sermon that I am speaking to you through a microphone. Then I forget completely about it. If a tape recorder were recording in the church it would pick up all my words—or would it? Well, would it? I have the intention to speak distinctly, but I know, because you have told me, that sometimes you miss something that I have said. If this sermon were being taped, the transcript would contain the word "unintelligible".

Now change the "scenario", to use a word from the Transcripts. You and I are in a conference room. Our conversation is being taped. I know it's being taped. You don't. Obviously, therefore, neither of us is speaking into a mike. You or I get excited. We move around. In this hypothetical situation I planted the bug, but in moments of extreme excitement I forget it's there. I, and this may prove my ignorance of taping methods or my extreme credulity, am not at all surprised that some words in the White House Transcripts are unintelligible. On the contrary, if all the words were intelligible, I would suspect that someone had edited the tapes to make them one hundred percent correct.

Be this as it may, the fact is that there are numberous occasions where the word "unintelligible" occurs in the Transcripts. There has been an unbelievable reaction to this fact. The theory is that the gaps in the tapes contained racial slurs, made either by the President or his associates. These slurs, so we are expected to believe, were erased before the tapes were transcribed. There is not one scintilla of evidence for this statement. It is the most immoral charge I have heard in a long time. Someone, or some group, certainly went on a fishing expedition on this one. There is a basic element in the moral code: Thou shalt not bear false witness. To propagate this canard is to bear false witness.

Third, the "expletive deleted". These words appear quite frequently in the Transcripts. It is clear that Mr. Nixon and his associates often used expletives. I do not use them, although I probably know most of them. I may sometimes think some of them, but I don't use them! I was taught somewhere that people who have a command of their language do not use expletives.

Some people have made quite a big thing of the fact that the President used expletives. They make their use imply something about his moral character. Well, I am reminded of a bit of conventional wisdom. It is "those who live in glass houses shouldn't throw stones".

The Transcripts are the recording of a group of men talking about a very important and explosive problem. They were discussing politics with the League of Women Voters, or with the clergy of Washington, or the women's organization of St. Swithin's in the Vale. They were men in a closed session. I cannot help but wonder whether those who express so much concern over the President's use of expletives, never use them. There is as much possibility of not hearing expletives in "the smoke filled room" as there is of hell freezing over.

I shall never forget attending a dinner party at the home of Admiral Chester Nimitz on Treasure Island. There was also a group of men and women from the government in Washington. The admiral sat at the head of the table, regaling us with stories of his experiences in World War II. I can't remember one sentence which did not include an expletive. He seemed to have a favorite, which I understand was common among men in the Armed Forces. Admiral Nimitz was a great, humble, good man, expletives notwithstanding. He was honest. He talked naturally. At that party he may have selected his expletive out of deference to the mixed company! But he used them.

I cannot but conclude that those who raise a fuss about the President's expletives are either hypocritical or unrealistic.

It is contrary to religion to take the name of the Lord our God in vain, but there is nothing in our religion which prohibits the use of old Anglo-Saxon words. The question of the expletives therefore is one of propriety. It certainly would have been improper for the President or any of his associates to have used such language in many, if not most, situations. To use it among themselves is not surprising since many men do in male company. You may not like that, but the question is, not what we like, but what is. Therefore, again, "Judge not, that you be not judged".

A final point. This: Many who have spoken harshly about the President as a result of the release of the Transcripts, do not manifest any feeling for the situation in which Mr. Nixon and his associates found themselves. Try and put yourself in their situation and then honestly answer the question, How would I have reacted? Perhaps it is impos-

sible for us to answer the question honestly, because we have never been in such a situation. We should recall the wisdom of the American Indian who said: "I will not judge another man until I have walked in his moccasins for two full moons."

The situation with which the Transcripts deal is a tragic one. We should understand the magnitude of the tragedy for all involved. They were not talking about a hundred or even a thousand dollars lost at the Preakness. They were not discussing the economy, as serious as that is. They were not debating the merits of our foreign policy, as explosive as it may become. They were talking about criminal acts in which some of them were apparently involved. This was a situation in which their livelihoods and their futures were involved; not only theirs as individuals, but theirs as families. Whatever the Grand Jury decides, whatever the Special Prosecutor uncovers, whatever the Senate Committee discovers, the fact is that some lives will be blighted for the rest of their lives.

I am not suggesting that we condone any illegal act committed by anyone. All I am saying is that we should try to understand why Mr. Nixon did what he did when he did it. To understand is not to condone. To understand is to feel for the other. The feeling may well be one of sadness.

If Mr. Nixon is guilty, he should be impeached and removed from office. But he has not yet been proven guilty, and until he is we should suspend judgment. He should not be judged guilty by the mass media, the members of the cocktail circuit, or political opportunists. In our country we still profess to believe that anyone is presumed innocent until proven guilty by a court of competent authority. Let us grant this basic right to our highest elective official.

A few months ago I gave a series of sermonettes to the children about criticizing other people. The basic points I made apply to the present situation. They were these: We should not judge others, because we do not know enough, because we are not good enough, and because we would not want others to treat us in such a fashion.

In these trying and difficult days, illustrated by the Transcripts, let us apply these simple principles to the question of the guilt or innocence of those involved. None of us has been called to be judge, jury and prosecutor of anyone. We are called to pray for all sorts and conditions of men.

ABOUREZK'S CONVINCING PLEA FOR RESEARCH IN SOLAR ENERGY

Mr. PROXMIRE. Mr. President, our colleague, Senator JAMES ABOUREZK recently wrote in the Los Angeles Times what is by far the most concise and persuasive case I have read concerning the direction in which our energy research should go.

In the course of his article, Senator ABOUREZK contends that solar energy is clean, inexhaustible, environmentally and physically safe while other energy sources are not.

He also argues that while there is immense private and public pressure behind research in other energy areas, "Nowhere in the United States today is there a center of influence seriously interested in solar energy."

Mr. President for the past few weeks my staff, the staff of the Joint Economic Committee, and myself have been pushing for a fair trial for a startling new process for converting most of the billions of tons of garbage—a tonnage that is increasing every year—to a fuel substitute for gasoline or to a protein food. The exciting new process to do this has been developed at the Army Laboratory at Natick, Mass. The conversion is cheap, practical, and offers a remarkable simultaneous boost in solving both our energy shortage and our solid waste disposal dilemma. But like solar energy it is comparatively friendless. Fuel and food producers in the private sector with some heartening exceptions may be indifferent or hostile, and in the public sector they have so far been both ignorant and discouraging.

I intend to do what I can to continue to push the fullest and fairest trial for this Natick process of converting garbage to fuel and food, and I intend to do all I can to help our colleague JAMES ABOUREZK push hard for solar energy. In that connection I ask unanimous consent that the article by Senator ABOUREZK from the May 2, 1974 Los Angeles Times be printed in the RECORD.

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

OIL FIRMS, AEC ACCUSED OF IMPEDING DEVELOPMENT—ALL-OUT EFFORT URGED TO UTILIZE SOLAR ENERGY

(By James Abourezk)

Solar energy is clean. Coal, oil, nuclear and other energy sources in varying degrees are not.

Solar energy is inexhaustible. Coal, oil, nuclear and other energy sources are finite.

Solar energy is environmentally and physically safe. Nuclear energy poses severe problems of radioactive waste disposal, while coal mining is widely known to be destructive of the land and dangerous, and oil drilling offshore creates severe spillage problems.

Despite such obvious, straightforward and compelling arguments in favor of using energy from the sun, solar energy research and development continues to be the neglected stepchild of both federal and corporate energy development programs. Thus, it was no surprise that Dixy Lee Ray, chairman of the Atomic Energy Commission, recently recommended to the President that slightly more than 2 cents out of every federal energy dollar be spent on developing solar energy. In so doing, she slashed fivefold the solar spending recommendations of her own scientific subpanel.

Private industry, meanwhile, invests the overwhelming bulk of its money in coal gasification, oil shale, nuclear and other nonsolar energy projects.

The argument used by federal officials and business executives for their neglect of solar energy is identical. "It costs too much and it will take time to develop"—that's the usual put-down for solar energy.

How far we are from economically competitive electrical power generation from the sun is a matter open to scientific debate. But I believe that debate largely misses the point.

This country needs clean new energy sources. Solar energy is just such a source. We should, therefore, press ahead with an optimum investment in research and development of solar energy to find out precisely what we can or cannot do.

The most serious impediment to speeding up solar energy development is, in my opinion, not one of feasibility but one of structure. Nowhere in the United States today is there a center of influence seriously interested in solar energy.

Within the federal government nuclear energy and coal reign supreme. Led by the AEC and the Interior Department, the executive branch long ago decided that nuclear energy and coal are the wave of the middle and long-range future. It is patently unrealistic to ask a group of men and women who have spent decades trying to develop nuclear energy and coal resources to pass judgment on the relative merits of solar energy versus nuclear or coal energy, and to help administer solar energy research and development.

In the private sector there is an even stronger bias in favor of fossil fuels. Coal and oil are the quick-profit, quick-yield fuels. They are largely controlled by a handful of companies, which, above all, want to exploit those resources to the utmost. They strongly favor new techniques for utilization of coal and oil shale over possible alternatives.

The results of the federal and private biases against solar energy are there for anyone who wants to see them. Consider the following:

The AEC, both in its chairman's recommendations to the President, and in its staff draft environmental impact statement on the nuclear fast breeder reactor, has taken a consistently pessimistic line on solar energy. It has also slashed recommended solar funding.

Secretary of Commerce Frederick Dent, in a confidential memo, has called for a 14-year, $98 billion government subsidy program to develop synthetic fuels.

President Nixon's proposed five-year federal energy research and development program allocates $4 billion for nuclear fission, $2.9 billion for coal and only $350 million for solar energy.

Dr. H. Guyford Sever, chief science adviser to President Nixon, has downgraded even the most immediately feasible and elementary solar energy program for heating and cooling of homes—by calling the project premature and noting that "far more research is needed before we get to the demonstration stage."

Private oil corporations echo the line that solar energy is way down the pike. At the same time, they quietly buy into fledgling solar energy companies. This creates a self-fulfilling prophecy—they can retard solar development through control of key companies and patents.

If development of nonpolluting, inexhaustible, safe energy from the sun is in the public interest, then it seems to me that some entity whose sole interest is the rapid development of solar energy must be established. This entity should be free of the atomic energy bias. It should be immune from pressure exerted by the oil lobby. Its single goal should be quick to explore and develop methods of producing and using solar energy.

One way to achieve this goal would be to enact legislation underwriting a private solar energy industry and prohibiting the entry of companies already involved in oil, coal or other competitive energy fields. Another way would be to establish an independent governmental organization devoted to solar energy research and development.

I prefer the private approach because I believe it to be more flexible and, with proper safeguards, less susceptible to pressure from the enemies of solar energy.

I am convinced that an all-out effort to develop solar energy will yield results far more quickly than some so-called experts now believe possible. Perhaps I am wrong. But surely a nation facing fuel starvation and gross pollution must spend the money to get the truth about its cleanest, most plentiful energy resource.

THE NORTHEAST RAIL REORGANIZATION

Mr. STEVENSON. Mr. President, on Thursday, May 23, I testified before the Rail Services Planning Office which was conducting hearings in Springfield, Ill., on the Secretary of Transportation's report on "Rail Service in the Midwest and Northeast Region." The hearings were conducted by the director of the

ICC's Rail Services Planning Office, Mr. George Chandler.

I stated that what concerned me most in the report was not its emphasis on making any future railroad system in the Midwest and Northeast region financially viable for that is one of the two main goals of the Regional Rail Reorganization Act. Rather, what concerned me most about the report was the pervading assumption in it that the best way to attain financial viability in a restructured rail system was to abandon wholesale great portions of supposedly "uneconomic" rail lines, particularly local branch lines, and abandon them without a concomitant regard for the devastating economic and social impact that such abandonments would have on the areas covered by the reorganization.

The DOT report is the first step in a long process by which a newly created agency—the U.S. Railway Association—will develop a final system plan to restructure the railroads in the Midwest and Northeast. That final system plan is to be submitted to Congress in March of next year. I stated in my testimony that if the final system plan does not balance all the factors set forth in the Regional Rail Reorganization Act and in fact endangers our economy and our prospects for growth, we would be duly bound to oppose its final approval in the Congress. I doubt that we shall have to do that, but the matter rests with the U.S. Railway Association.

Mr. President, I ask unanimous consent that my testimony before the Rail Service Planning Office hearings be printed in the RECORD.

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

STATEMENT OF SENATOR ADLAI E. STEVENSON OF ILLINOIS

Statement by Senator Stevenson at a hearing of the Rail Services Planning Office, Interstate Commerce Commission, on the Department of Transportation Rail Service Report, Springfield, Illinois, May 23, 1974:

I appear here this afternoon wearing several hats. The first is that of a United States Senator from Illinois appearing on behalf of my constituents who rely and depend on adequate rail service and are threatened by the recommendations in the Secretary's report. Another hat is that of a Senator who serves on the Surface Transportation Subcommittee of the Senate Commerce Committee. Those Committees heard the testimony, drafted and reported out the Senate version of the Regional Rail Reorganization Act. So, I appear here not only as a Senator representing Illinois but as a member of the Senate Committees which will continue to review the Rail Reorganization Act and its implementation.

I have been impressed with the work of the Rail Service Planning Office. The Office has responded, quickly and well, to the mandate in the legislation to "conduct public hearings to solicit comments" on the Secretary's report. Some 376 witnesses testified in Chicago and St. Louis during March on the Secretary's report, most of them on the impact of the report on Illinois. Also, I was heartened by your response, Mr. Chandler, to my March 27 letter suggesting further Illinois hearings. You stated that you planned the hearings in Illinois which are being held this week in Effingham, here in Springfield, and those to be held in two weeks in Peoria and Rock Island.

I am also impressed with the initial "Evaluation" of the Secretary's report which your Office published three weeks ago today. In addition to raising legitimate questions about the assumptions the report relied on, the methodology utilized in the report and the severe impact the recommendations in the Secretary's report would have, if acted upon, your evaluation made many positive suggestions as to how the U.S. Railway Association might proceed in formulating the preliminary system plan.

The very first recommendation in your May 2 report to the USRA was that in formulating the preliminary system plan the USRA "should give full consideration to the social goals enumerated in section 206(a) of the Act which time constraints prevented the Secretary from addressing in depth." The language you chose was generous. My main message to you, is not that the USRA "should" consider the other goals of section 206(a), but that it must consider them. And these goals cannot be characterized only as "social". They are directly and vitally economic as well.

Illinois is the largest exporting state in the nation; its agriculture and industry cannot withstand wholesale railroad abandonments. In the years ahead, Illinois' coalfields will relieve the nation of dependence on Saudi Arabia's oilfields. Illinois' future as a supplier of energy, as well as food, cannot survive wholesale railroad abandonments. The world depends upon our food; the nation increasingly upon our energy. Project Independence would be undermined if Illinois' energy development was held back because of transportation shortcomings.

What concerned me most in the Secretary's report was not its emphasis on making any future railroad system in the Midwest and Northeast region financially viable. After all, that is the first of eight goals set forth in the legislation, and the report of the Senate Commerce Committee did state that of the eight goals, that of "the creation of a financially self-sustaining rail service system in the region" was one of "two basic goals." If we are to rely on private industry to supply our rail needs, that industry must be financially self-sustaining. That is a primary lesson of the Penn Central debacle.

What concerned me most about the report was the pervading assumption that the best way to attain financial viability in a restructured rail system was to abandon wholesale great portions of supposedly "uneconomic" rail lines, particularly local branch lines, and abandon them without a concomitant regard for the devastating economic and social impact that these abandonments would have on the areas covered by the reorganization.

As was pointed out in your May 2 Evaluation, there are indications that abandonment of substantial amounts of rail line will have relatively little impact upon railroad profitability compared to certain other costs, such as labor costs and the prolonged effects of many years of deferred maintenance. If, for example, the most inefficient one-fourth of the Penn Central's 20,000 mile system were abandoned, the Penn Central would reduce its $100 million annual deficit by only one-fifth, or $20 million. An $80 million deficit would remain. And that one-fourth abandonment for the Penn Central is about what the DOT report has in mind for the Midwest and Northeast regions generally and for Illinois in particular.

Accepting the test of financial viability, DOT's findings were inconsistent, and its methodology faulty. Under the DOT report proposal, the Toledo, Peoria and Western Railroad's lines between Peoria and Webster, Illinois, would be abandoned almost entirely and its vital Eastern connection with the Penn Central trackage at Effner, Illinois, would be eliminated. The DOT's test of financial viability would spell the financial demise of this railroad. And the Toledo, Peoria and Western Railroad, the only railroad performing east-west service via the Peoria Gateway, is a profitable railroad and has maintained all of its facilities to the level required by the Federal Railroad Administration. The TP&W's situation is indicative of what is wrong with the DOT report.

The methodology in the DOT report relies almost totally on historic data for determining financial viability—on what was and not on what might have been and what could be. The report takes no account of the fact that there is a freight car shortage in the United States, and that this shortage has reached critical proportions—especially in the grain producing region of the Midwest. The Senate has passed S. 1149, the so-called freight car bill, and hopefully that legislation will produce and make better use of freight cars. If decisions on rail abandonment are based on traffic at a time of freight car shortages, we might not have the railroad tracks to reach the grain elevators when the new freight cars are available.

The Secretary's report fails to take account of the future. The nation is on the verge of a breakthrough in developing its vast coal resources. In the next few years pilot and demonstration plants for the conversion of coal to oil and gas will be built, some of them in Illinois. By the 1980's many commercial coal gasification and liquefaction plants will begin to be built, some of them close to the mine mouths and pipelines here in Illinois—some at a distance. And when the technologies are perfected, more coal will be burned directly by power plants across the nation. All of this will require more trains from the coal fields.

Your evaluation commendably recommends that the Association consider a 1980 time horizon for future rail traffic projections. I would note, however, that Section 206(a)(4) of the Act calls for "the preservation . . . of existing railroad trackage in areas in which fossil fuel natural resources are located. . . " Considering the vast coal resources in Illinois, I suggest a time frame beyond 1980.

Energy is to an industralized economy what air and water are to the body. And transportation is the lifeblood of that industralized economy. We cannot accept sweeping damage to our transportation sector, like abandonment of one-fourth of the rail trackage, and not expect great damage to our entire economy.

One of the terminals the DOT report recommends as suitable for abandonment is "The Andersons" grain elevator in Champaign County. A letter from the Champaign County Farm Bureau states:

"Should this abandonment be forthcoming for The Andersons it is doubted that enough trucks would or could be available to transport this grain to a central point of loading on a main artery of railway. As an example, in 1973, with 9,496 cars shipped by The Andersons, holding 3,300 bushels of grain per car (this) would equal 31,336,800 bushels of grain. With abandonment and a cost of 5c per bushel estimated additional (cost) to transport this grain to a central loading point on a main line, the additional cost would be $1,566,840 which would be a lowering of the price to the farmer or else an additional cost to the processor and consumer."

Such is the effect of rail abandonment from one grain elevator in one county in one state. The total effect of the proposed abandonments would be multiplied a thousand fold and more. The USRA should measure carefully the effects of rail abandonment; the DOT did not.

Another goal in the legislation, and one which DOT did not consider because it did not have the time, is "the minimization of job losses and associated increases in unemployment and community benefit costs in

areas in the region presently served by rail service." In a 4-county area in southeastern Illinois—Wayne, Edwards, Wabash, and White counties—the DOT proposal would eliminate rail services for 21 of 29 communities and for 17 grain elevators. The Executive Director of the Greater Wabash Regional Planning Commission estimates that the four counties could lose as many as 2,000 jobs which would affect almost 8,000 family members. He estimates that the area could lose over 10,000 potential jobs.

I come back, therefore, to my main point, that it is incumbent upon the USRA to consider all the factors set forth in the Act. Financial viability is one. But the Senate Commerce Committee also set forth as one of "the two basic goals" of the Act: "the establishment and maintenance of a rail service system adequate to meet the rail transportation needs and service requirements of the region."

That is what we in Illinois want—and that is what the Congress required. We are not given it in the DOT report. But the Congress also established a process for the development of a balanced system.

If the final system plan does not balance all the factors set forth in the law and endangers our economy and our prospects for growth, then the Congress will disapprove it—and that would be more unfortunate. It is all up to the USRA now. I have every reason to believe the USRA will do its duty well.

SPECIAL OLYMPICS

Mr. BENTSEN. Mr. President, over the Memorial Day weekend some 2,200 handicapped children gathered in Austin, Tex., for the Texas Special Olympics. The Olympic games have represented for years both the highest standard of athletic competition and the most competitive forum for amateur athletes. The special olympics in Austin, carries forward that tradition in a unique way.

The special olympics is a forum for true champions and is an event that reminds us all of what can be accomplished by those with the desire to win no matter what the obstacles.

The handicapped children who participated in the special olympics did not set any new world competitive records, but they did give personal performances that rival the achievements of any athlete.

The special olympics are sponsored nationally by the Joseph P. Kennedy Foundation and the Texas competition is under the auspices of the Texas Association for Retarded Children. District meets were conducted in every area of the State and in all some 12,000 handicapped children competed in these events.

The goal of the special olympics is to give those with handicapped skills an opportunity to perform to the best of their ability in the company of those with similar abilities. It is an important development in an overall national effort to afford the handicapped the training, the help and the generous spirit which can help lead to normal lives for them all. I want to congratulate the organizers of this special olympic event and the young athletes who gave such tremendous performances.

I ask unanimous consent that an article from the May 3, 1974, Austin American-Statesman on the special olympics be printed in the RECORD.

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

SPECIAL OLYMPICS EXPECTS 2,200

More than 2,200 mentally handicapped participants are expected in Austin this week for the sixth annual Texas Special Olympics (TSO) State Meet at the University of Texas.

"The state meet is the culmination of yearlong athletic training and competition in cities all over Texas," said Mary Jane Boswell, a member of the TSO board of directors. Approximately 12,000 mentally handicapped children and adults participated on the local level and in 30 district meets, he explained.

Special Olympics was begun and is sponsored nationally by the Joseph P. Kennedy Jr. Foundation. There are Special Olympics programs in every state and some foreign countries.

The TSO Program is a division of the Texas Association for Retarded Citizens. This year's state meet is sponsored locally by the Austin State School, Travis State School, Austin-Travis County Mental Health-Mental Retardation Center and the Austin Association for Retarded Citizens.

"The emphasis is not so much on competition and winning as it is on participation," Ms. Boswell said. Every mentally handicapped person has a chance to participate and be a winner because each participant competes against others with similar abilities and skills, she explained. There is a place for the blind child or a person with cerebral palsy just as there is a place for the athletes who rival top University Interscholastic League competitors, she added.

The Special Olympics is not just an event with emphasis on athletics. "For many, it is the first time they have left their home towns or a state school. It is a chance for socialization, to make new friends, to see a part of the world and life that were only dreamed of before," Ms. Boswell explained.

One of the highlights of the state meet will be the opening ceremonies and parade of athletes Thursday at 6:30 p.m. in Memorial Stadium. This is the event where all participants gather to show their "true colors" with all the pomp and circumstances of the real Olympic games.

Participating in these ceremonies will be Secretary of State Mark White; City Councilman Bob Binder; Beverly Campbell, coordinating director of the Kennedy Foundation; the First Cavalry Band of Fort Hood; the Marine Corps Color Guard and the Ben Hur Shrine Srekoj Clowns.

The Bexar County Sheriff's Mounted Posse will ride the Olympics torch from Houston, site of the 1973 state meet, to San Antonio, site of the 1972 state meet, to Austin.

The meet will be held Thursday, Friday and Saturday at the University of Texas. Track, field and gymnastic events will take place in Memorial Stadium and swimming will be in the Gregory Gymnasium pool. Participants will be housed in Jester Dormitory.

IMPEACHMENT

Mr. MONDALE. Mr. President, article II, section 4 of the Constitution provides:

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article I, section 2 vests "the sole power of impeachment" in the House of Representatives, and article I, section 3 describes the Senate's "sole power to try all impeachments."

The framers of the Constitution were realists. They were confident that the people had the ability to make self-government work; but they were skeptical of human nature and feared what might happen if the President were accorded unlimited power.

As a result, the Constitution was carefully designed with many checks and balances to prevent the excessive use of power which might threaten American freedom.

One of the checks and balances built into the Constitution was impeachment. The framers gave the legislative branch the power to remove a sitting President, in the words of the Constitution, for "treason, bribery, or other high crimes and misdemeanors."

Entirely apart from the debate over what constitutes an impeachable offense, it is clear from the constitutional debates, as well as the face of the document itself, that the framers intended to impower the legislative branch to remove the head of the executive branch. It is abundantly clear that impeachment was codified as a cornerstone of our constitutional structure.

Why was the impeachment mechanism included? The framers envisioned circumstances where the 4-year term would not be sufficient to check the aggregation or abuse of power by the executive. In the words of Harvard's Raoul Berger:

It was because the separation of powers left no room for removal by a vote of no confidence that impeachment was adopted as a safety valve, a security against an oppressive or corrupt President and his sheltered ministers.

James Madison put it this way, when, in his Journal, he wrote:

(Madison) thought it indispensable that some provision should be made for defending the Community ag(ain)st the incapacity, negligence or perfidy of the chief Magistrate. The limitation of the period of his service was not a sufficient security. He might lose his capacity after his appointment. He might pervert his administration into a scheme of peculation or oppression . . . In the case of the Executive Magistracy which was to administered by a single man, loss of capacity or corruption was more within the compass of probable events, and either of them might be fatal to the Republic.

The framers wanted a way to remove a sitting executive. They chose impeachment; they vested the power in the House; they placed the trial in the Senate.

Surely, the power of impeachment is the most solemn power entrusted to the legislative branch, involving as it does the removal of the head of a coordinate branch of government. Nevertheless, the power of impeachment is one of the indispensable—possibly the most indispensable—elements of the system of checks and balances that the framers constructed to keep official power within bounds.

If the House were to vote a bill of impeachment, the trial would take place in the Senate. As a Member of that body, and a potential juror in an impeachment trial, I must not, and I will not, prejudge the question of whether the President should be impeached or the nature of the evidence for or against the President. I cannot, however, remain silent on the

question of access to evidence essential to an impeachment inquiry.

The power of impeachment is the prerogative of the House of Representatives. Its power is sole; the scope of its exercise must be absolute. In exercising the power of impeachment, the House must be able to investigate, must be able to study, must be able to make an informed judgement as to whether grounds for impeachment—under any of the various definitions—exist.

Yet, we all know too well of the "stonewalling" that has confronted the House Judiciary Committee as it has carried on its impeachment inquiry. To its request for relevant materials, it received delay and excuses. To its initial subpena for needed materials, it received partial transcripts. To its latest subpena, it received defiance.

Mr. Nixon has clearly defined his attitude toward the impeachment process: It is up to me, he says, to define those offenses for which I am accountable via the impeachment process; and it is, above all, up to me, he says, to decide which evidence might be used in an impeachment investigation.

If Mr. Nixon's view of impeachment is accepted, either through congressional acquiescence or congressional indifference, impeachment becomes a sunken ship on the constitutional waters. Impeachment becomes nothing more than an empty gesture, subject to Executive veto.

To disregard this vital element of our constitutional system—to read the impeachment clause as mere surplusage—is to demean the Constitution and to throw its carefully constructed equilibrium out of balance.

There is only one way to hold a sitting President accountable. And a President must be accountable. It rests with the House of Representatives to hold the President accountable.

When we denigrate impeachment, we denigrate a device which the framers regarded as essential to a republican form of government. When we ignore impeachment, we ignore an important element in our system of checks of balances. When we allow impeachment to be frustrated by Presidential fiat, we frustrate the Constitution.

Throughout the past several months, as various investigative bodies—the grand jury, the Senate Watergate Committee, and the House Judiciary Committee—have been seeking to get to the truth behind the Watergate scandal, President Nixon has repeatedly argued that he is, by his refusal to cooperate with these bodies, protecting the Presidency. He says that his reliance upon "executive privilege," "national security," and simple defiance is necessary to preserve the integrity and independence of the Office of the President.

Far greater than any alleged threat to the Presidency, is the threat to the future viability of Congress as a coordinate branch of government. The total frustration of the impeachment power will be the ultimate castration of Congress.

In the words of columnist and editor George Will:

If Mr. Nixon gets away with his doctrine nullifying the Constitution's impeachment provision—that is, if he sticks to his doctrine and still manages to finish his term then the first business of the 95th Congress when it convenes January, 1977, should be to amend the Constitution, deleting all language that suggests impeachment applicable to presidents.

We should make the 95th Congress do that, and then we should forbid all Congresses to do anything else of consequence, ever.

Richard Nixon's impeachment "strategy" is but another instance of Presidential usurpation of congressional prerogatives. The warmaking power is vested in Congress by article I. Yet, we all know of the serious Presidential incursions on that power. The Congress has the power to appropriate money, the President may veto legislation, but the item-veto was rejected by the framers. Yet, we know the impoundments that more than 20 Federal and State courts have ruled illegal.

If Richard Nixon is successful in usurping the congressional impeachment function, he will have cast the ultimate stone against a coordinate branch of government.

It will, indeed, be a strange version of the Constitution that will be operative when the next President takes office. The warmaking power will have mysteriously shifted to the executive branch. Duly appropriated money will only have to be spent when the President finds that prospect attractive. And the President will be totally immune from impeachment.

I ask unanimous consent that the column by Mr. Will, entitled "For Congress: A 'Make-or-Break' Test," from the Washington Post of May 28, 1974, be printed in the RECORD.

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

FOR CONGRESS: A "MAKE-OR-BREAK" TEST

(By George F. Will)

Twelve years ago California voters rejected Mr. Nixon's offer to be their governor, causing columnist Murray Kempton to feel reprieved: "Richard Nixon's defeat in California has removed him to that small place in history which belongs to national disasters which did not quite happen."

But it is still too early to write Mr. Nixon off as a national disaster. He seems to want to be a disaster, but the unintended effects of public figures are often more important than their intended effects.

Mr. Nixon did not intend to spend his second term conferring self-respect on Congress, or nullifying the impeachment provisions of the Constitution. But he is going to do one or the other, and whichever it is, we will be better off.

All this became inevitable when Archibald Cox, the first Special Prosecutor, unintentially became the Anne Boleyn of American history.

Ms. Boleyn, Henry VIII's second wife, gave birth to a girl. Henry did not understand chromosomes, so he did not suffer baby girls gracefully. He terminated the marriage, thereby bringing on the English Reformation and, you might say, the United States.

Similarly, Mr. Cox never really did anything except displease the sovereign, who beheaded Mr. Cox. This caused the impeachment process to clank into what passes for motion in the House of Representatives. This led ineluctably to the House Judiciary Committee's subpoena for the "best evidence"—the tapes.

The subpoena produced a few custom-tailored transcripts, and a letter from Mr. Nixon telling the committee to stop pestering him.

Mr. Nixon has thrown down the gauntlet in the form of a doctrine. His doctrine is: a President has the right to decide which offenses he will permit himself to be impeached for, and he also has the right to select, trim, polish and edit any evidence used against him.

If Mr. Nixon sticks to this doctrine, and if he is not impeached for sticking to it, it will become the definitive precedent. It will establish presidential control over impeachment inquiries against Presidents. It will mean that Presidents are immune from impeachment.

Of course it is conceivable that Mr. Nixon's assertion of this doctrine may have a dramatic unintended effect.

All Napoleon wanted to do was subdue those rival principalities. But he inadvertently provoked them into becoming modern Germany. Mr. Nixon's aggressive doctrine may provoke the little rival princess on Capitol Hill. They may unite against him in defense of their institution's prerogatives.

Mr. Nixon's doctrine is a potentially lethal blow aimed at the constitutional impeachment process itself. As such it is his worst offense yet, worse even than hiring the people he hired and helping to cover up what they did.

If Mr. Nixon sticks to his doctrine and is not impeached, then perhaps he is right in saying that Presidents should be immune from impeachment. Perhaps Congress is too confused to be trusted with anything as weighty as the impeachment power.

The 93d Congress, now sitting, is a typical Congress. Using anesthetics and forceps, it has extracted a bit of doctored evidence from Mr. Nixon.

If Congress does not think Mr. Nixon's denial of all other evidence—his attempt to destroy the impeachment process—is itself an impeachable offense, then Congress should indeed quit pestering Mr. Nixon. It should stop its impeachment charade.

Worse than unenforced laws are unenforceable laws. Worse still is a constitutional provision that is unenforceable. Worst of all is a constitutional provision that is unenforceable but not recognized as such.

Impeachment, as regards Presidents, may be such a provision. It may offer only the illusion of recourse against abuse of power.

If Mr. Nixon gets away with his doctrine nullifying the Constitution's impeachment provision—that is, if he sticks to his doctrine and still manages to finish his term then the first business of the 95th Congress when it convenes January, 1977, should be to amend the Constitution, deleting all language that suggests impeachment applicable to presidents.

We should make the 95th Congress do that, and then we should forbid all Congresses to do anything else of consequence, ever.

CLEAN AIR ACT AMENDMENTS

Mr. TAFT. Mr. President, on May 14, the Senate passed legislation to amend the Clean Air Act of 1970, to provide a means of dealing with the energy shortages.

H.R. 14368, which I supported, provides for temporary suspension of certain air pollution requirements, requires reports with respect to energy resources, and provides for coal conversion. The authority granted is temporary, in recognition of

the need to continue energy conservation efforts, and balancing this need with our environmental goals.

The New York Times, on May 28, contained an editorial on the Senate's action, in support of the Senate version of the legislation. I commend it to my colleagues for their information, and ask unanimous consent to have it printed in the RECORD.

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

CLEAN AIR, LIMITED

The bill to amend the Clean Air Act of 1970, recently passed by the Senate, is at best an environmentalist rearguard action. In its original form, as an Administration package designed to meet the oil shortage, the proposed changes were wholly indefensible. They would have all but wiped out effective clean air standards until such time as the United States became, in fact, independent of foreign oil.

Russell Train, administrator for the Environmental Protection Agency, took exception to some of the White House provisions but passed the package along. The House passed an amending bill that was bad but better than the Administration's. The Senate's bill is a marked improvement over that of the House.

Sponsoring the changes, Senator Muskie of Maine has suggested that he is bent on precluding something worse. He and other environmentalist Senators are yielding to the incontrovertible fact that there is an oil shortage and that no matter what temporary relief is being felt at the moment, it will be intensified in the foreseeable future. Coal is needed—and quickly. Their hope is to keep that need from being made a pretext for wiping out the hard-won advances that have been made toward a more breathable atmosphere.

Viewed in this light, the Senate bill is a compromise that appears to leave no one acutely unhappy and no one overly enthused. Environmentalists, power companies and automobile manufacturers can all take some comfort in it, if not much. It will buy an unpredictable increment of energy for an unpredictable loss in clean air.

Most important among its provisions, the Senate substitute would significantly narrow the freedom of industrial and power plants now fueled by gas or oil to convert to coal. Where that freedom could be generously construed under the House bill, the Senate would limit it to those facilities that are located in areas already meeting the air quality standards fixed by the E.P.A. No conversions would be allowed that would jeopardize those standards.

Under either measure, stringent controls of automobile emissions will again be postponed. The original act required such controls on all 1975 model-year cars. The deadline was later put off to 1976, and the new amendments would give the manufacturers until 1977, with the E.P.A. having the option of giving them a years' extension beyond that.

The auto industry's leisurely pace in the reduction of car pollutants means corresponding delay in the attainment of general clean air goals—unless auto traffic itself is to be sharply curtailed. On the brighter side, modification of the Clean Air Act would bring nearer the day when New York will have to limit if not ban taxi-cruising, put a high tax on parking, levy tolls on all bridges and otherwise discourage the needless use of the internal combustion engine.

Meanwhile, of the two moves to compromise on clean air for more energy, the tougher Senate version should by all means prevail in the conference committee.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the United Nations General Assembly, on December 11, 1946, stated in its first resolution on the subject of genocide:

Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings.

We in the United States proudly point to our Constitution, and more particularly to our Bill of Rights, as a staunch guardian of individual rights. We place great value on the individual's right to live, as is evidenced by our vast system of criminal laws dealing with homicide. Yet the Senate procrastinates on the ratification of the Genocide Convention which deals with the right to live of not merely one individual but entire groups of individuals.

The 25-year delay in the ratification of this convention can only cause serious doubts in the minds of the citizens of the world as to the sincerity of our commitment to the right to live. Traditionally we have been leaders in support of basic human rights. Our failure to act in this instance, however, stands in glaring contradiction to this leadership. The Senate's delay on genocide caused former Chief Justice Earl Warren to remark:

We as a nation should have been first to ratify the Genocide Convention—instead we may well be the last.

Mr. President, I urge that we live up to our role as leaders and ratify the Genocide Convention promptly.

ANNIVERSARY OF THE ADOPTION OF THE POLISH CONSTITUTION

Mr. STEVENSON. Mr. President, on May 3, the Polish community around the world commemorated the adoption of the Polish Constitution in 1791. Throughout the month of May, this anniversary has served as a source of pride to all Polish-Americans.

The principles of the 3d of May constitution are the foundations of both the Polish and American struggles for freedom. With its goals of national sovereignty, freedom of choice and basic human rights for all, the 3d of May constitution closely parallels those values our Founding Fathers embodied in our Constitution. Today, some 10 million Americans of Polish origin enjoy the protections and guarantees of life and liberty under our historic document. And this same democratic spirit and yearning for political self-determination is alive today in the hearts and minds of the people of Poland.

Each year, thousands of Poles enter the United States and find here an environment which nurtures human rights and opportunity. During fiscal year 1973, of the 400,000 immigrants entering the United States, over 4,000 made the journey from Poland. Over 2,000 Polish visitors last year adjusted their visa status when they arrived to become permanent residents here.

In Illinois alone, over 72,000 residents were born in Poland and 225,000 can trace their parentage to Poland.

America's friendship and support for the oppressed nations of Eastern Europe is well known. During the period from 1946 through 1973, 164,494 Polish citizens took refuge in the United States—further proof that resistance to Soviet domination continues.

Today, I join in offering encouragement and hope to those who are still forced to live with hardship and suppression in their historic homeland. I am proud to represent the almost 300,000 citizens of Polish ancestry in Illinois whose business and social achievements and participation in government provide an excellent source of inspiration to the people of Poland. It is my sincere hope that continued diplomatic efforts will someday allow the Polish people to enjoy the true independence they so earnestly desire.

19TH TUNISIAN NATIONAL DAY

Mr. HARTKE. Mr. President, 19 years ago, on June 1, 1955, Habi Bourguiba, the leader of the Tunisian Neo-Destour Party was allowed to come back home after several years of imprisonment and exile. A few months later, on March 20, 1956, the French Government formally granted Tunisia her independence, and Mr. Bourgiba eventually became the head of the Tunisian Government and later the President of the Tunisian Republic.

However, it was the return of their leader rather than the formal granting of independence that the Tunisian people and government chose for their National Day. Last Friday then, the Tunisian people commemorated for the 19th time their National Day, and this will be an occasion for the world to review once again the remarkable political stability, social progress, and economic development achieved by this small Arab nation of North Africa since she freed herself of foreign rule.

The history of modern Tunisia has become common with Habib Bourguiba since he left the old Destour Party in 1934 and created the Neo-Destour Party.

In the 19 years since Tunisia became independent, the country has modernized to a large extent. Thanks to heavy expenditures on education—Tunisia spends proportionately more money on education than any country on Earth—education has become widespread, the standard of living has doubled, and the economy has diversified and improved. All these impressive successes were due partly to the hard work and ingenuity of the Tunisian people, and partly to the international assistance her government has been able to obtain and use efficiently. Thanks to this progress, reliance on foreign assistance is decreasing, and some experts think it could be phased out in a few years if the present trends continue.

The rate of growth of population has been checked, thanks to the first program of birth control set up in an Arab or African country. The status of women has been one of the first concerns of the Government, and the condition of women in Tunisia is now to be envied in several countries; polygamy has been abolished

and Tunisian women now have the same rights as men.

In the international field, this small country of 5.5 million people, which is the site of ancient Carthage, chose unequivocally from the first days of its independence to side with the free world. Even during World War II, before Tunisia became independent, her future leaders chose to support the Allies rather than the Axis, even when the latter had the upper hand. Today, although she is a member of the nonalined group, her sympathies are still going toward the ideals of democracy, freedom and self-determination for which we stand. Her government has steadily emphasized the virtues of moderation and cooperation between nations. You all know that as early as 1965, President Bourguiba had the foresight to advocate negotiations between the Arabs and Israelis, in the context of United Nations resolutions, to break the Middle East stalemate. It is unfortunate that the Arabs and Israelis needed two more wars, and untold devastation and human suffering to heed his advice.

I would also like to mention the friendly and constant relationship that has existed between our two countries since Tunisia became independent. President Bourguiba has already visited the United States in an official capacity twice, in 1961 and again in 1968, and I understand plans are underway to prepare another visit before the end of this year.

Mr. President, it is with a great deal of pleasure that I offer the government and the people of Tunisia congratulations on their National Day.

STUDENTS FLOCK TO VOCATIONAL EDUCATION

Mr. PROXMIRE. Mr. President, there was good news on the front page of the Washington Post this morning in a story by Ron Shaffer. A headline proclaimed: "Students Flock to Vocational Courses." Why is that good news? It is because the one way we can improve the standard of living in this country—and pay ever high wages without devastating inflation is by increasing productivity. And one sure way to increase productivity is to improve the training and skill—the availability of the technicians who produce our goods.

In my series of speeches on what is right with the Federal Government I recently pointed to improvement in this country's education as a shining accomplishment of the past few years. In the past dozen years we have increased our Federal contribution to vocational education by more than ten fold—a thousand percent. This article in the Post tells the happy story of the results eloquently.

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:

STUDENTS FLOCK TO VOCATIONAL COURSES

(By Ron Shaffer)

Paul Farmer, 15, is one of those high school students who doesn't like the classroom. He is interested in welding, not English literature.

Starting in September, Paul will be able to spend two hours a day studying welding, among other construction techniques, at a new $4.6 million career education center in Arlington. The center is one more response by a school system to the growing number of students who want to leave high school with a start toward a career that does not require four years of college.

"Kids aren't going to college any more just for the sake of it," explains Thomas E. Smolinski, director of the career center. "They want more of an idea in high school what they're going to be doing in later life, rather than waiting to get to a university to do their exploring.

Consequently, school officials in the Washington metropolitan area report, participation in vocational courses has doubled or tripled in the last few years, and local public school systems are rapidly expanding the number of career orientation programs and specialized vocational training.

One of the moving forces in this trend, educators say, is a change in attitudes of youth toward blue collar work.

No longer are students as conscious about status as they once were, and this is breaking down old perceptions that there are so-called "good jobs", like doctors, and "bad jobs", like bricklayers, local educators say.

School officials also are working to remove the traditional stigma attached to jobs involving physical labor by offering more vocational courses, and a career education program from kindergarten on designed to show how different jobs relate and how each can be valuable and satisfying.

This program includes hands on tools in kindergarten; role playing in the elementary schools where youngsters act out both white-collar and skilled labor jobs and visits to work sites where students are encouraged to study the worker as well as the product.

In junior high school the study becomes more intense, with students focusing on the connection between a range of jobs in fields such as transportation, health sciences, communication or marketing.

Then, those students in high school who have a strong interest in a job can choose from a list of vocational training courses that is being expanded annually but still is not meeting the demand.

More than 1,000 students already have signed up for the Arlington career center courses, and there are waiting lists for most classes.

"Traditionally the adage was, 'Get good grades and stay in school or you'll have to go to work,' but more and more students are disregarding that," says Dr. N. Edwin Crawford, director of career education for Prince George's public schools. "Youngsters are opting to go to work; they want to go to work, to get involved."

In developing their vocational curriculum, administrators note also that jobs stemming from vocational training often pay more than so-called white collar jobs available to college graduates, and that the Department of Labor predicts that three out of four new jobs between now and the end of the decade will not require a college education.

One of the ironies of the present high unemployment rate is that there is a shortage of workers in construction and maintenance-related fields. "Try to get something fixed in your home—a television, plumbing, electrical work—and you can't get it done," says Dr. Crawford.

"In the past we've channeled kids into what we thought was good for them; we told them these (blue collar) jobs were bad and nobody went out to work them," he said. "Now kids are more intelligent. They're looking for something meaningful and relevant to them and they're not letting this older generation impose their values on them."

Critics of the trend toward career education and increased vocational training, Dr. Crawford says, "complain we're trying to lock kids into an early choice. But in career education we're simply trying to give kids more information with their career options. It begins in kindergarten and covers not just blue-collar jobs, but all jobs."

For instance in the Prince George's County police department, Crawford said, there are 450 jobs other than being a patrolman. "These are jobs that kids know nothing about. Many are high paying and very interesting. That's what career education is, trying to let kids know about these other jobs."

Paul Farmer, a sophomore at Washington-Lee High School, says he figures the Arlington career center is what he's looking for.

"In the first year (general construction) you get to arcweld, and the second year you get further training in welding. That helps getting into a union," he says. "A journeyman welder makes good money, and that's something you can always fall back on if you want to try something else."

Paul's two older brothers are iron workers, his mother explains, and Paul is tired of school already. We're not your 9-to-5 office family type; Paul likes getting outdoors, so this (program) will be great for him."

Arlington, like the other Washington area school systems, will allow students to spend up to half their classroom time training in courses such as hotel-motel management, fashion design, carpentry, masonry and child care, with the rest of their time devoted to the standard academic construction at their home high schools.

In Alexandria junior high school students now can watch a butcher carve meat in the class room; in Montgomery County high school students can intern as say, a congressional aide or work part time in data processing; and in Fairfax County students build houses.

As part of their high school vocational training experience, students in some Washington area school jurisdictions repair at cost cars, radios, televisions, and heating and air conditioning products brought in by the public. They set hair, cut hair or give manicures in cosmetology and barbering classes and build prefabricated sheds, raise nursery products and repair lawnmowers.

One of the unusual vocational projects in the area is the home in Annandale built entirely by Fairfax County high school students.

The project took 18 months; boys did most of the construction and girls planned the interior design and the color-coding, and together they marketed it.

The home sold for $73,000 last fall to television newscaster Wes Sarginson. "It has been an outstanding home, with many fewer problems than you would expect in a new house," Sarginson told a reporter this week.

His previous, smaller home cost $69 a month to heat, Sarginson said: the larger, student-built home costs $32 a month. "That gives you an idea about how much tighter the new home is."

The quality of student work, Sarginson said, can be further evidenced in the repair job they did on a car owned by his friend and coanchorman, Fred Thomas.

"He had a Volkswagen van that was a moving junkpile, an embarrassment to ride in," Sarginson said. "The floor was rusted through, no body shop would touch it." Students in an auto mechanics course at George Marshall High School near McLean tore the car down and refurbished it to near-new quality, Sarginson said. The cost was parts and $1 for labor.

Construction students from all 22 Fairfax County high schools are now involved in building a complex of eight structures at

Hemlock Overlook Regional Park near Clifton. This project, built with Northern Virginia Regional Park Authority money, is to be an environmental campus where students can take overnight field trips for nature study.

About 50 of the students are at the work site all day and have their English and social studies classes in the woods.

While Arlington is the first to consolidate vocational programs in one complex, Alexandria has plans to follow suit in 1976 with a vocational complex at T. C. Williams High School, and the District of Columbia is moving toward opening some area vocational centers that will include programs of study in services, marketing, and construction.

Some of these are due to be opened next fall, and gradually will replace the traditional vocational schools in the District, which offered its special training only to those students in the school.

The high school vocational programs are structured to provide the basics for continued study specialized at area junior colleges and technical schools. Often one or two years beyond high school is required to enter skilled jobs.

"We don't want students to have to spend four years in college to find out what they want to do," Dr. Crawford said. "We want to let them know what options are open to them early on, and have them know about different types of work and become involved in appropriate technical training and academic instruction that will prepare them for jobs.

"One high school girl told me she wanted to major in medical research in college," Dr. Crawford said. "I asked her why and she said she had picked that field out of a college catalogue. She didn't know anything about it—the hours, the pluses and minuses, the requirements or whether she even had the aptitude for it.

"My own son decided in high school to be an economist because he read where it was one of the highest paying jobs. But he didn't know what the job entailed until his last two years in college. It's a sad story but it happens all the time."

His son went on to get a master's degree in education, Dr. Crawford added, but now works as a paint foreman because that pays better than work he could find in his college major.

FOOD PRICES DROP AT THE FARM, BUT NOT AT THE SUPERMARKET

Mr. HUMPHREY. Mr. President, as part of my continuing interest in food prices, as chairman of the Subcommittee on Consumer Economics, I chaired hearings at the end of May on processing and retailing practices which increase the price or lower the quality of food to the consumer. Our witnesses provided numerous examples of such practices and the subcommittee plans to use their testimony as a basis for further hearings.

A problem which all our witnesses acknowledged was the level of concentration in both food processing and retailing. In the cereal, soup and canned fruits and vegetables industries, three or four firms completely dominate the market. In retailing, some cities, like Washington, D.C., are at the mercy of two, three, or four large chains. It has been estimated by Federal Trade Commission staff that the consumer pays an extra $2.3 billion in food bills because of the lack of adequate competition in the food marketing system.

The retail food chains have often countered this argument by claiming that their profit margins are already so low that prices are at a minimum. However, Dr. Russell Parker, an economist with the Federal Trade Commission, told our subcommittee that—

We often hear that prices charged by grocery chains cannot be greatly affected by concentration or other structural variables because their profit-to-sales ratios are low. Most food chains do have profit-to-sales in the two to five percent range before taxes. A look at the evidence shows that prices can be reduced and profits are not driven to negative levels. . . . In recent years low-margin retailers have been among the most profitable firms in the food chain business.

The cost and profits derived from food processing also increase retail prices. Testimony from the agribusiness accountability project showed that profits of some meat, fruit, and vegetable processors increased between 23 and 110 percent during 1973. Although food marketing firms were in some cases recouping losses suffered during price and wage controls, the subcommittee intends to closely monitor the profit performance of these firms during this year.

In this period of high food prices, the movement of the farm-retail price spread merits special attention. Statistics compiled by the Department of Agriculture show that since June 1973, the farm-retail spread has increased by 25.3 percent. In the last several months farm prices have declined. In the last 2 months alone they have dropped 16 percent. Yet there has been little reflection of this decline at the retail level. Even Dr. Paarlberg, Director of Agricultural Economics at the Department of Agriculture, expressed surprise that retail food prices had only declined by 0.3 percent in April. He indicated that USDA had expected retail prices to drop at least 1 percent given the sharp decline in farm prices. Normally retail prices lag slightly behind when farm prices drop. I intend to follow movements in the spread this year and to question food retailers before the subcommittee if adjustments in retail food prices are not made soon.

The subcommittee intends to investigate a number of other issues relating to food prices during further hearings this year. I am especially concerned about the recent action by the Federal Trade Commission in abandoning an investigation of retail food chains in Washington. Furthermore, the Federal Trade Commission has recently begun a wide-ranging study of the entire food marketing industry which we expect to follow closely.

Mr. President, I ask unanimous consent that excerpts from the excellent testimony presented by our witnesses follow my remarks in the RECORD.

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

STATEMENT BY RUSSELL C. PARKER, ASSISTANT TO THE DIRECTOR, BUREAU OF ECONOMICS, FEDERAL TRADE COMMISSION

Mr. Chairman and Members of the Subcommittee on Consumer Economics, I am Russell C. Parker, Assistant to the Director, Bureau of Economics, Federal Trade Commission.[1] It is a privilege to appear before this Committee to testify on the subject of concentration in the food processing and retailing industries and the consequences of this concentration for the consumer.

The best single, generally available, measure for evaluating the importance of monopoly in industries is the level of market concentration. The degree of product differentiation between the outputs of competing sellers and the difficulty faced by potential entrants are also important but the existence of these leads to, and therefore are highly correlated with, high concentration.

The level of concentration in a product market indicates the extent to which competing sellers are likely to be affected by the selling strategies of others. Market concentration ratios are an index of the degree of interdependence of firms. Competitors in unconcentrated markets are each so small they are not concerned with possible competitor reactions when choosing their marketing strategies. When concentration is substantial, the interdependence of leading firms is so great that strong communities of interest develop to identify and avoid those strategies most likely to lead to competitive reactions which are destructive to profits. Strong price rivalry is usually the first to be identified. This situation is called oligopoly. When concentration is great enough—this is when all firms can act without fear of effective dissent in achieving joint profit maximization—monopoly exists. The several firms acting together in this fashion are generally referred to as participating in a shared monopoly. Competition in concentrated, oligopolistic type, industries mainly occurs in terms of product variations, additional advertising and services.

The Bureau of the Census computes concentration statistics which show the percent of production or sales in a market accounted for by the 4, 8, or 20 largest producers. These measures are computed for manufacturing industries about three years after each regular Census year which is supposed to be every five years. The latest Census year for which complete concentration data are currently available is 1967. On two occasions since World War II, 1966 and 1970, the Census has provided very limited concentration tabulations based on its annual survey of manufacturers. In addition to manufacturing, grocery retailing concentration ratios for 230 metropolitan areas are computed by Census every Census year for the Federal Trade Commission. The most recent tabulations are for 1967. What do these concentration data show about the state of competition in food processing and retailing?

How has concentration changed? Between 1958, the Census year and 1970 there were several definitional changes which make comparisons over time difficult. However, an analysis of concentration changes is possible for the 31 industries whose definitions remained unchanged. Of these 31, fourteen showed concentration increases of more than two percentage points and nine showed declines of that magnitude. In other words there was an upward shift in concentration. Of the redefined industries, five caused the industry to move to a lower concentration category and three caused changes in the reverse direction. The downward moving industries were quite large and in net the redefinitions caused a significant downward shift in the distribution of industries.

The most significant concentration increases in the 1958 to 1970 period were con-

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[1] This statement represents only the views of a member of the FTC staff. It is not intended to be, and should not be construed as, representative of an official Commission policy.

fectionary products, beer and wine industries. Mergers and high advertising expenditures were important factors in each of these industries. The brightest spot in the concentration picture is meat packing (2011). This is a very important industry accounting for about 10 percent of all food industry value added and nearly one out of five dollars spent by consumers. Since World War II meat packers went down from 41 percent to 23 percent. Meat packing (2011) is an area where advertising is unimportant and consumers are aided in their purchase of meat by U.S. Government inspection and grading.

Besides the high and probably increasing level of concentration in individual food industries, concentration is also high for food manufacturing overall because of the multi-industry participation of large food manufacturing corporations. Just 50 food manufacturing corporations control most of the important producing position in all of the individual industries and product classes according to Census Bureau tabulation. These fifty corporations owned half of all food manufacturing assets in 1965 and there is an increasing trend. The 50 largest of 1950 controlled less than 42 percent and, since 1965, asset concentration with the 50 largest has continued to increase to where I estimate that the current 50 largest companies may account for close to 60 percent of total food manufacturing assets.

Concentration of profits and advertising expenditures is even greater than assets and is also increasing. Whereas the 50 largest companies controlled 50 percent of assets in 1964, they accounted for 61 percent of profits and nearly 90 percent of television advertising.

All of the increase in concentration of food manufacturing assets within the 50 largest food manufacturers between 1950 and 1965 was due to mergers. Although some of the merger activity was horizontal in nature, most was conglomerate. This was particularly true of mergers taking place after the early 1950's. The conglomerate activity was primarily the acquisition of companies in related products or in the same product but in different geographic markets. Acquired firms were often large. Many ranked among the largest food manufacturers prior to being acquired. Many were substantial advertisers of well known food product brands. In this regard, it is significant to observe the change in advertising after acquisition. Almost immediately the average amount of advertising expenditure for the acquired brands was doubled, with television advertising showing the greatest increase. Another interesting fact is that acquisition was almost the sole route by which the largest companies entered new industries. FTC detailed product data for the 20 largest food manufacturers showed that nearly 90 percent of the product areas entered by the companies were directly traceable to merger. Others, that could not be definitely traced, were likely due to merger. Only a very small number of the entries into new product areas could be definitely identified as internal expansion. The very low research and development expenditures of the largest food manufacturers are consistent with this finding. Worley found that food manufacturing was the only major industrial group where there was an inverse relationship between size of firm and the number of research and development personnel per 1,000 employees. The picture that emerges from these data and others, such as use of field sales force personnel and advertising intensity, is that large food manufacturers are primarily concerned with exploitation of product areas developed originally by smaller firms. The exploitation by large corporations is mainly based on competition reducing advertising and other forms of product differentiation.

Since the 1960's, merger activity involving food companies has remained very vigorous. The rate of acquisition of larger food manufacturing companies is particularly significant. The Federal Trade Commission's merger series of acquired companies with more than $10 million in assets shows that 111 such companies were acquired in the two decades between 1948 and 1968. In just three years, 1969 through 1971, 46 such companies have been acquired. Food industry mergers, as a share of all mining and manufacturing large mergers, have increased by nearly half. The food industries are facing a major threat to their small and medium size viable firms.

Now I would like to review briefly the importance of monopoly in food retailing. Concentration in grocery retailing is showing a strong upward trend. Just 20 large grocery chains accounted for 40 percent of total grocery store sales in the United States in 1970, according to Census tabulations. This was a one-third increase from the 30 percent controlled by the 20 largest chains in 1954. It is important to note that none of the 20 largest is a national chain. This is important because competition in grocery retailing occurs at the local level. Few consumers consider traveling to another city to purchase groceries. At the city level, concentration in grocery retailing is high and increasing. For the 200-plus metropolitan areas defined by the Census, the four largest corporate grocery chains accounted for an average of 51.1 percent of sales in 1967. In 1954, the 4-chain average was only 45.5 percent. If the Census would tabulate voluntary and cooperative food chains on a consolidated basis rather than by individual store ownership, the average 4-chain percentage would be several points higher.

The national average of all cities hides the fact that in many individual cities, concentration is very high. Washington, D.C., is one of those cities. Here in the Washington metropolitan area, four chains accounted for 70.3 percent of sales in 1967 and private sources indicate that the percentage has increased since 1967.

Major studies of grocery retailing, including those of the staff of the Federal Trade Commission and the National Commission on Food Marketing, have found significant barriers to entry and significant pecuniary advantages of size to the largest established food chains in local markets. The latter are especially important in the areas of newspaper advertising and purchasing. The largest chains also have strategies available to them in building and remodeling stores and in pricing that can discourage entrants. Given these, there is little hope in sight of a quick erosion of existing levels of concentration in grocery retailing or even a reversal of present upward trends.

What is the evidence that oligopoly leads to higher prices? Two types of collusive actions lead to higher than competitive prices. One type is explicit price-fixing; the second is tacit price-fixing.

Explicit price-fixing is the classic collusive arrangement when sellers meet secretly in hotel rooms. This kind of price-fixing still takes place. Some industries are prone to this kind of conspiracy. The high level of concentration in regional markets of the baking and dairy industries enhances the opportunity for firms to get together and fix prices. These two industries have a history of extensive conspiratorial behavior.

The *Bakers of Washington* case, successfully prosecuted by the Federal Trade Commission in the mid-1960's, is an example. During the period of the price-fixing, the leading bakers of the State of Washington conspired among themselves and with the largest food chains in the area, one of which operated its own baking plant, and succeeded in raising the price of bread paid by residents of the State by 15 to 20 percent over a 10-year period extending from the mid-1950's to the mid-1960's. An antitrust investigation was ultimately begun and, upon conviction of the companies involved for price-fixing, prices dropped. The Federal Trade Commission found that the wholesale bakers and the leading retailers in the conspiracy area had met frequently at State trade association meetings and that, by means of agreements or understandings reached at those meetings, had suppressed price competition at both the wholesale and retail levels and established and maintained uniform and noncompetitive prices. Before the conspiracy, Seattle prices were nearly identical to the national average. During the period of the conspiracy, they were between 15 and 20 percent higher. Consumers in the State of Washington paid approximately $30 million more for their bread than they would have paid if local prices had been the same as the national average during the period of the conspiracy. Following the conclusion of this antitrust action, vigorous price competition developed; the Seattle price level ultimately dropped well below the overall national average. It is interesting to note that although the vigorous price competition reduced bakers' profits, its main effect was to increase efficiency by driving many inefficient firms out of the market.

The same Economic Report which analyzed the State of Washington situation analyzed, in depth, the price behavior in five other areas. These areas were chosen for study without regard to any known price behavior. Two of these areas were found to have prices above the national average and trends similar to that found in the *Bakers of Washington* case. In both instances, the Department of Justice brought suits based on the analysis and won victories. In Baltimore, where subsequent price data have been analyzed, the average price of bread appears to have dropped approximately 15 percent. In doing so, an estimated $5 million a year in consumer overcharge which had existed for a ten-year period was eliminated.

The frequency of explicit price-fixing is not well documented since it is done in secrecy. Investigations are initiated only in those instances where pricing patterns strongly suggest collusive behavior or when someone becomes an informer.

The above is an illustration of an explicit price conspiracy. Although I do not intend to minimize the importance of such conspiracies, available data and analysis indicate that tacit price collusion is much more pervasive. Tacit price collusion is the typical conduct of oligopolies. It results from the various forms of price leadership practiced in oligopolistic industries. A large and growing number of statistical studies are demonstrating the existence of a relationship between the dimensions of market structure and profit rates, gross markups and cost-price margins. The relationships are very similar in widely different industrial sectors and in statistical formulations that use different data sets and statistical techniques.

The staff of the Federal Trade Commission has conducted two such analyses that are particularly relevant to the food industries. One develops the relationship between concentration, advertising intensity, and other structural variables, and the level of profits of food manufacturers.

Where 4-firm concentration averaged 40 percent and advertising-to-sales concentration averaged 1 percent, companies earned an average profit rate of 6.3 percent. On the other hand, in industries where 4-firm concentration averaged 70 percent and advertising expenditures averaged 5 percent of sales, there was an average net profit rate of 15.9 percent. Another variable in the analysis (not summarized in table 3) shows that firms holding the dominant positions in the industries enjoy even higher profit rates. In short, this means that the high frequency of moderate and high concentration industries in food manufacturing (table 1) is having a great effect on consumer prices.

We often hear that prices charged by grocery chains cannot be greatly affected by concentration or other structural variables because their profits-to-sales ratios are low. Most food chains do have profits-to-sales in the 2 to 5 percent range before taxes. A look at the evidence, however, shows that prices can be reduced and profits are not driven to negative levels. A study by the staff of the Federal Trade Commission shows that food discounting in Washington, D.C., resulted in a 3 percent reduction in prices and retailers still earned profits. In recent years low-margin retailers have been among the most profitable firms in the food chain business.

There have been wide swings in average gross markups of chains yet industry profits rates have experienced remarkably little year-to-year variation. Between the early 1930's and 1950's average gross margins decreased almost 10 percentage points. This was due mainly to the supermarket revolution. From 1950 to 1965 average markups climbed again to the early 1930's level. This was due mainly to trading stamps, games of chance, more expensive stores, added in-store services, increased advertising, and other nonprice elements of competition. Underlying this shift to nonprice factors as the principal dimension of competition was the outbreak of a major merger movement which eliminated entry of chains into each other's markets as a significant competitive force. In the mid-1960's anti-competitive mergers by large grocery chains were curtailed by an FTC merger policy and there is evidence that competition which had been stopped by the mergers has resumed. Since 1965, gross margins have dropped by more than 1 percentage point. Considering that annual food store sales are over $100 billion, every percentage point decline in gross margins means an additional saving to consumers of $1 billion.

STATEMENT OF THE AGRIBUSINESS ACCOUNTABILITY PROJECT BEFORE THE JOINT ECONOMIC COMMITTEE

(Presented by Susan DeMarco and Jim Hightower)

President Nixon, intending to characterize himself as the farmer's friend, recently did the verbal equivalent of stepping in a fresh cow pattie. What he did was to say, "farmers never had it so good." As you might imagine, they did not take kindly to that out in the farm country.

Not only was the President's statement bad politics, it was wrong. No one knows that better than farmers. Sure, the farmer's income was up in 1973, but two facts in particular bother farmers about the President's statement. First, farmers neither caused the exorbitant food prices of 1973, nor did they profit most from them—it was food middlemen that continued to take the big bite out of the consumer's food dollar. Second, the President was trying to make political hay out of a temporary price boom that already is fizzling out—1974 does not look all that great to farmers.

MIDDLEMEN NEVER HAD IT SO GOOD

Consider the first question: who profited? There can be no doubt that 1973 was a good year for farm income, especially for grain and livestock farmers. As it turns out, Administration publicists were a bit overzealous in their initial claims for farm income, and they had to revise their early figures downward by $2 billion. And there is considerable doubt that all of that $24 billion in farm income actually ended up on the farm, since a good many corporate processors and marketers of such commodities as eggs and poultry get counted as "farmers." These quibbles aside, however, 1973 was not a bad year to have been a farmer.

But it was not the kind of year that warrants being singled out in a Presidential press conference. Even with the record income levels of 1973, farmers received only 46 cents out of the consumer's food dollar. The rest went to corporate middlemen. And lest you think that every farmer in America is drawing 46 cents every time a consumer lays down a dollar, you ought to know that most farmers never see that kind of ratio. For example, the chicken that you pay $1.50 for, pays the chicken farmer six cents. Department of Agriculture statistics shows that a can of peaches cost consumers 41 cents last year, but the peach farmer got only 7 cents of it. You spent 28 cents for a loaf of white bread, and only 4 cents of it trickled back to the wheat farmer. That can of corn that cost you a quarter returned only 3 cents to the farmer.

At a time of skyrocketing food prices and consumer disgruntlement, the President pointed to farmers, without bothering to mention that food corporations were enjoying even better times. Cattle ranchers are said to have done especially well in 1973, but none did anywhere near as well as such corporate cowboys as Iowa Beef Processors, with a 77% profit increase last year, or Missouri Beef Packers, with a 110% profit increase. And food processors whined all last year about government price controls, but they whined all the way to the bank. For example, the big canners of fruits and vegetables did much better than the farmers who grow the stuff, with such firms as Del Monte taking a 35% profit increase in 1973, Campbell soup up 23% and Castle & Cook up 52%.

PRICES: DOWN ON THE FARM

Food middlemen are the ones who never had it so good, and now they are having it even better. Grocery shoppers undoubtedly are puzzled over the phenomenon of the "disappearing price drop" in our food economy. Since September of 1973, the news media has been reporting each month that the farm value of food has been falling. But, somehow, that price drop on the farm has not made its way into the supermarkets. In fact, farm prices fizzled 16% from August to December of last year, but supermarket prices remained sizzling hot. Even as President Nixon was making his remark in March about the good fortunes of American farmers, the price they were being paid was falling for the sixth straight month, while the price charged to consumers actually was rising! The decrease in farm prices is disappearing directly into middleman bookkeeping. Food firms complained that they took a beating last year because they were having to pay farmers so much at a time they were trying to hold consumer prices down. Nonsense. Not only did they pass all of the farmers' increase right through to the beleaguered consumer, but they attached a sizeable mark-up of their own. The Federal Reserve Bank of Chicago reports that food middlemen increased their take from consumers by 6.5% in 1973. That is an increase exceeded only once (1970) in the last twenty years. And the Department of Agriculture reports that these firms will increase their share in 1974 at a rate that "may be more than double the 1973 increase." What that means is that consumers will pay much more for food this year, and much less of what they pay will go to farmers.

In 1973, the farmer was getting 46¢ of the food dollar. By March of 1974, that already had fallen to 43.6 cents. In April, the price of farm products fell another 5.5%, and it is expected to fall even more during the year. But the retail price of food is hardly keeping pace. The Administration is well-known for its way with words and statistics, but a remark earlier this month by Herbert Stein, chairman of the President's Council of Economic Advisors, is enough to drive both farmers and consumers crazy. He said, "The *declines* in farm product prices are likely to be reflected in much smaller *increases* in retail food prices that occurred in the first quarter of 1974" (emphasis supplied). Only the National Association of Food Chains can appreciate the logic of that.

To a significant degree, this level of profit is the result of monopoly power in the food industry. There are 32,000 food manufacturing firms, but 100 of those make 71% of the profits. Those few firms, powerfully situated between millions of farmers and millions of consumers, are the decisive force in the American food economy. Dr. William Shepherd, a leading authority on market concentration, reports that the food industry falls well within the category of "tight oligopoly," with the average four-firm concentration within the industry being 55%.

In many food lines, shared monopolies exert much greater control. For example, 91% of all breakfast cereal is sold by four firms (Kellogg, General Mills, General Foods and Quaker). Three firms (Dole, Del Monte, and United Brands) sell 85% of all the bananas. Gerbers alone sells 60% of baby food, and Campbell Soup sells 90% of all soup.

COSTS: UP ON THE FARM

The Administration has made a mess of our food economy over the past few years. Now they are allowing monopolistic food middlemen to extract big profits from the wreckage, while publicly drawing attention to the modest and long-overdue profit levels of family farmers. That alone is enough to make even the most reticent farmer swear, but there is another harsh economic reality that is squeezing farmers and causing them to think seriously about the advice of old-time populist leader Mary E. Lease: "Raise less corn and more hell."

That reality is the rise in farm production costs. Not much of what the farmer gets stays in his pockets, for he has a mess of bills to pay. President Nixon missed this fine point of farm finance when he was telling farmers how well off they are. As farmers move through spring plantings they are massively pessimistic. The cost of their production supplies has increased even more dramatically than the fizzling of farm prices. The Department of Agriculture predicts that farmers' expenses in 1974 will be "more than $9 billion above last year.

A corn farmer in Iowa told the *Des Moines Register* of fertilizer prices this year 40% higher than last, of diesel prices doubling since last year, and of corn seed that has gone from $25 a bushel to $37 a bushel. The cost of new machinery has gone out of sight, and repair of old machinery is about as costly—as this corn farmer put it, "You don't need too big a truck to haul away $500 in parts." He is having to shell out this kind of money now, while the price he can expect for his corn already has tumbled this year from $3.25 a bushel to $2.27.

At work here is the other jaw of the corporate vise that is squeezing family farmers. There may be a profit made on the farm in 1974, but there will be much more profit made off the farmer. Here's a sample of profit increases farm supplies already have had in the first quarter of this year:

[Amount in percent]

Firm	1st quarter 1974	
	Profit increase	Sales increase
International Harvester	113	16
Stauffer Chemical	55	31
Occidental Petroleum	716	96
Firestone Tire & Rubber	19	17
Pfizer	33	26

Source: "Business Week," May 11, 1974. "Survey of Corporate Performance: First Quarter 1974." pp. 70–90.

To put these profits into perspective, the average profit increase in all industries in

this first quarter was 16%. Farm suppliers might be said to have never had it so good. And again, these profits can be traced to the existence of monopoly power within the industries. For example, Dr. Shepherd reports that the four leading farm machinery firms hold 70% of the relevant market. The Federal Trade Commission staff found that farmers were overcharged $251 million in 1972 because of the existence of monopoly power in the farm machinery industry. The four-firm concentration ratio in the chemical industry is 71%; in petroleum refining, 65%; and in tires, 71%.

The evidence indicates that the Nixon-Butz Administration is pursuing a policy of high-priced food, without adequate protections for farmers and consumers. That policy is allowing farm input corporations to increase their prices without restriction or serious questioning. It is demanding that family farmers increase production and lower their prices, ostensibly to lower retail prices. But it also is allowing processors, marketers and retailers to hold consumer prices up in order to increase their margins and profit levels. And, as the final straw, it is demanding that consumers pay the tab while swallowing the official line that all this is the inexorable workings of a "free market."

Despite the divisive rhetoric that has come out of the Department of Agriculture over the past months, farmers and consumers are not enemies. Even at the height of last year's food crisis, the opinion polls consistently showed broad public support of family farmers, coupled with a distrust of food corporations. Both are well-placed.

The question is whether there will be any relief. Consumers and farmers alike want action. They will not get it from the Department of agriculture. If consumers and farmers ever are to have it good again, they must look to Congress.

It is possible to pursue a food policy that would produce inexpensive food, happy consumers and prosperous farmers. At least we ought to try it. But it is impossible to lower food prices and to raise farm income without dealing directly with the structure of the food economy. President Nixon, in his 1973 farm message, said that it was time to "get the government off the farmer's back." The real problem is to get corporate power off the farmer's back, not to mention out of the consumer's pocket. That means such action as strong anti-trust enforcement among farm suppliers and food middlemen; serious consideration of such protections as the Family Farm Act and collective bargaining for farmers; establishment of an international grains reserve; and, development of a regional marketing system utilizing both farm and consumer cooperatives.

STATEMENT OF DON PAARLBERG, DIRECTOR OF AGRICULTURAL ECONOMICS, USDA

Over the past couple of years, marketing charges and food prices have been increasing rapidly. That the public is highly concerned and insisting on an explanation is indeed understandable. A fairly good idea of what has been happening can be gotten by first looking at the two major components of the price of food—one going to the farmer and the other to marketing agencies. The Economic Research Service develops statistics showing the shares of the retail dollar going to each.

FARM AND MARKET SHARES OF THE CONSUMER'S DOLLAR

Retail costs and farm values are estimated monthly for 65 individual food products included in the basket of foods originating on U.S. farms. This allows derivation of a farm-retail spread which is an estimate of the total gross margin received by marketing firms for assembling, processing, transporting and distributing the products in the market basket. The market basket statistics measure price changes of fixed quantities of food moving through retail food stores. The quantity weights are those obtained in a consumer expenditure survey in the early 1960's for an urban household. The market basket statistics exclude foods sold in away-from-home eating places, fishery products and imported foods.

First let's review the long-term trend in these statistics (figure 1). Between 1952 and 1971, retail prices of U.S. farm foods increased 27 percent, reflecting a 4 percent increase in farm prices and a 46 percent increase in farm-retail spreads. Thus, during this period 94 percent of the rise in retail prices of farm foods was due to the rise in farm-retail spreads. The remaining 6 percent was due to the rise in farm value.

Thus, the long-term rise in the level of food prices was due to persistently and relentlessly rising market margins. Marketing margins have risen nearly every year in the last 20 years.

On the other hand, farm prices have moved up and down and have only recently achieved the level of 1952. Interim years have seen the farmer's share of the consumer's dollar decline from about 50 cents to as little as 37 cents. The farmer's share ranged between 37 and 41 cents for most years during the last decade. This past year it rose significantly averaging 46 cents for the year, up from 40 cents in 1972. The farmer's share reached 52 cents in August of last year, 44 cents in March, and it may now be closer to 42 cents.

As we have observed, changes in farm-retail spreads over time are determined mainly by changes in the accumulation of charges made by agencies moving products from the farmer to the consumer.

Recent changes in market basket statistics immediately before and during economic controls differ dramatically from the long-term trend. Since August 1971, when economic controls were first imposed, about half of the rise in retail prices of farm food was due to a 51 percent rise in the value of raw product equivalents at the farm level. The remaining half was due to a 30 percent rise in the farm-retail spread.

Phase I and Phase II appear to have been instrumental in holding down marketing margins. Phase III and Phase IV were far less effective. In Phase IV spreads widened at an annual rate of 25 percent.

Farm-retail spreads for a market basket of foods from U.S. farms rose 25 percent from August 1973 to March 1974, as marketing firms continued to recover from increased operating costs and the effect of the price freeze last summer. Rising wage rates, energy and material costs, and transportation charges are expected to continue the upward push on marketing margins during the remainder of 1974.

Many economists are forecasting further substantial increases in the general price level this year, at 7 percent or more depending on the impact of the energy crisis and weather. Historically, the trend in the farm-retail price spread for food has tended to parallel rather closely movements in the general price level. This parallel is not surprising since the operating needs of food marketing firms are fairly similar to those of firms in the nonagricultural sector. Because of this relationship and the expected rise in the general price level, farm-retail spreads are expected to increase substantially in 1974. Unless restraint is exercised, the retail cost of market basket foods may not fully reflect any decrease in returns to farmers that may occur.

Much of the price increases for 1973 and 1974 have reflected strong domestic and foreign demand and reduced food supplies. Increasing employment, higher wages, and longer workweeks boosted personal incomes and domestic demand for food. Meanwhile, a number of conditions significantly reduced the amount of food available for consumption. Unfavorable weather conditions reduced harvests of several important fruit and vegetable crops and seriously hampered grain and soybean harvests during the fall of 1972, causing reduced food supplies in the first half of last year.

Seriously adding to this setback, production of livestock commodities declined, largely reflecting reduced profitability of livestock and poultry feeding during much of the year as feed grain and protein meal prices rose sharply. Price ceilings imposed on red meats in late March of 1973 disrupted normal marketing patterns and created uncertainty among producers about expanding output in light of rapidly rising feed costs.

Overall, the farm-retail spread for the market basket of foods averaged 6½ percent higher in 1973 than in 1972, continuing a long-term upward trend. The 1973 increase was slightly less than the record 7½ percent increase that occurred in 1951 and 1970.

COMMODITY HIGHLIGHTS

The farmer's share and marketing margins vary widely for individual products. This is as expected since products differ in the handling and processing methods required. Nonetheless margins for all groups of similar foods have widened since last year (table 3). Spreads for fresh vegetables, which have risen more than the average of all foods over the years, widened 17 percent from the first quarter of last year to the first quarter of this year. Spreads for poultry, usually relatively stable, increased 24 percent. Meat margins, however, registered the largest gain for all commodity groups, averaging 34 percent higher than a year ago.

Beef

There has been much concern recently over the relationship between what farmers get for their cattle and what consumers pay for beef. Fed cattle prices have declined severely since February, but retail prices of beef have been slow in reflecting this decrease. In the short run, farm-retail spreads generally widen when livestock prices are falling and narrow when livestock prices are rising. The livestock price decline left cattle feeders again in a serious loss position, one they had been in most of the time since last September as a result of high prices paid for feeder cattle and feed.

As noted in April 2 testimony before the Subcommittee on Domestic Marketing and Consumer Relations of the House Agricultural Committee, by J. Dawson Ahalt, the Department of Agriculture is concerned over the cattle feeders' financial situation and has taken steps to remove bottlenecks in distribution channels and to improve prices to cattle feeders.

We are also concerned over high prices that consumers have to pay for beef. When the bottom fell out of the cattle market earlier this year, Secretary Butz reacted by urging retailers to bring retail prices down more in line with the cattle and beef markets and thus move the larger supplies of beef into consumption. He also urged retailers to promote beef through special sales programs.

Retail meat prices have declined in both March and April. During the month of March, the average price of Choice grade beef products was down 7.8 cents per pound from February. In April, retail prices were nearly at the level they were when ceiling prices were imposed in March 1973, but the marketing spread was about 8 cents higher per retail pound. The carcass-retail portion of the total spread, mainly charges for retailing, wholesaling, and transportation, accounted for three-fourths of this increase. We believe that retailers have recently reduced their margins and prices. This will encourage stepped up purchases by consumers and get beef moving through the marketing system more normally.

In the first quarter of 1974, fed cattle marketings were down sharply from a year earlier, but larger slaughter of non-fed steers

and heifers and cows lifted total slaughter to near last year's level. Cattle feeders intend to market about the same number of cattle this spring as last, but as in the winter, total slaughter will be boosted by more nonfed cattle. In the summer, an increase in all classes is expected with total slaughter exceeding spring levels. Fed cattle prices in early May were near $41 per 100 pounds (Choice grade steers, Omaha). This is down about $5 from a year earlier and nearly $8 below mid-January. Prices are expected to strengthen in early summer before declining in the fall.

Pork

After the violent fluctuations in livestock and meat markets last summer, retail pork prices were relatively steady until the decline in March and April.

The farm-retail spread for pork increased even more rapidly than for beef as hog prices dropped faster than retail prices. Changes at retail normally lag changes on the live market to some extent. However, as with beef, the large magnitude of the farm-retail spread increase was most unusual. The spread for pork was 48 percent higher in March of this year than in March a year earlier. This increase occurred entirely in the wholesale-retail spread, mainly the charges for wholesaling, transportation and retailing. Retail pork prices will probably trend upward during the spring and into summer, following the normal seasonal trend of declining hog slaughter and rising hog prices.

Hog slaughter this spring and summer will run above a year earlier. On March 1 there were more hogs on Corn Belt farms in weight groups that will be marketed in the spring. Weights indicated the bulk of summer supplies will be off slightly, but slaughter is expected to be larger than last summer when supplies were restricted by market disruptions related to high feed costs and price ceilings on meat.

Barrows and gilts at 7 markets averaged $38.40 per 100 pounds during January–March this year, up $2.80 from a year ago. Hog prices are expected to advance from the early May level near $30 into the summer but will not approach last August's record levels. Prices may reach the high $30's by midsummer.

Bread

Unprecedented world demand and reduced supplies resulted in record-high wheat prices last year and early this year. Millers were able to pass on their substantially increased costs for bread-type flour under the pricing provisions of the Economic Stabilization Program. On the other hand, baker and retail prices were constrained until after midyear. From August to March, the farm-retail spread widened about 5.6 cents a loaf, or 27 percent.

The retail price in March averaged 34 cents per one-pound loaf—up 8.6 cents or one-third from a year earlier. This is the largest 12-month increase on record, and equals the total of all increases in bread prices for the prior 19 years.

Until recently, retail bread prices increased steadily, mostly because of widening marketing margins. However, the sharp bread price increase during the last 12 months reflects an increase in both the farm-retail margin and the farm value.

The retail price for a highly manufactured food such as bread generally is heavily influenced by changes in the marketing margins which account for the largest portion of retail price.

Eggs and Poultry

The demand for eggs and poultry was exceptionally strong in 1973 due in part to higher prices and short supplies of beef and pork. Thus, retail and farm prices of eggs, frying chickens, and turkeys rose substantially from 1972.

Producer price increases were accompanied by rising costs of inputs, particularly feed. Feed prices, one of the main cost components in egg production, increased 56 percent over 1972.

Marketing costs also increased but not nearly as much as feed prices. The total farm-to-consumer margin averaged 25.6 cents per dozen on Grade A large eggs, compared with 22.9 cents per dozen in 1972. The retail margin averaged 11 cents per dozen eggs during 1972 compared with 9.1 cents in 1972. The farm-to-retail margin averaged 14.6 cents per dozen in 1973 and 13.8 cents in 1972.

The farm-to-consumer spread for frying chickens averaged 26.9 cents per pound last year compared with 23 cents in 1972. Most of this 17 percent increase occurred in the retail margin which rose from 9.8 cents per pound in 1972 to 14.2 cents in 1973.

Additional information on prices and margins for eggs was presented in testimony by George Rogers on April 30, before the Subcommittee on Domestic Marketing and Consumer Relations by the House Agricultural Committee.

Fruits and vegetables

Marketing costs and margins vary widely for different fruits and vegetables. Major marketing costs for fresh items are the retail store margin, representing slightly over one-third of the retail price, and packing costs, representing 15 percent. For processed items, processing costs represent about half of the retail price, and the retail store margin about 20 percent.

Labor is the largest cost component of the retail store margin for fresh and processed items and of packing costs for fresh items. Containers and packaging materials comprise the largest component of processing costs for processed fruits and vegetables.

Marketing margins for fresh vegetables widened in 1973, continuing a long-term upward trend. Retail prices also increased for all major fresh vegetables. Prices were particularly high in the winter, spring, and early summer, because of short supplies and strong demand. Supplies of onions and potatoes (stored from extremely short crops in the summer and fall of 1972) resulted in extremely high retail prices until new supplies became available in the spring and summer of 1973.

Short supplies and temporarily high lettuce prices were the result of poor weather conditions in California and Arizona. Fresh vegetable prices were moderated some in the late summer and fall as increased supplies became available, but were still above a year earlier.

Farm prices of most vegetables were considerably higher than in 1972. The farmer's share of the retail price of vegetables averaged nearly 36 percent in 1973, up from 32 percent in 1972. The marketing spread increased for most processed fruits and vegetables in 1972/73—in some cases more than the retail price increases.

Higher retail prices for most processed deciduous fruits resulted from smaller supplies. Both the season's pack and carrying were below the previous year. Although supplies of processed citrus products were larger than the year before, retail prices remained stable due to strong demand.

Canned and frozen vegetable supplies were about the same as a year earlier; however, strong demand and brisk movement resulted in higher prices in 1973.

Farm value increased for about two-thirds of the canned and frozen fruits and vegetable items. However, the farmer's share averaged around 19 percent in 1973, about the same as in 1972. While costs of marketing fruits and vegetables increased during 1973 and the first quarter of 1974, increases also occurred in the cost of production. Severe shortages of many farm inputs have resulted in rapidly increasing prices, and costs of most are expected to continue rising. Therefore, production as well as marketing cost increases will create some pressure for higher retail fruit and vegetable prices during coming months.

Two commodities experiencing the most explosive change in price as a result of strong demand and short supplies were dry beans and potatoes. In the first quarter of this year, retail prices for dry beans (navy) averaged 66 cents per pound, up 40 cents from a year earlier. The farm value averaged 42 cents, 32 cents higher than a year ago; and the farm-retail spread was 24 cents, wider by 8 cents. Marketing margins for potatoes widened 24.5 cents in the first quarter of 1974 over a year earlier. Retail prices for potatoes averaged $1.64 for 10 pounds, up 53 cents.

THE MAKEUP OF MARKETING CHARGES

The Department's annual marketing bill statistics serve the purpose of showing the distribution of the consumer's food dollar. (The marketing bill is an estimate of total charges for processing, transporting, wholesaling and retailing foods originating on farms in this country, including foods sold in the form of meals in restaurants and other eating places.)

In 1973 these data show that $83 billion, or about three-fifths of the $134 billion consumer expenditures for farm foods, went to firms for assembling, processing, transporting, and distributing food. Two-fifths went to farmers to cover their expenses and provide a return for their investment, labor and management.

Agency's share of the bill

Among the various marketing agencies, retailing and eating places accounted for about half of the total marketing bill in 1973. Processing accounted for over a third of total costs. Wholesaling, the smallest of the three major functions, accounted for an eighth.

Cost and profits components of the bill

Dismantling the marketing bill into cost and profit components reveals that labor cost is the dominant element followed by packaging and transportation. The breakdown among the components in 1973 was as follows:

	Percent
Labor	48
Packaging	12
Transportation, intercity	8
Corporate profit before taxes	4
Business taxes	4
Interest, repairs, etc	4
Depreciation	4
Rent	3
Advertising	3
Energy cost	3
Other	7
Total	100

Labor.—Direct labor cost for marketing U.S. farm foods amounted to $40.5 billion in 1973. Last year, rising labor costs accounted for 52 percent of the $6 billion increase in the marketing bill. This labor cost does not include the labor engaged in for-hire transportation or in manufacturing of packaging materials used by marketing firms.

Employment in food marketing has gone up only about 15 percent during the past decade in spite of a 20 percent increase in volume of food handled by the marketing system, and an increase in services per unit of product. The farm food marketing system employed 5.6 million persons (full-time equivalent basis) in 1972 compared with 4.7 million in 1962. These workers made up about 7 percent of the U.S. civilian labor force in 1962 and 1972. Employment in public eating places rose more during this period than employment in processing, wholesaling and retailing.

Since 1962, earnings of employees in food

marketing establishments have increased about 5.0 percent annually—closely approximating increases in earnings for the nonagricultural sector of the economy. In the last three years rising labor cost has impacted even more severely as hourly earnings have risen 7.3 percent a year. Hourly earnings in February 1974 (latest data available) were 2.9 percent above the December 1973 level, indicating an annual rate of 11.2 percent.

Hourly labor costs of food marketing firms increased 70 percent since 1962. This would have increased unit labor cost and food prices substantially more if output per man-hour had not dampened the effect of the increase in hourly earnings by about a third. The increase in output per man-hour limited the additional labor cost per unit of product marketed to 47 percent.

For all food marketing activities including processing and retailing, the annual increase in labor productivity during 1960–72 was 2.6 percent. The rate is now about 2.2 percent per year.

Much of the growth in labor productivity has resulted from improvements in marketing facilities and equipment. These improvements have been achieved by large expenditures for new plants, warehouses, stores, and other facilities. For example, expenditures by firms manufacturing food and kindred products have almost tripled in the last decade—increasing from $1.06 billion in 1964 to $3.03 billion in 1973.

Rising prices of new plant and equipment have eroded some of the cost saving of substituting capital for labor. From 1962 to 1973, prices of new plant and equipment rose about 3.3 percent per year. Since 1970, the prices paid for new plant and equipment increased around 4.5 percent per year. Also, purchases of new plant and equipment have been made more costly by higher interest rates. Interest rates charged to business have advanced and are now at record levels.

Packaging.—Packaging materials represented the second largest cost for firms marketing farm foods in 1973. They accounted for 12 percent of the marketing bill. Food processors are the large users of packaging materials, using over four-fifths of the total used by all food marketing firms. The value of packaging materials used for farm-raised foods jumped over 8 percent last year, from $9.7 billion to $10.4 billion. Most of this was due to higher prices, with only about 1½ percent of the rise due to increased quantity of packaging materials used. All classes of packaging materials rose in value in 1973 with the exception of textiles.

Until recent years, prices of packaging materials were relatively stable. Now these materials are in short supply and prices are rising sufficiently to place pressure on farm-retail spreads. Tight supplies put two packaging materials particularly in the news in 1973: solid fiber and corrugated shipping boxes . . . and grocery bags. The price of the latter increased 14 percent in 1973. Paper boxes and grocery bags are expected to continue in tight supply this year even though mills are operating much closer to full capacity than usual.

Rail and Truck Transportation.—The cost of shipping food by rail and truck was $6.4 billion in 1973 or about 8 percent of the marketing bill. This does not include intracity truck transportation or water and air transportation. Transportation costs have risen further in the first four months of 1974. For example, railroads have been granted a 3 percent surcharge to cover rising fuel costs and have filed for a 10 percent general rate increase. Regulated truckers have been granted a 6 percent fuel surcharge and exempt truck rates have also risen because of increased fuel costs and a reduced truck supply.

Transportation costs are likely to continue upward in 1974 as a result of high fuel prices and the reduced supply of transportation services due to reduced speed limits and restrictions on fuel. Also, some labor contracts are up for renegotiation in 1974, and truck drivers paid on a mileage basis are negotiating mileage pay increases to offset effects of lower speed limits.

Energy.—Direct energy cost for food marketing firms, excluding transportation, amounted to over $2.5 billion in 1973, accounting for about 3 percent of the marketing bill. The wholesale price index for fuels and power increased 23 percent from 1972 to 1973, the same as the increase between 1962 and 1972. In recent months, energy costs have been leading the rise in the cost of other marketing inputs. The fuel and power index increased at an annual rate of 104 percent during the first quarter of 1974. In all, total goods and services increased at 23 percent annual rate for the first 3 months of 1974. Coupled with increased wages, if the present rates are sustained, total marketing cost for 1974 could rise 17 percent or $14.1 billion. This would bring farm food marketing almost to the $100 billion mark for the first time in history. Hopefully fuel price increases will moderate during the coming year if administrative action, such as restoring Arab oil supplies, stimulating production of new oil, and better utilization of alternative fuels is effective on these fronts.

Corporate Profits.—Higher food prices are sometimes attributed to profits. Total profits have increased over the years as volume of sales has grown. However, corporate profits per sales dollar (before taxes) of retailers, wholesalers, and processors combined now account for about 3 cents, slightly less than a decade ago.

From a decrease over the past two years, profits of food retailers are returning to historical levels. Profits (after taxes) of 15 leading chains increased to 0.9 percent of sales in the fourth quarter of 1973 from 0.5 percent of sales in the third quarter. Data from a few chains indicate profits will be around 1 percent of sales in the first quarter of 1974. The increase in profit rates for the fourth and first quarters is in line with seasonal patterns.

Profits after taxes of corporations processing and manufacturing food and kindred products averaged 2.4 percent in 1973, the same as 1971 and 1972. However, the profit rate was increasing at year's end to 2.7 percent of sales. In contrast, profit of all manufacturing industries increased to 4.7 percent of sales in 1973 as compared to 4.3 percent in 1972. Bakery manufacturers' profit fell to 1.1 in 1973, down from 2.2 percent of sales in 1972. Profits for dairy manufacturers remained unchanged at 2.0 percent of sales. Meat packers' profit increased one-tenth of one percent of sales for a 1973 average of 1.1.

Profit as a percentage of stockholders' equity exhibits the same trends as profit to sales ratios. Food manufacturers' profits averaged 12.8 percent on equity in 1973 compared with 11.3 in 1972.

TOWARD HIGHER PERFORMANCE IN THE FOOD SYSTEM

We all realize that higher food prices are not welcomed—particularly by consumers with low or fixed incomes. Department policies are intended to encourage a food production and marketing system which provides consumers their choice of food at the lowest prices consistent with reasonable returns to farmers and marketers.

Increasing food supplies to meet the growing domestic and export demand will go a long way toward stabilizing food prices. The Department is doing all it can to encourage increased production and more efficient marketing of food. It was announced by the Department that there would be no set-aside requirements and no restrictions on plantings for the 1974 crop program which will allow farmers to greatly increase plantings this year. March 1 planting intentions for 16 crops show a total of 227 million acres, 4 percent (9 million acres) more than planted last year and 14 percent (29 million acres) above 1972 plantings. To further relieve pressure on supplies, relaxation of restrictions on food imports has been implemented.

The energy situation is also being monitored at the county level in an effort to see that agriculture receives adequate supplies of fuel to avoid impairing the production of food. To help increase transportation services for agriculture, Secretary Butz has asked the ICC to make additional railroad cars available to haul fertilizer and other farm supplies. The Secretary is also striving to achieve better performance in the marketing sector. He has been urging food distribution firms to make price adjustments, particularly for meats and breads that will equitably reflect changes at the farm level. But since farm products in general account for only about 40 percent of the cost of food to consumers, achievement of better pricing efficiency relative to these commodities would still leave a broad area for introducing other potential efficiencies.

As pointed out on many occasions by the Secretary and mentioned in the report of the National Commission on Productivity, there are a number of impediments to productivity growth in the food marketing system.

Among the more important of these are: inflexible labor-management practices; unreliable and costly transportation services; outmoded and excessive product handling between the farm and consumer; disregard for possible benefits from container standardization; and, deficiencies in the coordination of the warehousing and transportation functions (although development and adoption of the Universal Product Code has allowed some progress in this area).

Various levels of government can also help in solving some of the problems. There are many possibilities for eliminating contradictions in local, State and Federal regulations that generate marketing inefficiencies. These could be made more uniform and harmonious with the needs of consumers, marketers and agricultural producers.

But to be more specific about everyday faults in the marketing system relating to productivity, I will cite two more or less familiar examples. It has been fairly well established that centralized meat cutting can reduce meat marketing costs substantially. While some firms have adopted this practice, labor-management agreements still stand in the way of the realization of its full potential for the meat marketing sector at large. In the case of fruits and vegetables, a number of studies have demonstrated efficiencies that can be gained from use of standardized containers and pallets. This approach would allow automated handling at all points in the distribution system, improve product quality and permit saving in both time and labor costs. Yet, despite the evidence, this practice is far from receiving universal acceptance and application by the industry.

The Department is disturbed over the continuation of such trouble spots in the food system. We shall continue to monitor developments and conduct research that will help promote better performance in this highly important sector.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communi-

cated to the Senate by Mr. Heiting, one of his secretaries, and he announced that on May 31, 1974, the President had approved and signed the following acts:

S. 775. An Act to amend the Public Health Service Act to provide for the establishment of a National Institute on Aging;

S. 3072. An Act to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for their survivors; and for other purposes; and

S. 3398. An act to amend title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and other persons; to make improvements in the educational assistance programs; and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. HUDDLESTON) 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.)

DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1975

The PRESIDING OFFICER (Mr. GRAVEL). Under the previous order, the Senate will now resume the consideration of the unfinished business, S. 3000, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 3000) to authorize appropriations during the fiscal year 1975 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads, and for other purposes.

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 second assistant legislative clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President, what is the pending business in the Senate?

The PRESIDING OFFICER. The pending business is S. 3000, the Military Procurement bill.

Mr. STENNIS. Mr. President, that is the authorization bill for military procurement for the fiscal year 1975. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS Mr. President, in connection therewith quite a number of our professional staff members from the committee worked on different parts of this bill. There may be brief times when we need more than the normal number of assistants on the floor, including minority members of the staff. Also, additional members of the staff need to be present.

Therefore, I ask unanimous consent that the following members of the staff be permitted the privilege of the floor during the deliberations on the bill emphasizing that we will not need all on the floor at the same time:

T. Edward Braswell, Don Lynch, Hy Fine, Ed Kenney, George Foster, Robert Q. Old, Nancy Bearg, Francis J. Sullivan, Clark McFadden, Charles Cromwell.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded, for the purpose of amendment, as original text.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. STENNIS. Mr. President, I know that the time is not controlled now but as floor manager of the bill, and concurred in by the Senator from South Carolina (Mr. THURMOND), I want to say that, especially after we have gotten the so-called opening statements disposed of, we will be inclined to want to agree on controlled time for the amendments that have been filed and have been printed. Different Senators and even different committees would be interested in some of these amendments. We are going to take the initiative and notify the chairmen of other committees with respect to those amendments.

In the consideration of the bill in years past the Senator from West Virginia (Mr. ROBERT C. BYRD), aided and assisted by others, has been of enormous value and has saved considerable time for the Senate by working on unanimous-consent agreements. We seek his support now and thank him in advance for his willingness and what we know will be his effectiveness.

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

Mr. STENNIS. I yield.

Mr. ROBERT C. BYRD. The Senator is gracious, overly charitable, and he can be assured of my help all the way.

Mr. STENNIS. Mr. President, that means that we are off to a good start.

S. 3000

Mr. President, the Senate begins debate on S. 3000, the military procurement authorization bill for fiscal year 1975. The Committee on Armed Services by a vote of 15 to 0 recommends that the bill be passed. That is the vote by which the committee reported the bill. There may be a few items, and I know of one instance already, in which there is some difference of opinion, but we took heart in taking this bill apart and then putting it together and moved it out for the consideration of the Senate, as I have said.

SCOPE

This is the bill, considered by Congress each year, which authorizes major weapons procurement and defense research and development. It also sets active duty and reserve strengths for the military services, authorizes training loads, and addresses various defense policy matters. This year, for the first time, the bill also establishes an end strength ceiling for civilian employees in the Department of Defense.

Mr. President, this year, as for several years, this bill carries with it a great number of policy questions that relate to our foreign policy and a good number that will relate to major parts of our domestic policies, but this year in particular the weaponry and the general preparedness included therein affect, in a very broad and in an in-depth sense, too, the foreign policy of this Nation. That will come out from time to time as various discussions take place, centering around various amendments which relate to particular provisions of the bill.

I think that the bill represents a very adequate and a very fair balance of the requirements to carry out our military posture as well as back up what is now our foreign policy with reference to different parts of the world, and those matters are varied and many and require many defense activities and military activities and military preparedness and military programs.

Also in this bill—and carried in this bill for the last time—is authorization for military aid for the Republic of South Vietnam.

In dollars and cents, the Defense Department requested $23,130,139,000 for major procurement and R. & D. in fiscal 1975, and the Armed Services Committee approved $21,859,712,000. That is a cut of $1,270,427,000 from the request, or about 5.5 percent.

I want to note here that this bill's total, of roughly $21.9 billion, includes $212,300,000 for procurement of items requiring authorization for supply to South Vietnam. As I will explain, the bill authorizes a regular appropriation account for this purpose and items for South Vietnam will no longer be funded as part of regular military appropriations for the U.S. forces. This point is covered in section 701 of the bill and fully explained in the report.

By the way, the report on this bill consists of almost 200 printed pages in fairly small print. I can say by experience that it is one of the most complete and exhaustive reports that we have filed in the Senate in a long time. It is thorough and it is complete, and I know it represents a lot of hard work by a number of talented staff members who have devoted all of their time since January and most of their time since late last summer, when we started finishing up on the bill for the preceding year.

It is a value to any Member of the Senate and it is a value to the public, and everyone will find it is rather complete, and if it is not complete on any point, it points the way to where one can find a complete explanation.

The House which approved its military procurement authorization bill on May 22, approved authorizations totaling $22,642,963,000.

In manpower categories, Mr. President, the Senate Armed Services Committee is recommending a cut of 49,000 from the active duty force planned for the end of fiscal 1975—a reduction of 2 percent. Also recommended is a cut of 44,600 in civilian employees as proposed by the Defense Department—a reduction of about 4 percent.

I expect, Mr. President, that a number of amendments will be offered to this bill, and I will certainly try to see that each is carefully and fully considered. I think this bill is the legislative embodiment of policies which touch the lives of every American, and as always, I want each Senator to have an opportunity to state his views. As I said last week, I think full debate on this bill is a wholesome thing.

One word further with reference to the four percent reduction in civilian employees, as proposed by the Defense Department. A great part of that 4 percent applies to positions that are annually created in the present budget. They are not positions in which somebody already has a job. They are positions that are just on paper. In other words, we just denied this increase in civilian employees to the extent of 44,600, except for a small percentage of that which could be taken care of by attrition, should these figures become law.

DISCUSSION

For my part, Mr. President, I strongly support this bill. I urge the Senate to approve it as a very large but very vital investment in the Nation's future security.

I am sure all of us in the Senate, look to the day when current negotiations will have been successful and we can materially cut our defense forces in the secure knowledge that those who threaten us will cut their forces also. For the present, however, I think we must agree that the time has not come for cutting defense outlays on that basis.

I have never—and I do not now—argue for approval of any weapon system just as a bargaining chip. I do not like that comparison at all.

But I believe we must have forces—now and for the future—to deter a wide range of threats if we are to negotiate successfully. Under present circumstances, I believe we must act here to provide a deterrent force of that sort, and I think this bill will provide it.

The Committee on Armed Services and two subcommittees—on Research and Development and Tactical Air Power—have held extensive hearings on this bill. The printed hearings number about 5,000 pages, and that is a great deal of testimony, Mr. President, but, for illustration, about $9 billion of this bill goes for research and development. That is not all for basic research. The greater part of it is for the cost of development and engineering. These are large sums of moneys, and they should be gone into carefully and fully by knowledgeable people on the staff and on the committee; and that is exactly what we have done in preparing this bill for the Senate's consideration.

I hope that Senators and others will give detailed attention to the report that has been filed by the committee.

I am going to give now a general summary of the bill and of the programs of special interest.

Mr. President, I ask unanimous consent that the table on page 9 of the committee report setting forth programs for the bill in major weapons categories be printed in the RECORD at this point.

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

DEPARTMENT OF DEFENSE FISCAL YEAR 1975 AUTHORIZATION BILL—SUMMARY BY MAJOR WEAPON CATEGORY—ARMY, NAVY, AIR FORCE AND DEFENSE AGENCIES

[Amount in thousands of dollars]

	Fiscal year 1973 program	Fiscal year 1974 program (appropriated)	Fiscal year 1975 request	House authorized	Senate	
					Change from request	Recommended
Aircraft:						
Army	114,400	138,400	339,500	335,000	−19,200	320,300
Navy and Marine Corps	2,974,100	2,722,700	2,960,600	2,964,100	−97,900	2,862,700
Air Force	2,639,800	2,720,400	3,496,600	3,391,400	−210,300	3,286,300
Subtotal	5,728,300	5,581,500	6,796,700	6,690,500	−327,400	6,469,300
Missiles:						
Army	699,500	525,100	459,200	439,400	−22,700	436,500
Navy	698,500	574,800	620,600	620,600	+13,900	634,500
Marine Corps	22,000	32,300	76,000	76,000	−1,900	74,100
Air Force	1,686,400	1,393,300	1,610,800	1,610,800	−38,400	1,572,400
Subtotal	3,106,400	2,525,500	2,766,600	2,746,800	−49,100	2,717,500
Naval vessels: Navy	2,962,400	3,468,100	3,562,600	3,539,100	−681,600	2,881,000
Tracked combat vehicles:						
Army	198,900	179,600	331,900	321,200	−38,600	293,300
Marine Corps	49,700	46,200	80,100	74,200	−5,900	74,200
Subtotal	248,600	225,800	412,000	395,400	−44,500	367,500
Torpedoes: Navy	196,400	198,000	187,700	187,700		187,700
Other weapons:						
Army	43,900	44,700	53,400	55,700	−7,400	46,000
Navy	37,900	27,900	25,600	25,600	−100	25,500
Marine Corps	1,300	700	500	500		500
Subtotal	83,100	73,300	79,500	81,800	−7,500	72,000
Total procurement	12,325,200	12,072,200	13,805,100	13,641,300	−1,110,100	12,695,000
Research, development, test and evaluation:						
Army [1]	1,884,550	1,912,100	1,985,976	1,878,397	−110,733	1,875,243
Navy (including Marine Corps) [2]	2,545,004	2,654,405	3,264,503	3,153,006	−113,461	3,151,042
Air Force	3,120,040	3,042,000	3,518,860	3,459,760	−129,390	3,389,470
Defense agencies	446,311	457,900	528,700	485,500	−19,043	509,657
Test and evaluation, Defens	27,000	24,600	27,000	25,000		27,000
Total, R.D.T. & E. [3 4]	8,022,905	8,091,005	9,325,039	9,001,663	−372,627	8,954,412
Grand total procurement and R.D.T. & E. [3 4]	20,348,105	20,163,205	23,130,139	22,642,963	−1,482,727	21,647,412

[1] Includes $3,300,000 in fiscal year 1974 current program which is proposed for transfer from procurement.

[2] Includes $23,800,000 in fiscal year 1974 current program which is proposed for transfer from procurement.

[3] Includes special foreign currency program for Navy under R.D.T. & E. appropriation.

[4] Excludes FY 1974 Supplemental Authorization.

Note.—Does not include $212,300,000 in title VII for procurement authorization for South Vietnam.

PROCUREMENT

Mr. STENNIS. Mr. President, the Defense Department requested in round numbers a total of $13.8 billion for major weapons procurement programs. Our committee approved a total of $12.9 billion—a reduction of about $900 million or 6.5 percent.

Here is a summary of some of the major procurement actions:

F–15.—The committee approved a total authorization of $1.076 billion, including R. & D. for 72 of the new Air Force fighter planes.

Mr. President, I had a chance not long ago to visit the testing ground for that plane, the F–15. Anyone would be highly pleased with what he saw and what he heard what has been said about this new plane, which seems to be a real achievement. It is one that is needed and will fill a highly important role, in my opinion. Also in the engineering and testing stages, there will be planes of lesser cost that will possibly be coming in later.

The next item to which I refer is what we call the AWACS. The committee authorized $549.8 million for procurement of 12 E–3A AWACS aircraft, as recommended by the Tactical Airpower Subcommittee. However, the Secretary of Defense will be required to certify that the plane is cost-efficient and that it can perform its mission before a production contract is signed in December. That is a rather important string that is left on this authorization.

The F–111.—The committee added $220.5 million to Air Force requests to buy 12 more F–111's and provide long-lead funds for this aircraft.

A–10/A–7 close air support.—The committee authorized $192.7 million for A–10 aircraft or A–7D aircraft depending on which is judged the winner of the recent flyoff between these two. Also approved was a construction authorization for four additional A–10's transferred from R. & D. accounts. Also approved was an additional $81.4 million R. & D. authorization for use on the A–10 if it wins the flyoff.

Mr. President, that A–10 is a new plane. The A–7 is an older plane, both capable, or thought to be, of supplying close air support for our ground troops. This is a highly important assignment.

We come now to ships. The committee reduced the Navy's $3.6 billion request by nearly $700 million deleting the following vessels from the Navy's shipbuilding program: one of the nuclear attack submarines, which calls for the deletion of $167.5 million; a destroyer tender, calling for a deletion of $116.7 million; completion of funding for the first control ship, calling for a deletion of $142.9 million; four of seven requested patrol frigates, calling for a deletion of $250.5 million.

F–14.—The committee reduced requests for the Navy's F–14 fighter by $22 million to $722.5 million for 50 aircraft since sales of the F–14 to Iran will reduce the plane's cost.

Airlift.—The committee authorized $31 million of $50 million requested to begin a program to stretch the C–141 aircraft to increase its cargo capacity. Also approved was the Air Force request for $15 million to start a wing strengthening program for the C–5A. The committee deleted a $155 million request for use in modifying commercial jumbo jets for emergency use in hauling military cargo.

Those were three items, Mr. President, that related to an increase in the airlift or the cargo carrying capacity. The first one is important in that we initiated a rather extensive program here for C–141 which will be a stretch-out proposition, and increase its cargo capacity.

The $15 million is the beginning of a larger program for wing strengthening for the C–5A which, you might say, is a normal step that you have to take with planes of this size and this capacity in the course of time or in the course of their use.

We did not go into the extensive program of modifying commercial jumbo jets for emergency use in hauling military cargo because we were not convinced that this program had been developed enough to authorize it or, perhaps, was not needed anyway. We were not convinced that it would be satisfactory. Therefore, it was stricken out altogether.

RESEARCH AND DEVELOPMENT

Defense Departments requests for research and development programs totaled $93 billion in round numbers. The committee approved $8.95 billion, trimming some $370 million, or 4 percent.

The Senator from New Hampshire (Mr. McINTYRE), who heads the Research and Development Subcommittee, will be discussing these programs in detail. I shall only touch on some of the highlights.

Mr. President, by the way, the Senator from New Hampshire (Mr. McINTYRE) and the members of this Research and Development Subcommittee, together with their staff members, have done a remarkable job. They carried on extensive hearings and gave exhaustive and profound consideration to all the major items of this bill that had been included.

I venture to say that this has been the most complete and thorough and extensive hearing with reference to research and development concerning military weapons that any subcommittee or any committee of the Congress has ever held in covering an entire research and development program

Trident.—The Navy's Trident nuclear-powered, missile-firing submarine has been handled by the R. & D. Subcommittee though it now involves both procurement and R. & D. requests. This year, the committee deleted $15 million from funds for development of the Trident I missile and approved a $1.9 billion total of Trident authorizations. As we proceed, it will be possible to reduce the committee bill by $24.8 million since that sum, requested for long-lead procurement, has now been included in the 1974 supplement military procurement authorization bill.

The Trident program authorizes the start of construction of a second and a third Trident submarine during fiscal 1975—plus the procurement of long lead-time items for subsequent submarines.

Mr. President, I want to say a further word about this Trident program for this year. The Trident program in this bill that is now before the Senate represents an adjustment that the committee has made. I have referred to the item that is in the supplemental authorization bill and the supplemental appropriation bill now pending before Congress in the form of a conference report, the authorization bill for which is due to come to the Senate tomorrow. It also includes this $24.8 million, for long-lead-time procurement that we had already put in the pending fiscal year 1975, military bill.

In other words, those bills crossed in the corridors and in the conference rooms of the Capitol; this is a fine illustration of how confusing it is sometimes to have a great many items requested in a supplemental bill. That is certainly true this year for the Department of Defense.

We had an unusually large number of items in the supplemental bill, many of which were denied by Congress, not because they did not have merit but because there was no emergency about them. They did not belong in a fiscal 1974 appropriation or authorization bill. I hope and believe that next year, if there is an attempt to request so much through supplemental bills, our committee will be more severe and in fact very severe on the idea of including these matters that are really not emergencies with supplemental requests, thereby tying them into an old budget year that has either expired or is expiring. These requests mean that we have to have double debates on them here after hearings in committees, and afterward deliberation in conference committees trying to reach an agreement with reference to them both in authorization and supplemental bills.

The Senate just does not have a large enough membership nor enough time to be going over and over these items in two bills each year. As a matter of fact, some items that were denied last November and early December were back in supplemental bills in January; when we got back here 40 or 50 days later, the requests were coming in for the same items.

So, as a matter of self-defense, the Senate is going to have to have an even firmer and stronger policy with reference to holding down these supplemental military procurement authorization bills as well as appropriations, I hope.

The Defense Appropriations Subcommittee, and the Appropriations Committee in the Senate, have been very helpful and very cooperative in handling these matters. The Armed Services Committee has insisted all the way through that matters should not be appropriated for unless they have been expressly authorized. Not all Members of Congress agree with that position, but I think it is a sound one, and it is the one that we should stoutly continue to maintain and really fight for, for the benefit of the Senate, and especially for Members of the Senate who are not members of the Armed Services Committee.

New nuclear missile submarine.—The committee deleted a $16 million R. & D. request for development of a smaller ballistic missile submarine to complement the Trident force. The committee approved this concept but felt approval this year would be premature.

Certainly we can get along without starting it so soon, when we are carrying forward in a very fine way the conversion of our Polaris submarines over to Poseidons, and coming along now with the procurement of the Trident force.

B–1 bomber.—The committee cut $44 million from the $499 million requested for the B–1 bomber. The reduction will limit the approved program to three prototype aircraft and allow flight testing and technical progress before Congress acts further.

Strategic initiatives.—By a 13 to 2 vote the committee approved requests for three programs designed to improve the yield and accuracy of strategic missiles. The programs involve a requested $32 million to improve the accuracy of the Minuteman ICBM, $25 million to increase the yield of Minuteman warheads, and $20 million for developing a maneuvering reentry vehicle—MARV—with terminal guidance for increased accuracy.

Site defense.—The committee accepted the recommendation of its Research and Development Subcommittee and reduced by $50 million the $160 million requested for a follow-on antiballistic missile system. The reduction would reorient the program from prototype demonstration to research and technology.

This is all in the statement of research and development.

MANPOWER

I would like to say, Mr. President, that military manpower—uniformed and civilian—as authorized in this bill does not provoke interest and attract headlines as the costly, sophisticated weapons do. We have reached the point, however, where manpower costs make up the largest part of our military budget—57 percent.

I remember just a few years ago it was less than 37 percent.

The committee tried to keep that trend constantly in focus as it recommended various manpower programs.

Mr. President, the committee made a modest cut to the active military and civilian strengths, which on a full-year basis will permit savings of $1.2 billion per year.

On the military side each service was reduced by 2 percent of 49,000 below the requested number. None of these reductions will come out of combat units. Ways must be found to reduce the enormous overhead in personnel costs which now total about 57 percent of the entire defense budget.

On the civilian side, the committee reduced the authorized number by 4 percent, or 44,600. I would emphasize that three-quarters of these represent spaces or positions to be filled rather than people.

The large turnover of over 200,000 civilians per year will permit this reduction to be made without the necessity of arbitrary layoffs.

ACTIVE DUTY, MILITARY

As I have said, the committee bill cuts the strength of each of the services, requested for the end of fiscal 1975 by 2 percent—a total of 49,000. This is for those in uniform. We are recommending that this cut be effected in certain support activities, including headquarters around the world, and not in combat categories.

The Defense Department requests were for an active duty military strength totaling 2,152,100 on June 30, 1975. The committee recommendation is for 2,103,100 as of that date.

Mr. President, 2 percent is considered a small reduction, but it certainly is enough to count, in view of the fact that we have had heavier reductions for the last several years. The services have been coming around and meeting the end-strength requirements put on them by Congress, and have made certain changes—the Army I am thinking of now, and the Air Force has made some to a degree—making certain changes in headquarters personnel and transferring manpower—not the individuals, but the numbers, into the more direct combat units—the rifle companies in the Army, the artillery companies, and so forth. We went through this very thoroughly, indeed assisted by a highly competent staff member with years of experience, and we are satisfied that this cut can be effected without cutting or impairing the bone and muscle of the services.

We could have, if it had been a meat ax method, saved 5, 6, or 7 percent, but we did not take that approach. We knew exactly what we were doing. We left the final say as to where this would be done to the services because that is where the responsibility belongs, we think. But we did specify in our report the consideration that had been given to certain areas and we expect the services seriously to consider the cuts as finally agreed on in the bill to be applied at least in part—and we expect in large part—to those areas that we pointed out.

Of course I am not being arbitrary about this because the other body must be considered as well as its ideas about the matter. No one body can pass a law. Those considerations, of course, will come when there is a conference on the bill.

I ask unanimous consent to have printed in the RECORD, the table on page 130 of the committee report which details the requests and committee recommendations.

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

ACTIVE DUTY MILITARY PERSONNEL STRENGTH

[End fiscal year 1975 strength in thousands]

	DOD request	Committee recommended	Reduction from request	Percent
Army	785.0	768.3	−16.7	−2
Navy	540.4	527.0	−13.4	−2
Marine Corps	196.4	192.8	−3.6	−2
Air Force	630.3	615.0	−15.3	−2
Total	2,152.1	2,103.1	−49.0	−2

Mr. STENNIS. Senators are well aware of difficulties being encountered by certain of the military services as they fill their ranks on an all-volunteer basis. I urge Members of the Senate to familiarize themselves with the section of our committee report dealing with active duty manpower.

As detailed in our report, the committee recommends approval of the service requests for training and student loads—that is, the average number of officers and enlisted men and women who will be attending formal courses on any given day during the fiscal year.

VOLUNTEER FORCE

A word about the volunteer force: Years ago, we debated in extensio the idea of an All-Volunteer Force. We did not know what it would cost. We did not know how it would work. We did know that we wanted it done. Now we are getting along with it. I was not opposed to that change in the law. Congress worked its will. The President was for it. Many of the military officers at that time were supporting it—some of them might have done so with tongue in cheek a little, but they were supporting it and said it would work. When it became law, I immediately announced that I would support the plan in every way that I could, and I have done that. There is a practical reason. This is the only way we have of getting men and women into the services now, through the volunteer force concept. We have tried to bring the facts to the Senate, in speeches, and in the tables and paragraphs of our reports on this subject matter. Senators will find there a complete analysis of the developments so far.

I have been out in the field quite a bit and visited with the volunteers, some that just got there, some who had been there 6 months, and some who had been there about a year. Some had enlisted for long terms and others for shorter terms. I talked to these men in private, so to speak. I asked for 15 or 20 men to be assembled in a suitable room where I could confer with them on a man-to-man basis with no one else present except these young men. I was there as just another citizen but of course I told them what my responsibilities were here in the Senate with reference to the military. After letting them ask me some questions, they permitted me to ask them questions and I got very revealing answers, some of which were encouraging. I know it has helped me greatly in passing on my duties and responsibilities here.

After going through that experience, I made a statement on the floor here that I thought a volunteer force could be achieved, that the responsibility rested primarily on the commissioned officers and on the noncommissioned officers in the services, and that unless they tried hard, of course, it would not work. But I think it is my duty, and I believe every other Senator's duty, to support that concept. I do not say give them everything they ask for, but be certain we give everything they need.

Frankly, I do not think we can pass a draft act, or a Selective Service Act as we call it, now, because there is not

enough sentiment for it in Congress or in the country. I do not think we should do it until this volunteer force concept has been thoroughly tried. We want to see if we can afford the cost and if we can get enough quality men and women—and by quality I mean men and women with the talent, the dedication, the stamina, the character, the integrity, and the will to perform these jobs and perform them under hard and adverse conditions.

The field of electronics alone has opened up a great requirement in the services that was almost unheard of 15 or 20 years ago. It takes a system, it takes effort, and it takes cultivation and reward and incentives to get enough qualified people in this field and weld them into a military unit. You are not going to have a military unit if you do not have some discipline, some incentive, and then reward for military-like conduct and punishment for nonmilitary-type conduct.

This is not a social organization or a sewing club. These are military units, and I think it is just elementary that they must be disciplined and properly trained, and trained to act under adverse conditions—in other words, on rainy days as well as sunny days.

Mr. President, further on this subject, the Secretary of Defense, for fiscal 1975, reported three different annual costs of the All Volunteer Forces. One such reported cost is $734 million, which included increased recruiting costs, new bonus and ROTC scholarship, and improved education, living conditions, and travel entitlement.

The second reported cost was $2.978 billion including addition of the above items, the cost of the November 1971, pay raise for junior officers and enlisted men. That is the cost for 1 year.

The third cost item was $3.677 billion including, in addition to the above items, the cost of barracks improvement and civilianization of the KP and other so-called menial tasks. That is not a repetitive cost. The others are repetitive, on an annual basis.

The Secretary of Defense believes that the $734 million figure is the most realistic estimate of the volunteer force costs, because all the other things should have been done even without a volunteer force. Well, that is an argument. I put it in here because that is a point he makes. I do not think it applies, because the concept of Government that every man owes his country something by way of service does not carry the idea with it that you are trying to attract men by pay. It is true that we should have increased the salaries somewhat, whether we were going to have the Selective Service Act continued or not, and we did have bills the same year.

Last year's committee study of the all-Volunteer Force showed annual costs of $3.135 billion in fiscal 1974 for programs associated with the Volunteer Force. This figure is directly comparable to the $2.978 billion requested by the Secretary of Defense for fiscal 1975.

I am giving these figures because I think that all Senators and the public are entitled to the estimates of the cost of the various items. I have already expressed myself as to the background of the change in the law.

Mr. President, it appears that the annual cost of all the programs that have been specifically identified with the All-Volunteer Force is approximately $3 billion. This includes about $2 billion for a one-time pay raise for junior officers and enlisted men. Some of these enlisted men were given a pay raise above the poverty level when the pay raise was enacted.

We would not save anywhere near the $3 billion to go back to the draft, only about $125 million per year according to one estimate, because the comparability rule would keep military pay up, and there would be a higher turnover and thus higher training costs for the draftee force.

That is partly argumentative, too. I put it in because it represents, part of the views of the Department of Defense; and inasmuch as the subject has been brought up, I thought it should be included at this point.

MILITARY RESERVES

The average strengths of the military reserve forces, as approved by the committee in the pending bill are:

Army: National Guard, 390,000; Reserves, 220,000; Naval Reserve, 36,703; Air Force: National Guard, 93,412; Reserves, 51,319; Coast Guard, 11,700.

These committee authorizations are above budget requests in the case of the Army National Guard, for which 379,848 was requested, the Army Reserves, 215,842 requested, the Naval Reserves, 107,526 requested, and the Air National Guard, 89,128 requested.

The budget requests for these reserve components were compiled months ago when it appeared that recruiting for the reserves would slump in an all-volunteer situation. Recruiting efforts have been successful, however, and the committee feels that the services should take advantage of their reserve resources.

In that spirit, the committee had also approved an amendment, by the Senator from Georgia, Senator NUNN, requiring the use of reserves for expansion of the Air Force airlift mission.

CIVILIAN PERSONNEL

As I have said, the committee is recommending a cut, averaging 4 percent, in the civilian employees of Defense Department components proposed for the end of fiscal 1975. The requests were for 1,027,300 civilian employees. The committee is recommending 982,700—a reduction of 44,600 positions.

I, again stress the word, "positions," Mr. President. It is important to understand that many of these proposed "positions" are not now filled. The reductions recommended will not lose jobs for men and women now employed. The cuts can be accommodated by attrition and by not creating a great number of new positions.

With a view to better manpower management, the committee has approved an amendment, by the Senator from Ohio, Senator TAFT, stating the View of Congress that the Defense Department, when it decides between civilian and military manpower for defense jobs, should use the least costly type of manpower consistent with military requirements.

NATO

Also in the manpower field, the committee approved three ATO amendments sponsored by the Senator from Georgia, Senator NUNN, who made a survey trip to Europe at my request, early in the year, and filed a report which has been useful to us. I am sure the Senator will discuss these amendments in detail, and I will not try to do that, but I will say that I approve.

Also, Mr. President, with respect to the amendment about the use of some of the Reserves for expansion of our Air Force airlift missions I am sure will be attacked vigorously, and that is all right. The amendment raises the issue here, as to whether we are ever going to actually use these Reserves. I am referring now especially to the Air Force Reserves, including the Air National Guard. They have outstanding records; they have a great number of experienced and intelligent men. Arguments can be made against the amendment but if we are going to utilize the talents of these people it has to be done through congressional action. I hope this amendment is fully and fairly debated.

Generally, these NATO amendments are designed to enhance the nonnuclear potential of NATO forces in Europe and reduce reliance on nuclear weapons. The amendments would: First, require a 20 percent reduction in U.S. support troops in Europe—about 23,000 positions—over a 2-year period, permitting, but not requiring, corresponding increases in combat forces.

This is not a reduction of combat forces in Western Europe. This is, according to the amendment, a requirement that support troops in Europe be reduced by 20 percent, or 23,000 positions, and that they be given 2 years within which to do it, to make the shift, and they can increase by corresponding number, the numbers in the combat forces.

Second, freeze the number of U.S. nuclear weapons committed to NATO while the Secretary of Defense studies the use of nuclear weapons in Europe, possible stockpile reductions, and plans for a "national and coordinated nuclear posture" for NATO; and

Third, require a study by the Secretary of the costs and loss in effectiveness to NATO forces caused by failure to agree on standard NATO weapons, ammunition, et cetera, and require the Secretary to propose standardization actions in NATO councils.

Those amendments will be fully discussed by the Senator from Georgia and will be fully debated, I am sure, by other Senators.

AID TO VIETNAM—REDUCTION TO $900 MILLION

In consideration of supplemental budget requests, and again in connection with this bill, the committee has looked very carefully at the program, military assistance service funded (MASF). This is the program under which we provided military aid to allies who fought with us in the Indochina war.

This program has, in effect, let our armed services give some of their sup-

plies and equipment over the years to forces of other nations fighting in Indochina.

In recent years we have authorized these amounts by approving a ceiling and permitting the allies to be supplied out of the money that was appropriated to our own U.S. armed services in that area of the world.

At times that has meant the South Vietnamese, the Laotians, the South Koreans, and so forth. The program was designed for providing aid from our own logistics line during a shooting war, and accounting for the aid was secondary in these circumstances.

Now, of course, we are sending aid to one country, South Vietnam. The committee has tried to reshape the MASF program to recognize that fact, and to require fiscal stringency. Summarizing, Mr. President, the committee has:

First, reduced the $1.6 billion request for a ceiling on this Vietnam aid to $900 million—a level the committee considered reasonable for fiscal 1975.

Second, set up a regular, separate appropriation for this assistance—a step which will permit regular accounting procedures and followup including GAO audit.

Third, require that the Secretary of Defense approve all obligations in this account and that obligations be charged when provided.

Fourth, clearly define the valuation procedures for obligations of assistance in this account.

In addition, I have suggested to the Pentagon and White House that a highly competent individual of top reputation be given full authority to take full charge of this program here and in Vietnam.

I believe these changes will improve this program so that it better serves the South Vietnamese, and I think we should be supplying aid to them, in reasonable amounts, in the wake of the withdrawal of our fighting forces. The changes will also help in moving this aid program into the regular military assistance program (MAP) next year—in fiscal 1976.

In other words, there would be strict accountability and line item operations. If our recommendation is followed, this responsibility will not be divided over there between this service and that service and someone else. The administration would place some competent person in charge and hold him responsible all the way down the line, both over there and over here. With that being done we feel it will not take nearly as much money as in the past and that this will be enough.

COMMENT

Mr. President, I want to thank the ranking minority member of the committee, the Senator from South Carolina (Mr. THURMOND), for his unfailing cooperation in the committee's deliberations on this bill. I also want to thank the Senator from Nevada (Mr. CANNON) who has again chaired the Tactical Air Power Subcommittee, and the Senator from New Hampshire (Mr. MCINTYRE) who again headed the Research and Development Subcommittee. All of the members of the Committee on Armed Services deserve the thanks of the Senate for their work on this measure.

Mr. President, this is the fifth year that these gentlemen, the Senator from Nevada (Mr. CANNON) and the Senator from New Hampshire (Mr. MCINTYRE), have served as heads of these subcommittees, and the subcommittees have virtually the same membership as heretofore and they have done very fine work.

As we move into consideration of amendments, I am sure there will be differences on certain specifics in this bill. I expect that, of course, but I will support the committee's recommendations because I think the committee has reported a good, well balanced, authorization bill.

I think it provides a sound annual installment on the forces we may need to deter aggression—forces which will, at the same time, allow us to negotiate from strength in the several negotiating arenas to which we are committed.

Mr. President, as I said in the beginning, let us never forget the fact that a great deal of the thrust of our foreign policy is contained in this bill, and a great deal of the hardware and the manpower that make that foreign policy effective are contained in the bill.

We should not move into commitments in all parts of the world unless we mean what we say. We cannot go into those commitments and then happily go our way and think everything ought to come out without substantial increases in costs. It costs money and it costs big money. It will continue to cost more and more money for these expensive weapons and the necessary manpower.

The judgment we need to make is: Is the policy to be changed? If it is not changed, we must be certain that the policy is implemented with what we think is necessary to carry it out without money being spent heedlessly or needlessly. That is the spirit in which this bill is presented to the Senate by the committee.

Mr. President, I thank the Chair and I thank the membership. I yield the floor.

Mr. THURMOND. Mr. President, I rise in support of S. 3000, the military procurement authorization bill for the fiscal year 1975. Work on this legislation by the Senate Armed Services Committee was completed May 16 and the report was issued for the membership last week.

The fiscal year 1975 bill as reported by the committee totals $21.8 billion, a net reduction of $1.3 billion from the request of the Defense Department which totaled $23.1 billion. For the information of the Senate, the money approved in this legislation is $783.2 million below the authorization recommended by the House Armed Services Committee. The House bill was approved by that body May 22 without any substantive changes.

Mr. President, the distinguished chairman of the committee, Mr. STENNIS, of Mississippi, has already explained for the Senate in some detail the major elements of this legislation. Therefore, as the ranking minority member, I shall limit my remarks to several key areas which I feel are of significant importance.

PROCUREMENT

In the procurement account the most significant committee actions involve denials in the shipbuilding account. The committee approved only two of the three nuclear attack submarines requested, denied all funds for procurement of the initial sea control ship, approved only three of the requested seven patrol frigates, and denied the request for one destroyer tender.

The reasonings for these actions are covered in the committee report and have been explained in some detail by the chairman.

RESEARCH AND DEVELOPMENT

In the research and development account the committee trimmed the administration request of $9.3 billion to $8.9 billion, a reduction of approximately 4 percent.

One of the more significant actions of the committee included the reduction of $44 million of the $499 million requested for the Air Force B–1 development program. This reduction has the effect of limiting the program to three prototype aircraft to support flight testing as opposed to the administration request for four prototypes.

Also the committee reduced the Army's request of $57.7 million for the heavy lift helicopter program by a sum of $21.2 million. This cut in effect would deny a second prototype for the program as it has only been approved for advanced development at this particular time.

MANPOWER

In the manpower account the committee approved military strength cuts of 49,000 and civilian strength cuts of 44,000 for a total reduction of nearly 100,000 personnel.

Of the 49,000 military personnel reduction the committee has given strong direction that at least 11,000 of these cuts be taken from overseas headquarters and in noncombat units.

While the committee identified areas in which it felt these cuts could be taken, the Defense Department will be free to make the reductions in these or other areas of its own choosing.

In the Reserve strength the committee added about 20,000 personnel because the initial budget request was made at a time when recruiting of personnel was proving to be a problem. Since the budget was presented to the Congress, Reserve recruiting has improved and in particular, the Army Reserve and the Army Guard have made significant advances toward achieving higher levels of manning.

Mr. President, at this time it should be emphasized the committee has requested the Secretary of Defense to provide a detailed breakout and explanation for the proposed reduction of 48,000 from the Army Reserve components. The committee has required that this information be submitted promptly in order that it might be considered when the Reserve strength levels are adjusted to the higher figures approved in the House bill.

FORCES OVERSEAS

This year the committee's interest in reducing military personnel overseas has been strengthened by visits of a number of the members to countries in the North Atlantic Treaty Organization. As a result of these visits the committee has adopted several amendments to the bill which address some of the issues raised on the Senate floor in previous years about our NATO commitments. Briefly, these amendments would mandate a reduction of 20 percent in the number of Army support troops in Europe within the next 2 fiscal years, require a review of tactical nuclear policy in NATO, and a requirement to study standardization programs as they might affect weapon systems within the NATO military forces.

MILITARY AID TO SOUTH VIETNAM

Military aid to South Vietnam was drastically reduced by the committee in that an authorization for appropriation of only $900 million was approved by the committee. This represents a sizable reduction from the $1.6 billion ceiling requested by the administration.

It is my sincere hope, as one member of the committee, that these funds will be sufficient to provide our allies in South Vietnam with the necessary hardware to defend their country. Frankly, the committee may have been wiser to provide a higher ceiling as it would be a serious mistake to provide inadequate support in this country where so much American effort has already been expended.

Mr. President, in closing, it is my view this is a good bill overall and the committee has been very diligent in considering carefully each of the requests. S. 3000 contains many, many reductions of even very small amounts which testify to the committee's efforts to save every dollar possible while at the same time providing a necessary and strong National Defense Establishment.

Mr. President, our able chairman, Senator STENNIS, is to be commended for the tremendous work he has performed in bringing this bill to the floor at this early date. Furthermore, all of the members of the committee contributed significantly to this effort, which should make possible approval of the military budget at the beginning of the approaching fiscal year. Especially noteworthy were the efforts of the subcommittee chairmen, Mr. CANNON of Nevada, who chaired the Tactical Air Power Subcommittee, and Mr. MCINTYRE, who headed the Research and Development Subcommittee.

Also, great credit is due to the staff, majority and minority, for their dedicated work.

As the ranking minority Member, I wish to particularly express my appreciation to Senators TOWER, DOMINICK, GOLDWATER, SCOTT, and TAFT, all of whom have assisted in a splendid manner throughout consideration of this bill.

Mr. President, it is my hope the Senate will act expeditiously in considering this legislation.

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

The PRESIDING OFFICER (Mr. BIDEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TACTICAL AIR POWER

Mr. CANNON. Mr. President, I am pleased today to present the report of the Tactical Air Power Subcommittee on the programs within our area in the fiscal year 1975 Department of Defense authorization bill. I will review the scope of our coverage this year, give a short summary of our recommendations for changes to the budget requests on individual programs, and then discuss aspects of special interest regarding the tactical air power programs of the services.

SCOPE OF THE TAC AIR SUBCOMMITTEE REVIEW

Our membership this year was the same as last, with Senators SYMINGTON, JACKSON, NUNN, GOLDWATER, TOWER, and THURMOND joining me on the subcommittee. Their help was invaluable again, both in assisting with the hearings and also in helping resolve our recommendations for you on the bill.

Our functional program coverage was the same as a year ago. We reviewed the tactical combat and support airplane programs of the services, the aircraft tactical missiles including air-to-air and air-to-ground missiles, and the air defense SAM and AAA systems of the Army—with the exception of SAM–D which was covered in the R. & D. Subcommittee—and the Navy's shipboard SAM's, surface-to-surface missiles, and guns. There are 45 separate programs covered by us, and although we did review more than 45 separate budget line items in the course of our work, some individual elements could be included together where they are parts of an overall subject. The scope of our dollar coverage was some $5.3 billion in authorizations, $1.1 billion for R. & D., and $4.2 billion in procurement. Broken down by individual service, the subtotals are as follows:

	Aircraft	Missiles	Total
Air Force	$2.50	$0.23	$2.73
Navy	1.47	.69	2.16
Army	.20	.20	.40

The $5.3 billion falls a little short of being one-quarter of the overall total of $23.1 billion in R. & D. and procurement which requires authorization in fiscal year 1975.

Our hearings this year were held in 17 separate sessions. We led off with the Defense Intelligence Agency for an update of Communist bloc force postures and their new developments in the tactical air power area. The transcript of this hearing is not printed, due to its level of security classification. To summarize the information given us in that hearing, the total tactical air force structure of the Warsaw Pact or other Communist bloc countries has not changed significantly in size in the last year, but it is undergoing a vigorous equipment upgrading and modernization effort. The Soviets are building their Mig–21's in large quantities and are exporting many to other Communist bloc countries. In addition, they are adding the new Mig–23 swing-wing Flogger at a good production rate and the very new SU–19 Fencer, a large swing-wing airplane about the size of the F–14 or F–111, now is about ready for volume production. The Soviets are also proceeding with development flight testing of V/STOL airplanes to use on their new aircraft carriers.

Another special hearing of the subcommittee examined the results of the recent Mideast war, with an emphasis on lessons learned from that conflict. We had testimony from the JCS military operational survey team about the tactics and equipment used and the relative losses. That hearing also was highly classified and the transcript will not be published. I can say that most of the U.S. equipment worked well in that war.

A third special hearing took testimony from four Air Force and Navy pilots who had shot down Mig's in Southeast Asia combat. These pilots stressed to us the need for continued emphasis on dogfight training in order to maintain combat skills even in peacetime. They all praised the current training schools, the Navy Topgun School and the Air Force Aggressor Squadron. These schools both operate airplanes that simulate the Mig series, and provide realistic simulations of enemy aircraft and tactics. The Tac Air Subcommittee and the Armed Services Committee continues to support these schools and believes they should be provided with the best threat-simulating aircraft available and also with modern air combat manuevering ranges for training purposes.

Another point which these pilots stressed to us is the great advantage that friendly radar warning and command and control provides during combat in enemy airspace. Over North Vietnam there was a well-organized enemy radar warning and GCI network to vector Migs into tail-on attacks on our fighters and attack airplanes. Our own warning facilities were limited. The Navy operated a Red Crown cruiser in the Tonkin Gulf which tracked Migs which were not beyond the radar horizon, but this coverage suffered the limitations of all ground-based systems in that it could not see over the curve of the earth or behind mountains or other terrain obstructions. The Air Force operated Disco, the old EC–121 radar warning airplanes, which do not have a lookdown capability below the horizon. Often Migs came in from low level, controlled by their own ground-based GCI but out of sight of Red Crown or Disco, and made surprise hit-and-run firing passes, getting their kill and then leaving the fight. These pilots were unanimous in stressing the need for a good warning capability such as will be provided by the AWACS system.

The remainder of our hearings were devoted to the program budget reviews with the services. We started off with each service with an update on their 5-year force structure planning for tactical aid and air defense—as appropriate—

and then followed with individual program reviews. We held these hearings between March 11 and March 29, except for one additional special hearing on the Navy F–14X and VFX fighters, which we had on Thursday, May 2.

FORCE STRUCTURING PROBLEM AREAS

The services operate basic types of tactical aircraft to fulfill three combat functions and five combat support functions. The three types of combat aircraft are air-to-air fighters, all-weather deep strike interdiction bombers, and light attack close air support airplanes. The combat support functions that we look at in the Tac Air reviews include reconnaissance, electronic warfare—jamming—radar warning, tankers, and airlift programs.

To review in brief the most significant impressions regarding individual services' force structure capabilities and problems, first the Air Force 5-year planning is based around the current level of 22 wings, or 1,584 U.E. tactical combat aircraft. The present force mix consists of 14 wings of F–4's, 4 wings of F–111's, 3 wings of A–7D's, and a "notional" wing of F–105 Wild Weasels and 36 air defense fighters—F–4's—in Alaska and Iceland. This force is planned to change as the F–15's replace F–4's and as A–10's replace A–7D's and F–4's in the next 5 years.

The Air Force presently is in excellent condition from a quality standpoint with its three combat airplanes, the F–15 for air-to-air combat, the F–111 all-weather interdiction airplane and the A–7D close air support airplane. Where the committee sees capability deficiencies—in a qualitative rather than quantitative sense—is in the areas of radar warning and control and in electronic warfare—ECM. The AWACS airplane will resolve the former deficiency, and the EF–111 tactical jamming aircraft will take care of the latter one when its development is completed. The committee strongly supports both programs.

One point which should be noted is that the Air Force intends to reduce its close air support force of three wings of A–7D's down to two wings of close air support planes for an interim period of time as A–7D's are phased into the Air National Guard, and then the present plan calls for an increase to four wings of A–10's. When queried as to why a change from three wings of close air support down to two and then up to four, no good answer was provided. Since the threat we face will not decrease in the near term, the committee believes that this decrease in close air support wings in the active force is not warranted and that a minimum of three wings of close air support airplanes should be maintained in the active force.

Another aspect brought out in the force structure review was the delay in modernization of the Air National Guard. This is caused primarily by the slowdown in F–15 procurement dictated by Defense Secretary Schlesinger and also somewhat by a slowed A–10 production plan. Since the Guard is modernized primarily by receiving aircraft retired from the active force, a slowdown in procurement of new aircraft for the active force is reflected directly as a slowdown in phasing aircraft from the active forces to the Guard—and Reserves. As a result, F–100's will be in the Guard in large numbers through fiscal year 1979. At that point they will be at least 22 years old. The primary planes used to modernize the Guard will be A–7D's and F–4's, under present planning. The F–4C model will begin to run out of service life in the early 1980's, so they will provide a short-term solution, unless their life is extended. The committee continues to support modernization of the Guard with modern combat-capable equipment.

The Navy and Marine Corps force structure planning is based on providing a Navy air wing for each aircraft carrier and a Marine air wing for each of the three Marine divisions. The Navy combat aircraft force mix averages roughly 40 percent fighter aircraft and 60 percent attack aircraft, as a carrier typically has two 12-plane fighter squadrons and three 12-plane attack squadrons embarked—two of A–7's and one of A–6's. The Navy's nearer term problem areas with tactical aircraft are with the combat support airplanes, and specifically with tactical carrier airlift and with the future reconnaissance force. The Navy has very few carrier-capable transports—COD airplanes—but is planning a new COD replacement program with R. & D. starting in fiscal year 1975 or fiscal year 1976. Also they described a plan to phase out their RA–5C reconnaissance airplanes and replace them with a pod-mounted system carried on A–7E tactical light attack bombers. This appears to be a highly questionable concept and the committee is recommending deleting the R. & D. funds for this project. Another questionable Navy proposal is to build a dual mission electronic intelligence and anti-submarine warfare airplane, utilizing the present S–3A ASW airplane. This would be a case of having two sets of crews, one for each mission, and letting them take turns in flying the airplanes. The committee recommends rejecting R. & D. funding on this proposal until the Navy decides on a dedicated electronic intelligence airplane.

The Marines face equipment problems with electronic warfare aircraft as their EA–6A's are becoming obsolescent, they desire a V/STOD Harrier follow-on, and they are faced with a fighter replacement problem toward the end of this decade unless new programming plans are developed. The Marines hope to participate in the Navy EA–6B procurement to solve the electronic warfare deficiency, they are hoping for an AV–16 Advanced Harrier development, and are looking to the proposed VFX fighter project to solve their fighter replacement problem in the early 1980's. I will comment in detail on the VFX later in my statement.

The Army has evolved an interim solution to the shortfalls in its missile-equipped attack helicopter force caused by the demise of the Cheyenne project. Starting with this fiscal year, the Army plans to buy additional TOW missile-equipped Cobra gunships to fill-in until the Advance Attack Helicopter—AAH, now in R. & D., is ready for production in 1980. Also the Army has shelved plans for immediate development of the Hellfire laser guided missile for attack helicopters and instead will stay with the TOW.

In the air defense area, the Army plans to go forward with an all-weather replacement for the Chaparral, with the foreign missile candidates—Roland, Rapier, and Crotale—being prime candidates. Testimony this year from Dr. Currie and from Army witnesses stated positively that this was an open competition and was not limited only to the foreign competitors in order to demonstrate cooperation in R. & D. with NATO. The committee will monitor this program closely in order to insure that the most cost-effective all-weather missile candidate is the one procured.

Also, the Army indicated that it is likely they will start a program for a modern and capable AAA gun system for the field forces, which should fill a gap in their air defense mix when such a gun is bought. Antiaircraft guns have demonstrated their effectiveness in Southeast Asia and most recently in the Middle East war, and the Committee supports the Army's renewed interest in this area.

COMMITTEE RECOMMENDATIONS

The committee unanimously accepted the recommendations of the Tac Air Subcommittee, as listed in the four tables attached to my report.

The first category listed includes six programs where there are excess funds in the fiscal year 1975 budget. None of these proposed budget reductions imply a revision to R. & D. or production schedules or to the scope of work, they merely identify funds not needed or deferrals of funding to fiscal year 1976. The total recommended reductions in this list is $57.9 million. The list follows:

CATEGORY I—PROGRAMS WITH EXCESS FUNDING IN 1975

A–7E —$7.5 Funds were available left over from FY 1974 due to congressional cut and were used as long lead procurement for FY 1975.

AH–1J —$5.4 Production schedule slipped and 6 FY 1975 aircraft will be built in FY 1976 delivery period. Defer 6 to next year.

Stinger —$1.5 FY 1974 R. & D. carryover available to fund FY 1975 program.

AH–1Q +$4.5 R. & D. R&D transfer of $4.5 million from procurement at Cobra/TOW —$17.0 Army request. Net reduction of $12.5 million in procurement because 15 of 21 AH–1Qs deferred to FY 1976 funding, due to late delivery of aircraft.

F–15 Gun —$7.5 GAU–7 gun R&D program was terminated, funds no longer needed.

F–14/Phoenix —$23.5 The sale of F–14s to Iran has reduced the price of the F–14 by $22.0 million and the price of Phoenix by $1.5 million.

The second category includes 13 programs where we are recommending a change to or redirection of the program. There is a shortened synopsis of the reasons for the recommendation given in the table, and if additional explanation is desired, there is a complete description given in the main committee report. These 13 programs have a total recommended reduction of $175.9 million. The list follows:

CATEGORY II—PROGRAMS WHERE PROGRAM REVISION IS RECOMMENDED

A–37 —$15.7 Air Force already has sufficient A–37s. Recommend not buying any more, and replace VNAF attrition out of Air Force Guard/Reserve.

A–4M —$58.1 Navy has funds for 24 in FY 1974 Supplemental. Recommend defer FY 1975 request for 24 more to FY 1976 to keep production line open.

CLAW Missile —$3.1 Missile too small, with inadequate warhead for air-to-air combat. Terminate program.

Chaparral R & D —$5.8 R & D on Target Acquisition Aid. Since Shorad will replace Chaparral in early 1980s, expensive improvement items not warranted.

Harpoon —$7.7 Reduce first production lot of missiles from 150 to 100 to prevent too rapid early production.

USAF RPVs —$11.0 Funds to start "interim" multi-mission RPV Multi-mission concept questionable.

A–10 —$12.5 R & D, +$18.9 Procurement. Shifts 4 R & D funded aircraft to procurement. Also restrict funds to USAF close air support program, pending completion of fly-off.

USAF Sidewinder Mods. —$8.1 Request was to modify 2000 "B" to "J" configuration. Only 590 "B" missiles available.

Navy Recce/TASES —$11.0 R & D funds to start development of recce pod and dual mission ASW/elint platform. Both programs are questionable from operational standpoint.

Maverick —$30.3 Funds for long lead for 5000 missiles in FY 1976. Recommend stretch out FY 1975 buy through FY 1976 to prevent excess inventory build-up.

USAF EW PODS. —$22.6 Funds for procurement of ALQ–131 in FY 1975 recommended for approval.

USAF EW PODS —$22.6 Funds to modify Marine OV–10 spotter airplanes to night gunship configuration. Marines could use USAF AC–130E gunship, which is being phased out of inventory.

Navy Point Defense R&D —$4.0 R&D request for $9.5 million for Navy Shipboard small defense missile. Funds allowed only for feasibility demonstration.

The third category includes two programs where we believe additional funding, not requested in the budget, is warranted. These are $23.1 million for production of the laser guided Bulldog missile for the Marines, and $220.5 million for production of 12 F–111F's for the Air Force, including $15.0 million in long lead for fiscal year 1976 production. The long lead funds were not added by the House, which only added $205.5 million for the fiscal year 1975 procurement. The list follows:

CATEGORY III—PROGRAMS WHERE ADDITIONAL FUNDING IS RECOMMENDED

Bulldog +$23.1 Bulldog laser missile is developed and ready for production. OSD refuses Marine production request in favor of laser Maverick, which is not yet developed and is more expensive. Recommend 1 year interim buy of 1000 Bulldogs pending availability of laser Maverick

F–111F +$220. 12 F–111Fs for $205.5 million plus $15.0 million in long lead for FY 1976.

Finally, the fourth table lists the programs for which we recommended approval of the budget as requested.

CATEGORY IV.—PROGRAMS RECOMMENDED FOR APPROVAL AS REQUESTED

Model	Quantity	Research and development	Procurement
Air Force aircraft:			
F–15	72	$182.6	$893.4
F–5E/F	28	6.1	91.1
Lightweight fighter/air combat fighter		58.7	0
E–3A AWACS	12	219.7	549.8
F–4E Wild Weasel II	(1)	13.6	13.9
EF–111		36.7	0
Reconnaissance		4.2	0
Navy aircraft:			
A–6E	12	10.4	131.7
EA–6B	6	0	123.1
E–2C	6	0	118.7
V/STOL		24.9	0
Army aircraft: AAH		60.8	0
Air Force missiles:			
Sparrow	300	1.7	43.5
Shrike	300	0	11.3
Pave Strike		49.6	
Navy missiles:			
Sparrow	300	6.0	56.0
Sidewinder	800	.5	16.8
Agile		20.0	
Walleye/ER DL	175	2.5	6.7
Condor	35	10.2	20.0
Shrike	900	0	25.9
Harm		18.1	0
Improved Hawk	230	0	30.5
Standard MR/ER	200	34.1	33.5
Standard missile II		32.2	0
Aegis		67.0	0
Vulcan-Phalanx		32.1	0
Standard active	74	1.3	33.6
Standard ARM	62	.8	8.3
Army missiles:			
Hellfire		15.3	0
Improved Hawk	520	8.5	80.8
Shorad (foreign missile)		35.1	0
AAA guns	(2)	6.5	4.4

[1] Mod.
[2] Mods.

My remarks to follow discuss some of the individual programs where there are recommendations made by the committee for revisions or deletions.

F–15

The F–15 production schedule was revised late last year by Defense Secretary Schlesinger during the fiscal year 1975 budget review process. Instead of having the F–15 production reach a 12 per month rate in fiscal year 1975 and hold at that rate, he instead slowed the production buildup and extended the F–15 program in future years. Instead of completing deliveries in October 1980 as previously scheduled, the F–15 line now is planned to be open through May 1982, requiring 18 months longer to build the programed 729 airplanes.

There is a potentially serious problem with the fiscal year 1975 production plan for the 72 F–15's in the budget. The F–15 production rate for the 62 airplanes ordered last year builds up to a 9 per month rate by June 1976. The 72 F–15's in this year's program then deliver at an average rate of 6 per month, a substantial reduction in the production rate. Hopefully, the letter of offer for F–15's which has been tendered to Iran will be accepted, because that sale would stabilize production at nine per month until the Air Force procurement again reaches that rate. However, if the Iranians decide not to purchase F–15's at this time, it will mean substantial layoffs by the F–15 contractors, followed by rehires several years later. That kind of production planning does not make good sense financially, and I believe that the Defense Department should stabilize the F–15 production rate at nine per month even if the Iranians do not buy the plane. This could be accomplished in the fiscal year 1975 program by shortening the delivery time to 8 months, and then by following with 108 F–15's in fiscal year 1976 versus the 90 presently planned. The committee's report on the bill reflects this recommendation.

AWACS

AWACS is a program for which the subcommittee approved the budget as requested. This program is controversial again this year, due primarily to GAO criticism of the program plan. We reviewed the program very thoroughly in our hearings and I want to take a few moments to explain why we think the Air Force's proposed program schedule is reasonable and should not be revised.

The budget request is for a total of $769.5 million. $219.7 million in R. & D and $549.8 million for 12 production airplanes. It is the third largest Air Force budget program, behind only the F–15 and the Minuteman in total dollar amount.

It also is a program which will provide modernization of a combat support area in which there is a significant lack of capability at this time. The present radar warning and command and control function is performed by the old EC–121 radar airplanes, which have no capability to look down and pick out low flying targets. These EC–121's can be supported by KC–135 radio relay planes and C–130 command post airplanes, as they were in Southeast Asia, but that combined force still falls far short of the capability inherent in the AWACS.

The GAO reviewed the AWACS program at the request of Senator EAGLETON and issued a report in March 1974. The report was not particularly precise as to what its recommendations were with regard to the program, and it contained many inferences that AWACS might not be a viable operational vehicle. The subcommittee called GAO witnesses to testify on the program at the same time that the Air Force was in to present the fiscal year 1974 budget request. In that hearing the GAO witnesses backed off to a large degree from their inferred report position that AWACS might not work in an operational scenario, and instead stated that their primary objection was to the fact that production would be authorized in December 1974 before the production configured radar had been flight tested. They felt this concurrency was unwarranted. The Air Force countered that the prototype radar which has been in flight test for 2 years was representative functionally of the production radar and that the flight testing in 1974 of the systems integration demonstration airplane provides a thorough flight test of a single "thread" of the entire AWACS system components. These tests will remove the technical risk from the program, and the production radar differs from the prototype primarily in that it is a repackaging of the electronic com-

ponents, not a redesign of how the radar operates.

The GAO also said that the AWACS radar was potentially vulnerable to being jammed by the enemy. The Air Force countered that the GAO's technical consultant's calculations were erroneous about their radar system and neither the consultant or any of the GAO's review team ever visited the AWACS program office before issuing their report on the AWACS project.

In this situation of charges and countercharges, the the committee believes that it would be best if the Secretary of Defense would appoint a group of disinterested radar and ECM technical experts, ones with no parochial service interest in the outcome of their review, to examine the issue of whether the AWACS can or cannot easily be jammed by an enemy. An impartial review of the GAO and Air Force claims on this issue should help to clarify this question. The committee recognizes that if the GAO's contention that the AWACS radar is easy to jam should prove to be correct, then much of the system's operational utility would be lost.

The committee believes that the present radar warning and command and control capability of the Air Force is very deficient, and that the AWACS will provide a major enhancement to our military operations, particularly where surveillance and flight operations into enemy airspace is required. The committee does believe that a careful review of the AWACS program should be made before a full production go-ahead is given by the Secretary of Defense this December, and the committee believes that the Secretary should provide a written certification to the Congress, before production starts, that the AWACS is cost-effective and meets the mission needs and requirements of the Defense Department. The normal DSARC review process now scheduled for December would be expected to answer this type of question, but I believe that the requirement for a certification from the Secretary should serve to answer the critics of the AWACS program as to its operational utility, viability, and cost-effectiveness. Therefore, the committee has added this requirement for certification in the authorization bill.

ATTACK HELICOPTER PROGRAMS

The Army and Marine Corps attack helicopter programs are proceeding well, in the committee's judgment. The Army's Cobra gunship, with the antitank TOW missile installed, definitely needs extra power, and the Army has a project underway to uprate the present Cobra engine from 1400 horsepower, and then to take the transmission components used in the Marine Corps AH–1J Sea Cobra and install them in the Army Cobra. This is a relatively simple and easy aircraft modification and it will provide a great increase in the performance of the Army Cobra.

The OSD had the Army study the possibility of buying the Marine Corps twin engine Sea Cobra attack helicopter instead of more of the single-engine version. The Sea Cobra does have a little more power than the uprated Army version, but the disadvantages to switching to a new model would be that a new logistics support system would have to be established in parallel to the one for the present Army Cobra. This disadvantage far outweighed the benefits of improved performance in the Marine helicopter, and the subcommittee agrees that the proper decision was made by the Army. The committee strongly supports the Army's power-improved Corba as being the best interim solution for its attack helicopter forces until the advanced attack helicopter is available.

The Marines are uprating the performance of their Sea Cobra by increasing the transmission's power rating. They are doing this by using transmission components from the Iranian model of the Huey troop lift helicopter, which will save the Marines a considerable research and development cost. This will give the improved Sea Cobra essentially a 2,000-horsepower system, which should provide the best performing helicopter gunship until the AAH is in production.

As a final comment, the Army's AAH program manager reports that that program is proceeding within his cost and schedule milestones and first flights on both the Bell and Hughes prototypes are due by early next year.

F–111 PRODUCTION TACTICAL STRIKE BOMBER

No funds were requested for F–111 procurement again this year, and the committee added $220.5 million to buy 12 F–111F's. This total includes $15 million specifically for long lead funds for a fiscal year 1976 buy of F–111F's.

There are several points which I want to make regarding the F–111 program. First, the Air Force has a definite operational requirement for the all-weather deep strike tactical bombing capability provided by the four wings of F–111's currently in their tactical force. The F–111's have proven their military worth in combat strikes during Linebacker II operations in Southeast Asia, as testimony showed last year before our subcommittee. The Air Force plans to retain four wings of F–111's in the tactical force indefinitely, subject only to the availability of airplanes to fill out this force.

Now the Air Force also plans to take 42 of the F–111A's out of this combat strike force and modify them to an EF–111 electronic countermeasure jamming configuration. No replacement airplanes will be available to make up for this loss to the tactical bombing wings unless more F–111's are built. The Air Force has indicated that they will have to disband their F–111 combat crew training squadron if the 42 F–111A's are not replaced, and this would be a highly undesirable situation from a training and readiness standpoint.

If F–111F's were bought at a 12-per-year rate, then, at least until a replacement airplane was started in development, it would have the following benefits: First, there would be attrition replacements as airplanes were lost in normal peacetime operations; second, there would be an ongoing production line in the event of future hostilities requiring a rapid increase in F–111 production; third, there would be replacement airplanes for the 42 EF–111's; and fourth, there would be a gradual modernization of the F–111 inventory, as F–111F's replaced earlier versions in the force.

For these reasons, the committee strongly urges the Defense Department to plan for continuing annual F–111 production.

A–10 AND A–7D CLOSE AIR SUPPORT AIRPLANES

The Air Force's budget request was for $93.9 million for R. & D., to support a 10-plane R. & D. program, plus a total of $173.8 million for procurement funds to buy the first 26 production airplanes plus initial spares for the A–10. No funds were requested for A–7D procurement.

The committee recommends $81.4 million for R. & D. for the A–10 in fiscal year 1975, a reduction of $12.5 million and 4 R. & D. airplanes. The reason for this reduction is the same as it was when we first recommended a 6 airplane R. & D. program a year ago, namely that 4 of the 10 airplanes were to be used for operational testing with production-configured airplanes and not for R. & D. tasks. Therefore, we are recommending that the four operational test airplanes be bought with procurement funds. The committee also recommends that the R. & D. funds be authorized only for the A–10 program, and that they be available only if the A–10 wins the flyoff against the A–7D.

In the production account, the committee recommends procurement funds of $192.7 million be authorized for 30 A–10 airplanes, as a result of shifting four airplanes from R. & D. to procurement. The dollar increase is $18.7 million, and the difference from the R. & D. reduction results because R. & D. airplanes are incrementally funded—on a year-by-year expenditure basis—whereas production airplanes are fully funded.

The committee's recommendation on providing production funds for the A–10 airplane in fiscal year 1975 is made contingent on the A–10 winning the flyoff against the A–7D. The committee recommends that these $192.7 million in production funds be authorized for procurement of 30 A–10's or of A–7D's, based on the results of the flyoff between the A–10 and A–7D. I would note that approximately 48 A–7D's could be bought for that amount, according to the Air Force.

BACKGROUND ON THE FLYOFF

The A–7D/A–10 flyoff is being performed at the insistence of the Senate Armed Services Committee. The recommendation for the flyoff dates back to the Special Subcommittee on Close Air Support, which held hearings in October 1971 on close air support and all associated weapons programs. The hearings took testimony from pilots with Southeast Asia combat experience, who stated they flew at high speeds, 450 knots or greater to survive against intense ground fire. Pilots also lauded the highly accurate computer-aided bomb-

ing system in the Navy A–7E—twin to the Air Force A–7D—which permitted accurate bombing while staying out of range of the small arms ground fire—higher than 3,500–4,000 feet. The testimony on the A–X program was that that airplane was designed to fly at relatively slow attack speeds, about 300 knots, and it would fly in low for strafing attacks with its 30mm cannon. Also, it would not have the computer-aided bombing system.

Since the A–X design capabilities went directly against the experiences of combat pilots, the Close Air Support Subcommittee recommended that the winning A–X prototype participate in an operational evaluation by combat-experienced pilots to prove out the concept, and that that evaluation include a side-by-side flight comparison or flyoff with the existing close air support airplanes, the A–7D and A–4M. The Subcommittee's report was released in June 1972 and the Armed Services Committee report on the fiscal year 1973 authorization bill, released in July 1972 also made this same recommendation.

The A–X prototypes, the Northrop A–9 and Fairchild A–10, had their own flyoff in late 1972 and the A–10 was selected. The Air Force ignored the committee's flyoff recommendation and instead signed the engineering development contract for the A–10 in March 1973. A cost-effectiveness study was used as justification for not performing the flyoff.

The Tac Air Subcommittee reviewed that study a year ago during the fiscal year 1974 authorization hearings and showed that it contained many highly questionable assumptions heavily biased to favor the A–10 over the A–7D. Testimony also was taken from the A–7D wing commander who was in Southeast Asia combat in 1972 and who said the A–7D had an excellent combat record, using its high speed and accurate bombing system for survivability. As a result of all of the testimony in the hearings, the committee last year rejected a request for long lead production funds for the A–10 in fiscal year 1974 and insisted that the flyoff between the A–7D and A–10 take place.

This year the Tac Air Subcommittee examined carefully the combat operations in the Mideast war. The Israelis' experience showed that their A–4N Skyhawk, with a computer-aided bombing system similar to the A–7D, was more survivable and more accurate than the earlier model Skyhawks. The A–4N could attack at higher speed and sustain that speed while maneuvering to avoid SAMs, while the earlier versions with less power were slower and lost speed rapidly in maneuvers The Israelis' recent combat lessons in a modern SAM/antiaircraft gun environment lends additional weight to earlier Navy and Air Force combat experience on close air support.

The flyoff started on April 15, 1974, and flying was completed by May 9. The flyoff took place at Fort Riley, Kans., with both airplanes making close air support dive bombing and strafing runs against enemy tank columns on the ground. Various bomb loads and weather ceiling conditions were simulated. No live ordnance was dropped in these tests, although ordnance was used by the pilots while checking out in both airplanes.

The final reports are due by June 15. Three reports will be written, a pilots' evaluation by the 4 TAC pilots plus systems analysis reports by the Air Force and D.D.R. & E.'s WSEG.

The committee has required that the Secretary of Defense inform the Congress, through the 4 authorizing and appropriating committees, of the winner of the flyoff 30 days before signing any production contract. This will provide time for congressional review of the results of the flyoff.

AIR FORCE TESTIMONY ON FLYOFF

Air Force testimony on the A–10 program was to the effect that if the A–10 wins the flyoff, it will be bought for close air support but, if the A–7D wins, the Air Force will "reevaluate the force structure" with the implication being that they would not buy A–7D's even if they were the better close air support airplane. I believe that if the Air Force has a valid need for a large number of A–10s for its close air support mission, then that need would not disappear if the A–7D wins the flyoff.

Accordingly, the committee has recommended restricting the procurement funds in the law to the Air Force close air support airplane program, either the A–10 or A–7D based on the results of the flyoff. Whichever is shown to be the better close air support airplane in the flyoff is the one which should be procured.

FUTURE NAVY FIGHTERS: F–14 OR VFX

In discussing this subject, I will quote from the report on the bill:

A year ago the committee reviewed the F–14 program in great detail because of the fixed price contract problems between the contractor, Grumman, and the Navy. Last year the committee approved in principle the production plan proposed by Deputy Defense Secretary Clements, which was to procure 50 F–14As per year in fiscal years 1974 through 1977. This plan would result in a production program of 334 F–14As for the Navy and Marine Corps, and outfit 12 Navy squadrons and 4 Marine Corps squadrons with the plane.

Also proposed last year was an R&D effort to build prototypes of a striped-down F–14 and a carrier-suitable F–15 to be the candidate fighters for the follow-on to the 334 F–14As. The committee rejected this prototyping proposal due to its high cost and questionable worth. The committee did recommend that the Navy examine the potential of a new and smaller fighter to be the successor to the F–14.

During the past 9 months, the Navy convened a special Fighter Study Group to examine the potential of a "lightweight fighter" type airplane as well as other alternatives to the F–14A. This group, aided by design experts in the Navy and by aircraft industry studies, defined a "VFX" lightweight fighter with excellent combat potential. This airplane would weigh about 30,000 pounds at takeoff, have about 30,000 pounds of engine thrust using any of 3 current engine candidates, and would be armed with Sparrow and Sidewinder missiles and a gun. The Navy Fighter Study recommended soliciting the aircraft industry for detailed design evaluations of such fighter as the next step in its development cycle, to be followed by requests for development proposals if these design evaluations confirmed the potential combat capabilities of the VFX. A major point made by the study group was that this VFX should be optimized as a fighter plane but would have an excellent ground attack capability as well. Potentially, it could replace both F–4s and A–7s on Navy attack carriers in the 1980s.

The VFX was endorsed by the Navy's Air Systems Command and by the Marine Corps, but the CNO and Navy Secretary proposed to the Secretary of Defense an alternate plan to buy 240 F–14Xs, a slightly cheaper F–14 without the Phoenix missile, in the late 1970s and early 1980s. Deputy Secretary Clements rejected this plan and endorsed a start on a VFAX (as the VFX became known in order to emphasize its attack potential). Secretary Clements also pointed out that between 100 and 200 additional F–14s should be planned for between 1978 and 1981, when a VFX first would be ready for production, in order to maintain the Navy and Marine fighter inventory levels.

The committee believes that the Navy was entirely responsive to committee direction of a year ago in forming the Navy Fighter Study. The committee also is impressed with the excellent quality of that study and with the potential which appears inherent in the VFX, defined by that group, to be a less expensive but highly capable air superiority fighter for the 1980s for the Navy and Marines. The committee strongly recommends that the Navy proceed immediately with the next step in this program and solicit the aircraft industry for analyses of the VFX design, *as defined by the Navy Fighter Study.*

The committee does not find it necessary at this time to accept or reject a plan for F–14A procurement in FY 1978 or beyond. The F–14 program will be reviewed each year based on the then current situation. The committee does believe that the VFX program should be started now so that an F–14 complement or replacement will be available at the soonest possible time.

I want to emphasize the point that unless the VFX is started this year, there will be no alternative to buying additional F–14's in the future, as there will be no other fighter in production for the Navy. The question of how many F–14's will have to be procured beyond the 334 presently programed is an issue that will not have to be resolved by this committee until we consider the fiscal year 1978 budget request. In the meantime, I believe it is imperative that we fully and strongly support the VFX project at this early phase of that program.

One question which will be raised about the VFX is whether it will duplicate the Air Force air combat fighter. This is a very valid issue and one which can be resolved during fiscal year 1975, as both programs become better defined. The Air Force air combat fighter will evolve from the present YF–16 and YF–17 prototypes. Whether they can be "Navyized," or made carrier suitable, is a question which the Navy and industry design studies will have to answer during this next year.

F–14 PROGRAM

As a final subject, I will discuss the committee's recommendation on the F–14A program for fiscal year 1975 and also review a contractual problem relating to that program which has surfaced recently with great attendant publicity.

The fiscal year 1975 budget request was for 50 F–14A's for the Navy and Marines at a cost of $709.3 million, plus $11.8 million in the R. & D. account. The

committee recommends approval of 50 F–14's, but a reduction of $22 million in funding because the sale of 30 F–14s to Iran has reduced the cost to the Navy by that amount. The Navy's budget was based on buying 50 F–14's at a 4-per-month rate, while the Iranian program results in F–14's being built at a 6-per-month production rate and lowers the Navy's unit cost. Therefore, the committee's recommendation is for a total of $687.3 million for procurement of the planes.

The F–14 production program is proceeding very well. At the end of May 1974, F–14 production was on schedule and 75 airplanes had been delivered by Grumman. The first two operational squadrons are fully manned and will deploy to the Far East on the carrier *Enterprise* this fall. The training squadron and two operational squadrons are flying the F–14's at a very high monthly utilization rate and without major or unusual problems, so the F–14 can truly be said to be in operational status now.

FISCAL YEAR 1974 CONTRACT

Last year, as Senators may recall, the committee recommended in July authorizing only $192.7 million toward the total request for $703 million for 50 F–14A's. This would have provided partial funds to continue the program only through December 1973. The committee took the position that, before the Congress approved full funding, the Navy and Grumman should resolve their differences over the contract price for F–14's in fiscal year 1974. Also, the committee directed that the Navy should settle the remaining contract issues in the old total package F–14 contract which had been closed out by the Secretary of the Navy. The major unresolved issue there was the production schedule for the 134 F–14A's purchased under the old fixed price contract, the one which caused a $200 million loss to Grumman.

Because of this position taken by the committee, the Navy and Grumman last August negotiated a fixed price contract for the 50 F–14's in the fiscal year 1974 request. This contract price was lower than the Navy's budgeted estimate for the F–14, and the Congress was able to reduce the F–14 authorization by $10 million, from $703 million to $693 million. Because of the existence of this fixed price contract for 50 F–14A's, signed by both the Navy and Grumman, I sponsored a floor amendment to the fiscal year 1974 authorization bill which restored full funding to the F–14 program for that year. This amendment was accepted by the Senate, and the F–14 program received full appropriations in January of this year.

The Defense Department and Navy witnesses next testified to our committee on the F–14 program in connection with the normal fiscal year 1975 budget reviews. In that testimony, no mention was made of the fact that Grumman had refused to go ahead and fully execute the fiscal year 1974 contract in January of this year when the appropriations bill was signed. That contract contained several contingency clauses. One was that appropriations had to be provided for the 50 airplanes. Another was that the Navy would continue to guarantee availability of financing. My information is that Grumman told the Navy they believed that the Byrd-Proxmire amendment to the fiscal year 1974 authorization bill raised a legal question on the ability of the Navy to provide such a guarantee to continue advance payments without prior congressional approval.

ADVANCE PAYMENTS

This advance payments situation needs some review and clarification, although the Tac Air Subcommittee covered it in great detail last year during hearings on the F–14. Those hearings revealed that when Grumman exposed its potential losses which eventually ran up to about $200 million, the banks had withdrawn their line of credit from Grumman and refused to make any more operating loans to the company. Since the Government normally only provides progress payments of 80 percent on airplane contracts as planes are being built, the company must pay the remaining 20 percent of its bills out of its own cash or by means of bank loans. As Grumman's losses mounted and the banks withdrew their credit, the company's working capital and ability to finance continuing operations was impaired. In this situation the Navy was requested to provide "advance payments," which amounts to providing 100 percent progress payments on work already done on the airplanes, rather than the normal 80 percent. This situation is completely legal, but does require a special determination by the Secretary of the Navy that it is necessary and required to support the contractor in the interest of national defense. Such a determination had been made, and as the testimony showed last year, Grumman was projected to require up to a maximum of $90 million in advance payments.

The Byrd-Proxmire amendment that was added to the bill last year requires that, on all future contracts subsequent to the enactment of last year's bill, congressional approval must be obtained before advance payments in excess of $25 million can be provided. This amendment was added to the fiscal year 1974 authorization bill after the F–14 fixed price contract had been negotiated between Grumman and the Navy. Grumman apparently took the position that the spirit of the amendment was such that specific congressional approval probably would be required to continue the advanced payments program. Grumman refused to execute the contract to put it in force in January until the Navy could guarantee this assistance would be continued, and the Navy had Grumman proceed with long lead production items for the planes under an amendment to the prior contract—the usual practice—while this latest contract dispute was being resolved.

Now I must point out that the Tac Air Subcommittee had testimony on the F–14A program on March 21 and not one word was mentioned by the Navy witnesses about the fact that the company had refused to go ahead with the fiscal year 1974 contract. I know of no instance when Navy or Defense Department officials were over here to testify on the fiscal year 1975 budget request where they informed any congressional committee of this situation. I would add that I am personally very disappointed that these facts were not brought out in testimony before the Congress, particularly after my efforts last year to support the F–14 on the floor once the fixed price contract had been agreed to by the Navy and Grumman.

DISCOVERY OF CONTRACT PROBLEM

This situation was not discovered by the committee until a staff member noticed that the F–14 contract was still unsigned while he was reviewing a routine Defense Department report on the status of contracts. After a short inquiry into why this was so, I immediately sent a letter to Deputy Secretary Clements requesting written information on this matter. The text of that letter follows:

MAY 29, 1974.

Hon. WILLIAM P. CLEMENTS, Jr.,
Deputy Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I am writing you to request information on the status of the F–14 program. As you will recall, this fixed price incentive contract was negotiated between Grumman and the Navy in the August 1973 time period and was agreed to and signed by them last September. Based on having this fixed price contract in existence at that point in time, I offered an amendment on the floor of the Senate to the FY 1974 authorization bill, which restored full funding to the F–14 procurement for that fiscal year. That amendment was accepted by the Senate and the F–14 program later received full appropriations.

Now I am informed that that contract has not been executed to put it officially into effect, and that Grumman is proceeding with long lead effort on those 50 F–14's with contractual coverage under an amendment to the prior F–14 contract. It is my understanding that Grumman refused to accept this contract in January 1974 unless the government would provide a guarantee of financing through additional advanced payments on the fiscal year 1974 contract, in addition to the advanced payments already outstanding on the prior F–14's as discussed in our hearings last year.

The so-called "Byrd-Proxmire" amendment to the fiscal year 1974 authorization bill requires that the Congress be notified of all contracts where advance payments in excess of $25 million will be made. This would appear to place a requirement on the Defense Department to notify us about the pending financial assistance to be provided to Grumman. It is my information that this currently is about $42 million, it will reach a maximum of about $125 million by the middle of 1975, and will decline thereafter.

I also am informed that the Navy's most recent analysis of Grumman's likely performance on the fiscal year 1974 F–14A contract indicates that Grumman will come close to producing the planes at target cost and that it is highly unlikely that the company will approach the ceiling price or sustain a loss on that contract.

None of the foregoing information was provided to the committee during hearings on the fiscal year 1975 authorization request, either by Navy or Defense Department witnesses. I believe that this situation regarding the fiscal year 1974 contract and the need for approval of continuing advanced payments should have been brought to the attention of the committee as we considered the F–14A program for the upcoming fiscal year. Accordingly, I would like to be informed in writing of what the precise situation is

with respect to the status of the Grumman contract, the projections for advanced payments, and when the Defense Department will be notifying the Congress of the requirement for these advance payments. I would greatly appreciate receiving a reply before the committee takes the authorization bill to the Senate floor next week.

Sincerely,

HOWARD W. CANNON,
Chairman, Tactical Air Power Subcommittee.

SUMMARY OF CONTRACT STATUS

In summary of this situation, my current information is as follows:

First. The fiscal year 1974 contract still has not been fully executed.

Second. Grumman still will require either advanced payments, up to $100 million for the Navy F–14 program and $30 million from the Iranian F–14 program—the Iranian pro-rata share—or bank financing, one or the other.

Third. The Navy projects that Grumman will build the 50 F–14's in the fiscal year 1974 contract at about the target price and will make a profit, not a loss, on that contract. There is no overrun on the fiscal year 1974 program.

Fourth. I was informed this morning in a meeting with the General Counsel of the Department of Defense, and others, that the Department will forward an official request for approval to continue the advance payments to Grumman on the fiscal year 1974 and fiscal year 1975 contracts. The total authority requested will be about $100 million of the U.S. Government's money.

My recommendation to the Senate is that the fiscal year 1975 F–14 program be approved as proposed by the committee. I can assure the Senate that the committee will review carefully the Department's request to continue the advance payments, and probably we will hold hearings on this matter. But the program is going well technically and operationally, and I do not believe it should be held up because of this contracting situation.

In closing, Mr. President, I want to thank the committee members for the very fine help they gave the committee during the year in going through these detailed programs. I also want to thank the staff people for some very excellent staff work.

The staff members who worked on the Tactical Airpower Subcommittee were Charles Cromwell, George Foster, and Robert Old. I want personally to thank each one of them for their fine assistance.

Mr. GOLDWATER. Mr. President, as the ranking minority member of the Tactical Air Power Subcommittee of the Armed Services Committee, I am pleased to be able to speak in support of the recommendations being made to the Senate in this area.

I do not intend to address all of the recommendations since my distinguished colleague and subcommittee chairman, Senator CANNON, has covered that extremely well. I would, however, like to make a few points relative to the work and recommendations of the committee in the tactical airpower area.

Our recommendations, for the most part, cover procurement, but in a few areas research and development programs are involved. In that regard I feel fortunate in that I am also a member of the Research and Development Subcommittee and am able to follow many of these systems through the entire development and procurement process.

Now, turning to the recommendations, I think it is important to point out that our efforts in this area covered some 45 separate budget line items which included 8 for Army, 23 for Navy and 14 for Air Force. By weapons system, our review was directed at 18 aircraft programs and 27 missile and/or gun systems.

Turning to the Air Force, there are four aircraft programs that I believe are especially worthy of comment. They are the F–15, with 72 recommended; the A–10, with 26 recommended; the E–3A AWACS, with 12 recommended and the EF–111A, for which $36.7 million is recommended for continued research and development efforts. This last program is one to develop a tactical electronic jamming version of the F–111A airplane.

This will be the third year of procurement for the F–15 and I can report from having flown the aircraft that it is an absolutely superb aircraft. Hopefully, the unit price on this aircraft can be held fairly constant, so that we can complete the intended buy. This is an aircraft sorely needed by the Air Force to begin replacement of some of our rapidly aging F–4s, and I am only sorry we are not buying them at a faster rate. In the long run it would be much cheaper.

The A–10 is a special case which I think warrants a comment. As those who follow this program know, the flyoff between the A–10 and the A–7 that was directed by the committee has been completed. On that point, I commend the Air Force for carrying out the direction of the committee. We will look forward to the report to see what the flyoff showed as regards the capabilities of the two aircraft. Since, as Senator CANNON has pointed out, the flyoff results are not available, we are recommending that the A–10 funds be approved subject to the final flyoff evaluation.

Possibly one of the least understood aircraft requirements is the E–3A or AWACS. Actually, I am not sure the Air Force initially fully understood what the potential of this aircraft might be, especially in tactical operations. However, if there was a benefit from the Vietnam war, it was what the Air Force learned about the need for command, control and communications in the air battle situation. As those techniques were refined during actual combat operations the lessons learned were incorporated into AWACS. The end result will be a more efficient use of our limited tactical forces because of the availability of constant command and control.

I might explain, Mr. President, that the AWACS is merely a large aircraft, built by Boeing, containing a very large radar antenna, which will give the commander of the area intimate knowledge of what is taking place in all of the airspace within view of the radar. This, I think, is a great innovation.

A great good—if we can say "good"—that came out of Vietnam was the realization that we could use electronics to help us in command decisions. In fact, by the use of electronics on the ground, we could probably eliminate as much as two-thirds of the troop necessities for search and discovery. This can now be done more by electronics than by man.

Turning to the Navy programs, the committee continues to support the F–14A program, although I personally do not believe we can afford more than the planned 334. Consequently, I support the committee's recommendation to proceed with the VFX program, and I am hopeful this research can lead to an aircraft that is both affordable and complementary to the F–14, in addition to being a suitable replacement for the F–4. We are recommending the V/STOL R. & D. programs be approved. However, we recommend that Navy turn the thrust augmented wing development program over to the NASA for flight testing and continued development effort starting in fiscal year 1976. This is because the committee is of the opinion that there is no near term potential for an operational fighter using this technology.

Referring now to the Army programs, I am pleased to report that the advanced attack helicopter program is proceeding in a satisfactory manner. The first flights of the competing prototypes are scheduled for about March of next year, with the winner to be selected in June or July of 1976. As an aside, I recently visited Fort Rucker, the Army's aviation center, and was shown the latest in helicopter battlefield tactics. These tactics are designed to defeat the enemy as well as insure the survivability of the helicopter, and I wish to report to my colleagues that I was very impressed with what I saw. I am not saying that Army has devised a way to make helicopter invulnerable on the battlefield, because that can never be. But what they are working toward is a realistic and sensible tactic that allows the helicopter to use every possible terrain feature to mask its presence. Only the test of battle will tell if they are right, but it seems to me they are taking the hard losses of Vietnam very seriously.

Mr. President, in the interest of time, I will not go over the missile programs, since Senator CANNON has adequately done that. However, I would like to commend Senator CANNON for the splendid job he continues to do as the Tactical Air Power Subcommittee chairman. Congress is most fortunate to have a man of his background that gives him such a great understanding of all these programs. I believe he has flown everything the services have, so he does not make his judgments based on some briefing. Rather he judges these matters based on personal experience and I commend him for that.

Mr. President, it has been interesting to observe in the last few days the concentrated attack being made on this authorization bill, and which will subsequently be made on the appropriations bill, by those groups in this community who are organized to disarm America. This frightens me, because they sometimes present the truth and sometimes half-truths. But I am suggesting that my colleagues listen to the words of the committee, because we have gone over

these matters, we have lived with these matters, day after day after day, year after year. Many of us have spent most of our lives in this field and feel that we have some knowledge of it.

It is interesting to note that the only time we hear from some of our colleagues about overruns is when it applies to the military. I think of the Metro system, which far exceeds in percentage the overruns of the military. I think of the Kennedy Center, which far exceeds anything the military has ever experienced in percentage overruns. I think of our welfare system, which has overrun itself every year we have had it.

I might mention that the Judiciary Subcommittee of the House has overrun itself several times. But we hear nothing about that. It is only when we experience overruns in military purchasing and equipment, overruns caused mostly by inflation, inflation which has been caused mostly by the action of these Congresses, that we hear anything about it.

I hope that during the debates that are going to take place in the coming days, perhaps weeks, on this matter, the judgment of the subcommittees and the full Committee on the Armed Services can prevail.

Mr. President, I urge my colleagues to support the recommendations for the tactical air forces as presented.

Mr. CANNON. Mr. President, I thank the Senator from Arizona for his complimentary remarks about me. He, too, has great expertise in this field, has flown most of the aircraft, and has performed an invaluable service to the committee and to the Senate.

I want to associate myself with the remarks of the Senator from Arizona concerning overruns. Much of the overruns we have heard about rise, of course, principally from inflation—one of the major causes. But, in addition, it is due to a reorganizing of the program and in many instances a stretch-out of the program to lower production rates. Every time you stretch out a program, you have inflation continuing for a longer period of time and a higher cost, because of a lowering of the production rate. Everyone knows that if you go on a very high level production rate, you can decrease the costs. But if you are going to stretch out a program over a longer period of time, automatically the costs will go up. That should not be what is commonly called an overrun. It should be segregated, really, and compared actually to what would have been anticipated in that length of time as to a program cost.

I thank the Senator for his very fine remarks.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NUNN. 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. NUNN. Mr. President, I ask unanimous consent that during consideration of the pending measure, the military authorization bill, John Rouse, of my staff, be accorded floor privileges.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NUNN. 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. NUNN. Mr. President, I rise in support of the military procurement bill.

Each year the Armed Services Committees of the two Chambers are confronted by the same difficult dilemma: How to provide a strong, ready defense fully adequate for national security without unduly impacting on the economy, adding to inflation, or taking resources away from other priority national needs. Each year the space between the rock and the hard place of defense planning grows smaller as we are obliged to spend more and more to get less and less.

This year the Defense Department produced a record defense budget at a time of exceptionally serious economic problems. Nonetheless, I believe that the present bill as reported by the committee reflects a very effective and searching effort to place our military manpower and procurement programs in a proper national perspective without weakening defense, and to see that our military activities are as efficient and economical as possible. Special credit must go to our distinguished chairman for steering this difficult bill through committee review so promptly and effectively and for his leadership in shaping the Defense Department proposals into a responsible and responsive program from which, as Secretary Schlesinger suggested his Department should do, the committee has beaten "the fat into swords."

I would also like to express my appreciation to Senator THURMOND and other members of the minority on the committee who have done so much in attending meetings and contributing in so many meaningful ways to this end problem.

I would like to speak in particular this afternoon about three amendments to the bill concerning NATO which I proposed and which were adopted unanimously by the committee. I believe these amendments represent a hard-look approach taken by the committee to see that the most effective use is made of our military resources.

The amendments must be considered together as a package designed to build on the beginning made by the Congress last year in adopting the Jackson-Nunn amendment which required our allies to offset the balance-of-payments deficit from our NATO troop deployment.

Together the amendments are intended to add real force to the effort to put our NATO alliance and commitments on a new footing which adequately reflects the economic, political, and military realities of today and not of a generation or decade past. They are intended to strengthen the Alliance, not to weaken it, I am convinced that if the Congress provides the necessary impetus, the U.S. NATO burden can be adjusted equitably, the combat effectiveness of our troops and those of our allies working with us can be markedly improved, and the risks of nuclear war in Europe can be substantially dampened, leaving the Alliance and its defenses stronger and more enduring than at any time in the recent past.

The first of the three NATO amendments deals with the U.S. troops in Europe. It expresses the sense of Congress that the United States has an excessive number of headquarters and support personnel in Europe relative to its combat strength. The amendment directs a 20-percent reduction in the number of Army noncombat troops in Europe over the next 2 fiscal years with at least half of the reduction to be made in fiscal year 1975. This represents a total cut of about 23,000 troops.

The amendment would allow new positions to be added to the combat strength of the Army in Europe, up to the total number of noncombat slots cut. It directs all such transfers into combat units of battalion size or smaller to insure that these increments will be in real fighting strength. The amendment calls for greater effort to obtain increased logistic support by our allies. Finally, it requires the Secretary of Defense to report semiannually to the Congress beginning January 31, 1975, on progress in improving the combat-support ratio in Europe.

The amendment reflects the widely held conviction even within our own services that the "teeth-to-tail" ratio of our European troops is bottom heavy with unneeded support and headquarters personnel. Although the Defense Department claims a ratio of 62 to 38 combat to support troops in our ground forces in Europe, thir figure includes many noncombat positions at division level in the combat total. The committee evaluation puts the figure closer to the reverse, with a ratio of 41 combat to 59 noncombat personnel when all of the various ramifications are considered.

During my visit to NATO Europe earlier this year at the request of the chairman I came to the inescapable conclusion that substantial reductions in our expeditionary force support structure could be made, and that these reductions not only would not impair combat effectiveness but would actually improve our fighting capabilities. This conclusion holds whether or not one subscribes to the short or longer term war scenarios currently under debate.

A percentage cut of 20 percent was decided on as an appropriate total which would require a meaningful force restructuring but without serious dislocations. The reduction is imposed solely on the Army because its European contingent is the largest and the need for revision is most pressing there. It must be recognized that all the services have made strides in streamlining their European forces, but the effort clearly has not gone far or fast enough. The committee report notes that all three services

are expected to continue reorganization and reduction of their support elements on a priority basis.

A number of considerations dictated the decision to allow the Army to increase combat positions by a number up to the total of support positions cut. I do not want to initiate a debate now on the problems of unilateral U.S. force cuts, for I suspect we will hear ample debate on that subject when the bill is opened for amendments. But I would like to cite briefly the principal factors which I believe led the committee to conclude that a unilateral reduction would not now be helpful:

First, unilaterally reducing our conventional forces would seriously lower the nuclear threshold in Europe. When the United States had assured strategic nuclear superiority, our tactical nuclear force was an effective deterrent to a conventional Soviet attack. With strategic parity and expanded Soviet tactical nuclear capabilities, this is no longer true. Neither side can now afford the uncertain risks of initiating a nuclear conflict except in extremis. Our tactical weapons remain essential to deter a Soviet tactical nuclear attack, but emphasis must be placed on a strong conventional capability to deter and defend against conventional attack.

Mr. President, I am in no way suggesting that we do away with tactical nuclear weapons, but I believe we should reduce the probability of having to use these weapons defensively at the very outset of any kind of attack.

Second, the MBFR talks would be undermined. This is a joint undertaking with our allies which the United States would be justified in abrogating only under extreme circumstances. Substantial progress is said to have been made since the talks began late last year, and we are told that agreement at least on an initial reciprocal reduction of United States and U.S.S.R. troops is a distinct possibility, even possible this calendar year. I believe that mutual reductions even if limited and imperfect are worth waiting for a little longer.

Third, in adopting the Jackson-Nunn amendment last year Congress made an implied undertaking to maintain our conventional support in NATO if our allies would assume their full share of the U.S. burden. Negotiations within the period contemplated by the amendment are still going on. We are told the outlook is favorable. Whether our allies meet the requirements of the Jackson-Nunn amendment can only be decided once we have the final arrangements and figures before us. For Congress to go back on its own arrangement without awaiting its results would as a minimum defeat the effort now underway to correct the burden sharing imbalance, which this same body just 8 months ago declared to be our primary concern.

The second NATO amendment shares with the first as a major objective the goal of reducing the risk of nuclear war in Europe. The amendment prohibits any increase in the present number of our tactical nuclear warheads in Europe except in face of hostilities. It directs the Secretary of Defense to undertake a study of our tactical nuclear strategy in Europe, to consider specifically possibilities for reducing the numbers and kinds of warheads we have in Europe, and to address development of a coordinated NATO nuclear posture which is consistent with a proper emphasis on conventional forces. The amendment directs the Secretary to report the results of his effort to the two Armed Services Committees by April 1, 1975, and to report semiannually to the two committees beginning September 1, 1974, on the number, types, and purposes of these weapons remaining in Europe.

As I reported to the committee in April, the nuclear threshold in Europe is disturbingly low. In view of nuclear parity we simply can no longer afford to risk any avoidable escalation to nuclear weapons. The 7,000 or so nuclear warheads the United States now has in Europe represent an accumulation of numbers and types over time which bear no clear relation to current requirements. While the perceived weakness of our conventional forces presents the principal danger of nuclear escalation, the number, diversity, dispersal and high alert status of our tactical nuclear force are themselves destabilizing factors.

This amendment will see to it that our tactical nuclear policy and presence in Europe is fully reviewed and properly aired before Congress. If this process should lead to reductions in the number, alert status or dispersal of these weapons, it will not only reduce the possibility of inadvertent escalation to nuclear combat, but also make real savings in funds and personnel possible.

I might add at this point that we have a considerable number of personnel devoted to the tactical nuclear machine in Europe. Anything that would reduce our tactical nuclear presence would mean we would also be able to correspondingly increase our conventional forces, without any additional resources, because of the shift in personnel.

The final part of the committee's NATO package focuses on the need for greater commonality and standardization within NATO in weapons, equipment and support systems. The amendment calls on the Secretary of Defense to assess the costs and loss of combat effectiveness resulting from the failures in NATO to standardize systems. It directs the Secretary to develop proposed standardization actions that would improve effectiveness and economy and to work within NATO to see that standarization planning becomes an integral part of the NATO planning process. The Secretary is directed to report to the Congress semiannually beginning January 31, 1975, on his actions and on the results achieved in NATO.

It would be irresponsible for me to discount the progress that has already been made in standardization within NATO and unwise to minimize the difficulties which stand in the way of common action. But the continuing magnitude of the problem calls for persistent efforts to improve the situation.

It has been estimated recently that 50 percent of the R. & D. funds spent annually by the members of NATO is on duplication. Horror stories abound, all too true, of aircraft that cannot rearm at neighboring fields, of ammunition that cannot fit allied guns, of ships that need their own oilers, and of proliferation of competing weapons systems. Our top military officer in NATO. General Goodpaster, has been quoted as saying that developing a high degree of compatibility and standardization offers the greatest potential for immediate improvement in NATO defense. Failure to standardize has multiplied NATO costs and undercut combat effectiveness. We can no longer afford the luxury of this waste and inefficiency which adds to both the cost and size of the conventional forces needed for NATO defense.

I believe that the three committee amendments on NATO together with the Jackson-Nunn amendment go far toward meeting the principal objectives of those who call for a substantial reordering of the alliance and our participation in it. These goals include:

Adjustment of the U.S. share of the NATO defense burden to equitable levels.

Raising the NATO nuclear threshold so as to avoid unnecessary and unintended recourse to nuclear war; and

Streamlining U.S. forces in NATO to improve the teeth-to-tail ratio and provide more "bang per buck."

Improving combat effectiveness of the alliance and reducing cost and manpower requirements for conventional defense.

I share the deep sense of frustration that I know many of my colleagues feel at the institutional inertia and apparent resistance which have hindered U.S. efforts to rationalize the NATO relationship in recent years. And I deplore with them the state of affairs which seems to find the United States more concerned with the defense of our European allies than they are, and which finds them asking and expecting more of us than they ask of themselves.

But while I share these concerns I do not believe that they lead yet to any call for action to substantially and unilaterally reduce the U.S. NATO presence. Any such measure could not fail to undermine European defense, to jeopardize larger U.S. interests in Europe, to imperil bilateral arms and troop reduction efforts, and to increase the risk that any European conflict would soon become nuclear.

In short any such action would threaten the stability and power balance in Europe which is NATO's great achievement and the future viability of our fundamental policy of forward defense. I cannot believe that any of my colleagues has concluded that a policy of forward defense in Europe is no longer essential to our own national security. The lesson of two world wars is far too recent to be forgotten.

I am hopeful that any American withdrawal from Europe will be the result of MBFR. If this negotiated effort fails then it is essential that we enter into intensive discussions with our allies so that America's long-term commitment is agreed on on a well thought out and rational basis.

Advocates of unilateral U.S. action

would try to extricate us from the problems of NATO without really attempting to solve them. The committee amendments promote serious negotiation and offer the promise of real progress in meeting these problems head-on and directly. This is the kind of approach which to my mind represents a constructive and responsible exercise of congressional leadership in foreign policy and national security affairs.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, before the Senator yields the floor I want to commend him very highly on the substance of his remarks, which are based on some highly valuable work that I think the Senator from Georgia has done on items already cranked into the bill. He has described them—I am talking about manpower in Western Europe—as at least being redistributed in such a way that it would strengthen our situation there, in my opinion. I am strongly in favor of these amendments.

The Senator has another amendment he may offer to the bill, as I understand it, and the Senator from Georgia might wish to take that up after the Senator from Texas has had a chance to have the floor; but I commend him highly for the work he has done on this bill and for the remarks he has just made.

Mr. NUNN. I thank the Chairman very much.

Mr. TOWER. Mr. President, one thing we must understand as we consider the military procurement bill is that the military establishment is a tool of diplomacy. It is a vital instrument in the formulation and implementation of foreign policy. It is proper for Congress to exercise some influence over the formulation of foreign policy, but Congress itself cannot formulate or implement foreign policy. Congress is not competent to negotiate with foreign sovereignties. I think it would be irresponsible for us to try to amend this bill in such a way as to seriously impact against the flexibility of the administration in devising foreign policy and trying to make that policy work.

I hope then, this year—and I seem to be echoing some of the sentiments expressed by my friends from Georgia and Mississippi—that there will not be attempts to try to mandate massive overseas troop withdrawals. As we proceed from the premise that it is in our interest to maintain an American presence in Western Europe, then we must at once assume that that presence must be credible, and that our leadership must be as effective as possible, based on the confidence of our allies in our own resolve.

Therefore, unilateral withdrawal of American troops can have some serious and disquieting consequences. So I hope that the Senate will not engage in what I would have to call an act of irresponsibility in unilaterally mandating American troop withdrawals.

The result would be this: Other nations in Europe would lose confidence in the determination of the United States and perhaps feel that we are slipping into a neo-isolationism that would suggest to them, perhaps, that they had better make their own individual and unilateral accommodations with the Soviet Union.

Should we unilaterally significantly reduce the American presence in Western Europe, it would doom mutual balanced force reduction negotiations to absolute and abject failure and would not at all slow the pace of qualitative and quantitative improvement in the military forces of the Warsaw Pact countries.

Beyond that, it would jeopardize and place in hazard the safety and security of the remaining American troops that were left in Western Europe.

If the Senate is going to try to establish foreign policy, it should at least, if it is going to preempt the executive branch of the Government, enunciate a complete and comprehensive foreign policy. We should not leave the remnants of American forces there in an untenable position. So I hope that the Senate will reflect carefully and intelligently on any proposal aimed at bringing about a unilateral American force reduction in Western Europe. I think that would be a disaster at the moment.

I know that the eminent Secretary of State, Dr. Kissinger who, I think, has demonstrated that he is one of the most talented diplomats of all time—some people have sought to compliment him by linking his name with that of Talleyrand, Metternich, Nesselrode, and Castereagh, but the fact is, if they could be aware of all of this today, I am sure they would be flattered to be associated with Dr. Kissinger.

Here is a superb diplomat, a man who sees the world as it is and who perceives his own country's role better than any other man, I think, alive. He warns us against reducing our presence in Western Europe, against reducing our strength, knowing that the only way detente can be successful, the only way the United States can serve as a catalyst in trying to bring about peace between and among the warring nations, is for the United States to maintain a position of unquestioned military strength at least at parity with that of the Soviet Union.

So again I would implore my brethren to think carefully about any attempt, through this bill, to mandate any significant force reduction as part of the American position in Western Europe.

Mr. NUNN. Mr. President, I thank the Senator for his observations. He has hit the nail on the head. I do not suppose there is anyone in the Senate or anyone in the House, that I know of, who is advocating total, 100 percent withdrawal of American troops from NATO. Most of the proposals are in terms of 100,000 or 125,000 troops. The significant point the Senator from Texas alluded to, overlooked in most of the debate here since I came to the Senate, is: What happens to the troops who are left?

There are those who adhere to the idea of the tripwire troop theory. The amendment I proposed in committee, and which is now, a part of the bill, addresses itself to that point. I, too, am frustrated that we do not have as strong a defense as we could have with our military resources.

I should like to ask the Senator for his observations on the fact that if we were committed to the tripwire theory, would it not become inevitable that the prophecies would become self-fulfilling in that if we withdrew 100,000 men from Western Europe we would not have enough conventional forces in the alliance in the American presence but to do anything other than to go immediately to tactical nuclear weapons, in the event there was any kind of altercation?

Mr. TOWER. I concur with the Senator from Georgia. He has made a strong point, which is that the forces now are not tripwire forces. Only this morning General Jones, who has been the Commander of the U.S. Air Force in Europe, said that it was qualitatively certainly as good as if not better than, in air power, the forces opposing us in the Warsaw Pact. So this is not simply a tripwire defense we have in Western Europe but it is a credible defense. If we tried to convince our field commanders in Western Germany that they are simply a tripwire defense, they will take us in extensive debate. We do have a credible force in Western Europe now.

It will endanger the United States. If we made a force not so credible and established a tripwire defense in which our allies would have little or no confidence, the western alliance in terms of the defense of Western Europe would begin to disintegrate.

Mr. NUNN. I agree with your statement about General Jones' observations. I spent 2 days with him in Germany this past February. We not only toured the American Air Force bases but went to several different German bases. The Senator from Georgia is convinced that not only do we have an equal tactical air force for Europe but we are superior in that regard, not only in terms of equipment but I think we are superior also—and perhaps more important—in terms of training of pilots. It is the readiness of our pilots and the German pilots in Europe which exceeds that of the Warsaw Pact countries. Also, I believe that even though we have weaknesses on the ground—we admit those—and although we do not have the number of tanks that the Warsaw Pact has and do not have the number of defenses, the Air Force we have there is a great equalizing factor in terms of the overall conventional balance.

While I would like to see the conventional balance improved with the resources we have, and while I have advocated several amendments we have now adopted in the committee report, I think we would be doing ourselves a great disservice in NATO and in the country to project in any way from the floor of the Senate that we do not have more than a tripwire, because we do have much more than a tripwire.

I believe that one of the things we now have to struggle with, which perhaps is coming back to haunt us, after a period of going through this, is that it is just as dangerous to national security to overemphasize the capability of the enemy and to underestimate our own capability as it is to go in the opposite direction. I think that for a good many years in NATO, because the United States has had a strategic nuclear preponderance of power, we have done exactly that. We

have fallen back on the so-called nuclear crutch and have talked ourselves into a position, as an alliance and in this country, of almost conventional inferiority, which is more psychological than real.

When you look at the number of airplanes, when you look at the number of men, when you look at the tactical nuclear weapons, and when you look at other things, I think it is apparent that we really do have much more than a tripwire there.

I would like to see us improve our conventional forces to a great degree, so that the tactical nuclear policy can really become one of resorting to tactical nuclear weapons as soon as necessary but as late as possible. That is the goal of these amendments. I think the committee has taken the initiative in trying to deal with this question and trying to get us off the theory that we are in any way conventionally inferior in NATO.

Mr. TOWER. I agree with the Senator from Georgia that we have to continue to improve our conventional power combat capability.

I recall that it was the late John F. Kennedy who advocated that we have a balanced defense force. I do not use his precise words, but he noted, in effect, that his policy was that if we got into a position of a nuclear standoff, it would be more likely that if a war was fought, it would be fought on conventional terms. Therefore, the conventional deterrent was itself very important.

The conventional deterrent must be credible, and I think its credibility would be subject to considerable question were we to make any kind of significant force reductions in Western Europe other than the kind that the Senator from Georgia has suggested we should make and can make and even improve our capability.

Although there are those who do not advocate that we pull out altogether, if those advocates of partial withdrawal are successful, they may precipitate the very effect, over a long period of time, that could be precipitated in a short period of time should we withdraw altogether.

Mr. NUNN. Those who advocate the tripwire theory now will be assuring by unilateral withdrawal, in effect, that that theory becomes a reality rather than a myth.

Mr. TOWER. The Senator is correct.

Mr. NUNN. We will, in effect, be in a position of having to resort to tactical nuclear weapons almost immediately, if there is any kind of invasion, if America does withdraw unilaterally.

On the other hand, I would like to take a moment to bring to the attention of the Senate the efforts of Secretary Schlesinger in this regard. Many of these efforts have gone unnoticed, except in military circles. For the last 2 years, he has devoted a considerable amount of his time toward, No. 1, improving our conventional forces in Europe, No. 2, toward making our allies realize that the nuclear crutch that has been relied upon by the alliance for so long has to be reexamined in light of strategic parity. No. 3—and I think this is just as important—I believe that Secretary Schlesinger has pointed out in recent months that we do need a comprehensive and total review of our tactical nuclear policy, with the view in mind, in effect, of making our conventional forces our first deterrent.

I think Secretary Schlesinger is taking the initiative. Yet, with all the problems we have in the world and domestically today, much of this initiative has gone unnoticed. I personally know that he has made a deep impression on many people in the alliance. I had occasion recently to meet in this country with the German Defense Minister, Minister Leber. I had a long discussion with him on this subject. I have talked with many German generals and American generals. I think that Secretary Schlesinger is having a definite impact.

It is not an easy job. It is not easy to change a policy that has been evolving over a long period of time. But I do think that we should take note of what he has done and what he is doing; and we should be conscious, as we debate this bill this week, of the forces and changes that are taking place in NATO because of the initiative of Secretary Schlesinger and because of a change in attitude of many of our allies who I feel are slowly but surely realizing that conventional defense and conventional deterrent are not only possible but also absolutely necessary.

Mr. TOWER. I might recall again the statement of General Jones, which was recited here by the distinguished Senator from Georgia, that it is perhaps almost as dangerous to underestimate our own strength as it is to underestimate the enemy's—one from a political standpoint and the other from a military standpoint.

I might note that there has been a sort of psychologically stultifying attitude that Western Europe is hostage to a bombing threat from the Pact countries, when in fact, the Pact countries are just as much hostage to a bombing threat from the West, by virtue of what General Jones describes as our superior tactical air power. That is a point that should not be lost, and I think it is an important point to be made.

I do not think we should engage in actions in the Senate that will send our allies scurrying off to make their independent accommodations with the Soviet Union. That would not be in the national interest of the United States.

Mr. STENNIS. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. STENNIS. Mr. President, I did not hear all the remarks of the Senator from Texas, but I think he made some very timely points in the part I did hear.

I walked into the Chamber just in time to hear him use my name, together with the Senator from Georgia, in reference to the troops in Western Europe, and then he said something about the irresponsibility of the Senate. I do not think he intended to include me in that irresponsibility, not as to troops in Western Europe, anyway.

Mr. TOWER. I did not say that the Senate was irresponsible. I said that I hoped that we would be responsible.

Mr. STENNIS. I thank the Senator.

I am glad that this subject came up on the first day of the debate of this bill. I want to point out that I am a very strong believer in the NATO concept. I was in the Senate when it originated. Since I have been chairman of this committee, I have become more and more wedded to it. It has been a great success, as a whole.

However, I am convinced from the evidence that some shifting around and tightening up of our forces over there is in order and would strengthen all we have been doing.

I think the Senator from Georgia has made a fine suggestion that we put in the bill.

I believe that in General Jones—whose nomination as the new Chief of Staff of the Air Force our committee recommended confirming this morning—they have a mighty good chief. General Jones has been over there in Europe for some time now, in command of our Air Force power. I believe that in his new position he will be in a position to continue—and I publicly requested him to do so—to give special attention to the matter of the use of our military power in Western Europe. I believe that he will do that and will continue to be effective in such modifications as may seem necessary to strengthen our forces there. We will have a good, red hot, free swinging debate on this matter while this bill is pending on the floor of the Senate and I think it will be a wholesome thing to have, frankly. We have men who are directly in touch with the situation over there and know more about it than we have had the other times when this matter has been before us. I think it will strengthen our position as a whole to go through this debate. I think when all the facts are in a great majority of the Senate will sustain the idea of our staying there.

Again, I thank the Senator for yielding.

Mr. TOWER. Mr. President, I thank the Senator from Mississippi and I join him in expressing that hope.

I might further say that I think that the kind of constructive provisions that were offered by the Senator from Georgia to the bill have a positive effect. I would hope we would not consider legislation that would take a meat-ax approach and have a deleterious effect in terms of combat capability and the qualitative and quantitative posture of the American forces in Western Europe.

Mr. STENNIS. Mr. President, I think the Senator has stated it well; not a meat-ax approach but a constructive approach is what we need.

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

The PRESIDING OFFICER (Mr. CURTIS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its read-

ing clerks, announced that the House had passed the bill (H.R. 14449) to provide for the mobilization of community development and assistance services and to establish a Community Action Administration in the Department of Health, Education, and Welfare to administer such programs, in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1752. An act prescribing the objectives and functions of the National Commission on Productivity and Work Quality;

H.R. 11223. An act to authorize amendment of contracts relating to the exchange of certain vessels for conversion and operation in unsubsidized service between the West Coast of the United States and the Territory of Guam; and

H.R. 12925. An act to amend the Act to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce.

The PRESIDENT pro tempore subsequently signed the enrolled bills.

HOUSE BILL REFERRED

The bill (H.R. 14449) to provide for the mobilization of community development and assistance services and to establish a Community Action Administration in the Department of Health, Education, and Welfare to administer such programs was read twice by its title and referred to the Committee on Labor and Public Welfare.

QUORUM CALL

Mr. HARRY F. BYRD, JR. 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. TOWER. 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. TOWER. I ask unanimous consent that during the consideration of S. 3000, Mr. Ed Kenney and Mr. Robert Old, of the staff of the Committee on Armed Services, be accorded the privilege of the floor.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. 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. STENNIS. I ask that the Chair recognize the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1975

The Senate continued with the consideration of the bill (S. 3000) to authorize appropriations during the fiscal year 1975 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loans, and for other purposes.

AMENDMENT NO. 1368

Mr. PROXMIRE. Mr. President, I call up my amendment No. 1368 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PROXMIRE's amendment (No. 1368) follows:

At the appropriate place in the bill insert a new section as follows:

SEC. . Section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), is amended as follows:

(1) Subsection (d) is amended by inserting "foreign" immediately before "intelligence" the first time the latter term appears in such subsection.

(2) Clauses (1) and (2) of subsection (d) are amended by inserting "foreign" immediately before "intelligence" each time the latter term appears in such clauses.

(3) Clause (3) of subsection (d) is amended by inserting "foreign" immediately before "intelligence" the first time the latter term appears in such clause.

(4) Clause (4) of subsection (d) is amended by inserting "relating to foreign intelligence activities" immediately after "of common concern".

(5) Clause (5) of subsection (d) is amended to read as follows:

"(5) to perform such other functions and duties related to foreign intelligence affecting the national security as may be specifically directed from time to time by the Council and reported to the Congress in such manner and in accordance with such procedures as the Congress may establish to insure effective legislative oversight with due recognition of essential security requirements."

(6) Add at the end of such section a new subsection as follows:

"(g) (1) Nothing in this or any other Act shall be construed as authorizing the Central Intelligence Agency to—

"(A) carry out, directly or indirectly, within the United States, either on its own or in cooperation or conjunction with any other department, agency, organization, or individual any police or police-type operation or activity, any law enforcement operation or activity, or any internal security operation or activity;

"(B) provide assistance of any kind, directly or indirectly, to any other department or agency of the Federal Government, to any department or agency of any State or local government, or to any officer or employee of any such department or agency engaged in police or police-type operations or activities, law enforcement operations or activities, or internal security operations or activities within the United States unless such assistance is provided with the prior, specific written approval of the CIA Oversight Subcommittees of the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives; or

"(C) participate, directly or indirectly, in any illegal activity within the United States.

Mr. PROXMIRE. Mr. President, the amendment before us addresses the question of illegal domestic operations conducted by the Central Intelligence Agency.

Let me make it quite clear that this amendment will not prohibit the CIA from any obligation legally authorized under the 1947 National Security Act or the 1949 CIA Act. It is not an anti-CIA amendment.

What it does do is to provide a strong safeguard against the unauthorized exploitation of the CIA for illegal purposes by political, military, or any other vested interests not consonant with the will of the U.S. Government or the laws of the land.

I have great respect for the CIA. They have provided some of the most reputable analysis of foreign events in the history of the country. Indeed, the CIA Director appeared before the Joint Economic Committee a few weeks ago and did a superb job analyzing the Russian and Chinese economies and the kind of burden which their military efforts have placed upon the countries.

The CIA is unburdened by the biases of producing weapon systems. They owe no allegiances to conflicting and bureaucratic goals. They can be and usually are the single most influential independent voice when it comes to foreign intelligence in Washington.

And the need for clear, timely intelligence is extraordinarily important as we all know.

THE DANGER OF EXPLOITATION

With great power and influence comes the potential of exploitation. I am not talking about a "Seven Days in May" operation which is quite unrealistic. But I do refer to the even more real possibility of using this enormous apparatus for unscrupulous or illegal ends here at home.

Looking at the Watergate crisis I am continually struck by the similarity of the techniques and methods developed for collecting intelligence overseas and conducting what has come to be known as "dirty tricks" and the same techniques used here at home. In a speech last June 4 I spoke of the possible "spillover efects" of foreign intelligence methods being used here at home.

In the intervening 12 months that has come true with a terrifying impact. The techniques we developed for use abroad in "dirty tricks" have been used here at home in our own political process. The intelligence agencies have been compromised by political forces They have been used for domestic illegal purposes.

There can be no denying that we are now living in a world where the unthinkable, the once impossible has become real.

According to the National Security Act of 1947—Public Law 80-253—the CIA

shall have no police, subpena, law enforcement powers, or internal security functions. That is a direct quote. No police, subpena, law enforcement powers, or internal security functions.

On the face of it that seems quite clear. Stay out of domestic police-type activities.

POLICE TRAINING

This law notwithstanding, during a 2-year period between 1972 and 1973, about 50 police officers from a total of at least a dozen cities and county police forces have received direct training from the CIA. U.S. policemen received briefings and assistance from the CIA.

The CIA instructed these policemen in clandestine photography, surveillance of individuals, and detection and identification of metal and explosive devices.

When confronted with the evidence the CIA admitted that this had occurred and justified it under the provisions of the Omnibus Crime Control and Safe Streets Act of 1968, title 42, United States Code, section 3701, wherein it is stated that it was the declared policy of Congress "to assist State and local governments in strengthening law enforcement at every level" and that it was the purpose of the law to—

Encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals.

By using this loophole in the law the CIA engaged in this domestic police-type activity.

The General Accounting Office found that the CIA activities did not seem to be in violation of the law given the provisions of the Omnibus Crime Control and Safe Streets Act and the authority under the Intergovernmental Cooperation Act of 1968 and if the request were made by the Law Enforcement Assistance Administration. In the case with the police training, the CIA did not follow these stipulations and did not operate under the LEAA. Therefore, it would seem to me that the CIA operated improperly in these cases.

The GAO further stated that aside from these later laws, they had found no authority for the CIA to perform such training.

Mr. President, this is just one example of how even a flat prohibition in congressionally mandated legislation could be corrupted and superseded by some technical loophole in a subsequent law.

This is an extremely dangerous precedent.

If the CIA can justify its training of police officers how long will it be before the CIA or some political force finds other technical interpretations of subsequent law to justify the CIA becoming even more deeply involved in domestic operations. Where would it stop? Who would control it? What extraordinary or illegal powers could be brought to bear?

It is a constantly disturbing and alarming thought.

Mr. President, I ask unanimous consent that the General Accounting Office letter to the CIA on this matter be printed in the RECORD.

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

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, D.C., May 30, 1973.

Hon. JAMES R. SCHLESINGER,
Director, Central Intelligence Agency.

DEAR MR. SCHLESINGER: The Honorable Edward I. Koch, of the House of Representatives had referred to us for a ruling copies of correspondence with your office and certain material which appeared in the Congressional Record, vol. 118, pt. 3, pp. 2570–71 and vol. 119, pt. 5, pp. 6313–14, which was prompted by an article in the New York Times for December 17, 1972, which stated that fourteen New York policemen had received training from the Central Intelligence Agency (CIA) in September.

Because of an informal contact from your office we suggested that a statement be sent from your office as to exactly what was done and the specific statutory authority relied upon therefor. As a result, we received a letter dated March 16, 1973, from your Deputy General Counsel which enclosed (1) an extract of the Congressional Record for March 5, 1973, *supra*, that contained Congressman Chet Holifield's discussion and report of the inquiry into the matter by the House Committee on Government Operations at the request of Congressman Koch, together with related correspondence and (2) a copy of Congressman Koch's letter of December 28, 1972, to the CIA and a copy of the response of January 29, 1973, signed by your Legislative Counsel. It was stated that it would appear that all the information needed was contained in those enclosures. We were also assured that the CIA does not run a formal institution for training of police officers in the manner of the FBI Academy located at "Fort Belvoir." (The FBI Academy is located at Quantico, Virginia.)

It is noted that the Congressional Record, vol. 119, pt. 5, p. 6314 also includes related remarks of Congressman Lucian N. Nedzi, Chairman of the Special Subcommittee on Intelligence, House Committee on Armed Services, as to the activity of that Subcommittee in the matter, in which he emphasizes that the basic jurisdiction in CIA matters remains with the Armed Services Committee and that the Subcommittee has been diligent in fulfilling its responsibilities. He also stated that he shared the view "that the CIA should refrain from domestic law enforcement activities and that some of the activities described by our colleague Mr. Koch, and the agency itself could have been performed much more appropriately by other agencies."

It appears from the material referred to above that within the last two years less than fifty police officers from a total of about a dozen city and county police forces have received some kind of CIA briefing.

As to the New York police it appears that with the assistance of the Ford Foundation an analysis and evaluation unit was developed within the Intelligence Division of the New York City police department. At the suggestion of a Ford Foundation representative it sought assistance from the CIA as to the best system for analyzing intelligence. Although the CIA's techniques and procedures involve only foreign intelligence they were considered basic and applicable to the needs of the New York police. A 4-day briefing was arranged at which a ground of New York City police was briefed on the theory and technique of analyzing and evaluating foreign intelligence data, the role of the analyst, and the handling and processing of foreign intelligence information.

The briefing was given by a CIA training staff, based upon material used in training the CIA analysts and without any significant added expense. Specific guidance was not given as to how the New York City police system should be set up but the CIA presented its basic approach.

CIA assistance to local law enforcement agencies has been of two types. In the first type of assistance one or two officers received an hour or two of briefing on demonstration of techniques. Police officers from six local or State jurisdictions came to CIA headquarters for this type of assistance. In the second type of assistance, the briefing lasted for 2 or 3 days. Instruction was given in such techniques as record handling, clandestine photography, surveillance of individuals, and detection and identification of metal and explosive devices. Nine metropolitan or county jurisdictions sent officers for this type of instruction. Assistance given was at no cost to the recipients and has been accomplished by making available, insofar as their other duties permit, qualified CIA experts and instructors. Cost to the CIA has been minimal.

It is stated that all briefings have been conducted in response to the requests of the various recipients. It is also stated that the CIA intends to continue to respond to such requests within its competence and authority to the extent possible without interfering with its primary mission.

No provision of that part of National Security Act of 1947, as amended, 50 U.S.C. 403, *et seq.*, which established the Central Intelligence Agency has been cited as authority for the activities undertaken and our examination of that law fails to disclose anything which reasonably could be construed as authorizing such activities. However, in his letter of January 29, 1973, to Congressman Koch, your Legislative Counsel stated that these activities were entirely consistent with the provisions of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, *et seq.* He noted that in 42 U.S.C. 3701 it was the declared policy of the Congress "to assist State and local governments in strengthening law enforcement at every level" and that it was the purpose of that law to "encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals," 42 U.S.C. 3721. He also noted that in the same law at 42 U.S.C. 3756 Congress authorized the Law Enforcement Assistance Administration to use available services, equipment, personnel, and facilities of the Department of Justice and of "other civilian and military agencies and instrumentalities" of the Federal Government to carry out its function. It should also be noted that the section authorizes such use on a reimbursable basis.

There is nothing in the Omnibus Crime and Safe Streets Act of 1968 which authorizes a Federal agency of its own volition to provide services which it is not otherwise authorized to provide. As previously stated there is nothing in the legislation establishing the CIA which would authorize the activities in question. Neither does it appear that those services, equipment, personnel, and facilities utilized were utilized by the Law Enforcement Assistance Administration or even at its request. As stated by Congressman Holifield in his letter of February 23, 1973, to you and quoted in the Congressional Record for March 5, 1973:

Since the Law Enforcement Assistance Administration is the agency primarily concerned with such matters, particularly where Federal assistance funds are involved, it would seem that the need for Federal agency assistance to local law enforcement agencies

should be coordinated by that Administration.

In that same letter of February 23, 1973, Congressman Holifield invited attention to the Intergovernmental Cooperation Act of 1968, Pub. L. 90-577, 82 Stat. 1102, approved October 16, 1968, 42 U.S.C. 4201, *et seq.*, as implemented by Budget Circular No. A-97 of August 29, 1969. Among the purposes of title III of that act, as stated in section 301 thereof, is to authorize all departments and agencies of the executive branch of the Federal Government—which do not otherwise have such authority—to provide reimbursable specialized or technical services to State and local governments. Section 302 of the act states that such services shall include only those which the Director of the Office of Management and Budget through rules and regulations determines Federal departments and agencies have a special competence to provide. Budget Circular No. A-97 covers specific services which may be provided under the act and also provides that if a Federal agency receives a request for specialized or technical services which are not specifically covered and which it believes is consistent with the act and which it has a special competence to provide, it should forward such request to the Bureau of the Budget (now Office of Management and Budget) for action. The same procedure is to be followed if there is doubt as to whether the service requested is included within the services specifically covered. Section 304 requires an annual summary report by the agency head to the respective Committees on Government Operations of the Senate and House of Representatives on the scope of the services provided under title III of the act. Possibly future requests for briefings from State or local police agencies could be considered under the provisions of that act and the implementing budget circular.

In the letter of January 29, 1973, to Congressman Koch from your Legislative Counsel it is also stated that the activities in question were not considered to violate the letter or spirit of the provisions of the National Security Act of 1947 which states that "the Agency shall have no police, subpoena, law enforcement powers, or internal-security functions." See 50 U.S.C. 403(d)(3). We do not regard the activities as set out above as being in violation of these provisions, but as previously indicated, we have found no authority for those activities by your agency, unless provided on a reimbursable basis in accordance with the Intergovernmental Cooperation Act of 1968, or at the request of the Law Enforcement Assistance Administration under the provisions of the Omnibus Crime Control and Safe Streets Act of 1968, which was not the case here.

Copies of this letter are being sent to the Members of Congress referred to above.

Sincerely yours,

ELMER B. STAATS,

Comptroller General of the United States.

WATERGATE INVESTIGATION

Mr. PROXMIRE. Mr. President, the training of police is not an isolated example of unauthorized or illegal activities being conducted by the CIA in the United States.

An investigation by the House and Senate Armed Services Committees into the role of the CIA in the Watergate incident has shown a number of misuses of CIA authority or resources.

The CIA gave Howard Hunt, a former CIA employee, alias identification gear, disguises, and other technical materials for purposes having nothing to do with the CIA mission.

We all know what purpose these were put to. Howard Hunt used them to contact an individual who was peddling material on the Kennedy family and in the unlawful break into the office of Dr. Fielding in the search for the psychiatric records of Daniel Ellsberg.

They were also used in connection with the Mrs. Dita Beard and the ITT affair. They were used during the actual Watergate break-in attempt.

It was found that the White House had demanded domestic psychiatric profiles on Daniel Ellsberg in 1971 contrary to the National Security Act and CIA practice.

Furthermore, Messrs. Halderman, Ehrlichman, and Dean attempted to deflect the FBI investigation of the Watergate break-in by evoking nonexistent conflicts with the CIA.

I emphasize that these are not my conclusions. These are the conclusions of the House Armed Services Committee ably led by Congressman LUCIEN NEDZI, chairman of the Intelligence Subcommittee and Chairman EDWARD HÉBERT of the full committee.

The committee charged that the CIA had become "unwitting dupes for purely domestic White House staff endeavors."

This conclusion was reached after 12 weeks of inquiry.

Mr. President I ask unanimous consent that conclusions of the study be printed in the RECORD.

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

STATEMENT BY CONGRESSMAN F. EDWARD HÉBERT

I believe that the American public should join with me in commending Congressman Lucien N. Nedzi (D.-Mich.), Chairman of the Intelligence Subcommittee of the House Armed Services Committee which conducted a thorough and indepth investigation of the CIA in connection with the Watergate-Ellsberg matters.

Congressman Nedzi, as Chairman, had a free and open hand during the entire course of the inquiry and with the assistance of his Counsel, William H. Hogan, Jr., and the members of the subcommittee, has brought forth what I believe to be a most important document.

Congressman Nedzi conducted the investigation in the tradition of the House Armed Services Committee inquiries, devoid of flamboyance and fanfare. Every individual who had any significant connection with the problem was before the subcommittee under oath and the subcommittee began and finished its inquiry without leaks or disclosures and without prejudice either for or against any person who appeared before the subcommittee.

As Chairman of the House Armed Services Committee, I want to publicly commend Congressman Nedzi and the other members of the subcommittee, William G. Bray (R.-Ind.), Leslie C. Arends (R.-Ill.), Melvin Price (D.-Ill.), O. C. Fisher (D.-Tex.) and Bob Wilson (R.-Calif.), together with Counsel William Hogan, for their objectivity during the hearings and the sound conclusions expressed in the subcommittee report.

PANEL TABS CIA DUPES FOR WHITE HOUSE STAFF IN WATERGATE-ELLSBERG REPORT

The CIA had become "unwitting dupes for purely domestic White House Staff endeavors," in connection with the Watergate and Ellsberg matters, House Armed Services Subcommittee charged in an investigative report issued today.

The Special Subcommittee on Intelligence, chaired by Representative Lucien N. Nedzi (D.-Mich.), issued a 23-page report that capped 12 weeks of inquiry into allegations concerning CIA involvement in Watergate and the Ellsburg case.

Among the Subcommittee's major findings:

Alias identification gear, disguises and other technical materials were provided improperly to E. Howard Hunt by the CIA for purposes not in keeping with the CIA's mission.

Although the CIA was not aware of those purposes, it was insufficiently cautious in providing the material.

The material was used in a disguised interview by Hunt to contact an individual who was peddling material on the Kennedy family.

The material was also improperly used in the unlawful break-in into Dr. Fielding's office in connection with the Ellsberg psychiatric records; in connection with Mrs. Dita Beard and the ITT affair; and, finally, at the abortive break-in at the Watergate complex.

The White House demands for domestic-psychiatric profiles on Daniel Ellsberg in 1971 was an abuse of CIA facilities.

Haldeman, Ehrlichman and Dean attempted to deflect the FBI investigation of the Watergate break-in by envoking nonexisting conflicts with CIA operations.

John Dean made amazingly overt attempts to involve the CIA in Watergate.

In dealing with the CIA White House aides avoided former Director Helms and focused their attention on Generals Cushman and Walters for compliance with orders.

Haldeman and Ehrlichman were sources of enormous executive authority in the White House.

The subcommittee recommended legislation to:

a. Prohibit the Director of Central Intelligence from performing actions not included in the National Security Act without the expressed authorization of the President.

b. Tighten the wording of the National Security Act with regard to the protection of intelligence sources and methods by the CIA Director.

c. Prohibit transactions between former CIA employees in the Agency beyond routine administrative matters.

"In testimony we developed," Mr. Nedzi stated, "it became clear that the White House counsel, Mr. John Dean, made what can be characterized as almost unbelievable attempts to involve the CIA in Watergate as a brazen cover for those actually involved.

"There is little doubt that Haldeman and Ehrlichman were running much of the executive branch of the government in domestic matters during the period covered by this report and there is no doubt that the CIA leadership considered them to be speaking with finality for the President."

Chairman Nedzi continued, "even though any danger to Mexican-CIA sources was just not in the cards, White House aides sought to impede the FBI investigation into the Mexican money-laundering caper as another obvious attempt at coverup. For example, Dean contacted Acting FBI Director L. Patrick Gray several times following Watergate in overt attempts to stifle the FBI investigation into the Mexican money-laundering operation."

Chairman Nedzi tabbed as "puzzling and contradictory" the testimony regarding the July 6, 1972 telephone conversation between the President and L. Patrick Gray, Acting Director of the FBI. While the President in his public statement on May 22, 1973 indicated that he called Gray to congratulate him on the successful conclusion of the hijacking incident, it would appear from the record that the Gray call to the President at

San Clemente was returned because Gray expressed concern over apparent White House staff attempts to impede the FBI's role in the Watergate investigation.

Joining Chairman Nedzi in the unanimous approval of the report were subcommittee members F. Edward Hébert (D.-La.), William G. Bray (R.-Ind.), Leslie C. Arends (R.-Ill.), Melvin Price (D.-Ill.), O. C. Fisher (D.-Tex.) and Bob Wilson (R.-Ca.).

Chairman Nedzi indicated that his subcommittee is currently committed to conduct hearings at the earliest possible date on the subcommittee's legislative proposals and other suggested changes in the overall role and operation of the CIA.

Mr. PROXMIRE. Mr. President, what else has the CIA done domestically? The CIA disseminates its foreign intelligence reports to the several agencies concerned with the matters covered in those reports such as the Drug Enforcement Administration, the Immigration and Naturalization Service, the Armed Services, the Customs Service, the Secret Service, and others on a routine basis. As I will explain shortly, this type of routine flow of data will be permitted under this amendment.

In addition to this, however, the CIA provides training to Drug Enforcement Administration personnel in interagency procedures and intelligence coordination practices in overseas missions. They also give the Secret Service training in defensive driving and in explosives and demolition devices related to terrorist activities. Members of the U.S. Intelligence Board are given counteraudio surveillance measure training by the CIA.

The CIA maintains a number of permanent facilities and operations on U.S. soil. Of course, the headquarters is located in Virginia and necessary support functions such as recruitment, training, and security checks are carried out.

American citizens are interviewed on a voluntary basis for their knowledge of foreign intelligence which they will share with their Government.

Operations are conducted to collect foreign intelligence from foreigners temporarily resident in the United States.

Mechanisms, relationships, and facilities are required within the United States to support foreign intelligence operations abroad. Some of this entails dummy corporations and front organizations.

And finally, analysis and research on foreign intelligence matters by CIA staff, contractors, consultants, and various institutions is conducted routinely.

EXPLANATION OF THE AMENDMENT

The amendment I am offering today would amend the National Security Act of 1947.

First, wherever the word "intelligence" appears in that act, the word "foreign" would be placed immediately in front of it.

This will help clarify that the CIA only has authority to operate under these provisions when it applies to foreign intelligence. It would eliminate any temptation to broaden or reinterpret these sections to allow domestic activities not related to foreign intelligence collection.

It is interesting to note that the Director of Central Intelligence supports this revision in the law and, in fact, suggested it himself.

I repeat, the Director of Central Intelligence supports this revision in the law and, in fact, he suggested it himself.

Second, the ambiguous and dangerous clause 5 of subsection (d) of the 1947 act would be modified to read—

It shall be the duty of the CIA under the direction of the National Security Council to perform such other functions and duties related to foreign intelligence affecting the national security as may be specifically directed from time to time by the Council and reported to the Congress in such manner and in accordance with such procedures as the Congress may establish to insure effective legislative oversight with due recognition of essential security requirements.

Clause 5 of subsection (d) is the most important section in the 1947 act.

Why? Because it gives unlimited latitude to the National Security Council and the CIA to extend and expand upon the 1947 act. This is the clause that often has been called the origin of the "Secret Charter" of the CIA. From this clause flows the National Security Council Intelligence Directives (NSCID's) that spell out the functions and missions of the various intelligence units.

Senators will notice that nowhere in the 1947 act is the CIA given authority to operate covertly overseas. Nowhere in the language is this spelled out. There is nothing about "dirty tricks," nothing about overthrowing governments or sabotage. It all flows from the clause 5 of subsection d.

My amendment does not address these overseas activities. My bill S. 1935 goes to the heart of that matter, and I hope that the committee will hold hearings soon so that the bill can be considered. That is not what is before us today.

In the meantime, however, and recognizing the almost insolvable problems in defining necessary overseas operations in contrast to the type of operation we should not be engaged in, such as overthrowing governments, I have offered this amendment which deals exclusively with domestic affairs.

Under my amendment, clause 5 is expanded and tightened. I give credit to the language of this modification to the distinguished Senator from Mississippi, the chairman of the Armed Services Committee (Mr. STENNIS).

Third, an entirely new section is added to the 1947 act, which explicitly spells out a prohibition against the CIA becoming involved in domestic affairs. This new subsection says that nothing in the 1947 act or any other act would allow the CIA to carry out, directly or indirectly, within the United States, whether on its own or in cooperation with anyone else, any police-type activity or internal security functions.

It would also prohibit providing assistance to any organization or person engaged in police-type activities or internal security functions.

And last, it prohibits the CIA from participating directly or indirectly in any illegal activity within the United States.

A few words of explanation are necessary.

First, what about the normal communications between the CIA and other agencies of Government? Would that be prohibited? The answer is "No." The amendment provides for that by stating that the only exceptions granted must be made in writing by the four oversight subcommittees of Congress.

I would then urge that these exceptions be made public by those committees. I realize that some will say that this is giving too much authority to these small committees. But I have great faith that if these committees alone can authorize exceptions to the rule, they will invoke their authority with great restraint and wariness. After all, if some program backfires, then these committees will also stand responsible. At the present time, no one stands responsible.

It might be asked why must the CIA be prohibted from any illegal activities within the United States? The answer is history. Existing law is no restraint to the CIA. Laws already have been violated in the Watergate case. Laws have been bent in the police-training case. And it can easily be seen that the CIA has great resources for operating covertly here at home and without our knowledge. Therefore, the CIA must be told directly that at no time in the future, and under no conditions, can they break U.S. law, either by self-direction or at the direction of any other party, including the President and Congress.

Mr. President, I think this amendment should be placed in the right perspective. It is offered in order to protect the CIA from abuses coming from the political system. It is intended to isolate and reinforce the Agency in its exclusion mission of colecting foreign intelligence.

It is a guarantee that the CIA will remain aloof from those law enforcement and internal security functions that remain the prerogative of the FBI and domestic law enforcement agencies.

There is no more important heritage to protect than our system of law. When the law is corrupted, we must give it teeth. When it is overlooked or circumvented, we must enforce it with authority. Where it is vague, we must make it explicit.

To do less is to risk our heritage. A vote for this amendment will be a long step in the right direction.

Mr. President, I had an opportunity to discuss this amendment with the distinguished Senator from Mississippi (Mr. STENNIS), the manager of the bill; and it is my understanding that he approves of much of this amendment. In fact, if I modify the amendment, which I am willing to do, I understand that he is willing to accept the amendment as modified.

So I send a modification to the desk, and I ask unanimous consent that the amendment may be modified as indicated.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. It will be so modified.

The modification will be stated.

The modification was read, as follows:

(A) carry out, directly or indirectly, within the United States, either on its own or in cooperation or conjunction with any other department, agency, organization, or

individual any police or police-type operation or activity, any law enforcement operation or activity, or any internal security operation or activity: *Provided, however,* That nothing in this Act shall be construed to prohibit the Central Intelligence Agency conducting personnel investigations of from (1) protecting its installations, (2) Agency employees and applicants or employees of contractors and others requiring access to sensitive Agency information in carrying out Agency responsibilities, or (3) providing information resulting from foreign intelligence activities to other appropriate departments and agencies.

(B) participate, directly or indirectly, in any illegal activity within the United States.

Mr. PROXMIRE. Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I have listened to the Senator from Wisconsin, and just for the purpose of quick review, I hold in my hand his amendment No. 1368 to the bill now under consideration, S. 3000.

As I understand, he has modified his amendment so that it will continue to include all that is presently in the original printed copy on page 1 and on page 2 and on page 3, through line 6. Then he adds the words "Provided, however," after the word "activity," and strikes out the remainder of page 3, down through line 19, and renumbers the last paragraph (B), instead of (C), and he includes lines 20 and 21.

Have I correctly outlined the modified amendment?

Mr. PROXMIRE. The Senator has, indeed.

Mr. STENNIS. Mr. President, first I congratulate the Senator for his interest in this subject. He and I have discussed this problem from time to time. It arose last year, when the activities within the domestic field came to my attention.

I came to the Senate soon after the original CIA act was passed, and there was nothing clearer around here, nor anything that sounded louder, than the fact that the CIA act was passed for the purpose of foreign intelligence. I was really shocked and disappointed and considerably aroused when I learned of some of the facts last summer; and even though I was not on Capitol Hill, I made some effort to get a bill started that would cover some of these matters.

We have in this amendment, as the Senator from Wisconsin has pointed out, complete coverage of the matter of domestic intelligence being excluded. Mainly, the Senator has inserted the word "foreign" before the word "intelligence," which closes a loophole and makes clear that we are talking about foreign intelligence only.

I should like to make a further point: The matter of police training, as I understand it, came in through the interpretation of a different law, not the original CIA Act. This amendment, as modified now by the Senator from Wisconsin, prohibits that police activity, and I think correctly so.

We have had a good deal of discussion of this matter, and I have discussed it with the Senator from Texas, who was acting for the minority at that time. I have also discussed it with the Senator from South Carolina, who is the ranking minority member of the committee, and the Senator from Georgia (Mr. NUNN).

I speak for myself, first. I support the amendment of the Senator from Wisconsin. He has stricken from it language I could not agree to. I think every Senator can speak for himself but I do think it would be a valuable amendment. I think it would be helpful to the CIA. I have discussed the matter with Mr. Colby, especially about closing this loophole and putting the word "foreign" before intelligence in the amendment, and it is suitable to him.

If the amendment is accepted by the Senate, and I hope it will be, we will make a conscientious effort to have it carried through. I think that the committee as a whole would have supported the amendment as now modified.

With that thought behind it, I am glad to agree to the amendment so far as I personally am concerned. I would like to hear from the Senator from South Carolina and also the Senator from Texas, with whom I have dealt in connection with this matter.

Mr. THURMOND. Mr. President, as I understand the amendment as now modified, it is about the same amendment as the distinguished chairman of the Committee on Armed Services had introduced and which is now before the Committee on Armed Services. Is that correct?

Mr. STENNIS. The Senator is correct on these points in focus here and included in this amendment. The Senator is correct.

Mr. THURMOND. Since that is the case, I do not think there is any objection in committee that I am aware of. I think the committee as a whole favors the amendment and if the Senator from Mississippi wishes to accept it here rather than to wait until later, it is entirely agreeable with us.

Mr. STENNIS. I am interested in getting results. I believe this is the way to get results. It is timely and it is relevant to the bill, in that our committee is the committee that handles legislation of this kind. I think we have taken a step forward in a field where this legislation is needed and we should accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. PROXMIRE), as modified.

The amendment, as modified, was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1370

Mr. PROXMIRE. Mr. President, I call up my amendment No. 1370.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

At the appropriate place in the bill insert a new section as follows:

SEC. —. Notwithstanding any other provision of law, no enlisted member of the Armed Forces of the United States may be assigned to duty or otherwise detailed to duty as an enlisted aide, public quarters steward, airman aide, cook specialist, or food service technician on the personal staff of any officer of the Army, Navy, Marine Corps, Air Force, or Coast Guard (when operating as a service of the Navy).

Mr. PROXMIRE. Mr. President, I am happy to yield to the acting majority leader.

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

Mr. President, I ask unanimous consent that there be a time limitation on this amendment of 1 hour, the time to be equally divided between Mr. STENNIS and Mr. PROXMIRE, with a time limitation on any amendment to the amendment of 30 minutes, and in accordance with the usual form.

Mr. STENNIS. Equally divided.

Mr. ROBERT C. BYRD. Yes. In accordance with the usual form.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. STENNIS. Mr. President, I have no objection.

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

Mr. ROBERT C. BYRD. Mr. President, I am getting questions and have been for the last hour from Senators on both sides as to whether or not there will be any rollcall votes this afternoon. May I ask the distinguished Senator if it is his intention to ask for the yeas and nays?

Mr. PROXMIRE. Yes, I intend to have a rollcall vote.

Mr. ROBERT C. BYRD. Very well. Both cloakrooms may notify Senators accordingly. I thank the Senator.

Mr. PROXMIRE. Mr. President, the amendment I propose today will correct a longstanding abuse in the U.S. Military Establishment. It will bring to an end a highly questionable practice with overtones of racial prejudice and involuntary servitude.

It will restore traditional American moral and ethical standards. In short, it will eliminate completely the military servant program.

What is the military servant program?

It is the systematic and widespread practice of providing enlisted men for personal and professional use by high ranking generals and admirals.

The enlisted men are called enlisted aides. They are attached to another human being as a personal servant. They are not provided to a command, a unit or a group of officers. They are allotted by the Secretary of Defense to individual officers who live in quarters provided free by the taxpayers. These are called public quarters.

There are 675 such men, enlisted men, serving as servants at the present time. They are in the service of 450 high-ranking officers.

ARE THEY SERVANTS?

I have called these men servants. But are they? Maybe they are professional military men providing a necessary military function?

The best way to judge is by what they

do. According to an extensive investigation by the General Accounting Office, these men prepare food in the officer's home, serve the meals, clean the house, perform the gardening, provide maintenance, bartend for both official and unofficial parties, do the grocery shopping, run errands, chauffeur the officer and family about, maintain uniforms, wash automobiles, and act as the butler.

Does any of this sound familiar? Of course it does. These are servant duties. The GAO concluded that the duties of enlisted aides "are those normally associated with domestic servants."

So much for that argument. They are servants by any definition and there can be no doubt about it.

WHO GETS SERVANTS?

Just who are these privileged officers who get the free use of servants paid for by the taxpayer? Not surprisingly they are the Nation's highest ranking officers.

This year the Secretary of Defense has distributed the 675 servants to 450 generals and admirals. All members of the Joint Chief of Staff have 5 servants each. Five men personally assigned to them to care for their every need. Five human beings receiving wages on the average of between $7,000 and $8,000 a year. This means that each Member of the Joint Chiefs has the personal use of about $40,000 worth of manpower for his personal convenience.

Thirteen other Army generals, 8 admirals, 1 Marine Corps general, and 14 Air Force generals all receive 3 servants each, courtesy of the American taxpayer.

The unfortunate remaining officers of the 450 have to make do with 1 or 2 servants with the exception of Adm. William Mack, Superintendent of the Naval Academy who gets 4 for some reason.

WHERE ARE THE SERVANTS STATIONED?

These servants are attached almost permanently to an individual officer. They go where he goes. They serve where he serves. They are part of the family.

Of the 675 servants, 189 are based in the Washington, D.C. area. That is where most of the brass are, so that is where many of the servants are.

The remainder are scattered around the United States and throughout the world.

We have military servants for our brass in Italy, England, Belgium, Taiwan, Japan, Germany, Korea, Brazil, the Canal Zone, Okinawa, Turkey, Thailand, Guam, Spain, and Holland.

We are supposed to be exporting the best of America—our system of democracy, our standards of justice, our moral leadership. But what we end up exporting is a servant caste system. One must wonder what foreign nationals think of the United States when they see that we provide our military leaders with servants.

Mr. President, I ask unanimous consent that a list of all generals and admirals receiving servants and their place of residence be printed in the RECORD.

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

ALLOCATION OF ENLISTED AIDES UNDER DOD 675 CEILING TO BE EFFECTIVE JUNE 30, 1974

UNITED STATES ARMY

Grade and name of officer	Position of officer	Projected authorized/assigned enlisted aides as of June 30, 1974
O-11: Bradley, Omar N	General of the Army, Beverly Hills, Calif	3
O-10: Abrams, Creighton W	Chief of Staff, U.S. Army, Washington, D.C	5
O-10: Bennett, Donald V	Commander in Chief, U.S. Army, Pacific	3
O-10: Davison, Michael S	Commander in Chief, U.S. Army Europe/7th Army.	3
O-10: DePuy, William E	Commanding General, U.S. Army Training and Doctrine Command, Fort Monroe, Va.	3
O-10: Goodpaster, Andrew J	Supreme Allied Commander, Europe, and Commander in Chief, U.S. European Command.	3
O-10: Kerwin, Walter T., Jr	Commanding General, U.S. Army Forces Command, Fort McPherson, Ga.	3
O-10: Miley, Henry A., Jr	Commanding General, U.S. Army Materiel Command, Alexandria, Va.	3
O-10: Palmer, Bruce, Jr	Commander in Chief, U.S. Readiness Command, MacDill Air Force Base, Fla.	3
O-10: Rosson, William B	Commander in Chief, U.S. Southern Command, Quarry Heights, Canal Zone.	3
O-10: Stilwell, Richard G	Commanding General, 8th U.S. Army, Korea/Commander in Chief, United Nations Command/Commander, U.S. Forces Korea.	3
O-10: Weyand, Frederick C	Vice Chief of Staff, U.S. Army, Washington, D.C.	3
O-10: Zais, Melvin	Commanding General, Allied Land Forces Southeastern Europe.	3
O-9: Blanchard, George S	Commanding General, VII Corps, U.S. Army Eruope.	2
O-9: Burdett, Allen M., Jr	Commanding General, III Corps and Fort Hood, Fort Hood, Tex.	2
O-9: Collins, Arthur S., Jr	Deputy Commander in Chief, U.S. Army Europe/7th Army.	2
O-9: Cowles, Donald H	Deputy Chief of Staff for Operations, U.S. Army, Washington, D.C.	2
O-9: Davidson, Phillip B., Jr	Deputy Assistant Secretary of Defense (Research and Management), Office of the Assistant Secretary of Defense (Intelligence), Washington, D.C.	2
O-9: Deane, John R., Jr	Chief of Research and Development, U.S. Army, Washington, D.C.	2
O-9: Desobry, William R	Commanding General, V Corps, U.S. Army Europe.	2
O-9: Dolvin, Welborn G	Commanding General, IX Corps/U.S. Army Japan.	2
O-9: Flanagan, Edward M., Jr	Comptroller of the Army, Washington, D.C	2
O-9: Gribble, William C., Jr	Chief of Engineers, U.S. Army, Washington, D.C.	2
O-9: Hollingsworth, James F	Commanding General, I Corps (Republic of Korea/United States) Group, Korea.	2
O-9: Hollis, Harris W	U.S. Representative, Permanent Military Deputies Group, Central Treaty Organization, Turkey.	2
O-9: To be announced	Director of the Army Staff, U.S. Army, Washington, D.C.	2
O-9: Knowles, Richard T	Deputy Commanding General, 8th U.S. Army, Korea.	2
O-9: Knowlton, William A	Superintendent, U.S. Military Academy, West Point, N.Y.	3
O-9: Kornet, Fred, Jr	Deputy Chief of Staff for Logistics, U.S. Army, Washington, D.C.	2
O-9: Leber, Walter P	SAFEGUARD Systems Manager, SAFEGUARD Systems Office, U.S. Army, Arlington, Va.	2
O-9: Lotz, Walter E., Jr	Deputy Director General, North Atlantic Treaty Organization Integrated Communications System Management Agency, Belgium.	2
O-9: Maples, Herron N	The Inspector Genera , U.S. Army, Washington, D.C.	2
O-9: McLaughlin, John D	Commanding General, Theater Army Support Command, Europe.	2
O-9: Norton, John	Chief of Staff, Allied Forces Southern Europe	2
O-9: Penney, Howard W	Director, Defense Mapping Agency, Washington, D.C.	2
O-9: Pepke, Donn R	Deputy Commanding General, U.S. Army Forces Command, Fort McPherson, Ga.	2
O-9: Potts, William E	Deputy Director, Defense Intelligence Agency, Washington, D.C.	2
O-9: Roberts, Elvy B	Commanding General, 6th U.S. Army, Presidio of San Francisco, Calif.	2
O-9: Rogers, Bernard W	Deputy Chief of Staff for Personnel, U.S. Army, Washington, D.C.	2
O-9: Rowney, Edward L	Joint Chiefs of Staff Representative for Strategic Arms Limitation Talks, Organization of the Joint Chiefs of Staff, Washington, D.C.	2
O-9: To be announced	Director, Plans and Policy, J-5, Organization of the Joint Chiefs of Staff, Washington, D.C.	2
O-9: Seitz, Richard J	Commanding General, XVIII Airborne Corps and Fort Bragg, Fort Bragg, N. C.	2
O-9: Seneff, George P., Jr	Commanding General, 5th U.S. Army, Fort Sam Houston, Tex.	2
O-9: Sutherland, James W., Jr	Chief of Staff, U.S. European Command	2
O-9: Taber, Robert C	Deputy Assistant Secretary of Defense (Manpower and Reserve Affairs), Washington, D.C.	2
O-9: Talbott, Orwin C	Deputy Commanding General, U.S. Army Training and Doctrine Command, Fort Monroe, Va.	2
O-9: Taylor, Richard R	The Surgeon General, U.S. Army, Washington, D.C.	2
O-9: Vaughan, Woodrow W	Deputy Commanding General, U.S. Army Materiel Command, Alexandria, Va.	2
O-9: Walker, Glenn D	Commanding General, 1st U.S. Army, Fort George G. Meade, Md.	2
O-9: Walters, Vernon A	Deputy Director, Central Intelligence Agency, Washington, D.C.	2
O-9: Williams, Robert R	Deputy Commander in Chief, and Chief of Staff, U.S. Army Pacific.	2
O-9: Woolwine, Walter J	Commandant, Industrial College of the Armed Forces, Fort Lesley J. McNair, Washington, D.C.	1
O-8: Aaron, Harold R	Assistant Chief of Staff for Intelligence, U.S. Army, Washington, D.C.	2
O-8: Albright, Jack A	Commanding General, U.S. Army Communications Command, Fort Huachuca, Ariz.	1
O-8: Baer, Robert J	Project Manager, XM1 Tank System, U.S. Army Tank-Automotive Command, Warren, Mich.	1
O-8: Barfield, Thomas H	Commander, 23d North American Air Defense Command/Continental Air Defense Command Region, Duluth, Minn.	1
O-8: Beatty, George S., Jr	Director, Inter-American Defense College, Fort Lesley J. McNair, Washington, D.C.	1

Grade and name of officer	Position of officer	Projected authorized/ assigned enlisted aides as of June 30, 1974
O-8: Bernstein, Robert	Commanding General, Walter Reed Army Medical Center, Washington, D.C.	1
O-8: Berry, Sidney B	Commanding General, 101st Airborne Division (Airmobile) and Fort Campbell, Fort Campbell, Ky.	1
O-8: Blakefield, William H	Deputy Commanding General, 1st U.S. Army and Commanding General, U.S. Army Readiness Region III, Fort George G. Meade, Md.	1
O-8: Brown, Charles P	Commanding General, U.S. Army Test and Evaluation Command, Aberdeen Proving Ground, Md.	1
O-8: Burton, Jonathan R	Commanding General, 3d Armored Division, U.S. Army Europe.	1
O-8: Cantlay, George G	Deputy U.S. Military Representative, North Atlantc Treaty Organization Military Committee, Belgium.	1
O-7: Palmer, William W	Chief, Military Equipment Delivery Team, Cambodia.	1
-8: Cobb, William W	U.S. Commander, Berlin, Germany	1
O-8: Coleman, William S	Commanding General, U.S. Army Readiness Region VI, Fort Knox, Ky.	1
O-7(P): Crawford, Albert B., Jr	Project Manager, Army Tactical Data Systems, Fort Monmouth, N.J.	1
O-8: Cunningham, Hubert S	Chief, Joint U.S. Military Advisory Group, Korea.	1
O-8: Cushman, John H	Commanding General, U.S. Army Combined Arms Center/Commandant, U.S. Army Command and General Staff College, Fort Leavenworth, Kans.	2
O-8: David, Bert A	Commanding General, U.S. Army Base Command, Okinawa.	1
O-8: Davis, Franklin M., Jr	Commandant, U.S. Army War College, Carlisle Barracks, Pa.	2
O-8: Davison, Frederic E	Commanding General, U.S. Army Military District of Washington, Washington, D.C.	1
O-8: Del Mar, Henry R	Commander, Military Traffic Management and Terminal Service, Washington, D.C.	1
O-8: Duquemin, Gordon J	Commanding General, 1st Infantry Division and Fort Riley, Fort Riley, Kans.	1
O-8: Ellis, Vincent H	Commanding General, U.S. Army Missile Command, Redstone Arsenal, Ala.	1
O-8: Emerson, Henry E	Commanding General, 2d Infantry Division, Korea.	1
O-8: Fair, Robert L	Commanding General, 2d Armored Division, Fort Hood, Tex.	1
O-8: Fitzpatrick, Thomas E., Jr	Commanding General, 32d Army Air Defense Command, U.S. Army Europe.	1
O-8: Forrester, Eugene J	Commanding General, U.S. Army Administration Center, Fort Benjamin Harrison, Ind.	1
O-8: Foster, Hugh F., Jr	Commanding General, U.S. Army Electronics Command, Fort Monmouth, N.J.	1
O-8: Fulton, William B	Commanding General, U.S. Army Recruiting Command, Fort Sheridan, Ill.	1
O-8: Fuson, Jack C	Commanding General, U.S. Transportation Center and Commandant, U.S. Army Transportation School, Fort Eustis, Va.	1
O-8: Galloway, James V	Chief, Joint U.S. Military Mission for Aid to Turkey.	1
O-8: Gard, Robert G., Jr	Commanding General, U.S. Army Training Center and Fort Ord, Fort Ord, Calif.	1
O-8: Godding, George A	Commanding General, U.S. Army Security Agency, Arlington, Va.	1
O-8: Graham, Erwin M., Jr	Commanding General, U.S. Army Logistics Center, Fort Lee, Va.	1
O-7(P): Greer, Thomas U	Commanding General, U.S. Army Training Center and Fort Dix, Fort Dix, N.J.	1
O-8: Groves, Richard H	Division Engineer, U.S. Army Engineer Division, North Atlantic, New York, N.Y.	1
O-8: Guthrie, John R	Deputy Chief of Staff, Pacific Command	1
O-8: Hamlet, James F	Commanding General, 4th Infantry Division and Fort Carson, Fort Carson, Colo.	1
O-8: Henion, John Q	Commanding General, 9th Infantry Division and Fort Lewis, Fort Lewis, Wash.	1
O-8: Higgins, Hugh R	Commanding General U.S. Army Troop Support Command, St. Louis, Mo.	1
O-8: Hinrichs, Frank A	Commanding General, U.S. Army Aviation Systems Command, St. Louis, Mo.	1
O-8: Hixon, Robert C	Commanding General, U.S. Army Training Center and Fort Jackson, Fort Jackson, S.C.	1
O-8: Hughes, Carl W	Surgeon, U.S. Army, Pacific, and Commanding General, Tripler Army Medical Center, Hawaii.	1
O-8: To be announced	Surgeon, U.S. Army, Europe and Commanding General, U.S. Army Medical Command, Europe.	1
O-8: Hunt, Ira A., Jr	Deputy Commander, U.S. Support Activities Group, Thailand.	1
O-8: Kendall, Maurice W	Chairman/Army Member, U.S. Delegation, Joint Brazil-United States Military Commission/Commander U.S. Military Group, Brazil.	1
O-8: Kissinger, Harold A	Director, Joint Tactical Communications Office, Fort Monmouth, N.J.	1
O-8: Kraft, William R., Jr	Chief of Staff, U.S. Army, Europe/7th Army	1
O-8: Kroesen, Frederick J., Jr	Commanding General, 82d Airborne Division, Fort Bragg, N.C.	1
O-8: Levan, C. J	Commanding General, U.S. Army Air Defense Center and Commandant, U.S. Army Air Defense School, Fort Bliss, Tex.	1
O-8 Mabry, George L., Jr	Commander, U.S. Army Forces Southern Command, Fort Amador, Canal Zone.	1
O-8: Mackinnon, Robert N	Commanding General, 25th Infanty Division, Hawaii.	1
O-8: Maddox, William J., Jr	Commanding General, U.S. Army Aviation Center, Fort Rucker, Ala.	1
O-8: Marks, Sidney M	Commanding General, U.S. Army, Alaska	1
O-8: Matheson, Salve H	Commanding General, U.S. Army Readiness Region IV, Atlanta, Ga.	1
O-8: McAuliffe, Dennis P	Deputy Commanding General, U.S. Army Combined Arms Combat Development Activity, Fort Leavenworth, Kans.	1
O-8: McDonough, Joseph C	Commanding General, 8th Infantry Division, Division, U.S. Army Europe.	1
O-8: McLeod, William E	Chief of Staff, 8th U.S. Army, Korea	1
O-8: Mellen, Thomas W	Commander, U.S. Military Assistance Command, Thailand.	1
O-8: Milloy, Albert E	Commanding General, U.S. Army Readiness Region IX, and Deputy Commanding General, 6th U.S. Army, Presidio of San Francisco, Calif.	1
O-8: Moore, Harold G	Commanding General, U.S. Army Military Personnel Center, Alexandria, Va.	1
O-8: Murphy, Raymond P	Deputy Commanding General, U.S. Army Air Defense Command, Ent Air Force Base, Colo.	1
O-8: Murray, John E	Defense Attache, Republic of Vietnam	1
O-8: Myer, Charles R	Commanding General, U.S. Army School/ Training Center, Fort Gordon, Ga.	1
O-8: Neel, Spurgeon H., Jr	Commanding General, U.S. Army Health Services Command, Fort Sam Houston, Tex.	1
O-8: Noble, Charles C	Division Engineer, U.S. Army Engineer Division, Lower Mississippi Valley, Vicksburg, Miss.	1
O-8: Ott, David E	Commanding General, U.S. Army Field Artillery Center and Commandant, U.S. Army Field Artillery School, Fort Sill, Okla.	1
O-8: Parfitt, Harold R	Commanding General, U.S. Army Engineer Center and Commandant, U.S. Army Engineer School, Fort Belvoir, Va.	1
O-8: Pieklik, Joseph E	Commanding General, U.S. Army Tank-Automotive Command, Warren, Mich.	1
O-8: Powers, Patrick W	Commanding General, U.S. Army Readiness Region II, Fort Dix, N.J.	1
O-8: Raaen, John C., Jr	Commanding General, U.S. Army Armament Command, Rock Island, Ill.	1
O-8: Reseborough, Morgan G	Commanding General, U.S. Army Readiness Region I and Fort Devens, Fort Devens, Mass.	1
O-8: Ryder, Charles W., Jr	Chief, Joint U.S. Military Aid Group to Greece	1
O-8: Heiser, Rolland V	Commanding General, 1st Armored Division, U.S. Army Europe.	1
O-8: Shoemaker, Robert M	Commanding General, 1st Cavalry Division, Fort Hood, Tex.	1
O-8: Sidle, Winant	Commanding General, U.S. Army Readiness Region VII, and Deputy Commanding General, 5th U.S. Army, Fort Sam Houston, Tex.	1
O-8: Singlaub, John K	Commanding General, U.S. Army Readiness Region VIII, Rocky Mountain Arsenal, Colo.	1
O-8: Smith, James C	Commanding General, U.S. Army, Readiness Region V, Fort Sheridan, Ill.	1
O-8: Spragins, Charles E	Commanding General, U.S. Army Training Center and Fort Polk, Fort Polk, La.	1
O-8: Starry, Donn, A	Commanding General, U.S. Army Armor Center and Commandant, U.S. Army Armor School, Fort Knox, Ky.	1
O-7(P): Street, Oliver D., III	Commanding General, 1st Region, U.S. Army Air Defense Command, Stewart Field, N.Y.	1
O-8: Sweeney, Arthur H., Jr	Commanding General, White Sands Missile Range, White Sands, N. Mex.	1
O-8: Tackaberry, Thomas H	Chief of Legislative Liaison, Office of the Secretary of the Army, Washington, D.C.	1
O-8: Tarpley, Thomas M	Commanding General, U.S. Army Infantry Center and Commandant, U.S. Army Infantry School, Fort Benning, Ga.	1
O-8: Van Lydegraf, Dean	Commanding General, U.S. Army Quartermaster Center and Commandant, U.S. Army Quartermaster School, Fort Lee, Va.	1
O-8: Vinson, Wilber H., Jr	Commanding General, U.S. Army Southern European Task Force, Italy.	1
O-8: Vogel, Edward H., Jr	Superintendent, U.S. Army Academy of Health Sciences, Fort Sam Houston, Tex.	1
O-8: Wagstaff, Jack J	Chief, Military Assistance Advisory Group, Germany.	1
O-8: Walker, Sam S	Commanding General, 3d Infantry Division, U.S. Army Europe.	1
O-8: Wier, James A	Commanding General, Fitzsimons Army Medical Center, Denver, Colo.	1
O-8: Wolff, Herbert E	Deputy Director for Signal Intelligence Operations, National Security Agency/Central Security Service, Fort George G. Meade, Md.	1
O-8: Young, Robert P	Commanding General, U.S. Army Training Center and Fort Leonard Wood, Fort Leonard Wood, Mo.	1
O-7: Buckingham, Clay T	Assistant Division Commander, 1st Armored Division, U.S. Army Europe.	1
O-7: Burnell, Bates C	Commanding General, U.S. Army SAFEGUARD Systems Command, Huntsville, Ala.	1
O-7: Escola, Albert R	Commanding General, U.S. Army School/ Training Center, Fort McClellan, Ala.	1

ALLOCATION OF ENLISTED AIDES UNDER DOD 675 CEILING TO BE EFFECTIVE JUNE 30, 1974—Continued

UNITED STATES ARMY—Continued

Grade and name of officer	Position of officer	Projected authorized/ assigned enlisted aides as of June 30, 1974
O-7: Faul, Lloyd J.	Commanding General, U.S. Army Ordnance Center and Commandant, U.S. Army Ordnance School, Aberdeen Proving Ground, Md.	1
O-7: Feir, Philip R.	Commandant of Cadets, U.S. Military Academy, West Point, N.Y.	1
O-7: Gatsis, Andrew J.	Commanding General, U.S. Army Support Command, Hawaii.	1
O-7: Sadler, Jack R.	Chief, Joint U.S. Military Advisory Group, Philippines.	1
O-7: Nutting, Wallace H.	Commanding General, 1st Infantry Division (Forward), U.S. Army Europe.	1
O-7: Hardaway, Robert M., III	Commanding General, William Beaumont Army Medical Center, El Paso, Tex.	1
O-7: Healy, Michael D.	Commanding General, John F. Kennedy Center for Military Assistance, Fort Bragg, N.C.	1
O-7: Hiestand, Harry H.	Commanding General, U.S. Army Intelligence Center and Commandant, U.S. Army Intelligence School, Fort Huachuca, Ariz.	1
O-7: Key, Milton, E.	Commanding General, 56th Artillery Brigade, U.S. Army Europe.	1
O-7: Koehler, John J., Jr.	Commanding General, 38th Artillery Brigade (Air Defense), Korea.	1
O-7: Krause, Frederick C.	Commanding General, 19th Support Group, Korea.	1
O-7: Latham, Willard.	Assistant Division Commander, 3d Infantry U.S. Europe.	1
O-7: Meroney, William H., III	Commanding General, Madigan Army Medical Center, Tacoma, Wash.	1
O-7: Metheny, Orvil C.	Commander, Western Area, Military Traffic Management and Terminal Service, Oakland Army Base, Calif.	1
O-7: Morton, Richard L.	Commander, Eastern Area, Military Traffic Management and Terminal Service, Brooklyn, N.Y.	1
O-7: Mullens, Robert M.	Commanding General, 6th Region, U.S. Army Air Defense Command, Fort Baker, Calif.	1
O-7: Munson, James A.	Assistant Division Commander, 1st Armored Division, U.S. Army Europe.	1
O-7: Ogden, Dorward W., Jr.	Commanding General, U.S. Army Communications System Agency (Provisional), Fort Monmouth, N.J.	1
O-7: Osteen, John L., Jr.	Commanding General, U.S. Army Support, Thailand.	1
O-7: Scott, Willard W.	Commanding General, V Corps Artillery, U.S. Army Europe.	1
O-7: Redman, Albert, Jr.	Commanding General, U.S. Army Communications Command, Continental United States, Fort Ritchie, Md.	1
O-7: Sniffin, Charles R.	Assistant Division Commander, 8th Infantry Division, U.S. Army Europe.	1
O-7: Starker, Joseph B.	Commanding General, U.S. Army Combat Development Experimentation Command, Fort Ord, Calif.	1
O-7: Stevenson, Robert D.	Commanding General, U.S. Army Berlin Brigade, Europe.	1
O-7: To be announced.	Assistant Division Commander, 3d Armored Division, U.S. Army, Europe.	1
O-7: Swenson, Richard W.	Commanding General, U.S. Army Communications Command, Europe.	1
O-7: Ulatoski, Joseph R.	Commander, Joint Casualty Resolution Center, Vietnam.	1
O-7: Weaver, Wilburn C.	Commanding General, U.S. Army Communications Command, Pacific.	1
O-7: Woodard, George S., Jr.	Commanding General, Letterman Army Medical Center, Presidio of San Francisco, Calif.	1
O-7: Yow, Harold D.	Chief, Military Assistance Advisory Group, Ethiopia.	1
O-7: To be announced.	Commanding General, 31st Air Defense Brigade, Homestead Air Force Base, Fla.	
O-8: Ochs, Elmer R.	Commanding General, U.S. Army Operational Test and Evaluation Agency, Fort Belvoir, Va.	1
O-8: Tobiason, Orville L.	Chief of Staff, Allied Land Forces Southeastern Europe.	1
O-8: Hall, Charles M.	Director of Operations, J-3, U.S. European Command.	1
O-8: Appel, John G.	Director of Logistics, J-4, U.S. European Command.	1
O-8: Patton, George S.	Director of Security Assistance, J-7, U.S. European Command.	1
O-8: Lekson, John S.	Director of Operations, J-3, U.S. Readiness Command, Macdill AFB, Fla.	1
O-8: McChrystall Herbert J., Jr.	Deputy Commanding General, Modern Army Selected Systems Tests, Evaluation and Review, Fort Hood, Tex.	1
O-7: Gregg, Arthur J.	Commander, European Exchange Service.	1

Notes: (1) A "(P)" following an officer's grade (e.g., O-8 (P)) indicates that the incumbent has been recommended for promotion to the next higher grade. (2) No aides are projected to be in an aide standby or training status.

UNITED STATES NAVY

Grade and name of officer	Position of officer	Projected authorized/ assigned enlisted aides as of June 30, 1974
O-10: Moorer, Thomas H.	Chairman of Joint Chiefs of Staff, Washington, D.C.	5/5
O-10: Zumwalt, Elmo R., Jr.	Chief of Naval Operations, Washington, D.C.	5/5
O-10: Cousins, Ralph W.	Commander in Chief, Atlantic and U.S. Atlantic Fleet and Supreme Allied Commander, Atlantic, Norfolk, Va.	3/3
O-10: Kidd, Isaac C., Jr.	Chief of Naval Material, Washington, D.C.	3/3
O-10: Gayler, Noel A. M.	Commander in Chief, Pacific, Pearl Harbor, Hawaii.	3/3
O-10: Weisner, Maurice F.	Commander in Chief, U.S. Pacific Fleet, Pearl Harbor, Hawaii	3/3
O-10: Holloway, James L. III	Vice Chief of Naval Operations, Washington, D.C.	3/3
O-10: Bagley, Worth H.	Commander in Chief, U.S. Naval Forces, Europe, London, United Kingdom.	3/3
O-10: Johnston, Means Jr.	Commander in chief, Allied Forces, Southern Europe, Naples, Italy.	3/3
O-9: Mack, William P.	Superintendent, U.S. Naval Academy, Annapolis, Md.	4/4
O-9: de Poix, Vincent P.	Director, Defense Intelligence Agency, Washington, D.C.	2/2
O-9: Michaelis, Frederick H.	Commander, Naval Air Force, U.S. Atlantic Fleet, Norfolk, Va.	2/2
O-9: Wilkinson, Eugene P.	Deputy Chief of Naval Operations (submarine warfare) Washington, D.C.	2/2
O-9: King, Jerome H., Jr.	Director, J-3, Joint Chiefs of Staff, Washington, D.C.	2/2
O-9: Weinel, John P.	Assistant to the Chairman, Joint Chiefs of Staff, Washington, D.C.	2/2
O-9: Peet, Raymond E.	Deputy Assistant, Secretary of Defense (security assistance) Washington, D.C.	2/2
O-9: Miller, Gerald E.	Deputy Director, Joint Strategic Target Planning Staff, Offutt Air Force Base, Nebr.	2/2
O-9: Minter, Charles S., Jr.	Deputy Chairman, NATO Military Committee. Brussels, Belgium.	2/2
O-9: Shear, Harold E.	Director, antisubmarine warfare and tactical electromagnetic programs, Washington, D.C.	2/2
O-9: Beshany, Philip A.	Commander, U.S.-Taiwan Defense Command, Taipei, Republic of Taiwan.	2/2
O-9: Vannoy, Frank W.	Commander, Amphibious Force, U.S. Atlantic Fleet, Norfolk, Va.	2/2
O-9: Cagle, Malcolm W.	Chief of Naval Education and Training, Pensacola, Fla.	2/2
O-9: Harlfinger, Frederick J. II	Director, Command Support Programs, Office of Chief of Naval Operations, Washington, D.C.	2/2
O-9: Bagley, David H.	Deputy Chief of Naval Operations (manpower) and Chief of Naval Personnel, Washington, D.C.	2/2
O-9: Le Bourgeois, Julien J.	Chief of Staff, Supreme Allied Commander, Atlantic, Norfolk, Va.	2/2
O-9: Talley, George C. Jr.	Deputy Chief of Naval Operations (plans and policy) Washington, D.C.	2/2
O-9: Long, Robert L. J.	Commander, Submarine Force, U.S. Atlantic Fleet, Norfolk, Va.	2/2
O-9: Turner, Stansfield.	President, Naval War College, Newport, R.I.	3/3
O-9: Plate, Douglas C.	Deputy and Chief of Staff, Commander in Chief, Atlantic, and Commander in Chief, U.S. Atlantic Fleet, Norfolk, Va.	2/2
O-9: Houser, William D.	Deputy Chief of Naval Operations (Air Warfare) Washington, D.C.	2/2
O-9: Cooper, Damon W.	Chief of Naval Reserve, New Orleans, La.	2/2
O-9: Salzer, Robert S.	Commander, Amphibious Force, U.S. Pacific Fleet, San Diego, Calif.	2/2
O-9: Rapp, William T.	Commander, 3d Fleet, Pearl Harbor, Hawaii.	2/2
O-9: Price, Frank H. Jr.	Director, Ship Acquisition and Improvement, Office of Chief of Naval Operations, Washington, D.C.	2/2
O-9: Moran, William J.	Director, Research, Development, Test and Evaluation, Office of Chief of Naval Operations, Washington. D.C.	2/2
O-9: Finneran, John G.	Commander, 2d Fleet, Norfolk, Va.	2/2
O-9: Bayne, Marmaduke G.	Commandant National War College, Washington, D.C.	2/2
O-9: Wheeler, Kenneth R.	Vice Chief of Naval Material, Washington, D.C.	2/2
O-9: Custis, Donald L.	Chief, Bureau of Medicine and Surgery, and Surgeon General of the Navy, Washington, D.C.	2/2
O-9: Hayward, Thomas B.	Director, Navy Program Planning, Office of of Chief of Naval Operations, Washington, D.C.	2/2
O-9: Baldwin, Robert B.	Commander, Naval Air Force, U.S. Pacific Fleet, San Diego, Calif.	2/2
O-9: Murphy, Daniel J.	Commander 6th Fleet, Gaeta, Italy.	2/2
O-9: Steele, George P., II	Commander, 7th Fleet, Yokosuka, Japan.	2/2
O-9: Weschler, Thomas R.	Director Logistics, J-4 Joint Chiefs of Staff, Washington, D.C.	2/2
O-9: St. George, William R.	Deputy and Chief of Staff to Commander in in Chief, U.S. Pacific Fleet, Pearl Harbor, Hawaii.	2/2
O-9: Perry, Oliver H., Jr.	Chairman, Inter-American Defense Board, Washington, D.C.	2/2

Footnote at end of table.

Grade and name of officer	Position of officer	Projected authorized/ assigned enlisted aides as of June 30, 1974
O-8: Erly, Robert B	Chief, Military Assistance Advisory Group, Portugal, and Commander, Iberian Atlantic Command, Lisbon, Portugal.	1/1
O-8: Isaman, Roy M	Commander, Naval Air Test Center, Patuxent River, Md.	1/1
O-8: Anderson, Roy G	Commandant, 5th Naval District, Norfolk, Va.	1/1
O-8: Charbonnet, Pierre N., Jr	Commander, Fleet Air Mediterranean, Naples, Italy.	1/1
O-8: Burke, Julian T., Jr	Commander, Service Force, U.S. Atlantic Fleet, Norfolk, Va.	1/1
O-8: Morrison, George S	Commander, U.S. Naval Forces, Marianas, Guam, Marianas.	1/1
O-8: Woods, Mark W	Commander, Cruiser-Destroyer Force, U.S. Pacific Fleet, San Diego, Calif.	1/1
O-8: Ramage, James D	Commander, Caribbean Sea Frontier, Roosevelt Roads, P.R.	1/1
O-8: Carmody, Martin D	Commandant, 12th Naval District, San Francisco, Calif.	1/1
O-8: Armstrong, Parker B	Commander, Service Force, U.S. Pacific Fleet, Pearl Harbor, Hawaii.	1/1
O-8: Donaldson, James D., Jr	Commander, Fleet Air Western Pacific, Atsugi, Japan.	1/1
O-8: Esch, Arthur G	Commandant, Naval District, Washington, Washington, D.C.	1/1
O-8: Turner, Frederick C	Commander, Carrier Group TWO, Athens, Greece.	1/1
O-8: Pugh, William M., II	Commandant, 3d Naval District, Brooklyn, N.Y.	1/1
O-8: Miller, Ward S	Commander, Naval Base, Los Angeles/Long Beach, Los Angeles, Calif.	1/1
O-8: Ferris, James	Chief of Naval Air Training, Corpus Christi, Tex.	1/1
O-8: Livingston, William H	U.S. Defense Attache, U.S. Naval Attache, and U.S. Naval Attache for Air, United Kingdom, London, United Kingdom.	1/1
O-9: Moorer, Joseph P	Vice Chairman, U.S. Delegation, U.N. Military Staff Committee, New York, N.Y.	2/2
O-8: Riera, Robert E	Commandant, 8th Naval District, New Orleans, La.	1/1
O-8: Freeman, Mason B	Superintendent, Naval Post-Graduate School, Monterey, Calif.	1/1
O-8: Gilkeson, Fillmore B	Commandant, 11th Naval District, San Diego, Calif.	1/1
O-8: Snyder, Edwin K	Chief, Legislative Affairs, Navy Department, Washington, D.C.	2/2
O-8: Nance, James W	Deputy Chief of Staff, Commander in Chief, U.S. European Command, Vaihingen, Germany.	1/1
O-8: Kane, John D. H., Jr	Commandant, 9th Naval District, Great Lakes, Ill.	1/1
O-8: Bass, Thomas E., III	Commandant, 13th Naval District, Seattle, Wash.	1/1
O-8: Tahler, Graham	Commandant, 6th Naval District, Charleston, S.C.	1/1
O-8: Wentworth, Ralph S., Jr	Commander, Cruiser-Destroyer Force, U.S. Atlantic Fleet, Norfolk, Va.	1/1
O-7: Cooley, Samue M., Jr	Commander, Iceland Defense Force, Keflavik, Iceland.	1/1
O-7: Shelton, Doniphan B	Commander, Naval Base, Subic, Subic Bay, Republic of Philippines.	1/1
O-7: Morgan, Henry S., Jr	Commander, U.S. Naval Forces, Korea, Seoul, Korea.	1/1
O-7: McMullen, Frank D., Jr	Commander, Submarine Force, U.S. Pacific Fleet, Pearl Harbor, Hawaii.	1/1
O-7: Rogers, William H	Commander, U.S. Naval Forces, Japan, Yokosuka, Japan.	1/1
O-7: Rectanus, Earl F	Director of Naval Intelligence, Washington, D.C.	2/2
O-7: Coleman, Joseph L	Commandant, 4th Naval District, Philadelphia, Pa.	1/1
O-7: Sackett, Albert M	Chief of Naval Technical Training, Millington, Tenn.	1/1
O-7: Rumble, Richard E	Commandant, 1st Naval District, Boston, Mass.	1/1
O-7: Blount, Robert H	Commander, U.S. Naval Forces, Southern Command; Commandant 15th Naval District, Fort Amador, C.Z.	1/1
O-7: Denton, Jeremiah A., Jr	Commandant, Armed Forces, Staff College, Norfolk, Va.	1/1
O-7: Paddock, Richard A	Commandant, 14th Naval District, Pearl Harbor, Hawaii.	1/1
O-7: Hanson, Carl T	Chief, Navy Section, U.S. Military Group Brazil, Rio De Janeiro, Brazil.	1/1
Total		151/151

Notes: (1) Provisions of 10a U.S.C. 7579 vest authority for determination of individual authorizations of public quarters stewards with the Secretary of the Navy, rather than with the Secretary of Defense as may have been implied in Senator Proxmire's letter of Oct. 13, 1973. Accordingly, the Secretary of the Navy may make necessary revisions to the above listing as military reasons may require. (2) Navy has no provision for assignment of public quarters stewards to formal training or for assignment in a stand-by status. No such assignments are reflected in the above listing nor are any such assignments authorized.

UNITED STATES AIR FORCE CEILING—234

Grade and name of officer	Position of officer	Projected authorized/ assigned enlisted aides as of June 30, 1974
STRATEGIC AIR COMMAND, OFFUTT AF BASE, NEBR.		
O-10: John C. Meyer	Commander in Chief	3
O-9: James M. Keck	Vice Commander in Chief	2
O-8: Martin G. Colladay	Chief of Staff	1
O-8: Ray B. Sitton	DCS/Operations	1
O-8: Edgar S. Harris, Jr.[1]	Asst DCS/Operations	1
O-8: Andrew B. Anderson, Jr	Dir Operations Plans	1
O-8: Eugene L. Hudson	DCS/Logistics	1
O-8: Harry M. Darmstandler	DCS/Plans	1
O-8: John R. Hinton, Jr.[1]	Inspector General	1
O-8: Billy J. Ellis	DCS/Personnel	1
2 Air Force Barksdale AFB, La.:		
O-9: Richard M. Hoban	Commander	2
O-8: Eugene Q. Steffes, Jr	Vice Commander	1
15 Air Force March AFB, Calif.:		
O-9: William F. Pitts	Commander	2
O-8: Charles F. Minter, Sr	Vice Commander	1
8 Air Force Andersen AFB, Guam:		
O-9: George H. McKee	Commander	2
1 Strat Aerospace Division, Vandenberg AFB, Calif.:		
O-8: John W. Pauly	Commander	1
MILITARY AIRLIFT COMMAND, SCOTT AFB, ILL.		
O-10: Paul K. Carlton	Commander	3
O-9: Jay T. Robbins	Vice Commander	2
O-8: William A. Dietrich	Chief of Staff	1
O-8: Alden G. Glauch	DCS/Operations	1
O-8: Thomas A. Aldrich[1]	DCS/Plans	1
O-8: Warner E. Newby[1]	DCS/Logistics	1
22 Air Force Travis AFB, Calif.:		
O-8: John F. Gonge	Commander	1
O-8: Ralph S. Saunders[1]	Vice Commander	1
21 Air Force McGuire AFB, N.J.:		
O-8: Lester T. Kearney, Jr	Commander	1
AIR TRAINING COMMAND, RANDOLPH AFB, TEX.		
O-9: William V. McBride	Commander	2
O-8: Alton D. Slay	Vice Commander	1
AF Mil Tng Ctr, Lackland AF Base, Tex.:		
O-8: Robert W. Maloy	Commander	1
Keesler Tech Tng Ctr, Keesler AF Base, Miss.:		
O-8: Bryan M. Shotts	Commander	1
Chanute Tech Tng Ctr, Chanute AF Base, Ill.:		
O-8: Frank W. Elliott, Jr	Commander	1
Sheppard Tech Tng Ctr, Sheppard AF Base, Tex.:		
O-8: Robert L. Petit	Commander	1
Lowry Tech Tng Ctr, Lowry AF Base, Colo.:		
O-8: Charles C. Pattillo	Commander	1
AIR FORCE SYSTEMS COMMAND ANDREWS AFB, MD.		
O-10: Samuel C. Phillips	Commander	3
O-9: John B. Hudson	Vice Commander	2
O-8: Vernon R. Turner	Chief of Staff	1
O-8: Robert T. Marsh[1]	DCS/Systems	1
Aeronautical Sys Div (Wright-Patterson AFB, Ohio):		
O-9: James T. Stewart	Commander	2
O-8: Douglas T. Nelson	Vice Commander	1
O-8: Benjamin N. Bellis	Systems Program Director, F-15	1
O-8: Abner B. Martin[1]	Systems Program Director, B-1	1
AF Flight Test Ctr, Edwards AFB, Calif.:		
O-8: Howard M. Lane[1]	Commander	1
AF Spec Wpns Ctr, Kirtland AF Base, N. Mex.:		
O-8: Thomas W. Morgan	Commander	1

Footnote at end of table.

ALLOCATION OF ENLISTED AIDES UNDER DOD 675 CEILING TO BE EFFECTIVE JUNE 30, 1974—Continued

UNITED STATES AIR FORCE CEILING—234—Continued

Grade and name of officer	Position of officer	Projected authorized/assigned enlisted aides as of June 30, 1974
AF Contract Mgmt Div, Kirtland AF Base, N. Mex.:		
O–8: Donald G. Nunn	Commander	1
USAF Space and Missile Test Center, Vandenberg AF Base, Calif.:		
O–8: Jessup D. Lowe	Commander	1
Armament Development and Test Ctr, Eglin AFB, Fla.:		
O–8: Henry B. Kucheman, Jr	Commander	1
Aerospace Medical Division, Brooks AFB, Tex.:		
O–8: George E. Schafer [1]	Commander	1
AF Eastern Test Range Patrick AFB, Fla.:		
O–8: Kenneth R. Chapman	Commander	1
Electronic Systems Div. L. G. Hanscom AFB, Mass.:		
O–8: Albert R. Shiely, Jr	Commander	1
TACTICAL AIR COMMAND, LANGLEY AFB, VA.		
O–10: Robert J. Dixon	Commander	3
O–9: Dale S. Sweat	Vice Commander	2
O–8: James A. Knight, Jr	DCS/Operations	1
USAF Tactical Fighter Weapons Center, Nellis AFB, Nev.:		
O–8: Gordon F. Blood	Commander	1
9 Air Force Shaw AFB, S.C.:		
O–8: James D. Hughes	Commander	1
AIR FORCE LOGISTICS COMMAND, WRIGHT-PATTERSON AF BASE, OHIO		
O–10: Jack J. Cotton	Commander	3
O–9: Edmund F. O'Connor	Vice Commander	2
O–8: George Rhodes	Chief of Staff	1
O–8: Edmund A. Rafalko	DCS/Plans and Operations	1
O–8: James A. Bailey	DCS/Comptroller	1
O–8: Herbert J. Gavin	DCS/Maintenance	1
Sacremento Air Material Area, McClellan AFB, Calif.:		
O–8: George W. McLaughlin	Commander	1
Ogden Air Mat Area Hill, AFB, Utah:		
O–8: Bryce Poe II	Commander	1
San Antonio Air Mat Area, Kelly AFB, Tex.: O–8: William A. Jack.	Commander	1
Warner-Robins Air Material Area, Robins AFB, Ga.: O–8: Robert E. Hails.	Commander	1
PACIFIC AIR FORCES, HICKAM AFB, HAWAII		
O–10: John W. Vogt, Jr	Commander in Chief	3
O–9: Carlos M. Talbott	Vice Commander in Chief	2
O–8: Winton W. Marshall	DCS/Plans	1
O–8: Ralph T. Holland	DCS/Logistics	1
5 Air Force Fuchu AFB, Japan:		
O–9: Robert E. Pursley	Comdr and Comdr U.S. Forces, Japan	2
O–8: Edward P. McNeff	Vice Commander	1
13 Air Force Clark AFB, Philippines:		
O–9	Commander	2
O–8: Leroy J. Manor	Vice Commander	1
Air Force Nakhon Phanom Airport, Thailand:		
O–8: Jack Bellamy	DCS/Operations and Asst Chief of Staff/Operations U.S. Support Activities Group.	1
U.S. AIR FORCES IN EUROPE, RAMSTEIN AB, GERMANY		
O–10: David C. Jones	Commander in Chief	3
O–9: Louis L. Wilson, Jr	Vice Chief	2
O–8: Wilbur L. Creech	DCS/Operations	1
O–8: Edwin W. Robertson II [1]	Inspector General	1
16 Air Force Torrejon AFB, Spain:		
O–8: Salvador E. Felices	Vice Commander	1
3 Air Force RAF, Mildenhall, England:		
O–8: Evan W. Rosencrans	Commander	1
The U.S. Logistics Group (TUSLOG), Ankara, Turkey:		
O–8: Arnold W. Braswell	Commander	1
17 Air Force Sembach Air Base, Germany:		
O–8: John C. Giraudo	Commander	1
AEROSPACE DEFENSE COMMAND, ENT AF BASE, COLO.		
O–9: Royal N. Baker	Vice Commander	2
O–8: Kenneth C. Dempster	DCS/Logistics	1
14 Aerospace Force Ent AFB, Colo.:		
O–8: Otis C. Moore	Commander	1
HEADQUARTERS COMMAND USAF, BOLLING AFB, DISTRICT OF COLUMBIA		
O–8: John L. Locke	Commander	1
USAF ACADEMY, COLORADO SPRINGS, COLO		
O–9: Albert P. Clark	Superintendent	3
AIR FORCE RESERVE, ROBINS AFB, GA.		
O–8: Earl O. Anderson	Vice Commander	1
AIR UNIVERSITY, MAXWELL AFB, ALA		
O–9: Felix M. Rogers	Commander	2
Air War College: O–8: James V. Hartinger.	Commandant	1
AF Institute of Technology, Wright-Patterson AFB, Ohio:		
O–8: Frank J. Simokaitis	Commandant	1
Air Comd and Stf College, Maxwell AFB, Ala.:		
O–8: John P. Flynn [1]	Commandant	1
USAF SECURITY SERVICE, SAN ANTONIO, TEX.		
O–8: Walter T. Galligan	Commander	1
ALASKAN AIR COMMAND, ELMENDORF AFB, ALASKA		
O–8: Charles W. Carson, Jr	Commander	1
USAF SOUTHERN COMMAND ALBROOK AFB, PANAMA		
O–8: Arthur G. Salisbury	Commander	1
OFFICE OF THE SECRETARY OF DEFENSE, WASHINGTON, D.C.		
O–9: Daniel James, Jr	Asst Secretary of Defense (Public Affairs) Prin Deputy.	1
Defense Nuclear Agency:		
O–9: Warren D. Johnson	Director	2
Defense Supply Agency, Washington, D.C.:		
O–8: Joseph J. Cody, Jr	Deputy Director, Contract Administration Administrative Service.	1
O–8: Donald H. Ross	Assistant Director, Plans, Programs and Systems.	1
O–8: Abraham J. Dreiseszun	Commander, Defense Personnel Support Center, Philadelphia, Pa.	1
National Security Agency, Fort Meade, Md.:		
O–9: Lew Allen, Jr	Director	2
JOINT CHIEFS OF STAFF, WASHINGTON, D.C.		
O–9: Louis T. Seith	Director, Plans and Policy	2
Central Treaty Org (CENTO) Ankara, Turkey:		
O–8: Colin C. Hamilton, Jr	Chief of Staff, Combined Military Planning Staff.	1
North Atlantic Treaty Org (NATO) Brussels, Belgium:		
O–10: Theodore R. Milton	NATO Military Commission (Mil Rep), U.S. Representative.	3
Industrial College of the Armed Forces, Fort McNair, Washington, D.C.:		
O–8: Edward A. McGough III	Dep Commandant	1
ALLIED COMMAND EUROPE		
Shape Hqs Casteau, Belgium:		
O–10: Russell E. Dougherty	Chief of Staff	3
O–8: William W. Wisman	Special Project Officer Static War Hqs	1
O–8: Richard F. Shaefer	Asst Chief of Staff, Operations	1
Allied Forces Southern Europe (AIRSOUTH) Naples, Italy:		
O–9: Joseph G. Wilson	Commander and Comdr, 16 AF	2
O–8: William H. Holt	Chief of Staff	1
6 Allied Tactical AF, Izmir, Turkey:		
O–9: Sanford K. Moats	Commander	2
Allied Forces Cen Europe (AFCENT) Brunsum, Holland:		
O–8: William E. Byran, Jr	Dep C/S Opns and Intel	1
Allied Forces Northern Europe (AF–North) Kolsaas, Norway:		
O–8: Kendall S. Young	Air Deputy	1

Footnote at end of table.

Grade and name of officer	Position of officer	Projected authorized/ assigned enlisted aides as of June 30, 1974
EUROPEAN COMMAND, VAIHENGEN, GERMANY		
O–10: George J. Eade	Deputy Commander in Chief	3
O–8: Edward Ratkovich	Director, Intelligence	1
O–8: William R. Hayes	Deputy Director, Logistics	1
O–8: Foster L. Smith	Director, Plans and Policy	1
Military Assistance Advisory Group (MAAG), Rome, Italy:		
O–8: George M. Johnson, Jr.	Chief	1
Military Assistance Advisory Group (MAAG), Iran:		
O–8: Devol Brett	Chief	1
JOINT NORTH AMERICAN AIR DEFENSE COMMAND (NARAD) AND CONTINENTAL AIR DEFENSE COMMAND (CONAD) ENT AFB, COLO.		
O–10: Lucius D. Clay, Jr	Commander in Chief and Comdr, Air Defense Command, ADC.	
O–8: John M. McNabb	DCS/Intelligence	1
O–8: James E. Paschall	DCS/Plans and Programs	1
21 NORAD (CONAD) Region Hancock Field N.Y.:		
O–8: Ray M. Robison, Jr.	Commander	1
24 NORAD (CONAD) Region Malmstrom AFB, Mont.:		
O–8: Lawrence J. Fleming	Commander	1
25 NORAD (CONAD) Region McChord AFB, Wash.:		
O–8: Jack K. Gamble	Commander	1
PACIFIC COMMAND, PEARL HARBOR, HAWAII		
O–9: William G. Moore, Jr	Chief of Staff	2
O–8: Eugene F. Tighe, Jr	DCS/Intelligence	1
O–8: Lawrence F. Tanberg	Inspector General	1
U.S. Support Activities Group (USSAG) Nakhon Phanom airport, Thailand:		
O–10: Timothy F. O'Keefe	Comdr, USSAG and Comdr, 7 AF	3
UN Command/U.S. Forces, Seoul, Korea:		
O–9: John R. Murphy	Chief of Staff	2
Military Assistance Advisory Group (MAAG) Taipei, Taiwan:		
O–8: Slade Nash	Chief	1
ALASKAN COMMAND, ELMENDORF AFB, ALASKA		
O–9: James C. Sherrill	Commander in Chief and Commander Alaskan NORAD RGN.	2
U.S. READINESS COMMAND, MACDILL AFB, FLA.		
O–9: Ernest C. Hardin, Jr	Dep Commander in Chief	2
O–8: Woodard E. Davis, Jr	Director, Plans and Policy	1
U.S. SOUTHERN COMMAND, QUARRY HEIGHTS, PANAMA		
O–8: John B. Henry, Jr	Chief of Staff	1
Miscellaneous:		
O–8: Walter R. Tkach	Surgeon to the President, Washington, D.C.	1
CHIEF OF STAFF, USAF, WASHINGTON, D.C.		
O–10: George S. Brown	Chief of Staff, USAF	5
O–10: Richard H. Ellis	Vice Chief of Staff, USAF	3
O–9: Duward L. Crow	Asst Vice Chief of Staff, USAF	2
O–8: Homver I. Lewis	Air Force Reserve Chief and Comdr	1
O–8: Roy M. Terry	Chief of Chaplains	1
Comptroller of the Air Force:		
O–9: Joseph R. DeLuca	Comptroller	2
Asst Compt for Audit and Comdr AF Audit Agency, Norton AFB, Calif.:		
O–8: Henry Simon	Asst Comptroller	1
Inspector General:		
O–9: Gerald W. Johnson	Inspector General	2
Deputy Inspector General, Norton AFB, Calif.:		
O–8: Ernest T. Cragg	Dep IG for Inspection and Safety and Comdr. AF Inspection and Safety Center	1
Surgeon General:		
O–9: Robert A. Patterson	Surgeon General, USAF	2
O–8: Maxwell W. Steel, Jr.	Dep. Surg. General	1
Deputy Chief of Staff/Personnel:		
O–9: John W. Roberts	DCS/Personnel	2
O–8: Ray M. Cole	Asst DCS/Personnel	1
AF Military Personnel Center, Randolph AFB, Tex.:		
O–8: Travis R. McNeil	Asst DCS/Personnel for Mil Pers and Comdr, AF Military Personnel Center.	1
Deputy Chief of Staff/Plans and Operations:		
O–8: James E. Hill	Asst DCS/Plans and Operations	1
O–8: Charles I. Bennett, Jr.	Dep Director of Plans	1
AF Test and Evaluation Center, Kirtland AFB, N. Mex.:		
O–8: John J. Burns	Commander	1
Deputy Chief of Staff/Programs and Resources:		
O–9: Goerge S. Boylan, Jr.	DCS/Programs and Resources	2
O–8: William W. Berg	Asst DCS/Programs and Resources	1
O–8: James A. Hill	Dir of Programs	1
O–8: Maurice R. Reilly	Dir of Civil Engineering	1
Deputy Chief of Staff/Systems and Logistics:		
O–9: William W. Snavely	DCS/Systems and Logistics	2
Deputy Chief of Staff/Research and Development:		
O–9: William J. Evans	DCS/Research and Development	2

[1] Nominated for promotion to major general on Feb. 6, 1974.

Note: The above allocation leaves 11 enlisted aide authorizations for brigadier generals. The specific O–7 positions will be designated at a later date. There are no enlisted aides on standby or in training. The above list represents general officer positions and incumbents as of Jan. 25, 1974, including known projected reassignments and retirements as of that date. Also included are 11 major general nominees expected to be promoted when confirmed by the Senate. Actual allocations on June 30, 1974, could vary due to retirements, reassignments, promotions or transfers to/from public quarters.

UNITED STATES MARINE CORPS

Grade and name of officer	Position of officer	Projected authorized/ assigned enlisted aides as of June 30, 1974
O–10: Cushman, Robert E., Jr.	Commandant of the Marine Corps, Washington, D.C.	5
O–10: Anderson, Earl E.	Assistant Commandant of the Marine Corps, Washington, D.C.	3
O–9: Robinson, Wallace H., Jr.	Director, Defense Supply Agency, Alexandria, Va.	2
O–9: Axtell, George C.	Commanding General, Fleet Marine Force, Atlantic, Norfolk, Va.	2
O–9: Keller, Robert P.	Commanding General, Marine Corps Development and Education Command, Quantico, Va.	2
O–9: Lahue, Foster C.	Chief of Staff, Headquarters Marine Corps, Washington, D.C.	2
O–9: Wilson, Louis H., Jr.	Commanding General, Fleet Marine Force, Pacific, Honolulu, Hawaii.	2
O–9: Beckington, Herbert L.	Deputy Chief of Staff for Plans and Operations, Headquarters Marine Corps, Washington, D.C.	2
O–8: McLaughlin, John N.	Commanding General, 4th Marine Division, Camp Pendleton, Calif.	1
O–8: Fegan, Joseph C., Jr.	Commanding General, Marine Corps Recruit Depot, San Diego, Calif.	1
O–8: Brown, Leslie E.	Commanding General, Marine Corps Air Station, Cherry Point, N.C.	1
O–8: Miller, Thomas H., Jr.	Commanding General, 2d Marine Aircraft Wing, Cherry Point, N.C.	1
O–8: Barrow, Robert H.	Commanding General, Marine Corps Recruit Depot, Parris Island, S.C.	1
O–8: Houghton, Kenneth J.	Commanding General, 1st Marine Division, Camp Pendleton, Calif.	1
O–8: Bohn, Robert D.	Commanding General, Marine Corps Base, Camp Lejeune, N.C.	1
O–8: Jones, James R.	Commanding General, Marine Corps Supply Activity, Philadelphia, Pa.	1
O–8: Snowden, Lawrence F.	Chief of Staff, U.S. Forces, Japan, Honshu, Japan.	1

ALLOCATION OF ENLISTED AIDES UNDER DOD 675 CEILING TO BE EFFECTIVE JUNE 30, 1974—Continued

UNITED STATES MARINE CORPS—Continued

Grade and name of officer	Position of officer	Projected authorized/ assigned enlisted aides as of June 30, 1974
O-7: Taylor, Robert W	Commanding General, 3d Marine Aircraft Wing, El Toro, Calif.	1
O-7: Lanagan, William H., Jr	Commanding General, 2d Marine Division, Camp Lejeune, N.C.	1
O-7: Berge, James H., Jr	Commanding General, 4th Marine Aircraft Wing, Glenview, Ill.	1
O-7: Nichols, Robert L	Commanding General, Marine Corps Base, Camp Pendleton, Calif.	1
O-7: Quinn, William R	Commanding General, Marine Corps Air Station, El Toro, Calif.	1

Note: The Marine Corps will have no public quarters enlisted aides in training or a stand-by status. No such assignments are reflected in the above listing and no such assignments are uthorized.

Mr. PROXMIRE. Mr. President, perhaps my colleagues would be interested in knowing how many servants are located in their States.

It will only take a minute to list them. Alabama has 8, Alaska 4, Arizona 2, California 39, Colorado 17, Kansas 4, Kentucky 3, Louisiana 7, Maryland 21, Massachusetts 3, Michigan 2, Minnesota 1, Mississippi 2, Missouri 2, Montana 1, Nebraska 15, Nevada 1, New Jersey 7, New Mexico 4, New York 11, North Carolina 8, Ohio 15, Oklahoma 1, Pennsylvania 4, Rhode Island 3, South Carolina 4, Tennessee 1, Texas 22, Utah 1, Virginia 50, Washington 4, and the District of Columbia with 189. Any unmentioned States, such as Wisconsin, have none.

Mr. President, I ask unanimous consent that a list of military servants by State be printed in the RECORD.

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

OFFICERS AND SERVANTS ASSIGNED

ALABAMA

Felix M. Rogers, 2.
James V. Hartinger, 1.
John P. Flynn, 1.
Vincent H. Ellis, 1.
William J. Maddox, Jr., 1.
Bates C. Burnell, 1.
Albert R. Escola, 1.

ALASKA

Charles W. Carson, Jr., 1.
James C. Sherrill, 2.
Sidney M. Marks, 1.

ARIZONA

Jack A. Albright, 1.
Harry H. Hiestand, 1.

ARKANSAS

None.

CALIFORNIA

William F. Pitts, 2.
Charles F. Minter, Sr., 1.
John W. Pauly, 1.
John F. Gonge, 1.
Ralph S. Saunders, 1.
Howard M. Lane, 1.
Jessup D. Lowe, 1.
George W. McLaughlin, 1.
Henry Simon, 1.
Gerald W. Johnson, 2.
Ernest T. Cragg, 1.
Omar N. Bradley, 3.
Elvy B. Roberts, 2.
Robert G. Gard, Jr., 1.
Albert E. Milloy, 1.
Orvil C. Metheny, 1.
Robert M. Mullens, 1.
Joseph B. Starker, 1.
George S. Woodard, Jr., 1.
Robert S. Salzer, 2.
Robert B. Baldwin, 2.
Mason B. Freeman, 1.
Fillmore B. Gilkeson, 1.
Mark W. Woods, 1.
Martin D. Carmody, 1.
Ward S. Miller, 1.
John N. McLaughlin, 1.
Joseph C. Fegan, Jr., 1.
Kenneth J. Houghton, 1.
Robert W. Taylor, 1.
Robert L. Nichols, 1.
William R. Quinn, 1.

COLORADO

Charles C. Pattillo, 1.
Royal N. Baker, 2.
Kenneth C. Dempsler, 1.
Otis C. Moore, 1.
Albert P. Clarke, 3.
Lucius D. Clay, Jr., 3.
John M. McNabb, 1.
James E. Paschall, 1.
James F. Hamlet, 1.
Raymond P. Murphy, 1.
John K. Singlaub, 1.
James A. Wier, 1.

CONNECTICUT

None.

DELAWARE

None.

FLORIDA

Henry B. Kucheman, Jr., 1
Kenneth R. Chapman, 1
Ernest C. Hardin, Jr., 2.
Woodard E. Davis, Jr., 1.
Bruce Palmer, Jr., 3.
John S. Lebson, 1.
Malcolm W. Cagle, 2.

GEORGIA

Robert E. Hails, 1.
Earl O. Anderson, 1.
Walter T. Kerwin, Jr., 3.
Donn R. Pepke, 2.
Salve H. Matheson, 1.
Charles R. Myer, 1.
Thomas M. Tarpley, 1.

HAWAII

John W. Vogt, Jr., 3.
Carlos M. Talbott, 2.
Winton W. Marshall, 1.
Ralph T. Holland, 1.
William G. Moore, Jr., 2.
Eugene F. Tighe, Jr., 1.
Lawrence F. Tanberg, 1.
Carl W. Hughes, 1.
Robert M. MacKinnon, 1.
Andrew J. Gates, 1.
Maurice F. Weisner, 3.
William T. Rapp, 2.
William R. St. George, 2.
Parker B. Armstrong, 1.
Frank O. McMullen, Jr., 1.
Richard A. Paddock, 1.
Louis H. Wilson, Jr., 2.

IDAHO

None.

ILLINOIS

Paul K. Carleton, 3.
Jay T. Robbins, 2.
William A. Dietrick, 1.
Alden G. Glauch, 1.
Thomas A. Aldrick, 1.
Warner E. Newby, 1.
Frank W. Elliott, Jr., 1.
William B. Fulton, 1.
John C. Raaen, Jr., 1.
James C. Smith, 1.
John D. H. Kane, Jr., 1.
James H. Berge, Jr., 1.

INDIANA

Eugene J. Forrester, 1.

IOWA

None.

KANSAS

John H. Cushman, 2.
Gordon J. Duguemin, 1.
Dennis D. McAuliffe, 1.

KENTUCKY

Sidney B. Berry, 1.
William S. Coleman, 1.
Donn A. Starry, 1.

LOUISIANA

Richard M. Hoban, 2.
Eugene A. Steffes, Jr., 1.
Charles E. Sragin, 1.
Damon W. Cooper, 2.
Robert E. Riera, 1.

MAINE

None.

MARYLAND

Samuel C. Phillips, 3.
John B. Hudson, 2.
Vernon R. Turner, 1.
Robert T. Marsh, 1.
Lew Allen, Jr., 2.
Glenn D. Walker, 2.
William H. Blakefield, 1.
Charles P. Brown, 1.
Herbert E. Wolff, 1.
Lloyd J. Faul, 1.
Albert Redman, Jr., 1.
William P. Mack, 4.
Roy M. Isaman, 1.

MASSACHUSETTS

Albert R. Shiely, Jr., 1.
Morgan G. Reseburough, 1.
Richard E. Rumble, 1.

MICHIGAN

Robert J. Baer, 1.
Joseph E. Pieklik, 1.

MINNESOTA

Thomas H. Barfield, 1.

MISSISSIPPI

Bryan M. Shotts, 1.
Charles C. Noble, 1.

MISSOURI

Frank A. Hinrichs, 1.
Robert P. Young, 1.

MONTANA

Lawrence J. Fleming, 1.

NEBRASKA

John C. Mayer, 3.
James M. Keek, 2.
Martin O. Colladay, 1.
Ray B. Sitton, 1.
Edgar S. Harris, Jr., 1.
Andrew B. Anderson, Jr., 1.
Eugene L. Hudson, 1.
Harry M. Darmstandles, 1.
John R. Hinton, Jr., 1.

Billy J. Ellis, 1.
Gerald E. Miller, 2.

NEVADA

Gordon F. Blood, 1.

NEW HAMPSHIRE

None.

NEW JERSEY

Lester T. Kearney, Jr., 1.
Albert B. Crawford, Jr., 1.
Hugh F. Foster, Jr., 1.
Thomas V. Greer, 1.
Harold A. Kissinger, 1.
Patrick W. Powers, 1.
Dorward W. Ogden, Jr., 1.

NEW MEXICO

Thomas W. Morgan, 1.
Donald G. Nunn, 1.
John R. Burns, 1.
Arthur H. Sweeney, Jr., 1.

NEW YORK

Ray M. Robinson, Jr., 1.
William A. Knowlton, 3.
Richard H. Groves, 1.
Oliver D. Street III, 1.
Philip R. Feir, 1.
Richard C. Morton, 1.
Joseph P. Moorer, 2.
William M. Pugh II, 1.

NORTH CAROLINA

Richard J. Seitz, 2.
Frederick J. Kroesen, Jr., 1.
Michael D. Healy, 1.
Leslie E. Brown, 1.
Thomas H. Miller, Jr., 1.
Robert D. Bohn, 1.
William H. Canagan, Jr., 1.

NORTH DAKOTA

None.

OHIO

James T. Stewart, 2.
Douglas T. Nelson, 1.
Benjamin N. Bellis, 1.
Abner B. Martin, 1.
Jack J. Catton, 3.
Edmund F. O'Connor, 2.
George Rhodes, 1.
Edward A. Rafalko, 1.
James A. Bailey, 1.
Herbert J. Gavin, 1.
Frank J. Simokaitis, 1.

OKLAHOMA

David E. Ott, 1.

OREGON

None.

PENNSYLVANIA

Franklin M. Davis, Jr., 2.
Joseph L. Coleman, 1.
James R. Jones, 1.

RHODE ISLAND

Stansfield Turner, 3.

SOUTH CAROLINA

James D. Hughes, 1.
Robert C. Hixon, 1.
Graham Tahles, 1.
Robert H. Barrow, 1.

SOUTH DAKOTA

None.

TENNESSEE

Albert M. Sackett, 1.

TEXAS

Robert W. Maloy, 1.
William V. McBride, 2.
Alton D. Slay, 1.
Robert L. Petit, 1.
George E. Schafer, 1.
William A. Jack, 1.
Walter T. Galligan, 1.
Travis R. McNeil, 1.
Allen M. Burdett, Jr., 2.
George P. Seneff, Jr., 2.
Robert L. Fair, 1.
C. J. Levan, 1.
Spurgeon H. Neel, Jr., 1.
Robert M. Shoemaker, 1.
Winant Sidle, 1.
Edward H. Vogel, Jr., 1.
Robert M. Hardaway III, 1.
Herbert J. McChrystal, Jr., 1.
James Ferris, 1.

UTAH

Bryce Poe II, 1.

VERMONT

None.

VIRGINIA

Robert J. Dixon, 3.
Dale S. Sweat, 2.
James A. McKnight, Jr., 1.
William E. DePuy, 3.
Henry A. Miley, Jr., 3.
Walter P. Leber, 2.
Orwin C. Talbott, 2.
Woodrow W. Vaughan, 2.
Jack C. Fuson, 1.
George A. Godding, 1.
Edwin M. Graham, Jr., 1.
Harold G. Moore, 1.
Harold R. Parfitt, 1.
Dean Van Lydegraf, 1.
Elmer R. Ochs, 1.
Ralph W. Cousins, 3.
Frederick H. Michaelis, 2.
Frank W. Vanroy, 2.
Julien J. LeBourgeois, 2.
Robert L. J. Long, 2.
Douglas C. Plate, 2.
John G. Finnesan, 2.
Roy G. Anderson, 1.
Julian T. Burke, Jr., 1.
Ralph S. Wentworth, Jr., 1.
Jeremiah A. Denton, Jr., 1.
Wallace H. Robinson, Jr., 2.
George C. Axtell, 2.
Robert P. Keller, 2.

WASHINGTON

Jack K. Gamble, 1.
John Q. Henion, 1.
William H. Meroney, III, 1.
Thomas E. Bass, III, 1.

WEST VIRGINIA

None.

WISCONSIN

None.

WYOMING

None.

WASHINGTON, D.C.

John D. Wemel, 2.
Raymond E. Peet, 2.
Harold E. Shear, 2.
Frederick J. Harfinger II, 2.
David H. Bagley, 2.
George C. Talley, Jr., 2.
William D. Houser, 2.
Frank H. Price, Jr., 2.
William J. Moran, 2.
Marmaduke G. Bayne, 2.
Kenneth R. Wheeler, 2.
Donald L. Custis, 2.
Thomas B. Hayward, 2.
Thomas R. Wesehler, 2.
Oliver H. Perry, Jr., 2.
Arthur G. Esel, 1.
Edwin K. Snyder, 2.
Earl F. Reetanus, 2
Robert E. Cushman, Jr., 5.
Earl E. Anderson, 3.
Foster C. Lahue, 2.
Herbert L. Beekington, 2.
Creighton W. Abrams, 5.
Frederick C. Weyand, 3.
Donald H. Cowles, 2.
Phillip B. Davidson, Jr., 2.
John R. Deane, Jr., 2.
Edward M. Glanagan, Jr., 2.
William C. Gribble, Jr., 2.
Fred Kosnet, Jr., 2.
Herron N. Maples, 2.
William W. Potts, 2.
Bernard W. Rogers, 2.
Edward C. Rowney, 2.
Richard R. Taylor, 2.
Vernon A. Walters, 2.
Walter J. Woolwine, 2.
Harold R. Aaron, 1.
George S. Beatty, Jr., 1.
Robert Bernstein, 1.
Frederick E. Davison, 1.
Henry R. DelMar, 1.
Thomas H. Tackaberry, 1.
Thomas H. Moorer, 5.
Elmo R. Zumwalt, Jr., 5.
Isaac C. Kidd, Jr., 3.
James L. Holloway III, 3.
Vincent de Poix, 2.
Eugene P. Wilkinson, 2.
Jerome H. King, Jr., 2.
John L. Locke, 1.
Daniel James, Jr., 2.
Warren D. Johnson, 2.
Joseph J. Cody, Jr., 1.
Donald H. Ross, 1.
Abraham J. Dreiseszun, 1.
Louis T. Seith, 2.
Colin C. Hamilton, Jr., 1.
Theodore R. Milton, 3.
Edward A. McGough III, 1.
Walter R. Tkach, 1.
George S. Brown, 5.
Richard H. Ellis, 3.
Duward L. Crow, 2.
Homer I. Lewis, 1.
Roy M. Terry, 1.
Joseph R. Deluca, 2.
Robert A. Patterson, 2.
Maxwell, W. Steel, Jr., 1.
John W. Roberts, 2.
Ray M. Cole, 1.
James E. Hill, 1.
Charles I. Bennett, Jr., 1.
George S. Boylan, Jr., 2.
William W. Berg, 1.
James A. Hill, 1.
Maurice R. Reilly, 1.
William W. Snavely, 2.
William J. Evans, 2.

BELGIUM

Russell E. Dougherty, 3.
William W. Wisman, 1.
Richard F. Shaefer, 1.
Walter E. Lotz, Jr., 2.
George G. Cantlay, 1.
Charles S. Minter, Jr., 2.

BRAZIL

Maurice W. Kendall, 1.
Carl T. Hanson, 1.

CAMBODIA

William W. Palmer, 1.

ENGLAND

Evan W. Rosencrans, 1.
Worth H. Bagley, 3.
William H. Livingston, 1.

ETHIOPIA

Harold D. Yow, 1.

EUROPE

Arthur J. Gregg, 1.
Andrew J. Goodpastor, 3.
Melvin Zais, 3.
George S. Blanchard, 2.
Arthur S. Collins, 2.
William R. Desobry, 2.
John D. McLaughlin, 2.
John Norton, 2.
Howard W. Penney, 2.
James W. Sutherland, Jr., 2.
Robert C. Taber, 2.
Jonathon R. Burton, 1.
Thomas E. Fitzpatrick, Jr., 1.
William R. Kraft, Jr., 1.
Joseph C. McDonough, 1.
Rolland V. Heiser, 1.
Sam S. Walker, 1.
Clay T. Buckingham, 1.
Wallace H. Nutting, 1.
Milton E. Key, 1.
Willard Latham, 1.
James A. Munson, 1.
Willard W. Scott, 1.
Charles R. Sniffin, 1.
Robert D. Stevenson, 1.
Richard W. Swenson, 1.
Orville L. Tobiason, 1.

EUROPE—continued

Charles M. Hall, 1.
John G. Appel, 1.
George S. Patton, 1.

GERMANY

David C. Jones, 3.
Louis K. Wilson, Jr., 2.
Wilbur L. Creech, 1.
Edwin W. Robertson II, 1.
John C. Giraudo, 1.
George J. Eade, 3.
Edward Ratkovich, 1.
William R. Hayes, 1.
Foster L. Smith, 1.
Michael S. Davidson, 3.
William W. Cobb, 1.
Jack J. Wagstaff, 1.
James W. Nance, 1.

GREECE

Carles W. Ryder, Jr., 1.
Frederick C. Turner, 1.

GUAM

George H. McKee, 2.
George S. Morrison, 1.

HOLLAND

William E. Bryan, Jr., 1.

ICELAND

Samuel M. Cooley, Jr., 1.

IRAN

Devol Brett, 1.

ITALY

Joseph G. Wilson, 2.
William W. Holt, 1.
George M. Johnson, Jr., 1.
Wilber H. Vinson, Jr., 1.
Means Johnston, Jr., 3.
Daniel J. Murphy, 2.
Pierre N. Charbonnet, Jr., 1.

JAPAN

Robert E. Pursley, 2.
Edward P. McNeff, 1.
Welborn G. Dolvin, 2.
George P. Steele II, 2.
James D. Donaldson, Jr., 1.
William H. Rogers, 1.
Lawrence F. Snowden, 1.

KOREA

John R. Murphy, 2.
Richard G. Stilwell, 3.
James F. Hollingsworth, 2.
Richard T. Knowles, 2.
Hubert S. Cunningham, 1.
Henry E. Emerson, 1.
William E. McCleod, 1.
John J. Koehler, Jr., 1.
Frederick C. Krause, 1.
Henry S. Morgan, Jr., 1.

NORWAY

Kendall S. Young, 1.

OKINAWA

Bert A. David, 1.

PACIFIC

Donald V. Bennett, 3.
Robert R. Williams, 2.
John R. Guthrie, 1.
George L. Mabry, Jr., 1.
Wilbur C. Weaver, 1.

PANAMA

Arthur G. Salisbury, 1.
John B. Henry, Jr., 1.
William B. Rosson, 3.
Robert H. Blount, 1.

PUERTO RICO

James D. Ramage, 1.

PHILIPPINES

Leroy J. Manor, 1.
Jack R. Sadler, 1.
Doniphan B. Shelton, 1.

PORTUGAL

Robert B. Erly, 1.

SPAIN

Salvador E. Felices, 1.

TAIWAN

Slade Nash, 1.
Philip A. Beshany, 2.

THAILAND

Jack Bellamy, 1.
Timothy F. O'Keefe, 3.
Ira A. Hunt, Jr., 1.
Thomas W. Mellen, 1.
John L. Osken, Jr., 1.

TURKEY

Arnold W. Braswell, 1.
Sanford K. Moats, 2.
Harris W. Hollis, 2.
James V. Galloway, 1.

VIETNAM

John E. Murray, 1.
Joseph R. Ulatoski, 1.

Mr. PROXMIRE. Mr. President, I also request unanimous consent that a list of U.S. military servants assigned to various foreign countries be printed in the RECORD.

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

MILITARY SERVANTS ASSIGNED

BELGIUM

Officers:	Servants
Russell E. Dougherty	3
William W. Wisman	1
Richard F. Shaefer	1
Walter E. Lotz, Jr.	2
George G. Cantlay	1
Charles S. Minter, Jr.	2

BRAZIL

Maurice W. Kendall	1
Carl T. Hanson	1

CAMBODIA

William W. Palmer	1

ENGLAND

Evan W. Rosencrams	1
Worth H. Bagley	3
William H. Livingston	1

ETHIOPIA

Harold D. Yow	1

EUROPE

Arthur J. Gregg	1
Andrew J. Goodpastor	3
Melvin Zais	3
George S. Blanchard	2
Arthur S. Collins	2
William R. Desobry	2
John D. McLaughlin	2
John Norton	2
Howard W. Penney	2
James W. Sutherland, Jr	2
Robert C. Taber	2
Jonathon R. Burton	1
Thomas E. Fitzpatrick, Jr	1
William R. Kraft, Jr	1
Joseph C. McDonough	1
Rolland V. Heiser	1
Sam S. Walker	1
Clay T. Buckingham	1
Wallace H. Nutting	1
Milton E. Key	1
Willard Latham	1
James A. Munson	1
Willard W. Scott	1
Charles R. Sniffin	1
Robert D. Stevenson	1
Richard W. Swenson	1
Orville L. Tobiason	1
Charles M. Hall	1
John G. Appel	1
George S. Patton	1

GERMANY

David C. Jones	3
Louis K. Wilson, Jr	2
Wilbur L. Creech	1
Edwin W. Robertson II	1
John C. Giraudo	1
George J. Eade	3
Edward Ratkovich	1
William R. Hayes	1
Foster L. Smith	1
Michael S. Davidson	3
William W. Cobb	1
Jack J. Wagstaff	1
James W. Nance	1

GREECE

Charles W. Ryder, Jr	1
Frederick C. Turner	1

GUAM

George H. McKee	2
George S. Morrison	1

HOLLAND

William E. Bryan, Jr	1

ICELAND

Samuel M. Cooley, Jr	1

IRAN

Devol Brett	1

ITALY

Joseph G. Wilson	2
William W. Holt	1
George M. Johnson, Jr	1
Wilber H. Vinson, Jr	1
Means Johnston, Jr	3
Daniel J. Murphy	2
Pierre N. Charbonnet, Jr	1

JAPAN

Robert E. Pursley	2
Edward P. McNeff	1
Welborn G. Dolvin	2
George P. Steele II	2
James D. Donaldson, Jr	1
William H. Rogers	1
Lawrence F. Snowden	1

KOREA

John R. Murphy	2
Richard G. Stilwell	3
James F. Hollingsworth	2
Richard T. Knowles	2
Hubert S. Cunningham	1
Henry E. Emerson	1
William E. McCleod	1
John J. Koehler, Jr	1
Frederick C. Krause	1
Henry S. Morgan, Jr	1

NORWAY

Kendall S. Young	1

OKINAWA

Bert A. David	1

PACIFIC

Donald V. Bennett	3
Robert R. Williams	2
John R. Guthrie	1
George L. Mabry, Jr	1
Wilbur C. Weaver	1

PANAMA

Arthur G. Salisbury	1
John B. Henry, Jr	1
William B. Rosson	3
Robert H. Blount	1

PUERTO RICO

James D. Ramage	1

PHILLIPINES

Leroy J. Manor	1
Jack R. Sadler	1
Doniphan B. Shelton	1

PORTUGAL

Robert B. Erly	1

SPAIN

Salvador E. Felices	1

TAIWAN

Slade Nash	1
Philip A. Beshany	2

THAILAND

Jack Bellamy	1
Timothy F. O'Keefe	3
Ira A. Hunt, Jr	1
Thomas W. Mellen	1
John L. Osken, Jr	1

TURKEY

Arnold W. Braswell	1
Sanfrod K. Moats	2
Harris W. Hollis	2
James V. Galloway	1

VIETNAM

John E. Murray 1
Joseph R. Ulatoski 1

THE MILITARY SERVANTS PROGRAM

Mr. PROXMIRE. Mr. President, just how did this military servants program come about? Existing legislation does not establish the practice of providing servants to our generals and admirals. It is a custom that has grown out of hand. It is an administrative practice sanctified by time and acceptance.

According to official regulations, enlisted aides are supposed to relieve the officer of minor details which if performed by the officer would be at the expense of his primary duties. The propriety of the duties involved is governed by the purpose they serve rather than the nature of the duties the Pentagon argues.

This regulation means than an officer can claim that any order serves a military purpose and then direct his servant to perform that duty. The decision about whether or not this is a legitimate request is made by the officer. In effect he is asked to check on himself. You can imagine how effective a restraint this is.

Let me give you a recent example. Capt. Paul T. Corrigan, Commander of U.S. Naval Activities, Rota, Spain, had a servant by the name of Seaman Ubina. Seaman Ubina soon found he was also working for the captain's wife and children.

One Sunday the captain's wife told Seaman Ubina, after church services:

"Where have you been young man? I need you at the house right now, quick."

Although this was his day off, Seaman Ubina worked that full day for a private party the family was putting on. He also worked on Saturday that weekend.

Captain Corrigan became unhappy with Seaman Ubina when he dared complain about the working conditions and his required service to the wife and children. Ubina asked to be transferred to other work and this was granted but not without a direct threat from the captain that he would not be able to enjoy a successful or productive career in the Navy.

The good captain followed this up by not letting Ubina take the next promotion examination for which he had studied for 6 months. And there the situation rests.

Now I ask any reasonable man. What chance does Seaman Ubina have against the Commander of U.S. Naval Activities in Rota. None. Not a chance. Not a prayer for justice.

This is why the servant business is so despicable.

It should be noted at this point that almost all the enlisted aides in the Navy are male Filipinos. The GAO found that the proportion was 98 percent.

Why are these Navy positions held by Filipinos? What is the rationale here? I ask my colleagues to provide one for me. The unfortunate truth is that the Navy brass has quietly insisted on Filipinos for these positions. The brass has a racial stereotype that these men are more docile and servant-like than other men. And easier to recruit for such positions.

This is not a pretty picture to describe but that is the truth of the matter. The Navy used Chinese on board ship and in quarters during World War I. Now they use Filipinos.

It is time that these Filipinos be given the opportunities of all other men in the service of our country. No longer should they be subject to ill treatment such as with Seaman Ubina. After all we are dealing with human beings. But too often those in high rank forget that.

JUSTIFICATION FOR HAVING MILITARY SERVANTS

How does the Pentagon justify these military servants? Let us go into each argument and I will demonstrate just how sterile, just how unbelievable they are.

The Pentagon makes the argument that military servants are necessary because generals and admirals have duties affecting the welfare of millions of men and women. They are said to be responsible for billions of dollars in materials and Government funds. Therefore, these men should not be required to take care of their personal laundry, cars, food, and homes.

Mr. President for those who would defend the use of military servants under this justification, I would ask do not Senators and Congressmen have similar responsibilities? Does not the Secretary of Defense or the Secretary of the Air Force, Army or Navy have responsibilities as great? What about the Justices on the Supreme Court?

Do mayors of this Nation's cities have large responsibilities? Do they not look after the welfare of millions and handle billions of dollars in Government funds?

And do they have servants provided to them at the expense of the taxpayers of the land? No, not one.

Perhaps the supporters of the military servant program would be willing to introduce legislation to authorize military servants for all taxpayers who have great responsibilities and handle large sums of money. Why should Senators not have servants?

The Pentagon also states that military servants are needed because these high-ranking officers work long hours.

Now I ask you: Are generals and admirals the only people in this country that work long hours? Do other citizens have to come home from a long day's work and do their own chores? Of course they do.

The brass would also have us believe that they need servants because of all the parties they have to put on. Think of that argument for a moment. Our mighty military machine demands servants because it has so many parties to give. What kind of a defense force do we have on our hands? What war are we preparing to win on the party circuit? Granted, sometimes official entertainment is required, but let that come on a case-by-case basis from a manpower pool of some type. They do not need permanent servants for parties, and if they do, something is drastically wrong with our concept of military preparedness.

The GAO found that generals and admirals want servants because they claim their wives have to attend social and military functions and take part in civic duties and charity work and therefore they cannot do the housework.

What makes military wives so special? Military wives are not the only women in this country that have social obligations and take part in civic and charity work. And yet the other women of America either manage to do their own housework or pay for it out of the family budgets. At the same time their tax dollars go for free servants for the brass. Is that fair?

The most recent argument in favor of military servants is that these unfortunate generals and admirals have the bad luck to be living in free housing. These spacious and sometimes quite elegant quarters need constant upkeep, the Pentagon states now. It is interesting to note that in the GAO questionnaire only 8 percent of the officers made that argument. Apparently it is now being emphasized by the Pentagon regardless of what the questionnaire turned up.

What other reasons have been given justifying military servants? Some generals have said they were bachelors and needed the help because they had no wives. Some said they had to host women's groups. Some said they were the only high-ranking officer in the area. Some said they had to promote good community relations. Imagine that—promoting good community relations by using taxpayers' money for their own private servants.

Well, the list of justifications goes on and on and each succeeding one becomes more ridiculous than the last. The servant program cannot be justified. That is the plain and simple answer.

During the Civil War the servant issue was clearly resolved. Chapter 200, 12 statute 594 provided:

> That whenever an officer of the Army shall employ a soldier as his servant he shall for each and every month during which said soldier shall be employed deduct from his own monthly pay the full amount paid to or expended by the government per month on account of said soldier.

If we had that law on the books today, you can bet that there would be no servant program. There are servants because the Pentagon provides servants free. We should return to the philosophy of the Civil War. Let the generals and admirals have servants if they want them. But make them pay for such service as other Americans have to.

CHANGES IN THE LAST 12 MONTHS

Mr. President, since I first talked on the subject well over a year ago, certain adjustments have been made in the servant program. These adjustments were made over a protesting Pentagon. They were made at the insistence of Congress.

First, the number of military servants was cut from 1,722 down to the present level of 675.

Last year on this very bill, I offered an amendment similar to the one up today which would completely eliminate all military servants. Since the Armed Services Committee had not had a chance to study this issue, a compromise was struck reducing the level to 218. The vote was 73 to 9 in favor of reducing the number of servants to 218. Unfortu-

nately, in conference this number was raised to 675.

One year has gone by and the committee has had a chance to consider the issue. Therefore, I am now proposing that the entire program be eliminated.

Late in 1973 I asked the Secretary of Defense to make plans to phase out the servant program. The Department of Defense replied by saying that they will pursue consideration of all practical and appropriate alternatives within the level of effort authorized by the Congress.

In other words, do not count on the Pentagon to do anything more in this area. It is up to Congress.

In the interim, the Defense Department had issued new guidelines about using military servants. They said that servants no longer will be allowed to baby sit, take care of pets, repair private furnishings, repair motor vehicles or boats, wash and iron family clothes, chauffeur dependents for their personal benefit.

This new regulation is a remarkable admission. Only last year the Pentagon was denying that any of these things happened. Now they have revised the regulations to prohibit those activities that never were to have happened in the first place.

While the new regulations list a number of prohibitions, the list of approved jobs is almost open ended. Servants still are required to assist in all phases of party planning and service. They still tend bar for private parties. They still chauffeur. They still act as butler and receptionist. They still run errands. They still clean house. They still do the laundry. And except for the Marine Corps they still do gardening. In other words, they still are servants. Very little has changed.

And of course, the decision as to whether or not an activity is proper under these regulations continues to remain the discretionary judgment of the officer giving the order.

Mr. President, finally, we must have the strongest military force in the world. We need the best equipment, the best trained troops, the highest morale.

The use of servants only preserves the ancient vestiges of a racist class system and in the process hurts the morale of enlisted men who take pride in being free men fighting for a free country, because, as I pointed out previously, in the Navy, for example, these personnel are almost entirely Filipinos. The Navy has effectively had a policy of having Filipino servants. They consider them more docile and easier to use as servants—a terribly racist consequence.

Some of these enlisted men actually were assigned to their servant duties even though the program is supposed to be voluntary. The GAO has confirmed this illegal detailing.

We could propose new more restrictive legislation as to the use of military servants. We could insist that violators of the regulations be reprimanded. We could demand that only volunteers be required to serve in such positions. We could hope that the problems will recede and that the Pentagon will do a better job in the future.

But all of these alternatives would circumvent the basic issue. This country should not be in the servant business. Generals and admirals are well paid executives. They are no different in many respects from the leading civilian executives in the business world or in Government. They can afford to pay for their own servants if they want them.

They have special out-of-pocket party funds of up to $5,000 a year for meeting the requirements of entertainment. And many bases provide contingency funds for such occasions.

Why then should we allow this disgrace to go on for 1 month longer? It should be stopped. We can do that with a positive vote on this amendment.

Mr. HART. Will the Senator yield for a question?

Mr. PROXMIRE. Yes, I yield.

Mr. HART. I had not anticipated hearing the Senator. Over the weekend I was told that the U.S. Naval Academy has a policy of longstanding, I am sure, of Filipinos serving midshipmen.

If this is true, are we not permitting in at least that branch of the Defense Establishment almost the suggestion from the opening day of the Navy man's career that he can properly expect that kind of servant to be his reward upon the achievement of a certain rank? But, in the meantime, while he is in school we will provide them anyway.

If this practice goes on—I would hope it does not—in other military academies, can we not indicate pretty clearly that is what he can expect when he gets four stars if you treat him that way when he is just carrying books?

Mr. PROXMIRE. The Senator is so right. I could not agree more. I think it is going to be a corrupting influence on the future admirals and leaders of the Navy of this country.

What is more—and I am sure the Senator from Michigan more than, perhaps, any Member of this body is aware—it is really so demeaning to the men themselves who are serving as servants.

The fact that they are Filipinos, the fact that they are a group that is selected for this purpose, makes it much worse than if they simply took rank and file enlisted personnel, bad as that would be, and the demeaning effect on the personality and on the life of these men who serve in this capacity is one that I think we just cannot escape.

Mr. HART. I agree. But let us not get led over a cliff on that. It may be that the Filipinos could not be happier, as we were told certain other groups in this country could not have been happier. But, whether happy or not, let us get rid of this practice.

Mr. PROXMIRE. I agree with the Senator from Michigan. We have a number of letters from enlisted men themselves; we have letters from the GAO confirming that many of them are not happy at all. Many resent this service. They feel imposed upon. They cannot get out of it without having their career in the Navy ruined because they are subjected to the jurisdiction of very high ranking officers.

Mr. President, I reserve the remainder of my time.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I realize that this is a controversial subject and a matter that is greatly misunderstood. I wish to make a few points here which I think might clarify the situation to some extent.

Present law limits the services of enlisted aides to official duties of the respective general or flag ranking officer.

Next, all segments of society have personnel to perform certain supportive functions necessary to various positions. For instance, the Congress has staff members to assist the Members of the Senate and the House in receiving visitors.

High officials of executive agencies have aides to assist in the conduct of their duties. Businessmen and attorneys have aides to assist in various duties. Ambassadors and Foreign Service officers have aides who assist in providing services to visitors, both foreign nationals and American citizens.

I oppose enlisted aides being used for personal matters, but I feel that many of our higher ranking officials, certain three- and four-star generals and admirals, need aides of some description to perform essential duties.

I would ask the question: If enlisted aides are eliminated, then is it planned to eliminate officer aides next?

Three- and four-star generals have served a long time before they attain this rank. They have tremendous responsibilities. They are corps commanders, Army commanders or have several armies under them, and it would not seem inadvisable to allow these people to have an enlisted aide to be of assistance to them, to relieve them of certain duties that they would have to perform themselves.

Mr. President, enlisted aides can usually perform these functions at a lesser cost than civilians or high-ranking military personnel.

It has been suggested that these men in uniform not perform these duties. But I heard an aide say once that the greatest experience he had was being around a four-star general; that he learned more than he would have learned in college; and he performed duties that helped him throughout his career. Merely the association with these people, and in assisting them and relieving them of details in performing functions that the general would have had to do without the aide, was of tremendous benefit to the general and also tremendous benefit to the aide.

Personally, I do not think aides ought to be personal aides, so to speak. But they ought to have official duties. However, they need these people, they need some enlisted aides, and they need officer aides. too.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I feel we are getting more for our money in taking some of these details from the shoulders of these 3- and 4-star generals

and admirals than if we were to make them do these things themselves.

To my way of thinking, it is a good investment. It is not a matter of working people and degrading people. What better association could they have than an association with these intelligent people who worked their way up the ladder for 30 years; highly educated people, people who make decisions that affect thousands and thousands of people; people who give orders upon which thousands and thousands of troops will march at the giving of those orders.

I think it is important that we be reasonable about this matter and not say that no general and no admiral can have anybody to assist him to perform certain duties which would leave him free to do the big things and make the big decisions and perform the big responsibilities.

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

This is partly a ceremonial function that these men perform as an aide. This comes down from George Washington, the first Commander in Chief of the Continental Army. He had these perquisites, and every succeeding general or admiral in a comparable place or something below that comparable place of George Washington has had those perquisites. They have official duties to perform, they have official entertainment to perform. I am not making excuses for them. You are not going to pollute them, not this easily anyway.

But this is a part of the protocol. I am not very familiar with it. I am not a general, and I have not been around many generals, but I know this is a part of the protocol. It is a part of the perquisites of these higher officers—and, by the way, they are mighty scarce down in Mississippi. We have only two down there. So this is not a local matter with me at all. We have some training bases for the Air Force, Army and Navy; they have a lot of sunshiny days down there. But this is a serious matter, and this amendment just totally knocks all of them out, abolishes them as if it were something evil and sinful, which it is not at all.

This aide service is something which encourages the wives to carry out their part all during these military careers, and they do have an essential part. It encourages them to perform their functions in the hopeful expectation of these promotions coming in time, and that they will have some of the things that go with the promotions.

We can argue here till doomsday about the numbers, but my point is, let us not just abolish an institution. I do not know; I would settle for some number. But I really do not want to see this thing just abolished as if it were a punishment on the military.

By the way, all these men are not friends of mine, but with all the shifting around and everything all of a sudden, we had to have a new chairman of the Joint Chiefs of Staff, and that called for a new Chief of Staff of the Air Force, and I do not know when I have been any more favorably impressed than I have been with the new men who were sent in to fill those highly responsible roles. Their training started away back. One was a nonacademy man, made Chief of Staff of the Air Force.

All their record of attainment, their reasoning—I remember what Senator Carl Hayden told me when I first came to the Senate. He said:

Spend your first two years learning how to be a Senator.

They have spent all these 20-odd years learning how to be top officers, and I was proud of them and I predict for both outstanding accomplishments.

Now the Senator would come along and jerk the rug out from under them here, and they would not have anything to help them carry on. Every Senator on this floor who has taken part in the debate on this bill has had an aide here with him, if not two or three. Why? We have to have them. That is why they are here. They perform a highly important function. A Senator who tries to do everything himself is not much of a Senator.

We have some abuse of this privilege, but all of our officers, now, are going to have to do all this entertaining and all this protocol and everything else, and if their wives have to do it all, we are going to find a great letdown—a great letdown, a diminution of interest and in the attractiveness of the office.

I just hope the Senate will not adopt this amendment. Let us not kill this thing that does have a meaning—not much to us, maybe, but it certainly means a lot to them.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 18 minutes. The Senator from Wisconsin has 15 minutes.

Mr. STENNIS. I yield 9 minutes to the Senator from Georgia.

Mr. NUNN. Mr. President, I do not think I need that much time. I would like to just go back over, briefly, the history of this particular effort by the Senator from Wisconsin, because I think he has made a very diligent effort here, and he has pointed out some flaws in the system as it previously existed.

Until December 1972, there were 1,722 enlisted aides assigned in all services. In May of 1973, the Secretary of Defense reduced the authorization to 1,245, to be effective March 1, 1974.

In consideration of the fiscal year 1974 authorization bill, there was a ceiling established of 1,105 aides. I believe that was in the House Armed Services Committee.

Finally, in the House report accompanied by the authorization bill, a fiscal year 1974 ceiling of 675 was established by Congress. That was the result of a compromise between the House committee number of 1,105 and the bill as passed by the Senate last year, which contained an effective ceiling of 218.

So right now, Mr. President, we have a ceiling of 675. This represents a reduction in an 18-month period, of 61 percent, or 1,047. The amendment that the Senator from Wisconsin has now proposed is not an effort to reduce it further; it is an effort to knock it completely out. down to zero, down to not one single enlisted aide for the Chairman of the Joint Chiefs of Staff who hopefully will be confirmed in the next few days. We had him before the committee today. Not one single aide for the Chief of Staff of the Air Force, not one single aide for the Chief of Naval Operations, and not one single aide for the Chief of Staff of the Army, who is now in the hospital. So this is not an effort to effect a reduction, but an effort to go down to zero. I think that is something the Senate should keep in mind.

One thing the Senator from Wisconsin said, and I would like some clarification on this particular point because it is contradictory to the amendment itself, is that there ought to be some kind of pool, with a certain number of people in it, to perform these duties.

Mr. President, I would like to propose a substitute for the amendment of the Senator from Wisconsin which would provide exactly that. I would like to go back to the language of the Senate compromise last year, which was approved overwhelmingly, and which, by the way, resulted in a dramatic reduction from the House-proposed number of 1,105 down to a compromise in conference of 675.

This amendment in the nature of a substitute which I shall offer after time on the amendment has expired would be the exact amendment passed last year by the Senate by a vote of 73 to 9. I think it would comply with the effort of the amendment of the Senator from Wisconsin to reduce to a great degree the abuse that has obviously taken place, but not seek to go completely down to zero, because there are certain cases, as the Senator from South Carolina and the Senator from Mississippi have enumerated, where enlisted aides are essential and necessary.

I am not defending the present number or the age-old practice, but I am saying, as the Senator from Wisconsin has said, that we need to have some kind of pool here, and this amendment would, in effect, provide for a ceiling of 218. This, as I say, would be in the nature of a substitute for the amendment of the Senator from Wisconsin.

Mr. PROXMIRE Mr. President, will the Senator yield? Maybe we can work something out.

Mr. NUNN. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Prior to our discussion on the Senate floor, we had an informal discussion, and I told the Senator I was reluctant to modify my amendment in accordance with his suggestion. But I wonder if it would be possible to modify the pending amendment a little to provide that there be a pool out of which these men could be assigned for specific purposes to assist with entertainment functions and that kind of thing.

What concerns me is that these men are assigned to a particular, specific admiral or general, and assigned to him as a man-servant, for 4, or 5, or 6 years, or even more. This seems to me to be what is fundamentally wrong with the system. I see the Senator's objections, and I realize there are heavy entertainment responsibilities, and so forth, but it would

seem to me that if we could agree on a pool, we might have quite a different situation than with the present problem of an admiral more or less owning, in effect, an aide.

I might point out also to the distinguished Senator that this aide does not perform the kind of functions our staff assistants do. The admirals have captains, lieutenant commanders, and full lieutenants to do the speech writing, the clerical work, the mail answering, and so forth. That official service to me is fine; no one objects to that. We are talking about washing the dishes, cleaning the house, gardening, chauffeuring, and that type of responsibility.

Mr. NUNN. I think the Senator presents a good argument, and I do not offer any rebuttal to it. I would like to take a look at any kind of modification language the Senator might have, and have an opportunity to study it.

Mr. PROXMIRE. I thank the Senator.

Mr. NUNN. Mr. President, in concluding my brief remarks, perhaps we can get together on some kind of language that would be satisfactory. The substitute that I had planned to offer would cut the overall ceiling down to 218. This would be a reduction, a substantial reduction, from the present number of 675, and I think that it would accomplish the purpose that the Senator from Wisconsin has in mind without necessarily slapping in the face every high-ranking general and admiral that we have in the service today. I would certainly agree to look at any other language the Senator from Wisconsin (Mr. PROXMIRE) might have in mind for that purpose.

At this time, unless someone wants me to yield to them, and I would be glad to do so, otherwise I would like to suggest the absence of a quorum.

Mr. STENNIS. Mr. President, just acting on the spur of the moment here, I commend the Senator from Wisconsin for being willing to do something about this thing, stopping short of cutting it out altogether. The Senator from Georgia, the two of them together, have made a mighty appealing suggestion to me. To give them a chance to go to work on the language, we might have a quorum call here, to be charged to each side, and if they disagree on any language, we could let the matter go over until tomorrow; and if they have not agreed, then we would have 10 minutes to a side and then vote on it.

Mr. HART. Mr. President, will the Senator withhold that request for a moment?

Mr. STENNIS. Mr. President, I yield to the Senator from Michigan such time as he may need to make his proposition.

Mr. HART. If the Senator from Mississippi will temporarily withhold, as I understand it, there are two concerns. One is with respect to the number of Army, Navy, and airmen who will be put into a pool to do certain things for high-ranking officers. That is a numerical problem. The second problem is to make it clear that those functions shall not be assigned to them, such as, for example, cutting grass or washing dishes. That is the second aspect. I hope they attempt to respond to both of them.

The PRESIDING OFFICER (Mr. JOHNSTON). Is there objection to the unanimous-consent request for a call of the quorum?

Mr. STENNIS. Mr. President, I will state it this way, if I may restate it. I ask unanimous consent to suggest the absence of a quorum with the time to be charged to each side.

Mr. GOLDWATER. Mr. President, will the Senator from Mississippi withhold for a moment? I would like to make a few comments while the two Senators are conferring.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Arizona.

Mr. GOLDWATER. I probably will not take that long.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 3 minutes.

Mr. GOLDWATER. Mr. President, I do not understand the concern of the Senator from Michigan relative to the various tasks to be assigned to enlisted men. While I recognize that the GAO has discovered, whether rightly or wrongly—and I do not have the faith in that office that some of my other colleagues have—that not all the enlisted people volunteer—in fact, I know that they do not—I would like to say that my experience shows most of these jobs are eagerly sought after by enlisted men who like to moonlight—not just moonlight for the extra buck that might be in it, but for the extra good food, the occasional "nip" that can be had on the side, and the chance to serve someone they may have great respect for and want to serve.

I would hate to see language come out that would preclude enlisted men from accepting an offer made by a general officer, an offer that would mean not only a little more prestige in the ranks but also a little more income for him.

I believe that this should be pretty much left up to the enlisted men. While it is probably true that some are assigned, it has been my experience that these jobs are eagerly sought after. So that I would hope we would not make it impossible for an enlisted man who, in effect, wants to moonlight like that, to be able to do so.

These are the only comments I have to make on the amendment.

Mr. PROXMIRE. Mr. President, will the Senator from Arizona yield on my time—and I will yield myself a couple of minutes.

Mr. GOLDWATER. I am happy to do so.

Mr. PROXMIRE. As I understand it, these are not moonlighters in the sense that they get extra money by working for a general or an admiral. I would have no objection to that. That should be encouraged. That is a good way for an enlisted man to pick up some extra money and enables the general or the admiral to get the help that they may need. That is good.

What I object to, and what the amendment is designed to prevent, is the permanent, full-time assignment of an enlisted man to a general or an admiral. Many of these enlisted men serve throughout their naval or military careers working simply as a servant and that is all they do. That is their full-time job.

It is that kind of thing that is wrong especially when they belong to a particular general or a particular admiral and are assigned to them on a permanent basis.

What we are trying to work out is a pool so that when these men are assigned, it will be on a temporary basis and for a particular function. In addition, any time a general or an admiral wants to hire extra assistance, of course he is free to do that with the enlisted personnel. There is nothing in this amendment that would prevent that.

Mr. GOLDWATER. I am glad to have that assurance. However, I should like to ask the Senator one question. What would it do to the Filipinos who now serve the White House and the Naval Academy? This is a full-time job with them although they carry enlisted rank.

Mr. PROXMIRE. The Senator is right. That is another problem. But they would not be assigned by this amendment, because they are not on the permanent staff of a general or an admiral.

Mr. GOLDWATER. That is correct, but they are on the permanent staff of our Commander in Chief.

Mr. PROXMIRE. The Commander in Chief is not covered by this amendment.

Mr. GOLDWATER. I am glad to hear that.

Mr. HART. Mr. President, in fairness to the Senator from Arizona, before he arrived in the Chamber I had expressed some dismay, I guess, that we still do that and provide those facilities. I hope sooner or later that we will fix that.

Mr. STENNIS. Mr. President, I would suggest the absence of a quorum with the understanding that the time will be charged to each side.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator from Mississippi withhold that for a moment. And will the Senator from Wisconsin yield to me?

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

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. WILLIAM L. SCOTT. Mr. President, I appreciate the Senator's yielding to me. As you know I am a member of the Armed Services Committee and certainly want our Armed Forces to be second to no nation in the world. It is essential that we retain our military strength. However, where fat exists, whether in the military or in one of the executive departments of the Government, we must eliminate that fat. To have unnecessary expenditures in any department of Government, I believe, weakens our defense system.

We have a Defense budget for the coming fiscal year of approximately $87 billion and personnel costs are estimated to increase under that budget from 57 to 58 percent.

I am concerned about the continued increase in the cost of personnel. It seems to be in the national interest to look into every department of Government and see

where we can eliminate waste. That should include the Department of Defense.

Mr. President, I believe that the argument made by the distinguished Senator from Wisconsin does have merit. While I would hope that some compromise will be reached on the matter, a compromise that will be carried to the other body by the conference committee and not be weakened in conference, I see no more need for the military to have servants than top officials in the civilian part of the Government.

I would therefore hope that we can eliminate the concept of any Government official having servants at taxpayers expense.

I therefore commend the distinguished Senator for the argument that he has made here. While I hate to disagree with the leadership of my own committee, I am inclined to support the amendment of the Senator from Wisconsin unless some compromise is reached.

Mr. PROXMIRE. Mr. President, I ask unanimous consent—because I understand that with the time limitation, I have to do so in order to modify my amendment—to modify my amendment to add at the end the following clause:

Except for 218 such enlisted men assigned on a temporary basis by the Secretary of Defense to meet official responsibilities.

What that would do would be to compromise with the suggestion by the distinguished Senator from Georgia (Mr. NUNN) the notion that there would still be 218 men available; but they would not be assigned to specific, particular admirals or generals. They would simply be available to be assigned on a temporary basis to meet official and I stress official responsibilities. That would meet my principal purposes.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. WILLIAM L. SCOTT. Mr. President, reserving the right to object, I wonder if the distinguished chairman of the Committee on Armed Services and the distinguished ranking member might indicate whether they would press for this amendment that is offered by the distinguished Senator from Wisconsin or whether it might be compromised away in the conference between the two bodies.

Mr. STENNIS. I yield myself 1 minute.

Mr. President, the Senate conferees always press, in every way they know how, for the Senate bill as passed, and that includes all amendments—big and small and important—and all amendments are important. There is no question about that. I do not think I could assure the Senator any further.

Mr. WILLIAM L. SCOTT. With that assurance, Mr. President, I withdraw my reservation.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. THURMOND. Mr. President, the distinguished Senator from Mississippi has expressed my view.

The PRESIDING OFFICER. Is there objection to the modification of the amendment? The Chair hears none, and the amendment is so modified.

Mr. PROXMIRE. Mr. President, if the Senator from Mississippi wishes to yield back the remainder of his time, I will yield back the remainder of my time, and we can have a vote on the amendment.

Mr. STENNIS. I yield myself 1 minute.

Mr. President, I think the Senators have worked out not a compromise but a very fine amendment that has some substance, and I am going to support it.

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

Mr. PROXMIRE. I yield to the Senator from Michigan such time as he may require.

Mr. HART. Mr. President, I inquire of the coauthors of the amendment their concept, their intentions, their definition of "official duty."

We have been talking about the burden of entertainment, much of which is official. But there is also the casual house servant activity that some of these men heretofore have been engaged in, such as cutting the grass.

We know human nature, and it might be that a general would feel that he is going to have friends in tonight and the grass has to be cut this afternoon, and that is pretty official. That is not my notion of the function and the purpose of any man in the military. That gentleman can do what some of us do—hire a man or, as others do, cut the grass himself. If he is faced with big decisions, he has to let the grass wait.

Mr. PROXMIRE. I appreciate the Senator's question. I think the clarification will be of great help in providing for an amendment that means something and is effective.

I would say, for example, that official business and official responsibilities would refer to entertainment at parties which are official parties, to which other officials are invited, not private parties. I would say that chauffeuring would be an official responsibility that would be necessary and proper. But duties such as cleaning the house or doing the laundry or doing gardening or serving at strictly private parties is obviously and clearly not official.

Mr. HART. When the Senator indicated that chauffeuring would be official, he intended to refer to chauffeuring the officer around, not the family.

Mr. PROXMIRE. Exactly. Chauffeuring the officer on his official duties, not chauffeuring anybody else in the family and not chauffeuring the officer for purposes not related to the officer's duties.

Mr. STENNIS. I yield myself 1 minute.

Mr. President, I do not want to see this thing whittled away just by colloquy on the floor of the Senate. We still live in a time when someone has to cut the grass. That may be what is the matter with America now, that too many of us want the other fellow to cut the grass and wash the dishes.

I see the electric dishwashers. All one has to do is to press a button. How is anyone going to help at an official function if we are going to exclude washing the dishes?

I do not think we ought to whittle this away. This language has a meaning. No one has to go into the Army now. They are all volunteers. That is true of the other services.

Mr. PROXMIRE. I agree that if any of these functions are performed at an official affair of any kind, or for such an affair, obviously the Senator is correct. Someone has to serve the drinks and wash the dishes and clean up, serve the food, prepare the food for official functions. All of that would be official. But if this is done simply for the officer and his family, and personal friends, I would say it is not in accordance with the amendments. The officer and his family are free to hire outside help, or they can do it themselves.

It seems to me that this modification meets the only really legitimate requirement that the admiral or the general may have for a servant, because he has extraordinary responsibilities, and under those circumstances the military servant should be authorized to serve.

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

Mr. PROXMIRE. I yield.

Mr. NUNN. It is going to be almost impossible for us to define on the floor of the Senate the precise nature of every detail as to what is official, but I think that the spirit of this dialog certainly should be taken into consideration by the Department of Defense. I would think that, looking at legislative history, the momentum that this particular move has had over the past 2 years, the Secretary of Defense would do well to interpret this strictly, so that it does not become an excuse for one loophole after another.

I refer the Senator from Michigan and the Senator from Wisconsin to a letter from Assistant Secretary of Defense William K. Brehm to Chairman HÉBERT of the House Armed Services Committee. Mr. Brehm indicates in his letter some of the alternatives that have been looked at and says that there is an effort in DOD to go into this.

Rather than trying to define precisely the word "official," we should leave that to the judgment of the DOD and let them consider the dialog that has taken place here and the fact that there is a genuine interest in this matter on the floor of the Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from Mr. William K. Brehm, Assistant Secretary of Defense for Manpower and Reserve Affairs, dated February 4, 1974, to Chairman HÉBERT.

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

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., February 4, 1974.

Hon. F. EDWARD HÉBERT,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is to advise you of the current status of the enlisted aide program. Although the Congress has already significantly reduced the aide program by establishing a ceiling of 675 aides, we have reviewed the program to try to identify alternatives that could feasibly reduce further the number of enlisted aides.

In December 1972, there were 1722 enlisted aides assigned in all Services. In May 1973, the Secretary of Defense reduced the authorization to 1245, to be effective March 1, 1974. The HASC, in its consideration of the FY 1974 Authorization Bill, established a ceiling of 1105 aides. Finally, in the Conference Re-

port accompanying the Authorization Bill, a FY 1974 ceiling of 675 was established by the Congress. In sum, the number of enlisted aides is being reduced by 1047 or 61% over an 18-month period. Under the 1105 ceiling established by your Committee, all generals and admirals occupying public quarters would have had at least one enlisted aide. Under the 675 ceiling, it will not be possible to authorize one aide to each general or admiral occupying public quarters.

Our review reaffirmed that the majority of public quarters occupied by general and flag officers are old and large, and assistance is required for their care and upkeep. Also, many general and flag officer representational requirements are such that these officers need assistance. The HASC report on the FY 74 Authorization Bill recognized the validity of both of these requirements. Along with essential external representations, generals and admirals seek to enhance morale and interpersonal communications within the military community by hosting appropriate social gatherings. These functions require assistance in quarters. The basic problem is how best to provide the required assistance. Our review concluded that enlisted aides can best provide this support. Compatibility with military environment, flexibility in work scheduling, and adaptability to varied duties are the more obvious advantages of using enlisted aides. The uncertain availability of qualified personnel on the civilian market and the inherent limitations regarding irregular workloads and knowledge of military customs, protocol and procedures make the use of civilian personnel less advantageous. In arriving at this general conclusion, alternatives for reducing the number of enlisted aides have been considered. These alternatives included: (1) replacement of old and large quarters, (2) use of civilian personnel including Civil Service, and (3) personal hire by generals and admirals through an increased compensation system.

Replacement of the old and large general/flag officer public quarters is not a realistic approach. It would be extremely costly, take considerable time to accomplish, and would not result in an immediate reduction in number of aides. Also, the DoD recognizes that primary efforts should be directed toward providing family housing for families of enlisted personnel and junior officers.

The employment of Civil Service personnel is a possible approach since there is no known legal bar to their employment as aides. Within the level authorized by the Congress, we plan to explore further the practicality of using Civil Service personnel (perhaps wage board employees) in lieu of enlisted aides. In examining this option, we will seek to determine the type of duties that could best be performed by civilian personnel. In addition, consideration will be given to expanded use, as appropriate, of direct-hire or indirect-hire foreign national employees in lieu of military enlisted aides overseas. Should this course of action be determined feasible, we would, of course, seek the prior approval of both the House and Senate Armed Services Committees.

The personal hire of individuals by general/flag officers who would be compensated with a personal money allowance or by reimbursement also has some potential. This would require specific statutory authority. Consideration will be given to requesting such statutory authority when the practicality of using civilians, as discussed above, has been determined.

In summary, general and flag officers in public quarters often need assistance to care for those quarters and to meet representational responsibilities. While there appear to be no reasonable actions that can be taken immediately to reduce the number of enlisted aides beyond the 61% reduction already in progress, there might be other means of reducing enlisted aides that can be implemented in the future. DoD will pursue consideration of all practical and appropriate alternatives within the level of effort authorized by the Congress.

Sincerely,

WILLIAM K. BREHM.

Mr. PROXMIRE. I think the Senator's suggestion is very reasonable, except that I would not want to leave this completely to the judgment of the DOD, based on past performance, because they did provide regulations that no servants will any longer be allowed to babysit, take care of pets, but they permit them to do laundry and gardening and clean house.

The spirit of the suggestion of the Senator from Georgia, that "official" be construed strictly, would eliminate the kind of functions we have been discussing, unless they are directly connected with an official party or affair.

Mr. NUNN. I do not disagree with that. The Secretary of Defense would have to determine what an official party or affair is. I do believe that the legislative history indicates the Senator's intention in this matter, and it is the Senator from Wisconsin's amendment. I believe that the Secretary has been put on notice that the Senator from Wisconsin expects a rather studious approach to this matter and that frivolous activity is to be cut out.

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

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, if the Senator from Mississippi will yield back the remainder of his time, I will yield back the remainder of my time.

Mr. STENNIS. I yield back the remainder of my time.

Mr. PROXMIRE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Alabama (Mr. SPARKMAN), the Senator from California (Mr. TUNNEY), the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maine (Mr. HATHAWAY), and the Senator from Minnesota (Mr. MONDALE) are necessarily absent.

I further announce that the Senator from Utah (Mr. Moss) is absent on official business.

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

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) and the Senator from Oklahoma (Mr. BELLMON) are absent attending a funeral.

The result was announced—yeas 73, nays 4, as follows:

[No. 222 Leg.]

YEAS—73

Abourezk	Fong	Nelson
Aiken	Gravel	Nunn
Allen	Griffin	Pastore
Bayh	Gurney	Pearson
Beall	Hart	Pell
Bible	Hartke	Percy
Biden	Haskell	Proxmire
Brooke	Hatfield	Randolph
Burdick	Helms	Ribicoff
Byrd, Harry F., Jr.	Hollings	Roth
Byrd, Robert C.	Hruska	Schweiker
Cannon	Huddleston	Scott, Hugh
Case	Hughes	Scott, William L.
Chiles	Humphrey	Stafford
Clark	Jackson	Stennis
Cook	Johnston	Stevens
Cotton	Long	Stevenson
Curtis	Magnuson	Taft
Dole	McClellan	Talmadge
Domenici	McGee	Thurmond
Dominick	McGovern	Tower
Eagleton	Metcalf	Weicker
Eastland	Metzenbaum	Williams
Ervin	Montoya	Young
	Muskie	

NAYS—4

Fannin	Hansen	McClure
Goldwater		

NOT VOTING—23

Baker	Cranston	McIntyre
Bartlett	Fulbright	Mondale
Bellmon	Hathaway	Moss
Bennett	Inouye	Packwood
Bentsen	Javits	Sparkman
Brock	Kennedy	Symington
Buckley	Mansfield	Tunney
Church	Mathias	

So Mr. PROXMIRE's amendment No. 1370, as modified, was agreed to.

AMENDMENT NO. 1378

Mr. HUMPHREY. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The second assistant legislative clerk proceeded to read the amendment as follows:

On page 17, between lines 20 and 21, insert a new section as follows:

"SEC. 703. Notwithstanding any other provision of law, no funds appropriated pursuant to this or any other act may be used for the purpose of carrying out research, testing, . . ."

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

The PRESIDING OFFICER. There will be order in the Senate.

Mr. HUMPHREY. Mr. President, I will ask the clerk to reread the amendment, because it is an important one.

The second assistant legislative clerk read the amendment, as follows:

On page 17, between lines 20 and 21, insert a new section as follows:

"SEC. 703. Notwithstanding any other provision of law, no funds appropriated pursuant to this or any other act may be used for the purpose of carrying out research, test-

ing, and/or evaluation of poisonous gases, radioactive materials, poisonous chemicals, biological or chemical warfare agents upon dogs."

Mr. HUMPHREY. Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. HUMPHREY. Mr. President, I will take just a few minutes. I am offering this amendment, because there is a hue and cry in this country protesting what the Department of Defense is doing in relation to testing and evaluating poisonous gases, radioactive material, poisonous chemicals, germ warfare agents, and nerve gas on dogs. The military branches are continuing to use dogs extensively in "gas test programs" even though the public and Congress have complained about such research.

Now the U.S. Army, Edgewood Arsenal, Md., is advertising for 450 beagle puppies to be used to test poison gases.

I want to say, jocularly, that I served an administration in which beagle puppies were in the news. I remember when the President was scolded for picking one up by the ears. Here the Pentagon is using them for testing of poisonous gases or other materials.

Now I will be more serious.

An Army spokesman has replied to complaints about the Edgewood Arsenal use of beagle puppies by saying, "The dogs will not be exposed to nerve gas." The issue is not whether the dogs will be used to test war chemicals or not. The issue is the appalling nature of the suffering which the dogs must experience in tests of radioactivity and other "nonweapon" poisonous gases.

Beagles have frequently been used in various kinds of gas tests by the U.S. Army and U.S. Air Force. Just last fall the Air Force advertised their intent to purchase a supply of beagles to test the "effects of fluorocarbons, frezone, meyl hydrazine, carbon monoxide, and hydrogen cyanide." All of the animals will be tested with these poisonous gases until they have died from the effects of the fumes. Why beagles? The answer given by the Department of Defense is that they are an "inexpensive, purebred animal."

Well, now, I may be a poor witness for this case, because I am prejudiced, but I had a beagle and her name was "Lady," and I am not about ready to serve in the U.S. Senate and let Lady's name be desecrated by the U.S. Army's testing of poisonous gases on beagle dogs.

Furthermore, it is just an outright shame that the Army and the Defense Department continue this kind of inhumane practice. I am the author of the humane slaughter bill in the Congress of the United States, and I remember protests saying they could not have that kind of legislation, that you just could not change what was going on in the slaughterhouse; but we did.

I hope to get the Senate to remind the Army, the Air Force, and other branches of the service that there are better ways of testing gases and radioactive particles than doing it upon dogs that are the pets of millions of children and their families in this country.

The DOD argues that its testing procedure is humane. It says that the dogs are "debarked" before the experiments through "a simple operation in which a small piece of cartilage is removed from their vocal cords." It is not clear whether elminating the dog's ability to bark is for the sake of the dogs or for the sake of the laboratory technicians who have to work with them.

Mr. President, what is it that makes it more humane when you debark a dog? The pain is there, the suffering, and the inhumanity of it all.

The procedure of testing and evaluating poisonous gases may be described as "humane" by DOD, but the results are devastatingly cruel. Mr. President, I ask unanimous consent that at the end of my remarks the scientific description of the behavioral changes, signs of illness, and finally death of beagles used in a test of MEA, a poisonous industrial chemical, be printed in the RECORD.

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

[From the American Industrial Hygiene Journal, vol. 21, 1960, p. 374]

THE EFFECTS OF CONTINUOUS EXPOSURE TO ANIMALS TO ETHANOLAMINE VAPOR

(By Morris H. Weeks, et al)

"The effects noted in three dogs (Nos. 177, 179 and 180) exposed to 102 ppm MEA for 30 days were quite marked. At this concentration MEA condensed on all surfaces causing the pelt to become wet, matted, and greasy. On the first day of exposure dogs showed immediate discomfort by an uneasy demeanor, scratching the chamber door, looking for rescue, panting, muzzle licking, and vigorous head-shaking. Within a few hours they were salivating and vomiting. They became progressively more restless and quarrelsome, fighting between periods of quiet. Within 24 hours of initiation of exposure all were depressed. Attempts to attract their attention by knocking on the chamber door (normally enough for enthusiastic response) produced no response other than eye shifting. Their apathy and depression progressed to lethargy in 48 hours. Their appetites were immediately affected, improved somewhat after three days, but were not good any time during exposure. Their feces began to soften on the sixth day and this condition progressed to diarrhea by the eighth day, but improved by the eighteenth day.

"Two dogs (Nos. 179, 180) developed moist rales by the middle of the second week. This was associated with a low-grade fever 103–104°), which ran a course of about two weeks. On several occasions dog No. 179 seemed moribund but recovered each time until the 25th day, when death occurred. Leg muscle tremors were noted in the dogs after about seventy hours; these increased variably in severity during the exposure.

"Headshaking by the animals at the beginning of the exposure contributed to hematomas (blood blisters) at the base of the ears and edema (swelling) at the ear margins. Though headshaking stopped after the fourth day, most of the ear margin tissue was necrotic (rotted) at the end of the experiments. The skin around the scrotum and sternum (genital organ and breast) became raw and sensitive about the fourth day of exposure. At these and other points, this condition gradually progressed to ulceration; by the ninth day the ulcers were covered by a thick black eschar (dead tissue). Soothing ointment did not seem to relieve the irritation. The areas of ulceration were (1) body-to-floor contact regions (sternum, scrotum, foot pads), (2) poorly aerated areas (major skin folds over joints, between toes, and under ears), and (3) skin tension areas (around eyes, nose). The feet of the two heavier dogs (Nos. 179 and 180) became so sensitive that they would not voluntarily walk.

Mr. HUMPHREY. Mr. President, when Senators read that, they will be ashamed that they ever permitted this Government to indulge in such things.

Some time back we had a Department of Health, Education, and Welfare which permitted people in Tuskegee to endure the ravages of syphilis simply because they wanted to see what would happen in the name of research. We have stopped that kind of inhumanity, and we are going to stop this one, too.

My amendment will provide the Department of Defense with a clear directive to stop the use of dogs for the testing of radioactive materials, poisonous chemicals and gases, and biological germ warfare agents.

As a matter of fact, we ought not to be testing these agents anyway. We have signed conventions and treaties to do away with most of the products that are used in what we call national security, gases, biological warfare.

How bad can we get? Not only have we signed treaties that eliminate the use of these weapons, but now we continue to test them and use a defenseless animal, an animal that has brought joy and happiness to millions of people. When we talk about dogs, we are not talking about rats and mice; we are talking about household pets.

I do not know how the rest of the Senate feels, but if the Department of Defense is so hard up for research techniques that it has to advertise for 450 beagle puppies to conduct its research, then we had better close down the research.

I do not have anything more to say except that I ask Senators to join me in support of this amendment.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield for a question?

Mr. HUMPHREY. Yes, I yield.

Mr. ROBERT C. BYRD. Would it be possible for us to agree to put this vote over until tomorrow?

Mr. HUMPHREY. Surely.

Mr. ROBERT C. BYRD. A good many Senators on both sides of the aisle had been told there would not be any more rollcall votes today. Had I known that the distinguished Senator desired a rollcall vote, I would have alerted them in a different manner. But for their protection, if we can agree on a time to vote tomorrow, I would be grateful.

Mr. HUMPHREY. May I say to the majority whip that it is perfectly agreeable with me. As a matter of fact, I

brought this amendment up at this hour because I know it is not the most basic amendment on the bill, but it is a matter of some concern to me personally. I feel very strongly about it. But I thought we could dispose of it, take care of it as quickly as we could, and then get down to the more substantive provisions of this bill. But tomorrow, if the Senator can arrange a time, I am prepared at any time to vote on the amendment.

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

ORDER FOR LIMITATION ON M'GOVERN AMENDMENT

Mr. ROBERT C. BYRD. May I ask the distinguished chairman of the committee and the distinguished ranking Member on the other side of the aisle whether the following agreement is satisfactory with them? I would ask unanimous consent that, if it is agreeable with the Senator from Minnesota and other Senators, there be a time limitation on the amendment by Mr. McGOVERN, amendment No. 1347, of 45 minutes to the side; that the Senate convene tomorrow at 10 o'clock; that at 10:30 the Senate resume the consideration of the pending bill, at which time the amendment by Mr. McGOVERN will be before the Senate, and the time on his amendment, totaling 1 hour and a half, will then begin to run; that upon the disposition of the amendment by Mr. McGOVERN, the third amendment by Mr. PROXMIRE, No. 1369, be made the pending question, on which there will be a limitation of 3 hours to be equally divided; and that upon the disposition of that amendment, the Senate then resume the consideration of the amendment of the distinguished Senator from Minnesota (Mr. HUMPHREY).

Mr. HUMPHREY. May I obtain the attention of the majority whip and that of the chairman of the Armed Services Committee, the distinguished Senator from Mississippi (Mr. STENNIS).

I asked for the yeas and nays. My interest is not to see whether we would have a number of rollcalls. I am interested in the legislation. I would be perfectly willing to ask that the yeas and nays request be rescinded by showing that we were going to have a favorable vote here. I note that we would have been able to get a favorable vote, and I just wondered how the chairman of the committee felt. How does the chairman of the committee feel about this?

Mr. STENNIS. Mr. President, if I may respond, I have not had any chance—I do not think anyone has had any chance—to look into this matter at all. I feel that there is no alternative offered here. I feel that it ought to be looked into at least so that we can see what the services say about it. I would want time to present their view and, perhaps, the view of others, too.

I do not think here, late today, in view of what has been said, in effect, that we were not going to have any more votes, that we ought to vote on it now.

Mr. HUMPHREY. I was not seeking the yeas and nays.

Mr. STENNIS. I understand that.

Mr. HUMPHREY. May I say to the majority whip that the Senator worked it out the way he wishes. I shall not press for the yeas and nays tonight, but anytime tomorrow, we could do it the first thing in the morning so far as I am concerned.

Mr. ROBERT C. BYRD. May I say to the distinguished Senator that the Senator from South Dakota had been assured his amendment would be the first order of business tomorrow; the Senator from Wisconsin (Mr. PROXMIRE) had been told that his would follow the disposition of the amendment by the Senator from South Dakota, and it was only for those reasons that I suggest that the Senator from Minnesota's amendment would come up third tomorrow.

Mr. HUMPHREY. That is agreeable to me.

Mr. STENNIS. I have no objection to the amendment of the Senator from Minnesota coming after those other amendments. Fifteen minutes to each side.

Mr. HUMPHREY. Yes.

Mr. ROBERT C. BYRD. I modify my request accordingly, allowing 15 minutes to each side on the amendment of the Senator from Minnesota.

The PRESIDING OFFICER. Is there objection? Without objection, the unanimous-consent request is approved.

Mr. McGOVERN. Mr. President, I call up my amendment 1347.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 7, after line 23, add a new title as follows:

"TITLE VII—ECONOMIC CONVERSION DEMONSTRATION PROJECTS

"SEC. 701. (a) There is hereby established within the Department of Defense an office to be known as the Office of Economic Adjustment (hereinafter in this section referred to as the 'Office'). It shall be the function of the Office to carry out the provisions of this title, under the supervision and control of the Secretary of Defense.

"(b) There shall be at the head of the Office an officer to be known as the Director of the Office of Economic Adjustment (hereinafter in this section referred to as the 'Director'). The Director shall be appointed by the Secretary of Defense.

"SEC. 702. (a) There are authorized to be appropriated during the fiscal year ending June 30, 1975, the sum of $100,000,000 for the purpose of conducting economic conversion demonstration projects under this title.

"(b) Any contractor shall be eligible to participate in an economic conversion demonstration project under this title if such contractor, within the preceding twelve-month period, had in effect one or more contracts or subcontracts providing for the performance of services or the furnishing of materials or equipment for the Department of Defense, the total value of such contracts or subcontracts exceeded $10,000,000, and such contracts or subcontracts were completed, canceled or reduced, without replacement by similar contracts or subcontracts to produce a net reduction equal to more than 25 per centum of the dollar value of the contractor's business with the Department of Defense.

"SEC. 703. (a) Economic conversion demonstration projects under this title shall include the development and implementation by the contractor of a plan for utilizing plant, equipment, and personnel previously utilized in performing defense contracts or subcontracts in one or more of the following enterprises:

"(1) fuel efficient transportation systems, including mass transit and rail transportation systems;

"(2) construction of moderately priced housing; or

"(3) the development of any product or equipment or the sale of any service utilizing a new method or technology that will conserve fuels or other material in short supply or that will increase the feasibility of recycling any material in short supply.

"(b) Priority shall be given under this title to supporting economic demonstration projects that will:

"(1) utilize, to the greatest extent practicable, the existing equipment, facilties, and employees of a contractor;

"(2) have the greatest promise of long-term economic viability;

"(3) utilize or develop technologies that conserve fuel or other materials in short supply;

"(3) utilize or develop technologies that conserve fuel or other materials in short supply;

"(4) pursue unique products, technology, or production methods that are not direct competition with busines that are not eligible for assistance under this title; and

"(5) be located in areas with an unemployment rate of 8 percentum or greater or which are likely to become 8 per centum or greater as a consequence of the curtailment or cancellation of a defense contract.

"SEC. 704. In carrying out the provisions of this title the Director is authorized to:

"(1) make grants to any eligible contractor sufficient to cover up to 50 per centum of the cost of planning any economic conversion demonstration project;

"(2) make or guarantee low-interest, long-term loans for the purpose of assisting any eligible contractor to carry out an economic conversion demonstration project;

"(3) provide technical and managerial assistance to any eligible contractor to assist such contractor to plan or carry out an economic conversion demonstration project; and

"(4) prescribe such terms and conditions on assistance provided under the title as may be necessary to protect the interests of the United States and insure the success of the program authorized by this title.

"SEC. 705. In performing the duties assigned by this title, the Director is authorized to:

"(1) employ on a temporary basis, or contrast with, private firms or individuals with expertise which may be helpful in finding solutions to specific economic adjustment problems;

"(2) secure the assistance of other Federal agencies which administer economic development programs or conduct activities which might utilize the facilities or employ the manpower of contractors eligible for assistance under this title; and

"(3) transfer the authority to use funds provided under this title to the Secretary of Transportation, the Secretary of Housing and Urban Development, or to the head of any other department or agency of the Federal Government which has an operational program that would be useful in the planning and implementation of economic conversion demonstration projects."

On page 8, line 1, strike out "TITLE VII" and insert in lieu thereof "TITLE VIII".

Remember section 701 as section 801.

Mr. ROBERT C. BYRD. Mr. President, there will be no more rollcall votes today.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Wisconsin is temporarily laid aside, and the Senate will proceed to consider the amendment of the Senator from South Dakota.

Mr. McGOVERN. While we have Senators on the floor, I ask for the yeas and nays.

The yeas and nays were ordered.

ORDER FOR RECOGNITION OF SENATOR MONTOYA TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized on tomorrow under the standing order, the distinguished Senator from New Mexico (Mr. MONTOYA) be recognized for not to exceed 15 minutes.

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

ORDER FOR ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of Mr. MONTOYA tomorrow, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 5 minutes each.

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

ORDER FOR RESUMPTION OF THE UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of routine morning business on tomorrow, the Senate resume the consideration of the unfinished business, S. 3000.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. It may be advisable to get a time limitation, if I may ask the distinguished chairman and ranking minority member of the Committee on Armed Services, on amendments to the amendments by Mr. McGOVERN and Mr. PROXMIRE. Do the Senators agree that we also ought to do that?

Mr. STENNIS. Well, I would say so. Thirty minutes?

Mr. ROBERT C. BYRD. Thirty minutes on each?

Mr. STENNIS. All right.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on any amendments that may be offered to the McGovern amendment and/or the Proxmire amendment, there be a time limitation on such amendments of 30 minutes, to be equally divided in accordance with the usual form.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, according to the orders that have been entered, the Senate will convene tomorrow at the hour of 10 a.m.

After the two leaders or their designees have been recognized under the standing order, the Senator from New Mexico (Mr. MONTOYA) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 5 minutes each.

At the conclusion of routine morning business, the Senate will resume the consideration of the unfinished business, S. 3000, the military procurement authorization bill. The pending question at that time will be on agreeing to the amendment (No. 1347) of the Senator from South Dakota (Mr. McGOVERN), on which there is a time limitation of 1 hour and 30 minutes; and the yeas and nays have been ordered on that amendment.

On the disposition of the amendment by Mr. McGOVERN, the Senate will take up the amendment (No. 1369) of the Senator from Wisconsin (Mr. PROXMIRE) having to do with an overall budget for intelligence activities. There is a 3-hour time limitation on that amendment, and undoubtedly yea and nay votes will occur thereon.

On the disposition of the amendment by Mr. PROXMIRE, the Senate will resume the consideration of the amendment that has been called up today by the Senator from Minnesota (Mr. HUMPHREY), on which there is a time limitation of 30 minutes. The yeas and nays have been ordered thereon, and therefore the Senate is assured of several rollcall votes on tomorrow. Other amendments will be called up during the day.

ADJOURNMENT TO 10 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 order previously entered, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to, and at 5:53 p.m. the Senate adjourned until tomorrow, Tuesday, June 4, 1974, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 3, 1974:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Robert R. Elliott, of Virginia, to be General Counsel of the Department of Housing and Urban Development, vice James L. Mitchell, elevated.

INTERSTATE COMMERCE COMMISSION

Robert Coleman Gresham, of Maryland, to be an Interstate Commerce Commissioner for a term of seven years expiring December 31, 1981. (Reappointment)

FEDERAL MARITIME COMMISSION

James V. Day, of Maine, to be a Federal Maritime Commissiner for the term expiring June 30, 1979. (Reappointment)

IN THE AIR FORCE

The following officer to be placed on the Retired List in the grade indicated under the provisions of Section 8962, Title 10 of the United States Code:

To be general

Gen. Jack J. Catton, [redacted]FR (major general, Regular Air Force), U.S. Air Force.

IN THE NAVY

Adm. Thomas H. Moorer, U.S. Navy, for appointment to the grade of admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

IN THE NAVY

The following-named U.S. Air Force cadets to be permanent ensigns in the line or Staff Corps of the Navy, subject to the qualification therefor as provided by law:

Robert R. Hood
Nathan O. Rosenberg

The following-named (Naval Reserve Officers' Training Corps candidates) to be permanent ensigns in the line or Staff Corps of the Navy, subject to the qualification therefor as provided by law:

Michael C. Braunbeck	James H. Williams, Jr.
Jeffrey J. Crews	Vincent Papadopoli
Richard A. Davis	Robert W. Thompson
Charles W. Luck	Henry B. Tomlin III
William M. Richard	

William T. Ong (Naval Reserve officer) to be a permanent lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Harmon R. Joy to be reappointed from the temporary disability retired list as a permanent commander and a temporary captain in the line of the Navy, subject to the qualification therefor as provided by law.

The following-named U.S. Navy officers to be permanent commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law:

Terrell D. Blanton	Kenneth L. Mayes
Donald R. Fowler	Francis W. Wachter
Donald J. Jarzynski	

Ashton L. Graybiel, U.S. Navy officer, to be a temporary commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Michael W. Oehler, U.S. Naval Reserve for temporary promotion to the grade of lieutenant in the line of the U.S. Navy, subject to the qualification therefor as provided by law.

Henry D. Haynes, U.S. Navy officer, to be a temporary commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Francis K. Moll, Jr., ex-commander, U.S. Navy, to be a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Noel C. Wilson, Jr., U.S. Navy officer, to be a temporary commander in the Dental Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

William E. Strain, ex-U.S. naval Reserve officer, to be a permanent commander and a temporary captain in the line (merchant marine engineering) in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.