3105. A letter from the Administrator, Federal Energy Administration, transmitting a quarterly report on private grievances and redress for the period ended September 30, 1974, pursuant to section 21(c) of Public Law 93-275; to the Committee on Government Operations.

3106. A letter from the Chairman, Administrative Conference of the United States, transmitting the annual report of the organization for fiscal year 1974, pursuant to 5 U.S.C. 575; to the Committee on the Judiciary.

3107. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the proposed use during fiscal year 1975 of "Research and Development" funds appropriated to NASA for fiscal year 1975, and the use of funds appropriated for fiscal years 1972 and 1973 for Space Shuttle facility projects, to undertake to meet additional facility requirements in the Space Shuttle program, pursuant to section 3 of Public Law 93-316; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 4860. A bill to designate certain lands in the Isle Royale National Park, Mich., as wilderness; with amendment (Rept. No. 93-1636). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FLOWERS: Committee on the Judiciary. H.R. 5005. A bill for the relief of Robert DiFranco; with amendment (Rept. No. 93-1637). Referred to the Committee of the Whole House.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. SULLIVAN: Committee of conference. Conference report on H.R. 13296 (Rept. No. 93-1638). Ordered to be printed.

Mr. PERKINS: Committee of conference. Conference report on H.R. 14449; with amendment (Rept. No. 93-1639). Ordered to be printed.

Mr. ROGERS: Committee of conference. Conference report on S. 2994 (Rept. No. 93-1640). Ordered to be printed.

Mr. MAHON: Committee of conference. Conference report on House Joint Resolution 1180 (Rept. 93-1641). Ordered to be printed.

Mr. ULLMAN: Committee of conference. Conference report on H.R. 421 (Rept. No. 93-1642). Ordered to be printed.

Mr. ULLMAN: Committee of conference. Conference report on H.R. 17045; with amendment (Rept. No. 93-1643). Ordered to be printed.

Mr. ULLMAN: Committee of conference. Conference report on H.R. 10710 (Rept. No. 93-1644). Ordered to be printed.

Mr. TAYLOR of North Carolina: Committee of conference. Conference report on S. 3022 (Rept. No. 93-1645). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 17668. A bill to amend title 39, United States Code, to require a separate appropriation by the Congress each fiscal year for necessary expenses for the operation of the U.S. Postal Service, to provide for certain consultations and hearings with respect to the construction of Postal Service facilities, to establish certain rules with respect to employment and personnel policies of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLARK:

H.R. 17669. A bill to require that all insurance on subsidized vessels be placed in the American market; to the Committee on Merchant Marine and Fisheries.

By Mr. FRASER:

H.R. 17670. A bill to amend certain provisions of the District of Columbia Code in order to eliminate their sex discriminatory aspects; to the Committee on the District of Columbia.

By Mrs. GRIFFITHS (for herself, Mr. BENITEZ, Mr. BROWN of California, Mr. DENHOLM, Mr. HARRINGTON, Ms. JORDAN, Mr. LENT, Mr. RIEGLE, Mr. SEIBERLING, and Mr. SYMINGTON):

H.R. 17671. A bill to amend the Internal Revenue Code of 1954, the Social Security Act, and other laws to provide effective welfare reform by replacing public assistance and food stamps with a system of allowances and refundable credits, and for other purposes; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 17672. A bill to require federally related health care facilities to test infants for certain diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. MEZVINSKY (for himself, Mr. ASPIN, and Ms. SCHROEDER):

H.R. 17673. A bill to make more chemical fertilizer available throughout the world for the production of food during 1975 by substantially reducing the amount of such fertilizer used in the United States for nonfood growing purposes; to the Committee on Agriculture.

By Mr. PATMAN (for himself, Mr. Moss, Mrs. SULLIVAN, Mr. ST GERMAIN, Mr. MINISH, Mr. ANNUNZIO, Mr. REES, Mr. HANLEY, Mr. KOCH, Mr. MITCHELL of Maryland, Mr. FAUNTROY, Mr. YOUNG of Georgia, Mr. MOAKLEY, Mr. STARK, Mr. LEGGETT, Mr. EILBERG, and Mr. FRASER):

H.R. 17674. A bill to amend the Economic Stabilization Act of 1970 to establish an Economic Stabilization Board, to stabilize prices, wages, rents, and interest rates at levels prevailing on December 1, 1974, and for other purposes; to the Committee on Banking and Currency.

By Mr. RONCALLO of New York:

H.R. 17675. A bill to amend title 37 of the United States Code in order to prohibit findings of death with respect to certain servicemen in missing status unless hearings thereon are afforded to the next-of-kin and the next-of-kin consents to such finding; to the Committee on Armed Services.

By Mr. WOLFF:

H.R. 17676. A bill to amend the Outer Continental Shelf Lands Act to insure that leases of the Outer Continental Shelf for the recovery of oil and gas are issued only to citizens of the United States; to the Committee on Interior and Insular Affairs.

By Mr. FROEHLICH:

H.R. 17677. A bill to amend the Land and Water Conservation Fund Act of 1965 to require payments by States to local jurisdictions in lieu of taxes, to increase the authorization of appropriation for the Land and Water Conservation Fund, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ST GERMAIN:

H.R. 17678. A bill to impose a moratorium on the receipt of deposits or the making of loans by financial institutions at places of business, other than those of financial institutions through the means of electronic methods of fund transfers; to the Committee on Banking and Currency.

By Mr. ROBISON of New York:

H.J. Res. 1182. Joint resolution proposing an amendment to the Constitution of the United States relating to the term of Office of President and Vice President of the United States; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

596. The SPEAKER presented a petition of the city council, New York, N.Y., relative to the Palestine Liberation Organization and the cost of maintaining security at the United Nations; to the Committee on Foreign Affairs.

SENATE—*Friday, December 20, 1974*

The Senate met at 9 a.m. and was called to order by Hon. THOMAS J. MCINTYRE, a Senator from the State of New Hampshire.

PRAYER

Hon. HAROLD E. HUGHES, a Senator from the State of Iowa, offered the following prayer:

Heavenly Father, we meet here today at the threshold of a winter of hard choices for humankind throughout the world. Once again, we pray to You on behalf of the Congress and the people of this beloved country. We ask not for bounty or good fortune but simply for the strength and wisdom to meet our problems as you would have us meet them.

In the selfless image of the humble Nazarene, we commit ourselves to turn aside the temptations of pomp and self-aggrandizement and to walk the path of righteousness and compassion. We ask for Your divine guidance to enable us to feel deeply the pain of the afflicted, the persecuted, and the deprived, for we know that even the least of these are our brothers and Your children. Holy Father, we ask Your blessing for the Members of this great governing body who will be continuing the Nation's work in the years ahead. And we ask Your blessing for those colleagues who are departing to do Your bidding in other fields

or to find well-deserved rest from years of faithful service. Wherever we go, whatever we do, help us in doing Your will by doing everything within our mortal power to heal the sick, reconcile the alienated, and to forgive, in your Holy Name, those who have trespassed against us.

Holy Father, our transgressions are many. Help us to be a devout people. We believe You helped us in founding this Nation on faith in You as well as love of liberty. May it ever be that way. Bless and keep this melting pot, this United States of America, and all other peoples on this troubled planet.

Give us Your divine guidance, to never cease our work for peace and justice and brotherhood.

We ask all things according to His will, and on His name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 20, 1974.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. THOMAS J. MCINTYRE, a Senator from the State of New Hampshire, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, December 19, 1974, be dispensed with.

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

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations will be stated.

NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

There being no objection, the nominations in the judiciary and the Department of Justice were considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

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

LEGISLATIVE SESSION

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

There being no objection, the Senate resumed the consideration of legislative business.

LEAVE OF ABSENCE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that in accordance with the requirements of rule V of the Standing Rules of the U.S. Senate, the distinguished junior Senator from Washington (Mr. JACKSON) be granted a leave of absence for the day.

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

GUIDELINES FOR THE 94TH CONGRESS

Mr. HUGH SCOTT. Mr. President, we come near the end of the session. Certain things occur to me. One is that yesterday we enacted and sent to the President a great landmark bill, dealing with the right of privacy. It was Justice Brandeis who said:

Sunlight is the most powerful disinfectant.

So I am very hopeful that this will reassure our people that their right to know once again has been preserved by an alert and watchful Congress.

As we review what we have done, I recall a British saying:

The glass is falling
Hour by hour
If you break
The bloody glass
It won't hold up
The weather.

That is very true. We tend to blame the glass through which the sands fall for our failure to do those things which should be done as time passes.

We should remember that we are human, that the problems are to be solved by humans and can be solved only by humans, and that it will do no good for us to "break the bloody glass"—that is, to indulge in recrimination—because in so doing, we are not going to hold up the weather.

We are going to establish a climate in the new Congress as in the one which is expiring, only by performance. I hope we will remember an ancient Latin maxim as we enact legislation: "Graviora Quaedam sunt remedia periculis."

Some remedies are worse than the disease.

I sincerely hope that we will not overlegislate. It was the late Bruce Barton who proposed that we repeal a bill for every bill we passed. It was not a bad idea. We now have so many bills among our public laws that many of them are unenforceable. The Department of Justice has told me that, in this Congress, alone, we have created so many new crimes and established so many new penalties and broadened the scope of the criminal justice situation so much that it would be totally impossible adequately to enforce all the laws that are on the books.

So, I hope that in the future we will give some thought to repealing laws, as our special committee under the chairmanship of the Senator from Idaho (Mr. CHURCH) and the cochairmanship of the Senator from Maryland (Mr. MATHIAS) did in bringing out their recommendation for the repeal of certain emergency legislation.

I hope, too, that in the next Congress we—all of us in the Senate—will restrain our tendency toward cacoethes loquendi—or, the itch to speak. The only thing worse than the itch to speak in this body is the itch to demand a vote on everything under the sun. It is not really necessary to have a yea and nay vote on whether to authorize a small sum of money for Criss Cross Creek, which nobody ever heard of.

We have heard of vanity books, which are written to perpetuate an individual's interest in his own name and his own interests. These votes, I think, are often vanity votes.

We have had approximately 550 votes this year. At least 200 of them were as unnecessary as a pearl collar on a poodle. Yet, we have taken the time of the Members 550 times, on an average of 15 minutes each, and this amount of time could have been devoted in many cases to legislation, to inquiry, to service, to constituents, or—to that rarest of opportunities—a chance to think.

I would rather dedicate 200 of the next potential 550 votes in the next Congress to the opportunity for thinking. I wish we had in Congress a thinking rug, to which Members might retire, not to sleep, not simply to gossip, not even to read the lugubrations of their favorite columnist, but just to think. I suppose it is asking too much.

But I repeat, as I began: If you do not like the weather, you do not solve it by breaking the bloody glass.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD addressed the Chair.

The VICE PRESIDENT. The Senator from West Virginia is recognized.

THE 93D CONGRESS

Mr. ROBERT C. BYRD. Mr. President, I share the sentiments of the distinguished Republican leader, when he speaks about a multiplicity of laws.

Voltaire said that a multitude of laws in any country is like a great number of physicians—a sign of weakness and malady.

We do, I think sometimes, enact too many laws. Also, I share the sentiments of the distinguished Republican leader when he states that we should not have so many rollcall votes. There have been 543 rollcall votes during this session. If only 10 minutes were consumed on each rollcall vote, that would be 5,430 minutes, but as a usual thing, 15 minutes are consumed on each rollcall vote. The

Senators may compute for themselves the time consumed by these 543 rollcall votes.

As to Congress itself, I believe that the 93d Congress has been an historic Congress in many ways. One of the great responsibilities of the Federal legislative branch is to conduct oversight of the various agencies and departments of Government.

This Congress has been an outstanding one in this respect. It conducted the Watergate hearings—and I speak especially of the Senate in regard to this oversight function. The Senate Judiciary Committee conducted thorough hearings on the nomination of L. Patrick Gray, to be Director of the Federal Bureau of Investigation. The result of that hearing had an impact on history, because the strands that ran from the hearings on that nomination were woven into the overall fabric of that sad story that was called Watergate.

The Committee on the Judiciary of the Senate conducted thorough hearings on the nominations of Professor Cox and his successor, Mr. Jaworski. It conducted thorough hearings on Attorney General Elliot Richardson and his deputy, Mr. Ruckelshaus, and Mr. Richardson's successor, Mr. Saxbe.

The Committee on the Judiciary helped to formulate guidelines by which the investigation of the so-called Watergate matters was conducted. But for those guidelines that were hammered out during those Committee on the Judiciary sessions, there never would have been a case titled "United States versus Nixon." The results of that case, sad though they were but cleansing as they were, would never have been a matter of the history of this country.

The Committee on Rules of the U.S. Senate conducted hearings on a Vice President, the first Vice President to be selected under the 25th amendment, Mr. Gerald Ford, who is now President of the United States.

The Committee on Rules of the U.S. Senate conducted hearings on the nomination of Mr. Nelson Rockefeller, who is now Vice President of the United States, and who now presides over this august body.

In doing so, I think that the Committee on Rules of this body conducted itself in a very commendable way.

So many good things can be said about the historical oversight functions that have been so capably performed by this Congress. The House Judiciary Committee acted with dignity and proficiency in developing and reporting the Articles of Impeachment. In the areas of legislation, I think that this Congress has written landmark legislation. It has enacted campaign reform, election reform, pension reform, minimum wage legislation. It has increased social security payments. It soon will have enacted a landmark trade bill. There are many other measures of great importance to the people of this country that have been enacted by the 93d Congress.

I am proud of this Congress. Especially am I proud of the Senate of the United States as it has conducted its business in this troublesome era, which, happily, is fading now into the past.

I think it was Aaron Burr who, when Vice President of the United States, referred to this body as a citadel of law, of order, and of liberty. That was a long, long time ago. Through the decades that have since followed, I believe that this body has lived up to the statement of Aaron Burr: It is a citadel of law, of order, and of liberty.

Sometimes, those who watch it from the galleries may not feel that it is a citadel of order, and those of us who sit in this body contribute to the disorder. But when all is said and done—when all is said and done—it is the great citadel, perhaps the greatest pillar in the constitutional system created by our forebears when they wrote the Constitution of the United States. It is a check against the House, it is a check against the executive branch, it is a check against the judiciary.

I wish to compliment the Members of this body for their services during this 93d Congress, because I believe that it has lived up to what our forebears would have expected.

Mr. President, I personally wish to express my appreciation to the distinguished Republican leader and to the assistant Republican leader on behalf of the distinguished majority leader and on my own behalf, and on behalf of my colleagues on this side of the aisle for the cooperation, the courtesy, the rapport, and the friendship which they consistently exhibit toward those of us just across the aisle from them. I thank the distinguished majority leader for his warm friendship which I have been privileged to enjoy for another year.

I want also to thank all of the Members who sit on the other side of the aisle. They have been very cooperative and very considerate—especially during these past 2 weeks—with me.

And to my own colleagues, may I say that I am most proud of the diligence and the dedication to their duty that they have unfailingly shown throughout these 2 years of the 93d Congress.

Mr. President, the people of this country can take new heart in this great constitutional system of ours. It has never failed us. And in the dark days of the past 2 years, this constitutional system has shown that it has deep roots, and that it is enduring. I shall never cease to have faith in the wisdom of those forebears who gathered at the Constitutional Convention in 1787, believing that they somehow had in their midst a Divine Presence, because were it not so, I cannot believe that they could have given to us this priceless gift, the greatest document of its kind that was ever written, the Constitution of the United States.

Mr. President, I close by attempting to recall, if I may, the words of the great English poet, Rudyard Kipling:

Our fathers in a wondrous age,
Ere yet the Earth was small,
Ensured to us an heritage,
And doubted not at all

That we, the children of their heart,
Which then did beat so high,
In later time should play like part
For our posterity.

Then fretful murmur not they gave
So great a charge to keep,
Nor dream that awestruck time shall save
Their labour while we sleep.

Dear-bought and clear, a thousand year
Our fathers' title runs.
Make we likewise their sacrifice,
Defrauding not our sons.

Mr. HUGH SCOTT. Mr. President, if the distinguished acting majority leader has time, will he yield to me?

Mr. ROBERT C. BYRD. Yes.

Mr. HUGH SCOTT. I thank the distinguished acting majority leader for his kindness and consideration throughout the session—and I have the same feeling, of course, for our distinguished majority leader—for all of our colleagues on both sides of the aisle. It is very thoughtful of him to make note of this.

I would like to say publicly what I have said to him privately this morning, that he has done a remarkable and extraordinarily commendable job throughout the session, and particularly at this period when he has had the full responsibility, under great pressure, of acting as the majority leader. I marvel at his ability to provide us with an apt quotation of considerable length, which has a definite meaning for us at this turning point of the year. I wish that it had been possible for him and for myself to speak after breakfast so that we could have had some more of our colleagues here. I solicit their reading of what the distinguished acting majority leader has said.

It seems to me that Plutarch put it very well, and might well have spoken of the pressures upon Senators, when he said:

To be turned from one's course by men's opinions, by blame, and by misrepresentation shows a man unfit to hold an office.

I think this applies to Members of Congress, to the President, and to the distinguished occupant of the Chair, the President of the Senate.

It is not too well understood that we do resist and must resist the current pressures of the day, the efforts to force us to suspend our judgment in response to the current clamor or the emotional wrath of groups or individuals who would ask us to substitute for our judgment their opinion. Edmund Burke cautioned us against doing that in his famous letter to the Electors of Bristol at about the time of our Revolution.

So I think we must continue to do what we think is best: to consult and consider our constituents' wishes, to recognize that we are here to represent them, and not simply to echo them; that we are here as men and women, and enfranchised by their will, but enfranchised to do those things which we believe will be in their interests, and therefore in the interest of the Republic. Otherwise, as Plutarch says, we would not be fit to hold these offices.

Therefore, I do thank the distinguished acting majority leader again.

One final observation: I know this is the first time in the history of the Union that we have had a President and a Vice President who are parthenogenetic, both of them having sprung full blown from the brow of the 25th amendment.

I thank the distinguished acting majority leader.

Mr. ROBERT C. BYRD. I thank the distinguished Republican leader. Mr. President, I also want at this time to express appreciation to the officers of the Senate, and to the Parliamentarian, who will be departing as Parliamentarian but who will shortly be our Parliamentarian Emeritus. I also express appreciation to all the members of the policy staff on both sides of the aisle, and to the fine young men and women who serve as our pages.

Also, I think I should express appreciation to all who had a part in the arrangements of last evening. I have heard only the very kindest words expressed about the televising of the historic swearing in of our new Vice President, and so I think a word of appreciation, on behalf of the people of this country to the fourth estate and to the electronic media, would be appropriate at this time.

Mr. HUGH SCOTT. Let me say that the distinguished acting majority leader speaks for me and for our side of the aisle as well. I have already had something to say about our friend the retiring Parliamentarian, to wish him well, and I would like all of those who have been mentioned to feel that our remarks are not simply the remarks of the Christmas season. We are not making gifts here. We are making our commitment of respect and appreciation.

Yesterday's first and record-shattering session before television and radio was, I think, a successful thing. It was conducted with dignity and with appropriate consideration for the proprietors. I am glad we were able to do this. Now perhaps on other great occasions the same sort of thing can be made again. The adoption of resolutions in front of television will, I hope, be used by schoolteachers for the benefit of their students, to let them see that the Senate in action is a place where they will gain something from their observations.

ORDER OF BUSINESS

The VICE PRESIDENT. Under the previous order, the Senator from Michigan (Mr. GRIFFIN) is recognized for not to exceed 15 minutes.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum on that time.

The VICE PRESIDENT. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER VACATING ALLOTTED TIME

Mr. GRIFFIN. Mr. President, I ask that the order allotted to me be vacated.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield back my time under the order also.

The VICE PRESIDENT. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The VICE PRESIDENT. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 5 minutes.

Is there any morning business?

MESSAGES FROM THE HOUSE

At 12:30 p.m., during the recess of the Senate, a message from the House of Representatives by Mr. Hackney, one of its reading clerks, stated that the House has passed the bill (S. 754) to give effect to the sixth amendment right to a speedy trial for persons charged with criminal offenses and to reduce the danger of recidivism by strengthening the supervision over persons released pending trial, and for other purposes, with amendments in which it requests the concurrence of the Senate.

At 2:15 p.m., a message from the House of Representatives by Mr. Hackney announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10710) to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions in which it requests the concurrence of the Senate:

H. Con. Res. 696. A concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 10710;

H. Con. Res. 675. A concurrent resolution providing for the printing as a House document of the Constitution of the United States (pocket-size edition).

H. Con. Res. 679. A concurrent resolution to provide for the printing as a House document of the Constitution and the Declaration of Independence.

At 2:40 p.m., a message from the House of Representatives by Mr. Hackney announced that the House has agreed to the concurrent resolution (H. Con. Res. 697), providing for the sine die adjournment of the second session of the 93d Congress, in which it requests the concurrence of the Senate.

At 2:47 p.m., a message from the House of Representatives by Mr. Hackney announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17045) to amend the Social Security Act to establish a consolidated program of Federal financial assistance to encourage provision of services by the States.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 421) to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty.

At 4:49 p.m., a message from the House of Representatives by Mr. Hackney announced that the House has passed the bill (S. 544) to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes, with an amendment in which it requests the concurrence of the Senate.

At 5:20 p.m., a message from the House of Representatives by Mr. Hackney announced that the House has passed the bill (H.R. 7584) to extend the term of design patent numbered 41053, dated September 22, 1891, for a badge, granted to George Brown Goode, and assigned to the National Society, Daughters of the American Revolution.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 17085) to amend title VIII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 16045) to amend the Solid Waste Disposal Act to authorize appropriations for fiscal years 1975 and 1976, and to make certain technical and conforming changes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13296) to authorize appropriations for the fiscal year 1975 for certain maritime programs of the Department of Commerce; that the House recedes from its disagreement to the Senate amendment numbered 3 and concurs therein with an amendment in which it requests the concurrent of the Senate; and that the House recedes from its disagreement to the amendment of the Senate to the title of the bill.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

H.R. 12044. An act designating the lake created by the Hidden Reservoir project, Fresno River, Calif., as "Hensley Lake" (Rept. No. 93-1425).

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

S. 2576. A bill to provide for minimum rate provisions by nonnational carriers in the foreign commerce of the United States, and for other purposes (Rept. No. 93-1426).

ANTITRUST AND MONOPOLY ACTIVITIES, 1973—REPORT OF A COMMITTEE (REPT. NO. 93-1427)

Mr. HART, from the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, submitted a report entitled "Antitrust and Monopoly Activities, 1973," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. HRUSKA, from the Committee on the Judiciary:

David C. Mebane, of Wisconsin, to be U.S. attorney for the western district of Wisconsin.

(The above nomination was reported with the recommendation that it 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. HRUSKA, from the Committee on the Judiciary:

Henry Bramwell, of New York, to be U.S. district judge for the eastern district of New York.

By Mr. ROBERT C. BYRD (for Mr. MAGNUSON), from the Committee on Commerce:

Charles B. Shuman, of Illinois, to be a member of the Board of Directors of the U.S. Railway Association.

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. MCCLURE (for himself, Mr. TOWER, Mr. CURTIS, Mr. FANNIN, Mr. HANSEN, Mr. BUCKLEY, Mr. BARTLETT, Mr. DOMINICK, Mr. THURMOND, Mr. HELMS, and Mr. COTTON):

S.J. Res. 264. A joint resolution to alert the Nation to the pending national emergency resulting from the shortage of available domestic energy and to call for immediate legislative action to relieve the serious consequences on the Nation's consumers resulting from these shortages. Referred to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 451

Mr. ABOUREZK. Mr. President, I ask unanimous consent that I be made a cosponsor of Senate Resolution 451, disapproving the proposed deferral of budget authority to carry out the comprehensive planning grants program under section 701 of the Housing Act of 1954 (No. D 75-107).

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

ADDITIONAL COSPONSOR OF A BILL

S. 4039

At the request of Mr. ROBERT C. BYRD (for Mr. MANSFIELD), the Senator from Maine (Mr. HATHAWAY) was added as a cosponsor of the bill (S. 4039) to establish a Reconstruction Finance Corporation to make loan guarantees to business concerns which would otherwise be unable to obtain needed financing.

RECESS SUBJECT TO CALL

Mr. MOSS. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to, and at 9:33 a.m. the Senate recessed until 9:35 a.m.; whereupon the Senate reassembled when called to order by the Vice President.

The VICE PRESIDENT. The Senator from Utah.

RECESS UNTIL 10:30 A.M.

Mr. MOSS. Mr. President, upon my motion the Senate went into recess earlier subject to the call of the Chair.

Because it has been determined that there will not be any business before the Senate at least until 10:30, I think it more appropriate to recess to a time certain, and thus all the attaches will not need to remain on the floor constantly.

I therefore move that the Senate stand in recess until the hour of 10:30 a.m.

The motion was agreed to, and at 9:36 a.m., the Senate recessed until 10:30 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HARRY F. BYRD, JR.).

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The Senator from West Virginia.

RECESS UNTIL 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 11 o'clock a.m. today.

The motion was agreed to, and at 10:31 a.m. the Senate recessed until 11 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HARRY F. BYRD, JR.).

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR.

Mr. MOSS. Mr. President, I ask unanimous consent that the Senator from Virginia be recognized for not to exceed 10 minutes.

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

THE SOVIET UNION AND THE EXIMBANK

Mr. HARRY F. BYRD, JR. Mr. President, I note from the news reports of this morning that the Department of State has expressed strong displeasure at action taken by the Senate and by the House, for that matter, to put a ceiling of $300 million on Export-Import Bank loans and guarantees to the Soviet Union.

State Department sources, according to the news report, said that the Soviet Ambassador expressed his anger during a meeting he had Wednesday with Secretary of State Henry Kissinger.

Well, Mr. President, I might say that the Soviet Ambassador does not run the Senate of the United States. We are dealing with U.S. money, U.S. credit.

The U.S. Congress has the right to put whatever restrictions it deems best on long-term, taxpayer-subsidized, low-interest rate loans to the Soviet Union.

Mr. President, this fight for a ceiling on loans to Russia goes back a long time. I first spoke in support of a ceiling on June 25, 1974, 6 months ago. I made clear then that I would do all that I could to hold up the extension of the Export-Import Bank unless a ceiling was put on such loans.

That fight has been going on, now, for 6 months.

The Senate has written a firm ceiling. The House of Representatives has concurred in that ceiling. The legislation extending the life of the Export-Import Bank with this ceiling has now gone to the White House.

The reports are prevalent that Secretary of State Kissinger has recommended a veto of the Export-Import Bank legislation.

Well, that is his privilege, and it is the President's decision whether or not to veto such legislation. But I point out that vetoing the Export-Import Bank legislation is not going to eliminate the ceiling on loans to Russia. The Senate anticipated that something like this might happen, so the Senate wrote in a ceiling on loans to Russia in the trade bill.

I introduced the amendment to the trade bill, which amendment was cosponsored by my dear friend from West Virginia (Mr. ROBERT C. BYRD).

This amendment had the approval and support of the able chairman of the Finance Committee, Mr. RUSSELL B. LONG.

It was approved by the Senate.

It has been approved by the conferees. It will be a part of the trade bill conference report when it comes back to the Senate for action.

So, if the Department of State wants to get rid of this ceiling, then it must have the President not only veto the Export-Import Bank extension legislation, which has the Byrd amendment, but it must also have the President veto the trade bill, which likewise carries the Byrd amendment.

So there is a ceiling on loans to Russia in two separate pieces of legislation.

Naturally, all of us would like the Soviet Ambassador to be as happy as he can be in the city of Washington, D.C., but the fact that he expresses anger at what the Senate has done, I must say, does not particularly bother the Senator from Virginia.

The more funds the Export-Import

Bank borrows, the more it goes into the the money markets, the more it adds to the upward pressure on interest rates.

I point out that the Soviet Government has been borrowing money from the U.S. Export-Import Bank, a Government agency, at approximately one-half the interest rate which is paid by American companies which go out in the banking system to borrow funds.

I point out, also, that the Russian Government is borrowing funds from the American Government at an interest rates of approximately one-half the interest rate paid by the individual citizen, when the American citizen goes to borrow money for a home, or to buy an automobiles, or for any other purpose.

I think Congress has acted wisely in not giving the Department of State a blank check. I do not favor blank checks.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point statements which I made in regard to this matter at various times between June 25, 1974, and the current date.

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

[From the CONGRESSIONAL RECORD, June 25, 1974]

EXPORT-IMPORT BANK

Mr. President, I understand that in the next day or so a resolution will be presented to the Senate to extend the Export-Import Bank for 30 days. The authorization expires on June 30, and the proposal will be to extend it for 30 days. At the end of that time, as I understand it, a new Export-Import Bank Act will be presented to the Senate.

In order to expedite the consideration of the 30-day resolution, I hope that whoever manages this matter will bring to the Senate a letter from the Export-Import Bank stating that no additional loans will be made to the Soviet Union during that 30-day period. Many of us have been concerned about the large numbers of loans, the tremendous amounts of tax funds, that have been made available to the Soviet Union.

This has been done in defiance of legislation which already has passed the House of Representatives and is now before the Committee on Finance.

Mr. President, it seems to me that if the Senate is being asked and if Congress is being asked to extend for 30 days the life of the Export-Import Bank so that the new legislation can be considered at the end of that time, then the Bank should be willing to give a letter to Congress stating that no additional funds will be made available to the Soviet Union until Congress has an opportunity to consider the full extension of the Bank Act.

In the interest of time I hope that whoever is handling this legislation will contact the Export-Import Bank and arrange for such a communication to be sent to the manager of the bill who, in turn, could read it on the floor of the Senate.

I thank the Senator from Louisiana for yielding.

[From the CONGRESSIONAL RECORD, June 26, 1974]

STATEMENT BY MR. HARRY F. BYRD, JR.

Mr. President, I had planned to do whatever one Senator could do to hold up this joint resolution.

I have been concerned for some time about the vast sums of American tax dollars that have been made available to the Soviet Union—hundreds of millions of dollars, and at subsidized interest rates.

I felt that this action by the Export-Import Bank was contrary to the clear intent of the House of Representatives, which has passed legislation putting certain restrictions on loans to the Soviet Union. It is true that the Senate has not yet passed such legislation, but the House has clearly acted.

The U.S. Government has been borrowing money at 9 percent and loaning it to Russia at 6 to 7 percent. No American or American company can borrow money at that interest rate; mostly it is 11 percent.

Yesterday I had a very satisfactory talk with the President and Chairman of the Export-Import Bank of the United States, the Honorable William J. Casey. That discussion was followed up by a letter to me from Mr. Casey, of which I shall read the last paragraph, and then, when I conclude my remarks, I shall ask that the entire letter be printed in the RECORD.

The last paragraph of the letter is as follows:

I want to assure you that the Bank will not act on this commitment or extend any other financing to the Soviet Union until such time as Congress has determined what policies the Bank should follow in this regard and has enacted the legislation presently before the Banking, Housing and Urban Affairs Committee.

That is the end of the quotation from the letter to me signed by William J. Casey, President and Chairman, Export-Import Bank of the United States. I commend Mr. Casey for his assurance and his attitude.

Mr. President, that letter takes care fully, clearly, and explicitly of the problem which I previously had with this joint resolution extending the life of the Export-Import Bank. As a result of this letter and as a result of my conversation yesterday with Mr. Casey, I am pleased to support the joint resolution offered by the distinguished senior Senator from Alabama.

I ask unanimous consent that the letter to me dated June 25, 1974, signed by Mr. William J. Casey, be printed in the RECORD at this point.

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

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., June 25, 1974.

Hon. HARRY F. BYRD, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: The Senate has before it a Joint Resolution which would extend the life of the Bank from June 30, 1974 to July 31, 1974. Certain questions have arisen regarding new transactions with the U.S.S.R.

Since I became Chairman of the Export-Import Bank on March 14, of this year, the Bank has refrained from issuing any new commitments for transactions in the U.S.S.R. until such time as the Congress has determined the policy guidelines for the Bank to follow. During this period we have done nothing beyond honoring commitments previously made. Only one such commitment is now outstanding. We have not heard anything about it for some time and don't know if the deal, which relates to a transfer line to produce crankshaft half bearings, is still alive.

I want to assure you that the Bank will not act on this commitment or extend any other financing to the Soviet Union until such time as Congress has determined what policies the Bank should follow in this regard and has enacted the legislation presently before the Banking, Housing and Urban Affairs Committee.

Sincerely,

WILLIAM J. CASEY.

[From the CONGRESSIONAL RECORD, Oct. 9, 1974]

EXPORT-IMPORT BANK CONFERENCE REPORT

Mr. President, the conferees on the Export-Import Bank legislation have concluded their deliberations. The conference report, I understand, will be brought before the Senate tomorrow. The conference agreement eliminated a very important part of the Senate proposal.

Under the legislation as it passed the Senate, authority for new commitments to the Soviet Union is limited to $300 million. Now, the conferees have added a proviso to that, the proviso being that such a limit may be exceeded if the President determines that it is in the national interest to do so.

Well, Mr. President, that is no ceiling at all.

The Export-Import Bank already has granted credits of $469 million to Communist Russia.

The legislation which passed the Senate would permit an additional $300 million in credits and guarantees. It would put a ceiling of another $300 million in credits and guarantees. The conferees eliminate that ceiling by granting the President the right to exceed it whenever he feels it is desirable to do so.

I understand that the State Department has been lobbying night and day, to have the Senate ceiling of $300 million in additional credits to Russia eliminated.

Why is it that we are not satisfied with already giving Soviet Russia $469 million in credits and not satisfied with making it possible to extend another $300 million in credits, but the State Department and the conferees want a blank check?

Well, Mr. President, I plan to oppose that conference report tomorrow and I may even oppose a continuing resolution. I think the time has come to call a halt to the giving away of tax funds.

I do not quite understand this love affair with the Soviet Union. The American taxpayers have granted the Soviet Union $469 million in subsidized credit and the Senate has approved an additional $300 million in credits and guarantees.

I was willing to go along with that additional $300 million in order to get a firm ceiling on the amount of money that can be channeled into loans to Communist Russia. I am not willing to go along with legislation that would give a blank check. I wish I could understand just why it is that there is such a keen interest in making available to Russia unlimited credit.

Now, that gets back to the Jackson amendment to the trade bill which put restrictions on additional loans to Russia.

I support that proposal. But tremendous pressure is being used to eliminate that. Then it ties in with this legislation where the conferees have agreed to eliminate the ceiling on the amount of additional loans. I do not know what our Government is up to. There is something fishy. There is something fishy about this, when the State Department spends most of its time, day and night, lobbying Congress to take the ceiling off the amount of money that the Export-Import Bank may make available to the Soviet Union.

Bear in mind, this is a loan directly to the Central Bank of Russia, namely, the Government of Russia. I am persuaded to the view that I am taking also because of the shellacking that the American negotiators—they are drawn from the State Department—got when they settled the amount of money which the Soviet Union owes the United States.

That debt was settled at 3 cents on the dollar, plus another 24 cents, provided the United States grants Russia most-favored-nation treatment and provided we extend Export-Import Bank credits to her.

I think that is no deal at all. It is a disgraceful deal.

We all know what that great grain deal was, the $300 million grain deal, where the United States came out second best—$300 million is a low figure because the consumers were badly hurt by it also.

I am not persuaded that we did not come out second best on the SALT agreements.

Those other measures that I mentioned are water under the bridge, but this conference report is not water under the bridge. I contend there must be a ceiling on the amount of credit that the Export-Import Bank will be permitted to extend to Russia. I shall oppose the conference report.

I would ask that the leadership advise the Senator from Virginia when any legislation affecting the Export-Import Bank is brought before the Senate.

[From the CONGRESSIONAL RECORD, Oct. 10, 1974]

EXPORT-IMPORT BANK ACT AMENDMENT—CONFERENCE REPORT

Mr. President, the conference report on the Export-Import Bank legislation presumably will come before the Senate today. I want to state that I shall oppose this conference report. I ask that the leadership protect the Senator from Virginia if he is not in the Chamber in regard to any unanimous-consent request dealing with any aspect of Export-Import Bank legislation. I am disturbed that the conferees eliminated the ceiling on the amount of credit that may be extended to the Soviet Union. Already credits in the amount of $469 million have been extended to Russia. Senate legislation would put a ceiling on additional credit and guarantees of $300 million.

The conferees eliminated that ceiling by adding a proviso that the President, if he deems it in the national interest, can lend to any extent beyond that $300 million figure that he sees fit.

Mr. President, I frankly just cannot understand why the State Department is determined that there be no ceiling on subsidized credit given to the Soviet Union. My understanding is that the State Department is lobbying day and night in an effort to eliminate the Senate ceiling, and it succeeded with the conferees. I think this is a matter to which the Senate must give careful attention.

We know that the United States has come out second best on its dealings with Russia. The so-called detente, with just cause, has been immensely popular with the Communist leaders in Russia, and well it should be. Russia bought American wheat in 1972 with American money. Russia borrowed the money at subsidized interest rates to purchase the wheat from the United States. We know that that cost the taxpayers hundreds of millions of dollars and we know it cost the consumers many more hundreds of millions of dollars.

I studied the settlement made by the State Department of the Russian lend-lease debt, which was $2.1 billion, the total debt. The State Department negotiators settled that debt at 3 cents on the dollar, plus another 24 cents provided Russia was given most-favored-nation treatment, and provided—Russia is given additional Export-Import Bank taxpayer-subsidized credits.

It is my intention when the conference report is called up today to speak at some length on this subject. I shall object to any unanimous-consent agreement in regard to it.

I think the time has come to give consideration to the American taxpayer.

I think the time has come to call a halt to the use of the huge borrowings of the Federal Government. The more the Federal Government goes into the money market, the higher the interest rates inevitably will become. The Export-Import Bank has to go out and borrow this money. It has been borrowing the money at a higher percentage, and then it turns that money over to Russia at a relatively low interest rate. We know what the wage earner has to pay for interest today. The wage earner, if he or she wants to borrow money for a home, an automobile, or what have you, pays an interest rate of 12 or 14 percent, or perhaps higher. Yet this money is turned over to Russia at an interest rate of around 6 or 7 percent.

I shall resist this legislation. I expect to talk at some length when it is called up today. I again ask the leadership to protect me if the Senator from Virginia happens not to be in the Chamber at the time the legislation is called up. I shall make every effort to be in the Chamber throughout the day, but if I am not here I hope my rights will be protected.

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

[From the CONGRESSIONAL RECORD, Oct. 10, 1974]

SENATE JOINT RESOLUTION 251—EXTENSION OF AUTHORITY FOR THE EXPORT-IMPORT BANK

The Senate continued with the consideration of the joint resolution—Senate Joint Resolution 251—to extend the authority of the Export-Import Bank of the United States.

Mr. HARRY F. BYRD, JR. Mr. President, if we may have order, I can get this through quickly.

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats and refrain from conversation, so that we can hear the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President the Export-Import Bank conference report nullifies every major Senate action restricting Bank authority, and paves the way for an immediate multi-billion dollar U.S. investment in Soviet energy development.

The Senate adopted an amendment prohibiting Exim support of Soviet fossil fuel projects without prior congressional approval—the conference committee deleted it.

The Senate adopted an amendment to put the Eximbank back in the Federal budget so its inflationary impact on the deficit will be disclosed—the conference committee deleted it.

The Senate adopted an amendment to put the Eximbank back in the Federal budget so its inflationary impact on the deficit will be disclosed—the conference committee deleted it.

The Senate required prenotification to Congress of any Eximbank credit extension to the Soviet Union over $50 million—the conference committee excluded Eximbank loan guarantees from this provision, effectively nullifying it.

The Senate put an overall ceiling of $300 million on Eximbank Soviet Union loans. The conference committee eliminated this ceiling, saying the President could set any limit he chooses.

[From the CONGRESSIONAL RECORD, Nov. 26, 1974]

AMENDMENT OF THE EXPORT-IMPORT BANK ACT—CONFERENCE REPORT

Mr. President, I, of course, have no objection to a cloture motion being filed.

I would point out for the record that the conference report on the extension of the Export-Import Bank was made the pending business just today at the hour of approximately 12:30. Within a matter of minutes it was superseded by the Navajo-Hopi Indian bill. After much discussion on that, it was then again made the pending business at something around 1:15, as I recall. Then the Senator from Virginia entered into or rather addressed a series of questions to the distinguished Senator from Illinois.

Those questions dealt with a complex part of the bill, the bill itself is complex as are all the operations of the Export-Import Bank.

The Senator from Virginia had the opportunity to query the Senator from Illinois for something like 40 or 45 minutes, estimating the time. Then the distinguished senior Senator from Washington requested that the Export-Import Bank legislation be set aside and that the conference report on HEW be taken up.

The Senate then proceeded to consider the conference report on HEW, several other conference reports, and has just this moment at the time the cloture petition was filed gotten back to consideration of the Export-Import Bank conference report.

It is somewhat strange, it seems to me, to file a cloture petition so soon after a piece of legislation is laid before the Senate and when there has been virtually no discussion of that legislation other than maybe something approaching an hour or slightly over an hour.

As I say, I have no objection, of course, to the petition being filed, but I did think the RECORD should show how little discussion there has been in the Senate on it.

As a matter of fact, I was prepared, and it is too late now, but I was prepared to vote today on a motion to table, but several of my colleagues who could not be here today urged I not do it.

So it think we could have disposed of it today.

Mr. PACKWOOD. Mr. President, in response to the Senator from Virginia, it is fair to say the issues we have talked about for an hour or two or three today, however long it might have been, have been talked and retalked and retalked about on this floor. The same issues have been talked about for many, many hours this summer and fall.

We have extended the Export-Import Bank's termination date twice. The issues that we are debating today are quite familiar to all of us, and I do not see any point in going on with extended debate on a topic we have had extensive debate on over the past 4 or 5 months.

Mr. HARRY F. BYRD, JR. As mentioned earlier, a vote should come very quickly next week on a motion to table, but aside from that, the Senator from Oregon said that all of this is familiar ground.

Well, just in the first question that I put today to the Senator from Illinois, a brand new point was developed, brand new information was developed, which the Senate never before had had available to it.

I say that a bill of this magnitude, and I might point out that there are $25 billion involved in this legislation, $25 billion of U.S. tax funds, and if Congress is going to consider legislation of that magnitude we better take just a little bit of time to understand just what it is doing.

Mr. PACKWOOD. Mr. President, to keep the record straight, it is not $25 billion of tax funds.

This is not an income tax. This is not a sales tax. These are bonds that are being sold and this Bank breaks even.

I do not want to leave the impression that we are dealing with taxes, $25 billion.

Mr. HARRY F. BYRD, JR. I am glad the Senator developed that point because the Export-Import Bank, the way it gets its money, goes into the money market and sells bonds backed by the full faith and credit of the people of the United States.

The more that Bank goes into the money market, the more it forces an upward pressure on interest rates.

The Federal Government today borrows 62 percent of all the lendable funds—62 percent of all the lendable funds. So, I say that the Government itself, by this smashing amount of borrowing, represents a major reason for these tremendous interest rates.

It is obvious when the Federal Government goes into the money markets for such vast sums that the upward pressure on interest rates is very severe.

I think it is very easy to understand why the young couple trying to buy a home, obtain funds to buy a home, finds it very difficult to do that and can only do it at very high interest rates, why businessmen seeking to go into the private money markets to develop their business find it very difficult to do.

So on the Export-Import Bank—and I have been a supporter of that Bank and I am now a supporter of that Bank; I do not propose that the Bank should not continue to operate—I do contend that there must be some limit on it.

As a businessman, in my own business I do not give blank checks and in handling the tax funds of the American people I do not think Congress should give blank checks, and I think that this legislation should require and should place a ceiling. That is what the major fight is about.

[From the CONGRESSIONAL RECORD Dec. 13, 1974]

MR. HARRY F. BYRD, JR.'S STATEMENT

Mr. President, I congratulate the able Senator from Washington for the tremendous amount of work and time and effort which he has put into this extremely important matter. I congratulate, along with him, the able Senator from Connecticut (Mr. RIBICOFF) and the able Senator from New York (Mr. JAVITS) for their hard work and their skill. I am pleased to have been a cosponsor of the original Jackson amendment. I have a deep sympathy for the plight of those of Jewish faith in the Soviet Union. I likewise have a deep sympathy for those others in the Soviet Union of other nationalities and other religious beliefs who, likewise, are being harassed and oppressed.

I was very much encouraged by the statements made on the floor today, first by the Senator from Connecticut and then by the Senator from Washington and the Senator from New York, all pointing out that this proposal before the Senate today applies not just to individuals of one particular faith, but to all citizens of the Soviet Union who are undergoing harassment and oppression.

Mr. President, as I understand the parliamentary situation, the original Jackson-Vanik proposal is a part of the bill as reported by the Committee on Finance. It was approved by the House of Representatives and then by the Committee on Finance, and now is a part of the bill. The Senator from Washington has offered an amendment to the original Jackson proposal.

My only concern about the pending amendment offered by the Senator from Washington is that it does not provide a ceiling on credits that can be extended to the Soviet Union. As the Senator from Washington pointed out earlier, I think this matter is being taken care of. In the conference report on the Export-Import Bank bill, the conferees agreed to the Senate proposal that a $300 million ceiling be placed on loans and guarantees to the Soviet Union.

Also, the Senate earlier adopted amendment No. 2026 to this trade bill which likewise provides that, after the date of enactment of the Trade Reform Act of 1974, no agency of the Government of the United States shall approve any loans, guarantees, insurance or any combination thereof, in connection with exports to the Union of Soviet Socialist Republics in an aggregate amount in excess of $300 million without prior congressional approval.

I yield to the Senator from Washington.

Mr. JACKSON. I commend the Senator from Virginia for his diligence, and I supported him in connection with the Export-Import Bank restriction.

Mr. HARRY F. BYRD, JR. The Senator certainly did.

Mr. JACKSON. I think he has rendered a great service in doing that, and now again in connection with this amendment.

I should like to make the legislative record clear that the amendment that we have up, previously adopted by the Committee on Finance, does not authorize any credit. We are merely allowing a prohibition to be waived.

The control on those credits has been properly safeguarded by the Byrd amendment, both in connection with the Export-Import Bank conference report and, again, in this specific bill.

Mr. HARRY F. BYRD, JR. That is correct, except that the Committee on Finance did not adopt the compromise proposal. That is the one that is before us today.

Mr. JACKSON. That is right. This amendment that is before us today is an amendment that gives the President specific latitude, with the safeguards to waive, under the conditions outlined in this amendment, restrictions relating to MFN and credits. But it does not authorize affirmatively—credit or anything of that kind.

The Senator has dealt with the credit problem very efficiently with his amendment to this bill, which has already been adopted by the Senate, and, of course, in the Export-Import Bank conference report. So it is double-barreled, and I hope that the Byrd amendment will stay in conference when the conferees meet.

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

Mr. JACKSON. Mr. President, I wish to say again that the distinguished senior Senator from Virginia was one of the original cosponsors of the amendment on the issue of emigration, and no one has been more faithful, more dedicated and more effective in advocating the effort that we are seeing culminated here, in this action on the floor today. I praise him for all that he has done, and for the fine way in which he has courageously spoken out.

Mr HARRY F. BYRD, JR. I am very grateful to my friend from Washington. It was easy to do, because I believe very strongly that this is a humanitarian approach. I think, as many persons have charged, it is very unusual for one country to attempt to interfere in a purely domestic policy of another country. But the way I look at it is as follows: that other country—in this case Russia—wants something from the United States.

They want special concessions from the United States.

They want us to grant most-favored-nation tariff treatment to Russia.

They want access to long-term, taxpayer-subsidized, low-interest rates.

If we are going to give all of that, I submit that we have a right to ask for something in return. What is being asked in return is a humanitarian and compassionate nature. I am glad to have supported the original amendment, and I shall support the approach now suggested by the Senator from Washington, the Senator from Connecticut, and the Senator from New York.

Before taking my seat, I wish to comment on the trip to the Soviet Union taken by the junior Senator from New York, (Mr. BUCKLEY). I was very much impressed with the way Senator BUCKLEY handled that trip. He did not spend his time with the leaders of government. Rather, he spent his time among the citizenry, among the Jewish people who had been oppressed and harassed, among the minority nationalities within the Soviet Union. He got, as a result, a firsthand insight into the problems facing them.

I think the Senator from New York (Mr. BUCKLEY) has rendered his fellow citizens a very important service.

Mr. President, I reserve the remainder of my time.

Mr. HARRY F. BYRD, JR. Mr. President, I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

RECESS UNTIL 12 NOON

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 12 o'clock noon.

There being no objection, the Senate, at 11:19 a.m., recessed until 12 noon; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CLARK).

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ADDITIONAL ASSISTANT SECRETARY OF THE INTERIOR FOR INDIAN AFFAIRS—CONFERENCE REPORT

Mr. HASKELL. Mr. President, I submit a report of the committee of conference on H.R. 620, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CLARK). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 620) to establish within the Department of the Interior an additional Assistant Secretary of the Interior for Indian Affairs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of today.)

Mr. HASKELL. Mr. President, I am satisfied that the agreement by the conference committee on H.R. 620 is a reasonable compromise. For that reason, I move the adoption of the conference report.

Mr. STEVENS. Mr. President, through the courtesy and graciousness of the chairman of Committee on Interior and Insular Affairs, I was a conferee on this bill, H.R. 620.

I have not signed the conference report, because of the vigorous opposition of the regional corporations representing Alaskan Natives who are residents of Alaska and because of the opposition of the vast majority of Alaskan Natives who reside in Alaska to the concept of the mandatory creation of a 13th regional corporation to represent those Alaskan Natives who left their homes and live "outside," as we call it.

We have supported the other amendments in the bill, such as a provision to raise the Commissioner of the Bureau of Indian Affairs to an assistant secretary level. The other amendments in this bill are good ones. But I could not in good conscience sign this report under the circumstances that exist; because, instead of having an election to determine whether or not there should be a 13th regional corporation, this bill, in effect, creates a 13th regional corporation and permits any nonresident Alaskan Native who is eligible for benefits under the Alaskan Natives Land Claims Settlement Act to elect to receive his or her benefits under the 13th regional corporation, rather than as part of the 12 regional corporations that represent all Alaskan Natives within the State.

To me, it is a mistake to mandate the creation of a 13th regional corporation. There was an election; and although it was a narrow election, the nonresident Alaskan Natives voted against the creation of the 13th regional corporation. Litigation is pending over the adequacy of the election procedures. I feel that the Federal judge in Seattle will adequately review those procedures and determine whether there was a fair election. If there was not, there could be another election.

The original bill called for a new election, and I would support that as a way to shorten the process of litigation. But, to me, to mandate the creation of a 13th regional corporation is improper, as not reflecting the desires of those who did vote and not properly expressing the viewpoint of the Alaskan Natives who reside in Alaska. Six-sevenths of those who are beneficiaries actually reside in the State. This bill really pertains to the one-seventh who do not reside in our State, and I think it is unfair to give them a mandatorily created corporation.

I also would like to make certain of one aspect, and I am sure my good friend, the Senator from Colorado, who is managing the bill, understands my position.

I think it is unfair to create mandatorily a 13th regional corporation, because in doing so, it raises again the question of the fairness of the concept that is involved in the bill. The basic bill, the Alaskan Natives Land Claims Settlement Act, provided that if the people who reside outside of Alaska want a 13th regional corporation to manage their money, they can have one. But that was to be a conscious decision, knowing that if these beneficiaries chose to create a 13th regional corporation, they would deny themselves an interest in land, because only the 12 regional corporations under the Alaskan Natives Land Claims Settlement Act will have land.

I think there should be a new election, if there is to be any reconsideration of the creation of the 13th regional corporation.

Despite the kindness and cooperation of the Committee on Interior and Insular Affairs in permitting me to be a member of this conference, I cannot endorse the conference report.

Mr. HASKELL. Mr. President, I understand the position of the distinguished Senator from Alaska. I merely reiterate my opinion that the compromise is reasonable, and I move the adoption of the conference report.

The motion was agreed to.

AMENDMENT OF THE WILD AND SCENIC RIVERS ACT—CONFERENCE REPORT

Mr. HASKELL. Mr. President, I submit a report of the committee of conference on S. 3022, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CLARK). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3022) to amend the Wild and Scenic Rivers Act (82 Stat. 960), as amended, to designate segments of certain rivers for possible inclusion in the national wild and scenic rivers system; to amend the Lower Saint Croix River Act of 1972 (86 Stat. 1174), and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of today.)

Mr. HASKELL. Mr. President, I am satisfied that the agreement reached by the conference committee was a reasonable compromise, and I now move the adoption of the conference report.

The motion was agreed to.

QUORUM CALL

Mr. HASKELL. 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. (Mr. HASKELL). Without objection, it is so ordered.

AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE

Mr. ROBERT C. BYRD. Mr. President, I shall shortly propose a recess for the Senate, but I ask unanimous consent first that the Secretary of the Senate be authorized to receive messages from the other body.

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

RECESS UNTIL 1 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 1 p.m. today.

There being no objection, the Senate, at 12:16 p.m., recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. NELSON).

SPEEDY TRIAL ACT OF 1974

Mr. ERVIN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 754.

The PRESIDING OFFICER (Mr. NELSON) laid before the Senate the amendment of the House of Representatives to the bill (S. 754) to give effect to the sixth amendment right to a speedy trial for persons charged with criminal offenses and to reduce the danger of recidivism by strengthening the supervision over persons released pending trial, and for other purposes, as follows:

Strike out all after the enacting clause, and insert:

That this Act may be cited as the "Speedy Trial Act of 1974".

TITLE I—SPEEDY TRIAL

SEC. 101. Title 18, United States Code, is amended by adding immediately after chapter 207, a new chapter 208, as follows:

Chapter 208.—SPEEDY TRIAL

"Sec.
"3161. Time limits and exclusions.
"3162. Sanctions.
"3163. Effective dates.
"3164. Interim limits.
"3165. District plans—generally.
"3166. District plans—contents.
"3167. Reports to Congress.
"3168. Planning process.
"3169. Federal Judicial Center.
"3170. Speedy trial data.
"3171. Planning appropriations.
"3172. Definitions.
"3173. Sixth amendment rights.
"3174. Judicial emergency.

"§ 3161. Time limits and exclusions.

"(a) In any case involving a defendant charged with an offense, the appropriate judicial officer, at the earliest practicable time, shall, after consultation with the counsel for the defendant and the attorney for the Government, set the case for trial on a day certain, or list it for trial on a weekly or other short-term trial calendar at a place within the judicial district, so as to assure a speedy trial.

"(b) Any information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges. If an individual has been charged with a felony in a district in which no grand jury has been in session dur-

ing such thirty-day period, the period of time for filing of the indictment shall be extended an additional thirty days.

"(c) The arraignment of a defendant charged in an information or indictment with the commission of an offense shall be held within ten days from the filing date (and making public) of the information or indictment, or from the date a defendant has been ordered held to answer and has appeared before a judicial officer of the court in which such charge is pending whichever date last occurs. Thereafter, where a plea of not guilty is entered, the trial of the defendant shall commence within sixty days from arraignment on the information or indictment at such place, within the district, as fixed by the appropriate judicial officer.

"(d) If any indictment or information is dismissed upon motion of the defendant, or any charge contained in a complaint filed against an individual is dismissed or otherwise dropped, and thereafter a complaint is filed against such defendant or individual charging him with the same offense or an offense based on the same conduct or arising from the same criminal episode, or an information or indictment is filed charging such defendant with the same offense or an offense based on the same conduct or arising from the same criminal episode, the provisions of subsections (b) and (c) of this section shall be applicable with respect to such subsequent complaint, indictment, or information, as the case may be.

"(e) If the defendant is to be tried again following a declaration by the trial judge of a mistrial or following an order of such judge for a new trial, the trial shall commence within sixty days from the date the action occasioning the retrial becomes final. If the defendant is to be tried again following an appeal or a collateral attack, the trial shall commence within sixty days from the date the action occasioning the retrial becomes final, except that the court retrying the case may extend the period for retrial not to exceed one hundred and eighty days from the date the action occasioning the retrial becomes final if unavailability of witnesses or other factors resulting from passage of time shall make trial within sixty days impractical.

"(f) Notwithstanding the provisions of subsection (b) of this section, for the first twelve-calendar-month period following the effective date of this section as set forth in section 3163(a) of this chapter the time limit imposed with respect to the period between arrest and indictment by subsection (b) of this section shall be sixty days, for the second such twelve-month period such time limit shall be forty-five days and for the third such period such time limit shall be thirty-five days.

"(g) Notwithstanding the provisions of subsection (c) of this section, for the first twelve-calendar-month period following the effective date of this section as set forth in section 3163(b) of this chapter, the time limit with respect to the period between arraignment and trial imposed by subsection (c) of this section shall be one hundred and eighty days, for the second such twelve-month period such time limit shall be one hundred and twenty days, and for the third such period such time limit with respect to the period between arraignment and trial shall be eighty days.

"(h) The following periods of delay shall be excluded in computing the time within which an information or an indictment must be filed, or in computing the time within which the trial of any such offense must commence:

"(1) Any period of delay resulting from other proceedings concerning the defendant, including but not limited to—

"(A) delay resulting from an examination of the defendant, and hearing on, his mental competency, or physical incapacity;

"(B) delay resulting from an examination of the defendant pursuant to section 2902 of title 28, United States Code;

"(C) delay resulting from trials with respect to other charges against the defendant;

"(D) delay resulting from interlocutory appeals;

"(E) delay resulting from hearings on pretrial motions;

"(F) delay resulting from proceedings relating to transfer from other districts under the Federal Rules of Criminal Procedure; and

"(G) delay reasonably attributable to any period, not to exceed thirty days, during which any proceeding concerning the defendant is actually under advisement.

"(2) Any period of delay during which prosecution is deferred by the attorney for the Government pursuant to written agreement with the defendant, with the approval of the court, for the purpose of allowing the defendant to demonstrate his good conduct.

"(3)(A) Any period of delay resulting from the absence or unavailability of the defendant or an essential witness.

"(B) For purposes of subparagraph (A) of this paragraph, a defendant or an essential witness shall be considered absent when his whereabouts are unknown and, in addition, he is attempting to avoid apprehension or prosecution or his whereabouts cannot be determined by due diligence. For purposes of such subparagraph, a defendant or an essential witness shall be considered unavailable whenever his whereabouts are known but his presence for trial cannot be obtained by due diligence or he resists appearing at or being returned for trial.

"(4) Any period of delay resulting from the fact that the defendant is mentally incompetent or physically unable to stand trial.

"(5) Any period of delay resulting from the treatment of the defendant pursuant to section 2902 of title 28, United States Code.

"(6) If the information or indictment is dismissed upon motion of the attorney for the Government and thereafter a charge is filed against the defendant for the same offense, or any offense required to be joined with that offense, any period of delay from the date the charge was dismissed to the date the time limitation would commence to run as to the subsequent charge had there been no previous charge.

"(7) A reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted.

"(8)(A) Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. No such period of delay resulting from a continuance granted by the court in accordance with this paragraph shall be excludable under this subsection unless the court sets forth, in the record of the case, either orally or in writing, its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial.

"(B) The factors, among others, which a judge shall consider in determining whether to grant a continuance under subparagraph (A) of this paragraph in any case are as follows:

"(i) Whether the failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice.

"(ii) Whether the case taken as a whole is so unusual and so complex, due to the number of defendants or the nature of the prosecution or otherwise, that it is unreasonable to expect adequate preparation within the periods of time established by this section.

"(iii) Whether delay after the grand jury proceedings have commenced, in a case where arrest precedes indictment, is caused by the unusual complexity of the factual determination to be made by the grand jury or by events beyond the control of the court or the Government.

"(C) No continuance under paragraph (8)(A) of this subsection shall be granted because of general congestion of the court's calendar, or lack of diligent preparation or failure to obtain available witnesses *on the part of the attorney for the Government.*

"(i) If trial did not commence within the time limitation specified in section 3161 because the defendant had entered a plea of guilty or nolo contendere subsequently withdrawn to any or all charges in an indictment or information, the defendant shall be deemed indicted with respect to all charges therein contained within the meaning of section 3161, on the day the order permitting withdrawal of the plea becomes final.

"(j) (1) If the attorney for the Government knows that a person charged with an offense is serving a term of imprisonment in any penal institution, he shall promptly—

"(A) undertake to obtain the presence of the prisoner for trial; or

"(B) cause a detainer to be filed with the person having custody of the prisoner and request him to so advise the prisoner and to advise the prisoner of his right to demand trial.

"(2) If the person having custody of such prisoner receives a detainer, he shall promptly advise the prisoner of the charge and of the prisoner's right to demand trial. If at any time thereafter the prisoner informs the person having custody that he does demand trial, such person shall cause notice to that effect to be sent promptly to the attorney for the Government who caused the detainer to be filed.

"(3) Upon receipt of such notice, the attorney for the Government shall promptly seek to obtain the presence of the prisoner for trial.

"(4) When the person having custody of the prisoner receives from the attorney for the Government a properly supported request for temporary custody of such prisoner for trial, the prisoner shall be made available to that attorney for the Government (subject, in cases of interjurisdictional transfer, to any right of the prisoner to contest the legality of his delivery).

"§ 3162. Sanctions.

"(a)(1) If, in the case of any individual against whom a complaint is filed charging such individual with an offense, no indictment or information is filed within the time limit required by section 3161(b) as extended by section 3161(h) of this chapter, such charge against that individual contained in such complaint shall be dismissed or otherwise dropped. In determining whether to dismiss the case with or without prejudice, the court shall consider, among others, each of the following factors: the seriousness of the offense; the facts and circumstances of the case which led to the dismissal; and the impact of a reprosecution on the administration of this chapter and on the administration of justice.

"(2) If a defendant is not brought to trial within the time limit required by section 3161(c) as extended by section 3161(h), the information or indictment shall be dismissed on motion of the defendant. The defendant shall have the burden of proof of supporting such motion but the Government shall have the burden of going forward with the evidence in connection with any exclusion of time under subparagraph 3161(h)(3). In determining whether to dismiss the case with

or without prejudice, the court shall consider, among others, each of the following factors: the seriousness of the offense; the facts and circumstances of the case which led to the dismissal; and the impact of a reprosecution on the administration of this chapter and on the administration of justice. Failure of the defendant to move for dismissal prior to trial or entry of a plea of guilty or nolo contendere shall constitute a waiver of the right to dismissal under this section.

"(b) In any case in which counsel for the defendant or the attorney for the Government (1) knowingly allows the case to be set for trial without disclosing the fact that a necessary witness would be unavailable for trial; (2) files a motion solely for the purpose of delay which he knows is totally frivolous and without merit; (3) makes a statement for the purpose of obtaining a continuance which he knows to be false and which is material to the granting of a continuance; or (4) otherwise willfully fails to proceed to trial without justification consistent with section 3161 of this chapter, the court may punish any such counsel or attorney, as follows:

"(A) in the case of an appointed defense counsel, by reducing the amount of compensation that otherwise would have been paid to such counsel pursuant to section 3006A of this title in an amount not to exceed 25 per centum thereof;

"(B) in the case of a counsel retained in connection with the defense of a defendant, by imposing on such counsel a fine of not to exceed 25 per centum of the compensation to which he is entitled in connection with his defense of such defendant;

"(C) by imposing on any attorney for the Government a fine of not to exceed $250;

"(D) by denying any such counsel or attorney for the Government the right to practice before the court considering such case for a period of not to exceed ninety days; or

"(E) by filing a report with an appropriate disciplinary committee.

The authority to punish provided for by this subsection shall be in addition to any other authority or power available to such court.

"(c) The court shall follow procedures established in the Federal Rules of Criminal Procedure in punishing any counsel or attorney for the Government pursuant to this section.

"§ 3163. Effective dates.

"(a) The time limitation in section 3161 (b) of this chapter—

"(1) shall apply to all individuals who are arrested or served with a summons on or after the date of expiration of the twelve-calendar-month period following July 1, 1975; and

"(2) shall commence to run on such date of expiration to all individuals who are arrested or served with a summons prior to the date of expiration of such twelve-calendar-month period, in connection with the commission of an offense, and with respect to which offense no information or indictment has been filed prior to such date of expiration.

"(b) The time limitation in section 3161(c) of this chapter—

"(1) shall apply to all offenses charged in informations or indictments filed on or after the date of expiration of the twelve-calendar-month period following July 1, 1975; and

"(2) shall commence to run on such date of expiration as to all offenses charged in informations or indictments filed prior to that date.

"(c) Section 3162 of this chapter shall become effective after the date of expiration of the fourth twelve-calendar-month period following July 1, 1975.

"§ 3164. Interim limits.

"(a) During an interim period commencing ninety days following July 1, 1975 and ending on the date immediately preceding the date on which the time limits provided for under section 3161(b) and section 3161 (c) of this chapter become effective, each district shall place into operation an interim plan to assure priority in the trial or other disposition of cases involving—

"(1) detained persons who are being held in detention solely because they are awaiting trial, and

"(2) released persons who are awaiting trial and have been designated by the attorney for the Government as being of high risk.

"(b) During the period such plan is in effect, the trial of any person who falls within subsection (a)(1) or (a)(2) of this section shall commence no later than ninety days following the beginning of such continuous detention or designation of high risk by the attorney for the Government. The trial of any person so detained or designated as being of high risk on or before the first day of the interim period shall commence no later than ninety days following the first day of the interim period.

"(c) Failure to commence trial of a detainee as specified in subsection (b), through no fault of the accused or his counsel, or failure to commence trial of a designated releasee as specified in subsection (b), through no fault of the attorney for the Government, shall result in the automatic review by the court of the conditions of release. No detainee, as defined in subsection (a), shall be held in custody pending trial after the expiration of such ninety-day period required for the commencement of his trial. A designated releasee, as defined in subsection (a), who is found by the court to have intentionally delayed the trial of his case shall be subject to an order of the court modifying his nonfinancial conditions of release under this title to insure that he shall appear at trial as required.

"§ 3165. District plans—generally.

"(a) Each district court shall conduct a continuing study of the administration of criminal justice in the district court and before United States magistrates of the district and shall prepare plans for the disposition of criminal cases in accordance with this chapter. Each such plan shall be formulated after consultation with, and after considering the recommendations of, the Federal Judicial Center and the planning group established for that district pursuant to section 3168. The plans shall be prepared in accordance with the schedule set forth in subsection (e) of this section.

"(b) The planning and implementation process shall seek to accelerate the disposition of criminal cases in the district consistent with the time standards of this chapter and the objectives of effective law enforcement, fairness to accused persons, efficient judicial administration, and increased knowledge concerning the proper functioning of the criminal law. The process shall seek to avoid underenforcement, overenforcement and discriminatory enforcement of the law, prejudice to the prompt disposition of civil litigation, and undue pressure as well as undue delay in the trial of criminal cases.

"(c) The plans prepared by each district court shall be submitted for approval to a reviewing panel consisting of the members of the judicial council of the circuit and either the chief judge of the district court whose plan is being reviewed or such other active judge of that court as the chief judge of that district court may designate. If approved by the reviewing panel, the plan shall be forwarded to the Administrative Office of the United States Courts, which office shall report annually on the operation of such plans to the Judicial Conference of the United States.

"(d) The district court may modify the plan at any time with the approval of the reviewing panel. It shall modify the plan when directed to do so by the reviewing panel or the Judicial Conference of the United States. Modifications shall be reported to the Administrative Office of the United States Courts.

"(e)(1) Prior to the expiration of the twelve calendar month period following July 1, 1975, each United States district court shall prepare and submit a plan in accordance with subsections (a) through (d) above to govern the trial or other disposition of offenses within the jurisdiction of such court during the second and third twelve-calendar-month periods following the effective date of subsection 3161(b) and subsection 3161(c).

"(2) Prior to the expiration of the thirty-six calendar month period following July 1, 1975, each United States district court shall prepare and submit a plan in accordance with subsections (a) through (d) above to govern the trial or other disposition of offenses within the jurisdiction of such court during the fourth and subsequent twelve calendar month periods following the effective date of subsection 3161(b) and subsection 3161(c).

"(f) Plans adopted pursuant to this section shall, upon adoption, and recommendations of the district planning group shall, upon completion, become public documents.

"§ 3166. District plans—contents.

"(a) Each plan shall include a description of the time limits, procedural techniques, innovations, systems and other methods, including the development of reliable methods for gathering and monitoring information and statistics, by which the district court, the United States attorney, the Federal public defender, if any, and private attorneys experienced in the defense of criminal cases, have expedited or intend to expedite the trial or other disposition of criminal cases, consistent with the time limits and other objectives of this chapter.

"(b) Each plan shall include information concerning the implementation of the time limits and other objectives of this chapter, including:

"(1) the incidence of, and reasons for, requests or allowances of extensions of time beyond statutory or district standards;

"(2) the incidence of, and reasons for, periods of delay under section 3161(h) of this title;

"(3) the incidence of, and reasons for, the invocation of sanctions for noncompliance with time standards, or the failure to invoke such sanctions, and the nature of the sanction, if any invoked for noncompliance;

"(4) the new timetable set, or requested to be set, for an extension;

"(5) the effect on criminal justice administration of the prevailing time limits and sanctions, including the effects on the prosecution, the defense, the courts, the correctional process, costs, transfers and appeals;

"(6) the incidence and length of, reasons for, and remedies for detention prior to trial, and information required by the provisions of the Federal Rules of Criminal Procedure relating to the supervision of detention pending trial;

"(7) the identity of cases which, because of their special characteristics, deserve separate or different time limits as a matter of statutory classifications; and

"(8) the incidence of, and reasons for each thirty-day extension under section 3161(b) with respect to an indictment in that district.

"(c) Each district plan required by section 3165 shall include information and statistics concerning the administration of criminal justice within the district, including, but not limited to:

"(1) the time span between arrest and indictment, indictment and trial, and conviction and sentencing;

"(2) the number of matters presented to the United States Attorney for prosecution, and the numbers of such matters prosecuted and not prosecuted;

"(3) the number of matters transferred to other districts or to States for prosecution;

"(4) the number of cases disposed of by trial and by plea;

"(5) the rates of nolle prosequi, dismissal, acquittal, conviction, diversion, or other disposition; and

"(6) the extent of preadjudication detention and release, by numbers of defendants and days in custody or at liberty prior to disposition.

"(d) Each plan shall further specify the rule changes, statutory amendments, and appropriations needed to effectuate further improvements in the administration of justice in the district which cannot be accomplished without such amendments or funds.

"(e) Each plan shall include recommendations to the Administrative Office of the United States Courts for reporting forms, procedures, and time requirements. The Director of the Administrative Office of the United States Courts, with the approval of the Judicial Conference of the United States, shall prescribe such forms and procedures and time requirements consistent with section 3170 after consideration of the recommendations contained in the district plan and the need to reflect both unique local conditions and uniform national reporting standards.

"§ 3167. Reports to Congress.

"(a) The Administrative Office of the United States Courts, with the approval of the Judicial Conference, shall submit periodic reports to Congress detailing the plans submitted pursuant to section 3165. The reports shall be submitted within three months following the final dates for the submission of plans under section 3165(e) of this title.

"(b) Such reports shall include recommendations for legislative changes or additional appropriations to achieve the time limits and objectives of this chapter. The report shall also contain pertinent information such as the state of the criminal docket at the time of the adoption of the plan; the extent of pretrial detention and release; and a description of the time limits, procedural techniques, innovations, systems, and other methods by which the trial or other disposition of criminal cases have been expedited or may be expedited in the districts.

"§ 3168. Planning process.

"(a) Within sixty days after July 1, 1975, each United States district court shall convene a planning group consisting at minimum of the Chief Judge, a United States magistrate, if any designated by the Chief Judge, the United States Attorney, the Clerk of the district court, the Federal Public Defender, if any, a private attorney experienced in the defense of criminal cases in the district, the Chief United States Probation Officer for the district, and a person skilled in criminal justice research who shall act as reporter for the group. The group shall advise the district court with respect to the formulation of all district plans and shall submit its recommendations to the district court for each of the district plans required by section 3165. The group shall be responsible for the initial formulation of all district plans and of the reports required by this chapter and in aid thereof, it shall be entitled to the planning funds specified in section 3171.

"(b) The planning group shall address itself to the need for reforms in the criminal justice system, including but not limited to changes in the grand jury system, the finality of criminal judgments, habeas corpus and collateral attacks, pretrial diversion, pretrial detention, excessive reach of Federal criminal law, simplification and improvement of pretrial and sentencing procedures, and appellate delay.

"(c) Members of the planning group with the exception of the reporter shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence and other necessary expenses incurred by them in carrying out the duties of the advisory group in accordance with the provisions of title 5, United States Code, chapter 57. The reporter shall be compensated in accordance with section 3109 of title 5, United States Code, and notwithstanding other provisions of law he may be employed for any period of time during which his services are needed.

"§ 3169. Federal Judicial Center.

"The Federal Judicial Center shall advise and consult with the planning groups and the district courts in connection with their duties under this chapter.

"§ 3170. Speedy trial data.

"(a) To facilitate the planning process and the implementation of the time limits and objectives of this chapter, the clerk of each district court shall assemble the information and compile the statistics required by sections 3166 (b) and (c) of this title. The clerk of each district court shall assemble such information and compile such statistics on such forms and under such regulations as the Administrative Office of the United States Courts shall prescribe with the approval of the Judicial Conference and after consultation with the Attorney General.

"(b) The clerk of each district court is authorized to obtain the information required by sections 3166 (b) and (c) from all relevant sources including the United States Attorney, Federal Public Defender, private defense counsel appearing in criminal cases in the district, United States district court judges, and the chief Federal Probation Officer for the district. This subsection shall not be construed to require the release of any confidential or privileged information.

"(c) The information and statistics compiled by the clerk pursuant to this section shall be made available to the district court, the planning group, the circuit council, and the Administrative Office of the United States Courts.

"§ 3171. Planning appropriations.

"(a) There is authorized to be appropriated for the fiscal year ending June 30, 1975, to the Federal judiciary the sum of $2,500,000 to be allocated by the Administrative Office of the United States Courts to Federal judicial districts to carry out the initial phases of planning and implementation of speedy trial plans under this chapter. The funds so appropriated shall remain available until expended.

"(b) No funds appropriated under this section may be expended in any district except by two-thirds vote of the planning group. Funds to the extent available may be expended for personnel, facilities, and any other purpose permitted by law.

"§ 3172. Definitions.

"As used in this chapter—

"(1) the terms 'judge' or 'judicial officer' mean, unless otherwise indicated, any United States magistrate, Federal district judge, and

"(2) the term 'offense' means any Federal criminal offense which is in violation of any Act of Congress and is triable by any court established by Act of Congress (other than a petty offense as defined in section 1(3) of this title, or an offense triable by court-martial, military commission, provost court, or other military tribunal).

"§ 3173. Sixth amendment rights.

"No provision of this chapter shall be interpreted as a bar to any claim of denial of speedy trial as required by amendment VI of the Constitution.

"§ 3174. Judicial emergency.

"(a) In the event that any district court is unable to comply with the time limits set forth in section 3161(c) due to the status of its court calendars, the chief judge, where the existing resources are being efficiently utilized, may, after seeking the recommendations of the planning group, apply to the judicial council of the circuit for a suspension of such time limits. The judicial council of the circuit shall evaluate the capabilities of the district, the availability of visiting judges from within and without the circuit, and make any recommendations it deems appropriate to alleviate calendar congestion resulting from the lack of resources.

"(b) If the judicial council of the circuit shall find that no remedy for such congestion is reasonably available, such council may apply to the Judicial Conference of the United States for a suspension of time limits set forth in section 3161(c). The Judicial Conference, if it finds that such calendar congestion cannot be reasonably alleviated, may grant a suspension of the time limits in section 3161(c) for a period of time not to exceed one year for the trial of cases for which indictments are filed during such period. During such period of suspension, the time limits from arrest to indictment, set forth in section 3161(b), shall not be reduced, nor shall the sanctions set forth in section 3162 be suspended; but such time limits from arraignment to trial shall not be increased to exceed one hundred and eighty days. The time limits for the trial of cases of detained persons who are being detained solely because they are awaiting trial shall not be affected by the provisions of this section.

"(c) Any suspension of time limits granted by the Judicial Conference shall be reported to the Congress within ten days of approval by the Director of the Administrative Office of the United States Courts, together with a copy of the application for such suspension, a written report setting forth detailed reasons for granting such approval and a proposal for increasing the resources of such district. In the event an additional period of suspension of time limits is necessary, the Director of the Administrative Office of the United States Courts shall so indicate in his report to the Congress, which report shall contain such application for such additional period of suspension together with any other pertinent information. The Judicial Conference shall not grant a suspension to any district within six months following the expiration of a prior suspension without the consent of the Congress. Such consent may be requested by the Judicial Conference by reporting to the Congress the facts supporting the need for a suspension within such six-month period. Should the Congress fail to act on any application for a suspension of time limits within six months, the Judicial Conference may grant such a suspension for an additional period not to exceed one year."

SEC. 102. The tables of chapters for title 18 of the United States Code and for part II of title 18 of the United States Code are each amended by inserting immediately after the item relating to chapter 207 the following new item:

"208. Speedy trial..... 3161".

TITLE II—PRETRIAL SERVICES AGENCIES

SEC. 201. Chapter 207 of title 18, United States Code, is amended by striking out section 3152 and inserting in lieu thereof the following new sections:

"§ 3152. Establishment of pretrial services agencies.

"The Director of the Administrative Office of the United States Courts shall establish, on a demonstration basis, in each of ten representative judicial districts (other than the District of Columbia), a pretrial services agency authorized to maintain effective

supervision and control over, and to provide supportive services to, defendants released under this chapter. The districts in which such agencies are to be established shall be designated by the Chief Justice of the United States after consultation with the Attorney General, on the basis of such considerations as the number of criminal cases prosecuted annually in the district, the percentage of defendants in the district presently detained prior to trial, the incidence of crime charged against persons released pending trial under this chapter, and the availability of community resources to implement the conditions of release which may be imposed under this chapter.

"§ 3153. Organization of pretrial services agencies.

"(a) The powers of five pretrial services agencies shall be vested in the Division of Probation of the Administrative Office of the United States Courts. Such Division shall establish general policy for such agencies.

"(b)(1) The powers of each of the remaining five pretrial services agencies shall be vested in a Board of Trustees which shall consist of seven members. The Board of Trustees shall establish general policy for the agency.

"(2) Members of the Board of Trustees shall be appointed by the chief judge of the United States district court for the district in which such agency is established as follows:

"(A) one member, who shall be a United States district court judge;

"(B) one member, who shall be the United States attorney;

"(C) two members, who shall be members of the local bar active in the defense of criminal cases, and one of whom shall be a Federal public defender, if any;

"(D) one member, who shall be the chief probation officer; and

"(E) two members, who shall be representatives of community organizations.

"(c) The term of office of a member of the Board of Trustees appointed pursuant to clauses (C) (other than a public defender) and (E) of subsection (b)(2) shall be three years. A vacancy in the Board shall be filled in the same manner as the original appointment. Any member appointed pursuant to clause (C) (other than a public defender) or (E) of subsection (b)(2) to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

"(d)(1) In each of the five demonstration districts in which pretrial service agencies are established pursuant to subsection (a) of this section, the pretrial service officer shall be a Federal probation officer of the district designated for this purpose by the Chief of the Division of Probation and shall be compensated at a rate not in excess of the rate prescribed for GS–16 by section 5332 of title 5, United States Code.

"(2) In each of the five remaining demonstration districts in which pretrial service agencies are established pursuant to subsection (b)(1) of this section, after reviewing the recommendations of the judges of the district court to be served by the agency, each such Board of Trustees shall appoint a chief pretrial service officer, who shall be compensated at a rate to be established by the chief judge of the court, but not in excess of the rate prescribed for GS–15 by section 5332 of title 5, United States Code.

"(3) The designated probation officer or the chief pretrial service officer, subject to the general policy established by the Division of Probation or the Board of Trustees, respectively, shall be responsible for the direction and supervision of the agency and may appoint and fix the compensation of such other personnel as may be necessary to staff such agency, and may appoint such experts and consultants as may be necessary, pursuant to section 3109 of title 5, United States Code. The compensation of such personnel so appointed shall be comparable to levels of compensation established under chapter 53 of title 5, United States Code.

"§ 3154. Functions and powers of pretrial services agencies.

"Each pretrial services agency shall perform such of the following functions as the district court to be served may specify:

"(1) Collect, verify, and report promptly to the judicial officer information pertaining to the pretrial release of each person charged with an offense, and recommend appropriate release conditions for each such person, but such information as may be contained in the agency's files or presented in its report or which shall be divulged during the course of any hearing shall be used only for the purpose of a bail determination and shall otherwise be confidential. In their respective districts, the Division of Probation or the Board of Trustees shall issue regulations establishing policy on the release of agency files. Such regulations shall create an exception to the confidentiality requirement so that such information shall be available to members of the agency's staff and to qualified persons for purposes of research related to the administration of criminal justice. Such regulations may create an exception to the confidentiality requirement so that access to agency files will be permitted by agencies under contract pursuant to paragraph (4) of this section; to probation officers for the purpose of compiling a presentence report and in certain limited cases to law enforcement agencies for law enforcement purposes. In no case shall such information be admissible on the issue of guilt in any judicial proceeding, and in their respective districts, the Division of Probation or the Board of Trustees may permit such information to be used on the issue of guilt for a crime committed in the course of obtaining pretrial release.

"(2) Review and modify the reports and recommendations specified in paragraph (1) for persons seeking release pursuant to section 3146(e) or section 3147.

"(3) Supervise persons released into its custody under this chapter.

"(4) With the cooperation of the Administrative Office of the United States Courts and with the approval of the Attorney General, operate or contract for the operation of appropriate facilities for the custody or care of persons released under this chapter including, but not limited to, residential halfway houses, addict and alcoholic treatment centers, and counseling services.

"(5) Inform the court of all apparent violations of pretrial release conditions or arrests of persons released to its custody or under its supervision and recommend appropriate modifications of release conditions.

"(6) Serve as coordinator for other local agencies which serve or are eligible to serve as custodians under this chapter and advise the court as to the eligibility, availability, and capacity of such agencies.

"(7) Assist persons released under this chapter in securing any necessary employment, medical, legal, or social services.

"(8) Prepare, in cooperation with the United States marshal and the United States attorney such pretrial detention reports as are required by the provisions of the Federal Rules of Criminal Procedure relating to the supervision of detention pending trial.

"(9) Perform such other functions as the court may, from time to time, assign.

"§ 3155. Report to Congress.

"(a) The Director of the Administrative Office of the United States Courts shall annually report to Congress on the accomplishments of the pretrial services agencies, with particular attention to (1) their effectiveness in reducing crime committed by persons released under this chapter; (2) their effectiveness in reducing the volume and cost of unnecessary pretrial detention; and (3) their effectiveness in improving the operation of this chapter. The Director shall include in his fourth annual report recommendations for any necessary modification of this chapter or expansion to other districts. Such report shall also compare the accomplishments of the pretrial services agencies operated by the Division of Probation with those operated by Boards of Trustees and with monetary bail or any other program generally used in State and Federal courts to guarantee presence at trial.

"(b) On or before the expiration of the forty-eighth-month period following July 1, 1975, the Director of the Administrative Office of the United States Courts shall file a comprehensive report with the Congress concerning the administration and operation of the amendments made by the Speedy Trial Act of 1974, including his views and recommendations with respect thereto.

"§ 3156. Definitions.

"(a) As used in sections 3146–3150 of this chapter—

"(1) The term 'judicial officer' means, unless otherwise indicated, any person or court authorized pursuant to section 3041 of this title, or the Federal Rules of Criminal Procedure, to bail or otherwise release a person before trial or sentencing or pending appeal in a court of the United States, and any judge of the Superior Court of the District of Columbia; and

"(2) The term 'offense' means any criminal offense, other than an offense triable by court-martial, military commission, provost court, or other military tribunal, which is in violation of an Act of Congress and is triable in any court established by Act of Congress.

"(b) As used in sections 3152–3155 of this chapter—

"(1) the term 'judicial officer' means, unless otherwise indicated, any person or court authorized pursuant to section 3041 of this title, or the Federal Rules of Criminal Procedure, to bail or otherwise release a person before trial or sentencing or pending appeal in a court of the United States.

"(2) the term 'offense' means any Federal criminal offense which is in violation of any Act of Congress and is triable by any court established by Act of Congress (other than a petty offense as defined in section 1(3) of this title, or an offense triable by court-martial, military commission, provost court, or other military tribunal)."

SEC. 202. The analysis of chapter 207 of title 18, United States Code, is amended by striking out the last item and inserting in lieu thereof the following:

"3152. Establishment of Pretrial Services Agencies.
"3153. Organization of Pretrial Services Agencies.
"3154. Functions and Powers of Pretrial Services Agencies.
"3155. Report to Congress.
"3156. Definitions."

SEC. 203. For the purpose of carrying out the provisions of this title and the amendments made by this title there is hereby authorized to be appropriated for the fiscal year ending June 30, 1975, to remain available until expended, the sum of $10,000,000.

SEC. 204. Section 604 of title 28, United States Code, is amended by striking out paragraphs (9) through (12) of subsection (a) and inserting in lieu thereof:

"(9) Establish pretrial services agencies pursuant to section 3152 of title 18, United States Code;

"(10) Purchase, exchange, transfer, distribute, and assign the custody of lawbooks, equipment, and supplies needed for the maintenance and operation of the courts, the Federal Judicial Center, the offices of the United States magistrates and commissioners, and the offices of pretrial services agencies;

"(11) Audit vouchers and accounts of the

courts, the Federal Judicial Center, the pretrial service agencies, and their clerical and administrative personnel;

"(12) Provide accommodations for the courts, the Federal Judicial Center, the pretrial services agencies and their clerical and administrative personnel;

"(13) Perform such other duties as may be assigned to him by the Supreme Court or the Judicial Conference of the United States.".

Amend the title so as to read: "An Act to assist in reducing crime and the danger of recidivism by requiring speedy trials and by strengthening the supervision over persons released pending trial, and for other purposes."

Mr. ERVIN. Mr. President, the House has passed S. 754, the Speedy Trial Act of 1974. This legislation, represents over 4 years of study and refinement by the Senate and House Judiciary Committtees. S. 754 has been the responsibility of the Senate Subcommittee on Constitutional Rights which I have had the honor to chair, and the House Subcommittee on Crime under the very capable leadership of Representative JOHN CONYERS.

Throughout its development the speedy trial legislation has been a subject of much controversy in the Federal criminal justice community. For example, the Justice Department has until very recently opposed enactment of any such legislation. However, the Subcommittee on Constitutional Rights spent 3 years attempting to accommodate the Justice Department, Federal judges and the attorneys active in the defense of criminal cases. In the Senate subcommittee we adopted over 25 of the amendments proposed by the Justice Department. Although the bill was reported favorably from the Senate Judiciary Committee without a dissenting vote and passed the Senate on a voice vote the Justice Department remained in opposition to the bill when it was considered on the House side. However, thanks to the work of Representative CONYERS, Chairman RODINO, Representatives WILLIAM COHEN and CHARLES WIGGINS the House was able to reach an accommodation with the Justice Department and at the same time to preserve the basic thrust of the legislation. Indeed I believe that the House has substantially improved the Senate bill and therefore I call upon the Senate to concur in the House amendments to S. 754.

I ask unanimous consent that a letter written by the Attorney General to Mr. RODINO, chairman of the House Judiciary Committee withdrawing the Justice Department's opposition to the speedy trial legislation be printed in the RECORD at the conclusion of my remarks and that the section-by-section analysis contained in the Senate report on S. 754, indicating all the changes which the Senate made at the behest of the Justice Department also be reprinted in the RECORD at the conclusion of my remarks.

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

(See exhibits 1 and 2.)

Mr. ERVIN. Mr. President, although the proponents of speedy trial have differed on how it might be achieved, for example whether by Federal legislation or court rule, there has never been disagreement in Congress or in the Federal criminal justice system over the need for speedy trials. The members of the Subcommittee on Constitutional Rights were shocked when they learned in 1971, as they were first considering this legislation, of the inordinate delay commencing trials in Federal criminal cases. Information made available to the subcommittee by the Federal Judicial Center indicated that the average delay between arrest and indictment in the busier Federal courts was over 100 days and between indictment and trial over 250 days. This suggests that delay between arrest and trial may be as long at 350 days in some of the busier Federal districts.

A 1-year delay in the trial of many Federal criminal cases is simply unacceptable. It takes no great insight into the crime problem to know that when suspects are arrested, but not tried for months or years, there is no deterrent to continued criminal activity. A study by the National Bureau of Standards in 1970 found that most defendants commit crime on bail after they have been on pretrial release more than 60 days. Furthermore, when those defendants are finally brought to justice they know that the overworked prosecutor and court will have to accept their offer to bargain for a lesser sentence. This kind of plea bargaining is known as "giving away the courthouse for the sake of the calendar." The criminal always wins and society always loses in this bargain. The speedy trial crisis has made a mockery of the criminal laws enacted by Congress and of the Justice Department's attempt to enforce those laws.

This recognition of the importance of speedy justice is not new. It can be traced back through literature of western civilization to the Old Testament. The stern morality of Ecclesiastes recognized that the only effective deterrent to crime was swift and sure punishment for criminal activity:

> Because sentence against an evil deed is not executed speedily, the heart of the sons of men is fully set to do evil.

However, in enacting this bill Congress is not only concerned about crime control but also with elementary justice. It is inconsistent with both the Constitution and our sense of fairness to hold a man in jail for months or years without a trial. Proponents of the speedy trial legislation know of the degradation of life in America's jails. We are determined to limit to the extent feasible the exposure of our fellow citizens to the conditions Oscar Wilde described with such eloquence in his "Ballade of Reading Gaol" and which unfortunately are as apt today in the United States as they were in Reading, Berkshire, England 75 years ago:

> The vilest deeds like poison weeds
> Bloom well in prison air;
> It is only what is good in man
> That wastes and withers there.
> Pale Anguish keeps the heavy gate,
> And the Warder is Despair.

Those of us in the Congress who have been working on this problem realize that speedy trial will never be a reality in the Federal courts until Congress makes clear to all that it will no longer tolerate delay. Unfortunately, while it is in the public interest to have speedy trials, the parties involved in the criminal process do not feel any pressure to go to trial. The court, defendant, his attorney, and the prosecutor may have different reasons not to push for trial, but they all have some reason. The overworked courts, prosecutors, and defense attorneys depend on delay in order to cope with their heavy caseloads. The end of one trial only means the start of another. To them, there is little incentive to move quickly in what they see as an unending series of cases. The defendant, of course, is in no hurry for trial, because he wishes to delay his day of reckoning as long as possible.

I believe, after years of studying this problem, that S. 754 can begin to end this seemingly hopeless morass. The bill is based upon the premise that the courts, undermanned, starved for funds, and utilizing 18th century management techniques, simply cannot cope with burgeoning caseloads. The consequence is delay and plea bargaining. The solution is to create initiative within the system to utilize modern management techniques and to provide additional resources to the courts where careful planning so indicates.

S. 754, as amended in the House, would create that initiative within the federal system by enacting time limit requirements for the initial stages in the criminal process. The time limits would be enforced by judges empowered to sanction prosecutors for delay by dismissing the indictment if trial does not occur within the limits and empowered to sanction prosecutors for delay by dismissing liberal dilatory tactics. The time limits plus sanctions system is related to the appropriations process in the Congress so that each court could count on sufficient resources to achieve the goals set out in the time limits by Congress.

The bill requires each Federal district court, in cooperation with the U.S. attorney and attorneys active in the defense of criminal cases in that district, to establish a plan for trying criminal cases within 100 days of arrest or receipt of summons. The bill takes effect over a 5-year period so that the goals of a 30-day limit on the period between arrest and indictment and a 70-day limit on the period between indictment and commencement of trial will not be in force until the fifth year after enactment.

Starting the 5th year after enactment the 30-day arrest to indictment and 70-day indictment to trial time limits will be enforced by mandatory dismissal. In the first 4 years after enactment, the time limits are phased in beginning with a 60-day arrest to indictment and 180 days indictment to trial limit in the second year after enactment. Every few years the time limits are shortened and the sanctions for failure to meet the time limits increase. During these intervening years a planning process for the district courts will be established to enable the districts to determine what additional resources, personnel, and facilities will be required to comply with the progressive time limitations. District plans which will detail these needs will

be required at specified times during the 7-year phasing in of time limits. This, in turn, will enable Congress to consider the needs of each individual district, and of the whole Federal criminal justice system.

Along with its provision for speedy trials, S. 754 also authorizes the creation of demonstration "pretrial services agencies" in 10 Federal districts, excluding the District of Columbia which is already served by the District of Columbia Bail Agency, performing many of the same functions. These agencies will make bail recommendations, supervise persons on bail, and assist them with employment, medical, and other services designed to reduce crime on bail. This provision will greatly enhance the operations of the Bail Reform Act of 1966.

The House amendments to S. 754 change the bill in eight important respects. As I stated earlier, I view all of these changes as important refinements in the bill because they provide greater flexibility in the legislation. The changes are as follows:

First. Judicial emergency.—In the House hearings a number of witnesses, particularly the Justice Department and the Administrative Office of the U.S. courts, contended that if the Congress fails to provide the necessary funds to make speedy trial a reality or if a particular district is beset by an unforeseeable occurrence which would make compliance with the time limits impossible, the unwarranted dismissal of cases could result. The House adopted an amendment to authorize the Judicial Conference of the United States to suspend the time limits between indictment and trial for up to a period of 1 year in the event of a judicial emergency.

Two. Phase-in.—The House bill provides that both the sanctions and the ultimate time limits of the bill become effective in the 5th year after enactment; S. 754 as it passed the Senate provides that they become effective in the 7th year. Because of the adoption of the judicial emergency provision, the House felt that the phase-in period could be reduced without endangering the objectives of the bill.

Three. Sanctions.—The House version provides that the failure to meet the speedy trial limits will result in the dismissal of the complaint, information, or indictment. It would be up to the trial judge to determine whether the dimissal would forever bar prosecution of the defendant for any offenses which were known or reasonably should have been known at the time of the granting of the dismissal. This sanction becomes effective in the 5th year after enactment. S. 754 provides for the dismissal of cases in the 7th year for failure to meet the time limits, but only permits reprosecution if the Government can demonstrate exceptional circumstances.

Fourth. Time limits to trial.—S. 754 as passed the Senate computes the time limits between the periods of arrest to indictment and indictment to trial. At the suggestion of the Department of Justice, the House adopted an amendment to begin the running of the time limits to trial from arraignment. An additional 10 days were added between indictment to arraignment.

Fifth. Filing indictments.—At the request of both the Department of Justice and the Administrative Office of the U.S. Courts, the House adopted an amendment which would permit up to 30 additional days for the filing of an indictment in those districts where grand juries meet infrequently. This amendment is intended to give more flexibility to rural districts, where criminal case filings do not warrant the continuous operation of the grand jury.

Sixth. Pilot planning.—The House adopted an amendment to do away with pilot planning districts. Instead, each district planning group is entitled to receive an appropriation for the initial phases of planning.

Seventh. Planning process.—The House also adopted an amendment which essentially had the effect of reorganizing the planning provisions of S. 754. Very few substantive changes were made with the exception of granting the Judicial Conference of the United States, through the Administrative Office of the U.S. Courts, greater influence over the administrative aspects of the planning process.

Eighth. Pretrial services.—Finally, the House adopted an amendment to permit the probation service of the Administrative Office of the U.S. Courts to administer 5 of the 10 pretrial services agencies. The Administrative Office had urged the subcommittee to vest all 10 pretrial services agencies in the division of probation, but the committee believes that a dual approach would provide greater flexibility and opportunity for experimentation.

In conclusion, 4 years of work by the Congress on this question has resulted in a workable scheme for the achievement of speedy trial in Federal criminal cases. This process of refinement has developed a bill which carefully balances the rights of the individual and society in a speedy trial. I believe we have responded to all of the legitimate concerns of all interested parties, the Department of Justice, and the Judicial Conference included. I hope that the Senate will join with the House by concurring in the House amendments.

Mr. President, I would like to take this opportunity to acknowledge those Members of the House and Senate who have helped in the development of this landmark legislation. First, this bill would never have gotten out of the Senate Judiciary Committee without the help and cooperation of my friends and colleagues, the senior Senators from Nebraska and Arkansas. Both of these senior members of the Judiciary Committee provided me and the rest of the Judiciary Committee with helpful criticism and they are responsible for a number of the important improvements on the bill.

On the House side, this legislation was the responsibility of Representative JOHN CONYERS, Jr., chairman of the House Subcommittee on Crime. Without his leadership and creativity, this legislation would probably still be on the House Judiciary Calendar. Chairman CONYERS skillfully shepherded this bill through the lengthy debate in the House Judiciary Committee and the Rules Committee, and helped to develop additional flexibility in the legislation necessary for passage in the House. Mr. CONYERS was joined in his efforts by the chairman of the Judiciary Committee, PETER RODINO, as well as the ranking minority member of the subcommittee, Representative WILLIAM COHEN, and Representative CHARLES WIGGINS, also a member of the House Judiciary Committee. In addition, I would like to acknowledge the help the bill received from Representative CLAUDE PEPPER, who has been a leading proponent of speedy trial legislation for several years.

I believe Congress also owes a debt of gratitude to the staff of the Subcommittee on Constitutional Rights in the Senate where this legislation was originally developed, and to the staff of the Subcommittee on Crime in the House where the bill was refined and prepared for final House action.

In closing, I wish to state that it would not have been possible to achieve enactment of the speedy trial legislation had it not been for the untiring labors and profound wisdom of Mark Gitenstein, our present chief counsel of one Senate Subcommittee on Constitutional Rights, and his predecessor in this post, Larry Baskir, and a former member of the legal staff of the subcommittee, Glenn Ketner.

Mr. President, this bill was passed by the Senate by an overwhelming vote. I have studied the House amendments. I have consulted the Senator from Nebraska (Mr. HRUSKA), who is very interested in this bill, about these House amendments. He and I are perfectly satisfied with these amendments. They were worked out to a large extent with the aid of the Department of Justice; and the Department of Justice, after opposing this bill for several years, has endorsed the bill.

Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

EXHIBIT 1

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., December 13, 1974.

HON. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: It is my understanding that proponents of H.R. 17409, the Speedy Trial Act of 1974, are determined to enact such legislation prior to the termination of the 93rd Congress.

As you know, the Department of Justice has consistently pointed out a number of significant problems with H.R. 17409. Our most serious objection to this legislation is the mandatory dismissal with prejudice provision contained in section 3162. This feature if enacted into law would ultimately provide that if a defendant is not indicted within 30 days following arrest or service of summons, or if the defendant's trial does not commence within 60 days following arraignment, the charge is dismissed with prejudice against prosecution for that offense or any offense based on the same indictment.

The Senate version of the bill, S. 754, although purporting to provide for dismissal without prejudice, contains a restrictive provision with respect to a new prosecution that

for all practical purposes constitutes a dismissal with prejudice. If either the present House version or Senate version is retained the Department of Justice would be compelled to continue our strong opposition to this legislation.

Mandatory prejudicial dismissal of criminal cases not tried within arbitrary time limits can only serve to injure the public and our system of justice by releasing persons charged with crime without an adjudication. Not only may the untried defendant pose a danger to the public's welfare but the public confidence in a criminal justice system which releases persons without trial is certainly undermined.

The Department of Justice supports an amendment to section 3162 of H.R. 17409 deleting the bar to further prosecution following dismissal under that section. Deletion of this language would still result in dismissal of cases for failure to meet the time limits of section 3161 but would permit charges to be brought under a new information or indictment consistent with existing law. If this amendment is adopted a federal judge may dismiss with prejudice for denial of Sixth Amendment right to speedy trial or dismissal with prejudice where he believes circumstances warrant such dismissal.

Adoption of this amendment by the Congress would resolve the most significant difficulty in this legislation and would enable the Department to effectively administer the provisions of H.R. 17409.

I would hope that you and members of your Judiciary Committee and members of the House will support this amendment, copy of which is enclosed.

Sincerely,

WILLIAM B. SAXBE,
Attorney General.

EXHIBIT 2

SECTION-BY-SECTION ANALYSIS

TITLE I—SPEEDY TRIAL

Significant changes have been made in the language of S. 754 to accommodate suggestions of Committee members, the Justice Department, Federal judges, and defense counsel who will have to carry out the provisions of the bill if it is enacted.

What follows is a section-by-section analysis of the bill as reported by Committee with a brief explanation of each provision including the Committee amendments. Also the analysis notes the more significant differences between S. 754 and its predecessor in the last Congress, S. 895.

Section 3161 time limits and exclusions

Subsection 3161(a) requires the judge at the earliest practicable point in the process to set a date certain for trial. The date is set upon consultation with the prosecutor and defense counsel.

This provision requires that all parties must be on notice of the trial date as early in the proceeding as possible. Setting a trial date early in the process permits the parties, the witness, and especially the courts, to plan out the trial schedule and to integrate the schedule with their obligations. This eliminates difficulties with subsequent scheduling conflicts of the attorneys, especially those defense counsel who may have a civil practice. Any conflict existing at this time can be resolved and no future conflicts can be permitted to defer the trial date, since the attorney is already on notice as to his primary obligation to prepare and try this particular case.

S. 895 required that the date certain be set at initial appearance rather than at the earliest practicable point. The Justice Department and several other witnesses suggested that setting a date certain at initial appearance was unworkable because United States magistrates, who conduct initial appearance procedures in many districts, would be setting the date for a trial to be conducted by a district court judge. Based upon Judge Albert Stephen's suggestion, the requirement has been eliminated so that the Federal district judges can retain control over their own calendars. S. 754 would still provide that the court set a date certain for trial at the earliest possible point in the process. Thus, the courts would be free to adopt rules on this subject consistent with their own peculiar needs and capabilities.

Subsection 3161(b) sets a 30-day limit on the period between the filing of a complaint or an arrest and the filing of an information or indictment based on the complaint. If cases are not brought within this period they must be dismissed. The time limit imposed by this subsection is subject to the allowable delays as set forth in Subsection 3161(h).

Subsection 3161(c) requires that trial must commence within 60 days of the date of the filing of an indictment or information. Combined with the 30-day arrest to indictment time limit imposed by subsection 3161(b), the total period between arrest and trial allowed by S. 754 would be 90 days.

The Committee is convinced that the goal of trial within three months of arrest in the typical Federal criminal case is a reasonable one. The Subcommittee on Constitutional Rights heard considerable testimony from prominent members of the bench and bar on the reasonableness of such a time limit.

Such time limits are absolutely essential to effective crime control. Speedy trial seems to decrease crime by defendants on pretrial release and to increase the rate at which defendants plead guilty. A study by the National Bureau of Standards found that defendants who are released prior to trial are more likely to commit a subsequent crime before they are tried for the first if they are not brought to trial within two to three months of arrest. When a 60-day speedy trial program was established in the United States Attorney's Office in the Southern District of New York the proportion of defendants pleading guilty increased from 90 percent to 95 percent.

However, the Justice Department objected to the original provisions of S. 754 which provided a single time limit of 60 days between arrest and commencement of trial. According to the Department the grand jury process should not be covered in the speedy trial time limits. The Department is worried that in complicated cases, such as conspiracies in which arrest precedes indictment, prosecution cannot be adequately prepared in a two-month period. Furthermore, in approximately 40 percent of the Federal criminal cases, arrests are made before indictment for the purpose of halting on-going criminal activity. Thus, the Department of Justice proposed commencing the speedy trial time limits with arraignment.

However, a study by the Federal Judicial Center found that over one-half of the delay in an average Federal case occurs between arrest and indictment and that delays of approximately 100 days during this period are typical. In light of these findings it seemed inadvisable to adopt the Department's proposal, commencing the time limits with arraignment and thus excluding the period between arrest and indictment from the legislation.

Senator McClellan suggested a workable compromise on this question. He proposed that there be two different time limits, one between arrest and indictment where arrest precedes indictment and one between indictment and trial in all cases. The Committee has adopted the McClellan proposal in Subsections 3161(b) and (c)—a 30-day limit from arrest to indictment and a 60-day period between indictment and trial.

In 1967 the President's Crime Commission suggested that in the average case the delay between arrest and indictment should only be approximately 15 days and a recent survey conducted by the Administrative Office of the United Sttaes Courts for the Constitutional Rights Subcommittee found that several District courts were able to indict defendants within 30 days. The Committee arrived at the 30-day time limit for the period between arrest and indictment based on this date.

While the Committee has concluded that it is necessary to minimize the delays currently experienced during the arrest to indictment period, it recognizes that complexity of the grand jury process sometimes leads to unavoidable delays. For this reason, the time limits imposed by this subsection are subject to special tolling provisions as provided in subsection 3161(h). For example subsection 3161(h)(8) specifically provides that grand jury proceedings which are sufficiently complex are to be exempt from the arrest to indictment time limits.

Section 3161(h) provides other enumerated exclusions from both the arrest to indictment and the indictment to trial time limits. Most of the exclusions apply to pretrial proceedings which take place after indictment. However any exclusion of time or tolling of time limits permitted by 3161(h) would be permitted whether it occurred before or after indictment.

In further response to the Department's concern about the imposition of time limits the Committee has amended S. 754 to allow for a gradual phase-in of the time limits over a seven year period in conjunction with a gradual phase-in of the sanctions for noncompliance. Judges could begin to impose dismissal in the fifth year after enactment but would not have to dismiss with restrictions on reprosecution for violation of the time limits until the seventh year. (See Calendar of Implementation, Chart 1, p. 55.) This gradual phasing-in of the time limits should allow the districts to identify and solve any problems that might arise in complying with the time limits.

Subsection 3161(d) allows the time limits imposed by subsections 3161 (b) and (c) to begin to run afresh should an indictment or information be dismissed upon defendant's motion on grounds other than non-conformance with speedy trial time limits, and a subsequent complaint charging the defendant with the same offense or with an offense based on the same criminal conduct or episode is filed.

This subsection allows latitude to the prosecutor to re-institute prosecution of a criminal defendant whose case has previously been dismissed on non-speedy trial grounds without having to comply with the time limits imposed by the filing of the earlier complaint. To require a prosecutor to conform to indictment and trial time limits which were set by the filing of the original complaint in order to reopen a case on the basis of new evidence would be an insurmountable burden. Thus, when subsequent complaints are brought, the time limits will begin to run from the date of the filing of the subsequent complaint.

The Committee is concerned that this provision not be used to evade the speedy trial time limits set out in this Act. The prosecutor should not be able to avoid the speedy trial time limitations when his carelessness in preparing the original complaint or indictment has resulted in a dismissal under this section. Therefore, when a judge dismisses an original information or indictment on other than speedy trial grounds he should, nevertheless, take into consideration the defendant's right to speedy trial under the statute and under the Constitution. For exmple, the judge might want to order that the original dismissal be with prejudice so that the prosecutor could not reindict several months after a carelessly drawn indictment has been dismissed.

Subsection 3161(e) provides for time limits where there is a mistrial or where the defendant succeeds in collateral attack or ap-

peal. As a general matter the provision requires that if the Government decides to retry the defendant in any of these situations the time limits begin to run on the date that the order occasioning the retrial becomes final.

Although there was little disagreement among witnesses appearing before the Subcommittee on Constitutional Rights as to the wisdom of commencing time limits with the date of the order giving rise to the retrial, there was controversy over whether 60 days, as provided in S. 895, was a sufficient amount of time. The Justice Department contended that 60 days was insufficient time to prepare for a retrial after successful collateral attack, which could come years after the original trial. The section as it appears in S. 754 draws a distinction between cases of retrial following declaration by a trial judge of a mistrial or an order by the trial judge for a new trial; and cases where there is a retrial following a collateral attack or appeal. In the former case the speedy trial period is 60 days while in the latter case the period is also 60 days, except that the period may be extended if unavailability of witnesses or other factors resulting from the passage of time make trial within 60 days impractical. This dichotomy recognizes the difficulty of preparing a new case after successful collaterial attack but would not allow inordinate delay where retrial is contemporaneous with the original trial as in a declaration of mistrial by the trial judge.

Subsection 3161(f) provides that the 30-day arrest to indictment time limit required by Subsection 3161(b) will not take effect immediately upon enactment. Instead, it will be phased in, along with the sanctions for failure to comply with the time limits, over a seven year period. During the second year after enactment, the arrest to indictment time limit will be 60 days. During the third and fourth years after enactment, the time limit will be 45 days. Thereafter, the 30-day time limit specified in Subsection 3161(b) will be in effect. (See Calendar of Implementation, Chart 1. p. 55.)

During the phase-in, provided by this subsection, the time limit which will apply in any particular case will depend upon the time limits in effect when the arrest takes place. If the arrest takes place when the 60-day time limit is in effect then the 60-day limits will apply regardless of whether new limits go into effect for other cases in the interim.

Subsection 3161(g) provides that the 60-day indictment to trial time limit required by Subsection 3161(c) will not take effect immediately upon enactment. The 60-day indictment to trial time limit will also be phase in over a seven year period. For the second year following enactment, the time limit will be 180 days. For the third and fourth years the time limit will be 120 days. For the fifth year and thereafter the time limit will be the 60 days. However, the accompanying phase-in of sanctions will not make the dismissal sanction plus limitation on reprosecution mandatory until the seventh year. (See Calendar of Implementation, Chart 1, p. 55.)

Subsection 3161(f) and (g) are the result of much discussion and compromise concerning the time necessary for achieving compliance with the mandatory speedy trial time limits contemplated by S. 754.

In testimony before the Subcommittee on Constitutional Rights, Senator Percy expressed concern about imposing an unrealistically short time limit too quickly. He suggested a 180-day period with a plan requiring the cases not tried in 160 days be automatically placed upon special calendars for expedited disposition. Once a case got on a judge's special calendar it would have priority and could go to trial as soon as he completed the case before him. Senator Percy also expressed support for an alternative that would provide an initial 180-day period with phased reductions to the ultimate goal. These suggestions formed the basis for a phase-in period of three years which was incorporated in S. 895 as adopted by the Constitution Rights Subcommittee in October of 1972 and which was also incorporated in S. 754 as introduced in February of 1973.

S. 754 has been amended to extend the phase-in period to now cover seven years. This is accomplished by imposing progressively shorter time limits coupled with progressively stricter sanctions for non-compliance. (The phasing-in of the dismissal sanction is discussed in more detail in Section 3162 at p. 42. See also the Calendar of Implementation, Chart 1, p. 55.) The end result will be a mandatory 30-day arrest to indictment time limit and a mandatory 60-day indictment to trial time limit enforced by a mandatory dismissal sanction during the seventh year after enactment. This lengthening of the phase-in period grows, out of suggestions by the Justice Department and Professor Freed of Yale Law School that the Federal criminal justice system could not comply with a three-year phase-in period. Imposing the required time limits in graduated stages over a seven year period accompanied by the gradual introduction of more severe sanctions for noncompliance plus a division of the time limits into an arrest-to-indictment period and an indictment-to-trial period should alleviate the burden that compliance with these speedy trial standards will place on the courts and the Justice Department.

During the phase-in provided by this subsection, the time limits which will apply to any particular case will depend upon the time limits in effect at the time the indictment or information is filed against the defendant. If the indictment or information is filed when the 180-day limits are in effect then the 180-day limits will apply regardless of whether new limits go into effect for other cases in the interim.

Subsection 3161(h) excepts from the time limits imposed in Subsections 3161 (b) and (c) the following periods of delay:

(1) Delays caused by proceedings relating to the defendant such as hearings on competency to stand trial, hearings on pretrial motions, trials on other charges, and interlocutory appeals;

(2) Delays caused by deferred prosecution upon agreement of defense counsel, prosecutor, and the court for the purpose of demonstrating the defendant's good conduct;

(3) Delays caused by absence or unavailability of the defendant;

(4) Delays resulting from the fact that the defendant is incompetent to stand trial;

(5) Delays resulting from the treatment of the defendant pursuant to the Narcotic Addict Rehabilitation Act;

(6) Delays between the dropping of a charge and the filing of a new charge for the same or related offense;

(7) Reasonable periods of delay when the defendant is joined for trial with a co-defendant, and neither defendant has shown good cause to grant a severance; and

(8) Any other delay resulting from a continuance granted at the request of defense or prosecution upon a finding of the judge that the ends of justice cannot be met unless the continuance is granted. The judge must balance the right of the defendant and the interest of the public in speedy trial against the "ends of justice", and set forth in the record his reasons for granting the continuance.

Proceedings Concerning the Defendant

Subparagraph 3161(h)(1) allows the court to exempt from the time limits, time consumed by "proceedings concerning the defendant." This provision, when considered with all the enumerated exclusions from the time limits contained in 3161(h), assures that the time limits do not fall too harshly upon either the defendant or the Government. Subparagraph 3161(h)(1) allows the defendant to take advantage of certain procedures on his own motion such as mental competency hearings on motions to suppress evidence without penalizing the Government for the resulting delay.

At the suggestion of the Justice Department, the committee has enumerated in the text of the bill examples of what is meant by "proceedings concerning the defendant." The list is not intended to be exhaustive. It is representative of procedures of which a defendant might legitimately seek to take advantage for the purpose of pursuing his defense.

Also at the suggestion of the Justice Department, new language was added by the subcommittee to subparagraph 3161(h)(1) to resolve an ambiguity in the original language of S. 895. Subparagraph 3161(h)(1) of S. 895 as introduced did not clarify whether an exclusion for a "proceeding concerning the defendant" includes just the period consumed by the hearing or also includes the period during which it is under advisement. Under that provision a pretrial motion which only consumes a few hours in hearing could exclude days or even weeks from the time limits while the motion is under advisement. To meet this problem, the latter half of the section as amended, 3161(h)(1)(B), would have excluded only "court days" actually consumed in a proceeding covered by the subparagraph. It was intended however, that a unique question of law or unusually complex pretrial hearing could be the basis for an "ends of justice" continuance (see discussion of 3161 (h)(8), p. 38ff).

However, the committee dropped the subcommittee's language on "court days." Under the committee amendment delays "reasonably attributable to delays during which a matter is actually under advisement" may toll the time limits. It was not the intent of the committee in adopting this amendment to give a blanket exception to matters under advisement for the time excluded must be "reasonably attributable" and the matter must be "actually under advisement." Therefore the judge must be actually considering the question, for example, conducting the research on a novel legal question.

It is intended that an examination of mental competency or for narcotics addiction pursuant to the Narcotics Addict Rehabilitation Act (NARA), section 2902 of title 28 of the United States Code, should be treated the same as the hearing on these issues. Therefore, a reasonable amount of time actually consumed while the defendant is under physical or mental examination shall also be excluded in computing time. Of course, it would still be inappropriate to exclude time spent at a hospital after the examination is complete or as a result of unreasonable delays at the hospital awaiting examination.

Deferral of Prosecution

Subparagraph 3161(h)(2) is designed to encourage the current trend among the United States attorneys to allow for deferral of prosecution on the condition of good behavior. A number of Federal and State courts have been experimenting with pretrial diversion or intervention programs in which prosecution of a certain category of defendant is held in abeyance on the condition that the defendant participate in a social rehabilitation program. If the defendant succeeds in the program, charges are dropped. Such diversion programs have been quite successful with first offenders in Washington, D.C. (Project Crossroads) and in New York City (Manhattan Court Employment Project). Some success has also

been noted in programs where the defendant's alleged criminality is related to a specific social problem such as prostitution or heroin addiction. Of course, in the absence of a provision allowing the tolling of the speedy trial time limits, prosecutors would never agree to such diversion programs. Without such a provision the defendant could automatically obtain a dismissal of charges if prosecution were held in abeyance for a period of time in excess of the time limits set out in section 3161 (b) and (c). This section of S. 754 differs from its counterpart in S. 895. It now requires that exclusion for diversion only be allowed where deferral of prosecution is conducted "with approval of the court."

This assures that the court will be involved in the decision to divert and that the procedure will not be used by prosecutors and defense counsel to avoid the speedy trial time limits.

Absence or Unavailability

Subparagraph 3161(h)(3) provides for exclusion of time during which the defendant or an essential witness is absent or unavailable. Therefore, a fugitive defendant with an outstanding indictment cannot deduct from his 60 days the time during which he avoids prosecution. At the suggestion of Senator Thurmond and Mr. Rezneck, S. 754 was drafted so that it follows the language of the American Bar Association Speedy Trial Standards in defining the terms "absence" and "unavailability." Furthermore, the term "unavailable" means that if the defendant is located in another jurisdiction and is not resisting extradition and the attorney for the Government has exercised due diligence, the reasonable delay related to the administrative operation of the extradition system would also be excluded.

This subsection has been amended by the Committee to include the absence of an essential witness, as well as the absence of the defendant, as one of the periods of delay which are exempted from the time limits. The necessity of including essential witnesses in this exclusion was pointed out by testimony of the Justice Department before the Subcommittee on Constitutional Rights. The subsection as now constructed would remedy the situation in which an essential government witness becomes unavailable on the 59th day after indictment. Under the provisions contained in S. 754 as introduced, the case would be dismissed on the 60th day. This problem is especially acute when expert witnesses are involved because their presence is often required in different courts on the same day.

This problem is resolved by the subsection in that an "absent" or "unavailable" witness is treated in the same manner as an "absent" or "unavailable" defendant. By an "essential witness" the Committee means a witness so essential to the proceeding that continuation without the witness would either be impossible or would likely result in a miscarriage of justice. For example, a chemist who has identified narcotics in the defendant's possession would be an "essential witness" within the meaning of this subsection.

Mental Incompetence Hearings

Subparagraph 3161(h)(4) of the bill as reported deals with the exclusion of periods of time during which the defendant is mentally incompetent to stand trial. Reference is made to the exclusion of periods of time relating to examination for mental incompetency in subparagraph 3161(h)(1)(A) as a "proceeding concerning the defendant". That provision provides for the exclusion of time consumed in competency hearings and a reasonable number of hospital days actually consumed by physicians in mental examination. However, once the defendant is determined incompetent the only consideration is his return to competency. The length of time required for him to do so obviously should not be the basis of a speedy trial claim under the bill. Therefore, a separate exclusion has been added to subsection 3161(h).

Narcotic Addict Rehabilitation Act Proceedings

Subparagraph 3161(h)(5) of S. 754 deals with the exclusion of periods of time during which the defendant is under examination or treatment pending trial pursuant to the Narcotic Addict Rehabilitation Act of 1966 (NARA). Reference is made to the exclusion of periods of time relating to examination for addiction pursuant to NARA in subparagraph 3161(h)(1)(A) as a "proceeding concerning the defendant." That provision provides for the exclusion of time actually consumed in hearings on the issue of addiction and a reasonable number of hospital days actually consumed by physicians in physical examination. However, once the defendant is determined to be an addict and falls within the eligibility provision of NARA, he is covered by that act and speedy trial is much less relevant. Therefore a separate exclusion has been added to subsection 3161(h).

Reindictment After Dismissal

Subparagraph 3161(h)(6) provides for the case where the Government decides for one reason or another to dismiss charges on its own motion and to then recommence prosecution. Under this provision only the period of time during which the prosecution has actually been halted is excluded from the 60-day time limits. Therefore, under 3161(h)(6) when the Government dismisses charges only the time between when the Government dismisses charges to when it reindicts is excluded from the 60-day time limits. For example, if the Government decides 50 days after indictment to dismiss charges against the defendant then waits six months and reindicts the defendant for the same offense the Government only has 10 days in which to be ready for trial.

Joinder of Codefendants

Subparagraph 3161(h)(7) provides for the exclusion of time from the time limits where the defendant is joined for trial with a codefendant who was arrested or indicted after the defendant. The purpose of the provision is to make sure that S. 754 does not alter the present rules on severence of codefendants by forcing the Government to prosecute the first defendant separately or to be subject to a speedy trial dismissal motion under section 3162.

The committee amended this provision, which appeared as 3161(c)(5) in the bill as introduced, to make it absolutely clear that Congress did not intend to alter the traditional rules of severance. According to the Justice Department, the original provision would have required the Government to show good cause for not granting a severance. This is contrary to present law which places the burden on the defendant who seeks the severance. The new provision deletes any reference to burdens of proof or "good cause" and simply refers to codefendants as to whom "no motion for severance has been granted."

"Ends of Justice" Continuance

Subparagraph 3161(h)(8) is the heart of the speedy trial scheme created by S. 754. It allows for the necessary flexibility to make 90 day trials a realistic goal within seven years of enactment.

The provision represents considerable revision by the committee. The original provisions of S. 895 dealing with general continuances, set a dual standard for continuances—in some cases continuances would have been permitted for "good cause" and in some cases to meet the "ends of justice." The original provisions also only allowed seven day continuances for "good cause." The Department of Justice as well as many other commentators and witnesses found the provisions unnecessarily complicated and confusing. Therefore the committee consolidated all of the continuance provisions into one provision, 3161(h)(8) of the bill as reported.

The new provision eliminates the words "good cause" and simply adopts the stiffer "ends of justice" standard—a standard which was used in the original bill for those situations which could not fall within the "good cause" continuance provisions. "Ends of justice" is the standard found in section 3651 of title 18 of the United States Code in reference to suspension of sentence and the granting of probation. In essence, the new provision allows a judge to grant a continuance only where he finds the "ends of justice" outweigh the best interest of the public and the best interest of the defendant in speedy trial. This means that in each case where a continuance is requested, and the factual situation does not fall within 3161(h)(1) through (7), the judge must determine before granting the continuance that society's interest in meeting the "ends of justice" outweighs the interest of the defendant and of society in achieving speedy trial. Furthermore the judge must set out in writing his reasons for believing that in granting the continuance he strikes the proper balance between these two societal interests.

Although it is intended that continuances under 3161(h)(8) should be given only in unusual cases, it is anticipated that the provision will be necessary in many protracted and complicated Federal prosecutions, that is antitrust cases, and complicated organized crime conspiracy cases. However, the Committee has rejected a blanket exception for these cases and opted for a case-by-case approach (see p. 44). Each time such a continuance is granted in a complicated case the judge will still have to weigh the right of society and the defendant to a speedy trial against the "ends of justice." For example, although a case like the alleged conspiracy involving the so-called "Watergate case" might normally be subject to a continuance under this provision because of its complexity, society's interest in a speedy trial in light of the then upcoming election might have outweighed that consideration. Of course, another option open to the judge in that case, were S. 754 the law, would have been to sever the burglary charges from the conspiracy case, and of course a continuance would not have been appropriate in the simple burglary case.

The original "ends of justice" provision contained in S. 754 was vague even when construed in light of the accompanying legislative history. Therefore, upon the suggestion of Senators Hruska and McClellan and the Justice Department, subsection 3161(h)(8) has been redrafted to reflect the Committee's clear intention that the determination of whether or not to grant an exclusion is to be via a balancing test. Before establishing a special, more lenient set of limits, a court would have to determine that the "ends of justice" outweigh the defendant's and society's interest in speedy trial. Also, the section as amended by the Committee sets out, in the statutory language, the specific factors which a judge should consider when weighing these interests. This is designed to give the courts the maximum degree of guidance in interpreting this critical provision.

The new provision suggests three factors which a judge may consider in determining whether to grant a request for a special set of limits. First, it would be appropriate if the judge determines that failure to do so would make "continuation of such proceeding impossible, or result in a miscarriage of justice". For example, the following circumstances would be sufficient to warrant the granting of an "ends of justice" extension: where the judge trying the case, the attorney for the Government, defense counsel, the defendant or an essential witness is ill or unable to continue, or the defense counsel has been permitted by the court to resign from

the case, or the court has removed counsel from the case.

A second factor which the amended section would permit the judge to consider is the overall complexity of the case. The court would rely on its own experience but also upon objective indicators of complexity when granting an "ends of justice" extension.

There are several fairly objective factors that a judge might consider in determining whether to grant a continuance under this provision because of the complicated nature of the case. None of these factors alone should be sufficient to grant a continuance. A judge might attempt to determine through conferences with defense and government counsel the number of days of trial which will be required to present the evidence in the case. For example, in the Southern District of New York, the United States attorney is ready for trial within 60 days of arrest for all "short trial" cases—cases which will take less than three days to try. This rule of thumb might be used under section 3161(h)(8). Therefore a continuance would be more appropriate in a case which is likely to take more than three days to try than in one which will take less than three days.

Another objective indicator of case complexity is the weighted caseload. This is a formula which has been used by the Federal judiciary to measure the complexity of cases for the purpose of determining the true workload for each district so that Congress can know when a new judgeship should be created. The formula is based on a periodic time study by the Federal Judicial Center which analyzes the actual amount of time spent on different kinds of cases. A new index was completed in May of 1971.[1] It would be very appropriate to grant continuances under section 3161(h)(8) for a bribery case which has a weighted caseload index of 5.94, while in the typical auto theft case where the index is only .63 a continuance based on complexity would not be appropriate.

The third factor to be used by the judge in determining whether to grant a continuance under this subsection is related to the second. It would permit an exclusion where proceedings become stalled in grand jury because of the "unusual complexity of the factual determination to be made by the grand jury or by events beyond the control of the court or the government." This provision is specifically designed to deal with the situation where arrest precedes indictment thus commencing the time limits but grand jury proceedings become stalled. It is not designed to cover every situation where grand jury proceedings are delayed—only where the delay was caused when an unusual amount of new or complex evidence is elicited in those proceedings. The more complicated the evidence presented, the more appropriate it would be for a judge to allow a continuance.

A grand jury continuance might be appropriate in a case involving continuing criminal activity, such as an organized crime or internal security conspiracy in which the prosecution has no real choice in commencing prosecution because the police have decided to arrest the defendant for the purpose of stopping the criminal activity. In most other cases, the continuance provision should not be used to give the prosecution time to gather evidence because the Government should not initiate prosecution until it is ready to move fairly rapidly to trial.

However, as a general matter the Committee intends that, except for the above situations, this provision should be rarely used. Furthermore, even the above situations should be handled on a case-by-case basis with the court stating in writing the reasons why it believes that granting the continuance strikes the proper balance between the ends of justice on the one hand and the interest of society in a speedy trial and the interest of the defendant in a speedy trial on the other.

It is assumed that the denial of a continuance under this subsection or any part of 3161(h) would not be appealable as an interlocutory matter. However, the question of the improper granting or denial of a continuance would be a proper question for review on the granting of a motion to dismiss under section 3162 of the act or on review of a conviction after such motion was denied. This provision is, however, not intended to give the prosecution any right to appeal that it does not already enjoy under the Criminal Appeals Act.

Subsection 3161(i) provides that where a defendant pleads guilty and then withdraws his plea that the time limits commence again on the date the plea is withdrawn.

This provision added at the suggestion of the Justice Department, takes into account the relative ease with which pleas of guilty may be withdrawn prior to sentence. Under S. 895, without such a provision, it was possible for a defendant to enter a plea of guilty on the 59th day to one of several charges and wait several weeks, and then withdraw his plea before sentencing, thereby frustrating any prosecution on the other counts which might not yet have been dismissed. It was even possible under the original language that the Government would have been unable to prosecute the defendant with respect to the charge to which he pleaded guilty but subsequently withdrew the plea.

The Committee followed the Justice Department's proposed solution to this problem in providing that the time limts start all over again on the day that a withdrawal of a plea becomes final. Therefore the day on which the defendant withdraws the plea is treated as the initiation of a legitimate subsequent prosecution. If a defendant pleads guilty to a charge on the 59th day after arrest and then withdraws his plea, the withdrawal of plea is treated as the first day of a new prosecution with 60 days remaining in which to try the defendant.

Section 3162 sanctions

Section 3162 declares that if the case is not brought to trial within the prescribed period the charges shall be dropped and that the defendant cannot be reprosecuted except in "exceptional circumstances." Dismissal with limitations on reprosecution would only be imposed beginning seven years after enactment but dismissal without limitation on reprosecution would be imposed during the fifth and sixth years after enactment. If either prosecutor or defense counsel is responsible for intentional delay, he may be subject to sanctions including fines, penalties and a withdrawal of the right to practice for as long as three months.

Title I of S. 754, when considered as a whole, represents a direction by Congress; on behalf of the American people, to the Federal criminal justice system to achieve the goal of 90-day trials within seven years of enactment. Section 3162 assures that the other provisions of title I which set out this laudable goal do not remain an unfulfilled promise. This provision establishes an even-handed scheme of sanctions for violating the speedy trial time limits against two of the critical actors in the Federal criminal justice system, defense attorneys and United States attorneys.

The sanction against the United States attorney and the court for failure to comply with the speedy trial time limits is dismissal of the prosecution. For a discussion of similar provisions being used in State speedy trial schemes and the Committee's reasoning in adopting the dismissal sanctions, see pages 15–17.

The mandatory dismissal section is the most controversial provision in S. 754. The Department originally endorsed mandatory dismissal with prejudice when Assistant Attorney General Rehnquist appeared before the Subcommittee on behalf of the Department but for the past two years the Department has opposed this aspect of the bill. The issue of mandatory dismissal was discussed at some length during the April 17, 1973 hearings conducted by the Subcommittee. Both the Department and Carol Vance of the National District Attorneys Association were attracted by Professor Dallin Oaks' suggestion that a dismissal without prejudice provision might be an acceptable alternative.

Professor Oaks suggests that the Subcommittee look to the California speedy trial statute which provides dismissal without prejudice for failure to comply with the time limits. According to both Professor Oaks and Justice Winslow Christian, then Director of the National Center for State Courts, once a case is dismissed for failure to meet the speedy trial time limits in California it is rarely recommenced. That is because California judges impose a heavy burden upon the prosecution to justify its failure to meet the time limits on the first attempt. Therefore, this burden to justify reprosecution serves as a sufficient deterrent to failure to comply with the time limits while at the same time permitting reprosecution in extreme cases. According to Justice Christian, the metropolitan District Attorneys Offices in California very rarely fail to comply with the time limits. For example, in San Diego in an average year there were only three or four speedy trial dismissals out of 17,000 prosecutions.

The Committee has adopted Oaks' suggestion because of the California experience. S. 754, as amended by Committee, provides that charges be dismissed in cases where the defendant is not brought to trial within the time limits. However, the government can reinstitute charges if it presents compelling evidence that failure to meet the time limits in the first prosecution was caused by "exceptional circumstances which the government and the court could not have foreseen or avoided." This is intended to be an even higher standard than that provided in section 3161(h)(8), "ends of justice." Indeed, in order for the government to reprosecute there would have to exist circumstances which the government could not and did not know about before the original dismissal. For example, "exceptional circumstances" might apply where a defendant or his counsel perjured himself in alleging circumstances which led a judge to dismiss charges for failure to meet the speedy trial time limits. It might be impossible to reinstate the charges were it not for such a provision.

S. 754, as amended, would impose a dismissal without limitation on reprosecution during the fifth and sixth years after enactment. Beginning seven years after enactment dismissal would be with a limitation on subsequent prosecutions. Yet during the second, third and fourth years the only sanction for failure to meet the time limits would be the requirement that each such failure be reported to the District criminal justice planning group and to the Administrative Office of the United States Courts (see sec. 3168). The effect of this part of the Committee amendment plus the elongation of the phase-in (see discussion p. 34) is to increase the severity of the sanction as the length of the speedy trial time limits are shortened. (See Calendar of Implementation, Chart 1, p. 55.)

At the suggestion of the Justice Department, S. 754 adds language which places the burden of proof upon the defendant when he makes a speedy trial dismissal motion. The

[1] For a discussion of the weighted caseload formula and the new index, see *The Annual Report of the Director of the Administration Office of the United States Courts, 1971.* Administrative Office of the U.S. Courts, Washington, D.C., p. 167 ff; and for a discussion as to how the formula was derived, see *The 1969–70 Federal District Court Time Study, June 1971,* Federal Judicial Center, Washington, D.C.

Government would still have the burden of going forward with the evidence in connection with an exclusion under subparagraph 3161(h)(3). Also at the suggestion of the Department, S. 754 would eliminate the requirement, contained in S. 895, that to succeed on the dismissal motion the defendant must show lack of fault for the delay. S. 754 also adds "nolo contendere" to the last sentence so that a plea of nolo contendere, like a plea of guilty, would constitute a waiver of the right to dismissal under the section. The Committee assumes that any waiver of a defendant's right to speedy trial is an intelligent waiver and that a defendant has been informed by the judge of his rights under the statute prior to taking any action which would constitute a waiver to the right to dismissal under section 3162.

The sanction for the failure of defense counsel to comply with the time limits is a scheme of penalties for dilatory tactics. The latter half of section 3162 is based upon an amendment to S. 895 proposed in the last Congress by Senator Thurmond. It sets out four situations when sanctions against counsel would be appropriate: (1) where counsel agrees to a trial date when he knows one of his witnesses will be absent; (2) where counsel files a motion which he knows is frivolous and without merit solely for the purpose of delay; (3) where counsel makes a false statement for the purpose of obtaining a continuance; and (4) where counsel otherwise fails to proceed to trial without justification consistent with section 3161. It sets out a range of penalties including the decreasing of compensation of appointed defense counsel, fines, the denial of the right to practice in that court for as long as three months, and the filing of a report with the appropriate disciplinary committee. The new provision also requires the court to follow rule 42 of the Federal Rules of Criminal Procedure in conducting procedures which lead to such penalties.

Section 3163 effective dates

Section 3163, when read with subsections 3161(b) and (c) and subsections 3161(f) and (g) implements the phasing-in of the time limits. The result is a seven year graduated phase-in of the time limits during which the time limits between arrest and trial are shortened and the sanction for failure to meet the time limits become more severe. (See Calendar of Implementation, Chart 1, p. 55.)

Along with implementing the phase-in of the time limits, this section also specifies which kinds of pending cases will fall under the time limits after enactment. The arrest to indictment time limit would apply to all cases brought on or following the effective date of the Act and also to all summons issued or arrests conducted prior to the effective date but for which no indictment or information has yet been filed. The indictment to trial time limit would apply to all cases brought on or following the effective date and to all indictments or informations filed prior to the effective date.

The effective date of the Act will be one year after enactment. During the year between the date of enactment and the effective date, the interim time limits discussed in Section 3164 will apply.

An important difference between the original section 3163 contained in S. 895 and the new version is that the latter would eliminate the exclusion of antitrust, securities, and tax cases from the act. As Mr. Rezneck suggested, it is these very cases that are responsible for the egregious delays in the Federal courts. In Rezneck's words:

"In almost all such cases, the bringing of a criminal charge follows a long government investigation, involving extensive grand jury proceedings. The defendant also is well aware of the possibility of prosecution and has substantial time to prepare his case even before the formal institution of prosecution. No doubt more time for trial preparation may be required for some of the cases because of their complexity, but the continuance provisions of the Act can make allowance for such cases on an appropriate showing of good cause. A case-by-case approach to such problems is preferable to a blanket exemption for any class of cases."

This is essentially the approach taken by the Committee in its amendment to section 3163 and the "ends of justice" continuance provision, 3161(h)(8) where complex cases would be subject to a case-by-case continuance (see pp. 38–41).

Section 3164 interim plans

Section 3164 would require jurisdictions to implement interim plans within three months of enactment to remain in effect until the effective date of the 90-day time limits of subsection 3161 (b) and (c). (See Calendar of Implementation, Chart 1, p. 55.) These interim plans must provide that all detained defendants and all released defendants considered to be "high risk" by the United States attorney be tried within 90 days.

Section 3164 has been added to title I of the legislation as a result of the suggestion by Professor Freed that certain minimal speedy trial requirements be placed into operation soon after enactment and until the courts are prepared to implement the mandatory time limits. These interim plans would be similar to the plan adopted by the United States Court of Appeals for the Second Circuit. (See Section IV. Discussion, pp. 17–20.) The section would require trials within 90 days for pretrial detainees or "high risk" defendants who are on pretrial release, pending the full effectiveness of sections 3161 and 3162. The sanctions for failure to adhere to the limits would not be dismissal, as in section 3162, but pretrial release in the case of detainees and review of release conditions in the case of high risk releasees. The provision would not apply to detainees who have already been convicted of another offense because independent grounds for their detention exist.

Planning process sections

The overall function of S. 754 is to encourage the Federal criminal justice system to engage in comprehensive planning and budgeting toward the goal of achieving speedy trial. The most widely known section of the bill is the first section which imposes the time limits. However, the most important sections of the bill are the planning process sections (sections 3165–69) which provide a planning process whereby each district court formulates a plan for the implementation of speedy trial and sets out the additional resources necessary to meet the limits of section 3161.

The planning process sections are critical to the bill's success because they provide the vital link between the Federal criminal justice system and the appropriations process. In summary they provide the courts and the United States Attorneys with a mechanism to plan for the implementation of 90-day trials in a systematic manner, to try innovative techniques on a pilot basis, to itemize the additional resources necessary to achieve the 90-day trial goal, and to communicate with Congress concerning its plans and the additional budget requests.

S. 754 as introduced had only one section on the planning process which simply required the courts to formulate a plan for the implementation of speedy trial. The Committee agrees with representatives of the Justice Department and the Federal Judicial Center as well as Professor Freed that section 3165 of S. 754, as introduced, is inadequate. The provision did not set out with sufficient precision the goals of the planning and implementation process, the contents of the district plans or the types of studies and analysis which should precede each plan. Nor did the bill provide for a reporting or information-gathering process which would provide a data base for those preparing the district plans.

Judging from a recent study of the experience in the Federal Judiciary under Rule 50(b), this concern about the planning process of S. 754 is warranted. That study found that most courts responded to the new Supreme Court rule by merely adopting the model speedy trial plan circulated by the Administrative Office of the United States Courts or a plan which was only "slightly different". None of the district courts conducted in-depth analysis of the speedy trial situation within their jurisdictions other than to determine the actual processing times between various stages so that the time limits selected under the plans did not threaten the status quo. The result was that the plans did not require the adoption of new management technology, nor did they isolate causes of delay in the district and attempt to eliminate them. Consequently, the plans simply set norms for processing cases without attempting to shorten the actual case processing time and therefore Rule 50(b) is not having a major impact on the speedy trial crisis in the Federal courts.

The planning process contemplated by S. 754 demands much more of the district courts. The plans cannot simply restate the norms set out in section 3161 of the act as the courts have done with the model plan under Rule 50(b). Under S. 754 comprehensive criminal justice analysis must be undertaken in each district to isolate the causes of delay which keep the district from meeting those norms. The plan will explain those causes of delay and will set out a realistic strategy for attacking them. This amendment will make it absolutely clear what is expected of each district in the planning process and thereby avoid the pitfalls of Rule 50(b).

Some critics of S. 754 have asserted that even if the planning process works perfectly, speedy trial will not be forthcoming. They contend that basic changes in criminal law must precede any effort to achieve speedy trial[2] or that the management techniques necessary to utilize criminal justice resources more efficiently cannot be implemented within the time frame contemplated by the bill or finally that Congress will not appropriate the necessary additional resources to help the system meet the time limits. Therefore, they suggest that the time limits approach be attempted on a pilot basis in several districts with appropriations for additional resources made available in advance.

The revision of section 3165 by the Committee is part of a comprehensive rewrite of the whole planning process. The Committee has (1) revised and clarified the planning process by requiring the establishment of special criminal justice planning groups in each district court (Section 3165); (2) described in greater detail the purpose of the planning process by explaining exactly what must be contained in each district plan (Section 3167); (3) created a reporting system requiring participants in the criminal justice system to report violations of the time limits (Section 3168); and finally (4) authorized five Federal districts to be chosen to plan for speedy trials as pilot districts with the knowledge that funds are to be available from the outset (Section 3169).

Section 3165 planning process

Section 3165 specifically requires that each United States judicial district form a planning group within 60 days of the effective date of this Act, for the purposes of the initial formulation of the District plans required by Sections 3166 and 3167 and the continued study of the criminal justice system in the district.

Section 3165 is designed to broaden the

[2] E.g. repeal of habeas corpus, and modification of the exclusionary role.

base of participants in the planning process. Courts alone do not cause delay, and courts alone or solely in consultation with others cannot cure delay. The district planning group would consist of the Chief Judge, the United States Attorney, the Federal Public Defender, if any, a private attorney experienced in the defense of criminal cases in the District, the Chief Federal Probation Officer and a person skilled in criminal justice research. This group would be charged with gathering the necessary information and undertaking the appropriate studies and analysis and formulating a plan which would be submitted to the district court for adoption. Although purely advisory, the planning group would have a broad jurisdiction and could make recommendations ranging from suggested statutory changes to recommendations as to how many new typewriters the clerk's office will need.

Section 3166 district plans—Generally

Section 3166 is based on section 3165 of S. 754, as introduced. The original provision has been revised to comport with the Committee's elongation of the phase-in of the time limits to seven years. Under the new provision, district plans are prepared one year before each new set of time limits are placed into operation and before the dismissal sanctions go into effect. (See discussion p. 42, and Calendar of Implementation, Chart 1, p. 55.) The section retains the requirement that the reports be transmitted to the Administrative Office of the United States Courts which in turn must summarize the reports within three months and transmit a nationwide report to the Congress.

Subsection 3166(a) requires each district court, upon approval of the judicial council of the circuit, to submit three plans for the trial of cases in accordance with section 3161 to the Administrative Office of the United States Courts. The first plan is to be submitted one year after enactment and would plan for the courts' compliance with the time limits required for the third and fourth years following enactment during which the 45 day arrest to indictment and 120 day indictment to trial time limits are in effect.[3] The second plan is to be submitted three years after enactment and would plan for compliance with the time limits required for the fifth and sixth years following enactment during which the 30 day arrest to indictment and 60 day indictment to trial time limits are in effect. The final plan is to be submitted five years after enactment and would plan for compliance with the combined dismissal sanction with limited reprosecution and the time limits required for the seventh and following years. (See Calendar of Implementation, Chart 1, p. 55.)

Subsection 3166(b) requires the Chief Judge of the Superior Court of the District of Columbia, upon approval of the Joint Committee on Judicial Administration to submit three plans for the trial of cases in accordance with section 3161 of the Act. These plans would be submitted to the Administrative Office of the United States Courts at the same time as the plans required by Subsection 3166(a) and would be formulated after consultation with the Joint Committee and the criminal justice planning group established for the District of Columbia pursuant to section 3165.

Subsection 3166(c) requires that the Administrative Office of the United States Courts with the approval of the Judicial Conference submit three reports to the Congress summarizing the reports to the Administrative Office by the various districts. (See Calendar of Implementation, Chart 1, p. 55.)

Subsection 3166(d) requires that the district plans required by this section will become public documents.

Subsection 3166(e) authorizes the appropriation of such sums as Congress might find necessary for the purpose of carrying out this section.

Section 3167 district plans—Contents

Section 3167 prescribes minimum requirements for the information which must be included in the district plans required by section 3166. The required information includes a description of the conditions present in the district which may affect implementation of the time limits set forth in the Act, the manner in which the district will implement the Act, and a description of procedures and techniques for gathering statistics dealing with implementation of the Act.

In clarifying exactly what must be contained in the district plans, Section 3167 should facilitate compliance with Section 3166. Furthermore, it recognizes many of the problems which the courts had in complying with Rule 50(b) as indicated in the study mentioned earlier. The new section 3167 sets out exactly what statistical information the planning group must place in the plan and requires each district to adopt procedures which will facilitate the reporting process set out in a new section 3168 described below, thereby providing the planning group and the district court with the information it needs to draft a plan.

Section 3168 speedy trial reports

Section 3168 requires the submission of periodic reports by the various participants in the criminal justice system for the purpose of compiling statistics concerning implementation of the speedy trial time limits, the complexity of various types of cases, and the needs of the individual participants in the criminal justice system.

Under the provisions of this section, all participants in the criminal justice process, the prosecutor, the defense attorney, the judge, the district planning groups, the Administrative Office of the United States Courts, the Department of Justice, and the General Accounting Office, will participate in the filing of reports. The reports filed with list problems encountered in meeting the time limits, each extension of time limits and the circumstances under which extensions are granted. Ultimately the reports or summaries will be relayed to the Judiciary Committees and the Appropriations Committee of the House and Senate.

These reports should be invaluable to criminal justice planners in the years before any sanctions are imposed. It will help the planners to anticipate the problems the district will face when sanctions and shorter time limits are phased in. This reporting process continues even after the dismissal limited reprosecution sanction goes into effect in order to provide the planners with information on performance under the time limits so that they can anticipate the rate at which dismissals might occur when that sanction is imposed.

Section 3169 pilot districts

Section 3169 authorizes the appropriation of $5,000,000.00 to be used in conducting the initial phases of planning and implementation of speedy trial plans in five pilot Federal judicial districts. The pilot districts will be selected by the Chief Justice and the Attorney General from applications submitted by the planning groups of the various districts. Funds given to these pilot districts can be used only by a two-thirds vote of the planning groups in the districts selected as pilot districts.

This section grows out of a suggestion by Charles R. Work, former chief prosecutor in the Superior Court in Washington, D.C. (and now Deputy Administrator of LEAA), and Professor Daniel Freed. Its purpose is to test the hypothesis that additional resources can help the system meet the time limits and to experiment with different management techniques and innovations which will help other districts comply with the time limits. Pilot districts will be funded in the first few years so that other districts and the Congress can gain from the experience of the pilot districts before imposition of the shorter time limits and stiffer sanctions in the rest of the nation.

Professor Freed has set out several of the questions which he feels the pilot districts could answer:

"How should money be used to accomplish the intended results? How can Congress ensure that planners will accommodate the availability of funds wisely to situations where inefficiency or tradition or excess proceduralism rather than shortages of personnel or facilities, are the major factors producing delay? Will the knowledge that funds are forthcoming promote unnecessary requests for added manpower and higher salaries, or for research and innovative reforms? What restraints should be imposed on these expenditures? Without funds available to at least some jurisdictions from the outset, how can a district's criminal justice system, or Congress, know, or learn, whether—and how much—money should be appropriated?"

Section 3170 definitions

Section 3170 contains the definitions of terms used in Title I of the Act. The term "offense" is defined in such a manner as to exclude defendants charged with petty offenses from the speedy trial provisions. The terms "judge" and "judicial officer" are defined so that the title applies to the Superior Court of the District of Columbia.

Section 3171 sixth amendment rights

Section 3171 provides that nothing in the speedy trial bill shall be interpreted as a bar to a claim by a defendant that his rights to speedy trial under the Sixth Amendment of the Constitution had been violated.

At the suggestion of Senator Fong a provision has been added to title III of the bill clarifying the intent of the Committee that no provision of this bill is to act as a bar to a defendant's claim of denial of speedy trial under the Sixth Amendment of the Constitution. Therefore, while this bill would be an exercise of Congress' power to implement the Sixth Amendment, it is not intended to be, and obviously could not be, a conclusive interpretation precluding the courts from going beyond Congress if they found the Sixth Amendment's speedy trial provision so required. Similarly, the courts, in interpreting the Sixth Amendment, could not strike down a provision of this Act because, in its view, the Sixth Amendment did not require it. Conceivably a court may determine that the Sixth Amendment requires trials within 100 days. If so, the provisions of this bill permitting trials within 240 days in the second year and within 165 days in the third and fourth years would be in conflict with the Sixth Amendment, and would fail. But the fact that the bill requires trials within 90 days beginning in the fifth year would be unaffected by such a decision. Congress may not do less than the Constitution requires, but it may do more.

TITLE II—PRETRIAL SERVICES AGENCIES

Section 3152 establishment of pretrial services agencies

Section 3152 creates on a demonstration basis in 10 judicial districts, other than the District of Columbia, pretrial services agencies to supervise and control defendants re-

[3] Because section 3161 does not become effective until one year after enactment, S. 754 refers to the second year after enactment as the "first twelve calendar month period after the effective date", the third year after enactment as the "second twelve calendar month period after the effective date", etc. For the purposes of discussion this report refers to the years in terms of years after enactment, not years after the effective date.

leased on bail. The districts are to be selected by the Chief Justice, upon consultation with the Attorney General, on the basis of the number of criminal cases in the district, the percentage of defendants detained before trial, the incidence of crime charged to persons released prior to trial, and the resources available.

Section 3153 organization of pretrial services agencies

Section 3153 creates a board of trustees for the pretrial services agencies in the designated districts. The board shall be composed of the Chief Judge of the Federal District Court, the United States Attorney, the Public Defender, if there is one in the district, a member of the local defense bar, the chief probation officer, and representatives of community organizations appointed by the Chief Judge. The board appoints a Chief Pretrial Services Officer who is responsible for the operation of the agency and who may appoint other personnel to the staff of the agency.

Section 3154 functions and powers of pretrial services agencies

Section 3154 provides that each agency is to perform various functions, as the court shall direct, including: collection and verification of information pertaining to eligibility of defendants for release; recommendation of conditions of release; supervision and control of released persons; operation or contraction of operating facilities for custody or care of released persons, such as halfway houses, narcotics, and alcohol treatment centers, and counseling centers; coordination of other agencies to serve as custodians of released persons; and assistance in securing medical, legal, social and employment assistance to released persons. Information collected by the agencies is to be used only for the determination of bail and is otherwise confidential. The Board of trustees may create exceptions to this confidentiality requirement.

Although the primary function of the pretrial services agencies will be supervision of pretrial release, the Committee does not intend that these responsibilities be restricted to bail proceedings. The agencies could perform any service, as set out in section 3154, for any defendant prior to or event in lieu of trial. For example, the Committee sees no reason why the agencies could not provide services for defendants who are in pretrial intervention programs such as the programs contemplated by S. 798 (93d Cong., 1st Sess.) which was enacted by the Senate on October 3, 1973. Indeed, the pretrial services agencies could even administer a pretrial intervention program so long as such administration would not be in violation of any other statute and so long as such administration would not interfere with the agencies' primary responsibility under this Title.

The whole second title, like the first, is designed to improve the efficiency and deterrent of the Federal criminal justice system. The second title is directed at the problem of defendants who are released pretrial pursuant to the Bail Reform Act of 1966 and either commit a subsequent crime before trial commences or who flee the jurisdiction to avoid prosecution. The title is based on the theory that more careful selection of defendants for pretrial release and closer supervision of released defendants, like trial within 90 days, would reduce pretrial crime. (For a more detailed discussion of the Committee's reasons for title II see pp. 24–25.)

This approach is based upon the experience in the District of Columbia Circuit. The District of Columbia Bail Agency has enhanced the operation of the Bail Reform Act in the District of Columbia because of the reliability of its recommendation for release and the quality of its supervision of released defendants. Title II would improve the operation of the Bail Reform Act by providing 10 Federal districts on a demonstration basis with sufficient resources to both conduct bail interviews and supervise conditions of release. A Pretrial Services Agency similar to the District of Columbia Bail Agency would be established in each of these districts.

There are only minor differences between Title II of S. 895 and Title II of S. 754. The number of pretrial services agencies which could be established have been increased from five to 10. This is based on the advice of criminal justice experts that there were at least 10 Federal district courts which could benefit from such a demonstration project.

S. 754 would also explicitly place the responsibility for establishing the pretrial services agencies upon the Director of Administrative Office of the United States Courts although the Chief Justice would still select the districts. Also the provision would no longer mention the District of Columbia as one of the jurisdictions in which a pretrial services agency must be established since the District of Columbia Bail Agency already serves that purpose.

Section 3153 on the organization and operation of pretrial services agencies has been rewritten so that the pretrial services agencies would be governed by a policy board or coordinating council. Based upon recommendations by Professor Freed and the Department of Justice, the new draft would establish a board of trustees, to be appointed by the Chief Judge of the district court and to be composed of one district judge, the United States attorney, the public defender, a member of the local defense bar, the chief probation officer and two representatives of community organizations.

Section 3154 has been amended to create a limited confidentiality for agency files. The confidentiality provision is designed to promote candor and truthfulness by the defendants would be reluctant to speak to interviewers if the information in the files could be used against the defendant on the issue of guilt. However, the provision does not create blanket confidentiality for the files; it leaves some discretion to the Board of Trustees to develop its own policy on the release of agency files. The Board's regulations must, of course, comport with the general policy set out in the section. As a general rule the agencies' files should only be used in initial bail hearings and in subsequent hearings where there is an apparent violation of release conditions. Exceptions shall be created to permit access by the agency's own personnel and by qualified persons for research purposes. The regulations on release of information for research purposes should require the preservation of the anonymity of the individual to whom such information relates; the completion of nondisclosure agreements by qualified persons and such additional requirements and conditions as the Board of Trustees finds to be necessary to assure the protection of privacy and security interests.

The section also would allow the Board of Trustees to permit dissemination of agency files to probation officers for presentence reports; to third party custodian agencies and in certain limited situations to law enforcement agencies for law enforcement purposes. The Committee has attempted to adopt a compromise between the language contained in the original confidentiality provision for the District of Columbia Bail Agency and the revision of that provision in 1970. The original provision (D.C. Code 23–903) provided a blanket confidentiality of the files, while the only limitation on the use of the information in the 1970 amendments (D.C. Code 23–1303) is that such information could not be used on the question of the defendant's guilt. The 1970 amendments permit the use of the information gained in bail interviews for the purpose of a perjury prosecution or for the purpose of impeaching the defendant's credibility. The Committee's language permits each Board of Trustees to make its own judgment on this question. Finally, the Committee assumes that each pretrial services agency will report annually to the Director of the Administrative confidentiality regulations and that the Director will in turn make a summary of the agencies' experience available in his annual report to the Congress required by Section 3155.

Section 3155 report to Congress

Section 3155 requires that the Director of the Administrative Office of the United States Courts shall make an annual report on the operation of the pretrial services agencies, with special attention to their effectiveness in reducing pretrial crime and the volume and cost of pretrial detention. In this fourth annual report, the Director shall include recommendations for modifications of this chapter or for its expansion to other districts. This report shall also compare the effectiveness of these pretrial services agencies to traditional monetary bail programs. The Director shall also submit to Congress a report on the administration and operation of the whole Speedy Trial Act six years after enactment.

The purpose of this section is to keep Congress informed on the operation of both titles of S. 754. The first subsection of 3155 is specifically concerned with the effectiveness of the 10 pretrial services agencies. The Committee intends that an objective evaluation of each of the 10 pretrial services agencies be conducted. At the suggestion of Senator Bayh this provision was rewritten to assure that the final report on these pretrial services agencies would compare the effectiveness of these agencies to traditional monetary bail programs.

Professor Freed in his testimony before the Subcommittee on Constitutional Rights, pointed out that title II would empower a pretrial services agency to take over responsibility for filing bi-weekly detention reports which the United States attorneys are required to file pursuant to rule 46(g) of the Federal Rules of Criminal Procedure. The reports filed by the Administrative Office of the United States Courts pursuant to subsection (a) should contain summaries of these bi-weekly reports from the 10 demonstration districts. Professor Freed set out an outline of data which might be compiled in this regard in appendix B to his testimony, appearing at pages 148 of the hearings conducted by the Subcommittee in 1971. The reports required by subsection (a) should, at a minimum, contain this information on pretrial detention in the 10 pretrial services districts.

The report required by subsection (b) of this provision is directed more toward the operation of title I of S. 754, although summaries of the findings in the other reports might be mentioned. The Committee intends that a report be prepared similar to Professor Dallin Oak's report to Congress on the operation and effectiveness of the Criminal Justice Act. The Oaks study led to amendments to the Criminal Justice Act and hopefully the report contemplated by subsection (b) would be of sufficient caliber to lead to improvements in the Act.

Section 3156 definitions

Section 3156 contains the definitions for title II.

Section 302 amends the analysis of chapter 207 of title 18, to reflect the amendments made by title II of the bill.

Section 303 authorizes the appropriations

of $10,000,000 for the fiscal year ending June 30, 1974, and such sums as Congress might find necessary in subsequent years.

The Committee arrived at the $10,000,000 authorization by considering the budget of the District of Columbia Bail Agency and the expense of conducting the sophisticated evaluations required by section 3155. Of course, this is only an authorization and the Appropriations Committees of both Houses of Congress would have to conduct hearings to determine whether $1,000,000 need be spent on each of the pretrial services agencies. Some districts where pretrial services agencies will be established will have a caseload considerably less than the District of Columbia Bail Agency, and presumably the appropriation would reflect that difference.

Section 304 amends section 604, title 28 of the United States Code, relating to the functions of the Director of the Administrative Office of the United States Courts, to reflect the new duties imposed by the creation of pretrial services under this title.

CHART 1

	Year 1 [1]	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7 and thereafter
Interim limits							
Time limits		Arrest to indictment, 60 days; indictment to trial, 180 days.	Arrest to indictment, 45 days; indictment to trial, 120 days.	Arrest to indictment, 45 days; indictment to trial, 120 days.	Arrest to indictment, 30 days; indictment to trial, 60 days.		
Sanction		Report failure to meet all time limits.			Dismissal for failure to meet arrest-indictment and indictment-trial time limits.		Dismissal without prejudice for failure to meet arrest-indictment and indictment-trial time limits with a burden on the Government for reprosecution.
Planning process	60 days after enactment: District planning groups established. 1 year after enactment District plan for years 3 and 4 filed with Administrative Office.	15 months after enactment: Years 3 and 4 District plans summarized and sent to Congress.	3 years after enactment: District plans for years 5 and 6 filed with Administrative Office.	39 months after enactment: Years 5 and 6 District plans summarized and sent to Congress.	5 years after enactment: District plans for year 7 and thereafter filed with Administrative Office.	63 months after enactment: District plans for year 7 and thereafter summarized and sent to Congress.	

[1] Because sec. 3161 does not become effective until 1 year after enactment. S. 754 refers to the 2d year after enactment as the "1st 12 calendar month period after the effective date", the 3d year after enactment as the "2d 12 calendar month period after the effective date", etc. For the purposes of discussion this report refers to the years in terms of years after enactment, not years after the effective date.

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 assistant legislative clerk preceded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS UNTIL 1:30 P.M.

Mr. HARRY F. BYRD, JR. Mr. President, I move that the Senate stand in recess until 1:30 p.m. today.

The motion was agreed to; and at 1:05 p.m. the Senate took a recess until 1:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. NUNN).

The PRESIDING OFFICER (Mr. NUNN). The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROBERT C. BYRD. Are there any conference reports at the desk?

The PRESIDING OFFICER. The Chair does not have any conference reports.

Mr. ROBERT C. BYRD. I understand that the conference report on the trade measure is on its way to this body.

UNANIMOUS-CONSENT AGREEMENT—S. 425

Mr. METCALF. Would the distinguished acting majority leader allow me to make a unanimous-consent request?

Mr. ROBERT C. BYRD. Yes.

Mr. METCALF. Mr. President, I had a great deal of activity with respect to the surface mining bill, S. 425. I still do not know whether the President is going to veto the bill or whether he is going to sign the bill.

I ask unanimous consent that in a succeeding issue of the CONGRESSIONAL RECORD I be permitted to make comments about the bill after the President has indicated his action on the legislation.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. METCALF. I thank the Senator.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE DEAL ON THE TRADE BILL

Mr. LONG. Mr. President, there appeared in the Washington Post this morning what I regard as a rather intemperate and poorly informed editorial which I felt should be the subject of at least some modest comment.

Let me just read the first sentence:

The squalid deal the Senate Democrats have forced on President Ford, as the price of passing the trade bill, evidently cannot be undone.

Mr. President, I am not aware of any deal that President Ford has made on the trade bill or made on the cargo preference bill or any other bill. I think I had some impression of what the President's reaction was to the trade bill as it stood about 4 or 5 months ago.

At that time I inquired of the President what his reaction to that bill was, and the impression I gained was that he was somewhat favorably disposed to it, but he felt that he ought to have more flexibility, so if he thought it was not working out very well he could suspend it.

After hearing the President's views on the matter, I undertook to see that that measure would be amended in such a fashion that the President would have the kind of flexibility that he seemed to think he should have if that bill became law.

Now, since that time there have been a lot of editorials and, I think, a lot of them were promoted by either the Exxon Corp., or this organization that calls itself the American Controlled Shipping Corp., the old foreign flags of convenience group, promoted in a lot of newspapers giving this shipping bill a very bad press.

It may be that after all the editorials have just taken a view if this little bill becomes law it will bring the country to an end, that the President might be intimidated into vetoing the bill and, for that matter, I was never confident he was going to sign it anyway.

All I can say is that in my discussion with the President, which was several months ago, I merely gained the impression as of that date if the bill were drawn in a fashion so that it had sufficient flexibility that he would consider signing it. I have seen the President several times since that moment, and the matter was not even discussed. So where these people get their information is news to me.

I would think that in an editorial of that sort someone would bother to undertake to check some of his facts because there is no deal with anybody of any sort whatsoever. I assume the President will do what he thinks is right with regard to the matter just as I have done with what I thought was right as my Maker gives me the light to see it.

Now, some of the language, Mr. President, is really pretty irate and intemperate. Let me read this:

The real blame for this reprehensible deal lies with Senator Long, the Senate Democrats who supported him, the insatiable maritime unions and the shipyards—in that order.

Well now, I am glad to know that. I did not know that I had anything to do with a deal of any sort in connection with this matter.

I would say, Mr. President, that I was trying to do just the way this great newspaper was suggesting in an editorial a week ago. They said that the trade bill ought to be passed and that it should not be loaded down with amendments that were not strictly germane to the bill. That is what we did. They did not want the cargo bill added on the trade bill. I did not add that; I left it off.

Then, I see here that I am supposed to have made some kind of deal to make the Senate pass a bill.

Mr. President, we called the bill up; it was a privileged matter.

When I was told that some Senators might decide to use dilatory tactics, which were certainly their right, to see that the bill did not become law, I brought the conference report up while we were considering the trade bill because I knew that at that point the President's official family, the Secretary of Commerce, the Special Trade Representative, and others, if need be, would do what they could to see that both measures came to a vote, so that the bills would go to the President's desk and the President would work his will.

For example, the Secretary of Commerce, Mr. Dent, is strongly opposed to the cargo bill, and yet he did all he could to see that both bills were voted on so that they would go to the President's desk and the President could do what he wanted to do about those measures.

Mr. President, I wrote a letter in response to the matter, to be delivered by hand to the great Washington Post. I hope that they might find sufficient intellectual tolerance to print a point of view at variance with their own.

Ordinarily, of course, our RECORD of today will not be fully available until Senators have had a chance to make their insertions, so it will be some time before it appears in the CONGRESSIONAL RECORD, generally available, I suppose.

Mr. President, I ask unanimous consent that the letter I wrote about this matter be printed in the RECORD.

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

U.S. SENATE,
December 20, 1974.

THE EDITOR,
The Washington Post,
Washington, D.C.

DEAR SIR: If your editorial, "The Deal on the Trade Bill," was intended to be amusing, you will be pleased to know that it afforded me several good laughs. It has been my experience as a legislator that the light by which one's conduct is judged tends to depend on whose ox is being gored.

Surely, you must have agreed with my efforts to pass the Trade Bill, the Social Services Bill, and as much of the tax-reform proposals as I could persuade the Senate to agree upon.

Your previous editorials have led me to believe that you will commend the President profusely for signing the Trade Bill. That bill contains literally hundreds of provisions which provide protection in one respect or another for various segments of American labor and industry. Some have even described the bill as a "protectionist" measure. I might point out that there is no fundamental difference between protecting American jobs here and on the high seas.

You also assume that I have a "deal" with President Ford on the Cargo Preference Bill. I have been asked about that matter many times and I have told everyone, including one of your very able reporters, that there is no deal of any sort. To be exact, I gained the impression from talking to the President that he was favorably inclined toward the Cargo Preference Bill. This impression I gained from a conversation several months ago. I have seen the President several times since then and the subject has not even been discussed.

The President might be impressed by your editorial, as well as others that have been promoted by the major oil companies who oppose the Cargo Preference Bill. Frankly, if the purpose of your editorial was to intimidate the President into vetoing the bill, I suspect it will be counterproductive when he finds himself accused of deals he did not make and reads such language as "squalid, notorious, reprehensible" and other language implying highly improper conduct of which he is completely innocent.

The late Richard Newberger is remembered fondly for a story he used to tell us, stressing the need for intellectual and religious tolerance. He laid great stress on the fact that you must always keep in mind that the other fellow might be right. I am strongly convinced that my side of the argument over this issue has more logic to support it than your side, but I would be the first to agree that history might prove me to be in error. I would commend this sort of intellectual fairness to you. It is my theory that this world is a sort of testing place, and I suspect that it will be a much later date and perhaps in a different world that we will know for sure who was right about some of these controversial issues.

Sincerely,

RUSSEL B. LONG.

THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. ROBERT C. BYRD. Mr. President, I submit a resolution and ask for its immediate consideration.

The resolution (S. Res. 471) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the thanks of the Senate are hereby tendered to the Honorable James O. Eastland, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the Ninety-third Congress.

AUTHORITY TO MAKE CERTAIN APPOINTMENTS AFTER THE SINE DIE ADJOURNMENT OF THE PRESENT SESSION

Mr. GRIFFIN. Mr. President, I submit a resolution and ask for its immediate consideration.

The resolution (S. Res. 472) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That, notwithstanding the final adjournment of the present session of the Congress, the President of the Senate or the President pro tempore of the Senate is hereby authorized to make appointments to commissions or committees as authorized by law, by concurrent action of the two Houses, or by order of the Senate.

THANKS OF THE SENATE TO THE ACTING PRESIDENT PRO TEMPORE

Mr. MOSS. Mr. President, I submit a resolution and ask for its immediate consideration.

The resolution (S. Res. 473) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Lee Metcalf, Acting President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over the deliberations during the second session of the Ninety-third Congress.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

THE U.S. RAILWAY ASSOCIATION

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON), from the Committee on Commerce, I send to the desk a report and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Charles B. Shuman of Illinois to be a member of the Board of Directors of the U.S. Railway Association.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

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

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES DURING THE SINE DIE ADJOURNMENT OF THE SENATE

Mr. MOSS. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives during the sine die adjournment of the Senate.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1328.

CONVEYANCE TO JASPER COUNTY BOARD OF EDUCATION, GA.

The bill (H.R. 510) to authorize and direct the Secretary of Agriculture to convey any interest held by the United States in certain property in Jasper County, Ga., to the Jasper County Board of Education, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MOSS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, the Senate is waiting on conference reports from the other body. I am doing everything I can to expedite the transmittal of the conference reports to this body so we can complete our work and adjourn sine die.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TENDERING THE THANKS OF THE SENATE TO THE VICE PRESIDENT FOR THE COURTEOUS, DIGNIFIED, AND IMPARTIAL MANNER IN WHICH HE HAS PRESIDED OVER THE DELIBERATIONS OF THE SENATE

Mr. HUGH SCOTT. Mr. President, I submit a resolution and ask for its immediate consideration.

The resolution (S. Res. 474) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Nelson A. Rockefeller, Vice President of the United States and President of the Senate, for the courteous, dignified and impartial manner in which he has presided over its deliberations during the second session of the Ninety-third Congress.

Mr. HUGH SCOTT. I thank the Chair.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AUTHORIZING THE PRESIDENT OF THE SENATE TO SIGN ENROLLED BILLS AND RESOLUTIONS

Mr. HUGH SCOTT. Mr. President, I introduce a resolution and ask for its immediate consideration.

The resolution (S. Res. 475) was read, considered by unanimous consent, and agreed to as follows:

Resolved, That, notwithstanding the sine die adjournment of the two Houses, the President of the Senate, the President pro tempore, the Acting President pro tempore be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed and found truly enrolled.

QUORUM CALL

Mr. HUGH SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

What is the pending business? What is the will of the Senate?

HENSLEY LAKE, CALIF.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the bill, H.R. 12044, reported earlier today from the Committee on Public Works, be laid before the Senate for our immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

H.R. 12044, an act designating the lake created by the Hidden Reservoir Project, Fresno River, California, as "Hensley Lake."

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

TRADE REFORM ACT OF 1974—CONFERENCE REPORT

Mr. LONG. Mr. President, I submit a report of the committee of conference on H.R. 10710, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10710) to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of today.)

Mr. HELMS. Mr. President, I am highly disturbed at what has happened to my amendment to the trade bill, not because it is an amendment which I offered and persuaded the Senate to pass, but because it was an amendment which I thought would bring new hope to American families whose loved ones are separated from them in Communist countries, and who are harassed and prevented in their attempts at unification. We are coming very close now to the

Season of Peace, when men of all faiths and persuasions stop and reflect upon the inner meaning of life, and the value of love and dignity. It is uniquely a time for families, for family celebrations, and family reunions. But we know there are many families in this country who will have no reunions, whose loved ones are separated by cruel barriers erected by totalitarian political systems.

We all have heard the stories. Each one is an individual case, yet each one contributes to the curtain of misery which shuts out the light of humanity and toleration. To many of us, the stories may sound alike—the tramping through miles of snow and ice on winter nights, the merciless strands of barbed wire separating families from freedom, the menacing lines of Communist troops, all on the ready to shoot at the slightest suspicion. But to the individuals these memories remain. And for the close relatives who had to be left behind in the exigencies of haste and danger, those nights of terror were a traumatic experience, one of life's watersheds after which nothing was ever the same.

We are proposing now to extend credits and credit guarantees to those same countries so that they can enjoy the benefits of our trade. Now, Mr. President, I realize that trade is supposed to be a two-way street, that profits both sides. But, in fact, the transactions with nonmarket economy countries will not be merely economic transactions. They will represent an infusion of technology and capital into countries whose creativity and development have been restrained by the heavy hand of tyranny. Western technology is absolutely essential to their future economic development. Naturally, they will pretend that they do not need Western technology; but we know that the facts are otherwise. The technology we supply will have an impact entirely out of proportion to the economic value of such trade. It will help these nonmarket countries build an economic infrastructure that they cannot build otherwise. The leverage on their development is crucial to their future.

This leverage can be exerted exactly in the same proportion in our dealings with nonmarket countries. Since the economic exchange is secondary, we must demand some other quid-pro-quo. The amendment offered by the distinguished Senator from Washington (Mr. JACKSON) and by Congressman VANIK in the House, was intended to exercise this leverage, and it was admirably designed to do so. It was intended to bring about the release of victims of oppression.

As we know, the Soviets are hard bargainers. They insisted that they did not need our trade so badly that they would give up the victims of oppression. It is very strange that the administration did not insist upon this point. Trade with nonmarket countries is worthless to us unless we get some definite lifting of restraints. It is even stranger that the administration held the trade bill hostage in order to bring about this increased trade with nonmarket countries. It is my judgment that if nonmarket countries had been excluded from consideration in broadening our trade policies, we would have had a trade bill months ago, and the improved impact upon our balance of payments would already be noticeable. If economic interests were what were uppermost in the mind of the administration, they would have dropped this insistence upon increasing trade with nonmarket countries. Or, if the administration had allowed the original Jackson-Vanik language to go through, as demanded by an overwhelming majority of this body, we could have had a trade bill long ago. In my judgment, the economic benefits to be gained from increased trading with nonmarket countries are far too few to justify the price we have already paid.

The Senate is familiar with the October exchange of letters between Secretary of State Kissinger and Senator JACKSON. That exchange of letters is full of lofty language on the Secretary's part, and hopeful expressions on the part of the Senator from Washington. I might add that the Senator's hope was justified by the Secretary's statements available to the Senator at that time.

But we also know that the Secretary subsequently came before the Senate Finance Committee on December 3, and described a much flimsier arrangement with the Soviet Union, a sort of personal commitment, with no agreement whatsoever on a government-to-government basis. I put those statements in the RECORD on December 13. Moreover, the Secretary admitted that the principal concern of his talks with the Soviet Union had been increased Jewish emigration, whereas the understanding of the committee in its report of November 26 had been that any assurances from the Soviet Union or any other nonmarket country would apply to all ethnic and religious groups.

It was because of Secretary Kissinger's plain testimony that I offered my amendment to the trade bill. I was fearful that the administration would interpret section 402 loosely. When I first offered the amendment on December 10, I said:

As a result of Secretary Kissinger's candid testimony before the Senate Finance Committee on December 3, 1974, however, it is now clear that we must reexamine title IV of the Trade Reform Act and its accompanying amendments. The understanding that now emerges is wholly contrary to that which was presented to us earlier. In response to probing questions by members of the Senate Finance Committee, Secretary Kissinger has given us a clearer, if not a new, picture of the negotiations that have taken place between American and Soviet officials regarding the issue of immigration. Now we are told that no real agreement has been reached between American and Soviet officials after all. In his statement to the committee, Secretary Kissinger frankly admitted that he would not give "any assurances concerning the precise emigration rate that may result, assuming that the trade bill is passed and MFN is extended to the USSR.

And then I went on to say:

This testimony of Secretary Kissinger thus shows beyond all reasonable doubt, Mr. President, that we even lack assurances that Jewish emigration will be increased in the Soviet Union, let alone emigration of all other citizens of Communist countries. At best, Secretary Kissinger has offered us, as an article of faith, a vague hope that if we grant trade concessions to the Soviet Union, that the Soviet Union might be willing to increase Jewish immigration.

Because it was obvious that the Soviets were not about to agree to the spirit of the Jackson-Vanik proposal, even with the 18-month Presidential waiver, I felt that something had to be done, if only for the very close relatives of American citizens living in nonmarket countries. I thought that it was asking too much of the American people to give up valuable economic advantages and get so little—if anything at all—in return. I thought that the American people themselves should get something. I realized that we could not expect a wholesale reform of the Soviet system, not even as it pertains to emigration. But we could settle for direct benefits to American families who have relatives in nonmarket countries. My amendment was therefore drafted to constitute a new section of title IV, completely separate from section 402 with its waiver provisions. I felt that the waiver allowed the administration too much leeway for interpretation on such an important and humanitarian concern as reuniting families.

It was on this basis that my amendment was offered on December 13. As it was originally offered, it contained not only provisions to encourage emigration, but also the right to visit. The point of including visits was to lessen the burden on would-be emigres in nonmarket countries. An application for a visit would create less of a problem for them, and less suspicion. The right to visit could lead directly to increased emigration. I engaged in a colloquy with the distinguished Senator from New York (Mr. JAVITS) and agreed, out of senatorial courtesy, to lay my amendment aside while further discussions could take place, so as not to hold up the Senate. Further discussions were held off the floor, with the distinguished Senator from Washington (Mr. JACKSON), the distinguished Senator from Connecticut (Mr. RIBICOFF), and the distinguished Senator from New York (Mr. JAVITS). When my amendment was taken up again, I agreed to the modification suggested by the distinguished Senators, namely, to remove references to the right to visit. The original amendment, I should emphasize, had been previously cleared with the managers of the bill, the distinguished Senators from Louisiana and Utah, Senators LONG and BENNETT. Thus it became part of the Senate bill.

Mr. President, when the Senate approved my amendment, not even the distinguished Members of this body knew how important it was to the cause of increased immigration. For it was only 2 days ago that word came that the Soviet Minister of Foreign Affairs, Mr. Gromyko, had written to Secretary Kissinger on October 25 completely repudiating the exchange of letters between the Secretary and Senator Jackson. Not only was there no agreement, not even on Jewish emigration, but the Foreign Minister stated that even Jewish emigration was declining.

Mr. President, it is plain that Secretary Kissinger was correct when he said that there was no agreement on emigration, as I had pointed out on December 10; but it also appears that Secretary Kissinger misled the Members of this distinguished body when he implied that there would be an increase in emigration.

Mr. President, I ask unanimous con-

sent that an article that appeared in the New York Times yesterday about the Gromyko-Kissinger exchange of letters be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. I also ask unanimous consent that the entire record of the Kissinger-Jackson letters, the Gromyko letter, and the Kissinger testimony, as it appeared in the Times yesterday, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. HELMS. Mr. President, when such a lack of candor is so evident even during the preliminary negotiations, what can we expect when the authority is given to apply an 18-month waiver to nonmarket countries? The lofty goal of increased immigration can be given such a flexible and deliberate period of time for continuing assurances, but we should not put the very close relatives of American families to such a leisurely test. If we are going to trade with nonmarket countries, we want these very close relatives out, and out now.

Let me give you an example. I have in my hand a letter that was received a few days ago from Poland. It was mailed on November 29. I will not give any names, for obvious reasons, but the letter reads as follows:

> I am asking you, Honorable Sir, and I am asking you, from all my heart, if you can do this for me, please. I am asking you if, by some miracle, you could send me an invitation. I would like to go to the United States of America even if only for one hour, I am willing to work at any place in any type of work. I could work as a mechanic, or as a smith, or I would accept work as a simple laborer on a farm, because I like to work and I am not a drinker. If you could do this, I would repay you with my gratitude. Please answer my letter.
>
> Thank you very much.

This is typical of the heart-rending appeals that relatives receive constantly. And there is nothing that they can do about it, because of the totalitarian nature of the countries they live in, and because of the insensitive bureaucracy of our own country. I received yesterday morning a letter from Assistant Secretary of State Linwood Holton, with reference to my amendment. As was made clear on the floor, my amendment was intended to cover Poland, as section 402 did not. Governor Holton writes:

> Among the Warsaw Pact nations, Poland has long been among the most liberal (with regard to emigration policies).

And further:

> We have been assured that the Polish government will continue to accelerate its handling of divided families' applications.

Yet this is contrasted with the letter I have just read, and with the reports I receive of the difficulties which Poles have who seek to emigrate, particularly those in the younger age groups. I realize that Governor Holton functions as a legislative liaison, and is not responsible for Department policies in this matter. His letter is simply expressive of Department policy, and it expresses that policy more accurately than I could.

Mr. President, I ask unanimous consent that Governor Holton's letter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 3.)

Mr. HELMS. It is clear from such correspondence, and from Secretary Kissinger's correspondence, that a procedure is necessary that is exmept from the waiver provisions of section 402. That was the intention of my amendment. That intention was clear from the drafting of it as a separate section. I thought that intention was clear to everyone. Indeed, no one ever mentioned the waiver aspect of 402 with regard to my amendment, since it was clear that it did not apply. The understanding that was reached with the managers of the bill, and with the managers of the Jackson amendment never even touched upon the question of a waiver. In none of the discussions held on the floor, or off the floor, with regard to my amendment, was the issue of the waiver ever raised. For, plainly, the waiver would render my amendment superfluous.

The Senator from North Carolina was therefore astonished to learn that later in the day, the distinguished Senator from Wisconsin (Mr. NELSON) offered an amendment that was described as a technical amendment, whose intent was to apply the waiver of section 402 to my amendment. The distinguished Senator spoke as follows:

> Mr. NELSON. Mr. President, the legislative counsel advises that the waiver provision of the Jackson amendment does not, in fact, apply to the amendment offered by the distinguished Senator from North Carolina (Mr. HELMS).

Well, of course, Mr. President, the distinguished Senator was correct. The legislative counsel could not have advised in any other way, since it was perfectly plain that the Helms amendment was completely independent of the Jackson amendment, and was clearly intended to be. That was obvious to one and all from the start. My amendment was offered on December 10. A full explanation was available in the RECORD. It was a printed amendment which was on everybody's desk.

However, the distinguished Senator continued as follows:

> It was everybody's intent, I am sure, that the same waiver amendment that applies to the Jackson amendment apply to the Helms amendment.

He then moved the adoption of his own amendment, and it was accepted.

Mr. President, in this statement, the distinguished Senator was misled. It was certainly never my intent that the Jackson waiver should apply to my amendment, nor did the distinguished Senator consult me, nor did he notify me so that I could appear on the floor for interrogatories if needed. Had he done so, I am sure that the matter of intent could have been cleared up. For I think that it is manifest that the distinguished Senator's amendment is not a technical amendment at all, but an amendment that exactly reverses my intent and the intent of the Senate in passing my amendment. Indeed, it negates the benefits of my amendment.

Now since the distinguished Senator from Wisconsin did not participate in the colloquies on the floor with regard to my amendment, and did not participate in any of the discussions off the floor, it is easy to understand why he may not have been fully aware of the consequences of his amendment, and why he was apparently unacquainted with the agreement which had been reached with the distinguished managers of the bill and the distinguished managers of the Jackson amendment. It is also easy to understand why the Senate itself may not have realized that it was, in fact, reversing its opinion in a few brief seconds after only two sentences of debate.

Ironically, the so-called technical amendment of the distinguished Senator was technically at fault itself, since it applied only to "section 409." While I brought up my amendment as a proposed "section 409," another amendment was passed when I laid my amendments to one side out of Senatorial courtesy, and the other was given the number "section 409." In the engrossed bill, my amendment became "section 411." I therefore urged the conference to delete the Nelson amendment entirely, since it was technically futile and contrary to the intention of the Senate in passing my amendment.

Unfortunately, it may be that the conference did not fully appreciate the extraordinary circumstances surrounding the passage of the Nelson amendment. In any case, the legislative history had been made. I therefore strongly object to the retention of the Nelson amendment in the conference report. The Senate should have an opportunity to clarify the record on this point. For if we pass the conference report as it stands, we will destroy the hopes of many hundreds of American families to be reunited with their close relatives. At Christmas time, a time of hope and peace, we will be sowing despair and gloom. Every Senator in this body will be held responsible for the actions of the conference. We should at least make it clear that the Senate had no part in dashing the expectations of American families to be reunited with the loved ones—and almost on Christmas Eve.

It is also ironic that the conference also deleted Poland and Yugoslavia from my amendment, a point I had emphasized on the floor. For section 402 deals with both the MFN and credits, while mine deals only with credits and guarantees. It has nothing to do with MFN.

After all, we know that MFN is hardly more than an honorary status. It is the credits and guarantees that count. Yet the conference excepted from my amendment nonmarket countries which already had MFN status. Certainly, my amendment could not have taken MFN away from Poland, but it could have blocked expansion of trade unless we had a quid-pro-quo on emigration. Whether it was the influence of the State Department, with their tortured acceptance of Polish emigration practices, or some other influence, I cannot say. I regret,

and I am sure that most Polish-Americans regret, the deletion of this leverage over the Communist government in Poland, and I am sure that Senators will be hearing soon from their Polish constituencies if Poland is exempted from the benefits of increased emigration of relatives. It is especially difficult to explain this deletion in view of the fact that the State Department has already given assurances of satisfaction with Polish emigration practices, as indicated in the letter I have just quoted from Governor Holton. If Polish emigration practices are satisfactory, then my amendment would be no obstacle to increased trade. I should think that we would want to keep the leverage in the background.

But in any case, even if my amendment were applied to Poland, its effect will be diminished, or even wiped out, if the waiver in section 402 is applied to my amendment. Everybody loses if the waiver is kept. I do not think that we can do business, for mere monetary gain and profit, at the expense of American families who are separated from their close relatives by tyranny.

As I conclude, Mr. President, I want to emphasize that I am not resentful of the way my amendment was treated, either in the Senate or by the conferees. I understand the give-and-take of the legislative process, and I respect it. And I can assure Senators that I submitted my amendment as a matter of conscience.

I was blessed, Mr. President, to have been born in the United States. I have no parents or children, or other relatives, living in subjugation in other lands. But I have been in contact in recent weeks, Mr. President, with people who do. I have seen the tears in their eyes. I have heard their pleas for help. And though I am a freshman Senator, with little seniority and no power, I resolved to try to help them if I could. That, Mr. President, was the genesis of my amendment. That is the only reason I submitted it.

I now recognize the odds against my being successful. But with the Christmas season approaching, I simply could not dismiss these pleas for help in order to expedite my trip home to be with my children and grandchildren around the Christmas tree.

I mean not to be pious, Mr. President, but I simply felt that I could not enjoy the approaching Christmas Day unless I made the effort to put this Congress, and this Government, on record that America does have the courage to stand up for the oppressed.

I intend no rancor, Mr. President, when I suggest that it is not the Senator from North Carolina who was harmed by the gutting of my amendment. If it was to be rejected, I wish, of course, that it could have been done on the floor of this Senate, in a frank and open way. I hope it can be said that I presented my case frankly and openly, and that I extended every courtesy to Senators who questioned the advisability of my amendment. I agreed to a modification which, as I said on the floor of this Senate, I did not desire. But I wanted to be accommodating, and I did not, and I shall never, want to deny any Senator any courtesy, nor circumvent his rights.

It is with reluctance that, in a moment, I shall move to table this conference report—not to kill it, and not even with any supposition that my motion to table will prevail. I will do so simply to give Senators one last opportunity, which will require only a little while, to insist that the conferees be called together again for the purpose of removing the waiver provision from my amendment. The conferees can do it in less than 5 minutes, and in doing so, they can say to U.S. citizens who have relatives living in oppression in other countries of the world: Yes, we will help you.

That is the issue, Mr. President—the issue of whether we will walk away from this opportunity, this duty, to oppose the continued oppression with our every means.

If my motion to table is rejected, Mr. President, I shall accept the verdict of the Senate cheerfully, in the knowledge that I did the best I could.

I thank the Senator.

EXHIBIT 1

[From the New York Times, Dec. 19, 1974]

SOVIET DENIES ANY PLEDGE TO EASE EMIGRATION CURB TO WIN U.S. TRADE BENEFIT

(By Bernard Gwertzman)

WASHINGTON, December 18.—A House-Senate conference committee agreed tonight on the final version of the trade reform bill despite a last-minute disavowal by Moscow of any deal linking trade concessions to easier emigration from the Soviet Union.

The trade concessions, in the form of lower American tariffs on Soviet products were approved for 18 months and may then be withdrawn if Soviet emigration practices are not liberalized. Both the Ford Administration and key members of Congress said earlier today that, despite today's Soviet statements, they still expected Moscow to ease its restrictions.

The Soviet statements were the latest complication in the drawn-out negotiations involving the Kremlin, the Administration and the Congress over the trade and emigration link.

The statements highlighted Secretary of State Kissinger's crucial role as a mediator seeking informal understanding from the Russians to meet Congressional demands, and formal agreements from Congress to allow the Administration to carry out a promise to give Moscow the same trade benefits as other countries received.

Left unclear was an apparent discrepancy between earlier statements by Mr. Kissinger that he had been "assured" of easier exit procedures and therefore assumed a rise in emigration, and an assertion by Foreign Minister Andrei A. Gromyko, in a letter made public today, that no "assurances" relating to emigration had been given and that the number of persons leaving the Soviet Union was officially declining.

By the end of the day, after close examination of what the Soviet Union had said, the initial concern that the trade compromise might be endangered had passed.

On Capitol Hill, where the trade bill containing provisions to liberalize trade with the Russians was making progress in a Senate-House conference committee, the mood was surprisingly relaxed. Most legislators said they regarded the statements as "face-saving" or issued for internal Soviet reasons.

"We should keep our cool," said Senator Henry M. Jackson, the author of the amendment giving the Russians trade concessions in return for liberalized emigration.

He told newsmen that he would press for approval of the trade bill by both houses this week and he noted that if the Russians did not liberalize emigration, they would lose the trade-benefits, which include nondiscriminatory tariffs and continued Export-Import Bank credits.

The State Department, initially surprised by the Moscow statements, later said that Secretary of State Kissinger stood by the letter he had sent to Senator Jackson on Oct. 18 outlining expected Soviet measures on emigration in response to trade benefits.

Tass, the Soviet news agency published this afternoon an Oct. 26 letter from Foreign Minister Andrei A. Gromyko to Mr. Kissinger that denied that any specific assurances had been given on emigration.

"The private communication from Foreign Minister Gromyko to the Secretary of Oct. 26, which was published by Tass today, does not in our view change the understandings referred to in the Secretary's letter to Senator Jackson of Oct. 18," the department said.

But it added that the Administration "has always made clear" that it had no agreement on the number of emigrants who might leave the Soviet Union.

The number of emigrants has been a controversial part of the three-way discussions held by the Soviet Union, the Administration and Congress.

Last year, the Soviet Union allowed 35,000 citizens to depart, mostly Jews for Israel. This year the number has dropped to about 25,000.

Mr. Kissinger, in an exchange of letters with Mr. Jackson, Democrat of Washington, on Oct. 18, said that because Soviet officials had assured the United States that harassment would end, "it will be our assumption" that "the rate of emigration from the U.S.S.R. would begin to rise promptly from the 1973 level and would continue to rise to correspond to the number of applicants."

60,000 a "Benchmark"

Mr. Jackson responded that the Congress would regard a rise to 60,000 as a "benchmark" to test Soviet compliance with the admittedly unofficial understanding. Mr. Kissinger said the Administration would include that figure "among the consideration" to be applied when deciding to seek renewal of the trade benefits when the original authorization expired after 18 months.

As Mr. Gromyko made clear in his letter given to Mr. Kissinger while he was in Moscow in October, the Soviet officials were incensed by the impression conveyed that the Soviet Union had agreed to allow 60,000 to leave.

He said in the letter that in fact, he had told Mr. Kissinger there was a "tendency toward a decrease in the number of persons wishing to leave the U.S.S.R."

Mr. Kissinger did not make the Gromyko letter known at the time, although he did inform newsmen that the Soviet leaders were angered over the publicity given the Jackson-Kissinger understandings.

When he testified before the Senate Finance Committee on Dec. 3, Mr. Kissinger took note of Soviet sensibilities and said that Moscow had told the Administration "repeatedly that the Soviet Union considered the issue of emigration a matter of its own domestic legislation and practices not subject to international negotiation."

"With this as a background," Mr. Kissinger said, "I must state flatly that if I were to assert here that a formal agreement on emigration from the U.S.S.R. exists between our two governments, that statement would immediately be repudiated by the Soviet Government."

But under questioning from Senators, Mr. Kissinger said that as the result of conversations with Leonid I. Brezhnev, the Soviet leader, and Mr. Gromyko, the Administration expected the number of emigrants to rise if the number of applicants rises also.

Senator Jackson and Mr. Kissinger both assumed that the applicants would increase once the trade law went into effect. There is an assumption that about 130,000 Jews want to leave.

The negotiations surrounding the trade bill compromise have been among the most complicated ever conducted by Mr. Kissinger since he had to act in effect as a mediator between the Soviet Government and the majority of Congress that supported the Jackson amendment.

The issue goes back to October, 1972, when the Nixon Administration signed a trade agreement with the Russians by which Moscow pledged to repay its lend-lease debts of World War II and the Administration promised to seek Congressional approval to give them nondiscriminatory tariff treatment, known as most-favored-nation status.

Because of widely publicized problems encountered by Soviet Jews in seeking to emigrate, amendments were offered in both houses of Congress, proposing to hold up any trade benefits until emigration was made freer.

When the House of Representatives passed the Trade Reform Act last year, it contained an amendment linking tariffs and credits to the emigration question. The adoption of the bill in the Senate was also dependent on the emigration issue.

Mr. Kissinger earlier this year agreed to see whether a negotated formula could be achieved. Working with Senators Jackson, Jacob K. Javitz, Republican of New York, and Abraham D. Ribicoff, Democrat of Connecticut, the Secretary of State tried out different formulas.

He resisted the Senators' efforts to get the Russians to agree to an emigration quota, contending that this was unacceptable to Moscow. But Mr. Jackson persisted in the formula that produced the "benchmark" of 60,000.

Last week, the Senate finally adopted the trade bill with the so-called Jackson amendment, giving the Russians nondiscriminatory tariffs and government credits for 18 months.

Early this evening a Senate-House conference committee completed work on the first four "titles" of the five-title trade bill. Title IV is the section containing the Jackson amendment and it was approved without difficulty, underscoring the determination of the Congress to go ahead with the provisions despite the Soviet disavowals.

Senator Russell Long, chairman of the conference committee said, "I don't pay attention to what the Russians say anyway."

Mr. Jackson and Mr. Javits both said the Soviet statements were "face-saving" and did not mean the arrangement was falling apart.

Talking with newsmen, Mr. Jackson said he had been assured by President Ford that if the Russians failed to live up to the clear intent of the trade bill, the President would not hesitate to withdraw the trade benefits.

[From the New York Times, Dec. 19, 1974]

LETTER PUBLISHED: IN IT, GROMYKO TELLS KISSINGER A LINKAGE IS RULED OUT

(By Christopher S. Wren)

Moscow, December 18.—The Soviet Union denied today that it had given any specific assurances that the conditions for emigration of Soviet citizens would be eased in return for American trade concessions and credits.

The official press agency Tass asserted that "leading circles" in the Soviet Union "flatly reject as unacceptable" any attempts to attach conditions to the reduction of tariffs on imports from the Soviet Union or to otherwise "interfere in internal affairs" of the Soviet Union.

To support its contention that no understanding had been reached, Tass circulated a letter by Foreign Minister Andrei A. Gromyko that the agency said had been handed to Secretary of State Kissinger on Oct. 26. This was during the Secretary's last visit to Moscow on Oct. 23 to 27.

GROMYKO PREDICTED DECLINE

In that letter, which was dated eight days after the purported agreement had been announced in Washington by Senator Henry M. Jackson, Mr. Gromyko not only rejected the interpretation that emigration would increase, but said he had told Mr. Kissinger "quite the contrary," namely that the number of emigrants was actually declining.

The Tass statement and the letter bearing Mr. Gromyko's name caused confusion among American diplomats, who were uncertain whether the publication constituted a face-saving device or an actual declaration that Moscow would not make concessions on emigration.

While the Soviet Union has never acknowledged any understanding on emigration, American diplomats have said that its existence had not been denied by high-ranking Soviet officials in private conversation.

Tonight, one American diplomat said that the Soviet language of the denial did not entirely rule out some sort of informal understanding and that the response might be intended generally for domestic consumption. This interpretation was not shared by several more pessimistic observers.

The announcement did appear keyed to the pending Congressional vote to grant the Russians nondiscriminatory tariff treatment and government credits in return for freer Soviet emigration.

The denial may also have resulted from this week's session of the party's Central Committee, at which the emigration issue is now believed to have been discussed.

The Soviet leadership may have resolved to take the tougher line rather than let the Congressional assumptions about a compromise pass unchallenged. The move may have been spurred either by conservative pressure from within the Krelim or by official anger at the publicity the purported emigration agreement has received in the United States.

It was also possible that Moscow was moved to act by Arab criticism of the emigration of Soviet Jews and particularly Egypt's proposal earlier this week that Israel restrict further immigration.

The first official acknowledgement here that the United States presumed an understanding existed appeared tonight when both the Tass statement and Mr. Gromyko's letter were read over the popular evening news program on Soviet television. This may have been done in part to dampen hopes among Jews and others that were raised by listening to reports on the trade bill over the Voice of America.

BREZHNEV REPORTED ANGRY

When Mr. Kissinger was in Moscow in late October, Leonid I. Brezhnev, the Soviet leader, was reported to have expressed anger to the Secretary of State over publicity in the United States surrounding a purported understanding about the emigration issue.

There was no public indication at that time or during President Ford's meeting with Mr. Brezhnev in Vladivostok on Nov. 23-24 that Moscow was denying the existence of an understanding or complaining that Mr. Kissinger had misread the Soviet position, as is asserted in Mr. Gromyko's letter.

In today's denial, the Soviet Government did not explain why it had waited two months to dispute the belief that there was an arrangement, particularly since it would have to be aware of the awkward situation that the denial would force on Mr. Kissinger, a familiar negotiating partner with the Soviet leadership.

In his letter, Mr. Gromyko said the announcement of an emigration compromise created "a distorted picture of our position as well as of what we told the American side of that matter" and underscored the Krelim's conviction that "no ambiquities should remain."

The Foreign Minister conceded in his letter that discussions of the emigration issue had taken place but said that Moscow had "underlined that the question as such as entirely within the internal competence of our state."

Mr. Gromyko went on to deny the existence of any emigration quota and of any expectation that emigration would increase over previous years. The Foreign Minister said that "when we did mention figures," the point was to illustrate "the present tendency toward a decrease in the number of persons wishing to leave the U.S.S.R."

Mr. Kissinger, in his exchange of letters with Senator Jackson on Oct. 18, said "it will be our assumption that the rate of emigration would begin to rise promptly from the 1973 level" of 35,000 and "would continue to rise to correspond to the number of applicants," Senator Jackson, in a Senate speech last Friday, put the current backlog of applicants "in excess of 130,000."

In testimony before the Senate Finance Committee on Dec. 3, Mr. Kissinger said "we have every right to expect that the emigration rate will correspond to the number of applicants," and he added, "if some of the current estimates about potential applicants are correct, this should lead to an increase in emigration."

The Tass statement said the extension of trade benefits to Moscow had been expected under the summit agreement made in 1972.

OPPOSITION RECALLED

"However," Tass said, "the opponents of normalizing Soviet-American trade, and of improving Soviet-American relations in general, from the very outset began actively hampering this process" by making the extension of trade concessions "dependent on all kinds of qualifications and demands that were nothing but gross interference in the Soviet Union's internal affairs."

"This is the only way to qualify the attempts to include in the bills provisions concerning, for instance, the departure of Soviet citizens for other countries" and for "making available economic information of a purely domestic nature to American institutions," Tass said.

The latter reference seemed to be a criticism of American efforts to obtain fuller disclosures of Soviet financial assets before any large credits are extended by the Export-Import Bank.

"There is only one basis on which the Soviet-American relations in general, and commercial and economic relations in particular, can be built successfully," Tass said. "This is a full equality of the sides and noninterference in each other's internal affairs."

Aside from throwing the brightening prospects for Soviet-American trade into doubt, the official denial of any understanding on emigration was likely to be a disappointment to would-be Jewish emigrants who had built up hopes that they would be allowed to leave the Soviet Union.

EXHIBIT 2

[From the New York Times, Dec. 19, 1974]

TEXT OF LETTERS AND TESTIMONY ON THE QUESTION OF SOVIET POLICY ON EMIGRATION

Following are the texts of an exchange of letters between Secretary of State Kissinger and Senator Henry M. Jackson on Soviet trade benefits and emigration policy made public Oct. 18; a letter on the subject presented to Mr. Kissinger by Foreign Minister Andrei A. Gromyko in Moscow on Oct. 26, and excerpts from testimony on the issue by Mr. Kissinger before the Senate Finance Committee on Dec. 5:

KISSINGER'S LETTER

Dear Senator Jackson: I am writing to you, as the sponsor of the Jackson amend-

ment, in regard to the trade bill (H.R. 10710) which is currently before the Senate and in whose early passage the Administration is deeply interested. As you know, Title IV of that bill, as it emerged from the House, is not acceptable to the Administration. At the same time, the Administration respects the objectives with regard to emigration from the U.S.S.R. that are sought by means of the stipulations in Title IV, even if it cannot accept the means employed. It respects in particular your own leadership in this field.

To advance the purposes we share both with regard to passage of the trade bill and to emigration from the U.S.S.R. and on the basis of discussions that have been conducted with Soviet representatives, I should like on behalf of the Administration to inform you that we have been assured that the following criteria and practices will henceforth govern emigration from the U.S.S.R.

First, punitive actions against individuals seeking to emigrate from the U.S.S.R. would be violations of Soviet law and regulations and will therefore not be permitted by the Government of the U.S.S.R. In particular, this applies to various kinds of intimidation or reprisal, such as, for example, the firing of a person from his job, his demotion to tasks beneath his professional qualifications and his subjection to public or other kinds of recrimination.

No unlawful impediments

Second, no unreasonable or unlawful impediments will be placed in the way of persons desiring to make application for emigration, such as interference with travel or communications necessary to complete an application, the withholding of necessary documentation and other obstacles including kinds frequently employed in the past.

Third, applications for emigration will be processed in order of receipt, including those previously filed, and on a nondiscriminatory basis as regards the place of residence, race, religion, national origin and professional status of the applicant. Concerning professional status, we are informed that there are limitations on emigration under Soviet law in the case of individuals holding certain security clearances, but that such individuals who desire to emigrate will be informed of the date on which they may expect to become eligible for emigration.

Fourth, hardship cases will be processed sympathetically and expeditiously; persons imprisoned who, prior to imprisonment, expressed an interest in emigrating, will be given prompt consideration for emigration upon their release; and sympathetic consideration may be given to the early release of such persons.

Fifth, the collection of the so-called emigration tax on emigrants which was suspended last year will remain suspended.

Sixth, with respect to all the foregoing points, we will be in a position to bring to the attention of the Soviet leadership indications that we may have that these criteria and practices are not being applied. Our representations, which would include but not necessarily be limited to the precise matters enumerated in the foregoing points, will receive sympathetic consideration and response.

Prompt rise foreseen

Finally, it will be our assumption that with the application of the criteria, practices and procedures set forth in this letter, the rate of emigration from the U.S.S.R. would begin to rise promptly from the 1973 level and would continue to rise to correspond to the number of applicants.

I understand that you and your associates have, in addition, certain understandings incorporated in a letter dated today respecting the foregoing criteria and practices which will henceforth govern emigration from the U.S.S.R. which you wish the President to accept as appropriate guidelines to determine whether the purposes sought through Title IV of the trade bill and further specified in our exchange of correspondence in regard to the emigration practices of nonmarket economy countries are being fulfilled. You have submitted this letter to me, and I wish to advise you on behalf of the President that the understandings in your letter will be among the considerations to be applied by the President in exercising the authority provided for in Sec.* of Title IV of the trade bill.

I believe that the contents of this letter represent a good basis, consistent with our shared purposes, for proceeding with an acceptable formulation of Title IV of the trade bill, including procedures for periodic review, so that normal trading relations may go forward for the mutual benefit of the U.S. and the U.S.S.R.

Best regards,

HENRY A. KISSINGER.

JACKSON'S REPLY

DEAR MR. SECRETARY: Thank you for your letter of October 18 which I have now had an opportunity to review. Subject to the further understanding and interpretations outlined in this letter, I agree that we have achieved a suitable basis upon which to modify Title IV by incorporating within it a provision that would enable the President to waive subsections designated (A) and (B) in Sec. 402 of Title IV as passed by the House in circumstances that would substantially promote the objectives of Title IV.

It is our understanding that the punitive actions, intimidation or reprisals that will not be permitted by the Government of the U.S.S.R. include the use of punitive conscription against persons seeking to emigrate, or members of their families; and the bringing of criminal actions against persons in circumstances that suggest a relationship between their desire to emigrate and the criminal persecution against them.

Second, we understand that among the unreasonable impediments that will no longer be placed in the way of persons seeking to emigrate is the requirement that adult applicants receive the permission of their parents or other relatives.

Third, we understand that the special regulations to be applied to persons who have had access to genuinely sensitive classified information will not constitute an unreasonable impediment to emigration. In this connection we would expect such persons to become eligible for emigration within three years of the date on which they last were exposed to sensitive and classified information.

60,000 as 'benchmark'

Fourth, we understand that the actual number of emigrants would rise promptly from the 1973 level and would continue to rise to correspond to the number of applicants, and may therefore exceed 60,000 per annum. We would consider a benchmark—a minimum standard of initial compliance—to be the issuance of visas at the rate of 60,000 per annum; and we understand that the President proposes to use the same benchmark as the minimum standard of initial compliance. Until such time as the actual number of emigrants corresponds to the number of applicants, the benchmark figure will not include categories of persons whose emigration has been the subject of discussion between Soviet officials and other European governments.

In agreeing to provide discretionary authority to waive the provisions of subsections designated (A) and (B) in Sec. 402 of Title IV as passed by the House, we share your anticipation of good faith in the implementation of the assurances contained in your letter of October 18 and the understandings conveyed by this letter. In particular, with respect to paragraphs three and four of your letter we wish it to be understood that the enumeration of types of punitive action and unreasonable impediments is not and cannot be considered comprehensive or complete, and that nothing in this exchange of correspondence shall be constructed as permitting types of punitive action or unreasonable impediments not enumerated therein.

Finally, in order adequately to verify compliance with the standard set forth in these letters, we understand that communication by telephone, telegraph and post will be permitted.

Sincerely yours,

HENRY M. JACKSON,
U.S.S.

GROMYKO'S LETTER

DEAR MR. SECRETARY OF STATE: I believe it necessary to draw your attention to the question concerning the publication in the United States of materials of which you are aware and which touch upon the departure from the Soviet Union of a certain category of Soviet citizens.

I must say straightforwardly that the above-mentioned materials, including the correspondence between you and Senator Jackson, create a distorted picture of our position as well as of what we told the American side on that matter.

When clarifying the actual state of affairs in response to your requests we underlined that the question as such is entirely within the internal competence of our state. We warned at the time that in this matter we had acted and shall act in strict conformity with our present legislation on that score.

But now silence is being kept precisely about this. At the same time, attempts are being made to ascribe to the elucidations that were furnished by us the nature of some assurances and, nearly, obligations on our part regarding the procedure of the departure of Soviet citizens from the U.S.S.R., and even some figures are being quoted as to the supposed number of such citizens, and there is talk about an anticipated increase of that number as compared with previous years.

We resolutely decline such an interpretation. What we said, and you, Mr. Secretary of State, know this well, concerned only and exclusively the real situation in the given question. And when we did mention figures—to inform you of the real situation—the point was quite the contrary, namely about the present tendency toward a decrease in the number of persons wishing to leave the U.S.S.R. and seek permanent residence in other countries.

We believe it important that in this entire matter, considering its principled significance, no ambiguities should remain as regards the position of the Soviet Union.

A. GROMYKO,
Minister of Foreign Affairs of the U.S.S.R.

KISSINGER'S TESTIMONY

We recognized that if our Government was to be equipped with the necessary means for conducting an effective foreign policy, it would be necessary to deal with the emigration issue in the trade bill. As I stated in my previous testimony before the committee, we regard mutually beneficial economic contact with the U.S.S.R. as an important element in our over-all effort to develop incentives for responsible and restrained international conduct.

I, therefore, remained in close contact with leaders of the Congress in an effort to find a means of reconciling the different points of view. I remember that I was urged to do so

* Statutory language authorizing the President to waive the restrictions in Title IV of the trade bill under certain conditions will be added as a new (and as yet undesignated) subsection.

by several members of the committee when I testified before you on March 7 of this year. Shortly afterwards I began meeting regularly with Senators Jackson, Ribicoff and Javits to see whether a compromise was possible on the basis of assurances that did not reflect formal governmental commitments but nevertheless met widespread humanitarian concerns.

We had, as you know, been told repeatedly that the Soviet Union considered the issue of emigration a matter of its own domestic legislation and practices not subject to international negotiation. With this as a background, I must state flatly that if I were to assert here that a formal agreement on emigration from the U.S.S.R. exists between our Governments, that statement would immediately be repudiated by the Soviet Government

In early April the three Senators agreed to an approach in which I would attempt to obtain clarifications of Soviet domestic practices from Soviet leaders. These explanations could then be transmitted to them in the form of a letter behind which our Government would stand.

My point of departure was statements by General Secretary Brezhnev during his visit to the United States in 1973 to both our executive and members of Congress to the effect that Soviet domestic law and practice placed no obstacles in the way of emigration. In conversations with Foreign Minister Gromyko in Geneva in April, in Cyprus in May and in Moscow in July, we sought to clarify Soviet emigration practices and Soviet intentions with respect to them. It was in these discussions that information was obtained which subsequently formed the basis of the correspondence with Senator Jackson, with which you are familiar.

In particular, we were assured that Soviet law and practice placed no unreasonable impediments in the way of persons wishing to apply for emigration; that all who wished to emigrate would be permitted to do so except for those holding security clearances; that there would be no harassment or punishment of those who applied for emigration; that there would be no discriminatory criteria applied to applicants for emigration and that the so-called emigration tax, which was suspended in 1973, would remain suspended.

It was consistently made clear to us that Soviet explanations applied to the definition of criteria and did not represent a commitment as to numbers. If any number was used in regard to Soviet emigration, this would be wholly our responsibiltiy. That is, the Soviet Government could not be held accountable for or bound by any such figure. This point has been consistently made clear to members of Congress with whom we have dealt.

Finally, the discussions with Soviet leaders indicated that we would have an opportunity to raise informally with Soviet authorities any indication we might have that emigration was in fact being interfered with or that applicants for emigration were being subjected to harassment or punitive action.

The points I have just cited have always been the basis for my contacts with Senators Jackson, Javits and Ribicoff. I may add that these points have been reiterated to us by Soviet leaders on several occasions, including in President Ford's initial contacts with Soviet representatives and most recently at Vladivostok.

All these clarifications were conveyed to the three Senators and eventually led to the drafting of the exchange of correspondence published by Senator Jackson on Oct. 18. The process took much time, however, because of the Administration's concern that there be no misleading inference—specifically that there be no claim to commitments either in form or substance, which in fact had not been made.

Within a week of being sworn in President Ford took a direct and personal interest in settling the issues yet outstanding. He met or had direct contact with the three Senators—as well as with you, Mr. Chairman—on several occasions. He discussed the subject with leading Soviet officials. These contacts and conversations eventually resulted in the drafting of two letters: one from me to Senator Jackson and one from the Senator to me. The first of these letters contains the sum total of the assurances which the Administration felt in a position to make on the basis of discussions with Soviet representatives. The second letter contained certain interpretations and elaborations by Senator Jackson which were never stated to us by Soviet officials. They will, however, as my letter to Senator Jackson indicated, be among the considerations which the President will apply in judging Soviet performance when he makes his determination on whether to continue the measures provided for in the trade bill, i.e., extension of governmental credit facilities and of most-favored-nation treatment. We recognize of course that these same points may be applied by the Congress in reaching its own decisions under the procedures to be provided in the trade bill.

A SET OF PROCEDURES

With the exchange of correspondence agreed, it became possible to work out a set of procedures—which, I understand, has now been offered as Senate amendment 2000—whereby the President will be authorized to waive the provisions of the original Jackson-Vanik amendment and to proceed with the granting of M.F.N. and Eximbank facilities for at least an initial period of 18 months. These procedures will also provide for means whereby the initial grants can be continued for additional one-year periods.

Thus, Mr. Chairman, I believe a satisfactory compromise was achieved on an unprecedented and extraordinarily sensitive set of issues. I cannot give you any assurance concerning the precise emigration rate that may result, assuming that the trade bill is passed and M.F.N. is extended to the U.S.S.R. As I noted earlier, it is difficult to know fully the causes of past changes in Soviet emigration rates. However, I do believe that we have every right to expect, as my letter to Senator Jackson said, that the emigration rate will correspond to the number of applicants and that there will be no interference with applications. If some of the current estimates about potential applicants are correct, this should lead to an increase in emigration.

I believe it is now essential to let the provisions and understandings of the compromise proceed in practice. I am convinced that additional public commentary, or continued claims that this or that protagonist has won, can only jeopardize the results we all seek. We should not delude ourselves that the commercial measures to be authorized by the trade bill will lead a powerful state like the Soviet Union to be indifferent to constant and demonstrative efforts to picture it as yielding in the face of external pressures; nor can we expect extended debates of domestic Soviet practices by responsible U.S. Public figures and officials to remain indefinitely without reaction. We should keep in mind that the ultimate victims of such claims will be those whom all of us are trying to help.

Therefore, I respectfully ask that your questions take account of the sensitivity of the issues. There will be ample opportunity to test in practice what has been set down on paper and to debate these matters again when the time for stock-taking foreseen in the legislation has come.

[Translation of letter, written by K. A. in Szczeczyl, Poland, on November 29, 1974]

DEAR ———: I am asking you, Honorable Sir, and I am asking you, from all my heart, if you can do this for me, please. I am asking you, if by some miracle, you could send me an invitation. I would like to go the United States of America, even if only for one hour. I am willing to work at any place in any type of work. I could work as a mechanic, or as a smith, or I would accept work as a simple laborer on a farm, because I like to work and I am not a drinker. If you could do this, I would repay you with my gratitude. Please answer to my letter.

Thank you very much.

———— ————.

EXHIBIT 3

ASSISTANT SECRETARY OF STATE,
Washington, December 19, 1974.

Hon. JESSE HELMS,
U.S. Senate,
Washington, D.C.

DEAR JESSE: I am writing to you about your amendment to the trade bill which would encourage the reunification of divided families. We were pleased to know of your concern for this problem and I want to assure you that the Department shares your interest. We have worked very hard on this question for several years and I believe we have had significant results.

We have been concerned, though, that provisions of your amendment might complicate prospects for rapid early reunification of divided families. The Jackson-Vanik amendment, as you know, also covers this aspect of emigration, and the Secretary, in his exchange of letters with Senator Jackson, stated that we have been "assured that emigration applications will be processed on a non-discriminatory basis as regards the place of birth, religion, national origin, and professional status. The Secretary noted, too, that hardship cases will be processed with particular sympathy.

As you know, the specific question of reunification of divided families has been one of the main points of negotiation at the European Security Conference. While the Conference has not yet concluded its work, important concessions have been made on this question and we are confident that the final agreement will include these concessions and represent marked progress in this humanitarian cause.

As you pointed out on the Senate floor, your amendment, in contrast to the Jackson-Vanik amendment, applies to Poland and could even apply to Yugoslavia. We do not believe this addition is necessary. There are few countries in the world with freer emigration policies than Yugoslavia and among the Warsaw Pact nations, Poland has long been among the most liberal. While we have not always been pleased with the dispatch with which divided family cases have been handled, the Polish government has consistently permitted emigration and our relations with them on this subject have been satisfactory. The question of divided families was discussed during the recent visit to the United States of Polish First Secretary Gierek, and we were assured that his government will continue to give high priority to this sensitive subject.

As a result of your special concern for Poland, as expressed in your amendment, the Department again reviewed this question and discussed emigration policies with Polish officials. We have been reassured that the Polish government will continue to accelerate its handling of divided families applications. And, in view of your interest in this question, I have assured that your staff will be kept advised on developments in this matter. At the moment, there are less than 250 cases in process and the average elapsed time between application for an exit visa and actual emigration is six months.

I feel that the objective both you and the Department seek, the reunification of divided families, is best served by what we understand to be a slightly modified version of

your amendment which the conferees have adopted. I want to reemphasize to you our appreciation of your sincere interest in this question and the contribution your revised amendment will provide to focusing attention on this humanitarian objective.

Cordially,

LINWOOD HOLTON.

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

Mr. HELMS. I am glad to yield.

Mr. CURTIS. Mr. President, I commend the distinguished Senator from North Carolina for the fight he has made in presenting an amendment to this trade bill and getting it through the Senate in the first instance. I regret that the conferees did not choose to leave it totally intact.

The Senator from North Carolina has spoken out for the cause of human liberty and the rights of individuals to be in touch and visit and communicate and travel, to meet their loved ones, members of their family. This is one of the basic freedoms of man.

It occurs to me that, as a Nation, we cannot right every wrong in the world; we cannot go to war every time a wrong is committed. But there is one thing we can do: We can make sure that all the positions we take, all the pronouncements, all the resolutions, and all the enactments of our legislative bodies are true to the fundamental principle of human liberty. We should never, in the interests of trade or any other cause, deviate from standing foursquare for human rights and human liberty.

I commend the Senator for what he has done. I know something about the particular circumstances that brought about the filing of the amendment by the distinguished Senator from North Carolina. It is just one of perhaps many cases.

Presented before the Committee on Finance was the story of a family, all of whom had escaped from the tyranny of communism except one small boy who is now, I think, about 16 years of age.

I regret that the Senator's amendment was not agreed to and preserved just as he offered it. But I do hope that those in charge of our foreign affairs see to it that this case is solved, not with pious reports but with the actual performance of getting that family together.

I regret that, in the interest of trade or anything else, we have deviated from a firm, foursquare position in favor of human liberty and individual rights.

I commend the Senator.

Mr. HELMS. Mr. President, I thank the distinguished Senator for his comments.

The truth of the matter is that the distinguished Senator from Nebraska (Mr. CURTIS) was responsible for my attention being drawn to the precise case that led to this amendment. I am grateful to him for that and for his comments.

Mr. LONG. Mr. President, will the Senator from North Carolina yield?

Mr. HELMS. I am delighted to yield.

Mr. LONG. Mr. President, I suppose that in the conferences on the trade bill and the social services bill, although the overall settlement was more favorable to the Senate position than almost any conference in which I have participated in my 26 years here, the amendments offered by the Senator from Louisiana and agreed to by the Senate suffered the worst fate. Those that I was most interested in were disagreed to, even though I nevertheless feel that they were some of the best amendments, coming from some of the finest minds, ever generated by the Senate, and only the Almighty could convince me otherwise. Yet some of my favorite amendments were not agreed to.

I know how one can be disappointed that one is not able to prevail upon the other body to accept the full intent of what the Senator is seeking to accomplish. I believe that the Senator will find that his amendment will do a lot of good that he sought to legislate. It is going to put pressure on the Eastern European countries, with the exception of Poland and Yugoslavia, to let the children and relatives of those Americans join their families in this country.

In addition to that, we would have liked to be able to achieve the same thing for Poland and Yugoslavia. We were informed, Mr. President, that if we succeeded in keeping Poland and Yugoslavia in, there just was not going to be a trade bill, because some House Members of Polish or Yugoslavian descent felt that to do so, those nations would not receive most-favored-nation treatment and would not be trading with us, and, under the circumstances, they would not want the trade bill.

We did the best we could, and I am sure that the Senator will agree that we did the best we could. For example, the Senator has told us of a case, I believe involving the son of one of the Hungarian freedom fighters. That man, I am confident, as a result of the Helms amendment, will be united with his family in this country. I have personally written to Secretary Kissinger about this case and I ask that my letter appear in the RECORD at this point.

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

APRIL 5, 1974.

Hon. HENRY A. KISSINGER,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: On April 5, Mr. Szabolcs Mesterhazy, appeared before the Committee on Finance and presented us with a courageous and stirring statement concerning his efforts to be reunited with his son currently living in Hungary. Mr. Mesterhazy and his family, except for his then 12 year old son, escaped from Hungary in 1956. Since that time, the Government of Hungary has refused to permit the remaining son to emigrated from Hungary in order that he may be reunited with his family here in the United States.

Mr. Mesterhazy has apparently asked the State Department to intercede with the Hungarian Government on the behalf of his son. Such efforts have as yet been unsuccessful. I am writing you today on behalf of the Senate Finance Committee to ask you to take any steps feasible to intercede with the Government of Hungary in an attempt to obtain the right to emigrate for his son. Any efforts that you can undertake on behalf of Mr. Mesterhazy's son would be greatly appreciated.

I would like to be informed on the attitude of the Hungarian Government on this matter before we go into executive session on the Trade Reform Act legislation.

With very good wish, I am

Sincerely,

RUSSELL B. LONG,
Chairman.

Mr. LONG. I think, with regard to nations like Romania, Bulgaria, Hungary, Czechoslovakia, and a number of others, the amendment will achieve most of what the Senator hopes for it. I would sincerely hope the State Department would make it very clear to the Hungarian Government of the concern we all have about this case.

So while I know he is disappointed that we were not able to achieve everything he sought to do, I believe he will find that we achieved most of it, and that is all we ever expect to do around this body. And the Senator knows that under the conference agreement the bilateral trade agreements negotiated with Communist countries must be submitted to Congress for approval. So we will have an opportunity to see what progress has been made on meeting these common concerns before extending most-favored-nation treatment to those countries.

Mr. HELMS. Mr. President, I thank the distinguished Senator from Louisiana. I hasten to say that he has been most cooperative. He will recall that as manager of the bill, he agreed to accept my amendment as originally proposed. I have no criticism whatsoever of the distinguished Senator from Louisiana. As a matter of fact, I am entirely grateful to him and I owe him great admiration for his understanding of the legislative process.

Mr. ROBERT BYRD. Mr. President, I am told by a Senator that he will request the yeas and nays on the passage of this conference report. The distinguished Senator from North Carolina has stated that he will move to table the conference report. Consequently, there may be at least, I assume—is the Senator going to ask for the yeas and nays on his motion?

Mr. HELMS. I will say to the distinguished Senator if there were not going to be a yea-and-nay vote on final passage, I would probably be helpful to the Senate by accepting a voice vote. But if he is going to have a yea-and-nay vote anyway, I would like to have the yeas and nays on my motion to table.

Mr. ROBERT C. BYRD. There is at least one, possibly there are two rollcall votes. Several Senators need to catch planes because of reservations they have made anticipating, on the basis of our statements last evening, that we would try to adjourn sine die by 3 o'clock today. It might be possible for us to get a time agreement on this conference report. The distinguished manager of the conference report has indicated his willingness to enter into such an agreement and the distinguished Senator from New York has indicated his willingness to enter into such an agreement.

TIME LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on this conference report be limited to 5 minutes for Mr. LONG, 5 minutes for Mr. JAVITS—Senator HARTKE, does the Senator need some time?

Mr. HARTKE. I will probably not need more than 10 minutes.

Mr. ROBERT C. BYRD. All right, not to exceed 10 minutes for Mr. HARTKE.

Mr. JAVITS. Mr. President, I would suggest that we have a few minutes for whoever shows up.

Mr. ROBERT C. BYRD. An additional 10 minutes to be equally divided between Mr. LONG and Mr. BENNETT, if we could have that ordered?

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent if there is going to be a tabling motion—and I think there will be, and it will be a rollcall vote—the two votes be back to back, first the vote on the motion to table, and then the vote on final passage, and both rollcall votes be 10-minute calls because the respective cloakrooms have ample time to inform the Senators.

Mr. BENNETT. Mr. President, reserving the right to object, I wonder if the agreement could be restated because it became a little complicated.

Mr. ROBERT C. BYRD. The unanimous-consent agreement is as follows: Mr. LONG, the manager of the conference report, have 10 minutes—I first said 5 and added 5—10 minutes; the distinguished Senator from Utah, 5 minutes; the distinguished Senator from Indiana not to exceed 10 minutes; the distinguished Senator from New York, 5 minutes.

I ask unanimous consent, Mr. President, that Mr. MONDALE have 5 minutes; Mr. CHILES have 5 minutes; and Mr. DOLE, 2 minutes.

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

Mr. ROBERT C. BYRD. May we get going.

Two minutes to Mr. GRAVEL. I hope no Senator misses his plane.

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

Mr. ROBERT C. BYRD. Yes.

Mr. HELMS. Mr. President, I ask unanimous consent that Dr. Jim Lucier be accorded the privileges of the floor during the vote.

The PRESIDING OFFICER (Mr. MCCLURE). Without objection, it is so ordered. The Senator from North Carolina.

Mr. HELMS. Mr. President, I will advise the distinguished majority whip that since he has had additional requests for time, I will not ask for the yeas and nays on my motion to table. I will accept a voice vote. That will give him more time to play with.

Mr. ROBERT C. BYRD. The distinguished Senator is most generous, and always most cooperative and in the future I hope some of us will remember this. In some future time, I will myself.

Mr. LONG. Mr. President, I yield myself time.

Mr. President, I will submit most of the statement that I have prepared on this subject, the Senators are, by now, I believe, aware of what is in this conference report.

Mr. President, from the point of view of the Senate, this was an extremely successful conference.

The House accepted many of the Senate amendments in whole or in part, most of them in whole. It is a tribute to their fairness. If they thought we were right they were willing to accept the amendments without trying to bargain.

Mr. President, in my judgment, it would be a mistake to ask for further conference on this matter because I do not think there has been a case in the consideration of a major piece of legislation when the House has been as considerate of the Senate position as it has on this bill. They accepted our amendments because they had merit.

So that I hope very much, Mr. President, this conference report will be agreed to.

I wish to thank my fellow conferees for the very diligent work they did in this conference. We worked many long hours and they were most cooperative—Messrs. TALMADGE, RIBICOFF, MONDALE, BENNETT, FANNIN, and HANSEN.

I am also very appreciate, Mr. President, to Mr. ULLMAN, Mr. BURKE, Mrs. GRIFFITHS, Messrs. ROSTENKOWSKI, SCHNEEBELI, CONABLE, and PETTIS, for the thoughtful consideration and cooperation that they gave in meeting on this matter.

Mr. President, I am particularly grateful to Mr. Robert Best, of our staff, our chief economist for the Committee on Finance, as well as Richard Rivers, Mark Sandstrom, and Michael Rowny, for the very fine work they did in helping the Senate committee and the Senate to put together its proposals.

Also Mr. Littell and Bob Cassidy for their fine work, as the key legal minds who have to translate the decisions into legislative language.

Mr. President, the House and Senate conferees met for two long days on this bill, and I am proud to say that they held substantially to the Senate version of the bill.

With regard to tariff authority, the compromise provides that on rates of duty of 5 percent ad valorem or less, the President has the authority to eliminate the duty; on rates over 5 percent he has authority to cut duties by 60 percent. This formula is very similar to the one contained in the Senate bill.

On the question of nontariff barriers, the Senate maintained its position that all trade agreements must be approved by both Houses of Congress—we have Senator TALMADGE of Georgia to thank for being the author of this amendment and for being its proponent in conference.

The basic negotiating objectives of forging new nondiscriminatory trading relationships were retained.

The McIntyre-Kennedy amendment authorizing the President to enter into international agreements within the GATT was retained.

The Senate maintained its position on requiring reciprocal nondiscriminatory trade in the future; this will insure that the United States receives fair compensation on trade concessions from all of our trading partners.

The procedures outlined in the Senate bill with regard to approval or disapproval of trade agreements were retained.

I am happy to say that the amendments offered by Senator TAFT on including small business interests and Senator RIBICOFF's amendment on including retailers in the advisory boards were adopted.

However, the House was adamant about deleting the Taft amendment requiring the reporting of the effects on employment and the consumer of import relief. Likewise, the House objected to the Church amendment involving employment impact and information on the operations of multinational corporations. Other Senate conferees will attest that we discussed this amendment in length, but the House was unanimous in refusing to yield on the matter.

The conferees agreed to the Senate provision elevating the Office of the Special Trade Representative. I might say at this point that Mr. Eberle never sought the provision in this section which would bestow prestige upon his office and those of his deputies, but it has been my idea that this office will be so important in these trade negotiations that the job ought to be given the stature it deserves. Mr. Eberle vigorously opposed it because the administration has taken a position against it. I would be very sorry to see internal bickering within the administration on this matter, because the Congress has expressed its will without pressure or suggestion by the Executive.

The conferees maintained the thrust of the Senate bill with respect to insuring the independence of the U.S. Tariff Commission. We compromised upon a six-member Commission with 9-year terms and maintained every other Senate provision in this section.

The conferees agreed with the basics of the Senate provision providing adjustment assistance to workers and firms. The basic thrust of the community adjustment assistance was agreed to by the House with certain changes in the revenue sharing and loan guarantee aspects of the program.

The Senate amendments strengthening the U.S. statutes dealing with unfair trade practices in title III were kept virtually in their entirety. With respect to the escape clause, the President must provide import relief in cases of injury, and the Congress maintains an override if he does not. Together with strong countervailing and antidumping procedures, the conferees retained the comprehensive Senate measures on unfair import practices.

I was gratified that the conferees maintained the Senate provisions in title IV on free emigration and on trading relationships with the nonmarket countries, in the face of a critical news release from the Kremlin. The conferees were unanimous in reasserting their position that freer emigration must precede freer trade. Although the House conferees objected to the Domenici floor amendment on agricultural commodities and the Helms amendment on emigration, we fought to maintain the basic purposes of these amendments either in the bill or strong language in the statement of managers. We did not succeed in allowing our claimants their day in court on the subject of the Czechoslova-

kian gold that we hold, but we have ordered the State Department to go out and negotiate a better agreement, before this country will grant most-favored-nation treatment or further credits to Czechoslovakia. And the gold will stay here under our control until such agreement is negotiated.

The conferees also substantially adopted the Senate floor amendment calling for a body within the executive branch to oversee trade with Communist countries. This body will review all large transactions involving the transfer of technology and the granting of credits, and report to the Congress on how those transactions will affect the national security.

In the generalized system of preferences, the conferees retained the Senate's goal of requiring those who get preferential treatment in our markets to conduct their trade policies in a fair and equitable manner. This will prevent the United States from exposing our markets to countries who act to hurt us and the rest of the world in international trade by forming cartels, by drastically raising prices, or by denying us access to supplies. The conferees also accepted the Pastore-Humphrey floor amendment protecting our import-sensitive products from injury.

Finally, the House accepted all of the Senate's general provisions in title VI, including Senator BYRD's floor amendment limiting credits to Communist countries to $300 million without congressional approval

I would again like to take this opportunity to extend the thanks of the Senate Finance Committee to those members of the staff without whom this trade bill would have been a very difficult task. Mr. Robert A. Best, chief economist, of the committee, worked arduously for many months, devoting his energies and talents to this long and often complex legislation. He and the other able trade staff members, Richard Rivers, Mark Sandstrom, and Michael Rowny, spent the better part of a year putting together extensive hearings, a long well-written report, and a bill which meets with the Senate's hearty approval. Harry L. Hill and Bob Cassidy did yeoman work on drafting the legislative language. I speak for all the members of the committee in thanking them for their steadfast and diligent efforts. Tom Vail, the late former chief counsel of the committee, is ultimately responsible for developing this fine staff. In a real sense this bill is a legacy to Tom.

Mr. President, I believe the conferees have approved a bill which is very close to the bill the Senate approved with such a large majority. I hope we will be able to act on it without delay

Mr. JAVITS. Mr. President, I yield myself the time allocated.

Mr. President, I think that in this body we do so many critically important things that we often fail to note really historic landmarks, and this is one.

We have struggled with trade for many reasons, including basic economic policy of the United States, a major change of policy by the great trade unions of the country, which will certainly have to be listened to, and whose views represent millions of working people, the great feeling of vexation in foreign policy of which trade and foreign economic policy are a part, the great damage to the international monetary system, strains of most unbelievable kind over oil and energy and the shortages which have been generated, and the dangers of bankrupting the world through increased prices.

In the face of all this, for such a great historic achievement to have been recorded is really a triumph of our society and a triumph of constitutional Government. I hope very much, Mr. President, it will be noted and will be noted throughout the world.

We are lucky that only around 8 percent of our gross national product hinges on international trade, but there are nations to whom it is life or death, like Great Britain, which is going through terrible travail, and Japan, also going through a very anxious economic period, along with Germany and others.

When Chancellor Helmut Schmitt was here the other day, he told the Foreign Relations Committee that the single most important thing to help this dangerously situated world would be for the United States to enact the trade bill—the single most important thing—and here it is on the very last day of our session.

I think it is really a day for feeling very good about our country and, as I say, the triumph of our constitutional system.

In the name of my constituents, 18.5 million of them, I would like to thank Senator LONG and his colleagues, and Senator BENNETT and his colleagues, for having brought the matter to the present state.

One last thing, I am deeply sympathetic with what Senator HELMS said, I think quite unwittingly, in his original amendment, that he might have caught a lot more than he had any intention of catching.

But his intentions were very honorable, considering Poland and the problems of people there who also wish to emigrate. I for one will do my utmost as a member of the Foreign Relations Committee, and otherwise, to see if his fundamental objectives can be met. Whatever may have happened to his amendment in the trade bill for reasons which Senator LONG has said.

Also, Mr. President, I feel that the explanations made respecting why we have not been dismayed by the statement of Mr. Gromyko, the Foreign Minister of the Soviet Union, respecting the agreement entered into by Senator JACKSON, Senator RIBICOFF, and myself with Dr. Kissinger and the President, is also a tribute to the stability and intelligence of the U.S. Senate and the U.S. House of Representatives.

There is no reason for changing our course and we have not been dismayed.

Finally, Mr. President, I would like to ask the following question of Senator LONG.

Senator LONG, is it correct that actions taken under the provisions of section 204 of the Agricultural Assistance Act of 1956 are in no way affected by the provisions of the bill currently under consideration, the trade bill?

Mr. LONG. That is correct, absolutely correct.

Mr. JAVITS. I thank my colleague very much.

Mr. LONG. Mr. President, I would like to make one additional point.

The PRESIDING OFFICER. The Senator from Louisiana is recognized on his own time.

Mr. LONG. Yes, sir.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. LONG. Mr. President, I yield myself a minute.

Mr. President, in the conference we found it necessary to yield with regard to an amendment authorizing a suit to be filed in the court of the District of Columbia with regard to the Czechoslovakian gold.

I believe it should be made clear that the fact that that amendment was not included neither confers jurisdiction upon some court nor denies jurisdiction to some court. It leaves the law exactly where we found it.

The conference's deletion of the Gravel amendment which sought to confirm that the U.S. District Court in Washington has jurisdiction to determine what actions the U.S. Government may take to utilize the Czechoslovakia gold it physically holds or controls to pay the outstanding awards against Czechoslovakia in the event that country continues to fail to make a fair settlement, was not intended to deprive the court of any jurisdiction it already possesses to make such determinations.

The district court has full jurisdiction over the Federal officials and agencies which hold or control the gold, particularly that portion physically located here in the United States, and it certainly has the power to direct those officials or agencies to take whatever actions are available at law to protect our citizens' valid interests if Czechoslovakia simply continues to refuse fairly to compensate them for their expropriation losses.

The PRESIDING OFFICER. The Senator's time is expired.

Mr. LONG. Mr. President, I yield myself time.

If these claimants had a right to go to court, they still do. If they did not have it, then nothing in this bill gives it to them.

Mr. GRAVEL. Mr. President, I would like to take my 2 minutes.

I want to thank the chairman for that clarification since it might have cast a cloud upon the rights of the individuals in question.

I would also like to ask the chairman and at the same time voice my views for the benefit of the State Department, which I know is in attendance, and that is, when they go back and negotiate for a fair settlement, that they observe the definition of what a fair settlement is, and that is going to be $64 million, which is the principal amount that is due the Americans that have had that property taken, and as long as I am on the committee and Member of this body, any agreement that comes back—they can

dicker over the interest, which they should, and we should get some interest, but if the State Department does not come back with the minimum of the principal when we have this gold, then I, for one, and I am sure others will join me, intend to make a major point of this issue of granting any rights to Czechoslovakia until this matter is attended.

I would hope that I could hear an expression from the chairman in that regard.

Mr. LONG. Mr. President, I stand with the Senator on that. He can be sure that as far as the Senator from Louisiana is concerned, if they try to get back that gold before settlement has been made on the claims of Americans who lost their property in Czechoslovakia, if I may use an expression that I have used before, we will fight them until hell freezes over, and then we will fight them on the ice, if they try to get that money, that gold, when they owe that money to American citizens.

When the State Department proceeds to renegotiate a new claims settlement agreement with Czechoslovakia, it should bear in mind that a "good agreement" or a "fair agreement" should provide at least payment of the principal amount Czechoslovakia has owned our citizens for almost 30 years—$64 million. The gold our Government holds as security for the payment of these awards is valued at approximately $125 million on today's market, so it alone provides ample means for the kind of settlement Congress would readily approve.

Mr. GRAVEL. I think this should suffice to some degree on instructions to the State Department.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. HARTKE. Mr. President, I want to talk about the Unemployment Act of 1974. My views are well known by this time. I will not occupy the time of this body with a lengthy restatement of those views. But, I would feel remiss if I did not take this opportunity to at least briefly reiterate my position.

First, I would like to congratulate Senator LONG and the Senate Finance Committee on their handling of the trade bill. The fact that the trade bill has reached this point in the legislative process and that it has been greatly expedited at a late hour in this session is strong testimony to the dedication and professionalism of its proponents who have worked so hard.

I would like to pay special tribute to Bob Best, who has done such an outstanding job on this measure. He has been extremely fair to every individual without regard to their position on any matter in this bill.

However, I believe the Finance Committee has unintentionally led us astray.

This bill began as the Trade Reform Act of 1973. It later became the Trade Reform Act of 1974. Just last week the title of the bill was amended to merely the "Trade Act of 1974" because the floor manager of the bill did not wish the title of the bill to imply the measure was "necessarily good" or "a change for the better." While I wholeheartedly share with Senator LONG his concern for the quality of the bill, I would offer an even more appropriate title, "The Unemployment Act of 1974." This is a more appropriate title, because unemployment is exactly what the effect of this bill will be. The report of the Finance Committee on the trade bill estimates the unemployment which will result from the bill at 100,000 persons. In fact, this may prove extremely conservative. It will surely prove extremely foolish at a time when our unemployment rate is 6½ percent and rising.

Mr. President, 6 million people are unemployed in the United States. My good friend Leonard Woodcock, president of the United Auto Workers, has predicted that unemployment in the auto industry alone will reach 1 million workers by next March. The unemployment compensation roles increased by 550,000 last month to 3 million. Most economists now predict U.S. unemployment will rise to 7½ percent. There is only one other time since World War II, during the depths of the 1957-58 recession, that our unemployment rate has been so high. This trade bill will only make the problem worse. How can the Congress pass an emergency $6.5 billion measure to create jobs and extend unemployment compensation on one day, and on the next day pass a trade bill which its sponsors admit will cause the unemployment of an additional 100,000 working men and women?

This is not a trade bill for the 1970's but a warmed-over version of our give-away trade policies of the 1960's. Such trade policies will no longer work in a world which is simultaneously experiencing severe inflation and crippling recession. Such trade policies no longer are prudent for the United States which is experiencing a sizable balance-of-trade deficit and considerable trade-related unemployment.

Mr. President, it is time we base our trade policies on the realities of the present rather than the fictions of the past. The rest of the world has grown up and our trading partners have now assumed the role of equal partners and equal competitors. Our failure to recognize this fact has led to deteriorating U.S. performance in the world market, a declining U.S. trade balance, and an outflow of American capital and American jobs.

The U.S. balance-of-payments deficit was $1.1 billion for the 3 months ending in September. This is the second largest quarterly deficit in our history. Our deficit for the first three quarters of 1974 now stands at $4.26 billion. The U.S. deficit for a similar period in 1973 was only $300 million, and yet we ended the year with a deficit of over $1 billion. It is time we awaken to these stark realities and tailor our trading policies to the economics of the 1970's, rather than the altriusm of the 1960's.

The new direction needed in the field of foreign trade is most remarkably demonstrated by the recent balance of payments problem—with record deficits. One contributing factor, new to the crisis scenery, is the soaring cost of imported oil. Yet the bill before us fails totally, to even consider the short-term or long-term implications of the cost of this foreign source, domestically owned, resource material. The new giant multinational oil companies continue to bring the economies of the industrialized world to the very brink of bankruptcy. The threats of oil producers is being answered by the threats of oil consumers.

The inflation is fueled by the increase in fuel prices. Consideration of elimination of tax subsidies to the multinational oil companies was denied by the procedure adopted by the Senate. But even beyond the tax subsidy question, is the failure of this bill to recognize that it is a whole new ball game in this area alone.

The trade bill should do justice to the promotion of new and better ideas of trade.

The Senate has a responsibility to state clearly what this country stands for—not what it has been. We should state where we are going as a Nation—how we plan to get there and why we should get there. The trade bill should have called for a nation that sees the portent of time and the will of the people. The trade bill should face the economic, social, political and moral issues of our time, and not worship at the altar of worn out slogans—like "free trade."

The trade bill should have been a clear alternative to the failure policy which we have followed since 1962. We should not give our country more of the dismal sameness which leads to greater unemployment, failing businesses and exploitation of people in other countries.

The tide of imports and tax subsidy to multinational corporations must be stemmed. We must restate our goals and aspirations which made this melting pot the location of the highest standard of living in the world and at the same time the best sanctuary of the downtrodden, neglected and depressed.

Yet, we see our Nation losing its spirit and its jobs—its pride and its factories—its humility and its confidence.

The trade bill is—at best—a surrender of America and her people.

It is not my intention by these remarks to seek consensus or compliance. I seek to challenge the Senate to meet the issues of today and tomorrow so as to enrich the world by recreating a strong America. This trade bill continues to destroy America and the destruction of America means destruction of our way of life and the freedom it gives and promises to all people of the world.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FANNIN. Mr. President, I wish to first of all commend the distinguished leader, the chairman of our committee, for his fine work in bringing this bill through a very difficult situation, and to the distinguished minority leader for the work that he did in cooperation with our colleagues.

I feel very keenly that we have accomplished much more than has even been discussed here today. The countervailing

duty and antidumping provisions of this legislation are far reaching and will be of great benefit to the work of this country.

Mr. President, at this time I do have a very serious matter that I want to discuss in the bill of the distinguished chairman of the committee regarding the situation with the contract to supply raw cotton to textile manufacturers in less-developed countries.

I would like to address this to the chairman of the committee.

We had sales of cotton last year where the price had gone from a very low price, when it was contracted to these countries, to a very high price, and we fulfilled those contracts. But now the price of cotton on the world market has declined and the manufacturers, in some instances, have repudiated these agreements.

Mr. President, it would seem to me that if a developing nation had contracted for the purchase of a product and then cancelled the contract, such country would not be providing equitable and reasonable access to its markets. Is it the understanding of the chairman that section 502(c)(4) of the bill would apply to cancellation or abrogation of contracts as previously discussed?

Mr. LONG. Yes.

Mr. President, I believe that if they break contracts, this provision should apply. We did not want to give the preference to countries.

Mr. FANNIN. I thank the distinguished chairman.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Who yields time?

Mr. MONDALE. Mr. President, I wish to commend the chairman of the Committee on Finance, Mr. LONG, for his gifted and inspired work in the development of the trade bill.

I also commend Mr. Best, the committee's chief ecnomist, who worked patiently and with great understanding, with all of us, in the development of this measure; my staff assistant, Gail Harrison, who showed genius in the development of some of the measures which I sought to press; and my colleagues on the Committee on Finance and in the conference.

I think this trade measure is a good one. It is the result of nearly 2 years of very hard work by the Committee on Finance, by the Ways and Means Committee, and by the respective bodies of the Congress. I believe it continues the longstanding American policy of seeking a civilized and rational approach to trade and commerce in this world.

Now that the job passes to our negotiators at the upcoming multilateral trade talks, we think this bill gives them the tools they need to protect this Nation's interests, to protect jobs, but also to seek the broader objective of expanded commercial trade and understanding with the nations of the world.

I am proud to have been a part of this effort. I believe that this is the beginning of a very important new step forward in international affairs.

Mr. President, I yield the remainder of my time to the distinguished Senator from Maine.

Mr. HATHAWAY. I thank the Senator from Minnesota for yielding me this time.

First, Mr. President, I commend the members of the Committee on Finance and the conferees for the excellent job they have done with respect to the trade bill. Also, I should like to have a clarification of one provision.

Section 303(d)(2)(a) of the Tariff Act of 1930 as amended by this bill pertaining to countervailing duties, provides, in part, that otherwise required countervailing duties can be waived if adequate steps have been taken to reduce substantially or eliminate during such period the adverse effect of a bounty or a grant that is made by an exporting country.

I presume that with respect to nonrubber footwear, this means an actual agreement must have been entered into or voluntary understandings must have been undertaken by the exporting country or exporters within the country which would have the same effect as an agreement.

I understand, further, that with respect to nonrubber footwear, the only type of agreement or understanding that would fulfill this requirement would be one of export restraints.

I ask the chairman of the committee if my interpretation of that section is correct.

Mr. LONG. That is exactly the way I understand it.

Mr. HATHAWAY. I thank the chairman very much.

I want to add that I understand that a letter from the Special Trade Representatives' Office will be sent to my office which does clarify this provision and, in effect, substantiates what the chairman has just agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. CHILES. Mr. President, I yield myself such time as I may need.

I should like to ask the distinguished chairman of the Committee on Finance to answer a couple of questions with regard to the bill, especially as it affects citrus.

I understand that the bill, as it left the Senate provided that an existing tariff of more than 10 percent could be reduced by only 50 percent. Can the Senator tell me what the conference committee came out with on that particular feature?

Mr. LONG. If the duty is 5 percent or less, it can be eliminated completely. If the duty is more than 5 percent, it can be reduced by as much as 60 percent.

Of course, it would have to go through prenegotiation procedures and it is expected that they not reduce those duties by a significant amount if it was anticipated that such reductions would seriously injure the domestic industry involved.

Mr. CHILES. If the tariff was more than 5 percent, it could be reduced by as much as 60 percent or 40 percent?

Mr. LONG. If the tariff was more than 5 percent, the rate of duty under the act could be negotiated downward by as much as 60 percent. Under the House bill, it would have been 75 percent.

Mr. CHILES. Mr. President, I voted against cloture on the trade bill because I thought there ought to be more debate and discussion of this important legislation in the Senate before passing the bill. Unfortunately, cloture was invoked on Friday morning and the bill passed Friday night. I believe a bill of this significance should have received more open debate in the public eye after long closed-door sessions of the Finance Committee and before going into long closed-door conferences with the House of Representatives.

There are some very real concerns that our people have with this bill which should be heard and should be considered as we pass this legislation. Amendments are not necessarily the best form to express these concerns so the issue is not just whether there will be amendments or not but whether the vital concerns of our people have been heard.

I want to take this opportunity on the Senate floor to say that I have heard the call of the citrus industry in Florida from the small grower to the large processor. And the call I hear is that they are hurting. The prices that Florida citrus producers are getting for their products have increased in recent years much more slowly than their costs. This has placed the whole industry in a position where the margins they are operating on are extremely tight. The slightest disruption in the market for citrus can send a jolt through the citrus growing industry in Florida. The citrus people do not want their fate determined by some complicated trade negotiation in some far off place with other governments. They are having trouble enough coping with the forces at work in our own economy.

I want the people in the citrus industry in my State to know that I have heard their call. I pledge myself to stand watch on trade negotiations as they go forward to insure that there are no surprises for our citrus people, to insure that the trade negotiators for our Government give the problems and positions of the Florida citrus industry serious consideration, and to insure that our people get a fair shake in future trade negotiations. Ambassador William Eberle and Ambassador Harald Malmgren, our top trade negotiators, have assured me that they will make every effort to see that the citrus industry fully participates in the negotiations as prescribed by law and that we are kept informed of developments as they unfold. I want them to know of the public pledge I make today and to be fully aware of the fellings and problems facing the people in the citrus industry in Florida.

I voted for the trade bill in the Senate. I did so because I believe that the authorities contained in it, if used properly, could make a real contribution to solving our current economic problems—inflation, recession, and unemployment. A major cause of our problems today result from supply and price changes in international trade, principally in food and fuel. The trade bill will help us work on these problems.

I voted for the trade bill also because it protects the prerogatives of the Congress in trade, and it requires close consultation between our negotiators and our people in the private sector. This is not a bill which makes a wholesale

transfer of authority from the Congress to the Executive without retention of a role for the Congress and the private sector as trade policy and trade negotiations go forward.

I would point out to my friends in the citrus industry in Florida that the Senate version of the trade bill was very much more to their advantage than the House version in several respects. First, the tariff reduction authority in the Senate version was more restrictive for citrus than the House version. In the House bill an existing tariff over 25 percent could be reduced by 75 percent whereas in the Senate version a tariff over 10 percent could be reduced by 50 percent. In the conference the House and Senate agreed that tariffs over 5 percent can be reduced by 60 percent.

Second, the section of the bill dealing with the participation of private sector advisory groups—section 135—is very strong. In the Senate version it stated that "the President shall, on his own initiative or at the request of organizations in a particular sector, establish such industry, labor, or agriculture sector advisory committees." This was retained. These committees shall work with the trade negotiators before and during any trade negotiations. Once an agreement is reached they shall make a report which shall include "an advisory opinion as to whether the agreement provides for equity and reciprocity within the sector." This provision was retained by the conference.

Additionally, there is a requirement that the trade negotiators inform the advisory committees when the negotiators do not accept the advice or recommendations of the committees and the President shall include in his report to Congress the reasons for not accepting the advice and recommendations of the advisory committees. This will be law.

The Senate version of the trade bill also required that our private sector groups participate in the negotiations to the full extent that equivalent groups from other countries participate. There is a commitment to carry this out to the extent that existing U.S. law permits.

All nontariff barrier agreements entered into with foreign countries are subject to congressional review and approval.

Finally, one of the real strengths of this legislation is that it is not a give-away—it does not give away the power of the Congress to the Executive, it does not give away the interests of our farmers, workers, and businesses to the interests of others abroad; and it does not give away our market. In fact this legislation has new authority in it to raise trade barriers and to protect our market from actions taken by other nations which disrupt our market. The Unfair Trade Practices section of the bill—title III, section 301—has new authorities which do not exist currently to deal with export subsidies and preferential arrangements which affect our market.

This section and others give some bite to our purposes and give us some means to deal with exeessively cheap imports into the United States. It gives our negotiators some added force to get a fair shake in trade negotiations and trade practices.

A fair shake is what the citrus industry of Florida wants and deserves. I think it is possible to get it from this trade bill.

The Senate version also stated that the President should, on his own initiative or at the request of the organizations in a particular sector, establish such industry level or agriculture level advisory committee, and these committees would work on trade negotiations. Does that feature stay in the bill?

Mr. LONG. Yes; that stayed.

Mr. CHILES. The Senate bill also provided that once an agreement is reached, they should make a report which should include an advisory opinion as to whether the agreement provided for equity and reciprocity within the sector. Did that provision stay in the bill?

Mr. LONG. That, also, was retained.

Mr. CHILES. In addition, there was a requirement that the trade negotiators inform the advisory committee when the negotiators did not accept the advice or recommendations of the committee, and the President would include in his report to Congress the reason for not accepting the advice and recommendation of the advisory committee. Is that still in the bill? I am not sure whether that provision was a subject of the conference or not.

Mr. LONG. I do not think that what the Senator is asking about was in the conference.

Mr. CHILES. I see. Then, it would be in the bill.

The Senate's version of the trade bill also required that all tariff and nontariff barriers entered into with foreign countries would be subjected to congressional review and approval. Is that a part of the bill?

Mr. LONG. All nontariff barrier agreements would have to be approved by both Houses of Congress.

Mr. CHILES. All tariff barriers?

Mr. LONG. All nontariff barriers have to be approved by both Houses of Congress.

Mr. CHILES. How about tariff barriers?

Mr. LONG. They have the authority to reduce by 60 percent if the tariff is more than 5 percent. Below that, they have authority to go to zero.

Mr. CHILES. But if it is more than 5 percent, they could reduce to 60 percent without coming back to Congress?

Mr. LONG. That does not come back to Congress. It never has, and it would not, under the act.

Mr. CHILES. The Senate version of the trade bill required that our private sector groups could participate in the negotiations to the full extent that equivalent groups from other countries could participate. Did that remain in the bill?

Mr. LONG. To the extent that that is consistent with the domestic law of the United States, that would be the case.

Mr. CHILES. As the Senator from Louisiana knows, the American shrimp industry is an important segment of our entire economy and at the same time, the No. 1 dollar-producing segment of our fishing industry and by far one of the most important segments of the Gulf Coast economy.

As we both know, that industry in recent months has undergone some extraordinary hardships. One of the severest hardships which they have been faced with has been a heavy influx of foreign shrimp which have literally flooded our market. Statistics compiled by the National Marine Fisheries Service exhibit that in some months the amount of shrimp imported into this country from countries—such as India, Iran, Brazil, Mexico, Indonesia—have been in excess of the entire public consumption of shrimp for the same period. In other words, when the importation level of foreign shrimp is 100–107 percent of the consumer purchase of shrimp for the same period, it is obvious that the American shrimp producer is under a heavy burden when he attempts to market his product.

I have read H.R. 10710 and I note that section 201, beginning on page 49, provides for:

> A petition for eligibility for import relief for the purpose of facilitating orderly adjustment to import competition.

It further provides, under Section 201 (b)(1) beginning on page 49 line 24 that:

> Upon a motion by the Senate Committee on Finance, the Tariff Commission shall promptly make an investigation to determine whether an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

As the Senator is aware, there are many of us who have for some time felt that large quantities of foreign shrimp brought into this country spasmodically without any form of warning or regulation have created such a serious injury to our domestic shrimp industry. My question is in two parts:

First, is it the committee's purpose, intent, and belief that the language under section 201, making reference to "substantial cause of serious injury, a decline in sales, a higher and growing inventory and a decline in the proportion of the domestic market supplied by domestic producers" is intended to protect our domestic shrimp industry and aimed at combating the specific problem which they are presently facing from foreign imports.

Second, will the Senate Committee on Finance make the proper motion, immediately upon enactment of this legislation, requesting the Tariff Commission to make a prompt, in-depth investigation, and to undertake in every way possible within the statutory provision enacted to render quick, meaningful relief to our domestic shrimp industry?

Mr. LONG. The Senator's question is well taken and is absolutely on point.

Our domestic shrimp industry has been faced with serious adversities in recent months. Every item essential to their operation has gone up severely in price. Their fuel has gone up, their nets have gone up, their boats have gone up, their labor has gone up, their groceries

have gone up, their ice has increased in price—everything they use in their everyday work has increased substantially in price. In some cases it has tripled in price since early fall of 1973. In less than 14 months, this industry has been substantially turned around, turning from one of the highest income-producing segments of the American fishing industry to an operating loss industry.

What is most troublesome about this is, that at the same time all of their costs have increased substantially, the price they are receiving for their products has dropped drastically. They are receiving substantially less today than what they were receiving in the early fall of 1973 for a pound of the same size of shrimp. While the fuel embargo which came into effect at that time caused the traveling public to cut back in eating out in restaurants, where incidentally most of the shrimp is sold in the United States, one of the biggest impacts on shrimp prices was the heavy influx of foreign produced shrimp.

I would like to cite for example that according to the National Marine Fisheries Service's statistics in June of 1973, the ratio of shrimp imports to U.S. consumption of shrimp was about one-half. Imports at that time were equal to 57.5 percent of the total shrimp consumed for the month of June. In July, imports were equal to 59.9 percent of all the shrimp consumed in the United States. In August, the shrimp imports were equivalent to 59.8 percent of all the shrimp consumed in the United States. In September, when our domestic shrimp industry first began feeling the impact of increased prices, oil embargos and all the other problems, shrimp imports were equal to 86.3 percent of all the shrimp consumed in the United States. In October, these imports had increased to 96.6 percent of all the shrimp consumed for that month. By November, foreign imports were 104.7 percent of all the shrimp consumed and by December, imports had gone as high as 106.7 percent ratio of imports to the amount consumed. Can you believe that—they were dumping more foreign shrimp into this country than the American public was consuming. In January 1974, they dropped back to 90 percent and started to decline. The reason they started to decline at that point: they had so glutted the U.S. shrimp market that shrimp sales had come to a complete stand-still. Shrimp dealers in my area lost thousands, and in some cases, million of dollars because of these foreign countries dumping their shrimp on our market, at any price they could get for them, just to unload the shrimp they could not sell in other parts of the world.

The shrimp industry in the past has been a healthy industry but no industry, no matter how healthy, can stand up under the import practices that have taken place during various months in the past. This industry needs the type of protection which we have undertaken to provide in this bill. The Senator is exactly right in believing this language was directed at providing relief from the type of problem I have cited for the U.S. shrimp industry.

Furthermore, not only will the Senate Committee on Finance undertake on its own motion to have the Tariff Commission properly make an investigation into these imports and provide immediate and adequate relief to the domestic shrimp industry, but also, if the Tariff Commission response to our motion does not adequately protect the industry, we will attempt to go further than we have gone in this legislation. In fact, we may come in with legislation that will put an absolute import quota on shrimp and, furthermore, put a duty on all foreign shrimp coming into this country. The money that the import duty provides could be properly used to market and promote our domestically produced good American shrimp, along the same lines that the S–K funds are presently used by our Government to market and promote the sale of all seafood in general.

Furthermore, while it is not in this bill—but it is somewhat related—we passed a bill here on the floor the other day—S. 1988—that will provide 200-mile protective limit around the United States for our close-in-shore domestic fishermen. The bill stated that it would recognize the traditional fishing rights of other countries who come into our waters and fish. If other countries fail to recognize our fishing rights where we have fished for years and years, we will pass the appropriate laws or amendments to see to it that countries that do not recognize those traditional fishing rights that the Americans have acquired over long years of effort and expenditures of money and what-have-you in the fishing business, we will just see to it that those countries do not import any seafood into this country. I am tired of seeing our American businesses—shrimp industry, fishing industry, American industry in general—taken advantage of as they have been in the past.

The Senator can rest assured that the language he has made reference to is intended for adequate protection for the shrimp industry. We are going to undertake to see that the language is fully recognized and carried out for the benefit of the industry.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Who yields time?

Mr. BENNETT. Mr. President, I yield to the Senator from Nebraska 2 minutes.

Mr. CURTIS. Mr. President, as one who spent several months as a member of the Committee on Finance on this legislation, I wish to express my gratitude to our chairman (Mr. LONG) and to the distinguished ranking minority member (Mr. BENNETT), and all the other members, for their courtesy, assistance, and cooperation throughout this entire legislative process.

I shall support this trade legislation. I think it is good for our economy generally. Speaking as a representative of an agricultural State and as a member of the Committee on Agriculture, I wish to state that agriculture, in general, has much to gain from our foreign trade. Organized agriculture, for the most part, supported this legislation, and I am happy that it did.

We need foreign markets for agriculture. As a matter of fact, the one bright spot in our whole balance of trade and balance of payments picture has been our export of agricultural products.

I shall, however, vote for the motion to table offered by the distinguished Senator from North Carolina (Mr. HELMS). I do that as a protest to a compromise that I believe tampers with our basic principles of human freedom.

I think he is aware that it is not going to carry, but I shall vote for it because I believe the Helms amendment, as introduced, should have been accepted and remain in the bill. Nevertheless, I think this trade program is a good one. In many respects, the details are very much to my liking.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

NEGOTIATING OBJECTIVES UNDER THE TRADE ACT

Mr. DOLE. Mr. President, there appears to be an inconsistency between section 103 and section 104 of the Trade Act. Section 103 sets forth the overall negotiating objective and section 104 sets forth the sector negotiating objective. I would like to clarify with the managers of this bill and establish legislative history that any actions taken under the authority provided in section 104 will be carried out in a manner consistent with the provisions of section 103.

The Senate earlier adopted my amendment to the Trade Act which would have specified that the provisions of section 104 are to be carried out in a manner consistent with section 103. It is my understanding that the conferees dropped the language of my amendment on the grounds that its intent is already inherently incorporated into the act. However, I believe it would be beneficial to clarify the relationship between sections 103 and 104 in this discussion. In view of the earlier action by the Senate and the conferees, I believe the sponsors of the Trade Act will argee with this clarification.

Section 103, overall negotiating objective, states:

> The overall United States negotiating objective under sections 101 and 102 shall be to obtain more open and equitable market access and the harmonization, reduction, or elimination of devices which distort trade or commerce. To the maximum extent feasible, the harmonization, reduction, or elimination of agricultural trade barriers and distortions shall be undertaken in conjunction with the harmonization, reduction, or elimination of industrial trade barriers and distortions.

It is logical and reasonable that negotiating objectives for individual sectors should be subordinate to the overall negotiating objective. Since section 104 sets forth sector negotiating objectives, it follows that actions taken under the authority provided in section 104 must be carried out in a manner consistent with the provisions of section 103. I believe the managers of this bill will agree with me in this matter.

It is my conviction that the clarification provided in this legislative history is

especially important to trade negotiations on farm commodities and to the trade balance of the entire Nation. Exports of farm commodities have been one of the few bright spots in our foreign trade picture. Exports of farm commodities have made a very substantial contribution to keeping a relatively positive balance of trade which is so important for reducing the rate of inflation we are experiencing. Farm exports are vitally related to the well-being of our national economy. The clarification provided in this colloquy should facilitate negotiating in a manner to keep farm exports at a high level beneficial to the health and strength of our economy.

OFFSET OIL IMPORTS

In fiscal year 1974, agriculture exports reached a record level of over $21 billion. That meant a surplus in agriculture trade of about $12 billion. The cost of oil imported into this country exceeded $20 billion in the first 10 months of 1974. That cost has been a major impetus to inflation in this country. Our national oil bill has increased by over $12 billion this year over last, and had it not been for this increase, the $21 billion in farm exports would have more than offset our oil imports by a healthy margin.

In fiscal year 1973, our agricultural trade had a surplus of $9.3 billion. That surplus exactly offset the $9.3 billion in oil imports into this country. Because farm exports offset oil imports in fiscal year 1973, we enjoyed a trade surplus of $1.7 billion overall.

Clearly, we need to maintain a high level of agricultural exports in order to reduce the deficit in our balance of trade resulting from oil imports. Although we are making every effort to reduce oil imports, every estimate I have seen shows a continuing dependence on foreign oil for some time to come. The high level of farm exports this year has kept our trade deficit from becoming even greater. We must make every effort to keep our agricultural exports at a high level and that is the purpose for establishing the legislative history in this colloquy today.

ADVANTAGE OF FREER TRADE

The basic objectives of the Trade Act are set forth in section 2, the statement of purposes in the bill. These objectives can be attained only if the nations participating in the upcoming round of multinational trade negotiations are convinced that an international trading system based on comparative advantage offers maximum opportunities for obtaining economic benefits for the peoples of all nations. Under such a system, each country will export those industrial and agricultural commodities which it can produce efficiently and in volume and will receive from other countries those commodities which other countries have a comparative advantage in.

Adherence to this basic economic principle can result in an expansion of international trade that will be mutually advantageous to all nations.

SECTOR NEGOTIATIONS LIMITED

Expansion of agricultural exports offers our country its greatest opportunity to improve our balances of trade and payments and to meet the increased cost of imports of petroleum and other essential raw materials now in short supply. It is essential to our national interests that agricultural not be separated from industry during the upcoming negotiations.

There are few opportunities for gaining trade concessions on our agricultural exports by granting comparable concessions on our agricultural imports. There are several reasons for this.

First, we have already reduced most restrictions on our imports of foreign agricultural commodities. Because we have already lifted these restrictions, we have few opportunities to make concessions to other nations by further reducing restrictions on foreign imports. We have in effect given away most of our bargaining chips in this area already. Because we have few concessions left to give, negotiations limited strictly to the agricultural sector will hardly offer much promise of gaining expansion of agricultural exports that we so greatly need.

Second, we have no direct subsidies or rigid quantitative controls on exports of agricultural commodities. While export subsidies might be beneficial to our farm commodity export position, all subsidies were phased out when farm exports increased last year. That means we have no trade distortions of these kinds to place on the negotiating table.

If our negotiators are restricted to a sector-by-sector negotiating basis, they will not be able to achieve market expansion for U.S. farm exports.

Commercial exports of our agricultural commodities are confronted by foreign import barriers of great multiplicity and magnitude. The Trade Act contains authority for the President to reduce these tariff and nontariff barriers. However, by negotiating on a sector-by-sector basis, our negotiators will be deprived of the bargaining leverage and negotiating flexibility needed to achieve the overall negotiating objective of section 103.

Finally, our domestic agriculture possesses tremendous competitive strength in terms of ability to supply large quantities of many of the commodities in world trade. For our country, this is a national asset, but some countries, for political or other reasons, wish to remain largely self-sufficient in food production. This further increases the difficulty of expanding our agricultural exports, if the negotiations are restricted to a sector-by-sector approach.

The bill we reported out of the Senate Finance Committee provided many substantial improvements over the language in the House-passed bill. The Senate Finance Committee report further improved the intent of this language. However, ambiguity remains. There is concern that the law could be interpreted to permit practically any manufacturing industry to be isolated for negotiations on a sector basis if the industry so desired. Such an interpretation of the law could result in negotiations on agriculture commodities being restricted to that sector alone. This would be disastrous for expansion of our agricultural exports and ultimately for the economy as a whole and that interpretation, when it would conflict with the overall negotiating objective, is what this legislative history is intended to prevent.

Section 103 provides flexibility for negotiation in order to expand agricultural trade in a meaningful manner. Yet section 104, immediately following, seems to contradict the previous section by requiring that negotiations be conducted to the extent feasible on a sector-by-sector basis. The legislative history established in this colloquy should resolve any contradiction between sections 103 and 104 by clarifying that the provisions of section 104 will be carried out in a manner consistent with section 103.

I ask the Senator from Louisiana (Mr. LONG) if he is in agreement that the provisions of section 104 should be carried in a manner consistent with section 103?

Mr. LONG. Mr. President, our bill aims at increasing both agricultural and industrial exports and to achieve equivalent competitive opportunities within appropriate sectors. There is flexibility in both section 103 and 104 to achieve these objectives. We do not want to sacrifice agriculture for industry, or vice versa. The conference agreement, the statement of managers, the legislative history in the committee reports—all try to strike the necessary balance to maximize our national economic interests. Certainly, this history indicates that agriculture must be a vital part of this negotiation.

There are many segments of industry which do not feel that we should trade jobs in manufacturing for the sake of agricultural exports. I am sympathetic to that point of view. On the other hand, I can fully appreciate that the Senator from Kansas and the Senator from Nebraska do not wish to see agriculture left out of these negotiations. I applaud their efforts and I believe the conference agreement will protect their interests as well as the interest of those who represent industrial States.

Mr. HUMPHREY. Mr. President, I would like to add my support to Senator DOLE'S remarks relating to section 103 and 104 of the Trade Reform Act.

Certainly, if agriculture is to benefit from the coming round of trade negotiations, our negotiator will require a reasonable degree of flexibility in the structure of the negotiations and negotiating techniques. I believe that we are in general agreement that the requirement of section 104, which provides that negotiations should take place on a sectoral basis where feasible, should not be pursued to a degree which is inconsistent with section 103.

I would hope that the encouragement of a sectoral approach to the negotiations will not be pursued to the extent that we play into the hands of some of our trading partners who would like to isolate agriculture from the rest of the negotiations so as to avoid having to deal with this sector at all.

During the consideration of the Trade Reform Act on the Senate floor, I stated that the objective of sectoral negotiations will not achieve our goals of either

liberalized trade or equivalent access to foreign markets. In other cases, this approach may be useful if it involves concessions undertaken across sectors as well as concessions within each sector.

I would also like to congratulate Senator LONG and the other members of the Senate Finance Committee for their fine work to produce this major new piece of trade legislation. It is a timely response to the need to provide for new authority to enter into another round of trade negotiations, and to amend existing legislation to provide better protection for the American consumer and worker from the adverse effects of unfair trade practices and import competition.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President.

Mr. BENNETT. Mr. President, as far as I know there is only 1 minute of time left, and that is mine. I hope that the Senator will allow me to use it.

Mr. DOMENICI. I understand that the distinguished acting majority leader had agreed to yield 2 minutes of Senator HARTKE's time to me.

The PRESIDING OFFICER. Does the Senator from West Virginia yield time to the Senator from New Mexico?

Mr. ROBERT C. BYRD. Mr. President, how much time does the Senator wish?

Mr. DOMENICI. Two minutes, Mr. President.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the 2 remaining minutes allotted to Mr. HARTKE be yielded to the Senator from New Mexico.

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

Mr. DOMENICI. Will the distinguished manager of the bill discuss one matter with me briefly? As he knows, in behalf of Senator BARTLETT and Senator HUMPHREY, I introduced an amendment that would have used our international trade bill to require that non-market-economy countries provide us with agricultural statistics before they would be entitled to most-favored-nation treatment.

That amendment was accepted by the Senate. As I recall, we clearly intended to let the world know that we wanted our agricultural exports to be predicated upon solid agricultural facts with reference to crop availability, production, and the like.

The amendment was accepted here in the Senate but was left out in the actual legislation.

Am I correct in saying that the final report will clearly indicate that before most-favored-nation treatment is extended to any nation, the executive department will extract from them, to the maximum extent possible, an agreement on agricultural facts and statistics so that we in the world will know exactly how we are dealing in terms of sale of food products in the international marketplace?

Mr. President, I too want to emphasize today the importance of this trade bill. It is especially important because it would make possible U.S. participation in a major round of international trade negotiations scheduled for next year. If this bill were to fail to pass, there almost certainly would be no significant negotiations because of the importance of the United States in world trade.

I also want to thank the distinguished Senator from Louisiana for including the language in the conference report which instructs the President to take into consideration the wording in my amendment before renewing most-favored-nation treatment to any non-market-economy country.

I will point out that the majority of the countries participating in the World Food Conference agreed that if we are to solve the many problems involved in food production and distribution, it is essential to create a world food information and early warning system to provide facts on the types and quantities of crops planted, exports and imports of agricultural commodities, changes in the weather and expected crop yields. If all nations would cooperate in this system, approaching shortages can be identified early and food-relief missions could avoid the delay which have led to thousands of deaths in previous situations of this type. I will also point out that Secretary Kissinger, in his major address at the World Food Conference, stressed the need for this type of information as an important part of any international food security program.

Mr. LONG. The Senator is correct, and that is contained in a very strong statement by the managers of both the House and the Senate.

Mr. DOMENICI. I thank the Senator.

Mr. HANSEN. Mr. President, as a member of the Senate Finance Committee I want to compliment the distinguished chairman, Senator LONG, for his skill and diligence in achieving the passage of the Trade Act of 1974.

Many thought that it would be impossible to accomplish this near Herculean feat. But the Senator from Louisiana displayed those abilities well-known to members of the Finance Committee in a most persuasive manner and the most improbable was accomplished. The Ways and Means Committee's and the Senate's versions were at variance in many ways. These differences were reconciled and the country is the beneficiary of Chairman LONG's tact and diplomacy.

Mr. President, it is with sadness that I note the departure of Senator BENNETT from the committee. Our ranking member has earned our admiration and love.

His record is one most worthy of emulation. His industry and knowledge will be sorely missed. We wish him well.

Mr. BUCKLEY. Mr. President, as we vote on the final version of the trade bill as reported out of Congress, a bill that records this country's continuing concern for the state of freedom behind the Iron Curtain, I believe it appropriate that today's RECORD reflect the cruel conditions that the Jackson amendment seeks to alleviate. I therefore ask unanimous consent that there be printed at this point of the RECORD an open letter to scientists in the West by a distinguished Soviet biochemist, Alexandre Goldfarb, which speaks for itself.

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

APRIL 30, 1974.

DEAR FRIENDS: I am writing you this in order to describe the situation I am presently in and to justify my request for help, because, I think, it would be difficult for a man not accustomed to the "Soviet reality" to understand all the implications of recent events in my life.

As many of you may know, at the end of 1973 I applied to the Soviet authorities for a permission to emigrate to Israel. Shortly before the application, I had to quit my job at the Kurchatov Institute because I knew I would be fired anyway, and I wanted to spare my boss, whom I deeply respect, the necessity of firing me under the pressure of the Institute's management and the accusation of a bad political education in his lab.

Yesterday a police lieutenant colonel announced to me in a toneless voice that the authorities "consider my departure undesirable because I possess information which is important for the security of our state". No explanations, no arguments.

Those of you who have visited our laboratory can easily understand the complete absurdity of considering my work on RNA polymerase of E. coli and the general research on transcription carried out in the lab to any extent related to warfare and military secrets. Not only have I never participated in any kind of classified research, or seen a classified document, but I have never met a person in my department who has. All the results of our laboratory were always published in open press and mostly abroad. I am sure that any expert when asked about the possible military significance of my work would laugh at the question.

But it is not scientific institutions or the police who have made the crucial decision. The real decision-maker is the KGB, hidden behind the official cover of OVIR, a department of the regular police which formally deals with visas. Incidentally a KGB officer in plain clothes was present at the ceremony of announcing the refusal to me, but he was silently sitting in the corner while the policeman was reading the verdict and answering my questions. And although my pocket tape recorder was putting on record everything which was said in the room, the tape misrepresents the atmosphere leaving the impression that there were only two of us talking, me and the policeman, while, in reality, the dominating figure was the man in plain clothes, well-dressed and intelligent-looking, smiling quietly at me from his corner, and it was he and me who were actually the two parties in the game, each equipped in his own way—me with the hidden tape recorder to reveal him and he with the police officer to hide himself. The old Jews sitting in the queue in the corridor who spend days in the OVIR and know everything there, had noticed the man entering the room, and when I went out, asked me whether it was me whom the KGB man has specially come to talk to—and I felt a kind of respect.

Why didn't they let me go? I doubt that there are specific reasons for keeping me here because I am of some special value to this country. Anyway they are not going to use me as a specialist anymore, for it would be impossible for me to find a job as a schoolteacher to say nothing about a university or a research institute. The real reason is high politics and this refusal is not a punishment for my specific characteristics—I am simply a victim of the authorities' attitude to a certain problem at a certain time.

The problem is the growing amount of Jewish scientists wishing to go to Israel because of many difficulties they have in their work, because for membership in the academic community in this country they have to pay the price of alienation from their people, because of the fierce anti-Israeli campaign in the press, because of the choices they are often offered: either you sign a letter against Israeli policy or Sakharov or God-knows-

what or they'll make life for you difficult, etc. Naturally the authorities want to contain the brain drain. What is less natural, an application for a visa is considered at all levels an open challenge to the regime, the very existence of which was for decades based, among other things, on closed borders. And what is most unnatural, these emotions are augmented by a mentality of a feudal lord of the last century who, all of good intentions, created relatively tolerable conditions for his serf intellectuals and who, instead of praise and admiration, is rewarded with demand for freedom. His natural response would be to have the ungrateful serf taken to the horse-yard and whipped to make others know better.

This master-to-serf attitude of the authorities toward emigrating scientists was openly described in an article in Literaturnaya Gazeta in November 1973. A well-known party idealogist Academician Mintz declared that a scientist has a special responsibility towards the state which has given him education, invested in him and the state expects him to work for the society and not go away for good. An emigrating scientist, we are told, betrays not only his society but his Motherland itself so it is not surprising that such people are surrounded by general hostility.

So, to teach others a lesson, the policy was adopted to turn down applications of certain scientists and to make their lives unenviable. The list of refusenicks must cover all categories of people which, according to the authorities' estimates, are going to apply, so that everyone will have a deterring example. Among the refusenicks we already have physicists, mathematicians, chemists, engineers, and I am the first molecular biologist. And instead of saying that my release contradicts "interests of the state", it would be more proper to say that keeping me here is in the interests of the state.

So the state's objective is to make my life miserable in order to show others what may happen to them if they follow my route. I have already had opportunity to notice the interest of the KGB in my person. Once I was arrested in the street and kept in a police station for an hour without explanations. Now and again I am followed by two cars with 8 plainclothesmen; my friends who are in the same position for years say that this is their way of making acquaintance with me. All my mail is opened and half of my letters abroad do not reach their destination.

From the examples of other refusenicks I see that things may even get worse. I know that I will never return to research, but I may even be fired from any job and then accused of "parasitism", as it happened recently to a college professor in Sverdlovsk. Or I may face a "hooliganism" charge after being beaten up in the street by police agents—as it happened recently to a refusenick in Kiev.

So there is no way back for me and as a human being and scientist I have no alternative to going where I want to, to Israel. And I ask you to help me, for support from my friends and colleagues is the only hope for me—if not of getting my visa, then at least of being in a way protected from persecution for active efforts to obtain it.

My foreign colleagues are the only people who are in a position to say that research on modifications of E. coli RNA polymerase induced by T-even phages cannot be a military secret. None of my Soviet colleagues will dare to do so—and this is one of the reasons why I wish to leave this country. Only *you* can say that a scientist should not have less personal freedom than other people simply because he is considered a more valuable serf of the state. And your voice will be considered seriously by the "lord master" of the serfs because to have Western scientific cooperation is as important for the Soviets as foreign investments and credits.

I apologize for bothering you but this is the only way to do anything not only for me and a few dozen of outcast scientists but also for many of their silent colleagues who are still in ther labs and who will not answer many of your worried questions you ask them while visiting the USSR on a program of scientific cooperation.

Yours sincerely,

ALEXANDER GOLDFARB.

Mr. McINTYRE. Mr. President, I would like to commend once more the chairman of the Finance Committee and its members, as well as the members of the conference committee for their efforts on this bill.

I am pleased to note that the conference committee retained most of the amendments passed in the Senate to provide much-needed protection for the footwear industry.

I am most gratified that the pleas made here in this Chamber on behalf of the footwear industry and its workers and have been heard, and that steps have been taken to assure that the unique problems of this industry will be addressed under this new legislation. I thank my colleagues for their cooperation and understanding.

It is my sincere hope that as this bill is implemented that past experiences with foot dragging by the executive branch with regard to import relief and difficulties in obtaining adjustment assistance will not be repeated. I will continue to watch this situation with the closest attention.

Mr. ROBERT C. BYRD. Mr. President, I know that Senator JACKSON wishes he could be here today to vote for passage of this conference report. However, he had to leave yesterday for Tacoma, Wash., for an operation for the surgical removal of a kidney stone. The operation had been scheduled in advance to occur after the expected adjournment of Congress.

Mr. HATFIELD. Mr. President, I am pleased that final action now is being taken on the trade bill. I commend the chairman of the Committee on Finance, Mr. LONG, for the yeoman's work he has done in moving this bill along in these final days and hours of this Congress.

As a supporter of the concept of liberal trade policies, I am pleased the bill will be enacted into law. If we had not acted on the bill, the dynamics of getting another bill passed in the next Congress would have prevented serious trade negotiations from beginning in 1975. I recall reading somewhere that 1975 was a crucial year because there probably would be no national elections in the major countries. If that is so, I hope progress in negotiating some of the needed agreements can proceed.

I doubt that any of us like every crossed "t" and dotted "i" in the bill, but its scope is one that will be good for the country. It is, as are so many of our bills, the product of compromise, both within this Chamber and with the other body.

Mr. President, we have heard from opponents of the bill about the cost in jobs to the workers of this country. Let me take one example in my State to rebut this claim. Tektronix is the largest single-site employer in Oregon—I repeat, the largest employer in one place of people—and supplied me with some material on the foreign trade aspect of their operations. I should note they are a company manufacturing sophisticated electronic equipment. I ask unanimous consent that a letter from Earl Wantland, president of Tektronix, describing their international efforts and the impact on jobs, appear at this point in the RECORD.

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

TEKTRONIX, INC.,
Beaverton, Oreg., December 6, 1974.

Senator MARK O. HATFIELD,
Russell Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: It is my understanding that the Senate will be debating the Trade Reform Act during the week of December 8. You and I have discussed the international nature of Tektronix' business on past occasions, but an update at this time may be useful. Three closely related variables are examined here: exports, balance of payments and employment.

Tektronix sales in the United States during our last fiscal year (ending May 1974) were $156 million. Our foreign sales for the same period were $115 million. Thus, foreign sales are an important part (42%) of our total business. $74 million of our foreign sales were exports from the U.S. Since our imports are historically under $2 million per year, nearly all our international business contributes to a positive U.S. trade balance.

During our last fiscal year our net contribution to the U.S. payments balance was $68 million. This is nearly twice as much as our net increase in foreign investment during the past ten years. Our net contribution to the U.S. payments balance during the past ten years totaled $364 million. This may not look like much compared to the huge deficits caused by high oil prices, but we are proud of our contribution.

Tektronix employs about 13,300 people worldwide; 10,800 of these are in the U.S. (9,500 in Oregon). Of our U.S. employees, we estimate that 3,000 are employed as a direct result of our international business. Since most of these are in Oregon, we are to the point where nearly one-third of our Oregon employment is attributable to our overseas business. This accounts for approximately $29 million annually of our total Oregon payroll.

I am pleased that we are able to report favorably to you on these aspects of our business. Our continuing ability to do so depends to a large extent on open world trade. We appreciate your past efforts on behalf of free trade and ask for your continued support as the future of the Trade Reform Act is decided in the U.S. Senate.

Very truly yours,

EARL WANTLAND,
President.

Mr. HATFIELD. Mr. President, one reason it is important that this bill be passed is that it will help create a framework for broad negotiations in numerous, trade-related areas. The United States must establish credability in this area, and passage of this bill will help greatly in this effort. Perhaps it would be more accurate to say that failure to pass it would have been a fatal blow toward meaningful negotiations.

Earlier this year, several of us who felt the need for a trade bill spoke on the floor in a colloquy about trade issues. In my remarks, I stressed the tie between the trade bill and hunger. Because this

tie still exists, and the issue of world hunger needs all the attention we can provide, I ask unanimous consent that my earlier comments appear at this point in the RECORD.

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

TRADE REFORM ACT

THE NEED FOR TRADE LEGISLATION AND THE GLOBAL FOOD SHORTAGE

Mr. HATFIELD. Mr. President, I am pleased to join in this colloquy this morning to discuss the need for trade legislation. Because of its ramifications, it is a topic that Congress could be tempted to just ignore, hoping the current problems would disappear. Today's problems are immense in international trade, with runaway inflation and floating exchange rates creating great uncertainty on all fronts.

Ambassador William Eberle worked for a long time to convince the Europeans to lower some tariffs to compensate the United States for the enlargement of the common market. Suppose, however, Arab oil-producing nations were to invest a huge amount of oil-moneys in New York banks, and the price of the dollar goes up. Does this not wipe out the concessions the Europeans made? It is a tough question, and there are those who say we are better off with no bill, and that we should wait to see how things "shake out" in the international arena. As appealing as this may appear, it is the wrong position. A trade bill should be considered and approved.

If all the trade bill offered was the possibility of adjusting tariff rates, then the desire by some to postpone its review would have more merit. Some day, when the monetary system settles down, a modest change in the tariff on a product will be more important than today, when changes in currency values can have a greater impact on trade than tariffs. We hope such a day is coming. The long period of fixed exchange rates that occurred following World War II would have been much more difficult to maintain if adjustments in the tariff rates had not been available to keep the international balance system better tuned. Certainly, successful trade negotiations can make a contribution to other negotiations, and would be justified on that count alone.

We should keep in mind, though, the proposed trade legislation deals with far more than changes in tariffs. An important provision concerns nontariff barriers to trade. These troublesome measures, often embodied in domestic law, can be used to curtail trade regardless of what currencies are worth.

Of the five titles in the bill, only the first deals with negotiating authority on tariff and nontariff barriers to trade. Title II is just as important in providing a workable system of helping domestic producers adversely affected by foreign competition. Without such a system, the only place where those faced with injury can come is to Congress. Years ago, we decided that special interest legislation on trade matters was not desirable. Our job is to frame a good system to administer solutions to this problem. The bill also provides means in title III for dealing with unfair competition, and in title IV for East-West trade. Title V offers an opportunity to strengthen our ties with the poor countries of the world by offering them a better break in the American market. They need this break, and we need to maintain the kind of relationship with them that will avoid ugly disputes over the price and availability of the commodities we buy from them.

The question of commodities brings up what I think is the central reason for considering the trade bill: we must negotiate solutions to the "commodity crunch," and the trade bill, while not solving the question, helps create the framework for such negotiations. Entwined with the question of commodities is the issue of food.

GLOBAL FOOD SHORTAGES

Meeting the food needs of the world is a critical issue whose magnitude has not been grasped by most people in this country. While the terms of the trade bill do not relate directly to the question of food shortages, I think the interrelationship of trade, commodities, and food is clear. Only through the kind of international agreements that the trade bill will help begin can the proper framework, the trust, and the working relationships, be established in a manner that will lead to workable solutions to the world food crisis.

In a broader sense, we must exercise moral leadership to help ease the food shortages that are growing around the world. Because I believe it is such a critical matter, I would like to add some further comments about the world food situation.

Let me be candid. There is no problem faced by this world more likely to breed instability and conflict, and increase the magnitude of mankind's suffering in the years directly ahead of us, than the shortage of food.

International politics, relationships between the "superpowers" and the poor countries, the durability of political regimes, and the political character of nations, including our own, will be shaped by the growing scarcity of the world's basic resources, and especially food, more than by any of the other factors that have monopolized our attention.

Here is the picture that we are facing.

Before World War II, most all countries of the world had all the grain they needed, and frequently some to spare. Only Western Europe was dependent upon buying grain from other nations. Today, much of the world needs grain, but only North America and Australia have substantial surpluses to export.

The United States produces half of the world's corn and two-thirds of the world's soybeans. Out of 1.2 billion tons of grain produced by the world, 90 million tons is traded between countries, and the United States provides 70 million tons of that amount.

Yet, what is our situation? Two-thirds of the world's population fights for one-third of the world's total protein.

Recently we have put idle land into production, and depleted our reserves. But the world demand has increased. Our long standing surpluses are no longer present to provide a cushion against outright famine.

The shortage of energy worsens the shortage of food. With the increasing mechanization of farming, both here and abroad, it takes about 80 gallons of gas to raise an acre of corn. Far more is required to produce fertilizer, which is essential to the hoped for green revolution. Thus, while Americans waited in line a few hours for gas for their cars, Indian farmers waited in line for 5 days for gas to run their irrigation pumps or other machines for growing and harvesting their crops.

More troubling is the report of some scientists who study the climate. They have ascertained that the world's temperature has dropped by 2.7 degrees since 1945, and that this apparent cooling trend will cause desert areas to advance toward the equator, expanding the region of drought. We have already seen the effects of this in the Sahel region of Africa, where the Sahara Desert has expanded southward 30 miles each year of the current drought. For the first time in the memory, the Niger River can be crossed by foot. And at least 250,000 people have died from starvation. Continuing changes in climate such as this would affect India, South Asia, China, and Central America.

Changes in climate can also affect our own capacity for food production. Many of us have memories of the last major drought in the United States, which created the Dust Bowl. Scientists sense that dry periods come in cycles, and may be mild—such as in the 1950's—or far more severe. But what many predict is that the next drought period is due just about now, and could last for 5 to 6 years. Even a slight reduction in harvests of grain from North America could have a devastating effect on a world trying to fight against famine.

Because of the way you and I have become accustomed to eating, it takes five times the limited resources of land, water, and fertilizer to support our diet than to support the diet of a Nigerian, or Colombian, or Indian, or Chinese.

The amount of food and protein consumed by the diets of you and me and all 210 million Americans could feed 1.5 billion Africans and Indians on a stable, though vastly different diet.

Our vast consumption of world energy resources is also related directly to the way we produce food. In a poor nation, or primitive culture, each calorie or unit of energy invested produces anywhere from 5 to 50 food calories. But in the rich nations it takes between 5 to 10 calories of energy to get just one food calorie.

Apply that to just one country such as India. If all of India's 550 million people were to be fed at our level of 3,000 calories each day, it is estimated that this would require the expenditure of more energy than India currently uses for all other purposes. On a larger scale, to feed the entire world on our diet would require 80 percent of the world's total energy.

So what does all this mean? We can no longer suppose that our extra abundance can feed the hungry of the world. Rather, the world will be fed only by the sharing of resources which the rich of the world have assumed to be their unquestioned possession, and through the changing of values and patterns of life which the affluent have barely even questioned.

Some have already warned that with the fertilizer shortage alone, Asia may be faced this year with the largest food deficit of any region in recent history. The failure of the monsoons and a resulting poor harvest would almost insure famine. But even now, without those developments, over half of India's population, more than the total population of the United States, lives below the subsistence level, eating only one meager meal a day. Thus, just the slightest deterioration from the status quo would mean starvation for hundreds of thousands, and even millions.

At least 60 percent of all those 2.5 billion people living in the poorer, developing world are malnourished. We have not even touched on how malnutrition leads to death through disease for millions of people. One can have enough food to keep himself alive, but malnourished, making him far more susceptible to disease and death. Even more tragic is the evidence that malnutrition during a mother's pregnancy and the first months of an infant's life can cause permanent damage to the mental abilities of the child.

Famine cannot be averted by simply thinking we can increase the "size of the pie," so those who have little may have a little more. What we are discovering is that the pie itself has limits. Most all arable land around the globe is in use. Increased protein production once hoped for from the sea has not materialized, and now most scientists fear the seas are being overfished, which would deplete this resource. The simple

truth, then, is that the pie must be shared more equitably.

The world produces enough food to feed all its inhabitants. But when one-third of the world's population—all those who are comparatively the rich—consume two-thirds of the world's protein resources, then millions of the other two-thirds of the world suffer, starve, and die.

Gandhi put it cogently and well:

"The earth provides enough for everyman's need, but not for everyman's greed."

I am reminded of the Bible story of Joseph and the 7 years of plenty that were followed by 7 years of famine. Let us hope we have not entered into the era of the symbolic 7 years of famine. Our past policies of paying farmers not to grow crops, and allowing grain to rot in silos, has helped leave us unprepared to meet the future food needs in time of global food shortages.

Two other areas exist where the trade bill would improve our relations with the less-developed countries: The first is the generalized system of preferences included in title I of the bill. The other area is access to supply.

Mr. President, most other developed countries already have introduced generalized system of preferences—GSP—in favor of the less developed countries. The basic objective of the United States in this area is to help developing countries build self-reliant productive economies in order to become more stable members of the world community. The preference system envisioned by the bill would accomplish this in a number of ways. It would enable the less-developed countries LDC's—to expand their foreign earnings and, with them, acquire more capital and consumer goods from other countries. It would enable them to share in the economic growth that the industrial countries have experienced over the past decade.

Enactment of the GSP would help narrow the widening gap between the Northern "have nations" and the "have-not nations" of the Southern Hemisphere. Lastly, it will help decrease the defensive needs these countries now feel for high duties, strict exchange controls, and, in some cases, producer cartels.

The bill's GSP scheme would decrease the discriminatory effect of the preferential trading arrangements which have proliferated in recent years. Countries having such agreements which discriminated against U.S. exports would not be eligible to benefit from this program. On the other hand, the benefits of the program would be extended to the Latin American countries which now do not discriminate against U.S. exports in favor of those from other industrial countries. The key here is that we are trying to develop a trading system in which the industrial countries extend preferences to all or most developing countries and not just to those who are willing to grant discriminatory preferences in return. It is a step toward a more open trading system between the industrial and the developing countries.

The cost of this program would not be great. It is designed to benefit developing country exports of manufactured goods. While this is very important to the LDC's, it is estimated that imports to the United States due to this system would amount to only about 1 percent of our total imports of manufactured goods. Even then, there is an escape clause available to cover unforeseen circumstances.

The other area where the trade bill touches directly our relations with the LDC's is in the area of access to supply. In past trade negotiations, our emphasis has been on gaining access to markets for American goods. Since the oil embargo, we have become much more aware of access to raw material supplies. As we look at oil first, we then see a host of other commodities, especially minerals and certain tropical food products. The "commodity crunch" has created a new era for trade negotiations.

The United States is in the rather unique position of being both a raw material importer and a raw material exporter. As such, we can understand the position of the importers, most of which are industrialized countries, as well as the position of the raw material exporters, most of which are the LDC's.

The multilateral trade negotiations are coming at an opportune time. The raw material exporters have just realized their strength, and are beginning to flex their new muscles. Many at least are considering producer cartels for some of their raw material exports. Such cartels are not in our interest or, in the long run, in the best interests of the LDC's. The multilateral trade negotiations will offer the LDC's a forum where they can bargain on the basis of their advantages with the industrial countries, who will bargain on the basis of theirs. In the long run, both will benefit. Both groups of countries can bargain for the removal of each others trade barriers and for access to the supplies which are vital to them. The key here is that this bargaining is done in the context of an orderly negotiation, and not in the context of threats, ultimatums, or embargos.

I think it can be seen therefore, that one of the principal benefits from approval of the trade bill will be to bring the less developed countries into the world trading system as full participating and responsible members.

Lastly, I would be remiss in discussing the bill if I did not mention that the citizens of Oregon have a great stake in foreign trade. They recognize the need for meaningful trade legislation. We have many trade contacts from our State, principally with the Pacific rim countries. Japan's ties with Oregon are numerous in the trade area. Oregon businessmen who are knowledgeable in trade matters tell me and my staff that foreign businessmen and government officials all want to know when the United States will enact the trade bill. We in Oregon want to implement further international ties, in trade and in related areas. Until the trade bill passes, and the United States evidences leadership in the trade area, expansion of Oregon trade is more difficult. In the past, I have spoken in detail about Oregon's trade ties, and trade's impact in our State, and I will not do so again today. I will note, however, that this is not just a cerebral or intellectual issue. It is a "people issue," and it concerns jobs, and a host of other factors in Oregon.

In closing, let me repeat that the picture painted by the food statistics is grim. We must ease the shortage. Acting on a trade bill will create a framework that should help generate increased international attention to global food needs. A trade framework, with meaningful negotiations, mutual understanding, trust, and a willingness to try and meet the common goal, should stimulate accelerated international efforts to ease the world food shortages.

Mr. President, I ask unanimous consent that some recent newspaper articles on the world food situation, including one from yesterday's Washington Post, appear at this point in the RECORD.

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

[From the Washington Post, July 15, 1974]

POOR NATIONS FACE STARVATION AS RICH ONES DELAY AID

(By Dan Morgan)

In India, the rains that fell on this spring's wheat crop were lighter than hoped, and in places there was drought.

But heavier rains would not have mattered; they fell on a crop already doomed not to fulfill its early promise because of unparalleled changes in the world's economy.

India's oil-import bill is up a billion dollars this year, and fuel shortages idled irrigation pumps in some parts of the country.

Worse than that, India suddenly found itself priced out of the world fertilizer market, so a million tons less than planned was applied to the land.

While the rich countries of the world bought up the high-priced fertilizer, or cancelled export contracts, India revised its early crop estimates downward. Instead of 30 million tons of wheat, India harvested only 24 million.

Then, when the country went into the international grain markets to make up some of the difference, it paid twice as much for a bushel of wheat as it had a year earlier.

The significance of this food, fuel and fertilizer price squeeze on India—as the world's other poor nations—is basic. More may die of hunger this year. Around the world, the United Nations says, 20 million people may starve to death in 1974.

India's food reserves are down to almost nothing. If the summer rice crop is poor, it may have to import still more to head off even worse malnutrition in the world's second most populous country.

But India does not have the money to buy much food on the commercial market. Its money reserves, now about $1 billion, are enough to last only three months.

The rising costs of basic commodities means that there will be much less left to buy the technology and techniques that are essential to economic growth.

This is also serious, because experts say the only sure way to control the population spread which brings on hunger is to build such growth. Some pessimists predict that India's economy will not grow at all between 1974 and 1980.

Thus, the price hikes threaten to undermine the gains of the "Green Revolution."

That revolution was promoted by rich countries. Those same countries are now embroiled in political maneuvering to see which if any, will take the first step to help.

Almost every expert agrees that massive loans on easy terms are needed. But the newly rich oil countries are wary that they might lose control of their funds if they join in any Western rescue effort; the United States is worried about the domestic impact of increased food aid, and the Europeans have their own problems with severe inflation.

While the oil-producing nations are raking in some $60 billion more in revenues this year, and the United States and other grain producers are profiting from the higher world prices for food, low-income countries have moved a step closer to economic ruin.

According to updated studies by the U.S. government and the World Bank, more expensive fuel, food and fertilizer will cause a net drain of at least $1 billion this year from the poor nations' foreign exchange reserves.

And officials in Washington concede that the United States, the European Common Market and the newly wealthy oil-producing countries are still months away from adopting a plan for a concerted rescue operation.

The rich countries, said one official, are engaged in a "fast-moving shell game," each waiting to see who will chip in first, and how much.

The Nixon administration, under increasing international pressure to take the lead, had not decided whether to expand its food aid sharply as its contribution to the relief effort.

Last Thursday Secretary of State Henry A. Kissinger's top adviser on the world food problem told senators he could not yet give an assurance the United States will undertake such a "major food initiative."

Such an initiative is essential leverage in getting the Europeans and the oil producers to follow suit, according to diplomats who

see a close link between the politics of oil and the politics of food.

Kissinger told the United Nations in April, "A global economy under stress cannot allow the poorest nations to be overwhelmed."

But fears of higher domestic food prices, and pressure to hold down this year's budget deficit have produced political caution. "We don't want another grain deal," said one official.

On June 28, the nine-nation Common Market cabled U.N. Secretary General Kurt Waldheim that it was prepared to give aid—provided "other industrialized countries," and the oil exporters, gave five-sixths of the total assistance, and the European share didn't exceed $500 million.

The European offer was "written like an insurance contract," said one U.S. official.

Other officials say the main thrust of the American effort on behalf of the hardest-hit countries should be to get the oil producers to lower prices. By removing its old restrictions on grain production in hopes of pushing food prices down, they say the United States has set an example which the oil exporters should now follow, with or without expanded American food aid.

American officials also want the oil exporters to come through with massive loans at easy terms for the stricken countries. So far, no oil producer has made a concrete commitment.

The once highly touted conference of oil producing and consuming countries, which was to have dealt in part with the problem, has been shoved far into the future, perhaps never to take place because neither the United States nor the exporting countries are anxious for a "confrontation."

Instead, attention is now focused on the Sept. 30 annual meeting of the finance ministers of the World Bank and the International Monetary Fund. The joint directorate, which includes oil countries, is expected to formally establish a "Joint Committee on the Transfer of Real Resources" to work on the problem.

The committee will deal with what World Bank officials call the "biggest and fastest shift of wealth in the history of the world."

The shift has struck at the world's poor countries in many ways.

The benefits of foreign development assistance have been eroded by the global inflation. Political support for increased foreign aid has sunk to a low point in Western countries hit by inflation.

To deal with their severe internal problems, industrial countries such as Italy are cutting back on their imports from the less developed countries.

According to still unpublished findings circulating in Washington, the possibility of some affected countries' offsetting the damage by forming cartels to market their minerals is limited.

That finding is challenged by some economists who predict mineral cartels like the oil producers' powerful price-setting organization will soon be a reality.

But according to World Bank experts, the benefits still will be small compared with the world oil bill.

In many cases, substitutes are available for the minerals, or other sources can be tapped.

Chile and Zaire can now take advantage of higher copper prices; Brazil can cash in on higher coffee, and iron ore revenues and Bolivia can get more for its tin.

World Bank experts contend that "even if they get together politically, the prices of those minerals will be eroded much faster than oil."

The shift of wealth has caused an erratic reordering of the world's money flow which is still not fully understood.

Not all poor countries have been seriously affected. Some, such as Afghanistan, have been only marginally set back because their predominantly rural economies don't yet depend heavily on energy from oil. Some rich countries, such as Britain and Italy, have been hurt badly.

Some modestly well-off nations, such as Costa Rica have been jolted unexpectedly, because of their heavy dependence on imported oil, while others whose economies were not far ahead, such as Venezuela, will triple their revenues from oil exports alone in 1974.

Officials in Washington say most rich countries can blunt the blow by exporting more technology and commodities, digging into reserves, or turning to commercial banking sources and international money markets.

Medium-income countries such as South Korea, Brazil and the Philippines—with per capita annual income of between $300 and $700—can weather the storm by scaling down their high rates of growth, tightning their belts, taking loans at commercial rates and seeking to increase exports.

However, those alternatives are not open to a number of other countries, now facing economic stagnation or even ruin, officials say. The most affected countries include South Vietnam, Cambodia, India, Bangdalesh, eight central African countries including Kenya, and some in Latin America, including Chile, Uruguay, Honduras and possibly Costa Rica.

The price impact is less disastrous than feared in January, government studies have concluded. But the impact will get steadily worse as the decade progresses, the same detailed studies show.

James P. Grant, president of the private Overseas Development Council, told a Senate panel Thursday that "barring major international action, the combination of quadrupling food and energy prices and the cutback on fertilizer exports dooms millions in these countries to premature death from increased malnutrition and even outright starvation."

He said the 40 poorest countries will have to pay some $3 billion more for essential imports than was foreseen a year ago.

"The lives of millions are threatened by the inability of the developing countries to purchase essential quanities of fertilizers—even as Americans are continuing to use scarce fertilizer for such clearly nonpriority purpose as lawns, golf courses and cemeteries in ever increasing amounts," Grant said.

A preliminary World Bank study issued in March shows low income countries will need additional capital of $2.5 billion to $3 billion a year between 1976 and 1980 "at highly concessional terms" to offset the higher costs of essentials.

The bank estimated that these same countries will experience an additional net drain of $1.4 billion this year and $1.9 billion next year—only a small part of which could be financed from reserves or loans.

Experts say countries with dwindling reserves are least able to take advantage of the various pools of capital which have been set up to cope with the wealth transfer.

The International Monetary Fund has established a special "oil" fund with a value of about $3.6 billion supported by a number of oil-producing countries. However, officials say the interest rates and payment terms would be beyond the means of many poor countries.

Last week, William J. Casey, chairman of the Export-Import Bank, said the deteriorating credit position of the underdeveloped countries could be a "factor that will reduce our loans" to them.

South Asian countries such as India and Bangladesh, with bleak possibilities of increasing their immediate export revenues, may be the hardest hit of all.

Several weeks ago, the Department of Agriculture's food intelligence service picked up reports that representatives of Bangladesh were shopping for 300,000 tons of wheat on the international grain market.

As of today, the sale has not taken place.

"They don't have any money," explained an American diplomat.

Indian monetary reserves are down to about $1 billion—an estimated three months' supply.

India has not yet officially sought a resumption of U.S. food sales on easy terms, which ended in 1971. As a result of India's explosion of a nuclear device May 18, congressional enthusiasm for increased aid to India is lukewarm.

Congress is considering an amendment to block Americans approval of "soft" loans through the International Development Association to countries which explode nuclear devices outside the controls of the nuclear non-proliferation treaty.

At a recent meeting of the World Bank's Aid to India Consortium, $1.4 billion in help was approved. The United States is offering $200 million through IDA, $75 million in bilateral foreign aid, $45 million in food giveaways and $29 million in debt refinancing.

[From the New York Times]

1974 WORLD FOOD PROSPECT SHAKY DESPITE U.S. HOPES

(By Kathleen Teltsch)

UNITED NATIONS, N.Y., June 20.—The new report to Senate committee that the needy in the United States are angrier and poorer than they were four years ago has raised doubts that a bountiful American harvest may forestall the threatened world food shortage.

In effect the report by a group of experts to the Senate Select Committee on Nutrition and Human Needs, published yesterday, makes it clear that neither increased spending nor raising agricultural output is sufficient answer, domestically or internationally, to an increasingly critical food problem.

Agriculture Department policy-makers had estimated a harvest of 2.1 billion bushels of wheat, which they insisted should be ample for domestic needs, put at 750 million bushels, and for a billion-bushel provision for profitable sales abroad—leaving a carryover of 350 million bushels for emergency foreign assistance.

However, economic analysts outside government and some members of Congress object that such calculations are perilously dependent not only on American harvests as good as forecast but on the absence of major crop failures in other grain-producing regions. World food stocks have fallen to their lowest levels in 20 years, it is emphasized.

And with population growing at 2 per cent a year and with raising pressure for richer diets, demand is increasingly outrunning productive capacity.

The immediate outlook abroad is not reassuring. Poorer countries such as India have had to cut back on fertilizer imports because of quadrupled prices and scarcities. The same is true for diesel fuel for tractors and for irrigation pumps. Capricious weather has damaged Soviet winter wheat, hit Ukranian fields with dust storms and slowed spring sowing in Canada.

"The world situation in 1974 remains more difficult and uncertain than at any time since the years following the devastation of the Second World War," the Food and Agriculture Organization concludes in a report for the World Food Conference to be held in Rome in November.

The difficulties and uncertainties cited by the United Nations specialized agency are reflected in a survey by The New York Times, which also suggests that sketchy and frequently contradictory information is being provided by many governments because of pride or politics or simply inadequate data.

INDIA SEEKS WHEAT

According to New Delhi officials, India will be able to meet food requirements without

much difficulty; they assert that there is no dearth of fertilizer and no danger of famine. At the same time an Indian supply mission has been sent to Washington to buy as much wheat as possible to offset deficits expected to reach 10 million tons.

The food agency warns that the drought-ravaged countries extending in a wide belt across Africa south of the Sahara are experiencing acute shortages and that drought is spreading east and south and can be expected to reduce harvests in Dahomey, Egypt, Guinea, Kenya, Nigeria, Somalia, Tanzania and Zaire. However, some qualified authorities returning from the area south of the Sahara say original estimates that 10 million people were threatened by famine were grossly inflated.

"Photographs of bleaching animal carcasses in the desert, which are offered around as current evidence, are no longer valid and the situation has improved radically," according to Dr. Pascal J. Imperato, First Deputy Commissioner of the New York City Health Department, who recently revisited the area, where he had spent five years.

He and others acknowledge that foreign assistance will be needed for years. A new United States report said it would take decades after the emergency relief phase to carry out rehabilitation and irrigation projects to halt the deserts's advance.

SUPPRESSION CHARGED

Some relief experts here note that the full dimensions of the famine last year in Ethiopia were suppressed by the Cabinet in Addis Ababa—since ousted—and maintain that United States officials were lax in reporting the disaster because they were unwilling to antagonize the Ethiopian Government.

Concern for the Indian subcontinent and the sub-Sahara area in Africa prompted recent warnings by the director of the United Nations Children's Fund, Henry R. Labouisse, that 400 million to 500 million children were threatened by severe malnutrition. For the first time in many years there are reports of severe malnutrition in Central America.

Theoretically, according to the experts, global grain production of 1.2 billion tons should be enough to meet minimum needs if supplies were spread evenly, which, of course they are not. To attain bare minimums for the 30 to 40 poorest countries would require radical cuts in consumption in affluent countries, which consume a ton of grain per capita a year, mainly as feed grain to build costly protein in meat, milk and eggs. The prospect of such redistribution is slim.

The first signal that the world was once again veering toward a food crisis came in 1972, when disastrous weather cut production in the Soviet Union, China, India, Australia, Southeast Asia and the sub-Sahara region.

The Soviet Union, which in previous shortages had tightened its belt, chose to go to the world market, largely for feed grains for expanded livestock production. It was principally its purchase of 20 million tons from the United States that pulled down American reserves and pushed prices up.

SOVIET SETBACK REPORTED

Any assessment of this year's food outlook is complicated by the Soviet practice of withholding forecasts and China's refusal to disclose output. Recent reports have said winter wheat was hard hit by bad weather in the Soviet Union and spring planting delayed. So far there has been no indication, according to American agricultural experts, that Moscow will again be buying on the world market.

Although 1973 was a good year and the United States put idle cropland back under the plow, reserves have not been rebuilt. The experts, maintaining that the shortages are not the result of temporary conditions such as the poor 1972 weather, point to long-term trends that are not yet fully understood. They suggest that the world food economy, after decades of abundance—albeit maldistributed, so that many were hungry while some had surpluses—is moving into an era of chronically tight supplies.

Scarcities are developing because the global system is overloaded, according to the Overseas Development Council, a private group. As growing populations and improved diets raise demand, it notes, prices soar and competition for scarce energy and fertilizer intensifies.

The United States has had an agreement with the fertilizer industry since October barring new export sales, which is having damaging effects, particularly on developing countries.

While Agriculture Department spokesmen tend to belittle gloomy forecasts on world output, the F.A.O. report supports the gloom to the extent of estimating that by 1985 the poorer countries will face grain shortages they will be unable to meet with imports. Assuming that increases in population and demand will continue, the agency estimates that by then the majority of developing countries will be left with a big cereals gap.

Senator Hubert H. Humphrey recently proposed a food action program that has bipartisan support. Formulated after consultation with Secretary of State Kissinger, it could be a basis for American policy at the Rome conference.

BIG RISE IN AID URGED

The program, elements of which will stir domestic opposition, urges substantial increase in assistance to needy countries, which has been scaled down as American surpluses disappeared, calls for helping the poorer countries increase production and provides for participation in a global system of food reserves.

Many proposals are being offered to ease the food shortage, ranging from the advice of the economist Barbara Ward that the more affluent forgo a hamburger a week, to the urgings of Dr. Jean Mayer, the nutritionist that a worldwide campaign restore breast-feeding. Another proposal is that the family pet be fed with scraps from the table instead of commercial food, a $1.5-billion item in the American budget. Senator Humphrey is appealing to Americans to change their rich diet and affluent life-style to save grain and asking that the three million tons of fertilizer spread on lawns and golf courses be sent abroad.

Some of the suggestions evoke from specialists the reaction that they would be merely symbolic. Among farm interests there is fear that the principal effect of big crops and reduced domestic consumption would be a sag in prices. "It's tough to make the bread and gravy come out even," a farm spokesman remarked.

[From the New York Times]

EXPERT FINDS APATHY IN FERTILIZER CRISIS

UNITED NATIONS, N.Y., June 20.—Dr. Norman E. Borlaug, the noted developer of high-yield grains, said here last week that during a recent tour of Asia and Africa he found few governments concerned about the need to accelerate fertilizer production.

During an interview after his four-and-a-half-month tour, he explored this apathy, saying that action could mean staving off famine for millions.

He said that the Chinese were an exception, building more fertilizer plants than any other country. The Chinese he said, have put leading Japanese and American concerns under contract to help.

$7 BILLION NEEDED

Dr. Borlaug, often called the father of the green revolution, a rice development, which brought him the Nobel Peace Prize in 1970, estimated that it would take an annual investment of $7-billion to $8-billion to meet increased demands for fertilizers. The estimate covers the costs of additional nitrogen-producing factories, the operation of potash and phosphate mines and the costs of distribution.

A major problem, the agronomist said, is that there is a shortage of chemical engineers trained for this kind of technology.

"Governments willing to spend $220-billion yearly for destructive armaments should be willing to invest in securing more food for their people," he declared.

Dr. Borlaug said the green revolution was never expected to solve the food problems for an expanding population but to "buy time" while governments acted to stabilize what he called this "monstrous population growth."

Instead, he complained, governments have frittered away the time. He said he looked on the possibility of increasing fertilizer production as a chance to "buy more time."

The vastness of food needs in terms of population increases is not something people grasp easily, he said. He likened global grain needs to a highway of grain stretching around the world at the Equator, 55 feet wide and 6 feet deep. Each year, the population grows by 76 million and that means annually adding a 625-mile link for a second highway.

A FIGHT ALL THE WAY

He said he believed that with technology progress could be made in feeding the world and averting famine but "it's a fight every step of the way."

Dr. Borlaug noted that the world was lulled into a false complacency about its food stocks because it had abundant supplies at its disposal for decades before 1972, and the United States, Canada, Australia, France and Argentina were warehousers, brokers and bankers. A sudden need such as that in 1967 caused by India's drought, could be handled by such reserves.

He said that in 1971 the United States, under domestic pressure to reduce the cost of carrying big surpluses, had cut back on acreage.

Mr. HATFIELD. Mr. President, before ending these remarks, I want to note publically the fine work done in marshalling support for the bill by William Eberle and his able staff. While there is credit to be passed around on this matter, I know that Bill Eberle has lived and breathed this bill for these past months.

DIRECT INVESTMENT

One aspect of trade concerns the issue of direct investment in the United States. Recently, a speech on this topic was given by Mr. William Givens, president of Twain Associates. Mr. Givens has had an active career in international business matters, and was a key participant in the recent study by the Boston Consulting Group on the Prospect for Japanese Direct Investment in the United States. It is this subject area that was the topic of Mr. Givens speech in New York before the Japan Society. He addressed his comments to the subject of "A Perspective on Japanese Investment in the United States: Through a (Recession) Glass, Darkly." Mr. Givens raises some important points in his speech, and one need not agree with every point to recognize the importance of thinking about this issue. Since during debate on the trade bill is a proper time to reflect on the issue of direct investment, I ask unanimous consent that Mr. Givens' speech appear at this point in the RECORD.

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

A PERSPECTIVE ON JAPANESE INVESTMENT IN THE UNITED STATES: THROUGH A (RECESSION) GLASS, DARKLY

(Remarks by William L. Givens)

My purpose today is to look briefly with you at the phenomenon of Japanese direct investment in the United States, not only as it appears under current conditions, but also as it might appear after the recession. Perhaps I am being premature in trying to see beyond the recession, when our Administration in Washington has so recently discovered that we have one. However, I happen to be a firm believer in the longer view, and I feel such a perspective will be particularly valuable in the development of Japanese investment here.

I want to make three principal points in these remarks:

That Japanese direct investment is potentially a major factor in the U.S.-Japan relationship;

That the prospect for such investment has not been destroyed by the developments of the past year;

That, despite their great potential, the long-range success and viability of these investments, taken as a group, is still in some doubt.

Let us first set a broad context. The United States and Japan are the two largest capitalist economies in the world. The relationship between them, however hard we may have tried to make it a military alliance, is essentially and irrevocably an economic one, and is symbiotic in some very important respects. One does not have to agree entirely with Herman Kahn to expect that Japan's relative position, even at reduced rates of growth, is still more likely to be enhanced than to diminish with the further passage of time. It seems entirely possible that, as we approach the end of this century, the United States and Japan will be in a class to themselves in economic scale, sophistication, and influence. For better or worse, further expansion of the already massive economic intercourse between them is inevitable.

Clearly, a collaborative relationship between these two economic giants can generate enormous benefits to the peoples of both countries. Conversely, an antagonistic or adversary relationship will be extremely costly to both sides. The true body of this relationship will be at the private, not the Governmental, level, and will be the composite of its individual corporate relationships. Its strengths and weaknesses will be their strengths and weaknesses; its quality will be their quality, no better and no worse.

I would also contend that Japan's foreign investment, in the United States and elsewhere, represents far more than simply an *ad hoc* expedient to work off a temporary foreign exchange surplus. It is, rather, the next logical step in the long-range development of a dynamic economy which has grown too large for the narrow confines of the Japanese islands. Through the 1960's, the Japanese homeland functioned essentially as a huge factory, importing raw materials and exporting a broadening array of increasingly sophisticated manufactured goods. Japan's external economic activity was confined largely to that import-export trade and the purchase of foreign technology; its main preoccupation was internal—in raising living standards and improving the productivity of the "factory".

The remarkable success of this approach needs no elaboration. However, by the early 1970's, industrial pollution, energy and material shortages, labor developments, and chronic protectionism and frictions in Japan's major overseas markets had introduced some rather insistent limitations on the continued successful growth of "Japan-as-a-factory". For both individual corporations, and the economy as a whole, it has become apparent that an increasing proportion of Japanese business and industrial activity must be based outside of Japan if the full potential of Japanese economic development is to be achieved. What I think we may be seeing, then, with the recent rise of Japanese investment overseas, is the beginning of a new phase in which Japan itself will function less exclusively as a factory and increasingly as the headquarters of a more broadly-based international business and industrial system. The principal vehicle for this shift, of course, will be direct investment abroad.

This strikes me as a critically important transition for Japan, since the alternatives to it are either seriously curtailed growth on the one hand, or the continued exacerbation of the "Japan-as-a-factory" syndrome of energy, pollution, and protectionist problems on the other. To the extent that it is accomplished skillfully—that is, that Japanese corporations manage to shift a portion of their activities successfully into other economies—they can alleviate many of their chronic difficulties while continuing to grow and prosper. In the United States, Japanese direct investment can accomplish a number of useful purposes:

It can transfer a portion of Japan's production into one of its principal export markets, relieving protectionist pressures in the U.S., and energy, pollution, and labor constraints in Japan.

It can give Japanese interests an influential role in the development and processing of those American natural resources which are major imports for Japan.

It can provide Japanese industry with earlier access to U.S. technology, as well as an opportunity to contribute to and influence the development of this technology, and to participate more fully in its commercial application.

It can open a wide variety of profitable outlets for the diversification of Japanese industry, and for the expansion and development of Japanese entrepreneurial resources in both industrial and service activities.

At the same time, these investments can benefit the United States very substantially, contributing jobs, taxes, technology, productivity, entrepreneurial skills, and competitive impetus to our economy. Joint activities between Japanese and American companies can produce valuable combinations of resources, technologies, and managerial talent.

What has the recession done to the prospect for these investments? To the long-term outlook, very little, I should think. Certainly the developments of the past year have not removed any of the underlying pressures which have motivated Japanese business and industry to move abroad, and, in some instances, have intensified them. As to the short range, we simply don't have enough current, hard data to judge with much precision, at least with respect to the gross volume of these investments, although considerable activity is still apparent.

Some points, however, do seem obvious. The recession will not, for example, affect all prospective investors alike. Generally speaking it will tend to intensify and accelerate the natural competitive trends and forces, and will be much harder on the weaker competitors than on the stronger. It will reduce the number of competitors, both American and Japanese, who can or will move aggressively to enlarge or diversify their activities, and will thus create unusual opportunities for the expansion and consolidation of positions by those who can.

Marginal Japanese competitors during this period of stress will, of course, be preoccupied with survival, and will not be a factor in the U.S. investment scene. Others will have the resources to invest here, but will lack the interest or the initiative. Others, however, will have both the means and the will, and these should emerge from the recession in a most favorable position. For these stronger competitors, then, the recession can be a period of opportunity and expansion and the long-term pattern of Japanese investment here will depend to a considerable extent on how aggressively and how wisely they act.

How successful will Japanese corporations be in integrating their investments into the United States economy? In approaching this question, it is important that we acknowledge realistically that there is a political dimension to any foreign investment activity, anywhere, which sets it apart from otherwise similar domestic activities, and that that political dimension is particularly strong with respect to Japanese investments in the United States. American attitudes toward Japanese business activity are a complex mixture of positive and negative factors, with the mix and balance constantly subject to change. Some persistent negative factors—residual wartime animosities, racial and nationalistic biases, and chronic trade frictions—have begun to be offset in recent years by a growing recognition of and respect for Japan's economic accomplishments and their potential value to the United States.

My own view, based on rather extensive research and observation, is that the climate for Japanese investment in the United States has reached a point where such investments will be received more or less pragmatically, on the basis of their perceived value to the communities where they locate and to the American economy as a whole. But beneath this surface pragmatism there still remains an undercurrent of negative bias, a predisposition to see Japanese business as nationalistic, overly aggressive, and insensitive to American interests.

This underlying bias will tend to aggravate and magnify the routine frictions inherent in operating any business and will render Japanese investments considerably more vulnerable to adverse popular, competitive, and even legislation reaction than U.S.-owned enterprises would be in similar circumstances. There have already been enough instances of such reaction to suggest to the prospective Japanese investor that successful business planning will not suffice; political risk, also, must be accounted for and steps must be taken to minimize it.

This means that the most careful attention must be given to the longer-range political viability, not only of individual investment activities, but, in the case of the larger investor, of the firm's overall posture in the United States. Certain kinds of investments involve a high degree of political risk. In particular, the following kinds of investments will tend to be inherently friction-prone and unstable:

Those activities which exploit, or appear to exploit, American natural resources, markets, or technology without contributing some adequate (in the popular perception) compensating benefit to the U.S. economy or sharing in the risk and expense of development;

Those which involve a large and obtrusive Japanese presence in either a community or a U.S. industry;

Those which tend to be economically disruptive in some way, artificially inflating real estate prices, for example, or aggravating local commodity or labor shortages;

Those which involve outright, large-scale purchases of U.S. lands, conveying the impression that foreign interests are "buying America".

I would emphasize strongly here that I am not suggesting that investments with these characteristics should be categorically avoided. Some element of risk or friction will be involved in even the strongest investment; the only way to avoid risk altogether is not to invest at all. What I am suggesting

is that the Japanese investor should be particularly cautious in these sensitive areas, and that too high a degree of political risk is unwise and unnecessary.

It is possible, in my view, for a Japanese firm to develop an investment, or pattern of investments, in the United States which is competitively strong and financially profitable, yet is basically unstable and unsound owing to excessive involvement in activities of high political risk. Similarly, I believe it is possible for the overall pattern of Japanese investment in the United States to evolve, through inadequate planning at the corporate level, into a condition of generalized instability, and ultimately to become a political liability.

Conversely, I believe that both individual Japanese investments and the overall body of Japanese investment, as well, can be established in a very solid position in the United States, even to the extent of becoming an acknowledged asset, provided only that the selection and planning of these investments is done with care and a reasonable degree of sophistication. The political risks which I have referred to are usually predictable in advance. In many cases, they can be minimized or eliminated altogether by careful planning—by altering the location or form of the investment, by skillful public information activities, or by a judicious choice of U.S. associates. In others, they can be offset by positive economic benefits which the investments bring to the communities where they locate.

Overt negative reaction to Japanese investments in the U.S. has thus far been limited, and that is a good sign. It means, if nothing else, that most Japanese-managed activities have so far integrated well at the local and personal levels. However, the adverse reaction which we have seen has occurred largely in those areas where Japanese investments have developed in greater concentrations, and that may be a bad sign, for it suggests similar problems may occur elsewhere, as well, as the volume of activity continues to increase.

It is too soon to predict how the overall pattern of these investments may develop; it is still small, inchoate, and growing quite rapidly. As noted earlier, it is the product of many individual transactions, and thus is constantly changing as new investments are made. However, the rate of change will slow with growth, and the quality, character, and viability of the pattern will simultaneously become increasingly important and more difficult to influence as it grows in size, visibility, and impact.

With this in mind, some observations may be in order on what I feel may prove to be vulnerabilities in the Japanese investment pattern as it has developed in the U.S. thus far. First, with the notable exception of the large Japanese manufacturers shifting production capacity into the United States, much of the activity appears to be random, with individual investments having been made more or less as opportunities have presented themselves. Few Japanese companies appear to have developed a central plan or focus for their investment activities here, or to have considered seriously how their various investments may grow and combine to shape their strategic postures in the United States, over time. One large and successful Japanese industrial firm of which I am aware has made three investments in the United States: a hotel, a cattle-feeding operation, and a Japanese restaurant. Individually, all of them are currently profitable, and all appeared to be "bargains" at the time the investments were made. However, taken together, they have placed the investor into a series of widely dispersed, small businesses in which it has no particular background or expertise, and is unlikely to attain a leading U.S. position in the future. Thus, a large Japanese manufacturer has assumed the posture in the United States of a small-scale venture capitalist.

Second, many Japanese investors, particularly those who are diversifying into the United States, seem to be attracted to business activities in which entry barriers are low—that is, where capital, personnel and technological requirements are modest—apparently in the belief that these conditions make for easy competition. Similarly, they tend to enter businesses and locate in areas where Japanese investments already exist, in the belief that these activities have been proven "safe." Restaurants, hotels, and real estate development, particularly in New York, Hawaii, and California are popular investment targets in this category. They represent obvious and "easy" channels for the inexperienced Japanese investor to enter the U.S. economy. In practice, of course, the "easy" businesses and "safe" locations are the most likely to be overcrowded, leading to intense competition, greater local frictions, and higher risks. Investments planned with originality and initiative in business activities where entry barriers are somewhat higher will offer much greater potential at far lower risk in the longer range.

Finally, sensitivity to the political dimension I referred to earlier has been spotty, at best. Corporate investment decisions, large and small, are made on the basis of purely business criteria, without regard to any but the most obvious and immediate political risks. Long-term and cumulative risks—potentially the most ominous—appear to be virtually ignored. To the extent that political or public relations implications are considered, the thrust is essentially defensive—that is, toward avoiding frictions—rather than positive, toward building a solid position in the United States.

These impressions raise some uneasy thoughts in my mind. One is a sense of uncertainty as to the real strength and stability of the current pattern of Japanese investments here, and its suitability as a foundation for future growth. I suspect, without knowing, that it is politically vulnerable, at least in the sense that it has developed no significant reservoir of positive support which would tend to offset opposing interests in a confrontation.

To borrow a Japanese term, it seems to me that if Japanese investment is to realize its true potential here, it must build a *jiban* in the United States, a constituency of U.S. interests at the local, industry, and national levels which will identify with and support these activities out of a pragmatic regard for their contributions to American interests. Without this *jiban*, Japanese investment in the U.S. will remain perpetually in a tenuous state, its growth potential limited and its future unsure.

I further suspect that the random nature of this activity, combined with the tendency to cluster in a few familiar locations and businesses is resulting in a long-term opportunity loss which is enormous.

I would hope that the more aggressive and far-sighted Japanese competitors would see both the potential risks in the current pattern and the opportunity to build a major position in this economy through a more sophisticated approach.

I would like to see more Japanese investors emerge who will not simply scramble in the pit for finite supplies of scarce American natural resources, but rather will invest in production and processing capacity addition to help alleviate the shortages.

I would like to see more Japanese investors emerge who will not shop for proven U.S. technology to buy or license, but rather will invest at the developmental stage, sharing in both the risks and the rewards.

I would like to see more Japanese investors emerge who will forego the hotel in Los Angeles and the restaurant in New York for a manufacturing, processing, or R&D activity in Atlanta, Hartford, or St. Paul.

In short, I would like to see the emergence of an effective leadership segment among Japanese investors here which, as we proceed through and beyond the recession, will make basic, long-term commitments to a U.S. position and implement cohesive investment strategies with initiative and sophistication.

That is the way the *jiban* will be built. I believe it can benefit us all.

The PRESIDING OFFICER. Who yields time?

The Senator from Louisiana has 4 minutes remaining.

Mr. LONG. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. HELMS. Mr. President, I move to table.

The PRESIDING OFFICER. The question is on the motion to table the conference report.

The motion was rejected.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. GRIFFIN. Mr. President, was the time for this rollcall limited to 10 minutes?

Mr. ROBERT C. BYRD. Mr. President, it was. I ask unanimous consent that the time on this single rollcall be limited to 15 minutes.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUGHES (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Washington (Mr. JACKSON). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Louisiana (Mr. JOHNSTON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. TALMADGE), and the Senator from Washington (Mr. JACKSON) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD) is absent on official business.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL),

the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from New Jersey (Mr. CASE), the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Illinois (Mr. PERCY), and the Senator from Nevada (Mr. LAXALT) are necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii (Mr. FONG) and the Senator from Maryland (Mr. BEALL) would each vote "yea."

The result was announced—yeas 72, nays 4, as follows:

[No. 578 Leg.]

YEAS—72

Aiken	Griffin	Nunn
Allen	Hansen	Packwood
Bartlett	Hart	Pearson
Bayh	Haskell	Pell
Bennett	Hatfield	Proxmire
Biden	Hathaway	Randolph
Brooke	Helms	Roth
Buckley	Hollings	Schweiker
Burdick	Hruska	Scott, Hugh
Byrd, Harry F., Jr.	Huddleston	Scott, William L.
Byrd, Robert C.	Humphrey	Sparkman
Cannon	Inouye	Stafford
Chiles	Javits	Stennis
Clark	Kennedy	Stevens
Cotton	Long	Stevenson
Cranston	Magnuson	Symington
Curtis	Mathias	Taft
Dole	McClellan	Thurmond
Domenici	McGee	Tower
Dominick	Metzenbaum	Tunney
Eagleton	Mondale	Weicker
Fannin	Montoya	Williams
Fulbright	Moss	Young
Gravel	Muskie	
	Nelson	

NAYS—4

Abourezk	McClure	Metcalf
Hartke		

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Hughes, against

NOT VOTING—23

Baker	Eastland	Mansfield
Beall	Ervin	McGovern
Bellmon	Fong	McIntyre
Bentsen	Goldwater	Pastore
Brock	Gurney	Percy
Case	Jackson	Ribicoff
Church	Johnston	Talmadge
Cook	Laxalt	

So the conference report was agreed to.

Mr. PELL. Mr. President, during the debate on the trade reform bill (H.R. 10710), I expressed strong opposition to section 408 placing restrictions on Czechoslovakia and urged that it be deleted. Consequently, I am most disappointed that restrictions remain in the bill after Senate passage even though in modified form.

I think it is unfortunate for the bill to discriminate as it does against the Czechoslovak people, with whom Americans have always had such close and friendly ties despite the governments or administrations that come and go.

Between the great wars, the Czechoslovaks made their country a showpiece for the democratic process as providing maximum material benefits with minimum restrictions on individual freedom. We sorrowed with them when Munich destroyed their nationhood. We admired their struggle against Nazi occupation and rejoiced when after World War II, national independence seemed to have been restored. Our regret was great when Czechoslovakia fell behind the Iron Curtain. We shared the hopes and brightening prospects in 1968 of the Prague Spring soon blighted, however, by a Moscow winter despite heroic Czech resistance.

The point I wish to make is that while I am all for getting the most favorable settlement possible for American claimants, the beneficiaries of section 408, I do not think that the trade bill, dealing as it does with much broader national interests between peoples, is the place to do it.

Twice now Czechoslovakia has negotiated in good faith to reach a claims settlement, to which we have attached a really irrelevant condition, the return of gold originally seized by the Nazis and belonging to the Czechoslovak people. We now ask that a third attempt be made.

In the light of this background, I urge a generous interpretation of section 408 and that progress toward a new settlement not be held up by negotiations involved in the implementation of the trade bill itself. I think we owe as much to our national reputation for fair dealing and out of consideration for the legitimate rights of our friends, the Czechoslovak people.

THANK YOU FROM SENATOR BENNETT

Mr. BENNETT. Mr. President, I have 1 minute. I simply wish to use it to express my appreciation to my colleagues for the kind things they said yesterday about my service to the Senate, which will end this afternoon when the Senate adjourns sine die.

I am happy that my last activity has been on this monumental trade bill, which I hope the Senate will accept.

TIME LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on the social services conference report there be a 10-minute time limitation to be equally divided between Mr. LONG and Mr. CURTIS.

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

The Senate will be in order.

APPOINTMENT BY THE PRESIDING OFFICER

The PRESIDING OFFICER (Mr. MCCLURE). The Chair, on behalf of the Vice President, in accordance with Public Law 85–474, appoints the following Senators to attend the Interparliamentary Union Meeting on European Cooperation and Security, to be held in Belgrade, Yugoslavia, January 31–February 7, 1975: The Senator from Louisiana (Mr. LONG), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Indiana (Mr. HARTKE), the Senator from Montana (Mr. METCALF), the Senator from Indiana (Mr. BAYH), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Oklahoma (Mr. BELLMON), and the Senator from Vermont (Mr. STAFFORD).

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, may we proceed with the conference report? The Senators are waiting.

SOCIAL SERVICES AMENDMENTS—CONFERENCE REPORT

Mr. LONG. Mr. President, I submit a report of the committee of conference on H.R. 17045, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17045) to amend the Social Security Act to establish a consolidated program of Federal financial assistance to encourage provision of services by the States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of today.)

Mr. LONG. Mr. President, generally speaking, we succeeded in getting the House to accept major items in the social services bill pretty much in line with the way the Senate recommended it. The conference report is a compromise but, I think, a good compromise from the Senate's point of view.

The enactment of this social services measure, Mr. President, is the culmination of a great deal of work by the Senator from Minnesota (Mr. MONDALE). Early in 1973, when social services first became an issue, Senator MONDALE showed his leadership in proposing legislative solutions to the problems. The fact that we are today sending a bill to the President is largely due to his efforts, and I think that all persons receiving social services, as well all States, localities, and organizations providing those social services should be well aware of his responsibility for our reaching a legislative solution. He is a valuable member of the Committee on Finance, and was a valuable Senate conferee.

Mr. President, the Senate amendment to H.R. 17045 had three parts. The first part represented a substitute for the House bill dealing with social services under the Social Security Act. The second part provided a tax credit for low-income workers with families. The third part contained provisions for a strengthened Federal and State role in child support collections.

So far as social services are concerned, the conferees examined the issues in detail and reached what seems to me to be a fair, reasonable, and workable compromise. Basically, we agreed to follow the lines of the House bill, but we made some important changes which strengthen that bill considerably.

For example, the House bill had no provision for mandatory services to the

aged, blind, and disabled. We wanted to be sure that these people were assured of a fair share of social services money, so the conference bill includes the Senate provision requiring the State to provide at least three types of services for persons receiving supplemental security income benefits.

Another Senate provision agreed to by the conference is for maintaining the provision in present law which requires the States to offer family planning services to AFDC recipients.

With regard to child care, the provisions in the House bill would have resulted in making the cost of care prohibitively high. If care were provided for children under 3, there would have to be one caretaker for every two children. That kind of requirement is totally unrealistic and, if enforced, would result in serious hardship for a lot of people. The conference agreed to have the Secretary of Health, Education, and Welfare work out regulations for staff ratios for out-of-home care for children under 3, which we would expect to be more reasonable than those in H.R. 17045, as passed by the House. Otherwise, for children age 3 and above, the conference agreed to a compromise we worked out here in the Senate which provides for care meeting the 1968 Federal Interagency Day Care Requirements, but with some modifications. These modifications ease somewhat the staffing ratios prescribed by those requirements, and provide that the educational content of day care programs is to be recommended rather than mandatory.

The conference agreement also would require the Secretary to issue regulations relating to fees for services for families with incomes below 80 percent of the State's median income. These regulations are to be written in such a way that they will treat families fairly and equally, regardless of their welfare status.

The Senate version also prevailed with regard to certain requirements on the States for reporting and evaluation procedures. We will require the States to report on the use of their social services funds, but they will not be burdened with excessively detailed reporting requirements.

The Senate amendment providing for new social services funding for Puerto Rico, Guam, and the Virgin Islands also was accepted in principle, although specific limits are included in the bill.

The effective date for the new social services program is delayed 3 months to October 1975 with the HEW regulations suspended accordingly until that time.

I am pleased that the House conferees were able to accept virtually the entire part of the Senate bill dealing with child support. The House insisted on the deletion of the authority granted to HEW to establish regional blood laboratories which would have supplied expert evidence of blood typing in the determination of paternity. Also, the House did not accept the specific designation of a new Assistant Secretary for Child Support in HEW, but did retain the concept of a separate organizational unit, reporting directly to the Secretary, to administer the Federal aspects of the program. The final change in the Senate bill authorizes the use of the Internal Revenue Service collection mechanism for delinquent child support payments only in the situation where there is a court order involved.

The program adopted by the conference is a major step in the elimination of a national disgrace in the nonenforcement of child support responsibilities. This situation has greatly increased welfare costs by forcing families of runaway fathers on AFDC. The conference bill builds on the Social Security Act Amendments of 1967 which required State programs of child support and determinations of paternity. HEW administration of these provisions has been half-hearted with the result that only a handful of States have established effective programs.

The conference bill will require State implementation of child support programs upon penalty of a reduced Federal matching for AFDC. At the Federal level there will be established in HEW a Parent Locator Service. The use of Federal courts and IRS collection mechanisms where State action has failed is also authorized. At the local level the AFDC recipient assigns his support obligation to the State for collection. This is the procedure that has been used in the States with the most effective child support programs. The Federal matching for these programs has been increased from 50 percent to 75 percent and a special incentive bonus will go to the localities making the actual support collections.

Also of great significance are the provisions in the conference bill which authorize access to support collection services for families not on welfare who have been deserted.

Mr. President, I am extremely disappointed that the House conferees proved so adamant that we were forced to drop the provision of the bill for a tax credit for low-income workers with families. In my opinion, Mr. President, this is an idea whose time has long since come. The Senate has passed that provision three times now, with the thought in mind that we should do what we could to help the working poor. Our bill would have helped an estimated 3½ million families with children by giving them up to $400 a year on the basis of their earnings under social security.

I believe it is important that the Congress take action to help those poor people who are working hard to help themselves, and I believe the Senate bill represents the best action that anyone has proposed up to now. However, there was just no budging the House conferees on this matter and in the interest of legislating this year in these two other highly important areas of social services and child support, the Senate conferees reluctantly agreed to send the bill on to the President without the tax credit provision.

Mr. President, I urge the Senate to adopt the conference report.

Mr. MONDALE. Mr. President, I thank the Senator for his very gracious comments. I was grateful to work with the distinguished chairman in the development and final resolution after several years of this knotty and difficult question of social services regulation. I think we have come up with a very sound proposal, one which I believe is strongly supported by the Governors, the Commissioners of Welfare, the Department of Health, Education, and Welfare. But it could not have happened without the leadership, the commitment, and the concern of the distinguished Senator from Louisiana.

I was very pleased to work with him on this proposal, and pleased to have had the opportunity to work with him in the committee and on the conference.

Mr. President, I am pleased to report that the social services provisions of the pending conference report reflect the basic principles of S. 4082, the Social Services Amendments of 1974—which I introduced in the Senate with Senators BENTSEN, PACKWOOD, and JAVITS—and which passed the House as H.R. 17045. I wish to thank the distinguished chairman of the Senate conferees, the Senator from Louisiana (Mr. LONG), for his generous cooperation in securing adoption of these provisions.

These provisions—a new title XX to the Social Security Act—were the result of months of hard work and compromise among the National Governors' Conference, the American Public Welfare Association, the AFL–CIO and UAW, and others. The final bill received the full support of the administration.

I hope and believe this new legislation will establish sound ground rules for this program, which is the largest source of federally assisted day care for children, and which also provides special help for the elderly and disabled, alcoholism and drug rehabilitation, and a host of other services directed toward preventing welfare dependency, avoiding unnecessary institutionalization, and strengthening family life.

Basic responsibility for program administration will rest at the State level, as in the past—with strong new provisions to assure both public accountability and accountability to the Federal Government for the use of funds.

I am particularly pleased with the new eligibility requirements, which will open participation in child care and other services to moderate-income families on a reduced-fee basis, while assuring that a substantial share of services must be directed toward the poor. Too often programs for the poor alone suffer from poverty themselves at budget time. And too often we have ignored the crying needs of hard-working, tax-paying families, who struggle to make ends meet and who deserve a helping hand.

And while I regret that the day care standards contained in S. 4082 have been eased with respect to adult/child ratios, I am pleased that for the first time Federal standards for day care—including requirements for parent involvement, health and safety standards, staffing, and the provision of social services to children—now have the force of statutory law. These standards now can and must be enforced.

Mr. President, I ask unanimous consent that a list of the cosponsors of S.

4082 may appear at this point in the RECORD, together with a history of the social services controversy prepared by the Senate Finance Committee staff, and the text of the new title XX reported from conference.

There being no objection, the list of cosponsors, the history of the social services controversy, and the text of new title XX were ordered to be printed in the RECORD, as follows:

COSPONSORS OF S. 4082, THE SOCIAL SERVICES AMENDMENTS OF 1974

Senators Packwood, Bentsen, Javits, Brock, Burdick, Case, Clark, Hatfield, Hathaway, Hughes, Humphrey, Mathias, Metcalfe, Ribicoff, Schweicker, Scott (Pa.), Tunney, Williams, Beall, Abourezk, Brooke, Eagleton, Kennedy, Moss, Montoya, Pell, Percy, Church, Hart, Muskie, and McGovern.

SOCIAL SERVICES

LEGISLATION IN 1972

Rapid rise in Federal funds for social services.—Like Federal matching for welfare payments, Federal matching for social services prior to fiscal year 1973 was mandatory and open-ended. Every dollar a State spent for social services was matched by three Federal dollars. In 1971 and 1972 particularly, States made use of the Social Security Act's open-ended 75 percent matching to increase at a rapid rate the amount of Federal money going into social services programs.

The Federal share of social services was about three-quarters of a billion dollars in fiscal year 1971, about $1.7 billion in 1972, and was projected to reach an estimated $4.7 billion for fiscal year 1973. Faced with this projection, the Congress enacted a limitation on Federal funding, as a provision of the State and Local Fiscal Assistance Act of 1972.

Federal funds for social services limited in 1972.—Under the provision in the 1972 legislation, Federal matching for social services to the aged, blind and disabled, and for services provided under Aid to Families with Dependent Children was subjected to a State-by-State dollar limitation, effective beginning fiscal year 1973. Each State is limited to its share of $2,500,000,000 based on its proportion of population in the United States. Child care services, family planning services, services provided to a mentally retarded individual, services related to the treatment of drug addicts and alcoholics, services provided a child in foster care, and (under a provision adopted last year as part of Public Law 93–66) any services to the aged, blind, or disabled can be provided to persons formerly on welfare or likely to become dependent on welfare as well as to present recipients of welfare. At least 90 percent of expenditures for all other social services, however, have to be provided to individuals receiving Aid to Families with Dependent Children. Until a State reaches the limitation on Federal matching, 75 percent Federal matching continues to be applicable for social services as under prior law. Family planning services provided under the medicaid program are not subject to the Federal matching limitation.

Services necessary to enable AFDC recipients to participate in the Work Incentive Program are not subject to the limitation described above; they continue as under prior law, with 90 percent Federal matching and with funding of these services limited to the amounts appropriated. Federal matching for emergency aid (including social services) is at a 50 percent rate.

REGULATORY CHANGES BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

On May 1, 1973, the Department of Health, Education, and Welfare issued sweeping revisions in the Federal regulations under which social services programs are operated by State welfare agencies. These regulations, which were to have become effective on July 1, were strongly opposed by many groups and individuals who felt that they were in many respects contrary to the purposes which social services programs were intended by Congress to serve.

Eligibility for services.—Under the May 1 regulations, social services could have continued to be provided to cash assistance recipients and to former and potential recipients; however, the definition of former and potential recipients was considerably narrower than under the prior regulations. Services provided to former recipients would have had to have been provided within three months after assistance was terminated (compared with two years under the former regulations). Persons could have qualified for services as potential recipients only if they were likely to become recipients within six months and only if they had incomes no larger than 150 percent of the State's cash assistance payment standard. In the case of child care services, potential recipients with incomes above that limit but not more than 233⅓ percent of the cash assistance payment standard could have qualified for partially subsidized child care. Under the former regulations services could be made available to individuals, likely to become recipients within five years and without any specific income tests. The former regulations also permitted eligibility to be established for some services on a group basis (for example, services could be provided to all residents of a low-income neighborhood). The new regulations would have not permitted group eligibility but would have required the welfare agency to make an individualized eligibility determination for each recipient of services.

Scope of services.—The May regulations would have limited the type of services which may be provided to 18 specifically defined services and would have limited to just a few services those which the States are required to provide. By contrast, the former regulations had a fairly extensive list of mandatory services, specifically mentioned a number of optional services, and allowed States to receive Federal matching for other types of services not spelled out in the regulations.

Procedural provisions.—The May 1 regulations would have changed a number of the administrative requirements imposed upon the States in connection with services; for example, the requirement of an AFDC advisory committee would have been dropped and the requirement of recipient participation in the advisory committee on day care services would have been eliminated. Similarly, a fair hearing procedure (as applicable to services) would no longer have been mandated. The regulations would have required more frequent review (every 6 months rather than each year) of the effectiveness of services being provided and would have required that agreements for purchase of services from sources other than the welfare agency would be reduced to writing and be subject to HEW approval.

Refinancing of services.—The May 1 regulations would have denied Federal matching for services purchased from a public agency other than the welfare agency under an agreement entered into after February 15, 1973 to the extent that the services in question were being provided without Federal matching as of fiscal year 1972. This limitation on refinancing of previously non-Federal services programs would have been relaxed under the new regulations over a period of time and would have ceased to apply starting July 1, 1976.

CONGRESSIONAL ACTION TO POSTPONE NEW REGULATIONS

Because of the extensive nature of the changes which would have been made by the new regulations and the issues raised by those changes, the Congress did not have sufficient time to develop a legislative resolution of the policy issues before the new regulations were to go into effect on July 1, 1973. Instead, the Congress simply provided that no new social services regulations (other than those needed for technical compliance with the law) could become effective prior to November 1, 1973. This legislation did allow the possibility of implementing new social services regulations prior to the November 1, 1973 date, if the Administration obtained approval for any such regulations from the Senate Committee on Finance and the House Committee on Ways and Means. Though revisions in the regulations were proposed in the Federal Register in September, no attempt was made to obtain approval of new regulations from the two committees.

REVISED REGULATIONS

On September 10, 1973, the Department of Health, Education, and Welfare published in the Federal Register a number of revisions in its earlier proposed regulations. Additional changes were made on October 31, 1973, when the Department published in the Federal Register the final set of regulations, which went into effect on November 1, 1973. These changes did, to a certain extent, attempt to meet several of the specific statutory conflicts which were pointed out in connection with the earlier regulations. In particular, those related to legal services, family planning services, services for the mentally retarded, and treatment of alcoholics and drug addicts were brought more in line with statutory provisions. However, the more basic questions raised by the new regulations remained unresolved under the November 1 regulations.

H.R. 3153 AND FURTHER POSTPONEMENT OF REGULATIONS

H.R. 3153.—In the fall of 1973, the Committee on Finance agreed to an amendment to the House-passed bill H.R. 3153 which was designed to resolve the issues raised by the HEW social services regulations. In general, the social services provisions added to H.R. 3153 by the Committee would have retained the provisions of present law requiring States to provide welfare recipients certain types of services (for example family planning services), but would otherwise have given the States wide discretion in the use of available social services funds. The Committee recommendations were approved by the Senate in passing H.R. 3153, on November 30, 1973. The House conferees, however, were not willing to give immediate consideration to the Senate amendments to H.R. 3153. Legislation was agreed to at the end of 1973 invalidating the HEW regulations which had gone into effect on November 1, and prohibiting those or any other new social services regulations from becoming effective prior to January 1, 1975. Since that time the House conferees have not agreed to resume the conference on H.R. 3153.

H.R. 17045.—On December 9, 1974, the House of Representatives passed a new social services bill, H.R. 17045, which would amend the Social Security Act by adding a new title XX, dealing with social services.

The House bill creates a new title XX of the Social Security Act which establishes a new administrative framework for social services involving the development of annual State plans for services which must meet a number of requirements. HEW would monitor the compliance of these plans with the requirements of law and the compliance of the services program with the provisions incorporated by the States in their annual plans.

COMPARISON OF SOCIAL SERVICES PROVISIONS: PRESENT LAW, COMMITTEE AMENDMENT, HOUSE BILL

Present law	*Committee amendment*	*House bill*
1. AUTHORIZATION		
Provides for Federal matching for State expenditures for social services up to an annual ceiling of $2,500,000,000.	Same as present law.	Same as present law.
Services for families are authorized as a part of the public assistance AFDC program under title IV–A of the Social Security Act; services for aged, blind, and disabled are authorized under title VI.	do	Eliminates services authorization in titles IV–A and VI and substitutes an authorization under new title XX.
2. ALLOTMENT TO STATES		
Provides for allocation of funds (within $2,500,000,000 ceiling) among the States on the basis of State population.	Same as present law, except also provides for *reallocation* of unused funds among States which can use them.	Same as present law.

LIMITS ON ELIGIBILITY FOR SOCIAL SERVICES FOR NON-RECIPIENTS OF WELFARE

[For 4-person families]

State	Social Services May Be Provided to Families With Incomes up to:[1] Without fee[2]	If fee is charged
Alabama	$9,530	$13,699
Alaska	12,908	18,555
Arizona	10,904	15,675
Arkansas	8,830	12,694
California	12,004	17,256
Colorado	10,959	15,754
Connecticut	12,604	18,118
Delaware	11,402	16,391
District of Columbia	10,711	15,397
Florida	10,462	15,039
Georgia	10,190	14,648
Hawaii	12,398	17,823
Idaho	9,928	14,272
Illinois	11,999	17,249
Indiana	11,222	16,132
Iowa	10,608	15,249
Kansas	10,422	14,982
Kentucky	9,349	13,569
Louisiana	9,569	13,755
Maine	9,641	13,859
Maryland	12,060	17,336
Massachusetts	11,816	16,986
Michigan	12,034	17,298
Minnesota	11,293	16,233
Mississippi	8,730	12,549
Missouri	10,691	15,369
Montana	9,939	14,288
Nebraska	10,190	14,649
Nevada	11,722	16,850
New Hampshire	10,987	15,794
New Jersey	12,434	17,874
New Mexico	9,616	13,824
New York	11,792	16,952
North Carolina	9,752	14,019
North Dakota	9,458	13,596
Ohio	11,417	16,412
Oklahoma	9,844	14,151
Oregon	10,980	15,783
Pennsylvania	11,429	16,430
Rhode Island	11,046	15,879
South Carolina	9,620	13,829
South Dakota	9,335	13,419
Tennessee	9,494	13,646
Texas	10,468	15,047
Utah	10,397	14,946
Vermont	10,266	14,757
Virginia	10,674	15,344
Washington	11,583	16,650
West Virginia	9,280	13,341
Wisconsin	11,289	16,228
Wyoming	10,442	15,010

[1] Source: House Report on H.R. 17045. According to the House Report: "This is illustrative only, as there are a number of statistical mechanisms which should be explored." The limits specified in the bill (80 percent and 115 percent of State median income) are not available on a year-by-year basis. Accordingly, the amounts would have to be projected from 1970 census data. The bill does not specify the method of projection or the year to which they are to be projected. The figures in this table were developed by the Department of Health, Education, and Welfare by adding to the 1970 census data for each State the dollar amount of the increase in national median income between 1969 and 1973. Another illustrarive table issued by the Department uses the procedure of increasing 1970 census data by the percentage increase in national median income between 1970 and 1973.

[2] Limited to 100 percent of national median income, which for 1973 was $13,710.

Mr. LONG. Mr. President, before acting on the conference report, I believe the RECORD should show that the Senator from Georgia (Mr. NUNN) made a very fine contribution in sponsoring the initial child support legislation which resulted in large measure in what we have before the Senate now. I believe we will make great progress in child support thanks to the efforts of the Senator from Georgia (Mr. NUNN).

Mr. CURTIS. Mr. President, I yield 2 minutes to the distinguished Senator from New York (Mr. JAVITS).

Mr. JAVITS. I thank my colleague.

I have a question of Senator LONG. I join with Senator MONDALE in the approval of what was basically done, that is No. 1.

Second, I think the reallocation provision is very constructive. We fought for that for a year. We could not get it, and so much money needs to be allocated, about $1 billion a year, but it really is a measure of justice which has finally been consummated.

Mr. President, I shall vote for adoption of the conference report on H.R. 17045, the Social Services Amendments of 1974, notwithstanding certain reservations, so as to provide a new legislative framework for social services programs, rather than to start all over again next year, introducing new elements of uncertainty into a situation which has been "up in the air" for too long.

The conference agreement is basically a sound proposal in terms of social services deriving a number of provisions from the House bill, which in turn meet the objectives of S. 4082, the Social Services Amendments of 1974, which Senator MONDALE and I introduced with a number of other Senators on October 3.

These provisions include increased flexibility on the part of the States in the choice of services, relaxed eligibility requirements, and a number of other provisions designed to make it more possible to reduce welfare dependency, without sticking so strictly to welfare eligibility standards as the administration's proposed regulations had proposed as to be counterproductive.

Similarly, I am pleased that the conference report retains the provisions in the Senate passed bill providing for reallocation of funds from States which do not use allocations to States, like my State of New York, that have great needs, have been put in a straightjacket under the very prejudicial allocation formula imposed under the $2.5 billion social services ceiling; since 1972, New York State has been held to $220 million per year—against needs of approximately $800 million—while unused funds have ranged from $700 million to $1 billion nationally over each of the last 2 years; this conference bill would correct that through reallocation provisions similar to those I have fought for over these years, expressed most recently in S. 4119, the Emergency Social Services Amendments of 1974, which I introduced on October 10.

I am, however, deeply concerned about the provisions of this legislation that relate to child care standards. Most deeply troublesome are the provisions that would raise the ratio of adults to children from the current 1 to 10 ratio contained in the Federal interagency day care requirements, to a ratio of 1 to 15 for children age 9 or younger, and to a ratio of 1 to 20 for children aged 10 to 14. The implications of this ratio increase are quite severe given the experience we already have with non-Federal programs that have not been subject to standards.

So I would like to ask the Senator whether there is anything in the report which would prevent a city, a State or some other political subdivision or an individual or other charitable contribution from trying to add and supplement for the lack of care which may result from the application of this new standard which, by the way, is a minimum standard, and I just want to be sure that there could be fed into it improvement from governmental or private sources.

Mr. LONG. Yes, they can do that.

I might mention that the one-fifteenth staff-to-children ratio applies only for children ages 6 to 9. For children under age 6, the staffing requirements are higher. Furthermore the way it stands now, though we have higher staffing requirements for children 6 and over than in this bill, they are not being enforced.

This bill provides a standard that we believe is going to require upgrading of child care staffing around the country, which we hope will be enforced.

So we are trading off an impractical standard, not observed in practice around the country, for what we think is one more feasible, which we hope will be observed.

Mr. JAVITS. Nonetheless, if an individual entity or individuals who wish to contribute, cooperate, or whatever, wish to help out, they may, there is nothing to inhibit them under the law?

Mr. LONG. Nothing whatever.

Mr. JAVITS. I am also concerned about the section of this provision that would eliminate the requirement that the States provide educational services under the Federal interagency day care requirements. Under this legislation, those formerly mandated services would now be merely recommended to the States.

I hope that the Senate will be most diligent in exercising its oversight responsibilities in this area and that we will most carefully monitor the effects of these changes on the quality of services provided to young children under this legislation.

I would further emphasize that this increase in the ratio of adults to children and relaxation of the requirements for the offering of educational services, applies only to those programs which function under this specific social security legislation. The Federal interagency day care standards are not themselves in question here. The standards will continue to apply completely to the Head Start program and child care provided under ESEA.

Despite my strong reservations about certain provisions of this bill, I believe on balance that it is a sound measure and I would urge each of my colleagues to support its enactment.

Mr. CURTIS. Mr. President, I am prepared to yield back the remainder of my time.

Mr. NUNN. Will the Senator yield?

Mr. LONG. Yes, I will yield to the Senator.

Mr. NUNN. I would like to thank Senator LONG, chairman of the Finance Committee and the committee staff, for their excellent work which has culminated in this legislation on "runaway" parents in the AFDC programs.

This bill represents a humane approach and one that will be extremely beneficial.

It could not have been passed without the superb effort of Senator LONG and the Finance Committee staff, particularly Mike Stern. Although I introduced the legislation, it passed on the efforts of the committee and the leadership.

I believe this bill will make a very positive correction to a problem that continues to plague our country.

Mr. DOLE. Mr. President, as one of the Senate conferees on this important social services legislation, I want to express my satisfaction over its having been brought before us for final action. I know there was some question as to whether H.R. 17045 would "make it through" before adjournment, all of which were characterized by a true spirit of compromise and cooperation—making it possible.

While there are many among us who do not necessarily champion every cause which will be aided through enactment of this bill, I think we have all maintained an awareness of the necessity for constructive and timely improvements in the current system. I consider it very significant, too, that all who have been involved in the development of these proposed program changes are uniformly in support of the new approach being offered.

These include the relevant congressional committees who have been studying the existing problems; the Department of Health, Education, and Welfare, which has been charged with supervisory authority; the National Governors' Conference, which represents the State commissions implementing the affected programs; and a coalition of key organizations concerned with services for children, families, the aged, and the disabled.

We have been witnessing a virtual impasse during the last 2 years over the regulation of Federal social services grants. But now, finally, we will have the legislative guidelines necessary to bring efficiency and effectiveness into the respective State administrations.

As a strong believer in the concept of local decisionmaking, I am confident that we will soon witness a new responsiveness on the part of the States in addressing the needs of their citizens. At the same time, I feel certain we will see an improved public reaction to the types of programs covered by the $2.5 billion in annual grants provided in the measure.

In that regard, I would urge every State to take full advantage of the matching funds opportunity presented here to further expand and enhance their own projects. During the last year, for example, my own State of Kansas made use of only about $10 million of the $27 million available to them for those purposes.

I am aware of numerous other States which experienced similar substantial "losses"—just through the inability to raise their required one-fourth share. That should no longer be the case, however, with the new incentives being created by H.R. 17045 in the form of broad operational discretion.

Mr. President, while this conference report will be among the last items we consider in this Congress, it is by no means a product of anything other than thorough and careful study of the entire problem area. For that reason, we can take great pride in adding it to our list of legislative achievements for 1974.

We have a worthwhile, and indeed essential, proposal here which deserves our unanimous endorsement. It will provide the vehicle we need to bring both flexibility and accountability into a troubled social services system, and I am hopeful that we can send it to the White House by an overwhelming margin.

Mr. CRANSTON. Mr. President, in the conference report on H.R. 17045, the Social Services Amendments of 1974, the conferees, unfortunately, acted to eliminate the Federal requirement for an educational component in child care programs. Although most of the other social services provisions of the conference report represent a step forward, elimination of the required educational component is a troublesome one to me.

I would strongly urge that, when the Congress reconvenes, we give immediate consideration to reinstituting all provisions of the Federal interagency day care requirements—including the mandate for an educational component—to be required of all States operating child care programs with Federal funds.

In 1972, the California Legislature and the Governor assigned the responsibility for all child care programs to the California Department of Education. Under the leadership of our very able State superintendent of public instruction, Wilson Riles, the department has carried out its mandate of providing child care programs with a strong and very valuable educational component for more than 50,000 children. California's child care programs have become a model for similar efforts across the country, as evidenced by what I understand are hundreds of inquiries which come in each month from individuals and groups in other States. In California, there is broad-based support from thousands of parents and numerous organized parent groups for a strong educational base in child care programs.

It is apparent that California's efforts in education-based child care can show the way for a national movement in child care aimed at insuring high-quality developmental child care programs that go well beyond simple custodial supervision or babysitting services. This positive movement must go forward and be promoted by restoring a Federal requirement for an educational component in child care in the social services program.

These developmental experiences for young children are critical, and I plan to urge reconsideration early in the 94th Congress of the Federal mandate for all provisions of the Federal interagency day care requirements.

Mr. President, I do want to thank the distinguished Finance Committee chairman (Mr. LONG), the Senator from Minnesota (Mr. MONDALE), and the other conferees for accepting the reallocation which I added as a floor amendment on H.R. 3153 a year ago and which will be of substantial benefit to the people of California.

Mr. LONG. I believe, Mr. President, that this measure will increase the income of the poor with children to support.

I yield back the remainder of my time.

Mr. CURTIS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the conference report.

The conference report was agreed to.

HOUSE CONCURRENT RESOLUTION 696—PROVIDING FOR CORRECTIONS IN ENROLLMENT OF H.R. 10710

Mr. LONG. Mr. President, I ask the Chair to lay before the Senate a message on House Concurrent Resolution 696.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

Directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 10710.

Mr. LONG. Mr. President, given the very short time the legislative draftsmen had to put together the conference report on the trade bill, it is not surprising that several drafting errors occurred.

This resolution would correct these drafting errors.

The PRESIDING OFFICER. The question is on agreeing to the House Concurrent Resolution No. 696.

The House concurrent resolution was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from New Hampshire (Mr. COTTON) be recognized at this time for 3 minutes.

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

AIR SERVICE TO NORTHERN NEW ENGLAND

Mr. COTTON. Mr. President, we have an old saying in New Hampshire, when someone has found his efforts futile, "He came out the same hole he went in."

Mr. President, I know that my friend from Nevada (Mr. CANNON) will be amused when he hears this. But from the date I first came to Congress, I have been fighting for adequate and reliable air service to northern New England.

I thought I had finally succeeded when, on July 17, 1974, the CAB got around to deciding to certify a new air carrier—Air New England, Inc.—for New Hampshire and Vermont, and northern New England. This decision meant that Air New England could have some subsidy and get some decent planes. We, in northern New England, hoped the situation was solved.

But, Mr. President, as I rise here for the last time in this body before I go home, I have discovered a trend which alarms me. I think it could mean the death of air service to northern New England if it is allowed to continue. But it is squarely up in the lap of the Civil Aeronautics Board—CAB.

Therefore, I ask unanimous consent—my final swan song—to have inserted in the RECORD at this point a letter which I have just written and mailed to the Chairman of the CAB, which is self-explanatory.

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

COMMITTEE ON COMMERCE,
Washington, D.C., December 20, 1974.

Hon. ROBERT D. TIMM,
Chairman, Civil Aeronautics Board, Washington, D.C.

DEAR MR. CHAIRMAN: It has come to my attention that on December 2, 1974 Air New England, Inc. filed a petition with the Civil Aeronautics Board "for an exemption from whatever provisions of Part 298 and other Parts of the Economic Regulations and the Act as are necessary to permit it to continue to operate beginning January 1, 1975 under Part 298, even though it is a holder of a certificate of public convenience and necessity for Route 172."

Although I presently do not intend to take any position on this application by Air New England, Inc., I do intend to raise with you two very important issues.

First, you will recall that on July 17, 1974, following more than 3½ years of consideration the Board finally handed down its decision in the *New England Service Investigation* (Docket 22973) in which the Board awarded to Air New England, Inc., a new certificate for Route 172 to be effective on October 15, 1974. In the majority opinion in this decision the following was noted:

"*We find that Air New England is fit, willing, and able properly to perform the transportation authorized herein* and to conform to the provisions of the Act—a conclusion not challenged by any party." (Emphasis supplied)

Mr. Chairman, it may not have been challenged by any party at that time. But, I, acting on behalf of the interests of my constituents in the State of New Hampshire and its sister northern New England States, now believe that such a finding could be challenged.

In support of this contention, Mr. Chairman, I call your attention to Order 74–10–69 of October 11, 1974, by which the Board delayed the effectiveness of Air New England's new certificated route authority until January 1, 1975. Now, less than 2 months after that order of the Board, Air New England has filed an application for an exemption in which it notes the following:

"* * * Absent some regulatory action, therefore, Air New England will be unable to operate at all beginning January 1, 1975, because it cannot obtain and operate under an FAA Part 121 certificate due to the physical impossibility of obtaining FAA clearances by that date."

In this connection, Mr. Chairman, I invite your attention to the majority opinion in the *New England Service Investigation* (Docket 22973) in which the following is noted:

"Because New England passengers, after a long history of disappointing service, deserve to have their transportation needs carefully and sympathetically considered, the heart of this proceeding is the question of what shape New England regional air service is to take in the future."

If the Board's action, or perhaps more appropriately inaction, since its July 17th decision is any indication, then I fear that once more a cruel hoax is being perpetrated upon my constituents. The promise of improved air service has been held out to them by the Board, but it continues to be denied to them. And, I would also invite your attention to the majority opinion in the *Delta-Northeast Merger Case* (Docket 23315) decided on April 24, 1972, and specifically the following portion cited by Members Minetti and West in their concurring and dissenting opinion filed in the subsequent decision in the *New England Service Investigation:*

"* * * Delta's management must be aware of the importance to the economy of Northern New England, to the traveling public and to the carrier itself of providing the kind and quality of service the area truly needs. *The Board has ample power to insure the provisions of such service, and we are prepared if necessary to initiate adequacy-of-service investigations if there is any indication of shirking responsibilities or of bad faith.* * * *" (Emphasis supplied)

Mr. Chairman, referring again to the Board's earlier decision in the *Delta-Northeast Merger Case,* the majority opinion noted the following:

"* * * We are not disposed to approve this merger merely to award Delta further North-South routes. * * *"

Yet, Mr. Chairman, there is every reason to believe, based upon the apparent failure of the Board to see that its decisions in these proceedings are implemented in a timely and proper fashion, that inexorably this will be the result. And, my constituents will be denied what was promised to them by you and your fellow members on the Civil Aeronautics Board, namely, adequate and reliable air service. I therefore must conclude that, if there be any "shirking of responsibilities" or "bad faith", it resides in large measure with the Board for allowing this situation to develop!

It was for this reason, Mr. Chairman, that when Member O'Melia appeared before our Committee on Commerce on July 18, 1974—the day after the Board's decision in the *New England Service Investigation*—on his renomination for a new term that, although hailing the Board's decision as a victory, I concluded on the following cautionary note:

"* * * I only hope that the proposed effective date of the new certificate for Air New England of October 15, 1974, can and will be met, and that this new regional air carrier will fully discharge its responsibilities to my constituents. *Otherwise, I fear that the sweet taste of victory today may in the autumn constitute a Pyrrhic victory and turn that sweet taste to ashes!*" (Emphasis supplied)

Mr. Chairman, that unfortunately is precisely my sentiment today as I near the completion of more than a quarter century of service in the Congress of the United States.

The second issue that I wish to raise, Mr. Chairman, is whether the expenses to be incurred by Air New England in complying with the Federal Aviation Regulations referred to in its pending application (e.g., security arrangements, et. al.) are expenses which are subsidy-eligible as a result of the Board's decision to certificate Air New England, and if so, whether this information has been communicated by the Board to Air New England? In this connection, I am furnishing a copy of this letter to the Administrator of the Federal Aviation Administration.

In conclusion, Mr. Chairman, it is ironic and yet sad, indeed, that I end my many years of service in the Congress of the United States in much the same manner as I begun. Throughout my career I have had an ongoing battle with the Civil Aeronautics Board to obtain meaningful deeds rather than hollow promises so that my constituents, like other citizens throughout this great Nation, may receive adequate and reliable air service. I believe that the time is long overdue for you and your fellow members on the Board to demonstrate that you have the necessary "backbone" to bring your promises to fruition by bringing the Board's "ample power" to bear on either Air New England, or, if need be, the air carrier retaining the underlying responsibility for providing such airservice, Delta Air Lines, Inc.

Sincerely,

NORRIS COTTON,
U.S. Senator.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider two nominations that have been reported earlier today from the Committee on the Judiciary.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

U.S. DISTRICT JUDGE

The legislative clerk read the nomination of Henry Bramwell, of New York, to

be U.S. district judge for the eastern district of New York.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. ATTORNEY

The legislative clerk read the nomination of David C. Mebane, of Wisconsin, to be U.S. attorney for the western district of Wisconsin.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MOSS. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

Mr. MOSS. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, are there any other conference reports at the desk?

The PRESIDING OFFICER. The Chair is advised that there are none.

Mr. ROBERT C. BYRD. Mr. President, I believe the Senate is waiting on the other body to send another conference report over.

As I understand it, the conference report is on its way over, and the Senate is attempting to expedite the transmittal. I have offered to go over to the House and act as a runner and bring the paper over. So has the Senator who is now presiding.

So, I ask unanimous consent——

Mr. LONG. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. LONG. I am told the House has completed their action and that the papers are supposed to be on their way over here so that perhaps we should send someone to see if we can find what happened to the message on the way over.

TIME LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask if we might get a unanimous-consent agreement on this remaining conference report. Would Senator Long suggest a time limitation?

Mr. LONG. Five minutes on both sides.

Mr. ROBERT C. BYRD. Five minutes to the Senator from Louisiana, 5 minutes to the Senator from Utah (Mr. BENNETT).

Mr. JAVITS. What is the report?

Mr. LONG. Perhaps I can make a statement while we are waiting for the papers to get here from the House.

Mr. ROBERT C. BYRD. Is the time limitation agreed to?

The PRESIDING OFFICER. Without objection, the time limitation is agreed to.

IMPORTATION OF UPHOLSTERY REGULATORS FREE OF DUTY—CONFERENCE REPORT

Mr. LONG. Mr. President, I submit a report of the committee of conference on H.R. 421, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. MCCLURE). The report will be stated by title.

The legislative cleark read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 421) to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of today.)

Mr. LONG. Mr. President, the Senate previously passed and sent to conference H.R. 421 amending the Tariff Schedules of the United States to make duty-free imports of upholstery regulators and upholsterers' regulated needles and pins. In acting on this bill the Senate added several tax amendments. These amendments generally deal with emergency problems on which immediate action is needed this year rather than having them held over until next year for consideration in connection with tax reform legislation. The tax matters acted on by the Senate are needed now either to take into account serious problems with existing tax provisions or to deal with provisions having expiration dates in 1975 which the Senate believed should be extended through next year in order to allow the Congress to properly examine next year the problems involved in these areas.

The House has receded to all but two of the amendments added by the Senate. This is a significant accomplishment by the Senate. Under this action, several substantial problems will have resolved and Congress will have gained sufficient time to properly deal with several other complex problems.

The House receded to the Senate amendments which extended for 1 additional year, through December 31, 1975, the 5-year amortization provisions for rehabilitation of low and moderate income housing, pollution control facilities, railroad rolling stock, and certain coal mine safety equipment. The House also receded to the Senate amendment which extends for 1 year the present rules dealing with the recapture of gain on the sale of certain Government subsidized housing projects.

The House receded to the Senate amendment that allows an employer generally to take a deduction in the case of accrued vacation pay which has already been earned by the employees. Also, the House receded to the amendments made by the Senate that provide that the class life depreciation system is not to apply to real property until the Treasury develops regulations on a class life system for real estate.

The Senate added an amendment dealing with the tax treatment of foreclosure property acquired by real estate investment trusts, so REIT's would not be disqualified when they acquire property on foreclosure. The House receded to the Senate amendment in this case also.

The conferees wish to correct an unintended inference which is included in the Finance Committee report with respect to real estate investment trusts. The Finance Committee report states that if a REIT completes a partially constructed building which it acquired on foreclosure, the construction is to take place through an independent contractor "as under present law." The bill requires that construction on foreclosure property is to take place through an independent contractor. However, the conferees intend that no inference is to be drawn with respect to whether present law generally requires construction through an independent contractor on property which is not foreclosure property.

The Senate added a provision to the bill increasing the interest rate paid by taxpayers on tax deficiencies and the Government on tax overpayments from 6 to 9 percent per year, and also providing a procedure to update this interest rate in the future. The House receded to this amendment.

The House receded to the Senate amendment extending for 1 year the exemption from the withholding tax for interest received by foreign persons from deposits in bank accounts. In addition, the House receded to the amendment added by the Senate dealing with a problem involving debt obligations which arose under the interest equalization tax.

The Senate amendments include several provisions modifying the tax treatment of political organizations, of contributions to political organizations, and of newsletter funds. The House receded to all of these Senate amendments, including the Senate amendment which increased the maximum tax credit and maximum deduction for contributions to candidates for public office.

A problem in this connection which has come to my attention involves organizations, such as the League of Women Voters, which frequently prepare analyses of legislators' voting records on issues that the organization is interested in. I understand there is concern that because of a recent court opinion the Internal Revenue Service might regard the distribution of such a voting analysis as being electioneering even though this distribution is made only after an election and not in the context of any campaign for public office. In cases of this type where such an analysis is not designed to affect an election, or an appointment, or a nomination, where the distribution of this analysis is just intended to inform people about the attitude of members of the next legislature, and this is done outside of the public office or party campaign context, then this type of activity is not intended to be the sort

of political activity that the political organization provisions of the bill are designed to affect. In other words, this would not be treated as an expenditure for an "exempt function" and would not become taxable to the organization involved.

The Senate receded with respect to two amendments added by the Senate. The first provision with respect to which the Senate receded deals with the tax treatment of student loan funding programs. Present law exempts interest paid on most State and local governmental obligations from Federal income tax. The Senate amendment would have added a new category to the list of obligations which are exempt from tax. The category which would have been added is qualified scholarship funding bonds issued to finance student loan programs where the bonds are issued by nonprofit higher education authorities which are requested to do so by governmental units. In this case, the bonds issued do not constitute State or local government bonds. Your conferees understand, however, that within approximately 1 month regulations will be issued by the Treasury Department which will provide that if nonprofit higher education authorities issue bonds on behalf of a governmental unit, the bonds generally will constitute State or local government bonds so the interest on the bonds will be tax exempt. Your conferees also understand that it is contemplated that State laws may be changed to allow this approach to be taken. For these reasons, and because this is not an emergency provision, the Senate receded with respect to this amendment.

The second amendment on which the Senate receded would have exempted from taxation the interest on obligations issued to finance the construction of a dam and related facilities in Idaho. This amendment would have made tax exempt the interest on obligations issued by the American Falls Reservoir District to finance and construct the dam and related facilities to replace the American Falls Dam in the Mindoka project in Idaho-Wyoming. This provision would have established an exception to the general rule providing tax-exempt financing through industrial revenue bonds for local projects only, since the project in question is not merely local.

Because a special exemption of this type generally is not favored, the Senate receded with respect to this amendment. However, your conferees believe that the general rule should be examined to determine whether this type of financing should be available for regional as well as local projects, and it is intended that the Finance Committee and the House Ways and Means Committee will examine this problem in the next Congress.

This action by the conferees should not be construed as a determination of the merits of the project or the issue of the exemption from taxation. However, as I noted before, the mention in the tax law of special situations is generally not favored. In addition, the matter had not been the subject of hearings in either the Senate or the House of Representatives. On the other hand, the conferees understand the sense of urgency that prompted the amendment. The conferees are informed that a delay of weeks now could mean a delay of 1 year in the construction schedules. As a result, whatever position it believes it should take, the conferees urge the Internal Revenue Service to act expeditiously.

Mr. KENNEDY. Mr. President, I commend the Senate and House conferees for their action on H.R. 421 in approving the amendment I offered in the Senate to double the existing tax credit and tax deduction for small political contributions. I especially commend them for the prompt action that has enabled this bill to be cleared for President Ford's signature in the closing hours of this Congress.

Under current law enacted in 1971, a tax credit is available for one-half of the political contributions by an individual, with a maximum credit of $12.50 per individual, or $25 for a couple filing a joint return. Alternatively, a tax deduction may be taken for one-half of the contribution, with a maximum deduction of $50 per individual—$100 on a joint return.

Under the amendment, the maximum credit would be increased to $25—$50 on a joint return—and the maximum deduction would be increased to $100—$200 on a joint return. The estimated revenue loss from these changes would be $26 million—$11 million from the increase in the credit, and $15 million from the increase in the deduction.

Although the revenue loss is comparatively small, I believe the amendment will have a number of significant effects, because it raises the tax incentives to meaningful levels.

Most important, the amendment will provide an increased incentive for new participation in the political process by a larger proportion of the electorate.

The incentives will be available to candidates for all political office—Federal, State, and local—and for all elections—primaries as well as general elections.

The tax incentives will be available for contributions to political parties as well. They can therefore be used to enhance the role of the parties and to offset the distressing current trend toward reduction of party influence in public life.

And the incentives will help to insure the success of the public financing law enacted last October, which provides matching grants of public funds for contributions up to $250 to candidates in Presidential primaries.

Tax incentives for small contributions must go hand in hand with public financing as the twin pillars of comprehensive election reform. I see the measure now approved as an effective new antidote to Watergate, another important step by Congress on the road to our goal of ending, once and for all, the nefarious abuses of big money in American political life.

Mr. President, I again commend the conferees for their action, and I urge the Senate to approve the conference report.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, I am prepared to yield back the remainder of my time.

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

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the conference report.

The conference report was agreed to.

PROVIDING FOR THE SINE DIE ADJOURNMENT OF THE 2D SESSION OF THE 93D CONGRESS.

Mr. ROBERT C. BYRD. Mr. President, I send House Concurrent Resolution 697 to the desk with the understanding that after it has been adopted, it will remain at the desk for such time as is necessary.

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 697, which was read, as follows:

H. CON. RES. 697

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday, December 20, 1974, they shall stand adjourned sine die or until 12:00 noon on the second day after their respective Members are notified to reassemble in accordance with Section 2 of this resolution, whichever event first occurs.

SEC. 2. The Speaker of the House of Representatives and the President of the Senate or the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it, or whenever the majority leader of the Senate and the majority leader of the House, acting jointly, or the minority leader of the Senate and the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation.

Passed the House of Representatives December 20 (legislative day, December 19), 1974.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 697) was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, there is only one remaining matter, and the House has it under discussion at this time.

The PRESIDING OFFICER. Will the Senators please cease their conversations?

Mr. ROBERT C. BYRD. Mr. President, there is only one remaining matter for the Senate to transact before we adjourn sine die. I will attempt to expedite that action as soon as the House has completed its action. Senators will be notified on the hot lines as to whether or not any rollcall vote is anticipated. It should not take long.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to, and at 3:54 p.m., the Senate recessed until 3:55 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. McCLURE).

NOTIFICATION TO THE PRESIDENT CONCERNING THE PROPOSED ADJOURNMENT OF THE SESSION

Mr. MOSS. Mr. President, I send to the desk a Senate resolution and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. McCLURE). The resolution will be stated.

The legislative clerk read as follows:

S. RES. 476

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join a similar committee of the House of Representatives to notify the President of the United States that the two Houses have completed their business of the session and are ready to adjourn unless he has some further communication to make to them.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The PRESIDING OFFICER. The Chair appoints the Senator from West Virginia (Mr. ROBERT C. BYRD) and the Senator from Pennsylvania (Mr. HUGH SCOTT) as the two Senators to notify the President.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MOSS. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to, and at 3:55 p.m., the Senate recessed until 4:37 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. McGEE).

AUTHORIZATION UNTIL THE END OF DECEMBER FOR THE SECRETARY OF THE SENATE TO RECEIVE A REPORT FROM THE DEPARTMENT OF HUD ON HOUSING GOALS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that until the end of December the Secretary of the Senate be authorized to receive a report from the Department of HUD on housing goals.

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

THE IMPOUNDMENT OF SECTION 235 FUNDS

Mr. MUSKIE. Mr. President, the Congressional Budget and Impoundment Control Act of 1974 became law on July 12 of this year. That act contains, in title X, a new system for congressional review of Presidential impoundments and rejection of those it deems unwise. it was my privilege to be a participant in the drafting of that act, a member of the committee which originally reported it, manager of the conference report, and subsequently, chairman of the Budget Committee it created. I thus have had a special interest in the impoundment question and a special responsibility to report to the Senate on the use of impoundment by the administration to frustrate congressional will.

The Budget Committee completed hearings yesterday during which we inquired deeply into the President's use of the impoundment power. Our witnesses included the Director of the Office of Management and Budget and the Comptroller General of the United States, the two principal agencies outside the Congress which have special responsibilities under the Budget Act regarding impoundments. We anticipate making a report to the Senate on all of the complex questions which have so far arisen under title X of the Budget Act.

On the Senate Calendar now, however, is an impoundment resolution which requires immediate comment. Senate Resolution 446, introduced by Senator SPARKMAN on December 11, is intended to overturn impoundment D75–48, which was reported to the Congress by the President on October 4, 1974.

I favor overturn of this impoundment, which involves more than one-quarter of a billion dollars in so-called section 235 homeowner assistance funds under section 235 of the 1968 Housing and Urban Development Act.

But I believe it would be a mistake for the Senate to pass Senate Resolution 446 at this time for the following reasons:

First, the Attorney General has ruled that this impoundment is not subject to the Budget Act. The President has so far agreed with his Attorney General, and, in the message which reported this impoundment to the Congress, stated that he was reporting information on the impoundment only "because I believe that it is appropriate to keep the Congress informed on the status of all funds withheld from obligation."

I do not agree with the administration's position that these funds are not subject to the Budget Act. I believe this impoundment is subject to the provisions of the Budget Act. I am informed, however, that the Department of Housing and Urban Development is urging the administration to stand by the Attorney General's position and to refuse to honor this Senate Resolution 446, if it is enacted. Thus, a likely result of the Senate passing this deferral resolution at this time will be to assure that another lawsuit will be required to release these housing funds.

For reasons I will explain later in these remarks, I believe such a lawsuit is both unnecessary and uncertain of result, so that a very possible consequence of the Senate acting on Senate Resolution 446 at this time is that the administration will succeed in impounding this important housing assistance until the authority expires next August 22.

The second reason I oppose acting on Senate Resolution 446 at this time is that the Comptroller General of the United States ruled, on November 6, 1974, that this impoundment is not a deferral subject to overturn by a resolution of the kind contemplated in Senate Resolution 446, but, in fact, should have been submitted by the President as a rescission request requiring the concurrence of both Houses of Congress. If such concurrence is not obtained within 45 days, then the money will have to be spent. Under the act, the 45-day period begins anew on the first day of our return in January and will expire early in March. The act further requires the Comptroller General to sue the administration if, after the elapse of those 45 days, it still refuses to spend the money. The act further provides that the Federal district court of the District of Columbia is required to give precedence to such actions, and to appeals and writs from decisions in such actions, over all other civil cases.

In the Budget Committee's just-concluded hearings on these impoundments, we obtained an assurance from the Comptroller General that he does intend to sue for the release of these funds at the end of the 45-day period if the President does not release them at that time. Should, however, the Senate choose to treat this rescission as a deferral by the passage of Senate Resolution 446, the standing of the Comptroller General to go into court to force the release of these impoundments will be called into question. Thus, a possible result of the passage of Senate Resolution 446 at this time is to preclude the Comptroller General from effectively suing the President to force a release of these funds if the President refuses to release them after the elapse of the applicable 45-day period.

The Senate is therefore confronted with this situation. If we pass Senate Resolution 446 today, treating this Housing Act impoundment as a deferral, it is the administration's position that our action is a nullity and without effect, because the funds are not subject to the act. Since the Comptroller General has already ruled that this impoundment is not a deferral subject to Senate Resolution 446 but is, in fact, a rescission request, the Comptroller may very well be disqualified from bringing suit if the administration refuses to honor Senate Resolution 446.

At the same time, in treating the impoundment as a deferral, Congress impairs the Comptroller General's opinion that the impoundment is actually a rescission. This gives the administration grounds to assert that the Comptroller General has no standing to attempt to force release of the funds by legal action after the elapse of the 45 days applicable to rescissions.

Thus, should the Senate pass Senate Resolution 446, the Comptroller General probably cannot bring suit when the administration refuses to spend the funds. Private plaintiffs will have to go into court. The administration has already suggested that such private plaintiffs do not have standing to sue after the enactment of the Budget Act. Moreover, such plaintiffs are not entitled to expedite a consideration of their case in the district court, and many months may elapse before there is ever a hearing on

the question of whether they have standing to sue.

It seems clear to me that the passage of Senate Resolution 446 would raise far more questions than it answers. It is the least likely alternative available to the Congress to force the release of those funds. It would, under the circumstances, be a serious mistake. As an alternative, I have suggested that the Senate postpone action on the resolution until its return 3 weeks from now in January and that, during the intervening time, we attempt to answer these questions so we can be sure that we understand all the possible consequences in the enactment of this resolution and alternatives to it.

The funds in question have been impounded for almost 2 years. The message reporting them to the Congress was sent more than 2 months ago. The procedures for disposing of that impoundment are very clearly stated in the act and have already begun to be executed by the Comptroller General. Senate Resolution 446, introduced only last week in the closing hours of this session, represents an untimely, ill-advised, and most unlikely method for disposing of this question. Rather than assuring an end to the impoundment, it makes it most likely that the impoundment will continue until these funds expire.

I believe this impoundment was wrong at the start. I think it is wrong now, and I want those funds released. Because I want those funds released, I am opposed to the hasty enactment of this resolution without a thorough understanding of its consequences. I advocate that we follow the procedures Congress spelled out in the Budget Act only 5 months ago for handling this issue, and that we not violate them by the enactment of Senate Resolution 446 at this time.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 4:37 p.m., recessed subject to the call of the Chair; whereupon, at 4:52 p.m. the Senate reassembled when called to order by the Presiding Officer (Mr. HART).

REPORT TO THE PEOPLE OF MISSISSIPPI FOR 1974

Mr. STENNIS. Mr. President, once more, as the end of a session of Congress approaches, it becomes my privilege to make a report to the people of Mississippi. My purpose is to tell them of some of the matters on which I have been working this year, and which I think may be of particular interest to them. This is my report for 1974, to my constituents, as an accounting of my stewardship of the responsibilities they have vested in me.

I want to thank all of the citizens of Mississippi for the trust placed in me as Senator, and for the gratifying way in which they have given me their assistance, encouragement, and support. I also thank the other Members of the Mississippi delegation for their unfailing cooperation and for their helpful assistance. In my opinion the spirit of teamwork among the delegation, who of course come from both of the major political parties, is outstanding. My office staff has worked hard to assist me in efforts on your behalf, and I appreciate their diligence and loyalty. The committee staffs with whom I work are also due my thanks. Finally, my effectiveness as a Senator depends in part upon the support I receive from my colleagues in the Senate on behalf of legislation that is important to our State of Mississippi, and I extend to them my warm thanks for their many courtesies.

I have much for which I am grateful, as this year closes, especially, of course to my family and friends for their strong support and understanding.

This has been a momentous year in the history of our country. We have a new President and Vice President who have been appointed rather than elected. In world affairs we are seeing adjustments in international relationships that have major implications for the years to come. We have seen an easing of some crises between nations, and the growth of new ones. In the field of worked economics we have had an oil crisis that made our people apprehensive but united in our efforts to cope with it, and for all raw materials, generally, the world market appears to be changing from one of plenty, with moderate prices, to one of scarcity and high prices. There is world-wide inflation. The flow of international payments has been so greatly altered as to threaten the financial stability of some European nations, and the outlook for underdeveloped countries is grim. The world is becoming aware that the finite limits of food production are being approached by tremendous population increases in underdeveloped nations that cannot now adequately feed themselves, and time must change one factor or the other. There are many great problems to be dealt with, and the United States must live up to its responsibilities in world leadership, without being profligate with our own resources. There are solutions to large problems, also, and this year has seen our Nation working constructively toward reaching them. Of the occurrences of the year, and of the work of the Congress that I consider of most interest to you as Mississippians, I submit this report, under several headings.

NEW PRESIDENT AND VICE-PRESIDENT DESIGNATE

On August 9 of this year, Richard M. Nixon, the Nation's 37th President resigned that office and Gerald R. Ford became President.

President Ford, from Michigan, became the first man in our country to succeed to the Presidency without having been popular elected as Vice President. However, before he became Vice President, he was subjected to a most extensive investigation by the appropriate committees of the Congress.

The new President has an appropriate background qualifying him for this high office. He served for 25 years in the House of Representatives and several months as Vice President.

Mr. Ford, when he spoke to a joint session of the Congress, talked about cooperation, conciliation, and compromise. All of these things are commendable and necessary, but I believe that he will find that to be the head of this Government is going to require a strong and firm hand at the top. And that is not always peaceful or cooperative.

For any man to effectively serve as President, he must have a lot of help. He must have many strong men around him serving as his aides who are clean, dedicated and knowledgeable.

President Ford has already shown that he is not afraid of making tough and unpopular decisions. While I do not agree with all of his decisions, I do respect his willingness to take a firm stand.

I am going to try to do my part in backing the new administration and making it effective for a strong, safe, and honorable country.

President Ford, pursuant to authority given him by the Constitution, nominated NELSON ROCKEFELLER, former Governor of New York, to be Vice President.

As evidence of my concern about this office, I accepted President Ford's invitation to make recommendations and called him up. I strongly recommended former Congressman and former Secretary of Defense, the Honorable Melvin Laird for the position, and then called Mr. Laird and urged him to accept, should President Ford select him. You know, of course, that this did not work out, but I mention it to show my expression of interest.

Mr. ROCKEFELLER underwent very close scrutiny by the Senate Rules Committee. Every phase of his life was gone into. He was investigated most thoroughly by the House Judiciary Committee also.

The Senate Rules Committee voted unanimously for Mr. ROCKEFELLER.

While I do not agree with every action Mr. ROCKEFELLER has taken in his public life, I believe him to be an able man, capable and qualified to render great service to our Nation.

I followed the hearings on his nomination before the Rules Committee very carefully and only after all the facts were in, did I decide to vote for confirmation.

I think the country needs a Vice President, and Mr. Ford had the right, under the 25th amendment to the Constitution, to nominate some qualified person to serve in that capacity.

The Senate's responsibility was to investigate the nominee and determine whether he was qualified to do the job.

As I said, Mr. ROCKEFELLER was not my choice, but I do believe him to be a most capable person.

I hope he will soon be confirmed by the House and take office so that he may get right to work on the economic problems facing our country today. He is experienced in this area and should do a fine job.

WATERGATE

The series of events that have become known as "Watergate" has been and is a political upheaval felt throughout the Nation, and in fact, throughout the world to a degree.

One of the great lessons of Watergate must inevitably be that there is too much danger of the abuse of power when so much of it is concentrated in the hands of those who are not responsible to the Congress and to the American people. If we are to learn anything from this experience, certainly it is that the Congress should require that those who are placed in positions of power and responsibility, close to the President, must be persons of mature judgment, sufficient experience, and with the necessary character and integrity. Their appointment to the office must be subject to confirmation by the Senate.

We have already had some success in legislative reform to correct this abuse. This year we passed a bill in the Congress which the President signed, requiring that the Director and Deputy Director of the Office of Management and Budget be confirmed by the Senate.

Last year the Senate passed a bill which would require Senate confirmation for the appointments to fill the offices within the White House of the Executive Secretary of the National Security Council, the Executive Director of the Domestic Council, and the Executive Director of the Council on International Economic Policy. The House has yet to take action on this bill. However, the Congress did recently pass a bill, now law making the latter officer subject to Senate confirmation.

Until Congress can judge the qualifications of those selected by the President to serve in policymaking positions within the White House and question them before its committees, Congress cannot properly perform its legislative responsibilities.

Certainly, Watergate could not have occurred without the availability of large sums of money, and the coverup of Watergate would have gotten virtually nowhere except for the steady stream of money available to finance it.

The amounts of money spent in Presidential election campaigns, as well as in other campaigns for public office is just astronomical. The Comptroller General estimates that over $115 million was spent in the 1972 Presidential election alone just by the two major political parties. This does not include, of course, the amounts spent by the various contenders in both parties prior to the Convention. The possibility of abuse is overwhelming.

Recently, the Congress passed a bill which limits the amount of money which a candidate can spend in his campaign for Federal office. It limits the amount of money which a person can donate to a candidate. It provides that expenditures must be by check. It also limits the amount of money which a candidate can use from his personal funds.

But passing tough laws is not the only answer. It is just as important to have honest people—people with integrity working in these campaigns and for the Government.

Hopefully, we have had our last Watergate. It has had a demoralizing affect on many of our people—but it should not.

It is necessary that people become even more involved in the affairs of our Government. Only through support and interest by the public in our Government can our Nation continue to remain strong and great.

IMPEACHMENT PROCEEDINGS

For only the second time in our Nation's history, the Congress of the United States formally considered impeaching a sitting President.

After months of hearings, the Judiciary Committee of the House of Representatives voted articles of impeachment against Richard M. Nixon. Shortly thereafter, of course, Mr. Nixon resigned from office making further proceedings unnecessary.

The Senate, of course, has no role in an impeachment proceeding until the House impeaches—charges—some official with misconduct in office. The Senate then becomes a court and hears testimony and receives other evidence and determines guilt or innocence.

Being a lawyer, former prosecutor, and judge, I realized the need for a fair trial and to refrain from prejuding the case while the House considered impeachment. For as I saw it, I was, as were all other Senators, potential jurors or judges. We could rule on the law and determine guilt or innocence. So our power under the Constitution is awesome and not to be regarded lightly.

I, therefore, urged my colleagues in the Senate to refrain from speaking out on the matter, other than procedurally, in the interest of fairness and justice until the sworn testimony was presented in a Senate trial.

As a whole, Members of the Senate were very responsible, I think, in discharging our duties in this regard.

I hope the Congress never has to consider impeachment again, but that possibility is always with us. It is a cumbersome tool, but very powerful. It should be used sparingly to avoid weakening the Presidency and only when the facts so justify.

CAMPAIGN REFORM

Because of Watergate much impetus was provided to pass an Election Campaign Act for Federal candidates.

Certainly, Watergate could not have occurred without the availability of large sums of money, and the coverup of Watergate would have gotten virtually nowhere except for the steady stream of money available to finance it.

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Congress responded with a bill which set campaign spending limits on races involving the President, Vice President, Senators, and Congressmen.

The bill also sets a limit on the amount a person or organization may contribute to a candidate or his political committee.

Detailed reporting of contributions, loans and expenditures must be filed several times each year. I strongly supported those provisions of the bill.

The final major feature of the law provides for public financing of Presidential campaigns. To qualify, however, for Federal matching funds a candidate would first need to raise $5,000 from each of 20 States to show that he was a bona fide candidate.

The matching funds would come from the tax checkoff on a taxpayer's income tax return.

I was unable to support the public financing provision of the bill. I just do not believe that this is a proper use of the taxpayer's money. Tight controls on contributions and expenditures and better enforcement of our campaign laws would be better in my opinion.

It is almost certain that before long the Congress will be appropriating your tax money from the general revenues to support the checkoff which would not have enough money in it.

It is also likely that Senate and House candidates will also be included and the amount of appropriated money needed to finance the program will be enormous. Thus this part of the bill was a case of "getting a foot in the door."

THE ECONOMY AND INFLATION

After 30 years of unparalleled prosperity, our Nation finds itself in severe economic trouble, faced by inflation and recession at the same time. Our Nation and our people have had to face many serious problems in our history, and we will face this one and cope with it, as we have in the past, but there will be some basic adjustments to make to meet this situation.

We are beginning to experience some profound changes in the American way of life.

The days of cheap energy—fuel, gas, oil, gasoline—are gone. Many of the factors that are driving prices up are beyond our immediate and direct control. Our dependence on foreign oil cannot be greatly reduced in a short period of time, and we are fortunate that we are less dependent on it than other industrial nations. The prices we pay for oil and products made from oil are not set by supply and demand, but by politics—foreign politics. We all remember the effects of last winter's oil embargo. The most immediate question now is will there be another embargo this winter? On the present facts perhaps not. But the facts can radically and quickly change.

To summarize the national program on the oil problem, it has three parts:

Conserve, and switch to other fuels as much as possible.

Develop our domestic oil production.

By negotiation with the Arab nations, try to improve the situation with respect to the price of Arab oil.

As to the domestic production, we are of course progressing with the pipeline to bring oil from the north coast of Alaska, and higher prices have stimulated new production in the oil producing States, including our own. The President has indicated his intent to make use of the naval petroleum reserves. Most important of all, there is renewed vigor in

the effort to develop the oil from our continental shelf. This effort will be expensive and it may be necessary to subsidize some of the offshore drilling; this remains to be seen. In any case the offshore oil must be developed.

As to foreign oil, we are in a position, I think, to accomplish much to reduce the price through negotiations with the major oil producing nations. In these negotiations, we are in a position of being one of the largest importers of oil, but then we are the largest exporter of food.

Our Nation is blessed with the capability of a large surplus of food production. Most of our good farm acreage is already in production, but by continuing to improve the crop yield we can increase production in the years ahead.

Export sales of food open the possibility of a new era of opportunity. Adjustments must and can be made to avoid upsets and conflicts with other elements of our economy, but the opportunity will be there.

There is another factor in the international oil negotiations that is becoming increasingly important. That factor is the enormous amounts of money flowing into the hands of the oil exporting countries that make up the oil cartel. Many of these countries have small populations and are relatively undeveloped. They have more money than they know what to do with, and if it is to do them any good it has to be invested abroad.

So far, these countries have not shown that they have any consistent investment policies to handle their sudden wealth. They have tended to place it with the larger banks in Europe and the United States as deposits which are subject to withdrawal on short notice. Banks that make large loans do so as long-term loans for capital investment, and it is risky to do that when the money they loan is from short-term deposits. So far about a quarter of this oil money has come to the United States and most of the rest to European banks, and the oil producers are beginning to find some of the large banks reluctant to accept these deposits.

Another way the oil money could be invested would be to buy industries and property in the industrial nations. There has been some of this, but not a lot, possibly because of the fear of future expropriation.

The third and best way for the oil nations to invest their money is to buy the technical assistance to develop industries in their own countries, so that when their oil is gone they will have balanced economies of their own.

The United States is at an advantage in these very large financial transactions. We can export our industrial technology to the oil nations at a profit, and are beginning to do so.

So the international guidelines have three aspects—oil, food, and money, and in the latter two the United States is at an advantage.

We have to recognize, though, that the worst part of the price rises in the economy come from a "one-time" inflation, resulting from recent and sudden worldwide price increases in basic commodities—fuel, food, and raw materials such as metal ores. In my opinion, our economy will have to adjust to at least a major part of this one-time inflation, for although we may be able to moderate it some, it will not go away. In other words, we can certainly hope and believe that oil will drop from $11 to $8 a barrel, but we will not see $3 oil again.

The Soviet Union is an oil exporter, so far in a rather modest way, shipping abroad about one-fourth of Soviet production.

The main Soviet internal problem for a long time has been to try to raise the standard of living. An example of this is the large grain purchases in recent years, aimed at increased meat production and better diets for the people.

If oil remains at the present world price, it would not be surprising to see the Soviet Union increase its exports. A relatively small increase could mean several billion dollars in their balance of trade, which could then be used to increase production of consumer goods to avoid discontent among the people of the U.S.S.R.

The situation with respect to oil makes even more explosive the possibility of war between the combined Arab nations and Israel.

Now, what can we do about inflation and the economy?

I urged that Congress reconvene after the elections in an all-out effort to put together a program to help compete with this problem. The people will respond when the need is made clear. One of my recommendations to Congress when it reconvened is discussed in the next following section of this report, but there are other steps that should be taken.

Three months ago I advocated a four-step program that I believe must be taken to cope with the economic problems.

Subsequently, in October, President Ford outlined his proposed program to a joint session of Congress.

The four steps I previously advocated are fully in keeping with what the President announced. They are:

First, interest rates must come down. The little fellow, the middle so-called, cannot pay 10 to 12 percent interest. These high interest rates were deliberately caused by the tight money policy of the Federal Reserve Board, and they can be deliberately lowered. This step seems to be in progress now.

Second, a homebuilding program must start, to avoid unemployment as well as to fill the need for homes. There are too many industries that are dependent, at least in part, upon a steady growth in the number of dwellings, such as furniture manufacturing.

Third, exempt from taxes up to $1,000 of earnings each year on savings accounts. This encourages and rewards thrift, and makes money available through our building and loan associations for sound loans.

Fourth, if jobs are going to have to be created by the Government, they should not be "make-work" jobs, like the old WPA program. I advocated 4 years ago the establishment of a standby program of local public works projects, to be used in times of high unemployment.

Every community has such projects that can be used to better community health conditions by improving water supply or sanitation; to develop parks, lakes, and campsites; and to provide essential public facilities at the local level that will stimulate prosperity as well as take care of environmental and health problems.

It seems to me that if large sums are to be put in this program, there should be something constructive to point to when it is over, as a part of the Nation's capital investment, for prosperity in the future.

I was pleased that the President's message asked for the creation of a Community Improvement Corps, to carry out the objectives I have just outlined. However, the Employment Assistance Act passed by Congress does not emphasize these objectives, although it permits them.

The worst inflationary pressures are being applied to the great middle group of our country who are being crushed by high taxes and the continual rises in the cost of living.

For this reason I have grave reservations about a surtax that puts an added burden on the middle group, beginning as low as an annual income of $7,500.

There is widespread agreement that the Federal budget in Washington must be put in balance or near in balance, and this can and must be done.

You rightly ask the question: Is there going to be a recession? Yes. The Nation is already in a recession.

A depression? I believe not. Perhaps we are waking up in time. We have enough fuel and food to get along, and we should be thankful, for we are the only major nation that can say this. The entire situation in our Nation was different in the great Depression of the 1930's. The rate rose to 24.9 percent in 1933. It is 6 percent now, and the most pessimistic forecasts do not predict that it will rise beyond 8 percent.

We have many Government policies now to protect our people, that we did not have then. For example, bank deposits are insured, the Federal Reserve Board has closer controls on money, as does the Securities and Exchange Commission on securities. There is social security, unemployment insurance, health insurance medicare, and so on. There are many protections against hardship and a full depression, although of course they are not guarantees against a depression.

The chief threat, as I see it, is the possibility of a world depression caused by the world price of oil. The "take-out" of capital from the economy is so great, due to increased oil prices, that nations may not be able to stand it. In the United States our fuel bill increased $34.4 in the last year, and other Western nations had similar experience. France's fuel bill, for example, increased $10.1 billion, and virtually all that went outside its country.

In spite of all our economic woes, the people of this Nation are justified in having confidence in the future. Having confidence is a part of the cure for some of the problems. Having confidence means that people do not hoard, in the expectation of shortages, and do not take

their money out of savings and spend it, in the expectation that it will buy more now that it will later. These actions contribute to inflation.

Our people and our Nation can and will overcome recession and inflation. I believe that when the American people know what must be done, they have the moral strength to do it. They are willing to make sacrifices if they are sure they are necessary, and above all, if the sacrifices are borne equitably among the people. Federal policies should not ask of some of the people more than they can do, and of others less than they should do.

We must continue to look to the future, looking with confidence past the temporary hard times that may well be the cost of halting inflation. Our national resources, especially the strength and abilities of our people, are the greatest on Earth. Used with wisdom, they hold the promise of a magnificent future for our Nation?

GETTING THE FACTS ON ECONOMY

The American people are deeply worried, as am I, about the inflation that has taken place in the economy. They are perplexed as to what has happened and why it occurred. They want very much to know the facts, and they are entitled to know them, to the very best extent that the facts can be established.

In my judgment, the people have the right to expect that Congress will find out the facts and see that the people are informed. If this is not done, I believe that the people will lose confidence in the Congress.

Accordingly, on November 21, I proposed that Congress make an in-depth evaluation of major aspects of the present state of the economy, hold subsequent hearings on the facts, and that the executive branch be invited to participate in the evaluations and hearings on a cooperative basis.

What I proposed in this resolution, which was unanimously approved by the Democratic caucus, is an all-out, vigorous investigation and development of the facts as to what has happened in the economy, with special emphasis on inflation and on the real reasons for the spread between the raw materials and the retail prices paid by consumers. This large disparity in prices is the least understood and most disturbing and exasperating aspect of inflation, so far as the American household is concerned.

This will have to be a very thorough investigation, if it is to serve its purpose. I proposed that Congress undertake it through a Joint Committee of the House and Senate, with a very able and outstanding staff of people that are well versed in many fields of our economy, with the avowed purpose that no stone will be left unturned. The intent would not be to punish, nor to spare from blame, but to get the facts—all the facts.

I strongly suggested that the executive branch be invited to participate on a cooperative basis in this endeavor. Then the legislative branch and the executive branch each would be armed with the facts, and I believe that there can be substantial agreement as to those facts. This would establish a sound basis for both branches to share in the legislative and administrative remedies that would follow the investigation.

On October 9, President Ford said in his economic message to Congress that he would seek vigorous enforcement of antitrust laws, and the Attorney General has subsequently confirmed that this is an objective of the Justice Department.

I think a part of the investigation that I am proposing should be to look carefully into whether conspiracy has played any part in the tremendous escalation of prices of some common items in the marketplace. I do not charge that such conspiracies have existed. I say only that this is a question that exists in the public mind, to which Congress should respond with the facts, whatever they may prove to be.

I think that another aspect of the economy about which there is common public question, suspicion, or misunderstanding is in matters of foreign trade. The investigation I proposed should give a thorough airing to such matters as the effects of import and export policies on domestic prices, commodity trading and the effects of foreign participation therein, the international grain market, and the operations of multinational corporations. This is not to charge that there are unconscionable windfall profits; it is simply to cite the need for public knowledge of the facts.

The first and foremost reason, however, for a thorough congressional probe of the economy should be to track down the real reasons for the great disparity between the cost of the raw product and the final retail price paid by the housewife. I do not single out nor omit any particular item, as the facts should be established across the board.

However, beef is a good example. All are familiar with the fact that recently some farmers have gone so far as to destroy numbers of calves as a means of drawing attention to the trouble cattle producers are facing. Last month a Mississippi cattleman with a relatively small operation told me that he has on hand $10,000 worth of feed, some of which he raised and some he purchased. This will feed his young cattle until April 1.

At the present price of beef on the hoof, he will be unable on that date to recover the full $10,000 if he sells the cattle. His dilemma is apparent.

The Department of Agriculture definition of the farm-retail spread compares the farm value of the poundage the farmer's cattle will produce, less the value of byproducts, with the retail price. In the last few months that spread has been as high as 56 cents a pound. If the farmer does not start getting a part of that spread, he is going to be out of business, and the public is going to be out of beef. Both the farmer and the public want to know what causes this untenable economic situation.

The farmer will tell you that this is just part of his problem. Last year nitrogen fertilizer was $103 a ton. Now it is $247. Baling wire was $14 a hundred-pound box last year, and it is $37 now. Baling twine went from $9 to $31 for a 40-pound bale, and barbed wire went from $14.70 to $25.70 for a quarter-mile spool.

Sugar, like beef, is another item drawing public attention. A 5-pound sack of sugar went from 90 cents to over $3 in a year, and the public wants to know why.

Another source of public discontent is the repricing of items already on the retail shelves. I am told of housewives peeling off as many as five or six successive stickers with progressively increasing prices. Various explanations are heard as to the averaging of stocks on hand with new shipments in setting new prices, but there is no doubt that the subject is a source of public contention and the facts need airing.

Our economy is in a recession, unemployment is rising rapidly, and inflation is decimating the take-home pay of American families. People come to me and say, "What are the facts?" If I cannot tell them the facts they look at me in disbelief, and I do not blame them, for they are undergoing personal hardships.

For these reasons I urge very strongly the prompt initiation of a vigorous, in-depth fact-finding investigation of the economy by a joint committee, with special initial priority to the disparity between production and retail prices. I consider it absolutely essential that Congress lead the way in establishing the facts so that remedies can be established.

It is appropriate that this be a joint and cooperative venture, for there must be agreement on the facts. Neither branch of the Federal Government can cope with these economic problems by acting alone. The President and the Congress must join in their efforts at some point if these problems are to be met.

Should President Ford for any reason not see fit to join the Congress in this joint venture, then Congress should nevertheless move, and move promptly. Time is running out. Policies and laws can be adopted to first stop, and then perhaps reduce this runaway inflation that is destroying our values, especially the buying power of those who work at a trade or at a job or a profession for a living.

For an illustration, I believe that more can be done as to our complex energy problems. I believe that more can be done to make it less likely that we slip into a depression. It seems to me that his can be avoided, but if we sit by without getting the full facts and attempting to apply remedies, we may thus let our country slip into a depression.

Also, before we are flooded with further unemployment, we should probe the depths as to the causes of this unemployment, and expectations of what is thought to be developments in the future in this field, as well as to what choice we have as to remedies.

ENERGY CRISIS

We are still experiencing an energy crisis in this Nation. Though the long gasoline lines are no longer with us, and we are getting all the imported oil we need, we are still having many energy problems.

Imported oil is selling for four times what it was just over a year ago. These high prices are affecting our economy in many ways, as well as the economy of many other nations.

We are experiencing shortages of na-

tural gas and coal, and the price of the latter has increased tremendously in the past year.

Over 90 percent of our energy needs come from these energy sources.

Our supply of imported oil has proven to be unreliable. The high prices seriously affect our citizens individually and our national economy. Our country must begin to conserve its energy. It will also be necessary for us to explore for and produce even greater quantities of those fuels than ever before.

We must, in addition to producing more fuels, develop the potential of other energy sources. There are many other sources of energy available to us and each must be developed to the fullest extent possible.

Our Government has proclaimed that we should be self-sufficient in energy by the 1980's. This will require much work and money, however. But no matter what the cost is, I am convinced that never again should we be placed in a position such as that we were in last year and this year. We can no longer depend upon foreign nations to supply such a large amount of our oil and energy needs.

Although we do not want to deplete all our reserves, we certainly must import less oil and produce more here at home.

Briefly, I will discuss the status of various types of energy our Nation uses and needs.

OIL

Proven reserves are less than 46 billion barrels. For this reason, I favor development of the offshore areas. Much oil should be discovered here, but heretofore, environmental considerations have hampered drilling.

We should also encourage greater production from "stripper" wells, that is, those producing fewer than ten barrels per day.

We should take steps which will encourage producers to seek more domestic production of oil gas.

For many years, foreign oil was very inexpensive and this encouraged expansion by our oil companies into foreign lands to provide us much of our oil. Recent experiences, however, have taught us that this was not a wise course.

We should also conserve more. We waste too much oil. Business and individuals should be encouraged to conserve. A permanent 55-mile-speed limit on our highways is an example of what we can do and have done to conserve energy. I strongly supported this legislation.

Efforts are now being made to require large users of oil to switch to coal where feasible.

Oil shale development in our Western States should be pursued if it is determined that the costs of producing it are not prohibitive.

There is much we can and should do to become self-sufficient for our oil needs. But sacrifices will have to be made. It is everyone's job to cooperate.

I look for our country to make great strides in 1975 toward accomplishing our goal. I will certainly do my part to help.

NATURAL GAS

Natural gas represents about one-third of our total energy needs.

In the last 4 years, we have experienced a natural gas shortage. It gets worse each year and next year's forecast is for more of the same.

Since 1954, when the Federal Power Commission began regulating the price of interstate natural gas, our supplies have been dwindling.

Today, there is such a shortage that many pipeline companies have curtailed deliveries to customers and denied service to new customers. In addition, the FPC has set priorities on natural gas usage.

Much gas discovered today is purchased within the State where discovered because the price is much higher for unregulated intrastate gas.

There is little doubt that price regulation by the FPC has had much to do with our present shortage. Of course, demand greatly increased when price regulations went into effect. The fuel was clean, abundant and cheap.

However, over the years drilling and exploratory costs increased considerably while the price allowed producers did not keep pace.

This year there has been much talk in Congress and elsewhere about deregulating the price of natural gas at the wellhead. Proponents argue that the only way to increase supplies is to allow gas to seek a price in the free market based on a demand-supply basis.

Opponents argue that the FPC has, from time to time, increased the price of natural gas without there being a corresponding rise in supplies. They further argue that producers, for the most part, will reap windfall profits and that at a time when the cost of living is so high, it would be unconceivable to do this.

They further argue that the market is not competitive and that therefore deregulation would have no effect on supplies.

One thing is certain—we must reduce our demand for natural gas and produce more. The necessary incentives to produce more gas must be available.

I have studied the proposals for deregulation very carefully, but I do believe that additional hearings should be held by the appropriate congressional committees to get all of the facts and to take into account the recent price increases for natural gas authorized by the Federal Trade Commission. We produce natural gas—Mississippi, but only about 40 percent of our needs.

COAL

Our Nation is blessed with an abundance of coal deposits. However, we presently are faced with a shortage of coal available for use. Demand has increased enormously as a result of natural gas curtailments, high oil prices, and the Arab oil embargo. Consequently, coal prices have escalated to over $30 per ton.

It costs a lot of money to open coal mines and produce coal. Producers must be offered the necessary incentives to increase production.

Presently, we are still feeling the effects of a recent nationwide coal strike. Utility companies have curtailed power to customers because of dwindling supplies of coal. This coal strike will, though now settled, continue to plague us for quite some time.

If we can overcome the barriers preventing greater production of this coal, we may have solved our energy needs because of our huge reserves of this fuel.

NUCLEAR FUELS

While nuclear power only represents about 4 percent of our total energy needs, it is growing in importance.

Just this year, Mississippi River & Light received final authority to construct a nuclear power generating plant near Port Gibson. The plant will not, however, be finally completed until 1981.

Uranium ore, of course, is the source of nuclear electric generating plant fuel. The Atomic Energy Commission estimates that we have over a half million tons of uranium reserves.

I believe that we need to increase our use of nuclear power. It can play a major role in our Nation becoming self-sufficient for our energy needs.

Development and research on the breeder reactor is also coming along. The nuclear "wastes" are reused. It is almost a perpetual motion machine. Much research is being done on this and if we are successful in developing it, it will be one of man's greatest accomplishments and could provide us with an enormous amount of energy.

SOLAR ENERGY

Congress this year passed legislation providing for a large number of research and development projects relating to solar energy.

Solar energy is, of course, clean and infinite. In the future, many of our schools, hospitals, homes and businesses could be heated and cooled by solar energy.

There are some buildings in our country that are now heated and cooled by solar energy. New and better technology could make its use more acceptable.

One day solar energy will play a significant role in our lives and we must develop its potential for the good of us all.

GEOTHERMAL ENERGY

Congress also recognized the need to do research and development in the area of geothermal energy and this year passed legislation providing for research and development projects.

Geothermal energy can be used for heating and cooling buildings as well as for generating electricity.

This is a very long-range program, but it must be explored and developed.

CONCLUSION

There is no doubt that much money will need to be spent over the next few years to develop the full potential of the various sources of energy.

This will be a major task, but it is vital to us all that it be undertaken.

Our Nation's dependence on energy will increase. To depend on any one fuel or one source would not be wise. We must develop several sources of energy and make any combination of them capable of sustaining our needs at reasonable prices.

Congress has responded to the energy crisis by passing many laws which should help us become self-sufficient. Next year, we will consider additional legislation to

encourage the development and production of additional energy and energy sources.

I want to assure you that I fully appreciate the problems of this program and I have taken a great interest in this matter over the years, especially as it relates to nuclear energy. I am chairman of the Senate Appropriations Subcommittee which considers all programs of the Atomic Energy Commission. This includes our huge and exclusive research programs—all of these fields. I especially encourage and support programs designed to assure adequate supplies of energy to meet our needs.

I pledge to continue to do what I can to make certain we conserve our energy and develop and produce more oil, gas and coal, as well as developing additional energy sources.

WINTER DAYLIGHT SAVING TIME

I was opposed to the imposition of year-round daylight saving time at the time that legislation was passed, last winter. I was not persuaded that the possible savings in energy would outweigh the adverse effects on the public.

The requirement for winter daylight saving time was prescribed in an emergency energy measure, in December 1973, in the hope that some electricity could be saved, to ease to some degree the impact of the oil embargo. The time change went into effect on the fourth Sunday thereafter, on January 6, 1974.

Within a month it was apparent to me that the drawbacks to winter daylight saving time were in fact far exceeding the very negligible benefits, and in remarks on the floor on February 4, I advocated a return to the time system to which people were accustomed—6 months of daylight time and 6 months of standard time. I was particularly concerned about young children having to be out before dawn, walking to school in the darkness or waiting in the cold for schoolbuses. It was my view, and I said so in my radio and TV broadcasts to Mississippi that week, that if Congress could not agree on 6 months of each time, then I would advocate a compromise of using 4 months of standard time, during the heart of the winter. Conditions in March and April are not as difficult for schoolchildren, and daylight saving could be tolerable in those 2 months if necessary.

By summer, Congress had not acted to repeal year-round daylight saving time, and we were approaching a new school year. School districts and families needed to know what kind of a schedule they would be following. So, on July 22 I introduced a new bill, to return to 6 months of standard and 6 months of daylight time, and I asked for early hearings and prompt consideration by the Senate.

I pointed out that there were three good reasons why this should be done. First, the report by the Secretary of Transportation on the results of the first winter of daylight saving time did not show savings of energy. Second, it was clear that schoolchildren were facing difficult and even hazardous conditions in trying to get to school in the dark mornings. Third, there was disruption and hardship in families, particularly where both parents worked, because some school districts were changing the opening hour of school in order to protect the children.

In August both Houses of Congress agreed on the compromise of 8 months of daylight saving and 4 of standard time—the House in a separate bill and the Senate in an amendment to the Energy Reorganization Act. Agreement was reached on a single bill early in September, and it was later signed into law by the President.

I supported the bill and spoke on the floor urging its prompt passage. It was as good a compromise as could be reached. Some areas of the country did not take strong objections to the year-round daylight saving time. Some would have preferred 9 months, and 3 of standard time; I would have preferred 6 and 6, but the 8 and 4 solution does give the people standard time in the heart of winter—November through February—and that is the critical period.

GOVERNMENT INTERFERENCE IN BUSINESS

During this session of Congress I have spoken on the Senate floor against Government interference in private enterprise. This is a subject I hear about frequently when I am home in Mississippi, and I am sure it is an issue of importance anywhere in the Nation.

I always look forward with pleasure to the opportunity to get home and visit around the State to chat with friends. The enjoyment that I get from a chance to talk at length with a businessman that I have known for years is frequently tempered by the fact that he will ultimately make known the strong feelings that he has about the interference of the Federal Government in his business. He is frustrated by the requirements, the constraints, and the paperwork that the Government places upon him. He is puzzled at the necessity for much of this, and angered by the number of things that the Government requires him to do, or forbids him to do, under penalty of law. He feels that a lot of these rules are quite arbitrary, that many of them do not fit his situation, and he is resentful of them.

It is very hard for me, as a Senator, to try to explain how all this redtape came into being, and why it should exist at all. In fact, it is impossible to explain. There is no sensible way to rationalize the degree to which the Federal bureaucrats have entered into the management of free enterprise.

Take the matter of paperwork alone. The hearings last year of the Senate Select Committee on Small Business showed that there were about 5,300 different types of approved public use forms that came under the supervision of the Office of Management and Budget, which has responsibility under the Federal Reports Act of 1942. And this number does not include all the tax forms of the Internal Revenue Service or banking forms, neither of which come under OMB.

Counting all kinds of forms, the paper that flows into Federal agencies each year fills 4½ million cubic feet of space, and costs $8 billion a year to process and administer. There are 10 pieces of paper each, per year, for every man, woman, and child in the United States—more than 2 billion forms a year.

According to the Budget Bureau, for the business community alone, in 1973, there were 2,547 different reports. There were 122,000 responses to these required reports, and it took the business community 72 million man-hours to prepare them. If it cost only $5 an hour to fill them out, that is a cost of businessmen of $362 million—and that is a nonproductive cost—a loss to businessmen. The National Small Business Association estimates that adding just one Federal form that all businesses have to fill out costs small businesses $19 million.

The paperwork, though demanding and expensive, is just a symptom, only a manifestation of the degree that Federal regulation of business procedures has infiltrated the entire structure of American enterprise. One is given good cause to wonder whether we are justified in calling it a free enterprise system.

Think of the scope of businesses that are subject to formal Government regulation. We have become so used to it that we hardly notice it anymore, but almost every business that directly affects our daily lives is Government regulated. You are dealing with a federally regulated industry when you turn on your light switch or radio, or buy an airline ticket or a prescription drug; if you cash a check, or call your broker. You name the business and the chances are it is regulated—railroads, truckers, and barge lines; farmers or meatpackers—the list is endless. In the U.S. Government Manual, under the executive branch, are listed the independent agencies. It takes 195 pages to list them and brief their functions, and a large part of them are in the business of telling citizens what they can and cannot do in the pursuit of their occupations.

All of this excessive Government control of business is of course based on laws passed by Congress. And I must say that the experience of recent years indicates an increased tendency on the part of Congress to resort to Government intervention by legislation to try to solve any kind of social or environmental problem that is thought to grow out of business practices.

To note a few examples of such bills, from the recent past, we have seen the Occupational Health and Safety Act; the Consumer Product Safety Commission; controls on automobiles to cover safety, damageability, and exhaust emissions; controls on agricultural pesticides; clean water and clean air standards; Federal Trade Commission injunctive relief or certain trade practices; the Consumer Food Safety Act and the Consumer Warranty Act; the credit card bill; new minimum wages; and others. We have seen prices and wages controlled and then decontrolled, and oil allocated between companies. Various controls on imports or exports are advocated monthly. The proposed Consumer Protection Agency bill has been debated at great length, and fortunately it was defeated, for in its ultimate effects it would not have been good either for the public as a whole or for the business community.

Government regulation of business is obviously a very complex matter, and it does not lend itself well to legislative solutions that set forth the law in detail, and present it to the executive branch to enforce and the courts to arbitrate. Consequently the tendency is for Congress to establish a new independent agency, define its mission, give it a broad charter with enforcement powers, and tell it to write its own regulations.

These regulatory agencies proceed forthwith to do just that. They write their regulations and enforce them, and within a few years it is absolutely amazing to examine what has grown in the way of bureaucratic controls, reports, constraints and expensive harassments of businessmen. Sometimes the law as written even permits an agency to issue citations and then impose their own penalties.

I think it is a reasonable assertion to say that the average businessman can no longer hire and fire and set wages according to merit and performance. Discrimination suits are common, and now there are "reverse discrimination" suits. It is not worth the trouble and expense to try to hire part time help. A plant is closed by a strike and the strikers draw food stamps and welfare.

To add to his other woes, the businessman is a tax collector, on a large scale, and the recordkeeping and reporting procedures that he must follow are prescribed for him. He withholds income tax and social security tax. In many States he withholds State income tax, and sales or use taxes, usually without being compensated for the expense. A firm that does business in interstate commerce has a multiple problems, to allocate income and employee taxes among several jurisdictions. Also, to complicate the problem, there is insufficient correlation of forms between Federal and State jurisdictions, so the accounting has to be done twice. If a small firms' bookkeeper gets sick and the firm is late in completing the paperwork to turn in the withheld taxes, the penalty is automatic and substantial. The businessman is kept busy being a tax collector, and he has to do it at his own expense.

You will recall that in September President Ford convened a series of conferences, in preparation for the so-called summit conference on inflation. At the first of these he convened a large group of economists, of various political and economic persuasions. It was interesting to me to note that among the relatively few matters on which there was general agreement among the economists was that there are many inflationary factors that are built into the economy by law, in the forms of Federal controls that in fact restrain competition and result in higher prices. One economist submitted a list of 45 such economic stumbling blocks, from past laws, that he proposed should be done away with.

Federal interference in private enterprise exists throughout the structure of the business community. Its effects are onerous, and if allowed to increase will threaten the effectiveness of the free enterprise system. It will not take very much more government harassment of small business to make it so difficult that some businesses will not be able to survive. I have consistently opposed unreasonable Federal interference in private enterprise, and I intend to continue to oppose it, for it results in excessive costs that are passed on to the consumers.

FORESTRY

In Mississippi, our forests are of course one of our very best assets, and forest products are among our leading industries. Consequently, over the years, I have taken a very strong interest in forestry matters, such as the Forestry Incentives Act of 1973.

The demand for wood in the United States is expected to double in the next 30 years, and most of it is going to have to be grown on small, privately owned nonindustrial tracts. To accomplish this end, a Federal program of incentives was essential.

In 1972, I introduced the Forestry Incentives Act, and it was signed into law in August 1973. It provides cost sharing of 75 percent by the Federal Government for planting seedlings and for timber stand improvement. The first money became available in February 1974, and the program is continuing at the rate of about a million dollars a year in Mississippi.

I am glad to say that this year the State Legislature passed the "State Forest Resource Development Program," which is financed from timber severance tax. The two programs complement each other very well. At the present level of funding of the two programs, over a million acres of our forest land will be planted, or the timber stand improved, over the next 10 years.

A second matter I will mention is the McIntire-Stennis program of cooperative forestry research. It was established by law in 1962, and I was the coauthor of that legislation, with then Congressman Clifford McIntire of Maine.

Under this program research in forestry-connected endeavors is carried out at 63 State universities and land-grant colleges throughout the Nation. The research is carried out by graduate students, working under professionally qualified supervision. It is financed on a 50–50 cost-sharing basis, half by the Federal funds, which are running about $6 million a year now, and half from State or industry funding. This has been an extremely successful program. It has the enthusiastic support of the universities, industry, and the Department of Agriculture, which administers the program. I am confident that it will continue to grow and prosper, and as one of its founders I am proud of its success.

A third endeavor in forestry work in which I take satisfaction concerns the laboratories of the Forest Service, in which they carry out the research essential to their work on Federal lands, and which has great value to industry and private lands also.

In 1960 there were authorizations from Congress for the construction of a number of Forest Service laboratories, but the program had been standing still because the administration had not been budgeting any money for construction of the laboratories.

I took up this cause because I knew that research was essential for future progress. I recognized that the laboratories would have to be widely distributed—from the Douglas-fir country in the Northwest to the pine belt in the South, so I pushed the program on a national basis. Fortunately, I was in a good position to do so, as a member of the Senate Appropriations Committee.

In the 4 years, from fiscal 1961 through 1964, appropriations were provided for 23 laboratories. I do not want to take credit for all of them, or sole individual credit for any of them, but I was instrumental in 14 of the 23, and I strongly supported the others. Of course each member of our Mississippi delegation supported and helped in all these efforts.

In the first year of the program we got the Southern Hardwoods Laboratory at Stoneville, and an expansion of it in the third year. And in the second year we got the Institute of Forest Genetics at Gulfport. These forest laboratories are distributed over 21 States, and I am proud of the work they are doing today, especially at the laboratories in Mississippi.

WATER RESOURCES PROJECTS

Investment of Federal funds in water resources projects is a sound investment for the benefit of economic progress in present and future generations, and in the preservation and cleanliness of the vast water resources with which our State is so richly endowed. The money that is spent to prevent floods, and to improve waterways and harbors, is returned with interest over the years, often many times over. For such projects to be authorized, it must be demonstrated to Congress by documented engineering studies and economic analyses that the benefits will exceed the costs. Further, such studies must include an analysis of the environmental effects of the project, and the design must conform to standards that will preserve and enhance the environment to the maximum extent.

As the chairman of the Public Works Subcommittee of the Senate Appropriations Committee, I preside at the very lengthy hearings and committee deliberations which allocate money each year to these water resources projects and I naturally take a very strong interest in studies of all potential projects in Mississippi, and in the progress of projects that Congress has authorized to be constructed in our State.

Studies which I had advocated and helped to fund resulted in the authorization of several new Mississippi projects in the Water Resources Authorization Act of 1973. This year then became the first opportunity to provide money to begin the design of these projects, and I am glad to say that most of them received funds in the appropriations bill passed in August 1974. In some cases the money was added by Congress even though the projects had not been included in the budget. Where this occurred, there will be deferrals of half the money that Congress added, so that half the expenditures do not occur until early next fiscal

year, but in any case, a start is being made in the current year.

These new projects for which money has been provided include Edinburg Dam, on the Pearl River, in northern Neshoba County, for flood control and recreation; and addition to Greenville Harbor, to provide an additional harbor channel in undeveloped lands adjacent to the existing port area; the Vicksburg port area, to provide a new leveed area for industrial expansion near the port area; and the Natchez port area, where a new leveed area is also to be provided near the port.

There are additional studies underway, which probably will eventually result in new authorized projects. These include studies in the Yazoo Basin and in the Pascagoula River Basin, seeking means to prevent damages such as were suffered in the floods of 1973 and 1974, and a study to see what can be done to improve the channel of the lower East Pearl River and to provide navigation to Picayune.

The appropriation bill this year also provided the final-year funds for other studies at Pascagoula, Vicksburg, and on the tributaries of the Tombigbee River. A study of navigation depths from Baton Rouge to Natchez is just getting started this year.

For projects under construction, the full amount of the money the Army Engineers needed for the year was appropriated for all Mississippi projects. Where these amounts exceeded the budget request, the administration has asked a slowdown in spending half of the amounts added, until next fiscal year, but the projects are proceeding at a good pace. Tallahala Creek Lake has money for land acquisition, and actual construction will begin next year. All the work in the Yazoo Basin is being pressed forward, so as to provide additional flood protection, particularly against backwater flooding from the Mississippi River.

I want to share with you, very briefly, my enthusiasm for a great water resources project that is going to change and enhance the economic future of east Mississippi and the whole muti-State region that surrounds it. I refer, of course, to the Tennessee Tombigbee Waterway.

This concept of connecting the Tennessee River with the gulf coast via a navigable waterway, using the Tombigbee River dates back to the early 1800's. The project has been studied formally since 1870. It was first authorized by Congress in 1946, and its favorable benefit to cost ratio reconfirmed in several reanalyses since, showing that $1.50 in benefits will be returned for each dollar spent.

The first construction money for the waterway was appropriated in fiscal year 1971, and a total of $30 million appropriated and spent on construction through fiscal year 1974. For this year, Congress received a budget request of $30 million, and appropriated $37.9 million, the full capability of the Corps of Engineers for the year. The President is asking that a part of the added $7.9 million be deferred until fiscal year 1976, but this should not have a major effect on construction progress during the year. The waterway is scheduled for completion in June of 1981, and I am hopeful that this schedule can be maintained, in spite of the variations in funding that will occur from year to year.

Work is underway on Gainesville lock and dam, will begin soon on Aliceville lock and dam, and will start next year on Columbus lock and dam. Dredging has begun on the north end of the project at Yellow Creek, and the work will progress from both ends.

The project is going to cause a tremendous economic boom in east Mississippi. The only modern parallel from which we can judge its magnitude is what has occurred, along the McClellan-Kerr project, the Arkansas River Waterway. In the 3-plus years since its completion there has been $3 billion worth of new industrial development along that waterway—much more than expected, almost $1 billion a year. The industrial expansion in all of our State of Mississippi last year was about $1 billion, so you can see what kind of a boom can be expected in east Mississippi as a result of the Tennessee Tombigbee Waterway.

The important thing to do is to plan ahead, to see that it is not an uncontrolled boom, but an orderly and planned regional effort, with land-use planning, and development of community facilities to meet needs as they occur.

I was pleased that in May, in Meridian, the East Mississippi Council and the Tennessee-Tombigbee Waterway held a joint meeting to explore and evaluate what is going to happen and how to plan for it. This is a great challenge, and a great opportunity for east Mississippi.

THE NATCHEZ TRACE PARKWAY

It has been quite a struggle, over the years, to try to get the money appropriated to keep the construction moving along on the Natchez Trace Parkway. I certainly have devoted a lot of time and effort toward that goal, as have others in the congressional delegation.

Part of the problem has been that the National Park Service, which is of course the agency which budgets for parkway construction, has a relatively modest part of the budget of the Department of Interior. In turn, the Department of Interior has one of the relatively small budgets among the cabinet departments. Consequently, when the Office of Management and Budget is making up the annual budget request, and allocates amounts to departments, not much gets to the Park Service, and what they do get has to support all their other functions as well as parkway construction.

Nevertheless, during the last 15 years we have been able to get over $45 million for the Natchez Trace. From 1960 through 1974, the total for all parkways in the United States was $118 million, and the Natchez Trace got the most—$45 million, as I said—with the Blue Ridge Parkway second at $40 million and the George Washington Parkway third at $16 million. So comparatively, at least, we have done well. I do not claim all credit for all this money, but I was certainly deeply involved in the effort as a member of the Senate Appropriations Committee.

This year in the appropriations bill for fiscal year 1975, Congress added enough money for construction—$3.3 million in cash and contract authority for $2.1 million in fiscal year 1976—to finance the next 5 miles of section 3–C, northeast of Tupelo. Another $850,000 was provided for planning on other sections of the parkway, in Mississippi and Alabama.

As has been reported in the newspapers, President Ford asked Congress to rescind or defer a number of past and current appropriations, involving very large amounts. I was concerned that this money for fiscal year 1975 for the Natchez Trace might be caught in the deferrals, so I took the matter up on a personal basis with the Secretary of the Interior. I am glad to say that he has confirmed that the money will not be withheld, but will be spent as planned.

Also, Senator EASTLAND and I launched a second effort to speed up the construction of the Natchez Trace. He introduced a bill, which I cosponsored, that would make the parkway eligible for money from the Highway Trust Fund, without it being necessary for it to become a part of the Federal-aid-highway system. The bill would authorize $210 million over 3 years, to be divided among several parkways and it provides that parkways built under this authorization will be for "scenic and recreational use and passenger car travel." The bill passed the Senate but was not approved in the House, and we will have to try again in the next Congress. After it is finally enacted into law, then it will be necessary to try to get some money into the budget and approved in an appropriation bill.

I have consistently taken the position, in supporting this beautiful parkway, that it will be a sound investment for the Government to complete it in a timely way and thereby make the full benefits available to the citizens of a 3-State region and to the many other citizens who, as tourists, visit this area in increasing numbers each year.

NATIONAL SPACE TECHNOLOGY LABORATORIES

Since 1961 a huge National Aeronautics and Space Administration facility has been located at Pearl River and Hancock Counties in Mississippi. During our intensive efforts to explore space and land men on the Moon this facility's primary mission was the testing of huge rocket engines and propulsion systems.

This installation consists of a 13,248-acre test site owned in fee simple surrounded by a 125,328-acre buffer zone under a perpetual restrictive easement which prohibits human habitation or occupancy.

As we all know our space program has phased down considerably from its level during the sixties. With this phasedown of the space program the facility shifted its emphasis to include environmental and Earth resources research. Under this new direction components of 16 Federal and State agencies with related activities have established operations at the NASA facility. Employment presently exceeds 1,100 people.

Throughout the years I have been very active in efforts to maintain this multimillion dollar facility and increase the use of it by NASA and other Federal agencies.

In recognition of its expanded role in environmental and Earth resources research on June 14, 1974, I announced a NASA decision to establish the Mississippi test facility as an independent field installation reporting directly to NASA headquarters in Washington. With this institutional change the installation became a full partner in the NASA organization rather than remaining a component of the National Space Flight Center in Huntsville, Ala. To more accurately define its expanded role, the name of the Mississippi test facility was changed at that time to National Space Technology Laboratories.

At my request the Office of Management and Budget urged NASA to conduct a survey of other Federal agencies to further encourage them to make greater use of the installation. This activity is continuing.

Slightly less than 1 month later on July 10, 1974, I announced that this installation had been selected by the Department of the Army as the site for the construction of a new 155-millimeter artillery ammunition facility. Necessary preliminary engineering and environmental studies are underway at this time. With favorable study results, a decision can be made to start construction.

The Army expects permanent employment and production at the facility to begin in approximately 3 years after the engineering and environmental studies are completed and a final decision made to proceed. Production and employment are expected to reach their normal levels in 5 years.

Although the emphasis and activities at NSTL have been expanded, testing of rocket engines continues to be an important activity at the Mississippi installation.

On June 23, 1974, the decision was made by NASA to move a space shuttle testing program from California to the NSTL site. Testing of the space shuttle main engine integrated subsystem test bed was moved forward by some 4 months which brought about a personnel buildup of 94 people in Mississippi at an earlier time than had been originally planned for the space shuttle main engines. This buildup will continue to a level of approximately 400 people through 1978.

I remain convinced that the National Aeronautics and Space Administration, and moreover the Federal Government, have an obligation to the people of this area to fulfill their commitments and insure that this installation is used in every way possible in the years ahead. In this regard, I have personally contacted a number of Federal agencies and departments including the Navy, Air Force, Army, Environmental Protection Agency, National Oceanographic and Atmospheric Administration, Department of the Interior, Atomic Energy Commission, and many others to encourage them to fully explore the cost-savings and scientific advantages available by locating some of their operations at the National Space Technology Laboratories. I have been encouraged by their response so far, and I am hopeful that additional agencies will locate at NSTL in the near future.

RURAL WATER SYSTEMS

Over the years I have been a strong supporter of the Farmers Home Administration program to assist rural areas to develop their own water systems. Under this program grants and loans are made to nonprofit organizations representing their communities, which can be as large as 10,000 in population. Loans are made at interest rates of not more than 5 percent, and for terms not to exceed 40 years.

Beginning 2 years ago, the administration declined to make any further grants under this program, in spite of the fact that they were being carried out under authorization and funding from Congress.

It was not until the end of December 1973, that the administration released $30 million in grant funds, of which Mississippi received $756,000 for such grants. In May of this year congressional pressure resulted in the release of $120 million more, of which Mississippi received $3,304,000. Even so, there are still many rural water systems in Mississippi that are eligible for these grants, and would receive them if money were available.

In the appropriations bill this year, for fiscal year 1975, I joined with the other members of the Agriculture Subcommittee of the Senate Appropriations Committee in urging the transfer of $225 million from unused funds from another program, to be used for rural water systems. This bill was eventually vetoed, so the transfer of the money did not take place.

In the subsequent new agriculture appropriations bill, we provided $30 million for rural water system grants, as well as substantial amounts for loans, and I am glad to say that the President has approved this bill and signed it into law. This money will be most welcome to the groups of citizens in Mississippi who have water system applications pending with the Farmers Home Administration.

This grant program is the way these communities get their systems started, reinforced by loans which they undertake to repay from their revenues. These little towns and their outlying rural fringes are often in a depressed economic condition, which is of course why they need revitalization. They cannot start by themselves on a loan basis entirely, so the grant program is the key to the problem.

My goal is to push this program to the limit, so that every rural community will be covered, as the dew covers the hills and the valleys.

APPALACHIAN PROGRAMS

Under the Appalachian Regional Development Act of 1965, programs are sponsored by the Appalachian Commission to further economic development, and educational improvement, and health care within the 13 State Appalachian Region. As originally passed, this act did not include any part of Mississippi, but an amendment I sponsored in 1967 resulted in the inclusion of the 20 northeast counties of our State in the area eligible to participate in projects sponsored by the Appalachian Commission.

Since my amendment was signed into law, very significant progress has been made in these programs, all aimed at health, education, and job development. We are in the seventh fiscal year of that period, and projects have been completed or approved that now have a dollar total of well over a hundred million dollars. Of this money about half came from grants from the Appalachian Regional Commission and other Federal programs, and half from matching funds of State and local money.

I take particular satisfaction in the projects that are completed under the Appalachian program. As the chairman of the Public Works Subcommittee of the Senate Appropriations Committee, it is my duty to conduct the hearings that examine into the budget requests for this work, and to recommend the amounts that shall be appropriated. Typical projects that are built under this program are access roads, water systems, expansion of hospitals, medical centers, sewer improvements, and facilities for vocational and technical training.

The Appalachian Regional Development Act of 1965 established authority for a system of so-called corridor highways—major multiple-lane highways through the Appalachian States linking population centers and connecting with the interstate highway system. Because Mississippi was not included in Appalachia until 1967, we did not receive an allocation of corridor highway, as was the case with Alabama and South Carolina.

I am glad to say that a resolution of the problem was reached last year, and Mississippi and Alabama are to have a corridor highway which will run from Huntsville through Tupelo for a junction with I–55, west of Oxford.

I am pleased that our State has taken full advantage of the Appalachian programs, within the 20 counties that are eligible, and I intend to press for continuation of adequate authorizations and funding for this work. It is important to our State.

SCHOOL BUSING AND DESEGREGATION

The busing of schoolchildren to overcome racial imbalance in our public schools gained much attention this year in the Congress and to a lesser extent in the courts.

In August, the President signed an education bill which contained antibusing provisions. Unfortunately, the provisions are weak. The House had passed the bill with strong antibusing language. The Senate, however, watered it down to the point where it was almost meaningless, and the Senate provision ultimately became law.

This month, however, the House passed an appropriations bill which contained a provision that education funds could not be used for the purpose of compelling a school system, as a condition for receiving such funds, "to classify teachers or students by race, religion, or national origin; or to assign teachers or students to schools, classes, or courses for reasons of race, religion, sex, or national origin. This was subsequently modified in the Senate and rendered meaningless. I regret that my efforts and those of others to get this amendment written into the law failed. Much work went into

this, but the votes unfortunately were not with us at the end.

Now Boston is involved in massive busing of schoolchildren from one part of the city to another.

To a large degree, I fault the U.S. Supreme Court for not making a definitive rule on busing. The Brown decision of 1954 ordered an end to discrimination maintained through dual school systems. Now the schools have been desegregated, but HEW and some of the Federal courts want a precise ratio in all schools of black and white students in the entire area. And since such ratio of students differ from one neighborhood to another, students are forced to be bused miles and miles away from their homes to another school.

In effect, today students are denied the right to attend a particular school on account of their race. This is just what the Brown decision outlawed.

Secretary Weinberger of HEW said recently that the Northern States opposed desegregation of their schools and that HEW was, therefore, having difficulty in desegregating northern schools. This, of course, was not the position HEW took against the South.

Funds were cut off from southern schools in quick order and desegregation plans were often dictated by HEW to our school districts. To date, only one school district in the North has had funds cut off.

This double standard is in clear violation of the Stennis amendment which became law in 1969 and provided that the law must be applied uniformly in all areas of the United States in matters of school desegregation.

I have reminded Mr. Weinberger of this provision of the law and urged him to enforce it.

I do not believe that the North is willing to live under the same conditions which were imposed on the South for so long, and for that reason I see a small bit of relief in the future.

People are sick of busing and it is up to Congress to stop it. We have made some headway, but the job is not over.

I intend to again work in the next session of Congress for meaningful legislation that will prohibit busing just to achieve a racial balance in our public schools. Also, I will push for the adoption of a resolution submitting a proposed amendment to the Constitution of the United States, to be adopted by the States, which will prohibit this senseless busing to achieve racial balance in our public schools.

I believe that widespread opposition to forced busing has created a climate in the Nation where we now have a real chance to accomplish this goal.

I will continue to press for these points during the next session of Congress. Perhaps soon, this senseless activity of busing schoolchildren will cease.

APPRECIATION TO THE NEWS MEDIA

Each of us in this Chamber today knows of our responsibility to make every effort possible to keep our constituents, the people back home, informed of the actions taken and the operations of their Government.

I have long believed that the American people, when given all the facts, will consistently reach logical conclusions about the actions of their elected officials. No matter how diligently one tries to answer his mail, return telephone calls, or visit by home, every Senator in this Chamber knows the value of his home State news media.

In recognition of their contributions to the betterment of our Nation I would like to sincerely say to my colleagues that I hope they are as fortunate as we in Mississippi to have such a vast and responsible group of newsmen and women. This is in no way intended to discredit the news media of other States, but a sincere expression of my appreciation of the excellent work done in Mississippi.

As I said earlier, I have always felt a duty to let the people back home in Mississippi know what I am doing in Washington and to express my opinions on issues and topics of concern. Due to the excellent coverage by the Mississippi news media, this has developed a continuing two-way communication.

For several years now, I have produced weekly radio and television reports to the people of Mississippi in addition to regular written news releases. Throughout the years, use of these reports has increased greatly. I would like to recognize those radio and television stations in Mississippi who make these reports available to their audiences:

Television stations receiving weekly reports:
Biloxi, Miss.—WLOX-TV.
Hattiesburg, Miss.—WDAM-TV.
Jackson, Miss.—WJTV-TV, WLBT-TV, Capitol Cablevision, Ins.
Memphis, Tenn.—WMCT-TV.
Meridian, Miss.—WTOK-TV.
Mobile, Ala.—WKRG-TV.
Tupelo, Miss.—WTWV-TV.
Radio stations receiving weekly reports:
Aberdeen—WMPA.
Amory—WAMY.
Canton—WMGO.
Cleveland—WCLD.
Columbia—WFFF.
Columbus—WCBI, WMBC.
Corinth—WCMA.
Greenville—WDDT.
Greenwood—WGRM.
Grenada—WRIL.
Gulfport—WGCM, WROA.
Hattiesburg—WFOR, WHSY.
Houston—WCPC.
Indianola—WNLA.
Iuka—WVOM.
Jackson—Mississippi Radio News, WRBC, WWUN.
Kosciusko—WKOZ.
Laurel—WAML, WNSL.
Lexington—WXTN.
Magee—WSJC.
McComb—WAPF/AM; WCCA/FM.
Meridian—WOKK.
Natchez—WNAT.
Pascagoula—WCIS, WPMP.
Picayune—WRJW.
Pontotoc—WSEL.
Poplarville—WRPM.
Quitman—WBFN.
Starkville—WSSO.
Tupelo—WELO, WJLJ.
Vicksburg—WQBC, WVIM.
West Point—WROB.
Winona—WONA.

Of course, all newspapers in Mississippi continually report events in Washington. I would like to recognize their contributions at this time.

Daily newspapers in Mississippi.
Biloxi—Daily Herald, South Misisssippi Sun.
Brookhaven—Daily Leader.
Clarksdale—Press Register.
Cleveland—Bolivar Commercial.
Columbus—Commercial Dispatch.
Corinth—Daily Corinthian.
Greenville—Delta Democrat Times.
Greenwood—The Commonwealth.
Grenada—Daily Sentinel Star.
Hattiesburg—The American.
Jackson—Clarion-Ledger, Jackson Daily News.
Laurel—Leader-Call.
McComb—Enterprise-Journal.
Meridian—Meridian Star.
Natchez—Natchez Democrat.
Oxford—Oxford Eagle.
Pascagoula—Mississippi Press Register.
Starkville—The Daily News.
Tupelo—Daily Journal.
Vicksburg—Vicksburg Evening Post.
West Point—Daily Times Leader.
Aberdeen—News Herald.
Ackerman—Choctaw Plaindealer.
Amory—Advertiser.
Ashland—Southern Advocate.
Baldwin—News.
Batesville—Panolian.
Bay St. Louis—Sea Coast Echo.
Bay Springs—Jasper County News.
Belmont—Belmont-Tishomingo Journal.
Belzoni—Banner.
Booneville—Banner-Independent.
Brandon—Rankin County News, Rankin County Press.
Bruce—Calhoun County Journal.
Calhoun City—Monitor-Herald.
Canton—Madison County Herald.
Carrollton—The Conservative.
Carthage—Carthaginian.
Charleston—Mississippi Sun.
Clarksdale—Delta Farm Press.
Clinton—News.
Coffeeville—Courier.
Collins—News-Commercial.
Columbia—Columbian Progress.
Crystal Springs—Meteor.
DeKalb—Kemper County Messenger.
Drew—Sunflower County News.
Durant—News Plaindealer.
Ellisville—Progress Item.
Eupora—Webster Progress-Times.
Fayette—Chronicle.
Forest—Scott County Times.
Fulton—Itawamba County Times.
Gautier—Gautier Independent.
Gloster—Wilk-Amite Record.
Grenada—Grenada County Weekly.
Gulfport—Examiner Times, Keesler News, Pictorial Review.
Hazelhurst—Copiah County Courier.
Hernando—DeSoto Times.
Holly Springs—South Reporter.
Houston—Times-Post.
Indianola—Enterprise-Tocsin.
Iuka—Tishomingo County News.
Jackson—Mississippi Enterprise, Reporter, Northside Sun, South-West Guide.
Kosciusko—Star-Herald.
Leakesville—Greene County Herald.
Leland—Progress.
Lexington—Advertiser, Holmes County Herald.
Liberty—Southern Herald.
Long Beach—Gulf Coast Weekly.
Louisville—Winston County Journal.
Lucedale—George County Times.
Lumberton—The Head Block.
Maben—The News-Press.
Macon—Beacon.
Magee—Courier.
Magnolia—Gazette.
Marks—Quitman County Democrat.
Meadville—Franklin Advocate.
Meridian—Lauderdale Ledger, Meridian Record.

Mendenhall—Simpson County News.
Mize—Messenger.
Monticello—Lawrence County Press.
Morton—Morton-Pelahatchie Advertiser.
Mount Olive—Tribune.
New Albany—Gazette.
Newton—Record.
Ocean Springs—Ocean Springs Record.
Okolona—The Messenger.
Pass Christian—Super Bird, Tarpon Beacon.
Philadelphia—Neshoba Democrat.
Picayune—Item.
Pontotoc—Progress.
Poplarville—Weekly Democrat.
Port Gibson—Reveille.
Prentiss—Prentiss Headlight.
Purvis—Lamar County News.
Quitman—Clarke County Tribune.
Raleigh—Smith County Reformer.
Raymond—Hinds County Gazett.
Richton—Dispatch.
Ripley—Southern Sentinel.
Rolling Fork—Deer Creek Pilot.
Sardis—Southern Reporter.
Senatobia—Tate County Democrat.
Summit—Summit Sun.
Sumner—Sentinel.
Taylorsville—Signal.
Terry—Headlight.
Tunica—Times Democrat.
Tupelo—Shoppers News.
Tylertown—Times.
Union—Appeal.
Utica—Advertiser.
Water Valley—North Mississippi Herald.
Waynesboro—Wayne County News.
Wiggins—Stone County Enterprise.
Winona—Times.
Woodville—Republican.
Yazoo City—Herald Peoples Press.

These news sources are supplemented in their coverage by the services of Associated Press, United Press International and the Mississippi Radio News Network. Mississippians are also fortunate to receive in-State coverage of events from full time correspondents for the New Orleans Times Picayune and the Memphis Commercial Appeal.

Of course, no expression of appreciation to the Mississippi news media would be complete without a sincere "thank you" to the Washington correspondents who file stories daily from the Nation's capital to the media back home.

In the rapidly moving world of today, the need to know is greater than ever before. I am extremely grateful that the capability to inform the people has reached such an effective level.

COMMITTEE WORK

The foregoing discussions dealt primarily with matters of direct concern to Mississippians. These, together with individual problems or endeavors brought to my attention by constituents have taken a large part of my time and effort this year. In addition, however, I have other legislative duties, as does every Senator. Each of us speaks for his State in matters of national importance, and each has a part of the responsibility for the formulation of legislation dealing with these matters.

This work is for the most part carried out in committees. When a bill is proposed by a Senator, or received as a recommendation from the administration, it is referred to the Senate committee that has jurisdiction over the subject matter of that particular bill. The committee holds hearings, to obtain the views of citizens, interested organizations, and the appropriate agencies of the executive branch. The facts are established, and in committee deliberations the final form of the legislation is worked out, with differences of opinion being decided by majority vote of the committee members. When the bill is sent to the full Senate for debate and vote on passage, it is normally accompanied by a committee report that explains the committee reasoning in resolving the various complexities involved in the bill. In the debate on the bill, the committee chairman serves as the floor manager, and when the bill goes to conference to reconcile differences between the Senate bill and the comparable bill passed by the House, the committee chairman is the leader of the Senate delegation on the conference committee.

Each Senator is assigned to a limited number of committees, and becomes especially knowledgeable of the subject matter handled by those particular committees. I welcome my committee work as an opportunity to participate in formulating legislation that by serving our Nation well also serves the State of Mississippi. I believe that I am fortunate in my own committee assignments, in that many matters of direct interest to our State, as well as to the Nation, come under their jurisdiction.

A Senator is permitted to be chairman of only one major committee, and of course to be a chairman at all, he must be quite senior in terms of length of service in the Senate and must be a member of the majority party. I am privileged to serve as chairman of the Armed Services Committee, a major committee of the Senate, which deals with all military matters involving preparedness, the protection of the American people, and the security of the free world. As chairman, a position I have held since 1969, I am involved in many national policy matters because the subjects with which my committee is concerned are so broad and are so vital to our Nation. Scores of pieces of legislation are referred to the committee every year. This year, the committee considered and reported to the Senate 65 bills as well as thousands of nominations of military officers and civilian officials.

The major work of the committee this year, as in past years, was the annual defense authorization bill. The bill, though just about one quarter of the total defense budget in dollar terms, involves authorization of funding for procurement of weapon systems and research and development and authorization of manpower strengths for the active force, Reserves, civilians working for the Defense Department, and military student training loads.

Examination of the $23.1 billion request took the form of hearings over a period of 2½ months by the full committee and two of its subcommittees. The printed RECORD is 5,000 pages. The committee then met seven times to mark up the bill. The result was a recommended authorization which was $1.2 billion or 5.5 percent less than the administration request. After 8 days of intensive debate in the Senate, including debate and voting on 37 amendments, the Senate passed the bill 84 to 6. It was my job, very much an honor, to serve as floor manager. Subsequent action by a joint conference of the Senate and House to iron out the differences between the bill passed by each body resulted in a good, sound authorization—$22.2 billion—which became law in August.

With the economic situation as serious as it is and the demands on every tax dollar so severe, the committee's task of examining the defense budget was of particular significance this year.

The deliberations and recommendations of the Senate Armed Services Committee were grounded in a belief that this country can ill afford to allow its defenses to slip, but at the same time, that we can ill afford to spend any money not really necessary to the defense effort or to waste any of the dollars being spent.

The challenge of balancing the economic concerns of our people and our country with the necessity of maintaining a strong national defense, even if the cost of that defense seems ever higher because of inflation, is a real challenge. I can assure you that striking this balance and working on all the attendant problems will continue to be a high priority of mine.

Besides purely military matters, the committee deals with conservation of strategic and critical materials, and petroleum reserves; with aeronautical and space activities of military application; and with the operation and administration of the Panama Canal and Canal Zone. I also chair the Preparedness Investigating Subcommittee of the Armed Services Committee.

Since the committee was first organized in 1965, and through part of this year, I have served as chairman of the Select Committee on Standards and Conduct of the Senate. During this session I asked that this chairmanship be assigned to another Senator, so that the time that responsibility might take could be devoted to the constantly increasing and very welcome work devoted to individual problems of my constituents. I continue to serve as a member of the committee.

I am also a member of the Aeronautical and Space Committee, which is a major committee. This assignment affords me a special opportunity to review the space programs that have application in the work at the NASA installation in Hancock County. Elsewhere in this report I have indicated the effort that I have devoted, over several years, to insure that this installation will remain a very active Federal enterprise.

The Senate Appropriations Committee is the third major committee on which I serve. I value this assignment particularly, for it affords special opportunity to participate in the very early stages of allocating funds to specific programs and projects, many of which are particularly important to Mississippians. I chair the Public Works Subcommittee of the Appropriations Committee, as I mentioned previously, and I am a member of five other subcommittees. Only one other Senator serves on as many subcommittees. Those on which I serve deal with the money for funding the programs for agriculture, environmental, and consumer protection matters; defense; hous-

ing space, science, and veterans; labor, health, education, and welfare; and transportation. Membership on these subcommittees also permits me to serve on the conference committees which resolve appropriation differences between House and Senate bills, and which have much to do with the substance of these bills as they are signed into law. Committee work is demanding, but in my judgment the time is well spent. All of my committee assignments, especially the work of the Appropriations Committee, give me a chance to look out for the interests of Mississippians in the formulation of national programs, I am pleased to have the opportunity to serve on these committees.

CONCLUSION

The year 1974 has been one of crisis—in our national domestic affairs, in the economic situation of our Nation and of the world, and in certain international tensions between various nations. We can be proud, however, at the way the United States has responded. Our constitutional processes stood up under what has perhaps been the most severe test in our history. Our people and our Government have joined in a realistic appraisal of the Nation's economic situation and the actions and sacrifices that are going to be necessary to stabilize the economy and slow inflation. Our problems are not as great as those of most industrial nations of the world, but they are going to require unity and determination to overcome them. I believe we can rise to this crisis, as we have to so many over the 200 years of our history. We must be greateful for what we have—that we are a strong nation, that we are unified, and that we are at peace.

There is much work ahead in 1975. I dedicate myself to it, strengthened by the trust and confidence extended to me by the people of Mississippi. I am grateful to you for your loyalty. I look forward to receiving your suggestions and constructive criticism, and to doing my utmost on your behalf.

THE SPECIAL TRADE REPRESENTATIVE

Mr. LONG. Mr. President, I heard some views which I hope is not true. If so, it dismays me very much. I believe it my duty to report it, because the reports I hear seem to be sufficiently accurate that it would be worth discussing.

It seems that the Special Trade Representative, Mr. William Eberle, who worked diligently and zealously to pass the trade bill, has been given notice that he is fired as of next week.

Mr. President, apparently the reason this happened was that the senior Senator from Louisiana (Mr. LONG) offered an amendment to the trade bill to provide that the Special Trade Representative should have the pay of the cabinet level. The amendment was entirely my idea, and I believe in it 100 percent, that position, being very important and more significant than some of the cabinet positions, in my judgment.

Mr. President, I think I know something about what the pay of a job should be. When we established the pay for all those jobs about 26 years ago I was the manager of the top pay bill. I recall all the jealousies and the various quarrels about who should be paid more than who because it might affect the dignity of their jobs. I suppose that the Senator from Louisiana, as well as each legislator, could understand the problems involved in saying whether someone should receive cabinet level pay or someone should receive lower level pay.

It was also my feeling that the people who would be working the next level below the Special Trade Representative ought to be at the ambassadorial level because they would be dealing with ambassadors from other nations in negotiating the trade agreements.

Mr. President, I was aware that Mr. Roy Ash, the director of OMB, did not like this. Mr. Bill Simon, the Secretary of the Treasury, did not like this. But I did what I thought was right, and the Committee on Finance thought I was right, and the House conferees thought I was right. That is why that is in the law.

Mr. Eberle followed the orders of his bosses repeatedly, stating to us that he was not for the amendment, he was not asking for it, he did not seek it, he did not want it, but at the same time, as a good soldier seeking to pass a piece of legislation for this administration, Mr. Eberle expected to live with a number of amendments that he was not advocating in order to get for this administration what it was seeking.

It may be that President Ford, Mr. Simon, Mr. Ash, Mr. Dent, and Mr. Kissinger might feel that Mr. Eberle was campaigning for a raise. He was not. That man is serving at a financial sacrifice even if he does receive Cabinet level pay. But, Mr. President, the Special Trade Representative is working for Congress as much as he is working for the President. It is different from the average Cabinet officer. The Special Trade Representative is serving in a somewhat unusual capacity.

The power to regulate foreign trade, to fix tariffs and quotas, and to deal with unfair trade practices is in the Congress. This function is not in the executive branch. The only way that the executive branch gets into it is that the President has appointing authority and we usually call upon the President to make the appointment. Under the Constitution the appointing authority is not in the Congress and the question would then be: Who makes the appointment unless the Congress is to make the appointment? We have 100 Senators and 435 Congressmen.

That is really all the President has to do with the job of Special Trade Representative. He is not supposed to be a flunky for the President. This Senator more or less resented the idea that a White House aide, like Mr. Flanigan, or a Director of OMB, or a second or third level echelon administration person, would feel that he could order around, and give commands to, someone who, in the last analysis, was an agent of the Congress. All the President did was to appoint him. At least, that is how I looked upon it under my theory of this organization.

I will be disappointed, Mr. President, if Mr. Eberle is to be dismissed because he is suspected of failing to do everything he could to keep his job from having the dignity which the Congress thought it should have. The fact is he did, in my judgment, exactly what he should have done. He said he was not supporting it, he was not asking for it, he did not expect it, and he wanted it known that the administration was opposed to the elevation of the position.

If that is to be done, Mr. President, we expect to take a very good look at whoever the President sends down here to replace Mr. Eberle.

We expect to look at his credentials very carefully, very thoroughly, and we may want to amend that law before we confirm that man as special trade representative, to make it clear that man is not working for the President; he is working for the Congress.

This is an authority and a power that is put in the Congress under the Constitution. We have delegated that to the President, but not so somebody in the State Department could command the man around, especially some second or third-level functionary over there, and not so somebody in the Treasury Department could command the man around, and not so someone in the White House—a Mr. Flanigan or a Mr. Ash, or whoever it might be, some of them unknown to me and unknown to the Congress in general—could command a man who, in the last analysis, was supposed to be representing us.

As I say, Mr. President, if that is how it is to be it is a very grave disappointment to this Senator, and I believe it will be to the Congress.

I regret to say I fear it would put the President's negotiations off on a very poor start if, when the Senate and the House felt the job should have that dignity, a man who served in a very fine fashion, and for whom we came to complete respect, confidence, and admiration, were to be fired for the reason that we thought enough of the position and not enough of the man that we thought the job commanded the higher pay.

I have seen many things happen in Government about which I have been disappointed, sometimes things that caused me to think less of some people. But I must say, Mr. President, that this would be an extreme case in that regard.

The President can do what he wants to do about the matter. I should like to remind the President, Mr. Simon, Mr. Ash, and that group that not all the power exists in the executive branch. Some of it exists here.

TRANSPORTATION OF LOTTERY INFORMATION

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 544.

The PRESIDING OFFICER (Mr. HART) laid before the Senate the amendment of the House of Representatives to the bill (S. 544) to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and ma-

terials concerning lotteries authorized by law and conducted by a State, and for other purposes, as follows:

Strike out all after the enacting clause, and insert:

That chapter 61 of title 78 of the United States Code (relating to lotteries) is amended by adding at the end thereof the following new section:

"§ 1307. State-conducted lottries

"(a) The provisions of sections 1301, 1302, 1303, and 1304 shall not apply to an advertisement, list of prices, or information concerning a lottery conducted by a State acting under the authority of State law—

"(1) contained in a newspaper published in that State, or

"(2) broadcast by a radio or television station licensed to a location in that State or an adjacent State which conducts such a lottery.

"(b) The provisions of sections 1301, 1302, and 1303 shall not apply to the transportation or mailing to addresses within a State of tickets and other material concerning a lottery conducted by that State acting under authority of State law.

"(c) For the purposes of this section 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

"(d) For the purposes of this section 'lottery' means the pooling of proceeds derived from the sale of tickets or chances and allotting those proceeds or parts thereof by chance to one or more chance takers or ticket purchasers. 'Lottery' does not include the placing or accepting of bets or wagers on sporting events or contests."

SEC. 2. The sectional analysis for chapter 61 is amended by adding the following item:

"1307. State-conducted lotteries.".

SEC. 3. Section 1953(b) of title 18 of the United States Code is amended by changing the period to a comma and adding: "or (4) equipment, tickets, or materials used or designed for use within a State in a lottery conducted by that State acting under authority of State law."

SEC. 4. Section 3005 of title 39 of the United States Code is amended by adding at the end thereof the following subsection:

"(d) Nothing in this section shall prohibit the mailing of (1) a newspaper of general circulation published in a State containing advertisements, lists of prizes, or information concerning a lottery conducted by that State acting under authority of State law, or (2) tickets or other materials concerning such a lottery within that State to addresses within that State. For the purposes of this subsection, 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.".

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

Mr. ROBERT C. BYRD. Mr. President, will the Senator withhold that request?

Mr. GRIFFIN. Yes.

TWO-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes.

There being no objection, at 5 p.m., the Senate took a 2-minute recess.

The Senate reassembled at 5:02 p.m., when called to order by the Presiding Officer (Mr. ROBERT C. BYRD).

Mr. HART. Mr. President, I have discussed this amendment with the Senator from Nebraska (Mr. HRUSKA), and we are in agreement that it represents a desirable resolution of a very narrow area, nonetheless a hotly contested issue.

I move that the Senate concur in the House amendment.

The motion was agreed to.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. GRIFFIN. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to, and at 5:03 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 5:31 p.m., when called to order by the Presiding Officer (Mr. ALLEN).

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Republican leader and myself, I report from the committee appointed to notify the President of the United States that the Congress has concluded its business and is ready to adjourn unless he has further communications to make to them, and that the President has informed the committee that he has no further communications to make to the Congress at this session.

The PRESIDING OFFICER (Mr. (ALLEN). What is the will of the Senate?

TRIBUTE TO MR. ROBERT C. BYRD

Mr. RANDOLPH. Mr. President, feel it is not only appropriate but these words are spoken in a personal and official way, to express for myself and the Members of the Senate, our appreciation to Senator ROBERT C. BYRD. The service in full measure that he has given to the work of the Senate during the past approximately 10 days has been of a high order. As the acting majority leader in this body in the long hours, as we labored to finish the 93d Congress, he kept constantly at his task.

It is my belief that he has, as always, acted with fairness to all the Members of the Senate regardless of the sides of the aisle on which we sat.

Senator ROBERT C. BYRD has continued to grow in stature and attainment. He has also added a certain stature to the Senate, because of the discipline which he has imposed on us, not with any straitjacketing, as it were, but with the example he has provided.

Yes, in the last 3 or 4 days we have not had the whiplash of his telling us what we must do, but his efforts, as he has toiled here, among these desks and at his post of duty, have caused us again to take stock of his constructive career and to realize that in every sense of the word he is a manly man, he is a capable legislator, and he is an exemplary leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AUTHORIZATION FOR CERTAIN MARITIME PROGRAMS—CONFERENCE REPORT

Mr. STEVENS. Mr. President, I submit a report of the committee of conference on H.R. 13296, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. ALLEN). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13296) to authorize appropriations for the fiscal year 1975 for certain maritime programs of the Department of Commerce, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of today.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendment to Senate amendment numbered 3.

The PRESIDING OFFICER. The clerk will state the amendment in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment, as follows:

Page 5 of the Senate engrossed amendments, strike out all after line 13, and insert:

"(5) This subsection shall apply with respect to uncompensated damage to or destruction of any vessel or the gear of such vessel occurring:

"(A) during the period from January 1, 1972, through the date of enactment of this subsection, if an application for a claim for such damage of destruction has been filed with the Federal Government during such period; and

"(B) during the period from the day after the date of enactment of this subsection through March 15, 1976.

"Funds authorized under this section shall not be available for compensation under this subsection after March 15, 1976."

Resolved, That the House recede from its disagreement to the amendment of the Senate to the title of the bill.

Mr. ROBERT C. BYRD. Reserving the right to object, has the distinguished Senator cleared this with the appropriate parties on this side of the aisle?

Mr. STEVEN. Yes, this is Senator MUSKIE'S amendment, I have conferred with him. I have no alternative but to accept the amendment at this time.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alaska.

The motion was agreed to.

ADDITIONAL STATEMENTS

REGULATION OF FOREIGN BANKING

Mr. McINTYRE. Mr. President, before the 93d Congress adjourns, I would like to call to my colleagues' attention S. 4205, the "Foreign Bank Act of 1974."

The bill, introduced on December 4, 1974, by request of the Board of Governors of the Federal Reserve System, calls for Federal regulation and supervision of foreign banking operations in the United States.

This legislation is the outgrowth of proposals made to the Federal Reserve Board by the Fed's Steering Committee on International Banking Regulation. Its principal provisions are outlined in a summary submitted by the Federal Reserve Board to accompany the text of the legislation.

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

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

SUMMARY OF PRINCIPAL FEATURES

The proposed legislation, entitled the Foreign Bank Act of 1974, would establish a national policy on foreign banks operating in the United States and a system of Federal regulation and supervision of those operations.

Foreign banks have in recent years been coming to the United States in increasing numbers and operating through branches, agencies, and subsidiary banks. The scale and nature of foreign bank activities through these facilities is now significant in terms of competition within the banking industry and of the functioning of money and credit markets. This movement by foreign banks into the United States is part of the broader development of multinational banking in which United States banks are deeply involved through their extensive operations overseas. The multinational banking system that has evolved as a result of the establishment by the world's leading commercial banks of banking and financing facilities on a global basis is now a key element in the world's financial system. Its functioning has far-reaching ramifications for international financial policy and for the economic and financial policies of individual nations.

At the present time, foreign banks entering and operating in this country do so on terms and conditions almost exclusively determined by the laws and regulations of the various States. The uneven incidence of these laws and regulations has the result that in some States foreign banks are precluded from entry; in others, the form of organization and the nature of their activities are restricted in various ways. On the other hand, by careful choice of organizational form, foreign banks are able to engage in deposit banking activities in several States, an opportunity presently not available to domestic banks. Also, in contrast to the large United States banks, a number of foreign banks conducting sizable banking operations through branches and agencies are not subject to the constraints imposed by the Bank Holding Company Act on nonbank activities. Few foreign banks are members of the Federal Reserve System; as a consequence, a growing and increasingly important sector of money market and credit operations is not directly subject to the monetary disciplines of the central bank. Finally, existing arrangements provide only a limited role for the Federal Government despite the fact that foreign bank operations in this country and their treatment here have important implications for our external financial policy and for our relations with foreign governments.

The proposed legislation seeks to regularize the status of foreign banks in the United States on the basis of the principle of national treatment, or nondiscrimination. Its provisions are aimed at providing foreign banks with the same opportunities to conduct activities in this country as are available to domestic banking institutions and subjecting them to the same rules. In this way, equitable treatment would be afforded to comparable institutions competing in the same national market. The legislation also provides for a Federal Government role in licensing and supervising foreign bank operations because of the national policy considerations involved and would bring most of those operations directly within the purview of the Federal Reserve as the nation's central bank. The ways in which legislation seeks to implement these general objectives are described in the following sections.

COVERAGE

At the present time, foreign banks operating in the United States exclusively through branches and agencies are not subject to the Bank Holding Company Act. Moreover, the branches and agencies of foreign banks that are subject to that Act because of their ownership of a subsidiary bank are not considered as additional "banks" for purposes of the Act. This situation is remedied by Section 2 of the bill which amends the Bank Holding Company Act to redefine "bank" to include branches and agencies of foreign banks established or operating under the laws of the United States, any State of the United States, or the District of Columbia. As a result, the Bank Holding Company Act would apply to virtually all foreign banks conducting depository and bank lending functions in the United States.

These amendments to the Bank Holding Company Act would not extend to New York State Investment Companies nor to banking organizations that are joint ventures of foreign banks. New York State Investment Companies are organized under Article XII of the New York banking law and are empowered to transact all the usual activities of a commercial bank, except that they may not engage in the general business of accepting deposits. Instead, they are limited to accepting credit balances from their customers that are incident to or arise from the exercise of their lawful powers. There are currently three of these Companies that are foreign-owned and conduct the essence of a commercial banking business in this manner. Two of these Companies are wholly-owned subsidiaries of foreign banking organizations, the other being a joint-venture formed by six foreign banks. At the same time, there are about nine domestically-owned Investment Companies that are active but which conduct essentially a domestic finance company business. The foreign-owned Investment Companies are excluded from coverage under these amendments because of the limited number involved and because of the difficulty of distinguishing those Companies on a nondiscriminatory basis from the domestically-owned companies that are not essentially engaged in a commercial banking function.

Banking organizations that are joint ventures of foreign banks are excluded from coverage by retaining the existing standards of control in the Bank Holding Company Act. Under those standards, a company must become a bank holding company if it controls 25 or more per cent of the voting stock of a bank. Thus, a bank owned by several companies, none of which owns 25 per cent of the bank, is excluded. Currently, there is only one institution of significance that falls in this category, the European-American Bank and Trust Company. That institution, which is owned by six European banks, recently became a member of the Federal Reserve System. The singularity of such joint ventures to date, together with the potential domestic repercussions of changing the existing control standards of the Bank Holding Company Act, are the principal reasons for excluding joint-ventures from coverage of the Act.

EQUALITY OF TREATMENT

This objective is achieved by subjecting all foreign banks to the Bank Holding Company Act through the redefinition of "bank" (Section 2 of the bill as just described), by enlarging enery alternatives through facilitating ownership of national banks (Section 12) and enabling the establishment of a Federally-licensed branch (Section 18), by permitting foreign banks to own Edge Corporations (Section 10), by requiring Federal Reserve membership in most instances (Sections 3 and 5–8), and through enabling FDIC insurance on deposits in branches and agencies (Section 17).

ENTRY ALTERNATIVES

The provisions of Sections 12 and 18 would provide an alternative to State chartering and licensing, comparable to that available to domestic banks. At present, foreign ownership of national banks is inhibited by the requirement that all directors of national banks shall be citizens of the United States. The proposed amendment to the National Bank Act would allow the Comptroller of the Currency to permit not more than one-half of the directors of a national bank to be non-citizens of the United States.

The Comptroller is also authorized to license branches of a foreign bank in any State to conduct a banking business on the same basis as a national bank. This would enable foreign banks to establish branches in States where such branches are prohibited or not permitted by State law. Establishment of such branches would, however, be subject to the provisions of the Bank Holding Company Act with respect to multi-State banking operations.

EDGE CORPORATIONS

Domestic banks are presently authorized to own Edge Corporations at various locations in the United States to conduct international lending and deposit activities. Under Section 25(a) of the Federal Reserve Act, however, a majority of the shares of an Edge Corporation must be owned or controlled by citizens of the United States. Moreover, all of the directors of an Edge Corporation must be citizens of the United States. The proposed amendments to this Section would give the Board of Governors the authority to waive these provisions and, consequently, to allow foreign banks to conduct international business throughout the country on the same basis as domestic banks.

FEDERAL RESERVE MEMBERSHIP

The foreign banks operating in the United States are with few exceptions very large banks when their activities are viewed on a world-wide basis. As such, they are direct competitors, both in this country and abroad, of the large U.S. money market banks, all of which are members of the Federal Reserve System. The legislation would require Reserve membership for all foreign banking operations in the United States where the foreign bank involved had world-wide assets in excess of $500 million. Such foreign banks would have to maintain reserve requirements and conform to other provisions of the Federal Reserve Act with respect to their operations in the United States, and would have access

to the discount and lending facilities of the Federal Reserve. The exception made for foreign banks with less than $500 million in world-wide assets is on the grounds that banks of that size are likely to come to the United States for specialized purposes and that such treatment is comparable to that given domestic banks. Only a handful of domestic banks with assets larger than $500 million are nonmember banks.

FDIC INSURANCE

Subsidiary banks of foreign banks are now required by the Bank Holding Company Act to carry Federal Deposit Insurance. The legislation would extend that requirement to branches and agencies of foreign banks, thus assuring that depositors in virtually all banking institutions in the United States are covered by insurance. Because of the possible technical problems in implementing this requirement with respect to institutions that are not incorporated in the United States, the bill directs the Federal Deposit Insurance Corporation to submit within 90 days of its enactment proposals to extend insurance coverage to deposits in branches and agencies.

FEDERAL GOVERNMENT PRESENCE

To assure a consistent national policy toward foreign banks and to enable consideration of international financial relations in the entry of foreign banks, the legislation provides in section 25 that a Federal banking license shall be obtained for all banking facilities of foreign banks, whether organized or operating under State or Federal law. The Comptroller of the Currency is designated as the Federal licensing agent for this purpose. However, the Secretary of the Treasury must approve the issuance of any such license and before granting approval he is required to consult with the Secretary of State and the Board of Governors of the Federal Reserve System. Similarly, the Board of Governors is required to consult with the Secretary of State before chartering an Edge Corporation to be owned by a foreign bank.

To facilitate discussions and agreements with foreign authorities on multinational banking issues, section 24 of the bill authorizes the Federal supervisory authorities—the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation—to enter into mutual arrangements with foreign bank supervisory authorities for the interchange of information on banking institutions. At present, the Federal supervisory agencies are strictly limited by law on the disclosure of information arising from bank examinations or other sources in the course of exercise of their supervisory functions.

GRANDFATHERING PROVISIONS

Foreign banks presently conducting banking operations in the United States have in a number of instances banking facilities in more than one State. In a few cases, they have ownership interests in companies engaged in a securities business in the United States and in other nonbanking activities that are not permissible to domestic banks. Under the provisions of the bill, future multi-State banking operations and ownership interests in securities and other nonbanking companies would be limited to the same extent as domestic banks.

The proposed legislation in section 3 gives permanent grandfather status to existing nonconforming activities. Such a grant recognizes the vested interest of foreign banks in these facilities, conforms broadly to this country's obligations under its treaties of foreign commerce and navigation, and is generally consistent with past Congressional precedent. The grandfathering date is set at the date of introduction of the legislation. Nonconforming banking facilities established after the grandfathering date would have to be divested within two years, unless extended for up to an additional three years by the Board of Governors. Nonconforming nonbanking interests acquired after the grandfathering date would have to be divested within a period of 10 years.

The grandfathering provisions with respect to multi-State banking operations would work as follows: foreign banks would be allowed to retain banking facilities in the States in which presently located. The State in which the foreign bank's operations are the largest, as determined by a total assets test, would be defined as the principal State of its operations in this country. In that principal State, a foreign bank would be able to expand its operations through any forms of organization as permitted by State law: additional branching, mergers, and acquisitions. Outside the principal State of operations, a foreign bank would be able to expand through the form in which its present operations in that State are conducted—i.e., additional branches if it had branches, or if it had a subsidiary bank, by branching if permitted by State law or by mergers, but not acquisitions. However, the foreign bank would be able to convert its operations in that secondary State to another form of organization provided that all of its operations in that State were so converted. In essence, a foreign bank would be able to retain its operations in the States in which it is located and to expand within those States in accordance with State law.

The securities affiliates of foreign banks are few in number and small in size with little competitive impact within the securities or banking industries. For the most part, these securities affiliates engage in brokerage activities for the foreign customers of the foreign bank and in corporate financial services such as advice on mergers and acquisitions. These activities are very similar to those provided by U.S. banks through their trust departments. The underwriting and dealing activities of these securities affiliates are small. The permanent grandfathering of these affiliates reflects the Board's judgment that no public purpose would be served by requiring divestiture. However, to guard against excessive expansion of securities business conducted by foreign banks, the foreign banks with grandfathered securities affiliates would not be allowed to acquire or to establish *de novo* additional securities affiliates.

The other nonbanking affiliates of foreign banks that are of a nonconforming nature are limited in number and significance. Providing permanent grandfather status to these activities again reflects a judgment that no public purpose would be served by forcing divestiture of these interests or providing a limited grandfathering period.

Mr. McINTYRE. Mr. President, as chairman of the Subcommittee on Financial Institutions, I wish to point out certain considerations which call for prompt consideration of the legislation in the next Congress.

Mr. President, there is presently no specific national policy relating to foreign bank activity in the United States. There is an imminent need for Congress to address this policy vacuum.

The United States is unique in that it is the only country in which the Central Government, or the central bank, does not license or regulate foreign banks exclusively. In the United States, the entry and activity of foreign banks are almost exclusively under the jurisdiction of the separate States and, consequently, are subject to the variations of State laws and regulations.

Presently, 10 States permit some type of foreign banking activity within their borders. These States are Alaska, California, Georgia, Hawaii, Illinois, Massachusetts, Missouri, New York, Oregon, and Washington.

Eight States prohibit foreign bank entry altogether. These States include Maine, Maryland, Minnesota, New Jersey, Ohio, Rhode Island, Texas, Virginia, and West Virginia.

The laws of the remaining States are altogether silent on the subject of foreign banking activity.

For a number of reasons, rapid growth of foreign banking is calling into question the way in which foreign banks enter and operate in this country. As the Fed summary points out, however, there are various considerations which must be taken into account in developing an appropriate legislative approach in this area. These include entry alternatives, question of Federal Reserve membership, an overall determination of the appropriate posture which Federal regulatory agencies should assume in this area, multi-State operations and the dual banking system, and the status of existing foreign bank activities and locations, the so-called grandfathering problem.

To the extent that the issue of Federal financial regulatory reform is addressed next year, the regulatory issues raised here should be an integral part of that evaluation.

Also, Mr. President, the increasing awareness of the importance of international financial flows, and particularly oil money flows, highlights the relationship of international banking activity to international finance and investment, in general. In this regard, I am aware of the interest of my distinguished colleague from Illinois (Mr. STEVENSON) who as chairman of the Subcommittee on International Finance, he will be assessing the impact this legislation will have on matters of interest to his subcommittee.

To the extent that foreign bank operations are now determined by local interests, with no necessary connection to national policies, reciprocity is a basic issue. Should foreign banks be treated just like domestic banks or should they be permitted to do here what U.S. banks are permitted to do in foreign countries?

While U.S. attitudes toward foreign banks have been traditionally liberal, the future is not at all clear. Last year, for example, several bills were introduced in California which would have severely restricted foreign bank operations in the State and which would have had national repercussions as well.

These bills were defeated by virtue of vigorous opposition by several banks in California and by the Federal Reserve itself.

At the Federal level, Representatives PATMAN and REES introduced bills late last year which adopted a highly restric-

tive attitude toward foreign banks in this country.

The Federal Reserve's efforts in S. 4205 represent a worthy attempt to bring the regulation of the foreign banking issue to a head and to resolve it in a sensible fashion. Their proposals merit prompt consideration when Congress returns.

LIMITATION OF LENDING TO U.S.S.R BY THE EXIMBANK

Mr. PACKWOOD. Mr. President, I would like to clarify certain statements made during the discussion of the conference report on H.R. 15977 to amend the Export-Import Bank Act of 1945, on this floor on December 19, 1974. That legislation put a ceiling of $40 million on Eximbank financing which can be used for research or exploration for fossil fuel energy resources in the U.S.S.R. Up to $40 million can be used on any research or exploratory project in the U.S.S.R. This could include the exploration on the much publicized Yakutsk project.

The implication in the statement of the Senator from Illinois on page 41060 of the RECORD for December 19, 1974 that the Bank could not legally finance the sale of equipment for exploratory work on the Yakutsk project is inaccurate. Any sale of equipment meeting this statutory limitation is clearly legal and proper.

During the debate on the bill and during the conference, the committee and the conferees did not specify or prohibit use of this $40 million for any specific project or projects. The $40 million could be used in one or in several projects.

THE KENNEDY CENTER

Mr. FULBRIGHT. Mr. President, as I leave the Senate, I wish to pay a final tribute to the Kennedy Center for the Performing Arts. I am thinking, of course, of the people who have made that great center possible, such as Roger Stevens, the chairman of the board of trustees, and the exceedingly able associates and staff which he has assembled to direct and operate this great artistic complex. They are able and dedicated people, who have worked tirelessly to create a magnificent institution in our Capital City.

I also wish to pay tribute to the architect, Edward Durrell Stone, who designed this unique building. The center has been severely condemned by some critics, but its acceptance by the people who patronize it has been unprecedented. It is functional, and, as it matures—it has only been a little over 3 years since its completion—it becomes more beautiful, and the site is now recognized to be superb. Mr. Stone deserves great credit for his contribution.

It would take too much time to pay tribute to all the people who have made some contribution to the creation of this center, ranging from the early sponsors and supporters of the legislation in 1958, the early fundraisers, and the many friends of the Center who give of their time and effort.

I look forward to the time when all Americans will be respected by the peoples of the world for our cultural achievements, rather than feared as the foremost producer of nuclear weapons and other instruments of destruction.

The Kennedy Center is a symbol of the aspirations of the American people to attract the respect and allegiance of other people by virtue of our exemplary society and the quality of life afforded our citizens.

Mr. President, I am very proud to have been associated with the center since its inception in 1958. Since its opening in September 1971, the center has brought outstanding and diverse cultural attractions to our Nation's Capital. The center's success has been widely acclaimed. Further, as a memorial to the late President John F. Kennedy, the center has become one of the most popular sites in Washington for visitors from throughout the United States and the world, with more than 10 million people having visited the center.

Last year more than 1.7 million people attended performances at the Kennedy Center. The opera house was in operation for 50 weeks and both the Eisenhower Theater and the concert hall for a full 52 weeks.

The season included 125 performances of dance by distinguished companies from around the world; 160 symphony concerts, including 129 by the resident National Symphony Orchestra; 42 performances of 15 operas; 30 chamber concerts; 44 concerts of popular music, folk, jazz, and rock; and 671 performances of drama and musical comedy.

I believe that the expediture of public funds on the Kennedy Center is proving to have been a very wise investment. Of course, only about one-third of the total construction cost of the center has come from direct congressional appropriations. Congress allocated $23 million for construction of the center. In addition, the center was authorized to borrow $20.4 million from the Treasury Department. Total construction cost is about $75 million, the remainder coming from private contributions and donations.

In general, the Kennedy Center's theater operations have more than paid their own way. In fiscal year 1974, there was income of $2.65 million from theater and related operations, and expenses of $2.87 million, with contributions of $330,000, resulting in a budget surplus of $108,238. In this time of rising costs, that is a good financial record.

I can only add that proud as I am—and as all Americans should be—of the Kennedy Center, the amount of money being spent by this Government on cultural and artistic endeavors remains relatively meager in contrast with other nations.

There have been continuing increases in funding for the National Endowment for the Arts, with the appropriation having more than doubled in recent years to $72 million in fiscal year 1975. The success of the Kennedy Center and the progress of the National Endowment are encouraging developments.

However, in contrast with the huge sums we expend on dubious military projects and overseas ventures, the amounts spent on cultural affairs are still minimal. For example, the cost of the new B–1 nuclear bomber is now estimated at $76 million per plane. This is only the cost of one plane—and the Air Force eventually wants to buy 244 of them. Just one of the planes costs more than the Kennedy Center did and exceeds the entire amount appropriate for the National Endowment this year.

We have many unmet needs in this country and in the time of serious economic difficulty, I would be the first to recognize that funding for cultural and artistic programs cannot be given top priority. But when you consider the cost of the B–1 or the Trident submarine it becomes clear that we are not allocating the resources we do have in a product manner or in the best interest of the American people.

Last year, military aid to Chile amounted to some $15 million. We consistently channel more money and equipment to foreign governments—many of them like Chile, repressive and military-controlled—than we spend on worthwhile projects like the Kennedy Center or the National Endowment.

The truth is that in comparison with almost any other developed nation, we are spending only a very small amount of public funds in support of the arts. I have previously spoken at great length on this subject and pointed out how our spending compares with other nations. As Robert Brustein noted in a recent New York Times article, if the increase in funding for the arts continues at its present rate, "the contribution of the United States may soon be equal to that of the city of Vienna."

The governments of such countries as Austria, Britain, Canada, Israel, West Germany, and Sweden are spending 20 times as much on the arts as we are on a per capita basis. Most of these countries—and many major cities—subsidize their major cultural centers and facilities.

Mr. President, I hope that in the months ahead even more Americans will have the opportunity to visit the Kennedy Center and to enjoy some of the many outstanding cultural attractions which are scheduled. Likewise I hope we will move toward making creative rather than destructive activities the hallmark of our society.

Due in large measure to the efforts of men like Roger Stevens and Edward Durrell Stone we now have in the Kennedy Center a focal point which should serve as an inspiration for this country and our cultural activity.

On July 28 and September 10, 1971, there was published in the CONGRESSIONAL RECORD data about the origin and development of the Center for those who desire further information.

TOO MANY RIDERS, TOO FEW PULLERS

Mr. HELMS. Mr. President, some rather startling figures have come to my

attention, and I wanted to share them with my colleagues in the Senate.

I am advised reliably that there are now 72.5 million Americans supported by some kind of Government program. That is more than one-third of the people in this country, Mr. President. And who ends up footing the bill for all of this? The obvious answer: The 71.9 million Americans who are currently employed by the private sector.

In other words, 71.9 million Americans in the private sector must pull a wagon loaded with 72.5 million Americans living, in one form or another, off the Government. More people are riding the wagon than pulling it. Pretty soon, a wagon of this kind has just got to break down. And I think that is just what we are seeing happen today, with an economy characterized not only by runaway inflation, but also by one of the worst periods of economic stagnation that we have faced in many years. Generally, these two characteristics are inimical to one another. But the rarified economic situation that we find ourselves in today, fueled by excessive Government spending, allows—indeed, encourages—this very condition to exist.

And it is going to get worse, Mr. President, as long as we in the Congress continue to vote for more programs that cost more tax dollars and make more Americans beholden to the Federal Government, and not their own initiative, for their livelihood.

We have got to put a stop to this imprudence somewhere, and I can think of no better place than in the area of Federal employment. I have long felt that it is time to stop adding so many people to the Federal payroll.

A look at Federal civilian employment figures tells the story. Twenty years ago, in 1954, the Federal civilian employment stood at 2,407,290, and the cost to the American taxpayer was $9.8 billion per year. According to the latest figures available from the Joint Committee on the Reduction of Federal Expenditures, in August of this year Federal civilian employment stood at 2,900,975, and cost the overburdened taxpayer an estimated $36 billion. And so, in 20 years, overall civilian employment has increased by one-half million bureaucrats; but at a nearly fourfold increase in cost.

I might add that this is only Federal civilian employment that I am talking about. No account is taken here of military personnel; or of the growth of State and local governmental personnal, which is also expanding rapidly. But the State and local government personnel problems are a matter for State and local governmental bodies to evaluate.

During the last year alone, more than 90,000 new civilian employees have been hired by the Federal Government, at an estimated cost to the American taxpayer of more than $2 billion.

This year alone, in a period of just 1 month, Federal expenditures for new employees rose by an additional $279 million, according to the latest figures available. No wonder we have inflation and stagnation at the same time.

Mr. President, we in the Congress are doing little to help the hard-pressed American taxpayer. Instead, we continue to increase and expand Government employment and Federal spending. What we need to do, what the American people want us to do, indeed, what we must do to curb inflation is to cut out wasteful Federal spending. We must balance the Federal budget.

Only then will inflation cease, only then will the economy be stimulated. Only then will the taxpayer get relief.

By making available each month current figures on Federal employment, I intend to continue to keep my colleagues informed about this increasingly costly Federal outlay. Since the American taxpayer, our constituents, are footing the bill for Federal employment, I also want my colleagues to be aware of the ever-increasing financial burden being placed on the people.

Mr. President, I ask unanimous consent that the article "Pay of Private Workers Going Further Than You Might Think," which appeared in the Washington Report of the U.S. Chamber of Commerce, be printed in the RECORD at the conclusion of my remarks.

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

PAY OF PRIVATE WORKERS GOING FURTHER THAN YOU MIGHT THINK

If you are a worker in the private sector you may be wondering why your pay isn't going as far as it used to. The truth is that it's going further than you think.

The way our public programs are set up today one worker in the private sector must be taxed to support one other person who is living off some government program which you have to pay a part of your earnings to support.

Here is a list of most of the programs.

Also, there are almost 15 million persons getting food stamps, 24 million students receiving subsidized lunches in school cafeterias and over two million persons living in Federally subsidized housing.

This doesn't exhaust the plethora of government programs. There are literally hundreds more.

The only problem is with more people getting something for nothing, the Federal Government will have to increase the supply of money, leading to more inflation as less people engage in productive enterprise and more dollars chase fewer goods.

	Millions of persons
Programs:	
Federal civilian and military employees	5.1
State and local government	11.6
Social Security	30.2
Railroad Retirement Fund	1.0
Federal employees Retirement Fund	1.3
Veterans Benefits	5.5
Unemployment Compensation	2.1
Federal Black Lung	0.5
AFDC	10.9
General assistance	.7
Supplemental Security	3.6
Total	72.5
Persons employed in the private sector	71.9

EFTS GROWTH POLICY

Mr. McINTYRE. Mr. President, on December 12, the Comptroller of the Currency issued an interpretive ruling that electronic banking terminals are not branches within the meaning of the National Bank Act. While the final resolution of that issue likely will rest with the courts, there are many implications of the Comptroller's action affecting the ongoing development of automated banking terminal systems.

For example, the Comptroller issued virtually no guidelines to pertain to such development. For one thing, no geographic limitation was imposed on the installation of such terminals by any financial institution.

This and other types of electronic fund transfer development are to be studied over a 2-year period by the newly established National Commission on Electronic Fund Transfers.

In light of the specific congressional mandate to this Commission, in light of the fact that there was no public hearing prior to the Comptroller's announcement of such a broad-based policy, and in light of the fact that the Congress and the regulatory agencies should proceed deliberately in this area until the Commission has defined all the issues presented by EFTS development, I am of the opinion that the Comptroller's action at this time is both inappropriate and premature.

Mr. President, I ask unanimous consent that an exchange of correspondence between the Comptroller and myself on this matter be printed in the RECORD.

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

U.S. SENATE, COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS,
Washington, D.C., December 19, 1974.

Hon. JAMES E. SMITH,
Comptroller of the Currency,
Washington, D.C.

DEAR MR. COMPTROLLER: I have noted with interest and concern the interpretive ruling you announced on December 12, 1974, concerning customer bank communication terminals.

As you know, Congress by P.L. 93-495 established a National Commission on Electronic Fund Transfers. The Commission is to "conduct a thorough study and investigation and recommend appropriate administrative action and legislation necessary in connection with the possible development of public or private electronic funds transfer systems." Among the issues to be studied by the Commission are the impact of EFTS systems upon privacy, competition, the dual banking system, and the availability of credit.

I am concerned that the effect of your ruling may be to preempt much of the work of the Commission.

It is appropriate, of course, for you to express an opinion concerning whether the statute which you administer defines these terminals as branches. The correctness of your decision presumably will be tested in the courts.

I am disturbed, however, that your ruling goes on to establish a policy regarding the actual implementation of automatic terminals and point-of-sale systems. I feel that the public interest would be substantially better served by a public hearing on the merits of such a policy so that appropriate guidelines and restrictions be identified to which all EFTS developments of this type must adhere. The mere labelling of your ruling as an "interpretation" does not absolve your agency from having its proposals subject to public scrutiny.

In this regard, it seems to me that the Federal Home Loan Bank Board in setting forth, by temporary regulation, specific criteria for pilot project applications in this area has adopted a superior approach.

Of particular concern to me is that, under your approach, undesirable systems or practices may develop which could have been prevented by appropriate regulation but which, having been established, will be extremely difficult to undo at a later time. For the above reasons, I am of the opinion that your extremely broad-based ruling is both inappropriate and premature.

The Congress and the regulatory agencies should proceed deliberately in this area until the Commission has defined all the issues presented by EFTS development. While legislation was not contemplated pending the Commission's report of its findings, action by the Congress may very well become appropriate if interim developments so require.

I would appreciate an expression of your views as to what impact your December 12 ruling and accompanying statement may have on the work of the National Commission on Electronic Fund Transfers and the concerns expressed in this letter.

Thank you for the courtesies extended to my staff during your discussions on this matter.

Sincerely,

THOMAS J. MCINTYRE,
U.S. Senator.

THE ADMINISTRATOR OF NATIONAL BANKS,
Washington, D.C., December 19, 1974.

Hon. THOMAS J. MCINTYRE,
Chairman, Subcommittee on Financial Institutions, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter referring to my ruling of December 12, 1974, concerning customer-bank communication terminals, and inquiring about the impact of this ruling on the work of the National Commission for Electronic Funds Transfers. A copy of my December 12 ruling is enclosed for convenient reference.

I am as concerned as you that the regulatory agencies proceed deliberately in developing sensible electronic funds transfer systems. Thus my December 12 ruling took only one first step in this area: it declared CBCT's not to be branches. I would have been acting in a most undeliberate fashion by attempting to go beyond this first step and formulate an entire regulatory scheme based upon my own limited notion of what might be "good" or "bad."

The statement accompanying my December 12 ruling set forth my views on this subject:

Even though a CBCT is not a branch, the Comptroller possesses regulatory authority which can be exercised to limit CBCT's to insure the sound development of the banking system. This regulatory authority should be used sparingly, however, because regulation has too often resulted in protection of the status *quo*. * * * Industries have been more progressive when the agencies have endeavored to confine regulation to a necessary minimum and have otherwise fostered competition. Annual Report of the Council of Economic Advisors, 106–107 (1970). Particularly in this new area where technology and consumer response are changing rapidly, the Comptroller believes that sellers and users of these services should be given the widest latitude in determining how, when, and where CBCT's can be used efficiently.

The conference committee report accompanying the bill which became P.L. 93–495 noted that "potential payment mechanisms are in an experimental stage with a number of significant public policy questions unresolved, and hence all such efforts are subject to change and modification." Because of the experimental nature of these EFTS developments, I am most hesitant for the Comptroller's Office to attempt to fabricate rules which might prevent all of us from learning the various ways in which a CBCT might be employed to improve banking services and to benefit the public. Thus the regulatory requirements, cautions, and urgings of our ruling are limited to issues which already can be perceived with some definition.

First, it is obvious that no regulatory steps can be undertaken without adequate information. Thus the ruling requires each national bank wishing to establish a CBCT to give the Comptroller's Office 30 days prior notice containing information such as the location of the device, the distance from the nearest offices of both the reporting and competing banks, and the arrangements, if any, for sharing the device. I think the Comptroller's Office has the present capability to monitor through these notifications the development of CBCT's and to take appropriate action if warranted. Thus the biggest difference between our monitoring procedures and those of the Federal Home Loan Bank Board, to which you refer in your letter, is one of timing: we have given ourselves a 30-day limit to review these problems, whereas the Bank Board may take longer. Neither agency holds public hearings in connection with processing such applications.

Second, we worked for a period of three months with the Conference of State Bank Supervisors in an effort to minimize to the extent possible the competitive imbalances which this ruling might foster. As you know, the ruling contains the following sentence:

National banks are urged prior to July 1, 1975, not to establish a CBCT in any state in which state law would prohibit a state chartered bank from establishing a similar facility.

The Conference of State Bank Supervisors requested us to delete from the ruling any specific list of states in which this delay should be imposed, and also to delete a provision which would have limited CBCT's to a bank's home state, or 50 miles from its main office, or 5 miles from its nearest branch—whichever was farthest. The result of our discussions with the Conference of State Bank Supervisors, like many compromises, may be less than perfect. Nevertheless, it represents what I can assure you is a bona fide concern on my part for the type of competitive issues which the National Commission on Electronic Funds Transfers will study.

Third, the sharing of CBCT's by two or more competing financial institutions is an issue which has received wide attention. It appeared to my staff and me, after discussion with the Antitrust Division of the Department of Justice, that the antitrust laws might permit, require, or prohibit sharing of a CBCT depending upon the particular circumstances. The questions involved are complex, and we did not believe that we now should attempt to prescribe regulations on sharing based upon our own speculation as to problems which might develop. Our ruling, however, clearly puts the banking industry on notice that sharing is a competitive problem which may be regulated by the antitrust laws.

I do not believe that the development of national bank operated CBCT's will be so dramatic and widespread as to outrun the ability of the Commission to study the problems involved or of the Comptroller's Office to take appropriate enforcement steps. Indeed, the Commission would have difficulty formulating policy on the basis of the skimpy experience in this area now available. From the standpoint of accumulating experience, I think that my December 12 ruling will help rather than hinder the work of the Commission. On the other hand, if I had imposed my own uninformed view of desirable policy upon the development of CBCT's, I might have precluded the development of systems which the Commission will wish to study and may find to be desirable.

Finally, I would suggest that the issue confronting the national banking system is not whether the development of CBCT's will be delayed for two years pending receipt of the Commission's study, but whether national banks will be able to participate in such developments. Such terminals already are authorized to state banks in some states, to credit unions, and to federally chartered savings and loan associations.

Additionally, there is no limit on the establishing of various point of sales terminals by unregulated industries, such as retail department or food stores, and these unregulated terminals might be able to engage in transactions similar to those performed by a bank operated CBCT. I thus am particularly concerned that national banks not be forced into a competitive disadvantage.

In summary, I am looking forward to working with the Commission, of which I or my designee will be a member. I hope the Commission will be able to formulate on the basis of its study recommended policies which will be much wiser than those which I now could formulate. If public hearings are desirable, I'm sure the Commission will hold them and will be better able than the Comptroller's Office to weigh the broad public policy issues which are raised. Far from preempting the Commission, I will be looking to it for enlightenment and guidance.

I hope this is responsive to your inquiry, and I can assure you of my continuing concern for the questions raised in your letter.

Very truly yours,

JAMES E. SMITH,
Comptroller of the Currency.

SEATON NATIONAL WILDLIFE SANCTUARY

Mr. STEVENS. Mr. President, the editor of the Fairbanks Daily News-Miner once again has voiced the concern of many Alaskans that there has been no proper recognition for the role that former Secretary of the Interior, Fred A. Seaton, played in guiding Alaska to statehood. The publisher of the Daily News-Miner, my good friend, C. W. Snedden, has suggested that the Arctic National Wildlife Range be officially designated the Seaton National Wildlife Sanctuary. I believe that this suggestion has merit and deserves consideration by the Congress.

I ask unanimous consent that the editorial, published on December 13, 1974, be printed in the RECORD.

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

SEATON WILDLIFE SANCTUARY

The extreme Northeast corner of our state contains millions of acres known as the "Arctic National Wildlife Range." This massive area is the result of the vision of the late Fred A. Seaton.

We respectfully suggest to our state and national governments that this wild and beautiful area be renamed "Seaton National Wildlife Sanctuary."

Almost two decades ago Mr. Seaton, then Secretary of the Interior, modified Public

Land Order No. 82 to 'unfreeze' a vast area of the arctic slope, which was later proven to contain the Prudhoe Bay petroleum fields.

Simultaneously, Secretary Seaton foresaw the desirability of creating the Arctic Wildlife Range to assure future generations an opportunity of enjoying nature's wonders in a most scenic section of our state.

Over the years numerous private citizens and public officials have acknowledged the wisdom shown in Mr. Seaton's action. Presently, in fact, there is a proposal that an additional 3.76 million acres be withdrawn for the purpose of adding to the range.

Mr. Seaton urged that the Arctic Wildlife Range be established by Congress, but Congress neglected to do so. Subsequently, Mr. Seaton established the Arctic Wildlife Range himself by executive order. That bold action will pay dividends for Alaskans in generations to come.

Long an advocate of the 'multiple use concept' for our lands, Mr. Seaton preferred that the wildlife range be established under a law enacted by the Congress so that relocation could not be subject to the whim of any future Secretary of the Interior.

His proposed legislation provided future protection for arctic wildlife, while at the same time making provisions for sensible utilization of natural resources that may in the future be found in the area.

It is our understanding that presently the Arctic National Wildlife Range is included in land tentatively suggested to be set aside permanently by the federal government, possibly being termed something like "Arctic Wildlife Game Refuge."

It seems to us that "sanctuary" should replace refuge in any proposed change in status for this great area. The term "sanctuary" should be used particularly because it exemplifies the beliefs and philosophy of Mr. Seaton, who created the present area, and also because the "sanctuary" classification makes it possible to extract resources which may be there, while at the same time protecting wildlife and preserving the environment.

Mr. Seaton, often regarded as "The Godfather of the 49th State," worked long, effectively and unceasingly for Alaska during his tenure as Secretary of the Interior under the Eisenhower Administration. Among his many favors for Alaska was the key leadership role he played in creating the State of Alaska from the former territory.

Most leaders who were active in making Alaska a state have been suitably honored. It seems to us that it is high time that Alaskans show our collective respect to Fred A. Seaton, whose contributions to Alaska and Alaskans will benefit all Americans for generations to come.

It seems most fitting that official designation be made for the "Seaton National Wildlife Sanctuary."

THE PEOPLE SHOULD SELECT THEIR LEADERS

Mr. HATHAWAY. Mr. President, NELSON A. ROCKEFELLER is now Vice President, and I welcome his presence. This has been a turbulent 2 years, and I am now confident that with the executive branch of our Government fully staffed, this Nation can get on with its business. And there is plenty of work to be done.

Although I do have every confidence in the two men recently appointed to the most powerful executive offices on the globe, I am still troubled as to the means by which they were placed in office. For none of the voters in Maine cast their ballots for either of these two men, nor did any voters in any State cast their votes.

This Nation was established as a democratic Republic; an organization of individual States with individual rights, who collectively elect their representatives to each office. It has been an effective form of government, with each official responsible to those who put him or her in office. This is not the case today. The Senate and the House of Representatives have placed in office two honest men, in whose integrity I have the utmost confidence.

The problem is that the authority and responsibility for the President and Vice President of this Union rightfully belongs to the American people, not to either of the Houses of Congress.

The 25th amendment to the Constitution clarifies earlier problems we had with succession, and under normal circumstances, will serve this Nation well. But the circumstances which the Nation and the Congress have faced in recent times were far from normal.

A Vice President had resigned, and the President was under threat of impeachment. A new Vice President had been nominated by the President, and Congress knew that the man they would confirm as Vice President stood a better than likely chance of becoming President.

Under the terms of the 25th amendment, there was no flexibility in the choices Congress had to make. Either confirm the Vice-Presidential appointee, with the knowledge that he has a greater than normal chance of being elevated to the Presidency after impeaching the President, or not confirm and face the possibility that the Speaker of the House of Representatives—in this case a Member of the opposite party—could be elevated to the White House after impeachment.

The options were painful. Fortunately, the men who have been elevated via appointment to the two highest offices in the land are men of honesty, and will, in good faith, attempt to faithfully discharge the powers and duties of their offices.

So the decision, although painful, should not be harmful. But more flexibility is certainly called for in this area should similar circumstances arise again. The nub of it, Mr. President, is that we should not be appointing and confirming likely Presidents; in that situation, some alternative to the 25th amendment should be available.

During the 93d Congress, I offered two bills designed to correct what I consider this lack of flexibility. The first would provide for a special election when both the offices of President and Vice President were vacant. It stipulates that the highest ranking officer in the House of Representatives of the same party as the previously elected President and Vice President would serve as acting President until the election was held.

This approach is identical in principle to the Succession Act of 1972. Some of the men who drafted that legislation were also involved in drafting the Constitution; it was enacted in the 2d Congress and remained in force for 94 years.

The special election would be held within 90 days of the vacancies, with individual States maintaining their responsibilities with regard to the selection of candidates. The term of office would be for the unexpired term of the previous officeholders, maintaining the traditional rhythm of our quadrennial elections.

In this way, Congress could better afford to wait until any question about the President's continuation in office is resolved before rushing through a confirmation, no matter how well qualified the nominee.

The second bill I introduced during the 93d Congress on this subject is a constitutional amendment, which provides for a special election in the event the President has failed or refused faithfully to execute the laws enacted by Congress; or that he has willfully exceeded the powers vested in him by this Constitution and the laws of the United States; or that he has caused or willfully permitted the rights of citizens of the United States to be trespassed upon in violation of this Constitution, or treaties made, or which shall be made under their authority; or that he has so lost the confidence of the people to so great an extent that he can no longer effectively discharge the powers and duties of his office.

In order for this special election to be held, any of the former reasons shall be cause for the House and Senate to enact a joint resolution calling for the election. A two-thirds majority is required by each House.

The three fundamental principles of our Constitution, as I understand them, are the diffusion of power, the accountability of power and the establishment of power. By spreading governmental power through its three major branches, the framers of the Constitution were confident that the system of checks and balances and multilevel government would provide a maximum accountability.

And the ultimate check in our complicated system of checks and balances is vesting in the people the final accountability—their right to vote.

My remarks should not be taken as disrespect toward the present holders of these offices. I have mentioned before, and will again, that I consider President Ford and Vice President ROCKEFELLER honest men who carry within them the best interests of the American people and their Government.

But the basic principle of a democratic republic is the right of the people to select those whom they wish to exercise the tremendous powers vested in the Government. I wish that right restored to the people. And although the 93d Congress will adjourn without having taken action on these two bills, I serve notice now that I intend to reintroduce both bills shortly after the 94th Congress convenes, and press for their adoption.

Self-determination is the most important facet of our Constitution and the form of government it provides us. It was

a New Englander who said: "Here, sir, the people govern," and it would be a disservice to my constituents in Maine and to Daniel Webster were I not to continue my work on these two important bills.

JUDGE EDWIN O. LEWIS—IN MEMORIAM

Mr. HUGH SCOTT. Mr. President, recently there passed away in the city of Philadelphia a man full of years, of service and of wisdom.

Judge Edwin O. Lewis died on September 19 last, in his 95th year. Thirty-three years a judge, he will be remembered for his courage and his unpredictability when his sense of justice demanded that he cut through all obstructions to further the public good.

As a young lawyer in 1905, he participated effectively in the overthrow of a corrupt city administration. Waging constant war against civic corruption, he forcefully directed grand jury investigations in 1928 and in 1951 to cleanse the rolls of the corrupters.

In 1947, he conceived the idea of restoring Independence Hall and its environs to its original 18th century appearance. He secured the enactment of Federal legislation establishing the Independence Hall National Memorial Park. I was pleased, together with former Congressman Hardie Scott of Philadelphia, to introduce that bill and to support subsequent appropriations for the expansion of the project.

He also persuaded the Commonwealth of Pennsylvania to develop a handsome mall at right angles to Independence Hall, which removed unsightly structures and greatly beautified the park.

Although he did not live to see the approaching Bicentennial celebration of 1976, he was able to say:

Now God has let me live to see a great part of that dream come true.

Named in his honor are the quadrangle of Independence Mall from Market to Arch Streets, 5th to 6th, and the handsome decorative fountain within it.

Although a native Virginian, moving to Philadelphia in 1899, he became, through dedication and a lifetime of service to his adopted city, its most distinguished citizen.

He was so recognized when in 1962 he was honored with the Philadelphia award, the highest tribute a Philadelphian can receive.

Six feet three inches tall, bearing himself with great dignity, he looked every inch a judge. With his children and grandchildren, he was indulgent and his delightful sense of humor warmed family gatherings.

At a celebration of his 94th birthday in July he told amusing stories of his youth in Richmond. One such story involved a mischievous escapade for which he was sternly warned by Judge Crutchfield, the same "Virginia Judge" celebrated in a play by the late George Kelly.

All of us who knew him well learned much of life from him. He was my mother's brother, who brought me into his law office upon my graduation from the University of Virginia. In important ways, he molded my outlook and through his guidance, he molded my life.

He truly believed in the words of Aristotle:

The good of man must be the end of the science of politics.

He was the most unforgettable person I ever knew.

I ask unanimous consent to have printed in the RECORD an editorial from the Philadelphia Inquirer of September 20, 1974.

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

JUDGE LEWIS MADE HISTORY LIVE

Independence Mall and Independence National Historical Park are living memorials to Judge Edwin O. Lewis that will endure through the centuries as monuments to his foresight and persistence in achieving proper recognition and respect for America's birthplace.

His death at 95 deprives the city of a civic giant and the nation of a devoted son. He was a man who dared to dream great dreams—impossible dreams, many skeptics thought—and to fight tenaciously to bring them to reality.

Judge Lewis—he continued to be affectionately and respectfully known by that title when he retired in 1957 after 34 years on the Common Pleas bench—was the guiding inspiration and driving force in a heroic campaign to rescue Independence Hall and the country's most historic square mile from decades of neglect.

He, more than any other individual, was responsible for making Philadelphia the shrine of America's heritage that it is today.

The present site of Independence Mall was an unsightly jumble of deteriorating buildings in the 1940s. Not only Independence Hall itself but other historic treasures in the area were blighted by surrounding slums. Judge Lewis found this desecration intolerable and resolved to remedy the situation. As founder and first president of the Independence Hall Association, he proceeded to do so.

Instrumental in creation of the National Historical Park, he then became the first chairman of its Advisory Commission and the prime mover in early development of the park and the Mall.

While these distinguished achievements tended to overshadow earlier ones, Edwin Lewis devoted a lifetime to the administration of fair and equal justice and to the advancement of civic good works. He pioneered a successful campaign to grant defendants the option of trials by judges without juries. He directed grand juries in the investigation of organized crime and police corruption. His many civic and cultural interests included nearly three decades of volunteer service as president of the Philadelphia School of Design for Women, forerunner of the Moore College of Art.

Sadly, Judge Lewis did not live to see the Bicentennial celebration of 1976. It should include appropriately prominent recognition of his work in behalf of historic Philadelphia, It was a labor of love well done.

HERALD STRINGER, A VETERAN'S FRIEND

Mr. HANSEN. Mr. President, we have learned today that Herald Stringer is retiring as national legislative director of the American Legion. Many of us who have known him and his devoted work on behalf of the veteran will feel this impact.

Herald has, since his military days, devoted a great amount of his time, or to be exact, most of it, to the veterans. He served his State of Alaska as department commander, executive committeeman, as well as other important national committees in the American Legion before coming to Washington as its legislative director.

The American Legion is the largest, and for many years, has been a major spokesman for veterans. Herald, in his capacity as director of legislation of this over 2½-million-member organization, has performed a most commendable service, complying with the mandates and resolutions that were forthcoming and satisfying the many people with varying opinions on veterans problems.

Even as we are informed of his leaving this important job, we also know that he will continue in veteran-related interests, and lend his support to that end.

I want to express my personal thanks for all he has done, and for the complete cooperation he has given my office and staff.

SOUTHERN GOVERNOR'S CONFERENCE VOTES SUPPORT FOR OPPORTUNITIES INDUSTRIALIZATION CENTERS

Mr. HOLLINGS. Mr. President, at the Southern Governor's Conference which met in September in Austin, Tex., the assembled chief executives of the Southern States passed a resolution concerning the work being done by Opportunities Industrialization Centers of America. In a unanimous vote, the motion was passed calling for congressional support, and for State support, for the kind of self-help programs exemplified by OIC.

The conference was privileged to hear an address by the Reverend Leon Sullivan, chairman of the board of Opportunities Industrialization Centers. He spoke forcefully of the success and the potential of manpower training as a large part of the answer to some of our major social problems. During the next 10 years, OIC would like to train 3 million people, many of them in the Southern States. By turning these people into productive, breadwinning, taxpaying citizens, OIC will be making an outstanding contribution to our Nation.

Mr. President, I ask unanimous consent that a release describing the meeting, Reverend Sullivan's speech, and giving the text of the resolution as passed by the Southern Governors' Conference, be printed in the RECORD.

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

SOUTHERN GOVERNOR'S CONFERENCE VOTES SUPPORT FOR O.I.C.—LEON SULLIVAN CALLS FOR MASSIVE OPPORTUNITIES INDUSTRIALIZATION

Governor John C. West of South Carolina made the motion that put the 18 Southern Governors (meeting in Austin, Texas, on Wednesday, September 11) on record in support of the O.I.C. Self-help program headed by the Rev. Leon Sullivan of Philadelphia.

In a unanimous vote, the motion seconded by Governor Briscoe of Texas and Governor Dunn of Tennessee, was passed stating:

Whereas the Conference has heard a most informative and stimulating address at its

40th annual meeting by the Rev. Leon Sullivan, Chairman of the Board, Opportunities Industrialization Centers; and

Whereas manpower training as exemplified by the success of O.I.C. training programs in many of our states may be the ultimate answer to the major social problems of our nation;

Now therefore the Southern Governors' Conference urges support in the Congress and in the States for self-help type programs as exemplified by O.I.C.

Governors of Mississippi, Florida, Georgia, North Carolina, South Carolina, Arkansas, Tennessee, Virginia, West Virginia, Oklahoma, Louisiana, Maryland, Kentucky, Missouri, and Alabama, gave an extraordinary enthusiastic response to Dr. Sullivan's plans for a massive Operation Ruralization based on the ten year experience of Opportunities Industrialization Centers in the predominantly Urban centers and pilot projects in Central Alabama with rural poor blacks and whites as well as in California migrant farming areas with predominantly Mexican-American poor.

The first Black Governor in the 50 states and possessions, Dr. Melvin Evans, of the Virgin Islands, was presiding at the 40th Session of the Southern Governors' Conference, completing his term of Chairman, after having succeeded George Wallace, who was last year's Chairman.

Dr. Sullivan, commending the Governors for their contribution to the development of a "New South" said:

"Though we are all aware that much remains to be done, still the advance shown by the Southern States in changed attitudes, and improved relations among the races, in all areas of endeavor, have confounded the sociologists, disarmed the skeptics, and proven to the doubters what can be done when there is determination among community leaders, Black and White, to make the rights written in the Constitution, available to everyone, and the benefits of the American system a possible reality for all our citizens."

"The South will never be the same again," he said. "Today hate and segregation can't win elections anymore. Today, you need more than an axe handle to get elected Governor in a Southern State, you need justice, integrity, and understanding."

Expressing confidence in the leadership of President Ford to "pull the nation out of its economic nosedive before we hit the ground", he went on to say: "I have faith in America, I have faith in our President, and I have faith that together we will find a way to bring our prices and wages into some reasonable line, but we must get down under the problems of poverty. We have to find ways to not only reach into the ghettos of the large cities, but also into the barren, depressed, rural sections of the country."

"We must realize that of some 75 million poor, one third are pay day to pay day poverty, one third are hand to mouth poverty, and one third are deep poverty with incomes below $9,000, $6,000, and $3,000, in that order. Of that 75 million, 50 million are white and, therefore, poverty is an American problem, not a Black problem. Blacks and White are all in the same poverty bag together and we will all stay down together or we will all get up together," Sullivan said.

Commenting on President Ford's 85,000 Public Service Jobs, he challenged Government, business, and labor to cooperate to push for more than "a mole hill on a mountain". A few public service jobs is insufficient, we need massive TVA type developments in rural America and a Marshall Plan * * * scope economic development in urban America."

"OIC will undertake a major push for Opportunities Ruralization in the South to give people a chance to stay on the land and have economic income, a job, a decent home, and quality of life in the country rather than to continue to migrate to the metropolitan cities in the South and create new slums and bigger welfare roles. If the Governors will, at the same time push for a massive Operation Ruralization with Federal and State cooperation, as demonstrated by the Appalachian Commission . . . together we can try to alleviate and eliminate poverty and unemployment. Together we can help the President and the Congress put plans into operation that will build not only a better South, but a better Nation.

"During the next ten years, OIC wants to train 3 million. Of these, 50% or 1½ million will be in your Southern region. We see a contribution in wages earned, taxes paid, and money saved in relief checks, as much as $40 billion. We see combining Black power and White power to make American power that will build America."

PROF. ALEXANDER M. BICKEL—EXPERT ON CONSTITUTIONAL LAW

Mr. ROTH. Mr. President, last month our country lost one of its most outstanding experts on constitutional law, Prof. Alexander M. Bickel. I first became acquainted with Professor Bickel when we were both students at Harvard Law School. Our careers went their separate ways until we became reacquainted last year when Professor Bickel served as a consultant to three Senate subcommittees inquiring into the scope of the doctrine of executive privilege. I was a member of one of these committees, the Subcommittee on Intergovernmental Relations.

Professor Bickel was a devoted American, who gave freely of his time and knowledge to serve his country. Last year I sent him a copy of an early draft of S. 2432, the Congressional Right to Information Act, together with my reservations about the bill and ideas for an amendment. I received in reply a comprehensive 6-page commentary which Professor Bickel himself typed at home on a Sunday. His ideas were influential in the development of my amendment which was ultimately accepted by the Government Operations Committee and the Senate.

What I most admired about Professor Bickel was his ability to put current problems in proper historical prospective, to insure that in the passion of the moment we did not make grave mistakes which would put in jeopardy the strength of our traditional institutions and procedures. A native-born Rumanian who immigrated to the United States at age 14, Professor Bickel was an admirer and advocate of the American doctrine of separation of powers. He recognized the importance of maintaining a balance among the three branches of government to protect individual American liberties and the integrity of our constitutional rights.

CONSUMER PRICES AND THE CONGRESSIONAL ECONOMIC PROGRAM

Mr. HUMPHREY. Mr. President, the bad news in our economy continues to come in at an accelerating rate. This fall, unemployment has risen from 5.4 percent in August to 6.5 percent in November—the sharpest 4-month rise since the 1930's. Last spring, real weekly earnings were down 2 percent from the year earlier. Now we see they are down 5.6 percent in November from a year earlier. As a result, the average weekly paycheck adjusted for inflation is only 2.05 percent above what it was in 1967—7 long years ago.

Prices continue to soar. Earlier this year, we saw double digit inflation for the first time in recent memory—and we did not like what we saw. We saw prices rising 10 percent or 10.5 percent at annual rates each month. This fall, things got worse: prices paid by consumers continued to rise to the extent that they were 10 or 11 percent higher than price levels a year earlier. In October, consumer prices were 12 percent above last October. Now we have the November Consumer Price Index from the Department of Labor. It shows, for the first time, that prices are over 12 percent higher than last year. Led by food prices, but with price hikes along a broad front in the economy, the index rose 0.9 percent on a seasonally adjusted basis in November.

Of great concern to me is the fact that food continues to lead the inflation parade. Its annual rate of increase this fall has been around 12 percent; yet, in November, the food component of the Consumer Price Index spurted to an annual rate of 19.9 percent.

We know that the low- and moderate-income family must pay a larger portion of its family income for food than do the well-to-do. They pay anywhere from 25 to 40 percent of their budget for food, while others pay only 15 to 20 percent for the same or essentially the same quantity of food. As a result, with food prices rising close to 20 percent now, the low- and moderate-income families are taking it on the chin—they are bearing perhaps double the burden from inflation that other more affluent families bear.

They are literally draftees forced into the front trenches in the fight against inflation. They do not want to be there; they would gladly trade places with the more affluent who are able to cut back on other expenditures and more easily pay soaring food bills. But they cannot. The large portion of the household budget which must go to food traps them. This is perhaps the worst feature of our inflation today—that it falls most severely on those least able to adjust to it, to duck out of its way.

And the final tragic fact is that the low and moderate income families are now being forced into the streets as layoffs ripple throughout the economy. First, their food bills soared, pressing their budgets into the red; and then they become unemployed. They do not know which way to turn. But, Mr. President, one thing they do know is that whichever way it is, something else will happen to them. They are not going to stand still for much more of soaring prices and unemployment approaching 7 or 8 million men and women. They are going to demand some solutions, some strong medicine and answers, to both inflation and recession.

The Congress has been making a great effort this fall to warn the administration of the dangers approaching, urged for 6 months that a tax cut for low- and moderate-income families is an absolute necessity, to offset inflation. Again and again, I repeated this call as recession grew, until it now looks like and acts like the early stages of a depression. Congress has passed a $7.75 billion housing assistance bill and a massive public jobs and unemployment compensation bill. These are important first steps but very small and inadequate ones.

The Congress must deal with recession and inflation we have with a broad ranging program reaching into every sector of our economy. The Joint Economic Committee has been spending a good portion of its time this past 6 months on drawing up such a specific program. It will be released this Sunday. Originally, this study was to focus solely on inflation, but as the dangers of recession and now depression increased sharply, the focus became two-fold; it deals, therefore, with both recession and inflation.

I urge my colleagues to devote the necessary time to examine and take to heart the many sound recommendations for action contained in the study.

I made some specific comments on the economy and on this Joint Economic Committee program this morning at a press briefing on the study.

Mr. President, I ask unanimous consent that these comments be printed in the RECORD.

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

STATEMENT OF SENATOR HUBERT H. HUMPHREY ON JOINT ECONOMIC COMMITTEE INFLATION REPORT, DECEMBER 20, 1974

I support the basic thrust of the Committee's Report and congratulate the Members and staff for a job well done. I am pleased that the Committee is recommending a national economic policy that moves in an entirely different direction than the Administration's current policies. I reject the 19th century philosophy of relying primarily on high interest rates, tax increases, and budget cuts to halt inflation. This approach did not work in 1970, it will not work today, and it is creating the worst recession since the great depression. At the same time, the Administration's economic policies have destroyed consumer confidence in the economy and government, with only 7 percent of the Nation's consumers believing the government is doing a good job on the economy.

I believe we must get the economy moving again if we are to restore the Nation's economic health. It is not well understood in Washington, even among Presidential economic advisers, that the recession actually contributes to the current cost-push inflation by reducing productivity and raising labor, material, and overhead costs. In other words, at the present time there is little if any trade-off between inflation and recession. We have got to get the economy moving again, productivity increasing, and people back to work, if we are to make progress on both fronts.

Nor is it well understood how costly the current recession is and how long it will take to restore economic growth. I note that the staff of the Joint Economic Committee has made an analysis that it may take 5 years to return to full employment, and that the Nation will lose $500 billion in production in the meantime. This is truly shocking—and it means we must act now.

How can we restore consumer confidence and get the economy moving again? First, I don't think we can afford to wait for President Ford to reverse his economic policies—now is the time for Democrats to pull together a comprehensive economic package that is effective, clearly understood, and targeted on our real problems.

I therefore believe that House Speaker Carl Albert should call together Democratic Congressional leaders for the purpose of agreeing on an agenda of economic policies to be enacted early next year. There will be different opinions among the Democrats about what should be done, but I believe these can be resolved. My own view is that such an economic package should include at least the following actions.

First, I think we are going to have to cut taxes about $10 billion in 1975. While endorsing such a $10 billion tax cut for 1975, I wish to advocate that we achieve such a cut in a somewhat different way than that recommended by the Joint Economic Committee. Because we must enact a tax cut as promptly as possible, it is my view that we should modify existing provisions of the tax law, rather than to try to change the tax law in the process of cutting taxes. I will, therefore, introduce legislation in the next session to cut taxes primarily for low and moderate income consumers by: (a) increasing the low income allowance from $1,300 to $1,800; (b) by increasing the standard deduction, now at 15 percent, to 17 percent; and (c) raising the personal exemption from $750 to $850 or $900.

Second, I believe that the Federal Government must do a better job of guaranteeing jobs. We must launch intensive programs toward achieving full employment. Instead of a WIN button to symbolize our economic policies, my policy is WORK—that is what we need to get this economy straight.

I am heartened by the leadership shown by Congress in enacting legislation to increase the number of public service jobs. But we need to go much further. As our Report recommends, the public service job program should have an automatic trigger to add 250,000 jobs for each additional ½ percentage point rise in the unemployment rate.

Third, we need a tough and selective program to short-circuit the current wage-price spiral. The current Council on Wage and Price Stability is a toothless tiger. We need an agency with subpoena power, the resources to hold extensive hearings, the authority to delay price increases up to 90 days, and, in extreme cases, the authority to impose controls on a selective basis. This should be complemented with a vigorous anti-trust effort to increase competition in the American economy.

In addition to these three general actions to restore economic growth and fight inflation, there are three specific areas of the economy where we must develop comprehensive national policies: food, energy, and housing. Until we stop dealing with these problems in a piecemeal fashion, we will not solve the problem of inflation.

Food. It is not possible or appropriate for me to cover all that we must do to develop a national food policy at this time. Basically we must:

(1) expand production here at home so that we can maintain open markets to the world;

(2) establish a food export monitoring and management system to deal with food shortages;

(3) establish a grain reserve system to stabilize supplies; and

(4) increase competition and efficiency in the processing and distribution sectors of the food industry.

Housing. In the area of housing, I believe we must reduce high interest rates and make credit more available—using a credit allocation scheme if necessary. In addition, I again call on the Administration to reverse its impoundment of Section 235 and 236 funds—we need such programs to directly stimulate the housing industry.

Energy. I am prepared to consider all alternatives for reducing energy consumption. I believe that is essential to our economic health. At the present time, however, I do not support a gasoline tax because I do not believe other alternatives have been adequately explored. In particular, greater efforts should be made to conserve energy, and I intend to introduce comprehensive legislation to accomplish that in the next session of Congress. Among the conservation actions I will urge are the following:

(a) Mandatory fuel economy standards for autos beginning in 1978;

(b) Expanded research on new engine types that are economical and non-polluting;

(c) Mandatory conversion by refineries and utilities to coal and away from heavy dependence on imported oil;

(d) Extensive research and standards requiring development and sale of more energy-efficient appliances, lights and space heating systems; and

(e) Federal subsidies for the development and use of solar and geothermal energy.

I strongly urge that the 94th Congress undertake work on this vitally important agenda without delay.

FEDERAL TRADE COMMISSION—LINE OF BUSINESS REPORTING

Mr. HRUSKA. Mr. President, last July I offered an amendment to the Agriculture appropriations bill that would limit the Federal Trade Commission's line of business reporting program to the collection of "sales" or revenue data only in the first year.

My concern was that to proceed with all the categories simultaneously, such as direct costs, transfer costs, shared overhead, and so forth, would be potentially disastrous, not only for the program itself, but also for the reputation of the Federal Trade Commission. There was no doubt in my mind or that of the General Accounting Office that this data was replete with technical problems of overall comparability because of varying accounting and reporting methods being employed, for which there were no agreed upon standards.

Unfortunately, the Federal Trade Commission did not heed either my advice or that of the GAO to proceed cautiously and adopt a "learning by doing" strategy. The result of this hurried approach appears to be an unqualified disaster for all concerned.

I ask unanimous consent that a New York Times article of December 15, detailing these difficulties be printed in the RECORD.

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

FIGHTING THE FTC DOWN TO THE BOTTOM

(By David Burnham)

WASHINGTON—A fierce battle between big business and the Federal Trade Commission is continuing right down to the wire.

At issue is the F.T.C. requirement that, starting Jan. 1, several hundred designated companies, all of them big, must submit detailed "line-of-business" reports on how they make their profits and how they spend their money on research and advertising.

The commission's original proposal has already been watered down under withering

pressure from the business community, and a dozen of the companies involved are raising the ironic argument that the data will be "utterly meaningless" precisely because the F.T.C. did give in to the pressure.

Ever since the commission first proposed it, more than three years ago, the program has been the subject of a determined industry lobbying effort.

More than 200 of the 345 subject companies have formally requested the F.T.C. to abandon it. Their arguments: It will be too costly for individual business, it will not help the Government and it will give competitors confidential information.

Supporters of the program, however, argue that the profits and expenses of individual lines of business have been increasingly obscured in recent years as many companies have moved to diversify their product lines. They argue that this injures the economy by making it more difficult for investors to know where to invest their money, and for the Government to know if and where windfall profits are being realized.

In addition to helping trust busters pinpoint the best possible targets, the program also could affect legislation. If the line-of-business data showed, for example, that the average pharmaceutical company was spending far more money on sales and promotion than on research and development, remedial regulations might be proposed.

The names of the companies that must report have not been made public by this commission on grounds that the object of the program is to develop aggregate figures, not individual company data.

The New York Times has compiled a list of almost three-quarters of them, partly based on names gathered by an industry organization involved in the campaign to kill the program, and partly on the names of the 216 companies who asked the commission to abandon the program. The latter list was made available to Consumers Union, but only after it threatened to bring suit against the commission under the Freedom of Information Act.

Most of the known companies are on Fortune Magazine's list of the 500 largest industrial outfits in the country. From the F.T.C.'s point of view, they provide a representative selection of companies—some giant, some medium-sized—in major industry groups, such as oil, chemicals, publishing, automobiles, trucking, railroads and aircraft.

Since the F.T.C. sent the forms out to the 345 companies last summer, the brunt of the legal counter offensive on the program has been borne by 12 companies: the Aluminum Company of America, Armco Steel, Coca Cola, duPont, General Electric, General Motors, Goodrich, International Harvester, International Paper, Kraftco, Owens-Illinois and Union Carbide.

The central architect of the corporate argument has been Ira M. Millstein, a partner in the New York law firm of Weil, Gotshal and Manges.

Mr. Millstein wrote in a Nov. 15 memorandum that once the companies demonstrated that it was "impossible" to directly compare information derived from different companies, the F.T.C. "staff—instead of continuing to strive for comparability—totally abandoned the notion."

"The commission staff," Mr. Millstein continued, "in an effort to get something, anything, on segments, told each company, virtually, 'Do what you can—anything you can.'"

By adopting this strategy, Mr. Millstein said, "it is true that the commission may now get numbers dealing with segments—but, those numbers will be so totally different in concept, origin and quality that to talk about aggregating and comparing them is utterly senseless, if not simply disingenuous."

While arguing that the information could not be averaged or aggregated for any useful purpose by the Government, however, the memorandum said potential business competitors would be able to take the averages and gain secret information about individual companies through sophisticated statistical studies.

Mark Silbergeld, an attorney in the Washington office of Consumers Union, said the argument of the corporations was inconsistent. "They can't have it both ways," he said. "They say the information is so good that it will let potential competitors get confidential information, but that on the other hand it will be useless to the Government."

Mr. Silbergeld added, however, that in his view Mr. Millstein's analysis was partly correct.

"The commission has given in to business too much and the data is not as good as it should be. His memorandum will provide the F.T.C. and Congress an excellent blueprint on how to improve the program," Mr. Silbergeld said.

The Consumers Union Lawyer noted that, judging from the names of the companies which have received the line-of-business form, it would seem that the commission had decided not to survey just the largest manufacturers in the major industries.

"We only have about two-thirds of those who have been asked to respond, but this sample suggests that the commission has decided to survey such areas as publishing, textiles, clothing, food and drugs and hospital supplies," he said.

In the publishing area, for example, the incomplete sample showed that those requested to file a line-of-business form included The New York Times, the Times Mirror, Times Inc., the Tribune Company, Gannett, Macmillan and Western Publishing.

Under the F.T.C. program, the companies are scheduled to begin filing their completed forms within the next month. The first reports due are those which cover a company's fiscal year which ended last June 30 or during the preceding 12 months.

The commission is expected to issue its final reply to motions to kill the program within the next few weeks.

The legal battle, however, probably will not end with the F.T.C.'s decision. One way or another, the question of whether the commission has the authority to require corporations to file line-of-business information will go before the Federal courts.

A courtroom ending would be fitting with the whole history of the reporting program. It has been a tremendous tangle from the start.

It began as a commission proposal in late 1970 to canvass all of the Fortune 500. This idea was squelched by the Office of Management and Budget, which has the final power of review over all Federal reporting requirements. That led, in turn, to the O.M.B. being stripped of its authority.

Senate liberals tacked an amendment onto the Alaska pipeline bill transferring the O.M.B.'s review power to the General Accounting Office. The Administration opposed the transfer but wanted the pipeline, so President Nixon signed the bill.

The G.A.O. subsequently approved the F.T.C. program, but said that the problem of definition concerning such matters as transfer costs "will make the initial responses unreliable, at best, in our judgment." It also estimated that the reporting paperwork would cost businesses substantially more than the F.T.C. had said.

The final tangle—before the present one—was over the F.T.C.'s budget. The Senate voted funds for a survey of 500 companies. The House version allowed for only 250. The end was a compromise which, ironically, wound up as President Nixon's last veto, because it was attached to a farm bill that he opposed.

A BETTER WAY

Mr. FULBRIGHT. Mr. President, a recent meeting of senior statesmen from many countries and cultures concluded that "a new spirit of active solidarity and cooperation" among all peoples and nations is indispensable for mankind to face the challenge of our time. This, too, is my conclusion—after 30 years in the U.S. Senate, 15 years as chairman of the Foreign Relations Committee, and a fair opportunity to move around at home and abroad listening to people engaged in trying to hold the world together.

I most definitely believe that my association with endeavors to promote mutual understanding internationally is the most significant and important activity I have been privileged to engage in during my years with the Senate. I am convinced that more and improved programs for exchange of persons and intellectual interchange around the world offer the best prospect that we may be fortunate enough to find the understanding and rationality necessary to avoid annihilating ourselves in a burst of nuclear missilery. I am persuaded of the inadequacy and peril of the traditional competitive, beggar and even destroy thy neighbor, methods and beliefs which remain too deeply embedded in our country and elsewhere. In my opinion the hydrogen bomb puts us on notice to find a new and better way to deal with human relations in the international field.

The question, of course, is if we can or will, as Secretary Kissinger has said,

Muster the vision and resolution which the conduct of foreign policy requires.

I believe we can; I am less sanguine that we will. For we have yet to accept and act upon the reality of interdependence for what it is: the challenge and opportunity of our time. One exception, a most significant exception, is the sustained effort of the United States to promote mutual understanding internationally. This objective motivated legislation introduced almost 30 years ago for a Government supported exchange of persons. Operating largely under this legislation, the Department of State's exchange programs have produced some 150,000 alumni, including over 20 who are now chiefs of state, currently more than 250 cabinet ministers and tens of thousands of legislators, educators, journalists and other key individuals in America and abroad.

I think of these alumni scattered throughout the world, acting as knowledgeable interpreters of their own and other societies; as persons equipped and willing to deal with conflict or conflict-producing situations on the basis of an informed determination to solve them peacefully; and as opinion leaders communicating their appreciation of the societies which they visited to others in their own society. In my view such exchange of person programs are among the most significant activity now going on in the world, and I am pleased that other countries are beginning to estab-

lish similar programs suited to their conditions. That is a very hopeful development. If and as these efforts succeed in establishing an international base of mutually comprehending leadership groups capable of facilitating international cooperation, then we can hope to supplant the traditional methods of solving differences of opinion according to the standards of feuding and dueling. Therein lies my principal long-term hope for the human race. But there is not much time left, and we and others still are not doing nearly enough, not giving this hopeful endeavor nearly the attention it deserves.

We simply can no longer afford to consider this basic human dimension as a low priority add-on to the serious content of our international relations. The Department of State's well administered programs in this field are currently grossly underfunded at levels approximately only equivalent to that of 1967. Whereas we readily spend billions for the military and hundreds of millions for propaganda abroad, it is incredibly difficult to get the administration and the Congress to invest the few score millions necessary to sustain this most important activity to the future of this country and to the peace of the world. When one reflects on the accomplishments, it is indeed disturbing that lack of funding remains such an impediment to the future potential of these programs.

Fortunately, we have a Secretary of State who fully understands and also feels strongly about the importance of personal and institutional intellectual relations among nations. As he said to the Board of Foreign Scholarships on December 16, we must deal with what Walter Lippmann called the pictures in people's heads—the manmade environment in which ideas become realities.

The Secretary referred to our "age when the technologies of communication are improving faster than man's ability to assimilate their consequences, and—when the multiplication of differing perspectives and predispositions complicate the achievement of global consensus." He recognized that the dramatically accelerating pace of interaction among peoples and institutions would not necessarily lead to increased understanding or cooperation. He noted:

> That interaction, unguided by intelligent and humane direction and concern, had the potential to bring increased tension and hostility rather than less.

Speaking of the exchange-of-persons program with which I am honored to have been associated, he observed that:

> It has grown to meet new realities . . . promoted the solidarity of the West (and) now sustains exchanges between the United States and 122 countries around the globe. If expressed, it helps us to master, the growing interdependence of the world.

More than any Secretary since I have been here, the present holder of that office appreciates that this type of activity is a real alternative to the traditional methods and that it is imperative to support these new ways of dealing with international human relations. I am, of course, pleased that people in the State Department, the Board of Foreign Scholarships, and the Binational Commission have made the exchange program so successful. Their dedication and efficiency have been so obvious throughout, that while people occasionally have questioned the program, never has anyone, including the late Senator McCarthy in the 1950's, succeeded in discovering anything discreditable in it.

The question remains whether we can sufficiently civilize and humanize international relations, not merely by improving our traditional way of doing things but by devising new techniques and inculcating new attitudes within our capacity and adequate to our needs. What we can do through the power of creative human interaction in scholarly and other fields, is to expand the boundaries of human wisdom, sympathy and perception. The process is slow moving but powerful; it may not be enough, but it is the best available, and its proper place is at the center of our international relations concerns. Perhaps the greatest power of such intellectual exchange is to convert nations into peoples and to translate ideologies into human aspirations. I do not think such exchange is certain to produce affection between peoples, nor indeed is that one of its essential purposes; it is enough if it contributes to the feeling of a common humanity, to an emotional awareness that other countries are populated not by doctrines that we fear but by individuals—people with the same capacity for pleasure and pain, for cruelty and kindness, as the people we were brought up with in our own country.

If intercultural exchange is to advance these aims—of perception and perspective, of empathy and the humanizing of international relations—it cannot be treated as a conventional instrument of a nation's foreign policy. Most emphatically, it cannot be treated as a propaganda program designed to "improve the image" of a country or to cast its current policies in a favorable light. Such exchanges can be regarded as an instrument of foreign policy only in the sense that the cultivation of international perception and perspective is—or ought to be—an important long-term objective of the foreign policy of any country aware of its true national interests as inescapably encompassing regional and international self-interest.

The Secretary in his remarks before the Board of Foreign Scholarships quoted Pericles on the lasting effect of inspiration in terms which could well summarize all intercultural exchanges: The effect "lives on far away, without visible symbol woven into the stuff of other men's lives."

POLISH AMERICANS

Mr. ROTH. Mr. President, on December 8 I had the opportunity of attending the second annual dinner-meeting of the Captain Stanislaus Mlotkowski Memorial Brigade Society at the Hotel Du-Pont in Wilmington. The Captain Stanislaus Mlotkowski Memorial Brigade Society is a unique organization of Delaware Polish-Americans dedicated to fostering an awareness of the contributions of Polish-Americans to the history of the United States and Delaware.

Capt. Stanislaus Mlotkowski was an officer in the Union garrison at Fort Delaware on Pea Patch Island. Among the Confederate prisoners in the fort was Leon Jastremski, a Polish-American who later became very prominent in Louisiana. Descendants of the Jastremski family visited Delaware for the dinner-meeting, and the program included period music of the Civil War era, the unveiling of a portrait of Captain Jastremski, and an illustrated talk on the Jastremski family.

I believe that this was a very appropriate way for Delaware Polish-Americans to initiate their celebration of the American Bicentennial era because it reminded us that the War Between the States was a time of great tension and stress for all American communities, including Polish-Americans, and also symbolized our unity and strength as the country approaches its 200th anniversary.

Wilmington Morning News columnist Bill Frank wrote an excellent column describing the history and work of the Captain Stanislaus Memorial Brigade Society and hailing the vitality of the Polish-American community. 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:

POLISH ROLE IN AMERICA IS NO JOKE

Give a Polish-American an inch, and believe you me, he'll take a mile.

And more power to Polish-Americans.

Other ethnic groups can learn a lesson or two from them.

There'll always be Polish-American culture in our country because of this.

I saw evidence of this trait Sunday night at a dinner meeting in the Hotel du Pont of the Capt. Stanislaus Mlotkowski Memorial Brigade Society.

And the posthumous hero of the dinner meeting was Gen. Leon Jastremski of Louisiana.

Join me in my admiration and applause for the Polish-Americans in Wilmington who have latched on to what is seemingly the slightest straw in history that will give them an American history identity.

But at the same time, the Polish-Americans have not forsaken their mother land. Unashamedly, they display the American flag and the red-white banner of Poland.

They have proven beyond any doubt that it is possible for immigrants and children of immigrants to remember the source of their national heritage and at the same time love their present country.

About 25 years ago, a group of Wilmington newspapermen rediscovered old Fort Delaware, the Civil War bastion on Pea Patch Island off Delaware City. Out of that came the Fort Delaware Society, fostered, promoted and encouraged by W. Emerson Wilson, formerly city editor of The Morning News.

In the course of the research of the history of this fort, which was really a prisoner-of-war Bastille, it was discovered that among the garrison was Capt. Stanislaus Mlotkowski, a native of a Polish province near Galicia, born in 1829.

He was a partisan who fought the Russian czar in the old country and finally worked his way to Philadelphia where he joined the Union Army during the Civil War.

Also, research revealed that another officer

at Fort Delaware was Gen. Albin Francis Schoepf, who was born near Cracow in 1822. He, too, fought for Poland's freedom and then migrated to America.

So much for that.

In the late 1950s, the Fort Delaware Society sent overtures to the Polish Council in Wilmington, suggesting that Polish-Americans in Wilmington become interested in Fort Delaware.

With their innate love for history and their zeal for identification with American history, Polish-American leaders went to town on the project.

Vincent J. Kowalewski, John Babiarz, and particularly Charles Kilczewski generated action. One of the results was the formation of the Captain Stanislaus Mlotkowski Memorial Brigade.

The Polish-Americans took the responsibility for fixing up one of the rooms in the fort as a memorial so that as of now, this is one of the great bright spots in the fort.

And then came the discovery that among the thousands of Confederate prisoners in the fort during the Civil War was Leon Jastremski.

He survived the rigors of life in the fort and the war itself. He became a leading citizen of Baton Rouge and in the politics, journalism and culture of Louisiana.

A biography of Jastremski has been written by Edward Pinkowski and it was on sale at Sunday's dinner. I recommend it to Delaware book collectors because it tells a great deal about life and conditions in Fort Delaware during the Civil War.

Descendants of Jastremski came up from Louisiana Sunday to attend the dinner meeting here. One of them admitted that the Polish-Americans of Wilmington and Pinkowski had revealed to them more than they ever knew about their ancestors.

As one of the speakers said at the dinner meeting, the Poles have captured Fort Delaware—and that's for sure.

Sitting through the dinner and listening to the speakers and music, I was greatly impressed with the devotion to the American heritage which, thank heavens, is no longer considered "a melting pot" but rather a union of diverse national backgrounds and cultures.

Ordinarily, one, two or possibly three foreign born persons involved in a chapter of American history wouldn't seem important enough for a whole segment of our population to get excited about.

But not with the Polish-Americans in Wilmington. Pulaski and Kosciusko are nationally recognized for their contributions in the Revolutionary War.

Here were at least three men of Polish origin who had rather small roles in some phase of history in Delaware. But they were enough to get the Polish-American community excited.

A REPORT OF THE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS

Mr. ERVIN. Mr. President, any Senator who has been a Member of this body for as long as I have is bound to have mixed feelings upon his departure. On the one hand, there is a sense of accomplishment and, on the other, a sense that more could have been done.

I have been fortunate during my tenure, however, to have chaired several energetic and productive committees and subcommittees.

Today, Mr. President, I wish to single out the accomplishments of one of these, the Judiciary Subcommittee on Constitutional Rights, which I joined in 1957 and it has been my privilege to chair since 1961. This was the first standing committee or subcommittee which I came to chair, and in many respects it has been the one closest to my heart. Certainly, the subject matter of its jurisdiction is among the most important—if not the most important—of any Senate subcommittee. It deals with our greatest heritage—that of justice and the rights of individuals—and that is the highest purpose for which governments are instituted among men.

In these past 13 years I have worked with many Senators and I am pleased to say that I have been fortunate in having colleagues whose dedication was of the highest degree. Our differences—and rarely did they reach a point where reason and understanding could not be called upon for rescue—were over principle and ends. Never have I felt that any Senator acted out of selfish motive or an interest other than what was best for the country and for the Bill of Rights which is the special charter of this subcommittee.

Over time I believe the Constitutional Rights Subcommittee has become the best-known and the hardest-working of any subcommittee in the Congress. And this is no little accomplishment, since the glare of public attention rarely falls on the subcommittees of Congress.

I have been fortunate in having had a staff of unequaled talent and ability and devotion. Over this baker's dozen of years, the number probably is greater than even I might realize. I believe that staff members have stayed longer, on an average, than probably elsewhere. Many came as law students or young professionals and rose to be senior counsel, subcommittee and full committee chief counsels. Some have run for public office, or been advanced to high positions in the executive branch. Some came as interns, and went on to become nationally known experts in their field. The secretaries and administrative people have served long, and faithfully, and well, and to them I and the professional staffs owe our success, for without their devotion, nothing could have been done.

While my gratitude and debt extends to all the people who worked on the staff, I want to say a few words about the subcommittee employees who are working now. I want to commend them, professional and secretarial, to the Senator who will become chairman. The reputation of this staff is among the highest of any in the Senate. They have a wealth of knowledge and experience and legislative savvy which should be the envy of any chairman. They are the life-blood of the Constitutional Rights Subcommittee. Without them, the subcommittee is only a name.

The roster of accomplishments, in bills, investigations and public education cannot be tallied. Let me mention just a few—the Criminal Justice Act, the Bail Reform Act, the Military Justice Act, the Indian bill of rights, the speedy trial bill, the employee bill of rights, privacy, army surveillance, preventive detention and no-knock, FEDNET, computers, lie-detectors, the right to travel, wiretapping, right to counsel, the Rights of the Mentally Ill Act, free press, newsmen's privilege, and many others. In addition, there are countless small amendments, and instances where help or advice or learned argument resulted in better legislation or, in some instances I must confess, a little less bad legislation.

I would like to take a few minutes and highlight some of the subcommittee's activities over the past 13 years, and indicate as well some of the matters that the subcommittee still should address.

THE ADMINISTRATION OF CRIMINAL JUSTICE

Over the last 13 years, the subcommittee had a considerable role in shaping most of the major pieces of legislation enacted guaranteeing due process in the administration of criminal justice. One of the first things the subcommittee did in 1961 was to survey professors of law and other experts in criminal justice, asking what they saw as pressing matters that the subcommittee should address by legislation. This was before the so-called revolution in criminal justice that so many credit or blame the Supreme Court for. From this survey came a list of new and at that time radical proposals. In 1974, we would not imagine a criminal justice system without them.

RIGHT TO COUNSEL

Its study of legal counsel for indigent defendants, undertaken in 1961, became the basis for the Criminal Justice Act of 1964, a milestone in the administration of criminal justice. Basically, the law provides paid counsel for indigent defendants in criminal proceedings. In 1968, the subcommittee held hearings on the operation of the 1964 act and out of these grew new proposals further expanding the coverage of the act. These proposals were enacted as amendments to the Criminal Justice Act in 1970. Counsel, however, is not always expert. More should be done to expand the system of public and community defenders.

BAIL REFORM

In 1963, the subcommittee began a study of Federal bail procedures. Hearings were held in 1965, and a year later the Bail Reform Act of 1966 was enacted. This, too, was landmark legislation, which in general provided that pretrial bail in Federal cases was the right of any accused, provided no greater restriction was necessary to insure his presence at trial. In 1969 and 1970, the subcommittee held hearings on the continuing operation of the Bail Reform Act. More is needed, however, to make the right to bail effective. We have yet to eliminate wealth as a precondition of pretrial release.

PREVENTIVE DETENTION

As part of its study of Federal bail procedures, the subcommittee has also studied the related matter of preventive detention. Although this problem is intimately related to bail procedures, the subcommittee separated this sensitive constitutional issue for further study. Consequently, no preventive detention provision was contained in the Bail Reform Act. However, in 1970, provisions for preventive detention were incorporated in crime legislation for the District of Columbia proposed by the admin-

istration. Despite vigorous opposition, the D.C. crime bill was enacted with the preventive detention provision. Concern over the implications of this measure, in light of the fifth, sixth, and eighth amendment guarantees prompted the subcommittee to devote continuing attention to preventive detention and its effect on the rights of citizens. It is one of my regrets that the law, discredited in practice as well as in concept, has not been repealed.

"NO-KNOCK"

The subcommittee also focused its attention on the "no-knock" statutes contained in the D.C. crime bill. Because of the constitutional implications of such a practice, the subcommittee explored various proposals to modify the "no-knock" statutes. This work culminated in October of this year, when Congress enacted Public Law 93–481, repealing the "no-knock" legislation.

SPEEDY TRIAL

The subcommittee has worked diligently on the question of speedy trials in the Federal court system. Speedy trial legislation designed to reform the backlogged Federal criminal process and confront the issue of pretrial crime has been favorably considered by the subcommittee and Judiciary Committee this session, and the bill has passed the Senate and is now pending on the House floor. Passage of this bill would also be a landmark, insuring that the sixth amendment guarantee of a speedy trial could, in fact, become a reality. Once the bill is enacted, much will be required to insure that it is well and effectively implemented. The problems of speedy justice will not be cured by one law.

HABEAS CORPUS

Well back in the early and mid 1960's bills were considered by the subcommittee to give finality to the criminal trial process without infringing on the constitutional right of habeas corpus. This legislation was defeated on the Senate floor in 1968, but the problem did not disappear.

During the subcommittee's consideration of the Bail Reform Act, the issue of habeas corpus reform was again raised, prompting the subcommittee to undertake a renewed study of the issue. Then at the hearings on the speedy trial bill, the Justice Department presented a proposed revision of the Federal habeas corpus statute as an amendment to the bill. Inasmuch as the Justice Department's proposal would have substantially changed the present habeas corpus law and the subcommittee was already engaged in a separate study of habeas corpus, the provision was not included in the bill. The subcommittee's study was expanded and a survey of legal authorities across the country was conducted to solicit their views on the advisability and constitutionality of making changes in habeas corpus practices as proposed by the Justice Department. The subcommittee's work in this area continues.

CRIMINAL JUSTICE DATA BANKS

The subcommittee has long been interested in the collection and exchange of criminal information. As far back as the mid-1960's, our efforts were directed at the release of incomplete arrest records, particularly in employment situations. However, when in 1969 it became evident that plans to computerize criminal records were quickly becoming operational, the subcommittee began one of the most ambitious of its projects in the administration of criminal justice. In 1970, the subcommittee held initial hearings on these proposals as part of its survey of privacy and computers. Following that, the investigation continued and led to the development of model legislation on the subject. In February of this year, Senator HRUSKA, the ranking minority member of the subcommittee, and I introduced S. 2963 and S. 2964, bills designed to regulate the collection and exchange of criminal justice records and criminal justice intelligence and investigative files. The subcommittee held hearings on the legislation and spent the greater part of this year attempting to develop a consensus on the legislation.

In committing a large amount of its time and resources to this project, the subcommittee recognized that basic criminal justice reform ranging from speedy trial to effective administration of the bail system depends upon efficient exchange of information between criminal justice agencies. At the same time, balancing the privacy rights of data subjects against the countervailing interests of law enforcement, the press, and the public is no easy task. However, as I end my tenure, I am pleased to note that Senator HRUSKA and I are nearing agreement on legislation. Although the subcommittee did not report a bill this Congress, the prospects for action are good next year and I have reason to believe this legislation will receive a high priority in the next Congress. It is clearly the most pressing piece of unfinished business on the subcommittee calendar.

RIGHTS OF PRISONERS

In 1972, the subcommittee instituted a study of restrictions placed on the civil rights of prisoners. This investigation continued and expanded in response to the growing volume of prisoner mail alleging violations of rights, increasing interest of lawyers and legal commentators, and rising public awareness of the complaints of prisoners. The general overview of prisoners' rights included emphasis on access to attorneys, correspondence rights, parole proceedings, and the use of behavior modification programs in Federal prisons. This last inquiry led to a broader study of the role of the Federal Government in behavior modification programs. And as yet, no clear delineation has been made of prisoners' rights and no legislation safeguards them.

PRIVACY AND THE BILL OF RIGHTS

The subcommittee has been at the forefront of the evolution of a legally enforceable right to privacy. For a decade, subcommittee investigations into invasions of privacy have resulted in legislation or in corrective actions within the executive branch. Throughout our work, we have sought to implement the guarantees of privacy protected by the first, fourth, and fifth amendments to the Constitution, as well as others.

WIRETAPPING AND EAVESDROPPING

In 1961, the subcommittee held extensive hearings on wiretapping and eavesdropping and their effect on guarantees in the Bill of Rights. While no legislation considered at these hearings passed, the hearings and research served as a basis for several subsequent inquiries by this and other judiciary subcommittees. Indeed, the first formulations for the present wiretap statutes imposing controls on the practices were developed during those early hearings. More recently, during this past session of Congress, the subcommittee together with the Administrative Practice and Procedure Subcommittee of the Judiciary Committee, and the Surveillance Subcommittee of the Foreign Relations Committee began a joint inquiry into warrantless wiretapping and other electronic surveillances to examine the legality of this activity. Then in October, the subcommittee joined with the Criminal Laws and Procedures Subcommittee of the Judiciary Committee in holding hearings on several legislative proposals to amend the wiretap statute to provide procedures for conducting national security wiretaps. Quite clearly, the matter of warrantless taps, which pose the most severe issues for constitutional rights of free speech and political expression, should be a first priority for the subcommittee next year.

EMPLOYEE RIGHTS STUDY

In 1965, the subcommittee began an extensive study of the constitutional rights of citizens who work for or apply to work for the executive branch. The subcommittee's investigation was aimed at unwarranted governmental intrusions on the rights and privacy of these individuals. Of particular concern were threats to the first amendment rights and due process rights posed by coerced participation in personality and psychological tests, dissemination of personnel and medical records, coerced participation in bond drives and political activities, and mandatory reporting of non-job-related activities. Hearings on these subjects held in 1965, 1966, and 1967 formed the basis for legislation the subcommittee developed to halt these practices and set reasonable standards to insure the protection of personal privacy. The subcommittee bill has been passed by the Senate in each successive Congress since 1967, but as yet no action has been taken by the House. The latest version of the bill, S. 1688, will also die in the House Post Office and Civil Service Committee when this session ends.

Yet I am pleased to report that the subcommittee's continuing investigation and public interest in this legislation have prompted Federal agencies to undertake major procedural reforms in their personnel systems. Additionally, the abundant casework done by the subcommittee in response to complaints from citizens has also had a substantial impact in promoting corrective steps by the Government. I note with pride, also, that the subcommittee's study prompted similar concern and reform in State and local governments as well as private industry. Some States and municipalities have adopted the bill as model legisla-

tion. Furthermore, a number of judicial decisions have relied on the subcommittee's hearings and reports in this area.

DATA BANK SURVEY

So unconscionable have been some of the practices and programs occurring under the aegis of the many Federal data drives and so complete was our ignorance of Government practices that in 1969 the subcommittee undertook a Government-wide investigation of the extent to which Federal data banks are consistent with constitutional rights. As part of our right-to-privacy study, inquiries were sent to the heads of every Federal department and agency to learn just what data banks containing personal information were in existence or being developed and how they would operate. The results of this survey were published last spring in a mammoth six-volume report. The most significant finding of the study is that there are immense numbers of government data banks littered with diverse information on just about every citizen in the country. Of the 54 agencies surveyed, the subcommittee found 858 data banks in operation containing over 1¼ billion records on individuals. There are, without a doubt, a great many more Federal data banks which the subcommittee, despite more than 4 years of patient effort, was unable to uncover. The subcommittee's analysis of the agency submissions indicate that with regard to the rights of the file subjects:

The great majority of the surveyed data banks lack a specific statutory mandate;

Over 40 percent of the data banks do not tell citizens that records are kept on them;

About half of the data banks do not allow subjects to review or correct their files. Some of those which do allow file review do not inform citizens that files are kept on them; and

More than 60 percent of the data banks regularly share their files, or the information in them, with other agencies.

While the new study commission of S. 3418 will do much to keep track of developments, Congress and the subcommittee have a continuing responsibility to oversee this area for themselves.

COMPUTER-DATA BANK HEARINGS

The subcommittee's investigation into the extent to which the development of large interlinking information systems and the creation of Federal data banks may affect the individual right to privacy, due process of law, and the enjoyment of constitutional freedoms, led to hearings in 1971 on Federal data banks, computers, and the Bill of Rights. The scope and purpose of that inquiry was to learn what governmental data banks had been developed; how far they were already computerized or automated; what constitutional rights are affected by them; and what overall legislative and administrative controls may be required to protect the privacy and constitutional rights of citizens.

The hearings examined constitutional and legal issues, as well as practical problems raised by computer technology. I must admit, however, that the important work of the subcommittee during these hearings pertaining to Federal data systems was overshadowed at the time because of the explosive disclosures that the Army had engaged in a widespread domestic surveillance program. But the subcommittee returned to the problem in 1972 and its legislative spadework was the intellectual and political foundation of S. 3418, the general privacy bill enacted just this week.

MILITARY SURVEILLANCE

During the subcommittee's data bank hearings in 1971, reports of the Department of the Army's surveillance program first came to light. It was disclosed that the military had investigated individuals engaged in the exercise of first amendment rights, especially in protesting governmental policies individually or by associating with others. Also involved were reports of the development of computerized information systems and microfilm data banks containing the products of these surveillance techniques and investigations. The information uncovered in the course of the subcommittee's hearings and in the process of developing its subsequent reports stands today as the only comprehensive record of the surveillance activities of the military during the late 1960's. And while I regret that the Congress has enacted no legislation to put an end to these practices in the future, it is clear that the subcommittee's work has had a significant impact on the military's operation since 1971. The bill still is needed, and should be at the top of the subcommittee's agenda. It is especially necessary because of the refusal of the Supreme Court to meet its responsibilities in the Tatum case. The Court improperly left a judgment on constitutionality to Congress, and passage of prohibitory legislation is necessary if we are finally to put an end to a recurring excess on the part of military intelligence.

SECRET SERVICE

In 1969, the subcommittee conducted an inquiry into the so-called guidelines distributed throughout the executive branch by the Secret Service to encourage reports of information to assist the Secret Service in its function of protecting the President. While the subcommittee was mindful that all reasonable steps should be taken to insure the safety of the President, these efforts should be taken in full awareness of the actual and potential dangers. The guidelines issued by the Secret Service raised serious due process problems as they threatened a mass surveillance system unprecedented in American history. To date these problems have not been adequately resolved.

SPECIAL SERVICE STAFF

One of the most significant investigations to date in the gradually unraveling story of political misuse of the tax collecting power was conducted by the subcommittee into the activities of the now defunct Special Service Staff of the Internal Revenue Service. That unit was created in 1970 to identify individuals and organizations for possible tax action solely on the basis of their political activities, and it was abolished in August 1973 only after its existence had been widely publicized. The subcommittee's staff report of its investigation, published just last week, is the only inquiry thus far based upon an examination of actual Special Service Staff files.

PRIVACY LEGISLATION

This past summer the subcommittee held joint hearings with an Ad Hoc Privacy Subcommittee of the Government Operations Committee to consider legislative proposals dealing with the issues of privacy, computer banks, and Government information systems. S. 3418 emerged from these hearings as a design to protect citizens' privacy and incorporate a strengthened respect for individual rights into functions of the Federal Government. The bill, a culmination of much of the subcommittee's efforts to secure the privacy right, was enacted this week.

BUREAU OF CENSUS QUESTIONNAIRES

As a result of many thousands of complaints about burdensome or privacy-invading questionnaires, the subcommittee in 1968 devoted considerable attention to the information-gathering techniques of the Census Bureau. Of particular concern to the subcommittee were the Bureau's practices in obtaining compliance with survey inquiries for the decennial census forms or other census questionnaires, or questionnaires distributed by the Census Bureau on behalf of another Federal agency or department. The subcommittee conducted investigations into charges of unwarranted privacy invasions and arbitrary denials of due process caused by implied or actual coercion, including the use of Federal criminal law sanctions, to obtain replies. The subcommittee held hearings on legislation I introduced to make certain questions on various statistical questionnaires voluntary and to require that recipients be accorded certain basic due-process rights. In addition to analysis of the issues and revision of the bill based on testimony and other recommendations, the subcommittee monitored the conduct of the 1970 census and other Federal surveys to determine the extent to which survey techniques and questions affected the constitutional rights of citizens.

SURVEY OF FEDERAL PERSONAL STATISTICAL INQUIRIES

To assist the subcommittee and other congressional offices to answer complaints about Federal questionnaires and to determine the need for remedial legislation, in 1969 the subcommittee began a survey of every Federal agency to find out what kind of statistical questionnaires they are sending to the public. The subcommittee requested copies of personal statistical questionnaires sent by the agency to individuals over the previous 5 years; the purpose and the statutory and administrative authority for each; whether it was voluntary or mandatory; and what followup techniques were used to obtain responses from citizens. In addition, the Census Bureau was asked to develop a report providing the same information for the statistical questionnaires it distributed and processed under its own authority as well as those done for other Government agen-

cies. Responses provided the basis for hearings and for analysis and comments by scholars and others assisting in the investigation.

HEW "BLACKLIST"

In connection with the subcommittee's continuing study of investigations into first amendment activities, in 1969 special attention was devoted to the practice within the Department of Health, Education, and Welfare of identifying and listing persons who were not considered "suitable" for appointment to advisory committees. The Department was maintaining the equivalent of a "blacklist" of scientists and other professional people in the private sector on the basis of their participation in community events or their attitudes and expressions of views on political questions. As a result of the subcommittee's inquiry, the Secretary appointed an investigative committee which exposed substantial personnel abuses and recommended major reforms in policies and regulations. Unfortunately, similar procedures have not been instituted in all departments.

LIE DETECTORS

During our investigation into arbitrary governmental investigations and privacy which was initiated in the mid-1960's, the subcommittee began receiving complaints from citizens through the country showing that basic rights of many people were being threatened by the use of lie detectors. These machines, lacking validity and reliability, and tossed out of our courts as any indicators of truth, were being used to coerce people into revealing their thoughts, attitudes, and beliefs, and to relinquish their rights under the principles of the fifth amendment to the Constitution.

I introduced legislation in two Congresses designed to halt these trends and remedy these complaints about lie detectors to no avail. Time has prevented the hearings and investigation of these devices and others equally threatening to liberties. The staff has analyzed the problems and complaints in a subcommittee report recently published. I hope this report and the extensive research materials compiled by the staff will justify continued legislative attention to this problem.

RIGHTS OF PEOPLE IN FEDERAL EXPERIMENTS AND MEDICAL PROGRAMS

The subcommittee conducted an investigation of federally funded programs to study, control and eliminate undesirable human behavior through psychological and technological modification techniques. The study published in October of 1974 drew a considerable amount of public attention. It is the most complete compilation of information on the federal role in behavior modification and related fields; taking in the activities of agencies as diverse as HEW, the Veterans' Administration, LEAA, and the Bureau of Prisons. The study is being used as a basis for a behavior study by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. This report is only a beginning. More monitoring and stricter controls are still needed.

RIGHTS OF THE MENTALLY ILL

In 1961, the subcommittee examined another long-neglected area of the law when it undertook the first nationwide congressional hearings on the Constitutional Rights of the Mentally Ill. The legislative recommendations which evolved from these formed the basis for the District of Columbia Act for the Hospitalization of the Mentally Ill. This was taken for a model law as States undertook reforms of antiquated laws and regulations and as courts began, for the first time, to examine the meaning of substantive due process for the mentally ill. This law was based on the theory that no one forcibly institutionalized for mental illness should suffer loss of liberty without treatment for such illness, and was based on the theory that hospitalization and judicial commitment should be separated so that people should not be stigmatized by loss of rights simply because they seek hospitalization. Enactment of this law constituted, for the first time, congressional recognition of a moral right to treatment for those admitted to a hospital for mental illness. It revised existing procedures for hospitalization of the mentally ill in the District of Columbia, and provided a bill of rights for patients once they were hospitalized. Since that time, the subcommittee has monitored the implementation of the act, conducted inquiries into cases which illustrate problem areas in the law, and provided research information to many private and State legislative groups working on this issue.

In 1969 and 1970, subcommittee hearings were conducted to provide a "decade review" of the operation of the act and developments regarding the rights of the mentally ill across the Nation. We found that the "right to treatment" was fast becoming recognized as a necessary ingredient of involuntary hospitalization. Thus far, however, the Federal law does not mandate the treatment that involuntary commitment presumes.

RIGHTS OF INDIANS

The subcommittee conducted the first nationwide congressional hearings into the constitutional rights of the American Indian.

In 1961, 1962, 1963, and 1965 it conducted comprehensive field studies and investigative and legislative hearings to examine the state of the law affecting the rights and liberties of the Indians. As a direct result of these studies, the "Indian Bill of Rights" was enacted in 1968. This act guarantees to members of Indian tribes many of the same rights that other Americans enjoy with respect to their dealings with the tribal governments, the Federal Government, and the courts. It further encouraged the training of Indian lawyers as well as educating citizens in Indian law by mandating the publication of certain legal documents which were out of print. In the course of this study, the subcommittee has continued to monitor the implementation of this act. It has received and investigated thousands of complaints and inquiries. No one would say that the application of these rights to Indians has been easy or without difficulty. It remains for the subcommittee to complete the oversight study began this year, and to consider whether more steps are required.

RIGHTS OF SERVICEMEN

Another neglected area of the law examined by the subcommittee is the constitutional rights of military personnel.

Initial hearings were held in 1962, followed in 1966 by comprehensive hearings on the military justice system. As a direct result of these inquiries, the Military Justice Act of 1968 was drafted. A landmark in the history of military process, servicemen facing court-martial were for the first time guaranteed the same rights accorded civilian defendants.

The subcommittee also investigated the administrative discharge procedures employed by each of the services to eliminate substandard personnel from military service. A great deal of the 1966 hearings was devoted to this subject, and while legislation did evolve as a result, none was ever passed by the Senate. Still, the subcommittee's work represents the only treatment of this area ever undertaken by the Senate, and it is my own opinion that the subcommittee study contributed in part to the reform of these procedures which has taken place to some degree within the services. Nonetheless, the administrative system remains a hidden flaw in military justice causing injury and hardship to thousands of servicemen. It should be reformed by legislation if we are to make a sucess of a volunteer armed forces system.

FREE PRESS—FAIR TRIAL

In 1965 a rash of controversial trials were held in which publicity was seen as an interference with the right of a fair trial. Bills were introduced and the subcommittee held extensive hearings into the conflict posed by the first amendment's guarantee of a free press and the sixth amendment's guarantee of a fair impartial trial. I am pleased that these hearings showed the fallacy of trying to legislate a compromise between two equally important rights. The hearings helped educate the public to recognize that legislation would be in error, and also helped educate both the legal and journalistic professions on the need to recognize the importance of the other's responsibilities.

FREEDOM OF THE PRESS

The subcommittee has had jurisdiction over bills which affected the rights and prerogatives of the press under the first amendment.

In 1971 and 1972, in the midst of a nationwide controversy over governmental pressures allegedly being applied to the press, the subcommittee held extensive hearings on the subject, covering the gamut of complaints from the press. The hearings focused on the government/press conflict which grew out of the publication of the so-called Pentagon papers by the New York Times and the Washington Post.

Then in early 1973, we investigated a particular feature of the freedom of the press controversy—the subpena of newsmen. Again, several weeks of hearings were held on this problem, and, while no newsmen's privilege bill was ever re-

ported, I think the subcommittee hearings played an important role in the national debate. Because of the nature of this problem, it is rare that legislation is the proper remedy. But continued oversight and hearings are necessary if we are to protect this precious right from diminution.

FREE SPEECH IN THE SENATE

The Pentagon papers controversy also led me and several other members of the subcommittee into another first amendment question—freedom of speech of Members of Congress. Not only had the Nixon administration threatened legal action against reporters who released portions of these documents but also against Members of Congress, namely, Senator MIKE GRAVEL. The Senate viewed that action as repugnant to article I, section 6 of the Constitution and authorized Senator SAXBE and me to appear as amicus curiae before the Supreme Court in Senator GRAVEL's case. In response to the Court's decision, the subcommittee staff drafted legislation to reassert the legislative free speech clause of the Constitution. That legislation is pending in the subcommittee and hopefully will be reintroduced next Congress. It should be passed quickly.

SEPARATION OF CHURCH AND STATE

The subcommittee has also carried on a continuing inquiry into the separation of Church and State, as it is mandated in the first amendment. This inquiry included an exhaustive review of the case law relevant to the religious clauses of the first amendment as well as commentaries on the historical and philosophical development of the principle of separation. The subcommittee has also been studying the constitutional problems created by federal appropriations with respect to their application, either directly or indirectly, to nonsecular agencies and institutions.

In 1966 and 1967, we conducted a series of hearings on bills to allow taxpayers to bring civil actions to enjoin Federal loans or grants to church-related institutions. While such a bill was passed by the Senate on several occasions, no action was forthcoming in the House.

On the basis of the subcommittee's study, I entered an amicus curiae brief in the case of Flast against Garner. It was in that case that the Supreme Court held that a taxpayer could bring a suit to challenge Federal expenditures under the establishment of religion clause of the first amendment. Thus, the decision accomplished in effect what the bills themselves had sought.

FREEDOM OF EXPRESSION AND CONTROL OF PORNOGRAPHY

During 1969 the subcommittee received an increasing number of complaints about the abundance of pornographic material being disseminated across the country. Manifested was a deep concern about the potential adverse effects this material may have on minors and the invasions of privacy which occur when unsolicited salacious material reaches into the home through the mails. Still others sought assurances that a legislative solution to the pornography problem would not violate constitutional guarantees of freedom of expression. Although legislation was enacted in 1971, the difficult problem of pornography control remains. The subcommittee is continuing its examination of the problem, focusing its attention on the practical adequacy and constitutional sufficiency of the law as well as pending legislative proposals.

CIVIL RIGHTS

The subcommittee also conducted hearings and processed all so-called civil rights bills during my tenure as chairman.

While I opposed these bills on the ground of their lack of constitutionality, or necessity, or wisdom. I took steps to see that all persons interested in them had full opportunity to express their views and to have them reported to the full Judiciary Committee with promptness.

These, then, Mr. President, have been the primary fields of the subcommittee's legislative endeavors since I assumed the chairmanship in 1961. They are by no means, however, the sum total of the subcommittee's work. They do not include the thousands of inquiries made on behalf of those whose constitutional rights had appeared to be violated. Nor do they include the many substantive inquiries made by the subcommittee which never reached the stage of hearings. And they do not include the myriad bills which were referred to other committees and subcommittees which nonetheless had an impact on the subcommittee's work and, thus, required its attention.

In short, Mr. President, the members and staff of the Subcommittee on Constitutional Rights have worked hard and performed admirably. Its record stands as credit not only to the Senators who have served upon it but to those staff personnel who daily attend to its business. It is my hope that the subcommittee under its future leadership will continue to be the first legislative bulwark in the protection of the rights of the citizens we represent.

Permit me now to take this opportunity to give recognition to the members of the subcommittee I have been privileged to work with and the chief counsels who have served the subcommittee so faithfully during my tenure as chairman.

Current members: JOHN L. MCCLELLAN, EDWARD M. KENNEDY, BIRCH BAYH, ROBERT C. BYRD, JOHN V. TUNNEY, EDWARD J. GURNEY, ROMAN L. HRUSKA, HIRAM L. FONG, STROM THURMOND.

Former members: HUGH SCOTT, JACOB K. JAVITS, George A. Smathers, Kenneth B. Keating, Alexander Wiley, William A. Blakley, Edward V. Long, John A. Carroll, J. BENNETT JOHNSTON.

Chief counsels and staff directors: Mark H. Gitenstein, the present chief counsel; Lawrence M. Baskir, Paul L. Woodard, George B. Autry, William A. Creech.

THE WORLD FOOD PROBLEM

Mr. PEARSON. Mr. President, once again the production and distribution of food has become the subject of great global concern. It is a most serious and complex problem and one which deserves and requires priority attention.

I recently had the opportunity to address the Kansas Fertilizer & Chemical Institute in Topeka, Kans. At that time, I discussed the present world food situation and identified some of the factors which led to the present shortages. I also outlined some of the steps we should consider taking in the months and years ahead in dealing with this problem.

Mr. President, I ask unanimous consent that this statement be printed in the RECORD.

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

FOOD ON THE GLOBAL SCENE

These are exciting and challenging times for American agriculture, for our farmers, and the agribusiness complex which serves them.

These are also frustrating perilous times for American agriculture. These are prosperous times. These are depressing times.

Grain producers are selling their products at prices never dreamed of three years ago, and they are makng money. But dairymen and cattlemen who buy their grain to feed their herds are losing money.

Most farmers are expanding production; but as they have sought to do so, most have encountered frustrating shortages at one time or another in fuels, fertilizer, baling wire, parts, and machinery.

All have experienced dramatically higher costs. And they know that the profits of today could be wiped out tomorrow if their prices fall and their costs stay up.

And the middleman who supplies the farmer has been quite literaly "caught in the middle" between the demanding farmer on the one hand and the hard-pressed manufacturer on the other.

In ordinary times, the drama of food production and distribution is little noticed. But these are not ordinary times.

Never has American agriculture been subjected to such close national and international attention.

The American housewife, who for so long took the American farmer for granted, now anxiously watches the TV weather map to better know what growing conditions are like in Kansas and Iowa.

High officials in foreign governments carefully follow American agriculture production trends to better know how next year's international commodity prices will impact on their economy.

Officials in other governments worry not only about U.S. production trends but, also, about what American political trends might mean to their chances of getting food aid for their starving countrymen.

And the list goes on. But the point is that food has become a subject of extraordinary concern. Why is it that this has come to pass?

I don't propose to know all the answers. But I think it useful to review some of the key factors which have brought us to this present state of affairs so that we can begin to know how better to react to the present and plan for the future.

The best place to start is the summer of 1972, when Soviet grain buyers began to move quietly into the American market. Before anyone came to realize what was happening, they had pulled off one of the greatest grain purchases in history and virtually cornered the world grain market. And they did it at bargain basement prices.

They moved into the American market in a big way because of their own crop failures. And unlike previous times, the Soviet lead-

ership decided not to put the Russian consumer through the wringer of a reduced diet.

But unfavorable weather conditions also existed in other parts of the world in 1972, particularly in Africa, Australia, China, and South Asia. As a result, for the first time in 20 years, total world grain production actually declined and by a large amount: 33 million tons. For the past two decades, it had been increasing by about 25 million tons a year.

With the significant drop in production against a growing demand, the grain surpluses of the U.S., Canada, and Australia disappeared. Worldwide carry-over stocks dropped toward the dangerously low 100 million ton level. A worldwide scramble to buy grain got underway and prices skyrocketed.

Against this backdrop there was growing evidence that the so-called Green Revolution that had earlier resulted in a surge of good grain production in developing nations of Asia and Latin America was losing some of its momentum. Added to all this, the long lasting drought in the Sahelian region of Africa, where thousands have already died, shows no signs of abating. And this year's floods in Bangladesh have meant the death sentence for many more thousands.

So it is out of the confluence of these events, and other factors such as the decline in the fish meal production in 1972 and 1973, that the global concern for food emerged.

What does all this mean? What can we expect for the future?

There have been two common types of responses to these questions, both of which I believe are somewhat off base and which have contributed to considerable misunderstanding about the world food situation.

First, there are those who look at the large and growing world population against the backdrop of the present grain situation and conclude that the old Malthusian equation has finally hit the globe full force and that we are on the brink of world food disaster of unimaginable magnitude. Some of the more pessimistic predictions suggest that millions upon untold millions will soon be starving to death.

Although many in this group believe that such a catastrophe cannot be wholly prevented, we must at least make an attempt to reduce its severity. Therefore, there must be a massive commitment by American farmers to produce more, by American consumers to eat less, and by American taxpayers to spend more. In short, they would have us change our whole life style.

The second type of response comes from those who look at the same situation and conclude with great confidence that the millenium for American agriculture has arrived. They argue that the future world demand for food will be so great that American farmers will be assured high prices and perpetual prosperity.

This particular line is given another twist by those who say "look, the heavy hand of government has been removed from agriculture and see what we have: high prices and rising incomes." And they resolve that never again should the government intervene in the free market for agriculture.

For the purposes of illustration, I have exaggerated these two points of view. But the general thrust of these two approaches does dominate much of the discussion about the food situation today. I believe that both are flawed.

On the one hand, it was not the working of the free market which produced the presently high grain prices. Rather, it was an act of God in the form of unfavorable weather conditions to several parts of the world in 1972 and to a lesser extent in 1974. Except for this, grain prices would not likely be greatly different today than in 1971.

We heard the same proclamations about a new Golden Age for American agriculture a few years ago when bad weather conditions in India in 1965 and 1966 resulted in such a demand for American grain that our surplus stocks were cleared out. But as soon as the crop-nourishing monsoon rains came again to India that demand disappeared and our price-depressing surpluses were restored.

On the other hand, it was also during 1965 and 1966 that we heard of many of today's arguments to the effect that the world was about to be overwhelmed by an unmitigated food shortage disaster. But these prophesies also proved to be wrong.

Now, I hasten to stress, that I am in no way suggesting that the world does not have a food problem—it has a massive problem. Millions of people in the developing countries are so undernourished that their lives are shortened and their productivity stunted. Moreover, when extremely adverse weather conditions strike, we still do not have sufficient capacity to prevent the horror of considerable starvation.

But we have to place the present situation in perspective. The trend lines on food production and consumption are up, not down. Over the past twenty years, despite a staggering growth in world population, per capita food production has increased by a significant 22 percent.

Over the long run, say the next 25 to 75 years, the pessimists may well be right. The world's population growth may outstrip our food producing capacity. That is why eventually curbing world population growth is so essential.

But I do not believe the long predicted, overwhelming world food cataclysm is upon us today. World grain production is on the rise again. Carry-over stocks have not yet been replenished. But with two good weather years in the major grain producing parts of the world, given the full blast production efforts now underway by farmers, those carry-over stocks can be replenished. And, indeed, the reemergence of grain surpluses is not at all unlikely.

The great imponderable here is the weather. Just as two good years could refill the world's granaries, two bad years could bring unmitigated disaster. But the odds are that we will not have an extended period of successive bad weather years.

Now in light of the present world food situation, what is it that we should do in preparing for the future? I don't suggest that I have all the answers, but I want to make some recommendations.

First, on our priority list, it seems to me, is the need to get our food planning house in order. We have got to assign a much higher priority to food planning both for the short run and the long run. We have got to develop a much better understanding of where we are, where we want to go, and how we want to get there.

We have entered a new global era in respect to food. It has many promises, but also many pitfalls. I do not believe we are properly prepared to capitalize on the promises and to avoid the pitfalls. We must substantially improve our information base regarding world food conditions. It is particularly imperative that we begin to develop new policy alternatives for domestic farm programs and for foreign food programs as well.

Therefore, I recommend that the President establish within his Administration a high-level Food Planning Office.

This Office would gather and evaluate all relevant intelligence data about the worldwide food conditions and periodically report this information to the Congress and to the American people.

The Food Planning Office would also make short and long range projections on worldwide supply and demand conditions and how these conditions might impact on U.S. agriculture, particularly in regards to exports and domestic prices, thus giving American farmers a better basis for planning their own food production schedules.

In addition, the Office would periodically report to the Congress new policy options for foreign food initiatives and domestic farm programs for consideration in responding to changing world food conditions.

Aside from the longer range goal of strengthening our planning policy evaluation capacity there are a number of steps that should be taken as soon as possible.

Therefore, my second recommendation is that we increase our food aid commitments through our P.L. 480 program. We must do it as our contribution to dealing with the immediate starvation problem. Beyond an increase in P.L. 480 commitments, we need to restructure the program to eliminate political abuses and to assure that the food is given in a way that maximizes its usefulness.

Third, we need to move ahead, in concert with the other grain producing nations, to develop an international emergency grain reserve. The reserve should be isolated from the commercial markets and used only under truly emergency conditions.

A food reserve, if properly designed, can be of benefit to the American farmer. The stocking of such a reserve could not occur until worldwide supplies have increased substantially. When supplies are rebuilt, as certainly they will be, there will be a heavy downward pressure on prices. The movement of surplus grain into the reserve at that time could, therefore, help prevent a precipitous decline in domestic farm prices.

Fourth, we need to strengthen our food production assistance programs. The developing nations must substantially improve their own food production capacities. We have done a great deal to help them. We should do more. In this connection, we need to be more insistent that the countries receiving our assistance demonstrate a stronger commitment to population planning. There is little possibility that the developing nations can erase their food deficits unless their rate of population growth is slowed.

Fifth, I believe that the U.S. Government should apply diplomatic pressure to the Arab oil producing nations to use their enormous monetary reserves to provide major financial assistance to the developing nations in meeting their food problems. The Arab nations now have the means to provide significant assistance. I believe that they have an obligation to do so.

Finally, we must move ahead to bring inflation under control. For the last two years, the farmer has seen his costs of production skyrocket. Given the instability in the prices he receives, a prolonged period of double-digit inflation will almost certainly mean serious economic problems in the future.

In conclusion, let me say that as we consider these and other food policy recommendations, we need to keep two objectives in mind. First, for both humanitarian and political reasons, we should strive to further strengthen America's already commanding leadership role in helping to solve the world food problem.

Second, we must strive to assure stable economic conditions for American agriculture and also avoid excessive demands on the American taxpayers.

These objectives are not inherently at cross purposes, but they are not always complementary. We can realize both objectives but only if we make hard-nosed assessments of actual conditions and only if we continue to bring fresh, new thinking into the policy making process.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, on November 29 the new African nation of Lesotho joined the ranks of those nations that have ratified the Genocide Convention. This group now numbers 84.

It has always seemed a cruel irony that the United States, which took the leadership in drafting this convention has yet to take a vote on ratification while most of our NATO and SEATO allies have wholeheartedly supported it.

Our failure to support such a basic human rights document has been a diplomatic embarrassment to our representatives abroad and a hindrance to the development of international standards of decency.

During our final days this week, there has been much talk about the need for recognition of the right of emigration—a principle which I strongly support. But what about the right to survival? Is this not of equal importance?

Mr. President, today the 93d Congress will close and we have let the chance for action slip through our hands once more. It is important that we remedy this situation early in the next Congress with prompt ratification.

We must not let the Genocide Convention suffer the fate of the Geneva Protocol on Chemical and Biological Warfare that was ratified this week aftr 49 years.

The time to reassert U.S. leadership in the field of human rights is now.

OPPOSITION TO PROPOSED PRESIDENTIAL IMPOUNDMENT REPORTS

Mr. ABOUREZK. Mr. President, earlier this week, I received a resolution of the county commissioners of Aurora County, S. Dak., opposing three proposed Presidential impoundment reports pursuant to the Impoundment Control Act of 1974. I support the views of the Aurora County Commissioners.

Mr. President, I ask unanimous consent that the resolution of the Aurora County Commissioners of December 4, 1974, be printed in the RECORD.

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

RESOLUTION

Whereas the President of the United States has proposed the following:

1. A reduction in the HUD 701 program from $100 million already appropriated by Congress to $50 million.

2. A cut of $2 million in EDA Title III, Section 302 Technical Assistance.

3. A reduction in the Department of Agriculture's appropriation, deleting $3.5 million in rural fire protection and reducing rural development business and industrial grants from $13.75 million to $10 million.

and;

Whereas this would have an adverse and serious long-range effect on Aurora County.

Now, therefore be it resolved that Aurora County opposes the above proposed cuts and urges that the South Dakota Congressional delegation support an impoundment resolution to restore 701 and Agriculture funds to the full level appropriated and oppose legislation that would authorize a rescission of EDA Technical Assistance funds.

Approved this 4th day of December, 1974, by the Aurora County Commissioners meeting in regular session.

MYRSON HAWINS.
JOSEPH THOMAS.
HENRY BREUKELMAN.
LEX WELLER.
SENA HORSTMEYER,
Aurora County Auditor.

NOMINATION OF JUDGE HENRY BRAMWELL

Mr. BUCKLEY. Mr. President, I am well aware that opposition exists to Judge Henry Bramwell's appointment to the district court. When I first learned of the specific charges being made, I double checked my own sources of information, I also asked practicing lawyers in New York City whose judgment I trust to talk to people who had appeared before him, and who had a basis for making educated judgments as to his competence and qualifications for the highly demanding position of a U.S. district judge.

Neither I nor those on whose advice I heavily depend found any reason to reverse our original judgment as to Judge Bramwell's fitness for the post to which he has been nominated. He is a hard-working man of demonstrated competence. If his patience has on occasion been sorely tested, it must be understood that he often has had to preside at trials under conditions that would have sorely tried the patience of any man. That he has insisted on the maintenance of professional decorum is not, in my judgment, a cardinal sin. Rather, I consider it a virtue.

I might note, Mr. President, that the American Bar Association shares my conclusion as to his fiitness. The ABA was fully apprised of the charges made against him, and nevertheless found him fully qualified by a unanimous vote.

We all recognize the absolute need for a judicial temperament in any judge presiding over trials. I believe that Judge Bramwell has amply demonstrated both fairness and a necessary firmness in the conduct of trials. A few isolated cases cited out of the context of the actual courtroom situation ought not to be allowed to cloud the record of this man. I urge the Senate to confirm his nomination without further delay.

BUDGET-CUTTING DEFINITIONS

Mr. HART. Mr. President, looking ahead to the problem of combatting an inflated economy in recession, we can expect renewed debates on spending priorities and on controlling Federal expenditures.

As in most debates, the options on how and where to control Federal spending are limited by the definitions accepted by the debaters.

Two examples come quickly to mind.

First, the debate on reducing Federal spending is often tied to the need to cut the Federal deficit. However, that deficit also can be reduced by increasing tax revenues, perhaps through the closing of tax loopholes.

Second, the choice of what programs to cut is narrowed because the debaters agree that there are two kinds of Federal expenditures—controllable and uncontrollable, and only the former can be cut. Depending on how one defines uncontrollable, you can come up with as little as $15 billion out of a $305 billion budget which are cuttable.

These two examples suggest that the quality of the debate and of the resulting answers might be improved if the discussion began when programs which create uncontrollable expenditures are considered, and if the discussion focused first on how large or small a deficit is wise and then on what mix of increase in tax revenues and of budget cutting is best to meet that figure.

A recent article entitled "The Art of Budget Cutting," printed recently in the New York Times, discusses these questions in more detail. I ask unanimous consent that the article, written by Robert W. Hartman, a senior fellow at the Brookings Institution in Washington, be printed in the RECORD.

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

THE ART OF BUDGET CUTTING: A PROPOSAL FOR BETTER CONTROL IN THE FUTURE

(By Robert W. Hartman)

The obsession with cutting the Federal budget, whatever its value in fighting inflation, has the virtue of directing public attention to the insides of a $305-billion black box. Unfortunately, the lessons so far drawn from this closer inspection give little hope that future budgetary decisions will be better than those in the past.

The Office of Management and Budget started the current debate by attempting to demonstrate that short-term fiscal stringency requires that budget cutting be concentrated on the $15-billion portion of the budget that the O.M.B. labels "discretionary nondefense outlays." This conclusion, with which I sharply disagree, is reached by eliminating as uncuttable and uncontrollable the following spending categories:

Over $140-billion in expenditures for entitlement programs, such as Social Security, which are viewed as uncontrollable because Congress would have to vote to rescind benefits which recipients have come to accept.

Over $80-billion in spending for which the Government has already obligated the funds (as in payments on past defense contracts when the work is completed) or for which there is no way to avoid current payments (such as paying interest on the Federal debt).

These "uncontrollable" payments therefore represent about 70 percent of spending in the current fiscal year, leaving 30 percent, about $90-billion, as "discretionary."

The O.M.B. estimates that $57-billion of the discretionary budget is spent on personnel costs (over half for defense) and asserts that these are very hard to pare in the short term. This process of elimination leaves $20-billion in defense outlays and $15-billion in domestic discretionary spending as targets for budget-cutters.

Discretionary defense spending cutbacks, the argument goes, would necessitate either reducing the readiness of American forces (by limiting purchases of fuel, supplies and spare parts) or the modernity of future defense forces (by cutting back on new initia-

tives). Neither the Administration nor Congress have shown much interest in such reductions and even the most pacific observer might agree that once we have the tanks, we might as well fuel and repair them.

This leaves the $1.5-billion in nondefense discretionary programs on the O.M.B.'s cut-eligible list. About one-third of these outlays are for grants-in-aid to state and local governments for education, manpower, community development and child nutrition programs. Another third goes primarily for research and training in health, space and energy. The remainder is an assortment of public works and sacred-cow programs.

Two lessons have been drawn from this exercise of stripping the budget down. First, it is maintained that the fight against inflation requires that the social grant-in-aid and research programs be cut. Second, it is contended that in order for the Government to regain control over the budget, entitlement programs, which constitute the largest uncontrollable items, be re-examined and, presumably, reduced.

But there is no sense, it seems to me, in letting the controllability of various items in the Federal budget determine what is expendable when it's time to cut back. For one thing, an ordering of programs in terms of national priorities need not at all correspond to an ordering based on budget controllability. For example, just because grants to states for education do not constitute a mandatory claim on Federal expenditures is no reason to make education bear a disproportionate share of Federal restraint.

Indeed a good case can be made that these benefits should be automatically adjusted for inflation—as we have done for Social Security, but not for all entitlement programs. Thus, the most inveterate budget controller will only be able to get control over the extent to which real improvements are added to the entitlement programs. The benefit base should remain intact.

But this should not be done for the rest of the budget. When we take a longer than one year view, virtually all the items that look uncontrollable in the short-run become controllable. While in fiscal year 1975, it is correct to view progress payments on an Air Force bomber as uncontrollable, it is equally true that if Congress refuses to vote further funds for bombers, there will be no future overhang of unsatisfied obligations.

Similarly, cutting back on Federal payrolls in a single fiscal year may be nearly impossible, but reductions over a longer period are certainly feasible.

On the tax side, while it is certainly true that loophole-closing to meet short-run fiscal goals is to invite Christmas tree tax bills, in the long-run major sources of erosion in the tax base can and should be plugged up.

Thus, a pertinent lesson to be learned from opening the black box is that by anticipating future federal budgets, we can well afford to maintain the real level of existing entitlement programs—well under half current budgets—and devote attention to economizing on the remaining programs as well as looking for new tax sources to finance new programs and high priority improvements in existing ones.

Because Federal spending and taxing is so critical to the nature and quality of our society, they should not be reduced to a mechanical exercise. Planning over long periods and adjusting the budget in a foresighted and evenhanded way can turn arithmetic into a socially productive art form.

ADDRESS BY ANNE ARMSTRONG AT THE BUSINESS COUNCIL

Mr. PERCY. Mr. President, the Business Council has in its membership some of the most successful, creative, dynamic industrialists and businessmen in America, if not in the world.

Every American President, Vice President and virtually all Cabinet officials have appeared before the Business Council since its inception.

At the Business Council meeting on December 12, 1974, the Honorable Anne Armstrong, Counsellor to the President, spoke. It was her last speech before retiring, at least at this time, from public life. It was one of the most meaningful and moving messages I have heard in a decade and a half of attending Business Council meetings and the reception given to her was as enthusiastic as any I have ever heard. She delivered her address in a sincere and convincing manner because it came not only from her mind but from her heart as well.

I ask unanimous consent that the remarks made by the Honorable Anne Armstrong be printed in the RECORD, and I wish to pay personal tribute to her distinguished service to her country, to her State, and to the political process in America.

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

ADDRESS BY THE HONORABLE ANNE ARMSTRONG, COUNSELOR TO THE PRESIDENT, TO THE BUSINESS COUNCIL, WASHINGTON, D.C.

I'm very pleased to be with you this morning, and I want to thank all of you, especially my good friend Dave Packard, for the kind invitation. I would be hard-pressed to find a better forum than the Business Council for my final speech as Counsellor to President Ford and as a member of his Cabinet.

This morning I want to share with you some of my observations after being in Washington for nearly four years, first as Co-Chairman of the Republican National Committee and now at the White House.

I would like to begin by reflecting on one of my most recent special assignments—serving as one of the three United States Representatives to the World Food Conference in Rome last month.

As a member of both the President's Council on Wage and Price Stability and the Murphy Foreign Policy Commission, I have for some time been very interested in the economic and foreign policy implications of U.S. food aid. And, of course, I went to Rome with a sense of deep concern for the hunger crisis that currently grips certain parts of the world. Not only is it a serious economic problem, but it is a heart-rending humanitarian problem as well.

Yet I went to Rome with no illusions that the Food Conference itself could solve the current crisis. If that had been its goal, we could have done more good by just staying home, cancelling the conference, and sending the money saved directly to the needy countries.

In my view, however, the Conference did do something very important. It succeeded in taking the first big step toward the eventual elimination of widespread hunger in the world. The implementation of the agreements reached in Rome is yet to come, and you can well appreciate some of the hurdles, booby-traps, and ambushes ahead. But I feel a good foundation has been laid, and I believe the emphasis on increased production and improved distribution was correct. We can't go on sharing shortages. We can't continue to lurch from crisis to crisis.

I feel that the World Food Conference had the right concept: a long-term, shared approach, one in which all nations of the world would do their part, rather than relying on just a handful of nations to carry the burden.

And I stress that last point because, although the United States will continue to respond in generous and humanitarian terms, no nation can share more than it has. You know as well as I that the days of overflowing grain elevators are behind us.

As you know, the Conference approved the establishment of a World Food Council, a coordinating and advisory group under the auspices of the United Nations. It will serve as an umbrella organization for the efforts on increased food production and improved distribution, food aid, grain reserves, and an early warning and information system.

United States leadership was important to the success of the World Food Conference, which, as you know, was first called for by Secretary Kissinger. On the opening day of the Conference last month, he outlined President Ford's policies in a brilliant speech, which was extremely well-received by the great majority of the 130 nations present and also by most of the voluntary organizations. The American non-government organizations present sent a warm telegram to the President, commending him on the United States approach to the global hunger problem. And the Secretary-General of the Conference, Mr. Marei of Egypt, called the U.S. leadership positive and very strong.

There were some disappointments in Rome, however. For one thing, I saw that in international political settings—just as is too often true here at home—there is a powerful tendency to look to governments and bureaucracies for solutions while ignoring the potential contribution of private groups. It was very discouraging that so little attention was given to the role of free enterprise and the necessary economic incentives for increased food production and improved distribution and financing. The technical expertise and practical experience of food-related businesses in this country are invaluable, yet when I met with businessmen at the Conference, I learned that little effort was being made to tap those resources.

Another disappointment had less to do with substance than with the climate of the World Food Conference. The public statements of a few United States elected officials had the effect—in an international forum—of making the United States appear unresponsive to the immediate hunger crisis. Nothing could be further from the truth. In fact, that very week, the United States announced that an additional 100,000 tons of wheat were being sent to Bangladesh.

Fortunately, however, those public comments only temporarily diverted attention from the main agenda of the Conference, which, as I said, was to make a long-term investment in the future so that crises could be avoided down the road. In the short run, of course, the United States will continue to be the most generous nation in the world, as the last 20 years of food aid programs demonstrates. In the recent eight-year span from 1965 through 1972, the United States provides 84 percent of all food assistance from developed countries.

The nature of the world hunger problem is characteristic of a trend that has become unmistakably clear during my four years in Washington, and that is the increasingly global nature of what we used to consider just "domestic" issues.

The growing "interdependence" of *nations* has become a trite expression, but that should not detract from its reality. What is becoming clearer each day—and perhaps it's not yet trite to highlight it—is the growing interdependence of *issues*, of policies, and of programs. "Foreign affairs" and "domestic affairs" can no longer divide themselves neatly into two isolated boxes on a government organization chart.

Besides the hunger problem, other ob-

vious examples of burning issues that lack national boundaries are energy, inflation, recession, and—more and more—individual personal security, because of terrorist bombings and hijackings.

President Ford has a firm grasp of this reality of interdependence. I am disturbed, however, that some of his critics apparently either haven't grasped it or choose to ignore it for political motives. For example, there were some who charged the President with ignoring grave domestic problems by making his recent visit to Asia. Those critics have themselves apparently ignored the items on the President's agenda during his first foreign travels. Certainly, they included discussions of war and peace—and there is always need to keep that dialogue going—but they also included serious negotiations on trade matters, including food, energy, and the inflationary aspects of wasteful arms races. And just last week, the President met with Prime Minister Trudeau and Chancellor Schmidt to discuss, among other things, oil, cattle, and the general health of the world economy.

This intertwining of issues, and the increasingly fuzzy borders that in the past have contained national problems, have far-reaching implications for us as a nation, our direction, and the kind of leaders we will need in the future.

For one thing, it is obvious that isolationism is no longer a viable foreign policy alternative. Secondly, our national leaders will need to be well-grounded in both domestic and foreign affairs. Thirdly, the pressures for international cooperation will produce very hard choices for us as a people as we seek to strike the right balance between national sovereignty and international responsibility.

Hard choices, of course, are what this town is all about. And I don't think it's a narrow, parochial view on my part to suggest that the toughest decisions are made at 1600 Pennsylvania Avenue. That's not to demean the important role of the Congress, but merely to assert that the Constitution puts the primary burden of making tradeoffs in the lap of the Chief Executive.

President Ford has accepted that responsibility with courage and with the determination to serve the interests of all Americans and not just a special few. He has vowed that he will not play politics with America's future. What we need now is an identical commitment from the Congress.

Let's take economic policy as a case in point. We continue to hear criticism that "the President's programs are not working." I wonder which "programs" the critics are talking about? Do they mean the President's *legislative proposal* for an increase in the investment tax credit? Do they mean the President's *legislative proposals* for more public service jobs and expanded unemployment insurance? Do they mean the President's *legislative proposal* for removing supply limitations on certain crops?

These were the President's *proposals* to the Congress over two months ago on October 8. They are not operating programs yet because Congress has not acted on them. Until Congress acts, there can be no new programs.

The unemployment rate has jumped to 6.5%, and I am pleased that the Congress is finally going to do something about it. However, if the Congress had acted on the President's call two months ago for a Community Improvement Corps, that new public service jobs proposal could have been a program by now, and it would have been triggered by the latest unemployment figures. But, unfortunately, until now, Congress has chosen not to act, and valuable time has been lost.

I can understand, of course, if the Congress decides to come up with its own programs instead of enacting the President's proposals. But as of yet we have seen no comprehensive Congressional alternatives for whipping either inflation or recession. All we get is warmed-over talk about schemes—such as wage and price controls—which treat only the symptoms and not the problems themselves.

My aversion to mandatory controls is based on both my strong belief in a free market economy and my personal experience which has proved to me that controls are counterproductive. As a member of the old Cost of Living Council, I had an insider's view of the distortions and inherent inequities of wage and price controls. And I hope we have learned that controls never prevent inflation, they only postpone it. I have been heartened that both business leaders and leaders of organized labor continue to oppose a return to mandatory controls.

As I look ahead to the pressures already building in the incoming Congress, however, I am very concerned. I urge you to continue to stand firm against wage and price controls. I encourage you to join with leaders of organized labor and set as your number one priority the reminding of the American people and their representatives that controls do more harm than good.

I said earlier that the toughest decisions have to be made at the White House. I'm cautiously hopeful, however, that a vocal public, coupled with institutional changes such as those envisioned by the new Budget Act, will enable the Congress to take a broader look at the consequences of various policies and programs. But to be honest, I'm not holding my breath.

Certainly, our experience thus far with budget cuts has not been encouraging. I've heard it said that people hate inflation but love its causes. Unfortunately, that has probably been close to the truth in the past, but we can no longer afford that paradox. We must do a better job of educating our citizens on two essential points: first, that excessive government spending—and especially deficit spending—is inflationary; and second, that a big budget doesn't necessarily mean good government.

As you know only too well, the traditional measure of a government program's effectiveness has been the size of its budget. And yet imagine how foolish it would be to evaluate a private business according to how much money is poured into the production process!

Despite my preference for a more limited role for the Federal Government in our society, I would be among the first to admit that many government programs are extremely important and provide great benefits to our citizens. And it is for that very reason that we must do a better job of belt-tightening in these inflationary times. We must strive to spend our taxpayers' dollars in the most effective way possible.

When I think of effectiveness in government, I also think of getting power out of Washington and back to the people. I came to Washington with a strong bias that Government effectiveness could be improved through greater decentralization of the programs, and I have been encouraged by the progress of the New Federalism and, in particular, general revenue sharing.

My commitment to getting Government closer to the people has another dimension besides efficiency, however. I believe that the close proximity of citizens to their governmental leaders fosters a healthy political climate for the Nation. In a period when the public faith in all institutions, including Government, is at a low ebb, we must redouble our efforts to increase Government responsiveness and accountability.

There's no way, of course, to pass over lightly the trauma this Nation experienced for nearly two years. I don't intend to dwell on that this morning, but I believe it is important to point out that the fundamental strength of our Nation's political system and its people has been put to a severe test—and it has withstood the challenge.

However, the aftermath of Watergate, coupled with the lingering public cynicism over the conduct of the Vietnam War, have brought public confidence in politics and politicians to an all-time low. The tendencies of those in government to promise more than their programs can deliver, and to fail to acknowledge their own human weaknesses have intensified this crisis of credibility.

I leave Washington, therefore, with an even deeper appreciation of the responsibility of our leaders not only to protect the public interest, but also to safeguard the public trust.

I do not leave as a cynic, however, nor as a prophet of gloom and doom. I have confidence in my country, in my President, and in the future of the American people.

I do not subscribe to theories of irreversible trends toward economic self-destruction, despite the problems we now face and despite the re-emerging popularity of Thomas Malthus in the wake of the hunger crisis. It's easy to extrapolate trends on a chalkboard or in a computer. But it's also easy to underestimate the human factors that made the trends in the first place and that can always change the course in the future.

You know, Mark Twain onc observed that in a period of 30 years, the Mississippi River had shortened itself from 1,200 miles to 1,000 miles by erosion rounding off bends in the river. He then deduced in his best tongue-in-cheek manner that by the year 2000, the Mississippi River would only be 4½ miles long!

As we might expect from Mark Twain, there's a lot of wisdom in that story. Let's not allow our confidence to ebb or our hands to become tied by statistical history and projections. We are not on an escapable, predestined track. I believe in free will, and I believe in exercising is responsibly.

We certainly have opportunities now. To cite an example, OMB has calculated that if present trends in government spending continue until the year 2000, government will account for two-thirds of the economic activity in this country.

That is astounding, but the proper response to that projection is not to resign ourselves to it. Instead, we must decide as a Nation if that's the route we want to take for the rest of this century. If it's not—and I don't believe it is—we have the opportunity and the responsibility to act now to chart a different course.

Let me conclude by underscoring the confidence in America's future that was expressed so well by the President last night. I share that outlook, and I also want to challenge you to help make it a reality.

I must say that I have mixed emotions about leaving Government service at this time. However, I believe in setting priorities, and right now my priorities must be personal for my family.

It's time to go home now, for a while anyway.

Thank you.

PROPOSED CLOSURE OF UNDERGROUND COPPER MINES

Mr. METCALF. Mr. President, on Monday, November 25, 1974, the Subcommittee on Minerals, Materials and Fuels held a hearing on the proposed closure of the underground copper mines at Butte, Mont. Testimony was presented by officials of the Anaconda Co., Members of Congress, Montana Governor Tom Judge, the U.S. Bureau of Mines and the Montana State AFL–CIO. The following is a summary of the hearing

and the concerns expressed by other members of the subcommittee and me.

The basic position of the Anaconda Co. is that continued mining of the higher grade underground vein deposits beneath Butte Hill by traditional mining methods is neither economically nor technically feasible. The obligation of the Anaconda Co. is, therefore, to its stockholders first, and requires a new assessment of whether a different mining method might ultimately be implemented to recover the enormous quantity of copper still left in the rocks. This assessment will take a year or two, will reduce the need for underground miners to 165 jobs from its current level, and does not guarantee that underground mining will ever return to Butte Hill.

The Anaconda Co. states that since 1968 the underground workings have been marginal, at best. The company seems to have provided only a makeshift underground mining research and management program during these years. A program aimed at maintaining long-term vein mining viability through increasing worker productivity and efficient ore handling systems was not implimented at Butte. It appears, then, that the slow contraction through the years of the underground operations, culminating in the imminent closedown of the mines, is part of a slowly developing designed program to shift underground mining, if possible, to a large-scale bulk mining method.

A team of consultants, hired by Anaconda, originally suggested that it may be possible to save vein mining at Butte. By August of 1974, however, the consultants recommended that Anaconda close the mines and embark on a bulk mining assessment program. There was, without question, confusion in the minds of workers about the intention of the Anaconda Co. First came the public statements of consultants about the rosy future of underground vein mining; then the closed door corporate decision, taken in August of 1974, to eliminate the underground mines; then the public announcement of closure in the fall of this year; and finally the uncertainty that underground mining will ever return to Butte.

This lack of consistent statements and failure of the company to inform governmental officials of developing corporate plans has left Butte and the State of Montana unprepared for the serious adjustments necessitated by the shutdown. One may not be able to quarrel with the corporate need to profit maximize their operations, but when corporate actions have such a profound social and human impact, corporate responsibility, which Anaconda Co. owes to Butte, perhaps more than any other operational site, demands candor and cooperative future planning.

There are still a number of unanswered questions regarding the background material supplied to the subcommittee and future plans to the Anaconda Co. Specifically, the subcommittee has inquired of the Anaconda Co. for answers to the following:

First. What is the average assay value per ton of ore for the underground production—including all recoverable metals?

Second. Under existing contracts, what is the current shift labor rate and associated fringes in underground mining?

Third. What is the productivity—tons/man-shift—of those miners in the underground cut-and-fill operations?

Fourth. What is the labor cost as a percentage of direct operating cost—per ton—in underground mining?

Fifth. What percentage of the total mining cost is the "direct operating cost" per ton of ore received in the underground operation?

Sixth. On a per-year basis, what capital expenditures have been made in improving underground haulage, stoping, hoisting and general materials handling in the last 5 years?

Seventh. Please provide the monthly cost data associated with the underground mines at Butte over the past 12 months.

Eighth. Would Anaconda be receptive to offers of leasing current underground mining areas to responsible mining contractors? If not, why not?

Ninth. In the first 9 months of 1974 the production costs per pound of copper increased an average 1 cent per pound over 1973 costs while the price of copper increased almost 12 cents per pound over the 1973 price. In view of this relationship:

First. Why are the underground operations at Butte still unprofitable?

Second. What are the direct costs associated with milling, smelting and refining of this underground ore?

Answers to these questions are necessary to determine the validity of the statements made that present underground mining at Butte as economically infeasible.

The long-term plans of the Anaconda Co. will become clear with answers to the following:

First. What are the company plans for the extension of the Berkeley Pit further west from its present boundary?

Second. Please supply the estimated time frame for reaching the "hopeful" underground bulk mining production at Butte. Please include the breakdown of time needed for exploration, feasibility studies, construction and development period in a phased schedule to reach the production level.

Third. In the event that the feasibility study for underground bulk mining proves negative, how much ore—tonnage—reserves would be lost; and could the company recover the ore in the minable vein system by underground methods, after abandonment and flooding to the 3,900 level of the Kelley.

Fourth. Should all types of underground mining prove negative in the three exploration blocks, will the Anaconda consider mining these blocks by the open pit method? Would this necessitate expanding the Berkeley Pit into or closer to the downtown Butte area?

Fifth. Will the proposed 1975 geological budget for Butte—Miller testimony—of $3.11 million be funded and used to explore the Kelley, Steward-Belmont and Raves-Minnie Healy blocks for underground mining potential?

Sixth. Large underground bulk mining techniques normally result in surface subsidence. Would mining of the type suggested in the three exploration blocks result in surface subsidence in the downtown Butte area? If so, do you plan to purchase the area of surface disruption?

The subcommittee plans to hold further hearings during the next session of Congress. We should determine whether Anaconda's action is a forerunner for the rest of the underground mining industry, or uniquely peculiar to the Butte operations. It is important to note that underground bulk mining techniques can be utilized only for a small class of mineral occurrences. Some types of ore deposits must be mined, with current technology, by the traditional underground techniques or some variation thereof. Therefore, it is important to maintain research development and hardrock miner capabilities in the traditional techniques in order to utilize a large share of our mineral wealth, while at the same time developing new underground mining systems.

The human part of our concerns must direct our attention to insuring cooperative action between Government and industry when technical and economic conditions dictate major social change. Failure to view those social responsibilities with deep concern may afflict other long stable mining communities with the same uncertain future as now awaits Butte, Mont.

AN EXPRESSION OF THANKS

Mr. TAFT. Mr. President, I would like to take this opportunity to express my sincere thanks to those persons, departments, organizations and governments which most generously provided assistance to my staff aide, Mr. William S. Lind, during his recent fact-finding trip to the Federal Republic of Germany and to Great Britain.

I would firstly like to thank the distinguished chairman of the Armed Services Committee, Senator STENNIS, and the Secretary of Defense, Mr. Schlesinger, for their assistance in arranging the inspection of U.S. military facilities in the Federal Republic of Germany. I would further like to express my appreciation for the efforts of the Department of the Army; the U.S. Army, Europe; the V and VII Corps; and particularly to Lieutenant Colonel Hutton, who escorted Mr. Lind on this trip, and to Major Henry Gole, of the attachés office in the U.S. Embassy in Bonn. These efforts contributed greatly to a further appreciation on my part of the excellent work being done by the officers and men of the U.S. Army, Europe, to whom I believe we all owe our thanks. I additionally extend my thanks to the Federal Ministry of Defense, the Bundeswehr, and the 5th Panzer Division, for their efforts in relation to Mr. Lind's work.

My appreciation is also great for the efforts of the Government of the Federal Republic of Germany, the German Embassy in Washington, the Deutsche Bundesbahn, the New York office of the Bundesbahn, and the Munich regional transportation authority, the MVV, for

their very valuable assistance to Mr. Lind during his investigations, on my behalf, of the German transportation system. I am certain that the lessons learned from these investigations will prove valuable to me in my work on transportation matters in the forthcoming Congress.

Finally, I greatly value the efforts of the Embassy of Great Britain, the British Overseas Trade Board, British Rail, and London Transport to assist Mr. Lind, and thus to assist me, in further work in the transportation area. Again, I am certain the knowledge gained from these efforts will be of immense use to me in my continuing work on transportation legislation.

Mr. President, I am deeply appreciative of the assistance given my staff aide by all these persons, organizations, and countries. Their efforts have been of material assistance to me, and I am truly grateful.

COMMUNITY RESOURCES AND THE ELDERLY

Mr. MAGNUSON. Mr. President, on December 13, 1974, Mayor Wes Uhlman of the city of Seattle addressed a national forum on aging for local officials, sponsored by the National Retired Teachers' Association, and the American Association of Retired Persons. His remarks point out that though a great deal more needs to be done to address the needs of our Nation's urban elderly, we are making some progress at both the Federal and local levels.

Mayor Uhlman of Seattle has been appointed the chairman of a task force of the U.S. Conference of Mayors which will be studying the role cities can play in addressing the needs of the elderly. I know that many of us will be looking to groups such as the Conference of Mayors for guidance as to how we can best address the needs of older Americans.

Mr. Speaker, for the information of my colleagues, I ask unanimous consent to have printed in the RECORD the remarks of Mayor Uhlman.

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

COMMUNITY RESOURCES AND THE ELDERLY

America has become a throw-away society. We buy our beer in bottles and cans, throw them in the garbage, and truck them away to the dump.

We buy a car, drive it for two or three years, sell it to somebody else who drives it for a couple more years, and then we junk it, with half its life still left. Not because it's no longer functional, but often because it's not stylish or "convenient" anymore.

We do the same thing to our cities. Instead of redeveloping our urban areas for housing and industry, we abandon them, throw them away, build freeways out to the far reaches of suburbia where there is new land to use and throw-away.

And the greatest waste and tragedy of all is that we throw away people. When a man or woman reaches the age of sixty-five, we give them a gold watch and a retirement party and ship them off to somewhere else, anywhere but here. I've been to retirement homes, and worse yet, nursing homes, which sometimes are little more than junk yards for discarded people. We give these places pleasant sounding names like "Sunset House," but in fact, the sun has already set for many of those entering such institutions. They receive about as much care, attention, or love as an abandoned automobile.

Some of the more affluent can afford to live in retirement communities in distant places like Florida and Arizona, where they may truly enjoy their older years.

Most, however, are not so fortunate. Over twenty percent of the elderly in this nation—nearly five million people—live below the Federal poverty level. That means couples living on less than $185 a month. Think about that for a minute! That permits about seventy-five dollars a month for rent, three dollars a day for food—for two people—and very little else.

Another twenty percent of our older citizens live just above the poverty level. Only about a third of our elderly receive more than 7,000 dollars a year, which puts them into the upper income bracket for senior citizens.

This situation is the direct result of our scandalous pension and retirement systems, together with the unwillingness of the federal government to assure a decent income to elderly citizens. In fact, the latest federal insult to our low income elderly comes in the form of a proposal to make them pay more for Medicare and food stamps. So those older Americans already hurt the most by inflation are now being asked by this administration to make major new sacrifices to help the economy. In the jargon of bureaucratic newspeak, WIN means lose for millions and millions of older Americans.

Why do we allow this to happen? Why do we subject our elderly people to the humiliation and degradation of poverty, while robbing ourselves of the wisdom and experience and talents and skills they have learned over the years? Other societies honor and venerate their elderly. Why do we throw ours away?

The simple fact is that we are a youth-oriented culture. We worship that which is young—what is not young is not fashionable. Look at the most basic common denominator of our civilization—the television commercial. When was the last time you saw an older man or woman selling a car, or a soft drink—for those who think young—or even chewing gum?

So, we watch older people selling denture adhesives and laxatives and Geritol to other people, and that's about it. Magazine ads, movies, T.V. shows, it's all the same. There's just no place for the elderly. We even sing to each other—and to ourselves—such comforting popular songs as the one that says, "May you stay forever young."

Local governments cannot expect to erase the attitudes that are ingrained by our entire culture. Nor do we have the money or the resources to solve the complex and extensive economic problems of our elderly. But that doesn't mean that we should not try to do as much as we can, recognizing our own limitations. In fact, the U.S. Conference of Mayors last year asked me to chair a National Task Force on Aging, to examine what the mayors of this country can do about the problems of aging. That not only means looking at National legislation to help, but also exploring local programs within our own cities. I think that many people will be surprised by just how much a city can do with relatively little manpower and money. But with some commitment!

There are 78,000 older men and women living in Seattle, and in 1971 we made our first real commitment to help them. In June of that year, we established a Division on Aging, one of the very first city agencies anywhere in the country to handle the problems of older people.

We staffed that agency with both young people and old people. And we found a very energetic retired businessman to head up the whole operation. Under direction of Mort Scoowabacher, the Division on Aging has grown into a highly dedicated and professional organization. In fact, they have recently been designated our Area Agency on Aging—to plan and implement federally funded programs county-wide, in addition to continuing to oversee our own city program.

The progress our Division on Aging has made in cataloguing and then dealing with the needs of older people has been fairly remarkable, especially in light of the devastating reductions which have been made in the federal government's allocations for social programs. But there has been nothing magical about what we have done. Our efforts can be duplicated by any other city that is willing to make a serious commitment to assist its older residents.

One of the most important needs of older people is transportation. Many senior citizens are unable, or cannot afford, own and operate their own automobile. They are reluctant to impose on family and friends, yet the need to travel does not decrease with age. The trip to the doctor, to the store, to social and recreational activities—these are extremely important elements in the lives of older Americans.

Therefore, as any mayor knows, older people rely heavily on public transportation to meet their most basic needs. However, sixty or eighty cents each day for bus fare can be a tremendous burden to a person living on less than two hundred dollars a month. One of the very first battles that we fought—and won—was to get a ten cent fare on our city transit system for senior citizens. When Seattle Transit was later incorporated into a new county-wide transit system, we insisted that Metro continue the ten cent fare as a part of their regular fare structure.

Just as important as the bus in breaking the isolation of senior citizens is the telephone. It provides a direct link to friends and relatives, to consumer information, to the doctor, to police and fire assistance, and even emergency medical care. It is more than a luxury—it can literally mean the difference between life and death. Yet again, a cost of eight or ten dollars a month can be a tremendous expense to people on very limited incomes. Recently I appeared before our state Transportation and Utilities Commission to request them to order our local telephone company to provide special rates for elderly persons. An experimental program was ordered; we expect a more extensive program next.

My appearance alone would have meant very little, but I was accompanied by representatives of our Elder Citizens Coalition, diverse groups of senior citizens which have joined together to lobby for needed legislation on the state and local level. It was our Division on Aging which provided the staff support to found the Elder Citizens Coalition of Washington. Older people must band together if they ever expect to exercise the political and economic clout needed to prompt legislators in the right direction. That's the plain hard truth about the way our system works. I was a legislator for ten years, and I know. It's no different in the Congress.

Telephone rates are only one element in the rising cost of maintaining a household. Many millions of this country's older residents remain in substandard apartments or in homes which they cannot really afford to maintain.

Last year, I visited the home of an elderly woman in Seattle, who had no hot water in her house for three weeks. She explained to me that her water heater had broken, and she did not have the money—18 dollars—to have it fixed. I am frankly outraged that this sort of thing is allowed to happen in this

country. It's not happening in Seattle anymore. Seattle City Light, our city-owned electric utility, now provides free parts and labor to repair major electrical appliances for senior citizens. That includes stoves, water heaters, and electric heating systems. Recently I requested our City Council to extend to our low income elderly a special scale of reduced rates for all our city utilities—not only electricity, but water, sewage, and garbage collection as well.

When shared by the rest of the general population, the cost of these special considerations is small indeed. But to the older person struggling to make it on a fixed income—$92.50 per month—such benefits can make a very great difference indeed. Countless other things, all relatively inexpensive, add up to real assistance for older Seattle residents. Some of these include:

Reduced fees for pet licenses;

Crime prevention workshops aimed at the crimes specifically preying on older people;

Two senior centers, with a third now funded for opening next year;

A weekly radio program with news for older persons;

Special concerts, tours, fairs, dances, and other programs;

Theater and restaurant discounts;

Employment counseling, training, and placement services; and

Federally funded nutrition and outreach programs.

The list goes on and on, with older people themselves coming up with many of the ideas for additional programs.

Even the public schools have recently joined the effort. Just this fall, we inaugurated a program called SPICE—an acronym for School Program Involving the City's Elderly. SPICE provides low cost lunches for senior citizens in twelve elementary schools around our city. But in addition to the meal, there is also the chance to socialize, tutor, learn a craft or skill, help with the children, and in general, break down the age barriers that have become so firmly established in our society.

The SPICE program particularly recognizes that older people have very special talents and skills which are still useful. They can and should be passed on to younger generations. In fact, when we talk about community resources and older Americans, we should remember that older people are themselves a unique and valuable resource. The knowledge and experience which they have accumulated over the years is irreplaceable; to throw them away at an arbitrary age is not only inhumane, but wasteful and foolish.

We must break our habits of throw-away culture. I suggest that we start immediately by conserving and utilizing our elderly as a national resource.

As more and more people live for more and more years; as higher and higher concentrations of elderly people congregate in our urban areas; as senior citizens become more organized and more vocal in demanding a fair share of the amenities our nation has to offer; as all these things happen, the challenge facing local elected leaders will become more and more urgent. Our response to that challenge, on the national, state and city level, will largely determine whether the promise of a long life is in actuality a blessing, or a curse.

POLITICAL REPRESSION IN CUBA

Mr. GURNEY. Mr. President, there is an old Spanish saying that "behind a storm comes the calm." In my part of the country, where tropical storms are all too prevalent, we know what this phrase means, and it takes on particular significance when viewed in respect to any discussion of Communist Cuba. Swirling out of the Caribbean, tropical storms often hit with a destructive blow only to be followed by the deceiving calm of the eye of the storm. Then, for those who venture innocently away from shelter, the storm strikes again with savage fury once that deceptive calm has passed.

Mr. President, in spite of the wise action taken in Quito, I caution my colleagues and those in the administration who are responsible for the implementation of our foreign policy not to be lulled into the ill-founded belief that Cuba is now ready to change her ways and be our friend. While it may seem that the storm has passed, it has not; at best, we are only standing in the eye of the problem.

While I was most encouraged to see that the Organization of American States refused last month to lift the diplomatic and economic sanctions against Fidel Castro, I am still concerned by the prospect that this decision might soon be reversed. After all, 12 nations, only 2 short of the number required, voted to lift those sanctions while only 3 opposed the move and the U.S. decision to abstain, while effective this time, weakens our bargaining position in the long run. Like it or not we seem to have moved, as a result of Quito, one step closer to the day when Castro will be recognized and the trade embargo against him lifted.

From the time that the Castro regime came to power on January 1, 1959, it has deliberately tried to undermine the established governments in Latin America and to destroy the entire inter-American system. In that process it has closely alined itself with the Soviet Union in an active, aggressive partnership predicated upon those totalitarian policies and techniques necessary to insure Castro's dictatorial control over the Cuban people. This situation now confronts every nation of this hemisphere with a grave and pressing challenge to the continued survival of the free world as we know it.

The challenge I speak of is not related to the fact that the Castro regime sprang full born from revolution on the promise of sweeping social and economic reform. At its inception, the world welcomed the advent of a new government, with free elections, a free press, freedom of religion and social justice for the Cuban people in addition to respect for Cuba's international obligations.

The challenge I speak of grows from the fact that the Castro regime has betrayed the very revolution that brought it to power. Castro has betrayed his trust by delivering Cuba into the hands of powers alien to this hemisphere and by transforming his revolution into an insidious instrument deliberately intended to suppress the Cuban people while subverting the duly established governments of other American republics.

Since August 1960, when Castro's delegation walked out of a duly constituted OAS foreign ministers' meeting prior to the approval of the declaration of San Jose, which condemned Sino-Soviet intervention in the Americas, this pattern of disregard has crystalized with alarming rapidity and unmistakable clarity. As I have indicated in earlier statements to this body, the Castro regime frankly admits and publicly proclaims that its revolutionary dogma is to be exported throughout the hemisphere. The activities of so-called Cuban diplomats and other subversives, the training of foreigners in Cuba in sabotage and subversive techniques, and the intense propaganda campaigns throughout the Americas clearly demonstrates the manner in which other countries are being attacked by Fidelista movements.

Since its inception, the Castro dictatorship has established such extensive and interdependent political, military, economic, and cultural bonds with the Soviet Union and other Communist nations that Cuba has become no more than a Soviet satellite in the Caribbean. Far from rejecting Soviet attempts to extend their influence within this hemisphere, the current Cuban regime is a complicit coconspirator in the effort to advance it.

Not only is the Castro regime a personal tragedy for the millions of Cubans unable to escape it, but I shudder to think of what recognizing it, or appearing to condone it, would mean for the cause of freedom elsewhere in this hemisphere. It certainly would not augur well for the future of democracy in the less stable countries. Here in this country we have always followed the classic Greek notion that "nothing impresses men more about power than restraint in its use." Unfortunately, Castro has distorted this concept and now believes that there is no use for restraint in his exercise of power.

Indeed, Castro, the liberal reformer who promised social justice and free elections while a rebel in the mountains of Sierra Maestra, has regressed to Castro, the dictator of more than 8 million Cubans. Political opposition is suppressed, those critical of the regime have been jailed or executed and the possibility of a progressive democracy has degenerated into a Communist cell in the Caribbean. In the book, "The Intelligence Service of Communist Cuba," Pepita Riera states that Castro has executed 10,000 persons and imprisoned some 100,000 in 23 concentration camps, 56 prisons, and 9 work camps scattered throughout the entire nation. Fidel himself admits to having 20,000 political prisoners.

In addition to those executed and those incarcerated, there is right here in our Nation a dramatic indication of the severity of political repression in Cuba. As I pointed out in a floor statement October 10, that indicator is the great mass of refugees who have fled the brutal Castro dictatorship: some three-quarters of a million refugees at last count. The flow increased to a human flood as Castro clamped down on free enterprise, free press, free speech, freedom of religion, and freedom of action. It accelerated even further with the airlift, and it continued even after the airlift was ended. For 15 years now, the flow of refugees to the United States and elsewhere has continued. So offensive has this regime been to Cubans that many refugees risked life and limb to leave Cuba, to say nothing of giving up all their worldly possessions.

One estimate has it that over 11,000 Cubans have fled to this country by boat or raft—often traversing the 90 miles in imminent danger of drowning, or capture by Castro's vessels, or both.

Those who have been fortunate enough to flee have told us that those early excesses of autocratic rule, the executions, were only the harbinger of a brutal dictatorship dedicated to stamping out, wherever possible, personal freedom and human dignity.

It is an accepted fact today that Cuba is a highly militarized society, dominated by three forces; the army, the Communist Party, and the committees for defense of the revolution, the CDR's The CDR's constitute a local revolutionary control force. Organized on a neighborhood level they are responsible for rounding up counterrevolutionaries, running seminars and other revolutionary propaganda sessions, policing workers on the job, and checking the quality of public services. We all remember that, while it was the army that Castro used to take over the farms for nationalization, it was the CDR's that he turned to in order to nationalize small business enterprises in 1968.

While there are only some 200,000 members of the Communist Party currently in Cuba, it is estimated by the U.S. Department of State that perhaps as many as 3.8 million, or almost half the population of that nation, are members of the CDR's. Castro has established as his first goal of the revolution, the creation of the "new Socialist man" and assigned this task to his CDR's. He has left to them the task of eliminating what remains of religious influence, inbuing the citizenry with unselfish patriotism and revolutionary zeal, doing away with the Latin American self-image of machism, and promoting attitudes of Communist self-discipline and sacrifice.

Mr. President, Castro's new nationalism can be defined largely as hatred of the United States. And I suggest that any rapprochement is bound to be interpreted throughout Latin America as a victory for Castro over the United States.

As an attorney and member of the Judiciary Committee, I am acutely aware that, whereas some discretion is the lifeblood of a legal system, abuse of discretion is the wellspring of tryanny. Therefore, when I read a recent report by Frank McDonald, a former prisoner in Castro's island, I was reminded once again of how bad things are there.

Mr. McDonald stated that those persons simply accused of being a threat to Cuban security are picked up and held incommunicado without right to counsel until just 15 fifteen minutes before their trial. In total isolation and completely dependent upon the whims of the interrogator—who, as supreme authority under revolutionary law, acts as prosecutor, defense lawyer, judge, and jury in one—a prisoner's chance of being found innocent based on objectively presented evidence is minimal—the interrogator's final decision about a case is, in effect, the final word. To wit. Mr. McDonald remembers his inquisitor telling him, "The revolution has placed me in charge of this problem and what I decide will be the critical factor in the end."

In practice, there is no limit to how long a detainee may be held incommunicado even though, in theory, the legal code prohibits the police from isolating a prisoner for more than 45 days. This is only symptomatic of the Cuban declaration that "we respect the law. Our law. The revolutionary law."

Mr. President, we in this Chamber have recently spent many long hours discussing freedom in Russia. More than 70 of my colleagues and I have joined in attaching an amendment to the foreign trade bill calling for free emigration of all peoples. Yet, there are those who would repudiate their support for this measure by advocating recognition of Castro, the same Castro who, on April 6, 1973, ended the airlift, discontinuing Cuban freedom flights and thereby making his remaining 8 million subjects prisoners of his tyrannical island nation.

In this Chamber, we have also expressed our outrage at the disgraceful treatment accorded the Nobel Laureate Alexander Solzhenitsyn and indicated our shock at the revelations in his book, "Gulag Archipelago," and yet we have not indicated corresponding emotions about Castro's repressive regime. Castro has stifled the press. His ministry of interior's censorship section, one of his largest secret operations, has a monopoly on postal, radio, and telephone communication. In addition, all press and translations are state controlled. His division of public operations openly conducts security investigations and engages in acts of political repression against all those who will not reform and are therefore guilty of "counterrevolutionary" activities. His secret operations division comprises a national internal intelligence corps responsible for the covert collection of counterintelligence information through foreign embassies and alleged subversion by spies, infiltrators, and undercover operatives.

In addition, Castro maintains a department of state security for the purpose of counterintelligence and political repression. A committee of this body has information indicating that this ministry is charged with providing direction and overall guidance to the nation's voluntary security forces such as the CDR's and the militia. The prime purpose of this unit is to collect and disseminate the appropriate minions' intelligence on the regime's detractors.

Through all this it should be obvious that Castro has succeeded in producing a repressive state before which even Mao's Red guard must pale by comparison. Even the Catholic Church in Cuba, an integral part of the Cuban heritage, has been stifled and religion has been reduced to a level at least as insignificant as it is in the Soviet Union.

Mr. President, if we are to change our stand, and I for one sincerely hope and urge that we do not, the very least I can do is to take no action until he loosens his iron stranglehold on the freedom-loving people of Cuba. And I call to mind the words of the great Cuban patriot Domingo Goicuria who, standing at the foot of the scaffold upon which he was to be hung said, "A man dies and a nation is born." I would hope that Castro might profit from his example.

RECOMMENDATIONS ON HANDLING OF CLASSIFIED MATERIALS

Mr. MUSKIE. Mr. President, during the next session of Congress, we expect to consider legislation which could reform the Federal espionage laws.

Mr. William G. Florence, a consultant on security classification matters and a former director of security for the Department of the Air Force, has provided the insights of many years experience in the handling of classified materials in a letter to the chairman of the Senate Judiciary Subcommittee on Criminal Laws and Procedures, Senator McCLELLAN.

Mr. Florence sent a copy of this letter to me and I believe that his analysis merits careful consideration.

I ask unanimous consent that his letter be printed in the RECORD.

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

WASHINGTON, D.C.,
November 27, 1974.

Hon. JOHN L. MCCLELLAN,
Chairman, Subcommittee on Criminal Laws and Procedures, U.S. Senate Committee on the Judiciary, Washington, D.C.

DEAR SENATOR MCCLELLAN: I deeply appreciate the letter of October 15, 1974 that you and Senator Hruska sent me in transmitting a copy of the revised draft bill on reform of the Federal Criminal Code.

This reply to your letter was delayed until Congress completed action on H.R. 12471 to amend 5 USC 552, commonly known as the Freedom of Information Act. One of the changes to that Act nullified a proposal in the draft bill to criminalize the disclosure of what is termed "classified information."

Sections 1111, 1121–1125, and 1128 of the draft bill regarding sabotage, espionage, and related offenses require extensive revision in order (a) to serve national defense requirements and (b) to support the First Amendment right of free speech. Those provisions are substantially the same as the comparable sections of the existing S. 1400, except for improvement in section 1122 on disclosing "national defense information." That is the bill that was written by the Department of Justice for introduction in 1973.

The objections to S. 1400 and my recommendations for changes that could have made it acceptable to all freedom loving Americans were given to your Subcommittee when I testified May 9, 1974. My prepared statement regarding S. 1400 applies equally to the proposals which have been carried forward in this new draft bill. The statement begins on page 6910 of Part X of your Subcommittee's report of hearings on S. 1 and S. 1400. The following comments update that statement.

Section 1111.—Sabotage—Erroneously numbered 1011 in the draft:

Delete the item "classified military projects" in 1111 (a) (1) (C) (1).

The word "classified" has no practical meaning in the draft statute.

The fact that someone inserted this item in the proposed bill shows how completely many people can be deceived into believing that the mere existence of a so-called security classification designation on a project automatically proves the project to be of such great importance that nobody should ask about its identity or its value to the defense of this nation.

It would seem that any intent of your Subcommittee to provide the *death* penalty for sabotage, according to section 2401, would be coupled with firm insistence that the offense could be publicly explained in plain English as an evil warranting that punishment.

Additional comments about the outmoded military security classification system currently promulgated in Executive Order 11652 appear under section 1124.

Section 1121.—Espionage:

This section would replace 18 USC 793 (a)–(c) and 794 (a)–(b). But it would substitute some confusing language for clear provisions of law which have been interpreted by the Supreme Court and which have served the defense needs of this nation since 1917.

The proposed replacement of an intent or reason to believe that some information *"is to be used"* for an evil purpose with "knowing that . . . information *may be used"* for an evil purpose would change the thrust of existing law. A *"may be"* type of offense could not justify the death penalty that would be provided by section 2401 and is now provided in 18 USC 794 (a) and (b).

The proposed replacement of "injury of the United States" with "prejudice of the safety or interest of the United States" as the basis for prosecuting an accused would extend existing law beyond Constitutional limits.

My statement of 9 May 1974 contains recommendations for revising section 1121, including (a) continuation of the current court-tested and understandable term "information relating to the national defense" instead of the proposed new *short-hand* term "national defense information," (b) deletion of the proposal in (b) (1) (B) to define certain *information* rather than evil intent as being a basis for the death penalty or life imprisonment, and (c) continuation of law in 18 USC 794 (b) for an *intent to communicate* information to an enemy in time of war.

Section 1122.—Disclosing National Defense Information:

This section would replace the *disclosure* offenses of 18 USC 793 (d) and (e), which apply to persons *lawfully having possession* of specified things and information and persons *having unauthorized possession* of such specified things and information.

To assure continuation of effective law and keep it within Constitutional limits, 1122 (a) should be changed to read substantially as follows:

(a) Offense. A person is guilty of an offense if, knowing that *information relating to the* national defense may be used to the *injury* of the United States, or to the advantage of a foreign power, he communicates such information to a person who he knows is not *entitled* to receive it.

Comments under section 1121 above and those in my statement of 9 May 1974 regarding the proposed use of (a) "prejudice of the safety or interest of the United States" instead of "injury of the United States," (b) the *shorthand* term "national defense information" instead of the court-tested and understandable term "information relating to the national defense," and (c) the word "authorized" instead of "entitled" apply here.

Section 1123.—Mishandling National Defense Information:

This section is intended to combine (a) the offenses in 18 USC (d) and (e) regarding willful retention of information, (b) the offenses in 18 USC 793 (f) involving negligence, and (c) a *new* proposal to make it a criminal offense for a person, being in "authorized" possession or "authorized control" of so-called national defense information, to recklessly violate a duty imposed upon him by some statute, order, regulation or rule designed to safeguard such information.

To assure continuation of effective law and keep it within Constitutional limits, *extensive* revision of section 1123 substantially as recommended in my 9 May 1974 statement would be required.

It is emphasized that, among other essential changes, 1123 (a) (1) (D) should be eliminated entirely. Bureaucrats would be given authority to allege criminality on the part of millions of people who might handle an item of information in a manner different from some order, regulation or even a rule. This would include people working for civilian contractors as well as all other individuals in or out of the government who become subject to such order, regulation or rule.

It is of special importance to note that 1123 (a) (1) (D) and other subsections would criminalize individuals without any requirement whatsoever to show that an alleged violation of a procedural matter of other alleged offense could affect the national defense, or even prejudice the safety or interest of the United States.

Section 1124.—Disclosing Classified Information:

This section and section 1124 of S. 1400 are substantially the same. The Department of Justice indicated to your Subcommittee that, as part of S. 1400, this section would simply combine the provisions of the following existing statutes regarding the disclosure of so-called classified information to any person "not authorized" to receive it: 18 USC 798, 50 USC 783 (b), and 42 USC 2274 and 2277.

However, that is not entirely factual. The truth about the relationship of those statutes to classified information and the difference between them and section 1124 is explained in my 1974 statement.

I suggest that for the reasons given in my previous statement:

(1) The existing provisions of 18 USC 798 regarding the unlawful disclosure of *cryptographic information* and *communications intelligence* "specifically designated by a United States Government agency for limited or restricted dissemination or distribution" should be continued as a separate section of the criminal code.

(2) The provisions of 50 USC 783(b) regarding disclosures by *federal* personnel to foreign agents and Communists of information designated by the President or an agency head for protection is no longer necessary to serve national defense needs. Under the new Freedom of Information Act amendments, the previous unchallengeable status of a "classified" designation ceased to exist. The offense involved actually is included in section 1122 on disclosing information relating to the national defense.

(3) The provisions of 42 USC 2274 and 2277 should remain unaffected as currently applicable to atomic energy "restricted data." If your Subcommittee determines that offenses involving disclosures of "restricted data" should be taken from the Atomic Energy Act and put in the espionage provisions of the criminal code, the definitions and related text in its entirety should be moved.

The fatal flaw of section 1124 is the assumption of its authors that the administrative placement and retention of a Top Secret, Secret or Confidential security classification marking on an item of information under procedures provided in Executive Order 11652 automatically gives that information a degree of importance that overrides our Constitutional right of free speech. That is a hoax, which was exposed in my statement of 9 May 1974.

The newly developed language in the October draft of section 1124 about (a) some government agency insuring that other government agencies "lawfully" classify information, and (b) some people in the Executive branch certifying that an item of information was "lawfully subject to classification" when it was disclosed as just so much rhetoric.

Under Executive Order 11652 there now exists the Interagency Classification Review Committee. It is represented by the Executive branch as having responsibility for insuring adherence to the classification procedures and restrictions in the Executive order. The committee's members are drawn from agencies of the Executive branch. They cannot possibly stop or change classification actions specified by heads of agencies.

As an indication of the false philosophy of secrecy that could be expected of Executive branch agencies in certifying an item of information "was lawfully subject to classification at the time of the offense," I submit the attached response of 29 August 1974 by the Department of Defense to a query from the House of Representatives Freedom of Information Committee as to whether the Confidential classification on some *non-classified* information was really authorized under Executive order 11652. (Attachment 1) You will note that DoD retained the classification marking on the information even though it is actually identified as being nonclassified.

Of special significance to your Subcommittee is the response in Attachment 1 that was made to the query whether the Department of Defense could establish policy and procedures of such effectiveness as to limit the assignment of a security classification to information the disclosure of which should subject an individual to prosecution. The answer, in effect, was *"no."*

I also submit the following partial results of a study I am making of the application of the Executive Order 11652 security classification system to industry and academic institutions. Based on interviews and inquiries of numerous organizations with about 2500 Government classified contracts totalling over $1.2 billion:

(1) Most contractual information now being classified could not qualify for secrecy under the "damage to national security" classification criteria of Executive Order 11652.

(2) Government people do not understand how unrealistic their classification requirements are for technical information.

(3) Exemption of classified documents from the Executive order's declassification schedule of 10–8–6 years results in perpetuating classifications. About 85% of classified contract information is exempted from declassification for 15 to 30 years.

Your Subcommittee should cease the effort to use a security classification marking system as a means of specifying an offense under law, especially since every classification marking assigned by the Executive branch has now become subject to legal challenge and judicial examination as to its validity in relation to requirements of national defense.

Section 1125.—Unlawfully Obtaining Classified Information:

This section is intended to carry forward the purpose of 50 USC 783(c). That statute now makes criminal an action by a foreign agent or a Communist to obtain or receive so-called classified information which federal personnel are prohibited from disclosing to them under 50 USC 783(b).

The offense really is espionage, which is covered in section 1121. The purpose of providing for prosecution without challenge to the validity of the security classification marking on an item of information has now been overtaken by the new amendments to the Freedom of Information Act.

Therefore, section 1125 should be eliminated.

Section 1128.—Definitions for Subchapter C:

My statement of 9 May 1974 about the objectionable definitions proposed in S. 1400 applies to the proposed definitions in this draft bill. Specifically, the suggested definition of "authorized," "classified information," "national defense information," "communicate," and "restricted area" should be deleted.

If the term "information" must be defined, I urge that the following, which reflects the dictionary definition *plus* many years of usage by the Department of Defense, would be most appropriate:

Information means knowledge which can be communicated by any means, including knowledge which can be obtained from a document or other thing.

The proposal to say that "information" includes "property" should be deleted.

Section 2401.—Death Sentence:

My final comment on this October 1974 draft of a new Federal Criminal Code is that:

(1) The phrase "danger to the national *defense*" should replace "danger to national security" in section 2401(a)(1)(B), *and*

(2) The phrase "protection of the national *defense*" should replace "protection of the national security" in section 2402(b).

If the death sentence is to be imposed for an offense under sections involving treason, sabotage, or espionage, let us make clear that the *defense* of this nation is what would justify such punishment.

Sincerely,

WILLIAM G. FLORENCE.

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., August 29, 1974.

Hon. WILLIAM S. MOORHEAD,
Chairman, Subcommittee on Foreign Operations and Government Information, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: By letter, dated August 12, 1974, I was requested by the Subcommittee staff to furnish responses to 13 questions for inclusion in the hearing record for the hearings on H.R. 12004.

I am pleased to furnish herewith the information requested.

Please let me know if I can be of further assistance in this matter.

Sincerely,

D. O. COOKE,
Deputy Assistant Secretary of Defense.

Enclosure: Questions 5 and 12 are appended to this copy of the DOD response.

QUESTION NO. 5 AND DOD RESPONSE TO HOUSE OF REPRESENTATIVES FREEDOM OF INFORMATION COMMITTEE

Question 5: With reference to instructions in paragraph 2-314, DOD 5200.1-R, for classifying compilations of information:

A. May documents containing only *non-classified* information be marked with a classification?

B. If it is intended that a document must contain some information bearing a classification if the document is to be given a classification, why does the Department of Defense distribute under a Confidential marking the *non-classified* information in the "Technical Abstract Bulletin Indexes" that is published by the Defense Documentation Center, Defense Supply Agency?

[COPY APPENDED TO THIS DOD RESPONSE]

C. Why encumber DoD 5200.1-R with a paragraph that could be used as a basis for putting a classification marking on *non-classified* information such as is contained in the Defense Documentation Center Bulletin Number 74-15, 19 July 1974.

D. What is the basis in Executive Order 11652 for the Classification Notice on page 1 of DDC Bulletin 74-15 to authorize individuals, including those outside the Executive Branch, to judge whether a compilation of two or more items of *non-classified* information merits a security classification?

Answer: A. It is the general policy of the Department, as spelled out in paragraph 2-314, DoD Regulation 5200.1-R, that a compilation of unclassified items should not be classified. However, as indicated in the answer to Question 4, there are rare and unusual circumstances in which the necessary added factor is introduced which would warrant classification. In no case, however, may a compilation of official public releases be classified. Moreover, paragraph 4-203 requires that in those cases where classification is required to protect a compilation of information, an explanation of the basis for such classification will be included on the document or in its text.

B. As stated on page 1 of Defense Documentation Center Bulletin Number 74-15, 19 July 1974, ". . . TAB is also classified because it has been determined that an aggregation of otherwise unclassified items of RDT&E information as presented in TAB would provide a foreign nation with an insight into the war potential or the war or defense plans or posture of the United States." Therefore, the unlimited distribution of total unclassified DOD RDT&E efforts would greatly facilitate the intelligence collection efforts of nations whose interests are inimical to those of the United States. Moreover, while some of the reports contained in the TAB are not classified, many of these are marked to show that distribution is controlled.

C. The answer to this question is contained in answers provided previously in Question 4 and Question 5.A., above.

D. The classification of a compilation of unclassified information is a rare and unusual occurrence and can only be accomplished by an authorized classifying official.

In the case of the TAB, classification principles must be applied on a "common sense" basis and those persons without classification authority are bound by the provisions of paragraph 2-600, "Tentative Classification." See also response to Question 8. Section 10, Executive Order 11652, specifies that, "in an exceptional case when a person or Department not authorized to classify information originates information which is believed to require classification, such person or Department shall protect that information in the manner prescribed by this order. Such persons or Departments shall transmit the information forthwith, under appropriate safeguards, to the Department having primary interest in the subject matter with a request that a determination be made as to classification." The Regulations of this Department are consistent therewith.

TECHNICAL ABSTRACT BULLETIN INDEXES CLASSIFICATION NOTICE

Although individual entries in TAB *Indexes* are unclassified, this bulletin in its entirety is classified confidential primarily because it has been determined that an organized aggregation of a large body of research and development information warrants protection in the interest of national security. Although individual entries may be extracted from it on an unclassified basis, the same classification principle should be applied on a "common sense" basis to accumulations of individual extracts prepared and/or published by users of TAB *Indexes*. (See Note below)

Two factors supported the decision to publish TAB *Indexes* in classified form:

a. Its comprehensiveness, considering the very large number of DoD RDT&E documents indexed and/or listed in it and the detailed information provided with respect to these documents.

b. Its wide dissemination which makes it difficult to assure that, in unclassified form, it would not fall into unfriendly hands.

Note: The same factors must be considered in judging whether compilations of extracts from TAB *Indexes* merit a security classification: the number of unclassified entries in a single compilation, and the extent to which the compilation is to be disseminated. If either or both is so limited as to provide assurance to the compiler that the total does not warrant classification, then such compilations need not normally be classified, particularly if the extracts are considered to be individually of a low order of security sensitivity.

QUESTION NO. 12 AND DOD RESPONSE TO HOUSE OF REPRESENTATIVES FREEDOM OF INFORMATION COMMITTEE

Question 12: In the course of the Department of Defense testimony, the view was expressed that the existence of a classification marking on an item of information was not enough to show that unauthorized disclosure of such information should be made a crime. The question arises whether the Department of Defense could establish policy and procedures of such effectiveness as to limit the assignment of classification to information the unauthorized disclosure of which should subject an individual to criminal prosecution? If so, what would be the general nature of the departmental directive?

Answer: Under the criminal statutes, as they now read, the Government must establish that the unauthorized disclosure could endanger the national security. Under the terms of 18 U.S.C. 793 the Government must show that such a disclosure was done under the circumstances in which the individual has reason to believe that the information could be used to the injury of the United States or to the advantage of a foreign power. The security classification marking is only one piece of evidence tending to show an administrative determination that the information, if disclosed in an unauthorized manner, would endanger the national security. But there is no way a departmental directive could predetermine that the unauthorized disclosure should subject an individual to criminal prosecution. While a court might give some weight to the security classification marking, it still would require the Government to prove beyond a reasonable doubt that all of the elements of the criminal statute have been satisfied.

TRIBUTES TO WALLACE F. BENNETT

Mr. STENNIS. Mr. President, as the Senator from Utah (Mr. BENNETT) retires from the Senate, he goes with the esteem and great respect of the membership of this body.

A review of his fine work here has already been made by a fellow Member and I shall not repeat this.

In addition to his broad and extensive official achievement here, Senator BENNETT has been a leader and a strong influence in the spiritual affairs of Washington and of the Nation. Moreover, he has been a most helpful influence in the spiritual life and experiences of his fellow Members, including his leadership in the affairs and programs of the Senate breakfast group, of which he served as chairman and leader for a considerable time.

More importantly, he has lived up to his teachings in all respect and has been

an example of honor and honorable conduct in official and in private affairs. These things will add up to strength and leadership—and that is exactly what WALLACE BENNETT has been—a strong leader in high spiritual things and in sound Government policies.

It was my privilege to serve for some 14 years with Senator BENNETT on what is known as the Senate Ethics Committee. There, over many years and in many, many ways I saw his fairness, his honest approach, and his sound conclusions in operation, much to the benefit of the Senate and the Nation. He took an active part in the writing of the first written code of ethics ever adopted by the U.S. Senate.

Our Nation is stronger, our people are happier and more secure, and our economy is sounder because WALLACE BENNETT saw fit to have a public and official career.

In all of this, Mrs. Bennett has contributed and helped in a substantial way. We bid them godspeed and pray that the God they so faithfully serve will bless and sustain them now and in the years ahead.

Mr. CURTIS. Mr. President, it has been my privilege to sit next to Senator WALLACE BENNETT of Utah during the deliberations of the Committee on Finance for a number of years. This has been a privilege indeed. WALLACE BENNETT is one of God's noblemen.

Associating with WALLACE BENNETT gives one an opportunity to learn a great deal. Senator BENNETT has a long record of success in the field of business. This involves several types of businesses. He could share experiences with his fellow committee members that often illustrated an important point in reference to our tax structure. WALLACE BENNETT is a man of great breadth and he is always able to grasp not only the details of legislation, but the significance of the broad principles involved. He has truly made an outstanding contribution to the cause of good government.

Senator BENNETT is very knowledgeable in all fields, but he has special expertise in several. The entire Senate looked to him for guidance in reference to sugar legislation, housing legislation, and banking legislation. I am sure that those who served with him on the Committee on Banking, Housing and Urban Affairs have had a rewarding experience, such as I have had.

WALLACE BENNETT is highly respected by all individuals in government and our national leaders outside of government. He and his wife, Frances, are indeed superior people.

Senator BENNETT has chosen to retire. We will miss him personally, but in addition to that, the country will miss the unusual service that he has rendered over the years. We extend to him and Mrs. Bennett every good wish for their retirement years. We hope that all of their surprises will be pleasant ones.

Mr. MCCLELLAN. Mr. President, with the retirement of Senator WALLACE F. BENNETT, the people of Utah lose a strong voice in the Senate and the people of the United States are deprived of a dedicated and diligent public servant.

During 24 years of service, Senator BENNETT has played an important role in legislative policymaking in the fields of taxes and finance. His has been a voice for fiscal conservatism—and the current fiscal disarray is clear evidence that his voice should have been heeded more often.

Senator BENNETT has not only achieved an enviable record in fiscal matters, but has played a leading role in obtaining approval of irrigation and water storage projects that have been of vital importance to Utah and the West. While it has not been my opportunity to serve with him on a committee, we have had the pleasure of delightful associations in fulfilling other secretarial duties, and I am proud indeed to have his friendship.

Mrs. McClellan joins me in wishing Senator and Mrs. Bennett peace and contentment in their retirement. May they know many long years of good health and boundless happiness.

Mr. MONTOYA. Mr. President, this year many dedicated and devoted public servants are leaving the Senate. Among those is Senator WALLACE BENNETT of Utah.

Senator BENNETT has served with me on the Joint Committee on Atomic Energy, and I have been privileged to observe his hard work and expertise in many difficult areas of Government. We will all miss his help in the difficult months ahead.

I know that his 24 years of service in the U.S. Senate will assure him the honor and place in history which he deserves.

As he returns to the beautiful State of Utah, I wish him many years of happiness.

Mr. HELMS. Mr. President, on this last day of the 93d Congress, I am more mindful than ever that this Senate is losing one of its greatest members, the distinguished Senator from Utah (Mr. BENNETT).

WALLACE BENNETT has been an inspiration to me since the day I arrived here almost 2 years ago. In every way, he has been a credit to this body. His every action, his every word, has a motivation of decency, responsibility, integrity, and courage.

One evening last year, I attended a dinner here at which many tributes were paid to Senator BENNETT. He listened with appreciation—and I wondered how he would respond to the testimonials.

He arose quietly, looked around, and said:

> I thank you, all of you, very, very much. I noted that one of my friends, who just spoke, mentioned that good men are scarce. With that in mind, I expect I'd better sit down, and try to make myself scarce.

Good men, Mr. President, are indeed scarce. And with the departure of WALLACE BENNETT from the Senate, they will be even scarcer here. But he carries with him, as does his lovely wife, the respect, affection and admiration of every member of the Senate—and especially of Mrs. Helms and me. We wish these two wonderful people, WALLACE and Frances Bennett, good health and happiness.

Mr. JAVITS. Mr. President, for the past 24 years, WALLACE BENNETT has graced this Chamber with his quiet, effective, and deeply thoughtful leadership. We have come to expect WALLACE BENNETT's leadership in many areas, but none more so than the crucial realms of banking and finance.

Few men have played so large a role in determining tax, trade, social security and financial legislation of this country.

One of the most innovative and imaginative pieces of legislation in recent memory, revenue sharing, could not have achieved the success it has without the enlightened imprint of WALLACE BENNETT. We are all immeasurably richer by virtue of his dedicated public service to this new federalism.

The people of Utah are fortunate because he has worked exceptionally hard to improve all aspects of their life. For example, a critical water shortage has been alleviated because of measures WALLACE BENNETT has steered through Congress. And thanks to his efforts, the spectacular Canyon National Park was preserved in Utah.

I am proud to have worked with my friend WALLACE BENNETT during our years in the Senate. It is indeed gratifying to note all the richly deserved tributes being paid to the great senior Senator from Utah and I wish for him, Mrs. Bennett and his family all happiness.

THE MIDDLE EAST CONFLICT

Mr. GURNEY. Mr. President, the issue of the status of the Palestinian population whose nascent state—Palestine—was absorbed by Egypt, Jordan, and Israel after the Arab invasion in 1948, may be central to the resolution of the Middle East conflict. Palestinian nationalism has historically been inchoate; it has found expression since 1920 primarily through terrorism, and has been characterized by terrorist acts since 1967 directed against Israel, allies of Israel, and even certain Arab States. This study surveys the Palestinian organizations which employ terrorism, and the methods they use. It includes a concise chronological account of terrorist attacks of international significance since the 1967 Arab-Israel war. It also deals briefly with the U.S. response to terrorism.

In the context of this paper, terrorism is defined as a deliberate political strategy employed by nongovernmental or revolutionary organizations. Acts of terrorism usually involve extraordinary, often spectacular, violence against civilians. Publicity intensifies and spreads the effect of terrorism. Through the creation of emotional reactions such as terror, fear, shock, or insecurity, terrorists intend to influence the actions of the governments whose citizens are victims or potential victims. Terrorism is distinct from guerrilla warfare, which is basically a form of military combat.

Until the late 1960's revolutionary movements generally restricted terrorism to the territory of the state which they intended to overthrow. The adoption of tactics such as aircraft hijackings or attacks on diplomats and other official representatives abroad, within the territory of countries not directly involved in the conflict, has made terrorism a global phenomenon.

PALESTINIAN ORGANIZATIONS USING TERRORISM

The most radical Palestinian organizations responsible for exporting terrorism to countries outside the Middle East are small, unstable, and shifting minorities within the overall Palestinian resistance. The Palestine Liberation Organization, PLO, formed in 1964 and sponsored by the Arab League, is accepted by most Arab regimes as the representative of Palestinian opinion. Since 1969 the executive committee of the PLO has been chaired by Yassir Arafat, leading spokesman for the movement for the liberation of Palestine, popularly known as Al Fatah, the largest of the guerrilla movements. Also on the executive committee of the PLO are the Syrian-sponsored organization, AS-SAIQA, the popular front for the liberation of Palestine, PFLP, the popular democratic front for the liberation of Palestine, PDFLP, the Iraqi-sponsored Arab liberation front, and three other independent groups. As the PLO has sought international legitimacy, it has recently condemned terrorist attacks against non-Israeli targets and against nonmilitary Israeli targets outside of Israel. However, strong evidence that the Black September organization is closely affiliated with Al Fatah has compromised Arafat's stance on terrorism abroad. The PLO and Al Fatah do not disapprove of terrorism against Israeli civilians on Israeli territory. The PFLP is a major rival to Al Fatah for support among the 3 million Palestinians of the Middle East. The PLO and Al Fatah have little control over the activities of the most extreme resistance groups, which tend to be much smaller groups in about 1967. The PFLP, which has a Marxist-Maoist ideological orientation, advocates the overthrow not only of Israel but also of the conservative Middle Eastern Governments, such as Jordan and Lebanon, through a general war of liberation against what are considered the forces of imperialism and reaction. The PFLO doctrine has been stated thus: "The route to Tel Aviv lies through Amman and Beirut." [1] The aim of the PFLP is the creation of a socialist state of Palestine.

In 1968 or 1969, a dissident group within the PFLP split off to form the Popular Democratic Front for the Liberation of Palestine, PDFLP, under Nayif Hawatmeh. The PDFLP is ideologically further left than the PFLP, but is the only radical movement thus far in 1974 to support the PLO and Al Fatah in the acceptance of what in Palestinian terms is a moderate solution to the Palestinian question, that is, less than the complete destruction of the State of Israel. Hawatmeh urges a protracted people's war to turn the struggle into another Vietnam.[2] In 1974 he publicly called for the creation of a democratic secular state shared by Arabs and Jews.

At about the same time that the PDFLP broke away from the PFLP, another PFLP member, Ahmad Jabril, split off to form the popular front for the liberation of Palestine-general command. The PFLP-general command is said to be less ideological and more action-oriented than either the PFLP or the PDFLP.[3] It is not a member of the PLO.

In 1971 there was reported to be a split within the PFLP between a leftist faction, which thought hijackings counterproductive, and a seemingly rightwing faction under Dr. Wadi Haddad, who wished to continue the strategy. The latter faction is sometimes known as the popular revolutionary front for the liberation of Palestine, but it does not operate openly under that name.[4] Apparently, in 1973, the group began to act independently.

Another major terrorist organization, not connected with the PFLP and its offshoots, is the Black September group. This organization is suspected of being an undercover branch of Al Fatah. Black September takes its name from the September 1970 defeat of the Palestinian forces by the Jordanian Army; it was created to avenge that defeat. According to European and Israeli intelligence sources, Black September has from 400 to 600 members; U.S. estimates are even lower. It is said to be divided into four operating groups responsible for Europe, the Middle East, Africa, and the Americas. It is the most conspiratorial of the terrorist organizations, with a cellular organizational structure.[5] According to one account:

> Operationally, each particular portion of a Black September cell is assigned a specific task and often the general objective of a particular operation is not revealed to anyone but the leader. The entire cell never meets and so the members cannot identify each other.[6]

According to another source, Black September began as a group of Al Fatah militants opposed to Yasir Arafat but has expanded to include recruits from other resistance organizations. Many members of the operating or "action groups" are Arabs who have lived abroad for years. The organization has a collegial direction; there is no single leader.[7] Black September appears to have very little substantive political doctrine other than opposition to Israel and Jordan.

There are also rumors that another dissident Al Fatah member independently organized a group which carried out several attacks in 1973. This group, said to be centered in Baghdad, may have been responsible for the August 1973 attack at the Athens airport and the seizure of the Saudi Embassy in Paris in September. Possibly there was cooperation with PFLP faction under Dr. Wadi Haddad.[8]

The Palestinian terrorist groups have prospered during the last decades because legitimate Arab governments have afforded them political support, headquarters, finances, bases, training, weapons, communications and clandestine facilities.

Some information is available on the financial resources of the guerrilla groups. The oil sheikhdoms—Saudi Arabia, Kuwait, Abu Dhabi, Qatar, Bahrain, and Dubai—as well as Libya and Algeria—all give millions of dollars to the various groups.

Fatah leader Mohammed Daoud Odeh, Abu Daoud, substantiated this over Jordan radio, March 26, 1973, as did the London Times of January 4, 1974, which reported that Libya paid $108 million to Black September and $48 million to other guerrilla groups.

Arab States encouraged the Palestinian groups to be the striking arm against Israel after 1967—when the Arab armies were in disrepute. Indirect aid, such as allowing operations on their territory, has been willingly provided by almost all Arab States. Kuwait, Libya, and the People's Democratic Republic of Yemen—South Yemen—Aden—are the non-Arab states most often mentioned as possible benefactors of the Palestinian groups.

CHRONOLOGICAL SURVEY

The failure of conventional warfare against Israel in 1967 seemed to encourage the Palestinian resistance movement to consider independent means of combat against Israel. Terrorism against Israeli territory appeared to be the preferred tactic of some groups. However, the efficiency of Israeli security measures and the lack of support from Palestinians living in the Israeli-occupied territories made it necessary for Palestinians to resort mainly to sporadic hit-and-run attacks from bases in Jordan and Lebanon. As the use of bases in the border areas was restricted, and as Israeli border protection and retaliation increased, the extremist organizations mounted attacks against Israelis and Israeli interests abroad, particularly against El Al, the Israeli airline, which was nominally considered a military target. Again, as Israel improved security for Israelis and as the publicity value of such attacks was recognized abroad, terrorist attacks spread to airlines en route to or from Israel and then to foreign targets in general. The pattern of terrorism also changed from aircraft hijackings, which resulted in very few casualties, to the more selective seizure of small groups of people, often leading to the deaths of hostages, and armed attacks on airline passengers.

The first serious incident of terrorism which was related to the Arab-Israeli conflict but which occurred outside the geographical confines of the Middle East was in July 1968. The responsibility for the incident is attributed by some authors to the PFLP general command.[9] Others blame Dr. Wadi Haddad and the PFLP.[10] A group of three men seized an El Al plane in Rome. They are said to have thought, mistakenly, that an Israeli general was on board. The PFLP announced publicly that the purpose of the hijacking was to remind the world of the Palestinians imprisoned in Israel. The plane was hijacked to Algiers, and the non-Israeli passengers were released immediately. The Israeli passengers and the aircraft were released a month later. On September 17, the Israeli Government initiated the release of 16 Arab prisoners as a reciprocal gesture.[11]

Attacks on El Al planes continued for several months. In December 1968, two PFLP teams attacked an El Al jet in Athens, en route to New York. One Israeli passenger was killed and two were wounded. Israel immediately retaliated with an attack on the Beirut airport which resulted in the destruction of 13 civilian planes. There were no deaths.[12]

Footnotes at end of article.

The Israeli action was subsequently condemned by the U.N. Security Council.

In February 1969, the PFLP attacked an El Al airliner in Zurich. The pilot and copilot were wounded—the pilot fatally—but an Israeli security guard killed one of the attackers. The other three were arrested by the Swiss police, tried, and sentenced to prison terms.

In the fall of 1968 and spring of 1969, the PFLP was also responsible for two serious bombing attacks against civilians in Jerusalem. In November 1968, a bomb exploded in a marketplace killing 12 people and wounding 52. In February 1969, a bomb exploded in a supermarket and killed two, wounding eight. There was also an explosion in the cafeteria at Hebrew University. The last two attacks were, according to a statement by George Habash, a response to the Israeli killing of a Palestinian would-be hijacker at the Zurich airport.[13]

The first Palestinian hijacking of a non-Israeli plane was in August 1969. A TWA airliner en route to Tel Aviv from Athens was hijacked by the PFLP to Damascus. The Syrian Government held two Israeli passengers for 6 weeks until they were exchanged for Syrian prisoners held by Israel. The hijackers were not punished.

A short time later, grenades were thrown at Israeli embassies in the Hague and Bonn and at an El Al office in Brussels.

In November 1969 another Palestinian organization, the Popular Struggle Front, was responsible for an act of terrorism. Little is known about this organization, but it was supposedly linked to the Egyptian intelligence services. The group claimed responsibility for throwing grenades into an El Al office in Athens. A Greek child was killed and another wounded.[14]

In February 1970 the PFLP attacked a bus carrying El Al passengers at the Munich airport. One passenger was killed and 11 wounded.[15]

Almost 2 weeks later a bomb exploded in midair on a Swissair flight to Israel; all 47 passengers and crew were killed. The PFLP-general command at first claimed responsibility but then retracted the statement. Al Fatah took the position that the explosion was an Israeli provocation. The PFLP announced that it would continue strikes against El Al but would protect innocent persons.[16]

In late May, the PFLP-general command fired on an Israeli schoolbus near the Lebanese border; 12 persons, including eight children, were killed, and 20 wounded.

In July 1970, the Popular Struggle Front again appeared on the scene. An Olympic Airways plane was hijacked to gain the release of the Arabs held for the December 1968 Athens Airport attack and the November 1969 bombing. The Greek Government agreed to these demands.[17]

During the period from 1968 to 1970, the Palestinian resistance movement, in particular Al Fatah, had been establishing positions in Jordan from which guerrilla raids were made across the border into Israel. Israel retaliated with attacks usually air raids, on Al Fatah camps. In March 1968 the Israeli Army directly attacked the Jordanian village of Karameh. For the first time, the Jordanian Army cooperated with the resistance against Israel. However, dissension between King Hussein and Al Fatah developed immediately. There were brief skirmishes between the Palestinians and Jordanian troops in November 1968 and in February and June 1970.

Palestinian relations with the Lebanese Government were also tense. At least 200,000 Palestinians live in Lebanon, most in refugee camps, over which the resistance organizations exercise de facto control. The Israeli raid on the Beirut airport in December 1968 brought the issue of the Fedayeen presence in Southern Lebanon into the open. There were clashes between the Fedayeen and the Lebanese army. In November 1969 an agreement was arranged by Egyptian President Nasser. Known as the Cairo agreement, it provided that the resistance organizations stay away from border villages, suspend rocket attacks into Israel, and keep heavy weapons inside their camps for defense purposes only. This was mainly for good public relations with world and Lebanese opinion. The Cairo agreement guaranteed the right of the Palestinian terrorist organizations to launch raids into Israel from within Lebanese territory. Thus, with the Cairo agreement, Lebanon agreed to surrender part of its sovereignty to an irregular guerrilla force. Such an agreement, Lebanon officially, rather than unofficially, sanctioned terrorist attacks launched from her territory.

In 1970, the Fedayeen had reached a height of popularity and prestige in the Arab world. In June, Al Fatah conducted a serious raid on Israeli territory. This led to an Al Fatah confrontation with the Jordanian army. At the same time the PFLP seized 90 foreigners and held them hostage in an Amman hotel. King Hussein was forced to appoint an army chief of staff acceptable to the Palestinians. During the summer of 1970 it seemed that the PFLP and the PDFLP were gaining in strength relative to Al Fatah, especially since Al Fatah forces had suffered the most losses in the conflict with the Jordanian army. Arafat wanted to maintain bases on Jordanian territory and feared that Hussein would make a separate peace with Israel, but he apparently did not want to be pushed into an open confrontation with the Jordanian government. Hussein, on the other hand, was sensitive to the development of a Palestinian "state within a state" and the danger of the estimated 12,000 to 15,000 Palestinian forces operating in Jordan.[18]

In the fall of 1970, the PFLP appeared to use international terrorism to aggravate an already tense relationship between the resistance forces and Jordan. On September 6, the PFLP hijacked TWA and Swiss Air flights to Dawson's Field in Jordan. Three days later a BOAC flight was also hijacked to the same place. An attempt to seize an El Al plane in London failed, and one hijacker was killed. A Pan Am plane en route from Brussels to New York via Amsterdam was hijacked to Beirut, where it was loaded with explosives. Then it was flown to Cairo and blown up shortly after the passengers were allowed to leave.

Arafat and the Al Fatah organization were apparently taken off guard by the multiple hijackings. On September 12, when the PFLP destroyed the three planes, while holding the passengers as hostages in Amman, the PFLP was excluded from the central committee of the PLO. On September 16, Hussein attacked the guerrillas in force. The PFLP was invited to rejoin the PLO central committee.[19]

By October, a compromise agreement with Jordan was reached, but the Fedayeen position was severely eroded and sporadic fighting continued. Serious conflict broke out in April 1971, and in July the Jordanian Army attacked again in force.

The PFLP hijacking policy may have contributed to a halt in aid from the People's Republic of China. China criticized the PFLP for provoking international disfavor through hijackings and for the policy of attacking conservative Arab regimes.[20]

The PFLP evidently understood that the consequences of the hijacking strategy were counterproductive because in November 1970 a PFLP conference condemned its use. However, Dr. Habash refused to state categorically that no attempts would be made.[21]

The conflict with Jordan left the Palestinian resistance in disarray, and no major acts of international terrorism occured for about a year. There were two unsuccessful attempts to blow up El Al planes—July and September 1971, respectively. In November 1970, the first Arab terrorist attack in a major Israeli urban area for a year occurred when two bombs were exploded in the Tel Aviv bus station. Al Fatah claimed credit for the attack, which left 2 dead and 24 wounded. In July 1971, a rocket attack on a Tel Aviv suburb left 4 dead and 30 wounded. Again Al Fatah claimed responsibility.[22]

In November 1971, the Black September terrorist organization was created to avenge the defeat of the Fedayeen by the Jordanian Army in September 1970. Its first act was the assassination of Jordanian Prime Minister Wasfi Tal in Cairo.

Next, Black September operations moved to Europe. In December 1971, there was an attempt to assassinate the Jordanian Ambassador in London. In February 1972 Black September was responsible for the explosion of a natural gas plant connected with Israeli interests in Holland and of an electronics firm in Hamburg, West Germany. Five Jordanian workers were also killed in Germany.

In February 1972, the rightist faction of the PFLP, calling itself the "Organization for Resistance to Zionist Oppression," hijacked a Lufthansa plane en route from New Delhi to Athens. It was diverted to Southern Yemen. The West German Government paid $5 million in ransom for the release of the plane, crew, and passengers. The left-wing faction of the PFLP, under Habash, denounced the action.[23]

Footnotes at end of article.

Israel followed a policy of retaliating against Lebanon for raids conducted from her territory, and in February 1972 carried out extensive raids on Palestinian bases in Southern Lebanon. The Arkoub Region was occupied for several days. The U.N. Security Council condemned the action.

In May 1972, Black September carried out its first hijacking. A Belgian Sabena Airlines plane enroute to Tel Aviv from Vienna was diverted back to LOD International Airport. The hijackers demanded the release of a large number of Arab prisoners held in Israel. An Israeli commando troop stormed the plane and killed two hijackers. The attack also fatally wounded a passenger. The two other hijackers, both women, were sentenced to life imprisonment.

Rival Palestinian organizations seemed to be trying to outdo each other in a spiral of increasing violence. Later in May 1972 three members of the Japanese United Red Army, who had boarded an Air France plane at Rome, opened fire with machineguns and threw grenades at passengers at Tel Aviv's LOD International Airport. Twenty-five persons, 16 of them Puerto Ricans, were killed and 76 wounded. Two terrorists were killed and the other captured.

The United Red Army, a radical leftist organization, was formed in September 1969 and numbered approximately 300 adherents. The three Japanese had been recruited by the PFLP and had probably been among a group of Red Army members being trained in the Middle East by the Palestinian resistance. The LOD Airport attack was the first overt proof of collaboration among terrorist movements in different regions.

In June 1972, Israeli Intelligence Services apparently mounted a series of clandestine attacks against PFLP officials living in Beirut. A PFLP spokesman and his niece were killed in a car bomb explosion; other PFLP members were injured by package bombs. According to one observer, such attacks were part of a global and "long-term policy of continuous warfare against the terrorist movement, independent of provocations." [24]

The PFLP LOD Airport attack seemed to have reached a peak of horror, but on September 5, 1972, the Black September attack on the Israeli Olympic team in Munich became "perhaps the most shocking, well-planned and politically far-reaching act of urban guerrillas in history." [25] During the final week of the Olympic games, eight Arabs broke into the Israeli pavilion and killed two Israelis, holding nine others hostages. They demanded the release of Arab prisoners in Israel and safe passage out of Germany for themselves. Israel refused to comply with this demand. The Arabs then demanded that they be flown to Cairo with their hostages, and German police ambushed them at the airport. All the hostages and five Arabs were killed. The remaining three terrorists were captured.[26]

Israel retaliated with attacks on guerrilla bases within Palestinian camps in Syria and Lebanon and 300 persons were reported killed.[27] Black September, in turn, responded with letter bombs mailed to Israeli personnel in Western countries. In London, Israel's counselor for agriculture was killed.

The Munich attack led to U.N. Secretary General Kurt Waldheim's request that the General Assembly include terrorism on its agenda. The result of the debate on terrorism was the creation of a special ad hoc committee on terrorism, which met in the summer of 1973 but failed to reach agreement even on a definition of the phenomenon.

In last October 1972, Black September hijackers seized a Lufthansa plane and diverted it to Libya. They demanded the release of the three prisoners held in Germany for the Munich attack, and the West German Government complied.

In December, a Black September team seized the Israeli embassy in Bangkok, Thailand, but released the hostages unharmed in exchange for safe passage out of the country.

The March 1973 killing of three Western diplomats at the Saudi Arabian Embassy in Khartoum, Sudan, was perhaps either an attempt to regain credibility after the failure in Thailand, revenge for the Israeli shooting down of a Libyan airliner over the Sinai, killing 107, in February, or a protest against a developing Arab rapprochement with the United States—the Sudan had recently reestablished diplomatic relations. An eight-man Black September team seized the Saudi Embassy in Khartoum and held the Saudi Ambassador, the U.S. Ambassador and outgoing charge d'affaires, and a Belgian diplomat. The terrorists' demands included the release of Palestinian prisoners in Jordan, Sirhan Sirhan, convicted assassin of Robert Kennedy, and members of a German terrorist group. When these demands were not met, U.S. Ambassador Cleo Noel, his deputy George Moore, and the Belgian were killed. After trial and conviction, in June 1974, the Sudanese Government released the Palestinians to the PLO in Cairo.

Whereas the Munich attacks gained Black September global attention and some sympathy in the Arab world, the Khartoum killings seemed to provoke a "backlash of anti-Palestinian feeling in the Sudan and uneasiness in the Arab world." [28] It did not prevent the development of a trend toward increasing moderation by the Arab States, particularly Egypt. Other radical Palestinian organizations denounced the operation. The PDFLP, for example, condemned it because the organization supported only actions on "enemy territory," Israel.[20]

In April 1973, there were two unsuccessful Palestinian attempts to attack aircraft in Rome and Cyprus. An Italian employee of El Al in Rome was killed. The home of the Israeli Ambassador to Cyprus was bombed.

On April 10, Israel conducted a commando raid against Palestinian leaders in and near Beirut and Sidon. Israeli authorities said the raid was a response to "the intensification of terrorist acts in Europe and other places in the last months." [30] There were over 30 casualties, including two prominent PLO spokesmen and an Al Fatah leader. The Lebanese Premier resigned as a result. In May, there were serious battles between the Lebanese Army and Palestinian Forces.

In July, a JAL plane en route from Amsterdam to Tokyo was hijacked to Libya and destroyed. One hijacker was killed accidentally; no passengers were harmed. Most Palestinian organizations, except the PFLP, denounced the operation. The hijackers claimed to belong to a group called the "Sons of the Occupied Territories," but there was suspicion that Dr. Wadi Haddad's right-wing PFLP faction was responsible.

Yet the Arab world's apparently growing disapproval of "external operations" did not halt violence. Libya, in particular, encouraged and underwrote more terrorist spectaculars. In August 1973, two Arab terrorists opened fire on passengers in the transit lounge at the Athens airport, killing five and wounding 55. The men claimed to be members of Black September. They also claimed that the attack was meant for passengers awaiting a Tel Aviv departure, rather than New York-bound travelers. The PLO denounced the attack.

On August 10, Israel intercepted an Iraqi airliner en route from Beirut to Baghdad and forced it to land in Israel. The purpose of the diversion was to capture four Palestinian leaders, including the head of the PFLP, but they were not on board. The U.N. Security Council unanimously condemned the Israeli violation of Lebanese sovereignty.

In September 1973, coinciding with a conference of nonalined nations in Algiers, five Palestinians seized the Saudi Arabian Embassy in Paris. The terrorists, who claimed to represent the "punishment organization," took four Saudi hostages and flew to Kuwait. There they demanded the release of Palestinian prisoners in Jordan. However, both Saudi Arabia and Jordan refused to accede to this demand, and eventually the group surrendered to Kuwaiti authorities. The PLO condemned the incident and asked that Kuwait release the offenders to them. The October war intervened, and reportedly the Palestinians volunteered for the Syrian front and have not been heard from again.[31]

In November 1973, while an Arab summit meeting was in progress in Algiers, Palestinians hijacked a KLM jet en route from Beirut and ordered it flown to Syria, Cyprus, Libya, and Malta, where the passengers were freed. The hijackers claimed to be members of the "Arab Youth Organization for the Liberation of Palestine." They demanded that the Dutch Government cease allowing arms destined for Israel to be transshipped through its ports and aiding Soviet Jews emigrating to Israel. The Dutch Government officially agreed. After the passengers were released, the hijackers accepted a KLM official and other employees as substitute hostages and flew to Dubai. Most Arab countries had refused to allow them to land. Eventually the hijackers surrendered in exchange for safe passage out of the country.

Immediately before the planned opening of Arab-Israeli talks in Geneva, in December 1973, five Palestinians, reportedly from the Hadad faction of the PFLP, committed the most murderous

Footnotes at end of article.

attack against non-Israeli victims in the history of Palestinian terrorism.[32] The group machinegunned, firebombed, and threw grenades at a Pan Am plane on the runway at Rome's Leonardo da Vinci International Airport leaving 31 persons dead. The Palestinians then hijacked a West German airliner to Athens, after Beirut refused to allow them to land. In Athens, one hostage was apparently killed during the flight, bringing the number killed to 32. The hijackers demanded the release of the Arabs held by the Greek Government for the August 1973 attack at the Athens airport. After being turned down the terrorists then flew to Kuwait, after briefly stopping in Damascus. Twelve hostages were released and the terrorists gave themselves up to Kuwaiti authorities. The PLO, the PDFLP, and the Egyptian Government condemned the assault. The PLO requested that the Palestinians be turned over to them, which Kuwait apparently did several months later.

In late December, the PFLP claimed responsibility for wounding industrialist Edward Sieff, a leading British Zionist, in London.

In February 1974, a group of Palestinians and Japanese attempted to sabotage a Shell oil refinery in Singapore. When the attack failed, they seized a ferryboat with three hostages in Singapore harbor. The situation remained at an impass for a week, when, on February 6, another group, identifying themselves as members of the PFLP and including both Japanese and Palestinians, seized the Japanese Embassy in Kuwait and demanded the freedom of the would-be saboteurs trapped in Singapore. Kuwait and Japan eventually agreed to this demand. The combined group of terrorists then flew to southern Yemen, where they were freed.

Almost simultaneously, a group of masked gunmen seized a Greek freighter in the harbor of Karachi, Pakistan. In exchange for two Greek hostages and the ship, they demanded the release of the two Arabs recently condemned to death in Greece for the August 1973 airport attack. The new group identified themselves as the "Moslem International Guerrillas," formed to defend the rights of Moslems all over the world. The Greek Government apparently agreed to the demand, the hostages were released and the attackers were given safe passage to Egypt. In May 1974, Greece pardoned the two condemned terrorists and expelled them to Libya.

In March 1974, a group calling itself the "Arab Nationalist Youth for the Liberation of Palestine" hijacked a British airliner from Beirut to Amsterdam, where after releasing the hostages they destroyed the aircraft. The hijackers were sentenced to 5 years in prison.

In April 1974, Palestinian terrorism shifted from attacks abroad on non-Israeli targets to a series of spectacular and suicidal raids on Israeli civilians in border villages near Lebanon. Possible reasons for this change might include terrorist reactions to the growing disapproval among Arab states and the prominent Palestinian organizations of international terrorism, especially after the relative success of the October war, and the fact that several terrorist attacks had directly affected Arab States. A developing rapproachement with the United States, Secretary of State Kissinger's progress in arranging an Israeli-Arab settlement, the publicized, though completely unsubstantiated, possibility that Yasir Arafat and the PLO might accept a moderate solution to the Palestinian question, or the fear of exclusion from a settlement, may have contributed also to a resurgence of violent radicalism among the smaller organizations.

In April, three members of the PFLP-general command attacked an apartment building in the village of Qiryat Shemona; 18 people, mostly women and children, were killed. Although communiques issued by the PFLP-General Command referred to hostages and a demand for the release of the Japanese Red army member held in Israel for the May 1972 LOD airport killings, apparently the mission was completely destructive and suicidal. The terrorists reportedly died in explosions they set off.[33]

Israel retaliated with raids on six villages in southern Lebanon. Israeli Defense Minister Moshe Dayan warned the Lebanese Government that if Lebanon did not control the Palestinians, the raids would continue until all of southern Lebanon was desolate.[34] The U.N. Security Council passed a resolution condemning the Israeli raids without mentioning Qiryat Shemona.

In May, the PDFLP was responsible for another suicidal attack on the village of Maalot. Twenty-five Israeli civilians were killed and at least 60 were wounded, most of them teenage schoolchildren who had been held hostage by three terrorists. After seizing the school, the terrorists demanded the release of specific prisoners held by Israel. Apparently Israel, in a significant policy shift, agreed to the demand, but negotiations with the terrorists broke down. When the deadline for fulfillment for the demands expired, Israeli troops stormed the school and all three terrorists were killed.

Israel immediately retaliated with heavy air raids on guerrilla bases within Palestinian refugee camps in Lebanon. Lebanon protested to the U.N. Security Council that more than 40 people were killed. However, the issue was not pressed in order to avoid jeopardizing the delicate Middle East peace negotiations.

In June there were two more serious incidents. On June 13, during President Nixon's visit to the Middle East, terrorists of the PFLP-general command attacked a kibbutz in northern Israel and killed three women. On June 25, Al Fatah claimed responsibility when three Arab terrorists seized hostages in an apartment building in Nahariyya, on the Israeli coast 7 miles south of the Labanese border. Three Israeli civilians and one soldier were killed. This attack brought to 53 the number of Israelis killed in terrorist attacks since April 1974. At least 100 have been wounded. Thirteen Arab terrorists have been killed in these four attacks; 15 others have been killed by Israeli troops while attempting to fulfill other terrorist missions. Israel, on the other hand, has consistently retaliated by bombing Palestinian refugee camps in Lebanon.

U.S. POLICY

The policy of the United States toward the problem of terrorism in the Middle East has been consistently firm. The United States refuses to pay ransoms or to surrender to the demands of terrorists, as evidenced in the Khartoum incident.

In September 1972, after the Munich Olympics tragedy, President Nixon created a Cabinet Committee To Combat Terrorism. The chairman of the committee is the Secretary of State, and its members are the Secretaries of the Treasury, Defense, and Transportation, the Attorney General, the U.S. Ambassador to the United Nations, the Directors of the FBI and the CIA, and the President's assistants for National Security and Domestic Affairs. The Cabinet Committee has apparently met only once, but a working group composed of representatives of the agencies involved meets regularly. Ambassador Lewis Hoffacker, special assistant to the Secretary and coordinator for combating terrorism, chairs the working group. When a terrorist incident occurs, a special task force is established to monitor events on a continuous basis. The working group attempts to find ways to prevent terrorism and to respond to emergencies effectively when they do occur.[35]

Substantively the United States has tried unilateral—domestic and foreign—bilateral, and multilateral policies to cope with terrorism. The prevention of terrorism within the United States has proved easier than the prevention of violence against U.S. citizens and diplomats abroad. Visa, immigration, and customs controls have been tightened, and airport security has been increased to include searches of passengers and baggage. Abroad, the United States has improved protective measures at embassies and other installations, and given advice to businessmen and other travelers.

The United States cooperates fully with foreign governments in improving airport security and when U.S. nationals are kidnapped or held hostage on their territory. Officially, host governments are responsible for the safety of foreigners. The United States disapproves of the policy of paying ransom, providing sanctuary, or failing to punish terrorists. In June 1974 the U.S. Ambassador to the Sudan was recalled to Washington in protest against the Sudanese Government's releasing the Black September terrorists responsible for the death of the former Ambassador. However, The United States generally does not apply unilateral sanctions, such as cutting off foreign aid. U.S. aid to countries which have most often aided terrorists has been limited.

In January 1974, the Federal Aviation Administration proposed a rule which would, in effect, provide for unilateral sanctions by denying landing rights in the United States to foreign airlines which do not implement appropriate se-

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curity measures on all their flights[36] Such a provision is also included in S. 39, legislation proposed to implement the Hague Antihijacking Convention of 1970, and which is now in conference. A similar bill failed to pass the 92d Congress.

It should be noted that the U.S. commitment to the rule of law in international affairs excludes illegal responses to terrorism such as direct intervention against terrorist movements abroad. The United States officially disapproves of the Israeli policy of retaliation against Lebanon.

In 1973, the United States and Cuba concluded a "memorandum of understanding" providing for the extradition or punishment of hijacking offenders. The combination of this agreement, and U.S. domestic airport security measures, has had a dramatic effect in reducing the number of hijackings from the United States. As the United States renegotiates extradition treaties with other states, hijacking is specifically mentioned as an extraditable offense. However, no agreements are foreseen with other major sanctuary states, such as Kuwait or Libya.

On a multilateral basis, the United States urges that all states ratify the existing antiterrorist conventions. Three treaties deal with the protection of international Civil Aviation:

First. The 1963 Tokyo Convention on offenses and certain other acts committed on board aircraft;

Second. The 1970 Hague Convention for the suppression of unlawful seizure of aircraft; and

Third. The 1971 Montreal Convention for the suppression of unlawful acts against the safety of civil aircraft.

Attempts to make these agreements more effective by providing for sanctions against nations that harbor hijackers have failed. U.S. attempts to negotiate a treaty prohibiting all international terrorism also failed. As indicated earlier in this paper, in 1973, a United Nations Ad Hoc Committee on Terrorism selected to study the problem could not agree on a definition of the phenomenon. A more specific treaty, the convention on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents, was approved by the General Assembly in December 1973. It establishes legal mechanisms requiring prosecution or extradition of persons alleged to have committed serious crimes against diplomats.

At the present time, U.S. policy toward the issue of Palestinian terrorism is closely tied to efforts to maintain peace in the Middle East. It is possible that the improvement of relations with the Arab States of Saudi Arabia, Egypt, and Syria may give the United States additional influence with their policies. However, the major problem remains the inability or unwillingness of the leadership of the PLO to abandon terrorist acts and to recognize the right of Israel to exist. The PLO's adherence to the 1968 Palestine covenant and the 1974 10-point program commit that organization to continued terrorist war and the eventual destruction of Israel and the Jordanian monarchy.[37] The PLO has never represented the majority of Palestinians. Unless a new leadership assumes responsibility and ends all terrorist acts and recognizes Israel, then it appears that Palestinian terrorism will bar the fulfillment of Palestinian national interests. Jordan and Israel rightfully refuse to establish a terrorist base at their door, and the world must recognize that mindless terrorism, like poison gas, should be outlawed and barred; no one can win.

FOOTNOTES

[1] John K. Cooley, Green March, Black September. London, Frank Cass [1973]. P. 139. Mr. Cooley, is a correspondent for the Christian Science Monitor.
[2] Ibid., p. 142.
[3] Ibid., p. 140.
[4] Ibid., pp. 151–52.
[5] John B. Wolf. A Mideast Profile: The Cycle of Terror and Counter-Terror. International Perspectives, November/December 1973: 29–30.
[6] Ibid., p. 30.
[7] Cooley, op. cit., pp. 123–24.
[8] Le Monde/Manchester Guardian Weekly, Sept. 22, 1973:6:Christian Science Monitor, Sept. 19, 1973:6.
[9] William H. Quandt, Fuad Jabber, and Ann Mosely Lesch. The Politics of Palestinian Nationalism. Berkeley, University of California Press, 1973, p. 62.
[10] Cooley, op. cit. p. 146.
[11] Ibid., pp. 146–47.
[12] Ibid., p. 147–48. A brief list of pre-1970 Palestinian terrorism is found on p. 147–51.
[13] Ibid., p. 148. See also the Washington Post, May 16, 1974: A25.
[14] Ibid, p. 149.
[15] Ibid.
[16] Ibid., p. 150.
[17] Cooley, op. cit., p. 150.
[18] Ibid., p. 110–12.
[19] Ibid., p. 111–13.
[20] Ibid., p. 143.
[21] Ibid., p. 152.
[22] Cooley, p. 163, cit., p. 152.
[23] Ibid., p. 153, 30–31.
[24] Wolf, op., cit., 30–31.
[25] Cooley, op. cit., p. 125.
[26] Ibid., p. 125–29. They later released after a Lufthansa plane was hijacked.
[27] Ibid., p. 129.
[28] Ibid., p. 130.
[29] Le Monde, April 1–2, 1973:24.
[30] New York Times, April 11, 1973:1.
[31] Washington Post, December 19, 1973: A22.
[32] Christian Science Monitor, December 19, 1973: 1.
[33] New York Times, April 12, 1974: 3.
[34] Ibid., April 14, 1974: 1.
[35] Lewis Hoffacker. The U.S. Government Response to Terrorism: A Global Approach. Department of State bulletin, March 18, 1974: 274–78.
[36] 39 Fr. 3294, 6619.
[37] Cairo Voice of Palestine, June 8, 1974: 1635 GMT.

POSTAL SERVICE: FAIRNESS DOCTRINE

Mr. HUMPHREY. Mr. President, a useful editorial by Mr. Cormac A. Suel, postmaster at Shakopee, Minn., and editor of the Postmasters' Gazette, recently appeared in that publication.

Mr. Suel expresses what I believe to be understandable frustration over unfair comparisons in criticisms of the Postal Service.

It is no secret that postal operations need improvement. The Senate Post Office and Civil Service Committee, under the able leadership of my friend and colleague, GALE MCGEE, completed a yearlong investigation of postal operations earlier in the 93d Congress. The committee concluded that while there are snags in the system, the Postal Service is moving in the right direction. He indicated that some corrective legislative action might be necessary, and I have pledged my support in this effort. The citizens of this country deserve a postal delivery system they can rely on, and hopefully this will receive the attention required early in the 94th Congress.

But in our efforts to provide the necessary legislative correction, let us not overlook the positive aspects of postal operations, and the people who do their jobs as best they can under a variety of handicaps. Toward that end, and for the edification of the Senate, I ask unanimous consent that this article, entitled "More Horses and Rabbits," be printed in the RECORD.

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

MORE HORSES AND RABBITS

(By Cormac A. Suel)

It has become almost a public fad, recently, to make the United States Postal Service a national whipping boy and to use a comparison with the service as an excuse for almost any outrageous rip-off that may be perpetuated in the private sector.

The latest firm to take this route is the Mobil Oil Corporation which published large advertisements in national magazines and daily newspapers from coast to coast in a thinly disguised lobbying pressure against Congressmen considering a Federal Oil and Gas Corporation. The advertisement was headed: "8¢ to mail a penny postcard. How much for federal gasoline?"

The huge oil corporation then wrote, "A postcard cost a penny back in 1951 and usually was delivered the next day. Today, it costs eight times as much and delivery time has provoked public consternation and several official investigations. Back in 1951, a gallon of regular gasoline cost an average of 27.2 cents. Today, it costs a little more than twice as much."

We thus find ourselves faced with the old fallacy of matching horses and rabbits.

Now it is true that a post card cost a penny in 1951 (the rate was raised to two cents in 1952). It is also true that a post card cost a penny in 1941, in 1931 and in 1921. In fact the price was cut in half in 1920 from the two cent rate established in 1918.

Without evidence to the contrary, we will accept the oil cartel's contention that gasoline cost 27.2 cents a gallon in 1951. However, can you still remember, just a few years earlier when it was possible to get seven gallons of gas for a dollar or a price of around 14 cents a gallon. In that same period, the price of the post card was still a penny. Now it is unnecessary to remind postmasters that the cost of fuel has risen enormously. In fact, in Postmaster General Klassen's article in this issue, he points out that just the added cost of fuel is adding one hundred and forty-five million dollars to the cost of postal operations this year.

The average American family does not buy many postal cards in the course of a year. It is probable that the total expenditure for postal cards by the average family—even at a cost of 8 cents each—does not exceed a dollar annually. Today a gas station attendant can barely get the nozzle of the hose into the tank before that dollar is eaten up under the artificially inflated cost of gas and the bottom of the tank is barely

wet. It is safe to hazard that if given a choice between one cent postal cards and 27 cent gasoline, the American buying public would opt to return to the 27 cent gas price.

It is pleasant to dwell, with nostalgia, on the good old days and how much better the postal service was in those good old days. The plain fact of the matter is that service wasn't that good. Back in 1951, the contention is made that the postal card was usually delivered the next day. That was true if the card was destined to an address in the same or nearby city. That is still true today under the same circumstances. However, if that post card went a considerable distance, to a distant state for instance, it was not delivered the next day but the time of delivery depended upon available railroad schedules and often required many handlings at numerous transfer points. Today that same card probably travels quicker to distant points because it moves on a space available basis via air.

Not even tongue and cheek, as the oppressed consumer might lament, in the light of the most outrageous profit taking since the turn of the century robber barons, nobody could suggest that the solution of a logistics problem can be done by bearing down on the people that can solve the problem.

In its attempt to head off a government energy corporation, Mobil charges that the American consumer "would have to pay for government imposed inefficiency" and that "consumers would get the petroleum version of the Postal Service".

This is a gratuitous insult to not only the nearly 700,000 loyal postal workers but also to the American people who generate nearly 90 billion pieces of mail per year, the overwhelming majority of which is handled speedily and with a high degree of efficiency in the process. The huge petroleum corporation, in rushing their ill-advised advertisement into print, undoubtedly overlooked the fact that most postmasters administering the operation of their postal fleets enjoy considerable discretion in purchasing gasoline for these trucks. It is odd and irritating that the cost of a gallon of gasoline is often the same at every station in town and prices are raised at these stations, seemingly by accident, simultaneously. When prices are identical, unfortunately it is impossible to select a low bidder and thus the discretionary factor comes into play.

Strange things, it seems, continue to occur in the oil industry these days but it does seem that the shortage of gasoline quickly evaporated as soon as the price was jacked up to a high level. For an industry posting unprecedented profit increases of fantastic margins, it is in ill-taste to ridicule and disparage a great public institution such as the postal service.

Seven cents increase on an occasional post card purchase. Twenty-seven cents increase on frequent purchases of gallons and gallons of gas.

Horses and Rabbits. Indeed!

ENERGY PROBLEMS OF OLDER AMERICANS

Mr. CHILES. Mr. President, in September I conducted hearings for the Special Committee on Aging on the "impact of rising energy costs on older Americans." These hearings asked whether action was being taken by the Federal Government to assure that the elderly were not asked to carry an unfair share of high energy costs.

Since this inquiry, there has been little response by the administration. We are now in the winter months that many of the witnesses at our hearing warned would be extremely difficult for older Americans.

Those warnings mere sound, and in my opinion they should have been heeded.

Now, in December, another warning has been issued, this time by a group of well-informed persons who serve as the Consumer Affairs and Special Impact Advisory Committee to the Federal Energy Administration.

That committee, meeting on December 19, passed a resolution which declared:

We believe that no American, regardless of income, should be allowed to suffer physically as a result of energy shortages or soaring inflation.

Urging the FEA to take action, the advisory group also offered specific recommendations.

Mr. President, I believe that the Advisory Committee's action is timely and significant. Their resolution should be considered by the executive branch and by Congress, and I ask unanimous consent that the text of the resolution be printed in the RECORD.

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

EMERGENCY RESOLUTION

We believe that no American regardless of income should be allowed to suffer physically as a result of energy shortages or soaring inflation. Already, however, that is what is happening. Poor people in Appalachia, Indians on reservations, America's urban poor and all the rest of our disadvantaged citizens—our elderly and our handicapped—are bearing the brunt of energy shortages and the burden of higher fuel prices. FEA's own reports substantiate this.

Project Independence will not solve these immediate urgent problems. It will instead only make them worse. FEA's approach to alleviate the social impacts of American energy policy has been and continues to be a band-aid over a cancer: too little, too late, and no solution to the real problem.

What is needed to help the disadvantaged people who are suffering the most is immediate effective direct action by government. Presently proposed solutions will not meet the current urgency of our dilemma: Project Retrofit, Lifeline, and contingency planning are all just ideas for the future, not action for present emergencies.

Therefore we propose that FEA and Administrator of FEA immediately act to implement the following emergency measures:

1. Prohibit utility service cutoffs to all Americans in inclement weather or enact legislation to provide government assistance to those unable to pay utility bills, modeled after the New Mexico plan.

2. Implement a large-scale program to meet the electric utility and heating needs of our elderly and handicapped citizens. This program should include rate exemptions for all utility bills for citizens on fixed and low incomes or governmental assistance.

3. Make fuel available to disadvantaged citizens unable to obtain it. This should include providing chain saws, coal, firewood, and other necessary items to people in need.

4. Provide additional appropriation to OEO for purposes of providing financial assistance to the people this winter.

5. Recommend to the President emergency or discretionary funds to be available to him for those purposes.

6. Urge continuation of OEO.

America's disadvantaged citizens need long-term actions as well, such as an excess profits tax, tax reform, and so on, but NOW we need immediate action.

WEATHER AND WORLD FOOD PRODUCTION

Mr. HUMPHREY. Mr. President, I have been concerned for some time about the weather of our Nation and the world as they relate to food production.

I observed first-hand the serious crop losses during the 1930's in South Dakota which resulted from the drought. This cycle surfaced again in the 1950's, and again in this decade.

There has been a great deal of work and research in this area in recent years. Reid Bryson, of the University of Wisconsin, and others have been looking at the world weather trends and the impact which these trends will have on worldwide food production.

I held hearings over a year ago, and the testimony of the experts was that we have experienced generally favorable weather for crop production during the early part of this century. It appears that the world's weather has been changing in recent years, and it may well be more erratic in the years ahead.

The December issue of the Bulletin, The American Academy of Arts and Sciences included an informative article, "A New World Climate Norm? Implications for Future World Needs."

This article supports the earlier testimony that the world's weather appears to be changing, and this carries serious implications for food production.

I warned earlier this year that our Department of Agriculture was being far too optimistic in assuming good weather as well as the availability of all of the needed fertilizer, pesticides, and credit.

Our sharply reduced crops this year should convince even the Department of Agriculture that we will now have to pay serious attention to the weather and not assume the most favorable of growing conditions.

Mr. President, I ask unanimous consent that this article by Stephen Schneider be printed in the RECORD.

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

A NEW WORLD CLIMATE NORM? IMPLICATIONS FOR FUTURE WORLD NEEDS

(By Stephen H. Schneider)

Stephen Schneider is Deputy Head of the Climate Project at the National Center for Atmospheric Research in Boulder, Colorado; the Center is sponsored by the National Science Foundation. His research has centered on the development of climate models and their application to the potential influence of human activities on climate. Mr. Schneider served as delegate to the Global Atmospheric Research Program's International Planning Conference on Climate Modeling and Climate Change held in Stockholm in August 1974; he is currently a panel chairman of the United States Department of Transportation's Climate Impact Assessment Program. The following talk, illustrated with photographs and charts, was presented by Mr. Schneider at the Stated Meeting held in Woods Hole, Massachusetts, in October 1974.

In recent years, theories of climatic change and their implications for world food production have become a major concern of political leaders and scientists alike. Commenting on the scientific response to public debate about the atmosphere, Harvey Brooks has observed, "Scientists can no longer afford to be naive about the political effects of publicly stated scientific opinions. The effect

of their scientific views is politically potent. They have an obligation to declare their political or value assumptions and to try to be honest with themselves, their colleagues, and their audience about the degree to which these assumptions have affected their selection and interpretation of scientific evidence. Once scientific opinion enters into the public domain the possibility of political neutrality disappears. This does not mean that objectivity should be thrown to the winds." [1]

In the area of climatic change, the problem of objectivity is complicated by the wide divergence of opinion surrounding the validity of various scientific opinions. For example, Reid Bryson, Director of the Institute for Environmental Studies at the University of Wisconsin, believes that we are in the midst of a serious climatic change which could result in the starvation of half a billion people; he maintains that the unusually benign climate of the mid-twentieth century is being replaced by cooler temperatures and by greater climatic variability that is less favorable for agriculture. On the other hand, U.S. Secretary of Agriculture Earl Butz argues that such claims are at best without scientific basis and at worst apocalyptic nonsense. In order to place this debate in proper perspective, I shall try first to review the evidence for climatic change together with the various theories relating to causal factors which may be affecting climate patterns and then to call attention to some of the social and political problems relating to this change.

Past records are the primary source of evidence for climatic variation. Temperature reconstructions going back 700,000 years indicate a good deal of activity with long-period oscillations between ice ages and warm intervals. A reconstruction of temperatures at Iceland from the year 900 to the present, developed by Pall Bergthorsson from sea ice records, indicates a long period known as the "little ice age" which prevailed from the sixteenth to the nineteenth centuries. In the 1890's, a slow warming trend began, increasing sharply until about 1945 when temperatures again dropped.

It is interesting that meteorologists, by international agreement, have defined the warm thirty-year period from 1930 to 1960 as "climate normal." Reid Bryson points out, however, that this warm interval seems to represent the most abnormal climate in a thousand years. But it is fair to ask how significant a reconstructed record at one place is in terms of global conditions. While such data often coincide with reconstructions in other places, there are important differences in magnitudes and sometimes in direction, and it is difficult to determine the statistical significance of a few individual records for global climatic changes.

A graph of Eastern European temperatures for the same time period as the Iceland reconstruction shows the same general features and has a range of about a degree and a half Celsius. Instrumental records compiled by Murray Mitchell show about a half-degree rise in the average surface temperature of the Northern Hemisphere during the warm interval early in this century and a sharp drop since 1945. An important question is the meaning of a half-degree hemispheric temperature change. If our house thermostats were altered by half a degree we would hardly notice it. But a world-wide reduction of that magnitude could mean difficulties in marginal areas—near glaciers and snowfields, and in regions of aridity and monsoon lands. Also, it is reported by Hubert Lamb that in the last few years the growing season in England and several other places has been shortened on the order of a week, a condition which may be correlated with this kind of temperature change. Similar findings for Japan have been reported by Asakura. Although the findings are not statistically complete or wholly convincing, there is some indication that the probability of climate variability—the occurrence of droughts, floods, temperature extremes, and other events which are departures from the average—is higher in cooler periods.

Using the same Iceland reconstruction, Reid Bryson has analyzed its peaks and valleys in order to calculate the anticipated date of the next major change. He found that eighty-year intervals were about average between temperature drops and subsequent rises, the shortest rise following a drop being on the order of about forty years. It is his view that since the peak representing the most recent warm period occurred in the mid-1940's, the cooler temperatures we are now experiencing should not end before 1985. This kind of analysis from past records is a viable "actuarial" approach—provided the physical factors that cause the climate to change are the same now as they were when the indicated fluctuations occurred. However, the constancy of these factors over the long term cannot easily be determined; in addition, human activities have recently been complicating the system. Therefore, the extent to which one can infer the climatic future from past records *alone* remains open to question.

Other evidence of climate change is derived from studies of the albedo (or reflectivity) of the earth. The albedo is significantly modified by the amount of snow cover on earth, and data indicates a sharp increase in snow cover in 1972. The year 1972 was something of an anomaly around the world: there was a several-week delay in the onset of the Indian monsoon, a severe drought in the Soviet Union that led to the celebrated U.S. and Canada-Soviet wheat deal and a continuation of the devastating drought in parts of Central Africa known as the "Sahel." A change occurred in the currents offshore Peru and the cold upwelling waters vital to fishing disappeared. There were floods in Pakistan and other manifestations of higher climate variability than have been evident in the recent past. Are these events related or not? By way of objectivity one must take into account the fact that the data on snow cover were derived from an examination of the minimum albedo of various grid points seen from space. Since clouds are very bright, their presence will certainly alter the information about snow cover when one looks at minimum brightness as a measure of snow cover. While this may be a good method, it is possible that instead of snow cover, one is really looking at an increase in sub-grid-scale clouds, that is, clouds that are smaller than the resolution of a satellite scanner. Moreover, it is essential that this kind of observational information be verified with ground truth.

There have also been attempts to draw a casual connection between hemispheric temperature and monsoonal rainfall. A study was made of the percentage of weather stations in parts of India having less than 50 per cent normal rainfall from 1900 through 1970. In cooler periods around the turn of the century, a fairly high percentage of stations reported low rainfall; that number decreased considerably during the warmer period in the 1920's through 1950's and then rose again in recent years. There were in fact severe droughts in India in 1966 and in 1972, and there is a rather serious situation in India again this year. A casual connection is certainly suggestive. But establishing statistical significance from such data is another matter; while a cooling trend in the Northern Hemisphere appears to be evident, its casual connection to other events is difficult to verify.

Before describing some of the theories of climate change, let me first review how climate works. Weather in our latitudes is directly related to conditions elsewhere on the earth. Sunlight hits the earth with more of it intercepted in the tropics than in the poles. Some of that sunlight is reflected from air molecules, the earth's surface, dust, and clouds, and thus cannot be absorbed to warm the planet. At the same time, the remaining 70 per cent of the energy which is absorbed causes the temperature of the planet to increase. Like any object, the earth gives off infrared radiation proportional to its temperature. Warm air rises in the equatorial regions, which are heated in excess of their outgoing infrared radiation, and travels toward either pole. As the earth rotates, the equator is spinning around faster than the poles; consequently, when the warm air moves outward it takes with it this momentum, this speed of equator, forming westerly winds in our latitudes.

The amount of air that moves toward the poles from the heated equator depends on the differences in temperature between the equator and the poles. If the poles are cold relative to the tropics, then the vigor of the circulation system is stronger; as a result in winter we experience more storm systems and the jetstream is very fast. As many of us are aware, in the winter, the flight from the East to the West Coast takes much longer than the return trip, whereas in the summer the flight time is almost the same.

To some extent one can say that virtually everything in the climate system is coupled to everything else; any large-scale push in one place causes a bulge somewhere else, but these are not all equal in magnitude. It is the task of climate theory to determine what those magnitudes are.

Since the sun is our major energy source, an obvious theory of climate change concerns fluctuations in the output of the sun. At the present time, fluctuation at very low and very high wavelengths has been determined but we do not know to better than about half of one per cent what the total output of energy from the sun is and how it varies. Therefore, it is very difficult to determine if previously observed planet warmings and coolings are directly caused by changes in solar output. Some attention is now being directed to efforts to develop methods which will yield more accurate measurement, this task requires difficult calculations but it surely can be done if given impetus comparable to its importance.

Another theory is related to the fact that the earth's orbit varies slightly with respect to the sun; for example, the relative location of the poles changes from summer to winter over periods of 10,000 to 100,000 years. This theory has been used to explain long-term ice ages, but it certainly cannot account for climatic fluctuations like this "'little ice age" and the short-term variations which wreak havoc with our crops. In addition, changes in atmospheric dust and carbon dioxide as well as changes in the land have been postulated; the continents have drifted around for millions of years, clearly causing a climate change, but that factor is not very important for climatic changes over less than a million years.

The oceans are a critical component of climate. They have vast capacity for energy storage and they can release their energy on time scales of days to hundreds of years. This process may very well be responsible for short-term fluctuations. Internal oscillations in the climate system (consisting of the atmosphere, oceans, land, and glaciers) have also been postulated: whereas one might perceive short-term climate changes as being forced by external causes, they could, in fact, represent redistributions of energy among glaciers, oceans, and atmosphere.

[1] Harvey Brooks, "Scientific Response to Public Concerns about the Atmosphere," W. R. D. Sewell, ed. *Modifying the Weather* (1973).

In addition to natural causes, the effects of human activity must be considered in relation to recent climate changes. Carbon dioxide affects the transfer of radiation in the air; the greater the amount of carbon dioxide in the air the warmer the surface of the planet—the so-called "greenhouse effect." Carbon dioxide is a by-product of the burning of fossil fuels and this activity has already increased the atmospheric concentration of carbon dioxide from a pre-industrial revolution value of about 295 parts per million to about 320 ppm. Based on current growth curves, this figure could be as high as 400 ppm by the turn of the century. While the present increase in carbon dioxide would cause only a slight increase in the warming of the climate, on the order of a few tenths of a degree, the projected one would certainly exert a decided impact on the system. It would, according to our best estimates, bring about a temperature change on the order of half a degree Celsius—which is as large as any global change observed in the recent past.

At the same time, the pollution of the air by particles created by human activity is another popular theory of how humans may have contributed to the cooling trend of recent years. We know that in the continental regions the air is hazier than it was fifty years ago. This evidence has been obtained by looking at astronomical records; atmospheric dust has long been a nuisance to astronomers and they have kept good records of it over time. Various kinds of dust interfere with the transfer of radiation reaching the surface. Whether the dust warms or cools the climate depends upon whether it is relatively lighter or darker than the medium it overlies. This, in turn, is determined by its chemical composition; the dust now surrounding the earth is highly nonuniform.

To ascertain the climatic effect of dust generated by both primitive agricultural practices (e.g., slash and burn) and industrialization will require much greater study. The consensus at the present time is that this kind of pollution does cause a cooling of the climate by preventing sunlight from reaching the earth; indeed there are those who have already proposed it as an explanation of the cooling since 1945. But consensus is a poor way to do science. I would not rule out this possibility but it is hard to establish a global trend by looking at pollution in areas that cover only about 20 per cent of the earth's surface. In my view, we do not now have adequate understanding of the climate system to determine cause and effect with any certainty. However, if current trends persist through the year 2000, the magnitude of the forcing function—the interaction between increasing carbon dioxide and increasing dust pollution—would be sufficient to provide a clearer indication of the relative impact of each factor on climatic change.

Another element to be considered is the heat generated by the electricity used to turn our wheels and heat our homes. The total use of energy around the world is currently about one ten-thousandth of the energy emanating from the sun that reaches the earth. However, unless the no-growth philosophy prevails or some intervening catastrophes prevent it, we will be planning (by 2020) for a world with ten billion people, each consuming about ten kilowatts per person, the current U.S. standard. Should that situation occur, the total energy released around the world would average on the order of a few tenths of one per cent of the solar input, resulting, if our models are correct, in a climate change on the order of several tenths of a degree Centigrade. (This effect would be added to the warming from increased carbon dioxide.) Moreover, most of that energy would be concentrated on continents which might then have energy densities many times the global value, and regional and other kinds of anomalies would very likely occur.

In cities, this process is already apparent in the urban heat-island effect. Temperatures in the city center, particularly at night, are considerably warmer than those in the surrounding countryside. This occurrence stems from a variety of factors: one is that the heat is generated directly in the city; another is that large masses of stone tend to hold the heat built up in the afternoon. It is quite clear that when heat is concentrated in certain areas this kind of effect can spread out and cause downward anomalies. There is also good statistical evidence that rainfall up to fifty miles downwind of industrial areas has been increased by as much as 15 per cent as a result of the heat that is released in the city and the dust that accumulates in the clouds. If the scale of our industrial centers continues to increase, the outcome may be a significant change in our regional climates over the long term.

Finally, grazing animals and the use of land for agriculture or cities affect the brightness of the earth's surface, the amount of solar energy that is absorbed, and the rate at which water evaporates from the surface. Some climatologists claim that the Roman goats created the desert which was once the Fertile Crescent in the Middle East. There is no doubt that such factors might cause local climatic changes; the question is whether the scale is sufficient to cause large changes. One may say that this activity has been going on for many years and the system has already accounted for any changes in climate that have occurred. However, an exponential growth in our land-use practices, particularly if it entails food-population pressures, will mean that such changes will undoubtedly take place at a much faster rate in the future than in the past. If such growth causes a significant change in climatic conditions, more serious consideration may have to be given to adjustments in agricultural practices. In the past, when climate shifts caused hardships, people often moved. Now large populations are, for the most part, constrained by political boundaries.

How does one judge the relative effect of these factors on climatic change? It is a difficult task to separate out quantitatively the cause-and-effect linkages from the many factors of comparable magnitude tending in opposite directions. As with any science, the process of developing a quantitative theory of climate begins with observations from which hypotheses are generated. The next step is to design experiments. Only a limited number of experiments can be carried out in the atmosphere. Moreover, it would be nearly impossible to devise a laboratory simulation of the complex, nonlinear interactions which produce the earth's climate. One can learn a good deal about individual processes from studying other planets which obey the same laws of physics as the earth. Without a twin earth, however, the only way to simulate the earth's atmosphere and oceans effectively is by means of mathematical models. Since the complexity of the climate system is larger than our best computers, the model has to break the system up into a finite number of places or points. Everything that happens on a scale smaller than the points on which we have information cannot be resolved explicitly in the model. For example, knowledge of the wind, temperature, humidity, and pressure at Denver and at Salt Lake City does not provide us with sufficient data to predict how the clouds change between those places because the size of the clouds is on the order of a mile and our data are on a scale of a few hundred miles.

Whenever the clouds, or whatever element or process we are trying to "parameterizes," occur on a scale smaller than the available information, we have to make the statistical assumption that these can be related to numbers derived on a larger scale. This is the canon of faith upon which modeling now operates; to determine the validity of these approximations one has to test models of different complexity against each other and against the real world.

There are many different kinds of models ranging from simple one-dimensional forms that focus solely on the vertical part of the atmosphere to highly sophisticated representations of the atmosphere and oceans. Any analysis of long-term climate variations requires coupling of models of the atmosphere, the oceans, and even the cryosphere. In addition, while many processes are included in such models, there is no certainty that we can define which processes are represented correctly, these models might have some utility for climate studies in the near future.

All sorts of processes have a place in climate modeling and many of them feed back on each other. The problem is that while we may know the effect of individual processes, to, say, 5 percent, these processes may operate in opposite directions; thus when we attempt to average the effects of all of them, the total impact is difficult to determine.

Despite the limitations implicit in present-day climate modeling, the predictions have important implications for policy-makers. To cite one example, we understand that increases in carbon dioxide affect the transfer of infrared radiation so as to warm the climate, and we can compute the magnitude of increases in carbon dioxide on the global radiation balance with a fair degree of certainty. Under certain assumptions we can relate this to a change in the earth's temperature. How then do we respond politically to a predicted change of one degree from the doubling of carbon dioxide? Do we ignore this forecast in the belief that other feedback processes may cancel it out? It is just as possible that the other processes could amplify this prediction. Unknown feedback processes operate in either direction: clouds might reduce the change to two-tenths of a degree or alternatively they might increase it to two degrees. My view is that if we know a good deal about one process, the next step is to determine whether the changes induced by a human activity are large enough to be felt in present models that still omit some feedbacks; if they are, then we must decide whether we as a society are willing to risk expansion or even continuation of that activity, recognizing that its effects may be both global and irreversible.

The processes at work in determining climatic change are not fully understood. Yet despite the uncertainty in measurements and in theory, estimates must be given and difficult decisions made on the basis of available knowledge. The interaction between climate and food production in particular has commanded widespread public attention in recent months. Grain represents about 70 per cent of the world's food consumption: in 1930 all continents except Western Europe were net exporters of grain; by 1973, only two continents, North America and Australia, exports more grain than they consumed and the size of the Australian exports was small. As Lester Brown points out, the United States and Canada control a considerably larger share of the world's exportable grain than the Middle East does of the world's exportable oil. Thus, decisions made in North America may well determine the fate of millions of people throughout the world. If weather fluctuations cause serious shortfalls in our harvest and we continue to export, prices will rise at home; if we choose not to export, countless people in already-

hungry nations will die—unless non-North American food productivity rises immediately.

Adequate food production is dependent on a combination of factors. Corn yields, for example, have increased dramatically over the last twenty years. This improvement can be traced in part to technological advances—irrigation, the application of fertilizer and pesticides, and the introduction of new strains. However, technology has not been the sole influence. An important reason for continuously high U.S. yields in the past ten years is good weather. A simulated weighted average of corn yields over a period of years, based on 1973 technology, indicates a definite correlation between recent favorable weather conditions and higher corn yields. Records of summer rainfall and summer temperatures for America's major wheat states in the period 1900 to 1970 confirm a long run of slightly above-normal summer rainfall and below-normal summer temperatures—conditions ideal for growing—in the past 15 years.

The climate of 1972, however, seems to presage a return to higher climatic variability. In the wake of droughts in India and the Soviet Union and floods in the United States and elsewhere, total world food production fell 1 per cent, the first reduction since World War II. Lester Brown estimates that since 1972 grain reserves alone dropped from a 66-day supply to the present level of less than a month's supply. Several developments have combined to make 1974 a poor food-growing year in the United States: a wet period during the spring delayed planting in the corn belt; a three-week hot spell retarded growth in the summer; fertilizer was scarce and more expensive because of the energy crisis; and finally, extremely early frosts were experienced in Nebraska, Wisconsin, and Iowa. Since the historical record shows eight-year runs of unfavorable growing conditions, a food reserve strategy, taking into account the probability of historical climate variability, must be devised.

The issue is simply stated: the margin between world food supply and food demand is so close that a reduction in yields of even 1 per cent could have serious ramifications in terms of higher prices and potential famine in certain areas. Population growth and rising world-wide affluence have contributed to the inability to generate adequate food reserves. Each year the world's population increases by about seventy million people. Under present technology, a world average of about one acre is required to feed a person; therefore, one way to meet current demands is the annual cultivation of an additional seventy million acres. Given the FAO estimate of roughly a thousand dollars to clear one acre, an investment on the order of seventy billion dollars a year represents a cost to clear land; that amount is comparable to the American defense budget. In my view, the real crisis is not so much a climate crisis but a lack of world leadership capable of devising and agreeing on a world food security plan. Leaders often choose to dicker and blame each other rather than work toward long-term solutions to the problems, as the headlines from the November 1974 World Food Conference in Rome bear out.

What can be done? Forecasts of adverse weather and widespread food shortages have led to proposals for numerous climate modification and control schemes. These are tempting propositions which have been voiced by people of all nationalities and professions. There are in fact a number of conceivable ways in which the climate could be modified, but my fear is that our knowledge is inadequate to control or even predict the eventual outcome. It has been proposed, for example, that the Arctic Sea ice pack be eliminated by spreading black soot on the ice in the spring and summer to absorb solar energy and induce melting. The same effect may be achieved by diverting the rivers that normally flow into the Arctic Sea from the Soviet Union or Canada to the grainlands, thereby eliminating fresh water which has a greater tendency to freeze; an increase in the salinity of the Arctic Sea might then, in itself, be sufficient to remove the ice pack over a number of years. A climate modification of this magnitude would change the equator-to-pole temperature gradient and almost certainly lead to major climatic changes in other areas of the globe on a scale that is now uncertain.

Given such possibilities, it is clear that international conflicts of a serious nature could arise. The atmosphere is a highly interactive resource common to all, yet a nation capable of launching a major climate modification program could do so without considering the effect on a neighboring country. The situation is further complicated by the fact that until theorists develop a better understanding of climatic change and cause-and-effect linkages, it will be impossible to foresee the outcome of larger-scale weather modifications with assurance. Under such circumstances, if the Soviet Union, for example, decided to divert its rivers to the grainlands, would other nations be justified in objecting because of the possibility that such a move would eliminate the Arctic Sea ice cover and alter climatic patterns in other parts of the world? At present there are no treaty or other mechanisms sufficient for dealing with these kinds of questions.

In the future, however, it may be possible to predict the climate. A major thrust to enhance our ability to forecast seasonal climatic change months in advance will undoubtedly be felt in the next five to ten years. Little serious consideration has as yet been given to the question of how such knowledge would be utilized, but its effect on international economics and politics can scarcely be underestimated.

For the present, what courses of action might we adopt? First, we should take the actuarial approach: look at past records and try to estimate the probabilities for temperature extremes, droughts and floods in various regions. The prospect of drought in one area being correlated with plentiful rain and good crops in another can help us determine the amount of world food reserves that might be needed. Of course, development of a *world* food security plan is a political problem that is global by definition. We may have to reorient the present basis of international relations if we are to achieve optimal global resource strategies; but the risk of indefinite maintenance of our present course is chronic resource catastrophes and their political overtones (e.g., embargoes, trade barriers and even terrorism). Secondly, we would do well to consider various potential conflict scenarios with a view toward developing an international agreement prohibiting any form of unilateral climate modification or control scheme until it can be determined, with agreed levels of certainty, that any such action would not cause other, more serious problems. Even then, compensation to the losers should be a precondition, should the scheme backfire. Third, we can intensify study of the question of human effects on climate; although our models are not complete, we can ask order-of-magnitude questions, particularly relating to the consequences of planned or anticipated growth patterns. This is a responsibility we have to our children, since the climatic consequences of our generation's growth mistakes would be visited primarily on posterity. Finally, we must strive to reduce the uncertainties and improve our understanding of the very complex processes involved in the world climatic system.

THE GREAT LEADER FROM WEST VIRGINIA

Mr. McINTYRE. Mr. President, as the 93d Congress approaches its final hours, I want to make a few brief remarks about its accomplishments and its leaders.

Certainly, this has been one of the most difficult sessions in congressional history. I will not recount Watergate, resignations in high office, appointments under the 25th amendment, inflation, unemployment, recession, midterm elections, and so many other things. These are now history. But I think every Member of the 93d Congress can take pride in the fact that we faced up to these problems and many more. Moreover, we achieved some significant goals and laid the groundwork for accomplishing much more.

Mr. President, none of these accomplishments could have been possible without the dedicated, responsible, and able leadership we have in the Senate.

Our distinguished majority leader, Senator MIKE MANSFIELD, has been a tower of strength. When it seemed that many of us about to flail out in all directions, he kept a cool and determined eye on our goals.

And, I would say a special word for his deputy, the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD), who gave us cohesion and purpose.

The Senator is a rare combination of unflapability, tenaciousness, and an incredible capacity to keep a dozen balls in the air at once without dropping any.

I refuse to believe we could have achieved what we did without the great leadership provided by my friend and distinguished colleague from West Virginia. I could not let this moment go by without expressing my thoughts.

What I have said, Mr. President, particularly applies to the so-called lame-duck session following the elections. Some solemnly predicted that this session would be a calamity. It has not been. Some of our finest hours have occurred since November 7. And the credit must go to our leadership.

THE HISTORIC 93D CONGRESS

Mr. INOUYE. Mr. President, the 93d Congress is about to become history. During the past 2 years, each Member of this Congress has received his or her share of criticism and praise.

The most historic task we have undertaken has been to utilize the 25th amendment to the Constitution, twice in tragic circumstances. As a result, we now have both a President and Vice President who were not elected by the public at large. We, of course, wish them well. But we hope that we may never again find ourselves in a similar situation.

There are many Members of both Houses of Congress who will not be returning. They can be rightfully proud of their accomplishments. Those of us who will take our seats in the 94th Congress can build on an impressive record.

I ask unanimous consent to have printed in the RECORD today's lead editorial of the Christian Science Monitor.

Each of us who has had the good fortune to serve in the 93d Congress can take pleasure in reading it.

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

THE ADMIRABLE 93D

Americans are not in the habit of patting Congress on the back. More often than not, it is the target of criticism and the butt of "do-nothing" jokes. And so, as this historic Congress draws to a close, it warrants observing that the American legislature, when tested to the extreme, can perform vigorously, responsibly, and even with a measure of greatness.

Foremost, the 93rd Congress will be remembered for surmounting one of the two greatest constitutional challenges in the nation's history. The Senate Watergate committee took up the crimes of the Nixon administration, and the House of Representatives, with reluctance but with strong conscience, inexorably moved toward impeachment. No one who watched the televised hearings of the House Judiciary Committee could have remained unmoved by the sense of justice and integrity that characterized the proceedings.

That probe forced the resignation of Richard Nixon and led to an unprecedented peaceful transfer of power. It also spawned needed reforms. Congress moved quickly to adopt a new system of financing political campaigns and voted to make Nixon's tapes and documents public property.

Significantly for the workings of political democracy, the 93rd Congress reasserted the authority of the legislative branch vis-a-vis the executive, restoring a balance of power. It did so by curbing the presidential war-making ability and setting up a budget mechanism to improve control over federal spending.

Even apart from Watergate this two-year Congress chalked up some admirable legislation. Countless Americans will benefit by the new minimum standards for private pension plans, the extension of federal aid to public elementary and secondary schools, and the authorization of funds to develop new sources of energy. And citizens of the District of Columbia can now elect their local officials.

Further, at this writing Congress was moving unflappably to enact the crucial foreign trade bill, despite Moscow's last-minute disavowal of any pledge on Jewish emigration. This basic legislation will give the President the power he needs to press for freer world trade.

Accolades are also due the House leadership, which got behind the reforms pushed through by the newly constituted Democratic Caucus. The impending reorganization, including that of the powerful House Ways and Means Committee, is the most significant in recent decades.

The overall record is not without flaws of course. The 93rd Congress failed to come to grips with such overriding problems as the economy, energy conservation, and tax reform. How the new 94th Congress—more Democratic, more reform-minded and a little more youthful—will tackle these and other issues remains to be seen.

But as the men and women of the 93rd speed homeward for the holidays, they deserve a "well done" from their constituents.

RETIREMENT OF GORDON A. NEASE

Mr. STENNIS. Mr. President, with regret, I advise the Senate that Gordon A. Nease, a member of the professional staff of the Senate Armed Services Committee, is retiring with the end of this congressional session.

I know many Senators are well acquainted with Gordon Nease, who has been on our committee staff for a number of years and for some years has handled the annual Military Construction Authorization bill. In that capacity he has in recent years monitored the real estate of the armed services—the military installations—here in the United States and abroad.

Many Senators do not know, I am sure, that with his retirement Mr. Nease is completing a career of nearly 40 years in Government service. Before joining the Armed Services Committee in 1959, he had had a distinguished career with the FBI—in Washington and in the field—and had served for a 3-year interval on the staff of the Senate Appropriation Committee.

Gordon is, in fact, a fine example of the sort of truly excellent public servants whom the public seldom hears about. He was first employed as a clerk-typist by the FBI, in Little Rock in 1935. I would like to claim him as a Mississippi boy, but he was born in Fayetteville and grew up in Arkansas.

In 1938 he was transferred to FBI headquarters here in Washington. That enabled him to complete a college education in night school and, after graduation, he was appointed as a special agent in the FBI.

He spent some time in field offices but was returned, rather quickly, to the main headquarters here and spent 11 years as confidential assistant to Director J. Edgar Hoover, attaining the FBI rank of inspector.

As a member of our committee staff, his advice has been invaluable to me and to the members of our committee. He has worked with me, traveled with me, counselled me, and he is my good friend.

He has given his Government 40 years of talented, conscientious service. We are all greatly indebted to him, and I am sure that Members of the Senate join me in wishing Gordon Nease many happy and fruitful retirement years.

INTERGOVERNMENTAL PERSONNEL ACT IN MAINE: THE SECOND YEAR

Mr. MUSKIE. Mr. President, Gov. Kenneth M. Curtis of Maine recently released the second year report of the State of Maine's fiscal year 1973 grant award under the Intergovernmental Personnel Act. This report details an impressive list of activities in three major programs: Career development for State and local government conducted by the Bureau of Public Administration at the University of Maine at Orono; improving personnel management in municipalities conducted by the Maine Municipal Association; and improving the implementation of the code of fair practices in Maine State government conducted by the Maine Human Rights Commission.

I ask unanimous consent that the summary of this second year report be printed in the RECORD.

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

STATE OF MAINE,
Augusta, Maine, October 1974.

Re 73ME06.

Mr. L. F. CRONIN, *Regional Director,*
U.S. Civil Service Commission, John W. McCormack Post Office and Court House, Boston, Mass.

DEAR MR. CRONIN: I am pleased to forward to you the "Second Year Report" of the State of Maine's FY 73 Grant Award under the Intergovernmental Personnel Act of 1970.

In addition to increasing and supporting the capacity of the Bureau of Public Administration, University of Maine at Orono, to provide a comprehensive and statewide general management education program for Maine state and local government administrators, the IPA FY 73 Grant also supported the efforts of the Maine Municipal Association to improve personnel systems among Maine communities, and provided funds for the Maine Human Rights Commission to study state government relative to compliance with state and federal equal employment opportunity laws.

The second-year support of IPA has enabled Maine to continue to improve the quality of public service at all levels of government. This is an ongoing process that requires continuous commitment and support.

We sincerely appreciate the staff assistance provided by your Intergovernmental Personnel Programs Division.

Sincerely,

KENNETH M. CURTIS,
Governor.

INTERGOVERNMENTAL PERSONNEL ACT OF 1970, STATE OF MAINE (73MEO6), SECOND YEAR REPORT

I. CAREER DEVELOPMENT FOR STATE, AND LOCAL GOVERNMENT, CONDUCTED BY THE BUREAU OF PUBLIC ADMINISTRATION, UNIVERSITY OF MAINE AT ORONO (UMO)

Bureau of Public Administration

The Bureau of Public Administration (BPA) was created by the 102nd Maine Legislature in 1965 and administratively is an integral part of UMO's Research and Public Services Division and maintains close liaison with the UMO Department of Political Science. BPA's mission is: (1) research on Maine governmental problems; (2) career development for Maine governmental employees through greater educational opportunities for public employees; and (3) publications on governmental subjects.

The BPA has been active in providing varied education and training programs for Maine governments during the past five years. It has developed as a recognized provider of career development courses aimed at upgrading the skills and abilities of Maine government personnel and thereby improving the quality of Maine public services.

Program plan

The second year IPA plan represented a continuing attempt to meet some of the basic education and training needs of state and local government administrative, professional and technical personnel. These needs were identified through the Personnel—Training Needs Assessment study conducted by BPA under the IPA grant in 1972. The goal was to offer 55 general management programs to an estimated 1,000 key Maine public officials.

During the first six months of 1973 the Bureau continued to offer a variety of workshops and seminars under provisions of the Intergovernmental Personnel Act of 1970. These training programs were offered to Maine public administrators on a statewide basis.

Revisions to the initial scheduling plan were necessitated by shifts in interest and through follow-up interviews that (1) some of the public officials were reaching a "saturation level," having attended most of the general offerings of the Bureau since its in-

ception in 1965. This "overkill" was having a negative impact on participation; (2) little change was being effected back on the job; when only one or two persons from a given organization had attended an open enrollment training program, they were likely to report that their ideas were difficult to "sell" to unprepared, uninformed, or unresponsive co-workers.

The consensus was evolving, by late fall, that "an organization should have its training 'in-house' so that more employees can participate in a realistic, job-related experience."

In spite of the reduced attendance, the open enrollment courses did have the effect of creating an awareness of the importance of training. The Bureau began to receive increasing requests for in-house, organizational development type training projects, particularly from those who had attended the various open enrollment workshops and seminars.

The Maine State Department of Personnel expressed the desire to cooperate in a new approach; namely, developing in-house training programs for interested state agencies, in cooperation with the Bureau. Similarly, the Maine Municipal Association, through its training officer, pledged its cooperation in helping towns and cities to act either on their own or in consortia with neighboring communities, to implement an organization-centered approach to training.

Finally, because the University of Maine at Orono provided an increase in its funding of the Bureau of Public Administration, IPA funds formerly slated for the salary of the Staff Associate—Training were allocated (again, by grant amendment) to the purpose of establishing an Augusta office with a full-time BPA representative to work with the Maine Municipal Association and with officials in state government.

It was anticipated that BPA's proximity to the capital would increase opportunities to meet with state administrators and increase the understanding of their problems and needs. Another goal of this effort was to facilitate the building of a stronger liaison relationship between the University and the public sector.

A further consideration in establishing this office was the desire to formalize the mutually supportive but informal relation between the BPA and the Maine Municipal Association (MMA).

An early look at the Augusta office (after two months) clearly indicates the expectations and objectives are being met. BPA service to state administrators has increased; cooperation and support for the Department of Personnel in developing specific programs for identified needs has begun. A closer cooperation between BPA and MMA has manifested itself in several research and training projects with joint applications.

PROGRAM ACTIVITIES

Course and location	Participants	Men	Women	State	Local	Federal
Supervision in the public service:						
Bangor	10	5	5	10		
Dover-Foxcroft	11	9	2		11	
Augusta	26	6	20	26		
Portland	10	8	2	1	9	
Rumford	7	7		2	5	
Kennebunkport	9	2	7	6	2	1
Waterville	9	8	1	3	4	2
Bangor	18	15	3	6	12	
Portland	12	12		7	5	
Augusta	13	6	7	13		
Developing communication skills:						
Bangor	19	16	3	16	3	
Portland	28	18	10	11	16	1
Auburn	27	13	14	23	4	
Augusta	13	8	5	11	2	
Dover-Foxcroft	12	12			12	
Waterville	12	6	6	7	4	1
Portland	22	16	6		22	
Creative problem solving:						
Portland	10	7	3	4	2	2
Augusta	17	6	11	13	4	
Thomaston	27	27		27		
Speaking for results:						
Portland	9	7	2	1	7	1
Rockland	7	6	1	6	1	
Orono	16	10	6	12	4	2
Effective writing:						
Augusta	24	16	8	23	1	
Bangor	20	17	3	19	1	
Auburn	40	40		40		
Train the trainer: Auburn	22	19	3	12	10	
Employee orientation and development: Augusta	10	7	3	8	2	
Effective personnel practices: Augusta	27	21	6	27		
Techniques of employee motivation:						
Portland	22	18	4	8	14	
Augusta	12	8	4	10		2
Bangor	15	9	6	10	4	1
Basic labor relations:						
Augusta	17	15	2	13	4	
Portland	15	13	2	4	10	1
Advanced labor relations:						
Augusta	11	9	2	9	2	
Portland	10	10		4	6	
Management for State administrators: Augusta	12	9	3	12		
Management for municipal administrators: Augusta	5	5			5	
Management at Maine State Prison: Thomaston	11	11		11		
Public relations in government:						
Orono	11	8	3	6	5	
Portland	20	16	4	10	7	3
Total	648	481	167	431	200	17

Program results

Training for state and local government supervisory/managerial personnel during 1973 was fundamentally sponsored by the University of Maine at Orono's Bureau of Public Administration, instructed by staff personnel, University faculty and adjunct faculty. One course in Effective Writing was offered through Arthur Little Company personnel.

The evaluation questionnaire was revised to include only the following three questions:

(1) What were the strengths of the program?

(2) What were the weaknesses of the program?

(3) How do you plan to use this information back on the job?

The purposes of evaluation are to assess learner reaction to improve the teaching/learning process, and to appraise changes in behavior in terms of results. The main difficulty with all of these is in controlling the number of variables inherent in each purpose in a credible way—a way that will allow the evaluator to demonstrate that it was the training that was mainly responsible for the change. As Les This, a recent BPA guest trainer from Gordon Lippitt Associates, stated: "The best evaluation is that 'gut feeling' that things have gone well." Mr. This also indicated that in his opinion an excellent barometer of excellence is reflected in the number of participants "who come back for more." On this measure, BPA has a good record. Seminars and workshops continue to attract people who had been satisfied with previous BPA offerings. In addition, we have found that our follow-up visits to people on the job bring expressions of satisfaction relative to personal growth and development by both the participants and their supervisors.

Representative statements taken from a sampling of evaluations provide an idea of feelings expressed by a cross section of participants.

"I have used what I learned in communication skills to improve our staff meetings. They are much better organized and we get more done now than we did before."

"Two problems, one involving a superior and one involving a subordinate have been easily dealt with using the basic concepts of communications learned."

"Two painters who were not producing have been 'turned on' by the principles of development adopted from the course (on Motivation)."

"This course (SPS) has increased my confidence that supervisory positions are not beyond my capability." (Supervision in the Public Service)

"I have imparted the knowledge gained (in Labor Relations) to the two other members of our negotiating team."

"The course (Effective Writing for Tax Examiners) has revitalized my curiosity and thinking processes."

"Time needed to prepare and write my reports has been reduced substantially."

"I am working more with the employees in their daily assignments, to set goals and objectives. This has also improved communication in my department with employees in all units."

"I have paid more attention to the factors of recognition and growth in helping to 'motivate' employees. This has led to my increasing the involvement of staff in the decisions that I must make. Some of my staff are coming into the office on 12/28, a day when they have signed out for vacation to participate in such a decision-making meeting. While I consider this to be a comparatively minor decision, they are coming in on their own volition."

"Since public image is quite important in my work, the Speaking for Results course was, for me, quite beneficial. Part of the benefit was reminding me of things which I already knew, but had not been practicing and part of the benefit was a little better view of myself as others see me. Hopefully, improvements in my televised news releases, as well as in-person speaking assignments reflect at least a few of the recommendations of the instructor in this training session."

"Am now engaged in concerted effort to bring about a revision of our agency's poor public image locally and to 'sell' legislature on need for additional funding in specified, neglected areas."

The FY 73 IPA Grant also provided for specialized training through which an additional impact on improving the quality of public service personnel was made.

BPA staff members were able to expand

their background of public management knowledge by funded attendance at educational seminars, workshops and professional meetings. Especially helpful was the American Society for Training and Development's regional conference in Moodus, Connecticut; the National Training and Development Service's Organizational Development Conference in Boston; and the American Society of Public Administration's regional conference in Portland, Maine.

The Maine Department of Personnel was able to add some meaningful personnel and labor relations books and materials to their professional library and to send the Assistant Director to meetings in Burlington, Vermont, and New York City.

Perhaps the most productive use of the specialized training funds was the grant to the Maine Municipal Association. IPA funds were provided to send their Public Training Director to the National Training and Development Service month-long workshop in Airlee, Virginia, on action research and training. As a result of the experience, the Director returned to Maine and instituted the concept of regional training councils. These councils have been very effective in helping to determine training needs of municipalities in Maine and in ensuring enrollments in educational and training offerings to local managers, supervisory personnel and other municipal trainees.

II. IMPROVING PERSONNEL MANAGEMENT IN MUNICIPALITIES, CONDUCTED BY THE MAINE MUNICIPAL ASSOCIATION

Maine Municipal Association

The Maine Municipal Association was formed in 1937 and continued by the cities and towns of Maine as an instrumentality of such political subdivisions of the state for the purpose of making available to cities and towns, through an agency organized and financed by them, (1) a central clearinghouse of information and research to assist their officials in the solution of technical problems in the field of municipal government; (2) an education medium for municipal officers by means of annual meetings, regional conferences, and specialized training institutes; (3) a fact-finding agency for the purpose of giving to the Legislature information with reference to the subject matter of proposed or anticipated legislation affecting cities and towns; and (4) an organization through which, in the interest of the general welfare, a greater civic consciousness of local government could be developed leading to a general improvement in governmental operation and administration.

The activities of the Maine Association are many and varied and include: (1) information services, (2) research and publications, (3) educational activities and (4) legislative service.

Program Plan

The Personnel—Training Needs Assessment study completed by BPA in 1972 clearly substantiated the need for personnel advisory services and technical assistance services among Maine communities. In addition, two other pieces of legislation which had decided personnel overtones pointed to a need for uniform and consistent guidance to Maine communities, the Federal Occupational Safety and Health Act, and the Equal Employment Opportunity Act.

The thrust of this grant activity was aimed at service delivery in three major areas of activity through on-site and telephone advisory services:

(1) Personnel Systems
(2) Affirmative Action Plans
(3) Occupational Safety and Health Act

Program Results

The area of activity receiving the majority of attention during the year was that of improving personnel systems. Under this category of activity, several major accomplishments are notable.

Old Orchard Beach.—A comprehensive revision of the Town personnel policy was undertaken as a grant activity. The policy was reviewed, amended and written to conform to the 1973 standards of Town policy and in accordance with various laws and regulations. On April 9, 1973, the Old Orchard Beach Town Council voted unanimously to adopt the revised Personnel Policy. A copy of the letter of appreciation is attached as Exhibit A.

Portland.—Upon request of the Personnel Department in the City of Portland, a comprehensive review of the non-union personnel policy was undertaken as an IPA project. The accompanying letter to Portland (Appendix B, p. 32) was prepared and the ordinance was officially amended, incorporating many of the amendments, on November 5, 1973.

Orono—University of Maine.—At the request of a professor teaching a seminar on public administration, a session on personnel administration was scheduled for April 30, 1973. The general municipal personnel field was covered during the class in hopes that an awareness of the importance of personnel and personnel-related activities would be developed among public management trainees. Feedback from the class indicated that a feeling for the scope, magnitude and, more importantly, the vital importance of personnel matters to town and city managers, resulted from the class.

Lincoln—Under the IPA grant, MMA undertook an analysis of the Town of Lincoln Personnel Regulations and Administrative Code. The main purpose of the analysis was to determine that the regulations and code were in conformance with the Town Charter and other pertinent state and federal laws. Recommendations of the analysis were included in the final version of the Regulations and Administrative Code.

Wells—The Town of Wells appointed a Personnel Committee to formulate a Civil Service Commission and Personnel Ordinance for presentation to a special 1974 Town Meeting. Two field visits and several office days were spent on technical assistance to the community under the IPA grant. As a result, the Committee has a final draft for presentation to the November, 1974 Special Town Meeting.

Mexico—The focus of a field visitation to Mexico, Maine, was the development and review of job descriptions. Based upon the preliminary drafting of job duties, the specifications were prepared and adopted administratively. This experience pointed out that communities are able to prepare their own job descriptions. However, there is some hesitancy, possibly based upon a fear of omitting some duties, in committing duties to paper.

The Equal Employment Opportunity Act technical assistance phase of the grant activity consisted primarily of activity in aiding communities with EEO Form 4. One major workshop was held in Augusta on September 14, 1973. As a spin-off to the EEO Form 4 workshop, some 62 telephone requests of guidance in preparing the form were entertained at MMA.

In July of 1973, the City of Portland requested IPA aid in researching and resolving an equal pay problem. The school system in Portland was paying female custodial employees less than male employees. Based upon research and analysis, the MMA staff person recommended that the School Department voluntarily pay back wages to the female employees. The City paid back wages and rectified the classification differences between male and female employees.

OSHA activities under the IPA grant were limited due to the State of Maine plan failing to receive necessary legislation in the 106th Legislature. Yet, three OSHA workshops were attended by MMA staff members. In addition, the subject of OSHA was covered in a workshop at the MMA Annual Convention.

III. IMPROVING THE IMPLEMENTATION OF THE CODE OF FAIR PRACTICES IN MAINE STATE GOVERNMENT, CONDUCTED BY THE MAINE HUMAN RIGHTS COMMISSION

Maine Human Rights Commission

The Maine Human Rights Act was created by the 105th Maine Legislature in 1971, and the Maine Human Rights Commission was established as of July 1, 1972. The Commission's purpose is to prevent discrimination in: (1) employment; (2) housing; (3) gaining access to public accommodations because of race, color, religion, ancestry, national origin; and (4) employment because of age discrimination. The 106th Maine Legislature amended the original act by adding "sex" as a form of discrimination prohibited under the Maine Human Rights Act.

Program plan

Provision was made in 1973 to amend the state's original grant (career development for state and local officials; training grant for State Department of Personnel; and technical assistance funds administered by the Maine Municipal Association) to include a grant of $4,000 to the Maine Human Rights Commission to conduct a study of state government relative to compliance with state and federal equal employment opportunity laws.

The State of Maine has historically striven to dedicate itself to the firm and humane policy of rooting out the evils of discrimination where they exist with regard to race, color, religion, ancestry, national origin, sex or age. Governor Kenneth M. Curtis issued an Executive Order dated July 1, 1972, under the Title of "Code of Fair Practices" Executive Order No. 11. The Order's purpose was to establish a code of fair practices to be followed throughout the executive branch of state government. It ordered all state agencies to act in accordance with the provisions and intent of the state's constitution and state laws against discrimination. It further ordered all state agencies to cooperate fully with the Maine Human Rights Commission and duly comply with its requests and recommendations for effectuating state policy against discrimination.

On February 7–8, 1973, the Maine State Advisory Committee to the U.S. Commission on Civil Rights met and submitted the following initial recommendation: "That the government should direct the Maine Commission on Human Rights to conduct a full review of the effectiveness of the Executive Order No. 11, and the Equal Employment Opportunity Act of 1972 and to recommend means by which the implementation of these measures may be strengthened."

The objective of this project was to provide an initial exploration and review of fair practices, equal employment opportunity, principles, and affirmative action in Maine state government. In a letter dated June 21, 1973, to the Regional Director of the U.S. Civil Service Commission, Governor Curtis indicated that this research and its findings had the utmost priority, and indicated his interest in soliciting federal assistance in organizing an effective action program for minorities and women in Maine state government. The Human Rights Commission staff will draw upon its experiences in reviewing and improving the Maine state EEO effort to prepare a report for the Governor. The report will indicate what is being done, what can be done with existing laws and resources, and what other laws, regulations and resources are necessary to achieve a fully effective EEO program.

The project began on September 15, 1973, and a request for additional funds will be

incorporated into the State of Maine's FY 1974 Grant proposal to complete the project by September, 1974.

Program Activities

The Maine Human Rights Commission met with the following state agency heads or their designees and conducted interviews which discussed personnel practices including recruitment, selection, orientation, evaluation, promotion, and exit interviews, and services to the public:

Department of Personnel.
Department of Public Safety.
Department of Agriculture.
Department of Business Regulations.
Department of Commerce and Industry.
Department of Conservation.
Department of Environmental Protection.
Department of Manpower Affairs.
Department of Marine Resources.
Department of Transportation.
Department of Health and Welfare.
Department of Mental Health and Corrections.
Department of Indian Affairs.
Department of Finance and Administration.
State Planning office.

The Maine Human Rights Commission met with federal government officials who have responsibility of reviewing Maine agencies for compliance with existing laws.

Program Results

Since this project was not begun until the latter part of 1973, there were only minimal results by the end of the year. However, it is expected that several changes will result from the activities outlined for 1973 and these include:

(1) Appointment of Equal Employment Opportunities Officers in all state agencies.

(2) Development of Affirmative Action Plans by state agencies.

(3) Initiation of a program to recruit women and minorities by the Department of Public Safety.

As a direct result of the activities undertaken during 1973, the following results were seen:

(1) Recommendations for strengthening EEO within their agencies were sent to the Commissioners of the Departments of Agriculture, Business Regulations, Commerce and Industry, and Public Safety. These recommendations included appointment of an EEO officer in each department, institution of a formal orientation program, and in-service training for supervisory personnel.

(2) Recommendations for changes in the employee evaluation forms were sent to the Commissioner of the Department of Business Regulations.

(3) Comments on oral examination were sent to the Department of Personnel.

(4) Recommendation for implementation of an Affirmative Action Plan which had been prepared for the Department of Commerce and Industry. Although written in June 1973, it had not been implemented at the time of the recommendation.

(5) Provided literature and information to state agency personnel on affirmative action.

Although cooperation with the activities undertaken during the project has been excellent, it was found that most of the recommendations were not instituted and that perhaps a new approach will need to be sought during 1974 in order to achieve more compliance. However, the Department of Commerce and Industry did respond by appointing an Affirmative Action Officer for the agency.

It is anticipated that early in 1974 Governor Kenneth M. Curtis will issue an executive order setting up an affirmative action program for the hiring of minorities and women in all state departments and agencies.

THE FUTURE OF U.S. FOREIGN RELATIONS

Mr. MATHIAS. Mr. President, last month, the Senator from Massachusetts (Mr. KENNEDY) traveled to Western Europe and the Middle East, meeting with the leaders of eight countries. He also attended the North Atlantic Assembly in London, of which he is vice chairman of the Military Committee. While on this trip, he delivered a series of speeches, giving his views on some of the most pressing issues before the world today: the military strength of NATO, the future of détente, medical care. peace in the Middle East, and the future of democracy in Portugal. Upon his return, he presented at the University of Connecticut, at Storrs, his views on the future of U.S. relations with other nations.

I ask unanimous consent that Senator KENNEDY'S five addresses be printed in the RECORD.

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

ADDRESS BY SENATOR EDWARD M. KENNEDY BEFORE THE MILITARY COMMITTEE OF THE NORTH ATLANTIC ASSEMBLY, LONDON, NOVEMBER 12, 1974

It is a pleasure once again to take part in these deliberations. The North Atlantic Assembly is a unique forum; it enables elected political leaders from all the Allied States to exchange views and to grapple with the problems and possibilities facing each of our nations, singly and together.

We meet today at a difficult time in the history of NATO—and for all the nations of the West. At few times in the past quarter-century has there been more uncertainty about the future, and more anxiety about finding ways to bring constructive and cooperative efforts out of threatened chaos.

Yet the problem does not lie primarily with NATO itself—or with its military organs, which we in this Committee are charged to survey. Indeed, on the military front—and in political affairs related to it—the Alliance can record several real achievements;

First, we are fulfilling the remarkable task of joint agreement on allied positions for negotiating mutual and balanced force reductions. We have shown that consultations can and do work when each allied state is firmly committed to the process and its goals.

Second, we have placed greater emphasis on the need to rationalize the NATO defense structure, and gain added flexibility.

Third, West Germany has concluded an offset agreement with the United States that goes far to meeting requirements of the amendment sponsored by my distinguished colleagues, Senators Jackson and Nunn. Last April, I had the opportunity to visit an American Kaserne near Frankfurt, and was impressed by the practical effects of the German contribution. Other Allies are also cooperating in helping to meet the overall goal.

Fourth, the Alliance is gradually moving towards a policy of standardization in the purchase of major weapons systems. The European commitment is particularly impressive in the method of selecting a successor for the F–104 fighter aircraft. Hopefully all countries in the Alliance will come to understand the value of standard procurement, in reducing costs and in achieving overall a more rational use of defense resources.

Finally, in another important area, the United States is beginning to streamline its forces in Europe. Specifically, Congress has mandated that headquarters and noncombatant units in U.S.-European forces be reduced by 6,000 people in the coming year, and by 18,000 within two years. These forces can and should be replaced by fighting troops, and I welcome Secretary Schlesinger's commitment to this end.

This streamlining—hopefully only the first of a continuing effort—has long been an objective for all Allied countries, with the firm support of this Military Committee.

In September 1971, at Ottawa, the Assembly adopted a recommendation of this Military Committee, calling for a more efficient use of military manpower. Specifically, we recommend to the Defense Planning Committee that it:

"Undertake a review of the organizational structure of the . . . forces assigned to NATO, paying particular attention to the ratio of combat to support troops and to the numbers and roles of headquarters units in relation to the forces they command."

Because the response of the North Atlantic Council was "disturbingly vague", we reaffirmed our position in a recommendation adopted at the 1972 Assembly meeting in Bonn.

Partly in response to this action, which was communicated by Senator Symington and me to the Senate Armed Services Committee, a major inquiry into this aspect of the U.S. force structure was begun.

This record of accomplishment in military cohesion is not without its difficulties. These include, in particular, the need constantly to seek ways of reducing NATO's effective fighting strength. But the first requirement is to look at the problem, together, and decide what is best for the future of the Alliance as a whole.

The MBFR talks themselves pose particular difficulties. Despite the high degree of Allied consultation, the talks have not progressed very far. There are many real and valid reasons for this delay, including the vast complexities involved, and the slow progress towards arms control in general. Yet time is still not on the side of an indefinite maintenance of force at current levels. Inflation affects decisions in defense as it does in every other area. In the United States, for example, the defeat again this year of the Mansfield Amendment, on U.S. overseas deployments, does not mean its indefinite postponement. Nor does it mean a blank check on future U.S. force commitments.

During the past two years I have voted against the Mansfield Amendments, as they would apply to U.S. troop levels in Europe. I have done so in the belief that the MBFR talks should be given a chance to succeed. And I will continue to adopt this position, provide that we in the West do all that we can to see these talks move forward.

It is also clear that only by pressing for substantial progress in MBFR can we have a high degree of confidence that pressures to reduce forces will not become too great to contain. This will require a commitment by the highest officials of Western governments, and a challenge to the Warsaw Pact nations to make a matching effort.

Many observers believe that the Warsaw Pact has no incentive to move forward. It may, indeed, act on the premise that delay will weaken Western defense or political will. I do not agree that delay will prove to be in the interests of the Communist powers—provided, that we continually show that the defense of NATO is, and will continue to be, our most basic commitment.

The best way to do this is to move forward in rationalizing NATO forces—seeking to reduce support overhead and other waste. In this way, combat strength can be maintained with a level of defense effort that is politically realistic for the long haul. In thus enhancing our evident staying power, we would also enhance incentives for the Warsaw Pact countries to negotiate realistically for force reductions.

The Strategic Arms Limitation and MBFR

talks are, of course, related to one another. They are not formally linked, except to the extent that issues vitally affecting Europe must not be negotiated over the heads of the Europeans, themselves. Yet it is also clear that real progress at SALT will promote agreement on other fronts of arms control—including agreements principally by and for the European states, themselves. In fact, the pursuit of detente—and of an era going beyond detente—will gain strength by the gradual building of discrete parts of the total structure. But, again, there can be no substitute for political leadership in every aspect of this process.

By what we say and do here, we can help to create and support that political leadership, both in the North Atlantic Council and in our individual governments. This, I propose, should be a central theme of the message that we take back to our own capitals: that both rationalizing Allied defense and pursuing arms control are as critical as ever; that progress on one front can facilitate progress on others; and that controlling strategic arms and MBFR should proceed in tandem.

It would be remiss of me at this point if I did not note that there are deep misgivings in many nations of the Alliance about the future of detente, itself.

But I believe we can find a way to advance relations with the Soviet Union—and to reduce the risks of war—provided we are realistic about both the prospects and the limits of detente. We can seek an end to confrontation, and real agreements in our mutual interests. But we cannot forget the many and pervasive conflicts of interest that will continue to divide East from West.

Earlier this fall, I wrote an article for Foreign Policy magazine, entitled "Beyond Detente". In this article, I have tried to set forth a set of principles and practices that can give us a solid foundation in the Alliance for approaching the East. Perhaps most important for this Committee, I believe there are five essential steps towards arriving at firm, realistic agreements on strategic arms control—thus advancing the security of the United States and its Allies.

First, we must promote full public disclosure of arms programs in both the United States and the Soviet Union. Otherwise, there is a danger that selective release of information about competing arms programs will stimulate unjustified fears. And we must impress on the Soviet Union the need to reduce their outdated and self-defeating attitudes of secrecy about their own weapons and doctrines.

Second, it is important for both sides to end the building of weapons systems they do not need, and then justifying them as "bargaining chips". I believe the record shows that this approach merely leads a higher level of arms. It helps military leaders on both sides to press for more strategic weapons that are not needed, and that—in the United States, at least—take money from conventional military strength.

Third, both superpowers must not build weapons systems that could appear to call into question the doctrine of mutual assured destruction. These include Soviet large missiles and American so-called "hard-targetting programs."

Fourth, I believe it is important to separate the process of strategic arms control as much as possible from the cycle of summit meetings. With the pressures for agreement in a dramatic setting, some observers believe there is temptation to settle for agreements that are less than we might otherwise accept. I do not agree with this view. But there is danger that such agreements would be viewed in this light. It would be far better, I believe, to use the established SALT forum for the orderly negotiating of agreements, backed by top-level and committed political leadership.

Finally, arms limitations must be negotiated in terms of a clear picture of the relative balance of nuclear forces. The United States and the Soviet Union are now in a position of substantial overall equality—a "zone of perceived parity". Provided that all elements of the strategic balance are taken into consideration—both qualitative and quantitative—the United States is certainly not second to the Soviet Union; and many observers argue that we are actually somewhat in the lead. American bombers are superior in both quality and quantity; our submarines are more effective; our warheads are more accurate. And the United States will continue to maintain the technological lead.

Even more, arguing about relatively small differences in nuclear power—at a time of massive overkill on both sides—is ultimately self-defeating for arms control and, hence, for our overall security in the West. While being certain at every step that we do have all the security we need, we must also recognize the dangers of not stopping the arms race.

I believe that this approach to strategic arms control will also meet the demands of Allied security. Only by emphasizing areas of Soviet nuclear superiority—while ignoring areas in which the United States is superior could there be any legitimate fears about U.S. will and determination. We must avoid that self-fulfilling prophecy, and a tragic and needless erosion of West European confidence in America's essential commitment.

So far I have been speaking mainly about the military side of the Alliance, and about political factors related to it. Despite the impact of inflation and uncertainty, the record of NATO in the past year has been good. Many efforts have been started in the right direction.

Yet there are new developments, directly affecting NATO, that have led to new uncertainties. First, last April the repressive government in Portugal fell, and was replaced by one committed to policies of decolonizing and restoring of democracy. We should applaud the act of true statesmanship on the part of the Portuguese Government that is producing rapid independence for its colonies.

We are also now hopeful for the restoration of full democracy to Portugal. The Government in Lisbon has declared its commitment to principles in common with those enshrined in the Preamble to the North Atlantic Treaty: that the member states . . . are determined to safeguard the freedom, common heritage, and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law.

It will not be easy for a nation to forge a democratic spirit, practices, and institutions after nearly 40 years of dictatorial rule. The other nations of the Alliance are watching to see what will happen in Portugal. I plan myself to visit there within the next week, to stress Allied concern and support for this experiment. And all of us should support every effort which that nation makes in rediscovering democracy, and in shaping a truly free and pluralistic society. At the same time, it is our earnest hope that Portugal will remain a full and active member of NATO, and that Portuguese military facilities will remain available for Allied use.

Farther east, this year also saw major changes in Greece, where seven years of repressive rule came to an end in July. The country that gave the word "democracy" to the people of the world has now brought this fundamental ideal home to its birthplace. Next Sunday, Greece will hold its first elections in 10 years—a remarkable testimony to the spirit of this free people. Greece, too, deserves our strong support during this time of restoring the processes of elected government to its people.

We in the Alliance should be encouraged that, for the first time in NATO's history, no Allied nation has an autocratic government. This is a clear demonstration that we are more than a military Alliance—but rather an Alliance gaining strength from the strength of democracy.

Other events in the Eastern Mediterranean are cause for deep concern. Not only is there the troubling matter of Greece's future relationship with its NATO Allies, but there are also the unresolved questions of the future of Cyprus, and of Greek-Turkish relations.

Elsewhere, I have expressed my own views about the events that have taken place on Cyprus, and about the role of my own government. But whatever has transpired in the past, it is now time to look to the future—and to the resolution of the differences that still face Cyprus with the threat of war; that still cause untold human suffering; and that still mean deep estrangement between Ankara and Athens.

Because NATO is affected by what has happened, NATO has a responsibility to do what it can to promote the process of negotiations, to aid the refugees, and to seek answers to the basic, underlying issues that promoted this conflict and those in the past. I therefore call upon the countries of NATO, singly and together, to provide good offices in this dispute and increased aid for the nearly 300,000 Cypriot refugees. As an Alliance, we must not—we cannot—turn a blind eye to strife involving our members, nor ignore the costs in human suffering. This is in keeping with our commitments under the North Atlantic Treaty.

Beyond developments in Portugal and the Eastern Mediterranean, there is a broader and more pervasive concern. Its short name is inflation, with the continuing threat of deep recession; its causes are many—not limited to the rise in the price of oil; its implications are serious for the ability of Western nations to work together; and its solutions are not simple ones.

We in the Military Committee are charged with reviewing only a portion of Alliance concerns. Yet we cannot properly do our work—nor can the military institutions of NATO guarantee the fundamental security of our people—if we do not at the same time also meet and master the growing economic crisis. For if we do not do so, the continued military strength of the Alliance could become a Maginot Line, protecting us against threats from one direction, but not providing security against the more imminent danger.

I have no magic formula for resolving this economic crisis—although I have made, and will continue to make, specific suggestions on particular problems. But I do advance a fundamental principle: that we must not let our individual difficulties lead to policies of beggar-thy-neighbor; to unilateral actions that make worse the problems of other nations; and to an unravelling of the cooperation on so many fronts that has been basic to all that we have done together in the past quarter-century.

Despite efforts made so far, there is still danger that one or more of these risks will be realized. With every passing month, the malaise deepens, spreading from country to country. The rate of inflation varies from seven percent to nearly twenty-five; but no country in the Western world can take shelter from its effects.

We face a choice: will we sink into the divisive economic nationalism of the 1930s that brought on the most destructive war in man's history? Or will we make this a creative period? Can we match the early years following the War, when people of vision built the great institutions of the Western world out of the chaos of war and destruction? They had the will and the wisdom, then; we must not fail to have them now in equal measure.

The task is made even more difficult, today, by the need to share leadership among nations. There is no dominant power in the West, undamaged by crisis, that could pro-

vide the bulk of the resources needed to underpin the new institutions. This itself is a welcome change. But in sharing this responsibility—as we share distress—today we have the opportunity to reach a new level of maturity in our relations with one another.

I wish to end my talk today on a note of optimism. I have been impressed with how far we have come in one short year. Then the fabric of cooperation within the Alliance was damaged by the Middle East War, and by the different demands placed on individual Allies by the oil embargo and the rise in the oil price. So far, we have not yet found all the answers; but at least we now know the questions. And we realize increasingly that the basis of our original Alliance during the 1940s is still a sound one. The nature of that Alliance must now change in profound ways. Yet it is impressive that—with the growing interdependence of nations, and with the growing significance of economic problems—our nations in Alliance are still concerned to find a basis for common action. I believe that this concern justifies a note of optimism, which we in this Military Committee can share.

ADDRESS DELIVERED BY SENATOR EDWARD M. KENNEDY—BEYOND DETENTE, AN AMERICAN VIEW, DELIVERED BEFORE THE RENNER INSTITUTE, VIENNA, AUSTRIA, NOVEMBER 15, 1974

Chancellor Kreisky: I am honored to meet with you in this historic city—as a guest of the Institute named for the great leader of your Nation, Karl Renner. He was truly the father of modern Austria—as you have written, remaining "unswervingly loyal to the lodestars of his youth."

There is deep symbolism in a visit to Vienna. Two decades ago, the Austrian State Treaty was the first bold step towards ending the Cold War. Since then, Vienna has stood at the crossroads of Europe, bringing together ideas and people from far and wide in historic efforts to reunite a divided continent. Limits on strategic arms were negotiated here. And now the first attempt to reduce European forces on both sides. Vienna has become the third city of the United Nations. And it is now the site of the only worldwide agency for turning the power of the atom to the purposes of peace.

This city—this country—also inspire us abroad for your achievements in democracy; for your strong economy; for promoting the social welfare of your people. Here, too, as President Kennedy once said, other nations "will be able to follow in the footsteps of Austria."

Tonight, I come to Vienna from a country that has also faced great tests in world politics, and in building a just and compassionate nation. And I am happy to report to you tonight that America is—again—truly a nation at peace with itself.

Our system of government, begun two centuries ago and nurtured by each generation since, has weathered the latest crisis of Watergate. It has emerged with new strengths and renewed commitment to the democratic process.

When the executive branch of government over-stepped the bounds of law that protect our freedom, both the Congress and the Courts responded with strength and resolve. And for our free press, the Watergrate period was truly its finest hour.

In race relations, we still have far to go towards true social justice. My own city of Boston is now facing difficulty, violence and strife. But I believe that as a nation we are gradually creating a society in which the devisive issue of race will no longer kindle hatred. I am hopeful that we will once again draw forth from every man what Lincoln called "the better angels of his nature."

Today, the United States is turning its attention towards the new demands of economic change and of America's role in the world economy. We share the worldwide crisis of inflation, reflecting both the rise in oil prices, and the deeper problems of a modern economy. Because of the size of the U.S. economy, it is important for us and for every Western nation that we bring our inflation firmly under control, without a deep and prolonged recession.

Yet neither the United States nor any other industrial nation can meet and master today's economic threat on its own. Your economy and mine—and the health and development of our societies—are bound together as never before. No nation can afford to export its inflation to others, like the destructive competition of the 1930s which brought suffering and grief to so many—and ended in war. No nation can now go it alone, taking unilateral decisions that affect both its own people and millions abroad. No nation can ignore the need for a common fight against inflation. Instead, we must act together to answer economic problems that threaten all that we have done for our people's well-being.

During the late 1940s, the continent of Europe faced uncertainty and even despair. Yet in the gathering darkness, people of vision in many lands joined together for the first time to create institutions to rebuild economies that were in ruins. And they saw that only together could they promote economic well-being among nations that for so long had stood apart from one another in economic and political struggle.

If those leaders of the 1940s had the vision and the commitment then, dare we have any less, today? I believe that at no time in the past quarter-century have we had more need to act together in reforming old institutions and in creating new ones. Nor have we had a better opportunity for a new burst of creative spirit.

We need a trading system that can ensure not only access to markets, but also access to food, fuel, and raw materials;

We need a monetary system that can promote the growth of trade, despite inflation and the shocks caused by massive flows of oil money from country to country;

We need a means of waging together the fight against inflation, that will reduce the likelihood that each nation will try to solve its problems at the expense of others;

And we need to broaden the basis of cooperation even beyond the Western industrial states. We must work with nations that have new-found wealth and power; aid those developing nations left out of the world's prosperity; and reach out towards nations of the Socialist world, as well.

The means of achieving these tasks are important; but even more important is the will—and the knowledge that only a new burst of thought and action by us all will meet our duties to our people and to the future of mankind.

In recent years, America's friends abroad have wondered about our ability to look beyond our domestic problems. Will the American people play their part in this effort? I believe they will. To be sure, some Americans are weary from the burdens of the post-war years, and would rather retreat from the outside world, to seek the illusion of isolationist ease.

But a growing number of Americans are now fully aware that we must meet both the continuing demands of security and the new economic demands of increasing involvement in the outside world. Today, there can no more be a fortress America economically than there could have been one militarily a quarter-century ago. Isolationism would not be just a luxury for the American people; it would also spell the end of our hopes for prosperity and social progress.

Inflation is only one factor that requires all of us to take an outward-looking and responsible view of the world. In America, we also find daily evidence—as workers, businessmen, and consumers—of the economic power of Europe and Japan. We have learned that the dollar is no longer almighty, but has a strength that depends on prosperity in other nations, as well. We are now challenged to join with others to manage the resources of the seas, to protect the global environment, and to conserve the resources on which the world's future depends.

Flows of investment, of raw materials, of technology—all these too show an American interdependence with the rest of the world of which we could not even conceive a few short years ago. And it is clear that no nation can any longer shelter from human pressures the poorer regions of the world—pressures from rising population, shortages of foods and fertilizer, and the scourges of poverty, itself. The storms of economic difficulty may still be less severe in the United States than elsewhere, but they no longer pass us by.

Before the energy crisis began last year, some people said that the United States could begin laying down a major share of the burdens of leadership, and devolve the burdens increasingly upon the industrial centers of Europe and Japan. Today, as the United States is relatively less hard hit than many other nations by problems of energy, it is clear that we must continue to share responsibilities, we must continue to play a major role in leading the world economy to new strengths and prosperity. I believe the American people can—and will—respond to this need.

These new economic issues now command the world's attention, but they do not eclipse our older concerns. Together, we are preoccupied with problems of economic adjustment, in part because of what has been done to reduce dangers of war involving the major industrial powers. The loosening of alliances, the rise of economic challenges from newly-rich nations, the demands of interdependence—these all followed the relaxing of global tensions: which we call détente. And we must preserve the strength to keep those tensions relaxed—to let us move onward: to an era beyond détente.

Here in Vienna, you have often seen more clearly than people in either East or West the dangers of continuing strife and discord. You have challenged both East and West to see opportunities open to all. Together, they can reduce confrontation and take differences to the conference table. And together they can help resolve the global problems which go beyond ideology or national interest.

What has been done in recent years? The superpowers have reached a real agreement on defensive strategic arms, and are seeking further limits on offensive arms. Negotiations are underway on troop reductions and European security. Trade relations are expanding between East and West—especially here in Europe. And closer ties are developing between individual nations on both sides of what was long ago an "iron curtain".

The nations of Europe deserve much of the credit. West German Ostpolitik helped bridge the gulf of interests and understanding between the two halves of Europe.

And the European neutrals—especially Austria—have shown by the policies of two decades that there is a spirit that goes beyond East and West.

Austria is seeking association with the European community—a grouping of great achievement and greater promise—in pursuit of a vision of Karl Renner:

"We always have been ready, and we shall in the future be ready, to join any genuine international community which rests on a groundwork of equal rights. And what we would best like would be an international community composed of a union between the democracies of Europe."

But you are also reaching out to trade and other ties with the Socialist world, in an extension of efforts that a decade ago, Chancellor Kreisky, earned you the praise of Pres-

ident Kennedy: as a man who has "labored under burdens which would stagger a lesser man."

This is a spirit of Europe, whose people share and can build upon a heritage and culture that should know no boundaries.

This, then, should be the goal of the era that stretches beyond detente: to negotiate differences where this can be done; to moderate differences that cannot now be resolved; and to direct the creative energies of people in all parts of Europe toward constructive and common ends.

In the United States, our task must still begin with an effort to end the nuclear arms race. The figures are almost beyond our ability to comprehend. The United States and the Soviet Union now have nuclear weapons with an explosive force greater than 700,000 Hiroshimas; greater than 4,500 times the total forces expended in World War II. Yet even more important, the two superpowers have developed weapons systems and doctrines which ensure that neither side could launch a nuclear war without being destroyed in return. Only a madman could now think of starting a nuclear war.

But will the nuclear arms race still go on? I believe it must not; it must be stopped, before the march of technology makes the task far more difficult than ever before.

In stopping the arms race, there is no substitute for political leadership—leadership that goes beyond focusing on a sterile debate about relative levels of overkill; leadership that recognizes the fact of overall parity in weapons between the two superpowers; leadership that understands the need to act now.

Last April, I visited the Soviet Union, and talked there with top officials of its government about the prospects of halting the nuclear arms race. I returned convinced that firm and decisive leadership, exercised by both our nations, could break the nuclear spiral, and bring real agreements that will be in the mutual interest of both nations—of all the world's people, as well.

I believe there are five critical steps in ending the arms race:

First, both superpowers must begin the full public disclosure of their nuclear doctrines and program. Today, the Soviet Union continues to act behind a veil of secrecy. Meanwhile in my country, we are too often given only a partial record of our own and Soviet capabilities, and their significance is shielded from public view. This secrecy raises fears that are often unfounded; it fuels the arms race on both sides; it helps to defeat the control of arms. Secrecy must end; and with it a great obstacle to effective arms control.

Second, both sides must end the practice of justifying unneeded new weapons systems, to be built at staggering cost, as poker chips in a bargaining game. Too often, deployment of these weapons is not traded away, but is used to push the level of nuclear arms to greater and more terrifying heights. We in the United States must use far greater restraint in our programs of arms, and we must insist that the Soviet Union do the same.

Third, both sides must avoid building weapons systems that could erode their common understanding that a nuclear war means sure destruction for them both. For if the fact of mutual assured destruction is brought into doubt, the world could be lunged back into a state of nuclear uncertainty, with increased risks of war. Neither side can justify this course, nor ignore the terrible destruction of any nuclear war, no matter how "limited" it may be.

Fourth, the superpowers should separate arms control from the cycle of summit meetings. These meetings contain too many pressures to reach agreements for signing in a formal setting, as evidence of concrete acts. Instead we should emphasize the regular SALT talks, but with high-level political support. Arms control is too important to be episodic. It must be built slowly and carefully, contributing to a world secure from mankind's final war.

Finally, we must take a different view of the role of the SALT talks. Because of other developments in detente—including the efforts of European states—these talks no longer must bear the full weight of developing understandings between East and West. We must continue to press for positive controls on nuclear arms. But this one task no longer has to serve other purposes as much as before.

If there is real political leadership in both Moscow and Washington, I believe these five steps could produce further controls on nuclear arms. They could avoid the self-defeating competition in bargaining chips. They could help reduce incentives for other nations to join the nuclear club. And they could help carry us beyond detente—towards a more mature and constructive relationship with the Soviet Union.

In seeking arms control and detente, we have learned many lessons that may help guide the efforts of other Western nations. We have learned that developing detente must not depend on particular leaders in power. It must not be limited to governments, alone. Instead, this historic process requires the wide and deep involvement of other groups in society—on business, labor, and the people themselves. Changing relations between peoples must reflect a deeply-felt sense of basic interests that goes beyond political party. It must have wide popular support.

Pursuing detente and beyond must also be done in the open, and not in secret diplomacy. In the United States, there has been some misunderstanding about relations with the Soviet Union, in part because there has been no full and open debate about great issues. We can advance relations between East and West only if they are subject to public sight and sanction—only if they gather real strength from the free play of forces in our democratic societies. I welcome Secretary of State Kissinger's call for a national debate on detente—and urge that it involve European nations, as well.

All peoples seeking to resolve differences between East and West must also increase their understanding of one another's societies. Our hopes for continued progress will require people in both East and West to be more sophisticated about the ways in which the policies and actions of the one will affect the other. We in the West must also lend support to constructive forces in the Socialist countries, and seek a positive response.

Here, Austria can continue playing a critical role. No other country in Europe is better placed to stimulate the flow of ideas and understanding between nations. No other country can better interpret the attitudes and actions of many nations and peoples to one another.

For the countries in the two European Alliances, a principal concern now is the mutual and balanced reduction of forces deployed on the continent. This has long been a goal of the West. In seeking these reductions, we believe we can gain the same security at lower cost; reduce even further the risks of a European war; and promote the resolution of political differences.

Can we reach this goal through the MBFR talks? I believe we can—even though the talks have achieved less so far than we hoped. The nations of the West are working closely together on common positions. But neither side has yet made a top-level political commitment to give life to the talks.

The challenge is there; it must be met. For the future of Europe, what happens here in Vienna can be as important as the SALT talks, as promising for the overall future of East-West relations, and more valuable in involving European states deeply and directly in the future of their own security.

Many European countries—including Austria—are not directly involved in the MBFR talks. But all Europeans are involved in the Conference on Security and Cooperation in Europe; all European peoples can gain from the results of that conference; and all can gain from taking part in any continuing forum that it creates.

For Europe, this will be the true test of *detente*—and beyond. Some nations want most to ratify the results of the Second World War. But others are more concerned to promote the widest possible contacts between East and West. They want a greater flow of people, of goods and ideas.

In the words of Count Coudenhove-Kalergi: "In a Europe of free trade, not only the circulation of goods will have to be free, but also the free circulation of men."

In the long run, I believe his letter goal is most critical of all. For at least, *detente* is about people—about the way they live; about the ideas and experiences they can share; about the hopes and fears they have in common.

As Chancellor Kreisky has written, *detente* "alone cannot be satisfactory as long as many millions of people live in conditions which are not compatible with what I understand by democracy and freedom." And here in Austria—especially in the last year—your country has shown by its deeds that it is committed to your words.

There is no contradiction between strengthened security for all nations in Europe and a steadily-expanding range of contacts between them.

These contacts do not deny any nation's right to shape its destiny and to join other countries for its defense: each country will choose for itself the role it will play in this new era—but in which human progress, creativity, and expression should be the most cherished goals.

Hopefully, confidence and experience gained from expanding East-West relations will strengthen this belief throughout Europe, and end fears that *detente* could itself pose dangers for any nation or people.

At the same time, differences will remain between East and West—on issues, economic systems, and methods of government. Different views about society will not likely give way to a consensus that can span the continent.

We must therefore be cautious in planning and executing the way forward; we must meet the demands of security at every step; and we must understand the limits of progress—the differences that will endure.

Yet the prospect of widening contacts is real and exciting. Gradually, East and West will find greater scope for coming together to meet enduring human and political problems that go beyond ideology, beyond national boundaries, beyond the traditions and rivalries of the past.

Energy, raw materials, trade, pollution, sharing the sea's resources—and the myriad needs of the world's poor nations—in all these areas there will be ways in which East and West could work together. We in the West should increasingly seek to involve the Socialist countries in old institutions—like the GATT and the IMF—and in those new ones that man's genius will build for the future.

The continent today is not the one of 1939, or even of 1948 or 1955. Images and memories from those days must not dominate the future. The future must be allowed to speak for itself, shaping perspectives according to mankind's new difficulties and demands.

This must be the touchstone of the era that stretches beyond detente. For as old issues are managed or muted or settled—we will all be tested by our ability to reach beyond the discord of nations to a concern of peoples. Nations in both East and West must develop a global perspective on world-

wide problems, even to hearing the cries of the poorest of the world's poor. Only then can we truly know that we have gone beyond the cold war, and even beyond detente, itself.

Our hope was expressed by a great Austrian, winner of the Nobel Prize for Peace. Writing in 1900, on the dawn of a new century, Baronness Von Suttner said:

"If I have one desire, it is to see all countries rise superior to sentiments of rivalry and jealousy, and live always in good understanding: this would ensure them a lasting peace."

ADDRESS BY SENATOR EDWARD M. KENNEDY AT THE DEDICATION OF THE CENTER FOR HEALTH SCIENCES, AND MEDICAL SCHOOL OF BEN GURION UNIVERSITY OF THE NEGEV, BEERSHEBA, ISRAEL, NOVEMBER 17, 1974

I am pleased and privileged to join with you, today, to commemorate another new beginning for the Ben Gurion University of the Negev—and for the State of Israel.

I want to thank your President, Dr. Moshe Prywes, and the other leaders of this University for the honor of being present at today's dedication ceremony.

For me, it is a return to a community where the underlying themes of this nation intertwine. It is a return to pay homage to the memory of a man of courage, a man of greatness, a man of faith—David Ben Gurion, whose name now graces this University. It is a return to renew the bond of friendship and respect that my family and I have long had for the people of Israel.

Several years ago, I visited the Weizmann Institute and was deeply moved by the memorial to President Kennedy. The Memorial Menorah stands as a beacon of hope and life, the burning bush a symbol of everlasting faith—faith in God and faith in man. My family is proud that there is a John F. Kennedy Fellowship Program at the Institute, that carries forward his belief in youth and his passion for excellence.

I have come to this great place of learning today, to help dedicate a center devoted to the health of your people. Yet even in doing so, none of us can ignore a more fundamental condition for the health of your people, and for the health of the lands and nations throughout this part of the world. That condition is the gaining and preserving of a just and lasting peace.

Four times in the past quarter century, the land has bled in the Middle East. Four times, you have been called upon to defend the independence of your nation. Four times young men and women—both Jew and Arab—have seen their futures cut short by a senseless war.

For a nation so young, a nation which already has given the world so much, the list of dead is far too long. There have been too many loved-ones called; too many sacrifices demanded; too many mourners' kadishes recited.

A year ago, many of you were once again at the front lines. And many of your friends, relations and colleagues did not return from the battle. I join with you in sorrow at the tragedy that cost this University, this nation, and the world the lives of these students, teachers, and workers. "May their memory be a blessing."

And elsewhere in the Middle East, the tragic sounds of battle have left other mourners, other families to pay the terrible price exacted by war. For all peoples in this conflict, the failure to make peace—and to accept the opportunities for a region that is freed from war—has been measured in needless human suffering. In these wars—as in all wars—there are no winners. There are only survivors.

Today, the pace of changing events gives little confidence to anyone, particularly a foreign observer. Hopes were kindled at the beginning of this year. Difficult efforts were made to take the first, tentative steps that could lead in the direction of peace. Now these hopes are muted, as events seem to push the goal of peace farther out of reach, and raise again the dangers of war.

Yet many have not despaired, even as the difficulties mount. And I pledge my support—firmly backed by the American people—for the efforts of those people here and elsewhere who continue seeking the next small step—and the next—on the hard road to peace.

With you, the United States stands for negotiations that will settle this conflict once and for all; that will give you the peace you have so earnestly sought since the moment of your nation's birth; that will provide secure and recognized boundaries; that will end the state of belligerency; and that will lift the yoke of war forever from the shoulders of Jew and Arab alike.

There will be no easy solutions in negotiating the peace. But as the way unfolds, I can assure you of this: the United States must and will continue to provide the assistance that Israel needs to defend itself. We will not be deterred by the economics of oil—but will continue in our attitudes and actions to keep this separate problem apart from the process of peace. Our commitment to Israel's independent future will endure—as will our commitment and our efforts to help find an end to the conflict. And we will seek to persuade all outside powers—including the Soviet Union—to move in the direction of peace. For no nation can profit in the Middle East when the dogs of war are unleashed.

Yet peace will not come simply because we in the United States want it to happen. That peace—and the relations among peoples that could lead beyond—will be largely made here in the Middle East, and by its peoples. Not all are equal in their commitment to preventing war and resolving conflict. Not all see the need to recognize the new realities that have emerged from the past twenty-five years. But as we have seen so many times in the past, and in so many places, people who ignore the opportunities for peace—who would resort to more war—suffer with those who are committed to the imperative of a just and lasting peace.

The voices of peace and reason can and must prevail—wherever they are found. And they will merit our support in the United States, and throughout the world. For the future is about the lives of individual people—in the Delta of the Nile and the Kibbutzim of Israel. These are individual people, who must live together not only for achieving peace, but also for forging a new era of cooperation and development in the Middle East. Their past has too often been scarred by a needless conflict that benefits no one; their presence is filled with rising anxiety for their livelihood and their lives; and the vision of their future is marred by fear and uncertainty—save for the chances there now are for peace, and for turning again to the pursuant of human goals. For Jew and Arab, moving toward that goal—a future of rising hope—must begin now. And this hope will not be fulfilled on the battlefield, but on the foundation of mutual respect and good faith in negotiations.

No American can travel an hour through this land of Israel without reacting from deep within to the stirring of ancient memories, the reawakening of one's own faith, the awareness that some long-proclaimed yet long-delayed frame is unfolding before your eyes.

The promise of this land is being fulfilled—amid plan, amid suffering, amid personal anguish. But overriding these emotions is a great sense of hope, an underlying confidence and assurance that there is new life surging up from the land itself.

The buildings on this campus, that rise suddenly out of the desert are part of the promise. The students and scholars and scientists at this great University are part of the promise, as well. It is a promise not just for Israel, but also for the Middle East, and for the world.

David Ben Gurion said, "In Israel, in order to be a realist, you must believe in miracles."

I cannot help but believe that this dedication ceremony is part of that miracle at work in Eretz Israel.

I recall talking with university leaders and government officials three years ago. They spoke then of plans that they had for this new health center—dreams of combining together the resources of this Center with the government and the people, and creating a new form of integrated health care for the people of the Negev, stressing primary care.

We are dedicating more than the physical facilities here today that will house the new School of Medicine and the Center which will link the Kupat Holim, the Ministry of Health, and this University. We are dedicating the concept that health research, health education, and health care services are to be integrated in order that society's investment in medicine might be fully returned.

Americans and Israelis share many of the same problems in bringing adequate medical care to their people. We suffer from an over-abundance of highly trained specialists, and a shortage of primary care physicians, we suffer from geographic mal-distribution of health professionals, leaving many of our rural areas devoid of adequate medical care, while physicians cluster around our major urban medical centers. We suffer from the problems physicians encounter in maintaining current knowledge and competence in a field where rapid change is the rule. We suffer from inefficiency in the organization of health services.

In many ways, as I learned during my last visit to Israel, you are ahead of us in meeting these problems and in bringing the benefits of modern medicine to all of your people—whether they are rich or poor, old or young, Arab or Jew.

You have made great strides in insuring that quality medical care is a right for all—not a privilege reserved to those people who can afford to pay the bill. In my country, we still are struggling to reach that goal.

Yet in the United States we are making slow progress towards solving many of the problems we share with you.

I expect that by the end of this year, we will pass a law establishing a framework for setting forth national health goals, and for planning health services at the local, regional, and national levels. This law will be an important part of our efforts to organize and make more efficient the delivery of health care services to the American people.

Last year, a law was passed providing federal assistance in creating prepaid group practices as a competitive alternative to fee-for-service medicine. That program is just now being implemented, and I have great hopes that it will substantially alter the patterns of medical practice in my country.

And when the Congress returns we will resume work on comprehensive health manpower which for the first time will begin to overcome the problems of geographic and specialty mal-distribution.

We are engaged as well in seeking to increase our ability to train people in the health professions. We should be a major exporter of medical expertise and knowledge to the developing world. Instead, the opposite is unfortunately true. More physicians from developing countries throughout the world are emigrating to the United States each year than are graduating from our own medical schools. The result is that the nations which can least afford it are losing valuable human resources. We must reverse that process, and help bring to the poorest people in the world the medical services we cherish in our own country.

Next year, I expect that the U.S. debate on national health insurance will reach a conclusion. Hopefully, we will enact an equitable, universal national health insurance program, that will cover the costs of all medical care, for all the American people.

But as we in the United States can learn from your experience in Israel, national health insurance alone will not solve problems of organizing and delivering health care services, or of disseminating the latest in medical knowledge to the benefit of the people, themselves.

For that reason, the future work of this Center and the Medical School will be watched by public health specialists and health policy makers, not only in the United States, but also throughout the world. I am pleased that the U.S. National Institute on health has joined the international health institutions which have supported this plan.

Your experimentation with health services here, as in so many other fields, is at the frontier of mankind's effort to harness knowledge and modern resources for the benefit of individual people.

This is not a new concern for your people, for the heritage of the Jew is a heritage of learning. As Maimonides wrote eight hundred years ago, "The advancement of learning is the highest commandment."

It might have seemed strange in another land to find the first President of a new nation—then under seige and fighting for survival—to be equally concerned with developing an institute of science, a center of learning.

But at Rehovot, at Sde Boker, and here at Beersheba, there stand the immortal legacy of Chaim Weizmann and David Ben Gurion. It is a legacy that "the ultimate test for Israel in our generation is not in the struggle with external hostile forces—but in harnessing the forces of science and pioneering to conquer the deserts of the land in the wastes of the Negev. . . ."

Already we see incredible change. Since 1948, Beersheba has grown from a village of 4,000 to a bustling city of 70,000. Stretching across the Negev, an industrial base is beginning to appear, aided by the resources of this University.

It is a challenge of historical magnitude, an attempt to reclaim land that had lain barren and unproductive through the centuries.

It is a challenge in liberty, in the ability of a democratic society to harness the human resources of immigrant and sabra in a common task against overwhelming odds.

Yet it is a challenge that is being won.

A leader of American Judaism from my native Boston later became one of our greatest Supreme Court Justices. And Louis Brandeis once wrote: "The great quality of the Jews is that they have been able to dream through all the long and dreary centuries; and mankind has credited them with another quality, the power to realize their dreams."

We Americans usually think in terms of what we have to offer Israel. But all too rarely do we think of what Israel has offered us in return:

The modern miracles of biblical dimensions, giving all of us constant proof of the power of faith and courage and determination;

The amazing models of accelerated economic and social development, that await only our will to be carried throughout the world.

A shining example of preserving human values and human priorities, despite the most severe trials;

And, finally, evidence that dreams, even the most distant and difficult dreams, can come true, if we do not lose sight of why we want them, and what we ourselves must do to make them come true.

You who are about to embark on the first year of your medical studies are part of the dreams and part of the prophecy. For you embody more than personal hopes and dreams. You also carry the burden and challenge of fulfilling the hopes and dreams of those who did not survive the pogroms and the persecution of the past, of those who are prevented from coming to Israel, of those who gave their lives at Suez, at Golan, at Maalot.

That is your burden, and that is your challenge. But I have no doubt that you will succeed, I have no doubt that you will help achieve a day when all the world can witness the final fulfillment of Isaiah's prophecy, "Zion shall be redeemed through justice."

ADDRESS BY SENATOR EDWARD M. KENNEDY AT THE GULBENKIAN FOUNDATION, LISBON, PORTUGAL, NOVEMBER 20, 1974

Mr. Chairman, I am honored to meet with you in this historic city—at this great foundation devoted to culture and learning. For me, coming to Portugal is a pilgrimage: A man of the new world coming to the old, to a country that did so much to give my continent birth. The names of Prince Henry the Navigator, Vasco de Gama, Cabral, and Magellan recall the courage and high adventure of men who set forth from Portugal into uncharted seas, to enlarge the horizons of man's understanding.

I come to Portugal at another time of courage and high adventure in your nation's history, and I recall the words of President Kennedy about your nation:

"Portugal is a traditional maritime power, a country with which we have had long and intimate relations, a faithful and courageous ally in NATO, a country of great importance in this year, and in years to come."

Today, we in the United States value your country's importance even more, and we are determined to preserve and build upon our relations with you.

Two weeks ago, before leaving for Europe, I met with a group of sons and daughters of Portugal in my native state of Massachusetts. Theirs is a contribution to the life and culture of the United States that has enriched my nation—a contribution of which you too can be proud. By what they are doing for America, these Americans of Portuguese descent are strengthening the bonds of mutual concern between our two peoples.

More than a century before the ship Mayflower brought the pilgrims to Plymouth Rock in Massachusetts, the Portuguese explorer Miguel Corte-Real was shipwrecked in Narragansett Bay and reached the shore of what is now Massachusetts.

In the early nineteenth century, brave crewmen from Portugal came to New England and built the great whaling fleet of Massachusetts.

Countless others came from Portugal to Massachusetts to work as fishermen and farmers and textile workers. Even today, we have a saying in Massachusetts:

"A potato will not grow unless you speak to it in Portuguese."

Those who came to America as immigrants from Portugal—and from so many other nations—were poor in everything but hope and human spirit. They came to seek a newer world. They stayed, and built America and made us strong.

It is a deeply moving experience for an American to come to Portugal. America stands today at the pinnacle of its national might and power. Yet Portugal occupied that same role of pre-eminence long before the idea of America was even born.

In coming here today, I have an abiding faith that what happens here is of enduring importance for the future of the world we share. For what happens here will be a renewed test of free men and women to face the challenge of democracy—the challenge of living up to the God-given potential of mankind.

In meeting this challenge, we do not pray for easy lives. We pray only to be stronger men and women.

There is no secret formula waiting to be discovered to guide us to the future or to save us from ourselves. The ancient virtues that built our nations and made us great before, are the same virtues that keep us great today—courage and hope, work and duty, faith and sacrifice, truth and justice, and above all, the integrity and spirit of our two peoples.

One of our greatest Portuguese Americans was Benjamin Cardozo, a man who rose to become a Justice of our Supreme Court, and one of our finest lawyers. As he said:

"The inn that shelters for the night is not the journey's end. We must be ready for tomorrow."

For Portugal, tomorrow is now. A few months ago, brave people of this nation risked their lives and those of their loved ones. They sought a chance to end divisive conflict. They sought a chance to restore the historic possibilities of Portugal in the individual lives of your people.

We in the United States understand and admire what you have done to end nearly five decades of dictatorship and five centuries of colonialism.

You overthrew a repressive regime and its works without bloodshed, without human suffering, without compromising the future. And you have turned back threats to your new experiment without panic or violence.

But we understand above all the challenge you now face in building a new democracy in Portugal. For two hundred years, each American generation has had to learn the lessons of democracy anew, and to preserve a free society. Each generation has had to provide its own guarantees of a free press, a free government, and the right to vote. None of these can we ever take for granted. Each of these we have had to earn continually as our nation changes and grows.

Today, we in the United States prepare to celebrate our bicentennial—our two hundred years—as the oldest Republic. At the same time we are excited by what you are doing as the youngest Republic. You are gathering together what is best in a nation and culture that are far older than ours. As we struggle to renew democracy in America—you struggle to create a democracy in Portugal that will be equal to your heritage and your promise as a nation.

Many of us in the United States long awaited the end of repression in your country and the first step toward ending colonialism. Now we are equally hopeful that you will build successfully on this fresh beginning; that you will create vital forms of government; and that you will secure and preserve your rightful place in the ranks of free and independent nations.

We hope that you will reject extremism, of either right or left, that has doomed so many other experiments in human choice and human effort.

We are hopeful that your elections next year will be a full and fair expression of the will of the Portuguese people—that they will give you a constitution and a government that can meet the needs and demands of the Portuguese nation.

I have been in your country only a short time. But already I have a sense of the creative moment at the birth of our own American Republic. In 1776 the United States was not the thriving democratic nation we know today. We were engaged in war; the thirteen independent states were nearly bankrupt; faction, disagreement and discord threatened to end the experiment almost before it began. Yet a few people of vision saw beyond these difficulties, and kindled a creative, vital spirit—a spirit I feel in Portugal today.

I have no doubts that Portugal can and will succeed.

In the United States, one of our most difficult tasks in building a pluralistic society has been to accept differences among people—in thought, in politics, in way of life. In my own State of Massachusetts, this very day we are struggling to gain that acceptance—that basic equality of right and opportunity—regardless of a person's color or race.

But in the end, it is accepting difference, accepting diversity, that sustains democracy—the means of governing which has proved far superior to any other yet devised.

Pluralism means a wide range of free expression. Whether it has two parties or ten, a political system gains strength from the free play of forces, seeking in diverse ways to meet the needs of a nation and its people. And that political system gains strength from commitment to the rights of man—free speech and press, peaceful assembly, and association for work and worship . . . for learning, commerce, and trade.

No small part of creating a democratic society is the development and strength of a free press. As we found in our most recent and painful experience of Watergate, a free press can itself lead the way in preserving liberties and strengthening support for popular institutions of government.

Your historic universities—like the universities in my own land—will carry an equal burden. For schools and universities bear a special charge to preserve, develop, and hand on the values of a nation to each new generation. It is there that great numbers of future leaders will be trained in methods and ideals that will help you develop institutions of a free people, and bring forth a great new age of Portuguese culture.

More than ever, at times like this, we need the inspiration and energy of our youth. In the United States, in the recent past, the record of our youth has been outstanding.

The finest chapter in the tragic history of America's involvement in Vietnam was written by millions of university students little different from Portuguese students—young men and women who first saw the truth about the war in Indochina and persuaded America to turn back.

The finest chapter in the recent history of race relations in the United States was written by young Americans in the freedom rides of the early 1960's, at the lunch counters of our southern States.

The finest chapter in America's concern for the impoverished peoples of the world was written in the hope the Peace Corps brought to nations overseas.

And the finest chapter in the preservation of the environment in America today is being written now by young citizens working to save our landscape and to preserve the magnificent natural resources that our ancestors handed on to us.

Through achievements like these, young people—the product of a free society—have helped to fire the imagination of the American people in the past. They are people no different from young Portuguese, young men and women whose names you may never know, whose pictures you may never see.

Young doctors are bringing health care to villages that never had a doctor. Young lawyers are bringing legal services to citizens who never knew their rights. Young teachers are bringing knowledge to children who never had a school.

Too often, we fail to see results like these that are quietly taking place. Too often, we see only the darker side, as villains make the headlines and heroes go unsung. Too often, the constant atmosphere of crisis obscures the things that are right about our nations, the things that offer real hope and promise for the future.

If the times seem difficult today or the burdens heavy, all of us can draw comfort from the fact that the challenges our two nations now face are no more difficult than those we have met and overcome at our greatest moments in the past.

Long ago, in ancient Athens, the land where the idea of democracy was born, Pericles, the great statesman and military commander of the ancient world, paid tribute to the citizens of Athens who had fallen in the first year of the terrible war with Sparta. In the immortal words of his funeral oration, honoring those fallen heroes, Pericles said:

"The secret of happiness is liberty, and the secret of liberty is courage."

Let those same words be the guide to the actions of Portugal and the United States. If we have the courage to meet our challenges squarely, we can deal with all of our long-neglected problems. We can strengthen our freedom and keep our liberty safe.

As Antonio Sergio said of the discoveries of the fifteenth century, we can say of the new Portuguese adventure. It will be won by—

"People who combine habits of investigation with gifts of clear vision and cool political foresight, which are so necessary for success in such a vast undertaking."

From what I have seen here in Portugal, I have no doubt that your nation has such men and women . . . that you can and will succeed.

And you are not alone. The people of the United States must and will support your efforts to forge a modern, democratic society in the coming months and years. We too know what it is to be a young Republic. We, too, know from so long ago the first difficult steps—the uncertainties—the doubts.

We, too, recognize that the task is easier when a nation's economy is strong and growing, when there is hope of a better life, when there is a firm commitment to social justice. We must and will work with you in meeting your own economic problems, and those which we both share. And we must do so now, while the Portuguese experiment hangs in the balance.

In America, we have also been encouraged by your country's prompt and statesmanlike acts in turning away from your colonial past. For many years, this vestige of colonialism in Africa had been cause for anguish and concern in my country—as it was among many of your people; it led to estrangement among allies and friends; and it sharply divided your nation, as well.

Now you are well on the way to resolving this issue—for which you merit the right praise for courage and determination, at a time of difficult change, both here and in Africa. You have shown a real capacity for working with African nations in achieving this radical break with the past. Guinea-Bissau is now independent, and the newest member of the United Nations; Mozambique will follow next year; and the process of independence is under way for Angola, as well.

Last month in his address to the United Nations, President Costa Gomes, declared:

"We are fully determined . . . to initiate the irreversible and definite process of decolonization in the territories under Portuguese administration. We shall not consent any longer to bartering the freedom of our collective conscience for grandiose dreams of sterile imperialism."

People in nations all over the world will share in this commitment by Portugal to seek human and social justice for the newly liberated peoples of Africa. And in this effort, Portugal will have the firm support of the American people and their government.

We, too, are a nation that was once a colony, a nation that won its independence after a bitter and protracted war. As the second century of our nationhood draws to a close, we feel a special responsibility to work with the youngest republics, as they struggle to create their own separate worth and identity.

We understand the importance of building a society that reflects the needs and interests of the people, themselves.

We in the United States must join with other nations in aid of these new countries. As new nations, Guinea-Bissau, and Mozambique must be ranked among the poorest of the poor. Even Angola, with its riches, will be in need of support from the outside world. And for the Cape Verde Islands—whatever their future course—there must be a special effort. After seven long years of drought, these islands share the same tragic fate of their eastern neighbors in the Sahel. For them, too, the richer countries must show compassion, and help to meet the age-old scourge of poverty.

Today, we in the United States look forward to a new basis for productive relations with Portugal, and with the new states of Africa. For our part, it is time for a new focus on the Iberian Peninsula, and especially on the promise found here. The interests and needs of Portugal must be heard in my country. And the ties of friendship between our two peoples must be renewed and strengthened.

Portugal is also an important part of the Western World. Your steadfastness in NATO deserves special praise, particularly during the difficult days for Western unity in last year's Middle East War. And your role and position remain vital in the quest to preserve genuine security for all the nations and peoples of Europe.

We are prepared to work closely with you as you decide the future of your relations with the Western Alliance, and as you seek to define your changing role in the outside world. But your greatest contribution to the security of Western Europe, and of free peoples everywhere, lies in your democratic experiment. For the first time in the history of the Western Alliance, no member state is ruled by a dictator; and all are seeking to live up to the democratic ideal that is the rock of our strength.

Equally important, Portugal now has a chance to build upon its traditional arts of commerce, and to enter fully into the European system.

For nearly fifty years, you were denied the chance to develop the real potential of your economy, and to share in the fruits of Western progress. One of the oldest countries of Europe was led to the lowest standard of living.

But today you have a chance—a new challenge—to develop your economy within the framework of new political life—to revolutionize agriculture, to move fully into the industrial world, to bring the benefits of education to all your children, to bring health to the sick.

In working with the European Community—sharing in its continuing promise of rising prosperity—you can assume a new and productive role on the continent.

Even as you reach out to new relations with other states, your importance and opportunities in Western Europe's political and economic development are becoming increasingly vital. You can now assume your rightful place in Europe.

As a member of the world economy, Portugal also shares the hardships and the problems that now trouble nations around the world. None of us is isolated; none of us can meet today's twin threats of inflation and recession on our own. It is only by recognizing that we are truly interdependent—whether we succeed or fail—that we can begin to create the will and determination to build new attitudes of international life, and new economic institutions to serve us all.

We need a trading system that can ensure not only access to markets, but also access to food, fuel and raw materials;

We need a monetary system that can promote the growth of trade despite inflation

and the shocks caused by massive flows of oil money from country to country;

We need a means of waging together the fight against inflation, that will reduce the likelihood that each nation will try to solve its problems at the expense of others;

And we need to broaden the basis of cooperation, even beyond the traditional grouping of Western industrial States. We must work with nations that have newfound wealth and power; aid those developing nations left out of the world's prosperity; and in time reach out towards nations of the Socialist world, as well.

The means of achieving these tasks are important; but even more so is the will to do so—and the knowledge that only a new burst of thought and action by us all will fulfill our duties to our people and to the future of the world.

In all this, Portugal is increasingly involved. You too are concerned about the price and the just sharing of the world's resources—of food, of fuel, and raw materials. You have a special concern in looking outward to the seas of the world, and to the sharing of their abundance. You too will be affected by the strength of Western economies, by the rate of economic growth in your neighboring states, and by the willingness of your commercial partners to seek genuine cooperation with you.

All these problems—plus the challenge of building a new society here at home—present you with a series of tasks faced by few nations in the world, today. Yet in a very real sense you are not alone. You will have the support of friends and allies, who also look to you for a real and deep contribution to international economic life, to the political future of the Iberian Peninsula, and to the growth and development of Europe, itself. We in America join you in facing the future with hope, knowing that you can and will be equal to the goals you have set for the Portuguese nation.

In the words of Luis de Camoes, writing 400 years ago:

"If your vast desires one would can bound, quiet your hearts, you have what you explore."

ADDRESS OF SENATOR EDWARD M. KENNEDY, JAMES O'BRIEN MCMAHON LECTURE SERIES, UNIVERSITY OF CONNECTICUT, STORRS, DECEMBER 2, 1974

It is an honor and pleasure to meet with you this evening, and to speak at this forum named for a great son and Senator of Connecticut, Brien McMahon.

Over the years, the University of Connecticut has compiled an outstanding record. Thanks to your fine faculty and student body, you have earned a record of excellence in education that is a tribute to the nation.

You can be proud of your growth and reputation within the academic world.

In coming here, today, I have an abiding faith that what happens here and on campuses like this throughout America is of enduring importance for the future of the world we share.

There is no secret formula waiting to be discovered to guide us to the future. The ancient virtues that built this university—that built our nation and made us great before—are the same virtues that keep us great, today—courage and hope, work and duty, faith and sacrifice, truth and justice, and above all the integrity and spirit of young men and women like you.

A stream can rise no higher than its source. And the source of America's strength and greatness has always been the spirit of our people, and especially young Americans.

Now it is our turn to serve as keepers of the American spirit. The torch has been handed on to us. The success or failure of our generations in the years ahead will be measured by our own efforts, by yours and mine and others like us, to keep the flame alive and burning brightly.

Oliver Wendell Holmes put it best when he said:

"As life is passion and action, it is required of a man that he should share the passion and action of his time, at peril of being judged not to have lived."

As students at this university, you did not make the world you live in. But you have the chance to change it, to leave it better than you found it.

But the only way such change will ever come is for each of you to get involved, to set a goal, to work for change, to try to make a difference.

You don't have to be a Congressman or Senator to make things change. You don't even have to be in public service, although I hope that each of you will consider public service at some point in your careers—following the outstanding example of President Ferguson.

Today, we are challenged in many ways, both at home and abroad. But nowhere is change so rapid, the emergence of new problems so striking, and the answers so few than in our relations with the outside world.

We have truly entered a new era in our foreign policy. This is an era whose outlines are only gradually becoming clear. But there can be no doubt about the magnitude of challenge.

Within the past two years, we have become starkly aware of our dependence upon imports of high-priced energy to sustain our prosperity and economic strength.

We have become concerned about the ability of the earth to produce enough food to feed its people.

We have seen galloping inflation spread from country to country, in a rising spiral that has defied efforts to break it.

We have seen our growing interdependence with others in managing the resources of the seas, in protecting the purity of the air we breathe, in sharing with others a growing list of precious raw materials.

And for the first time in man's history, we now realize that the world's resources and ability to absorb waste products are limited, both in time and in space.

These changes in our day-to-day concerns about the world's future are in stark contrast to another event.

Last week in Vladivostok, President Ford and General Secretary Brezhnev signed an important agreement on nuclear arms control—an event which symbolizes the close of the old era in world politics.

This was a moment for which we had long hoped—when for the first time it appeared that we could begin a final halt to the dangers, risks, and wastes of the nuclear arms race. Whether this agreement will prove to be all that has been promised can be told only by time, by the extent of Soviet and American political commitment, and by the skill of our negotiators.

Yet even as the President and General Secretary were meeting in Vladivostok, seemingly advancing the arms control efforts of so many people over so many years, the basic economic changes in the world were imposing new demands on all of us.

These changes are calling into question not only American strength, purpose, and resolve. They are also challenging the very capacity of men and nations to cope with the future. For despite the hoped-for value of the nuclear agreement—despite the critical need to halt the arms race—equally difficult problems and times now lie ahead.

Two weeks ago, I visited Western Europe and the Middle East, and met with the top leaders of eight nations. I return from the visit with a more sober concern about the malaise of the world economy—a more sober concern about our ability in the West to be equal to new dangers and opportunities.

SIX AREAS OF CHALLENGE

In those countries which I visited, the following facts were painfully clear:

First, for the first time in a quarter-century, since the birth of the great international economic systems that underpin the strength and prosperity of the West, it is no longer clear that nations are willing to work together to solve problems we face in common.

Second, the European Community, the hope of moving the Contingent beyond a tradition of division and discord, is now struggling for its survival. One of the great men of Europe, Willy Brandt, has even called for dividing those Community countries relatively well off from Britain and Italy—two countries now facing their most staggering economic crisis since the war.

Third, the quadrupling of the world price of oil last year is now threatening the hopes both of the world's poor nations and of the economic giants of Western Europe, Japan, and the United States, itself. A handful of countries in Europe this year will spend more than ninety billion dollars on oil. Along with Japan and the poor nations, they face massive and continuing deficits in their balance of trade. And we all face a flood of petrodollars into the Western economic system far greater than we have ever had to manage before. This is truly the greatest shift in wealth and resources in history, where fully half the world's liquidity may soon be in the hands of a few oil-producing states, some of whose names we hardly know.

Fourth, at the recent World Food Conference in Rome, the nations assembled fell short in meeting the most demands, also saw the acute embarrassment of the American Delegation to that Conference, as our government refused to meet a modest request for added food aid, made by nations desiring only enough food to sustain life among their people. It is now clear that we must choose between real leadership in world food production and distribution, and the sight of starving people on the nightly TV news.

Fifth, in the Middle East, there is again the danger of war, as progress towards a lasting peace has slowed almost to a halt.

Even as I arrived there from Europe, the military forces of Israel and Syria were being put on partial alert. There was threat of a new clash of arms that could bring untold human suffering to the people of the area, and the danger once again that a miscalculation will draw the United States and the Soviet Union into mortal conflict.

The international economic crisis is striking particularly hard at Israel, which is seeing the cost of its imports go up, and its financial support from outside go down. This is intensifying Israel's sense of isolation and, with it, the risks of war.

Meanwhile, America's preoccupation with other problems at home and abroad, coupled with European concerns for oil, is reducing the chances that outside mediation will prevent further conflict and turn the parties towards peace.

Finally, in Portugal, democratic forces have thrown off 48 years of tyranny and repression, and are ending 500 years of colonial rule. Portugal is now struggling with a new experiment to try building the free institutions that we here enjoy as our birthright. Yet with our nation's concerns elsewhere—with our limited willingness to share wealth with poorer nations—the United States has done nothing to help sustain that democratic experiment in Portugal.

We have done nothing to help people there prevent a possible drift to new repression, to new extremes of political life.

These stark facts of international life are not a moment's aberration from the last few year's progress towards a more peaceful world. They reflect basic changes in economic and political relations among states

and peoples that are changing the face of the globe.

Can democratic institutions survive, under the pressures of double-digit inflation and growing recession? Some European leaders doubt that they can. And throughout the countries I visited, there are new doubts about the ability and willingness of the United States to continue playing an active role in meeting the common problems of mankind.

Yet the United States is less hard-hit by problems of food and fuel. We are generally less hard hit by the scourge of inflation that is dashing the hopes of millions of people throughout the world. These facts are imposing upon us a new burden of leadership, at the very moment we had hoped we could increasingly share leadership with others. They are imposing upon us a demand for clear thought and decisive action, equal to our best efforts in the past.

This is not action that will take from other nations the opportunity and the need to decide their future for themselves. This is not action that interferes in their internal affairs—as the CIA did in Chile, in a tragic action that is raising doubts about American intentions in several of the countries I visited.

Rather it is action that reflects a genuine capacity to work with others, in solving problems that nations will meet together or not at all.

Most important, I return from Europe and the Middle East with one inescapable conclusion about the future of the Western World: that the United States must first regain the economic and political ability to play an effective, cooperative role in the outside world. We must regain the economic strength and balance on which so many other nations rely. We must have thoughtful, courageous leadership that will recognize the insistent demands of our time—and that will *act* upon that knowledge.

This is no time for passiveness or mediocrity in America. This is a time for inspiration and commitment—by people from all parts of the country, from all walks of life, from all generations.

For it is now clear that there can no more be a Fortress America economically than there could have been one militarily a quarter-century ago. Isolationism would not be just a luxury for the American people. It would also spell the end of our hopes for prosperity and social progress. It would end the hopes that other nations—rich and poor—have invested in the noble experiment begun here nearly two centuries ago.

We all urgently pray that the youth of America will never again be called upon to fight in foreign wars. If we learned anything from Vietnam, it is that we cannot police the world, that we cannot impose military solutions upon others. Yet we must not use these facts also to deny our interdependence with the outside world. All Americans are now being called upon to live more fully as citizens of the international Community. All of us are being called upon to be sensitive to the world's changing currents and demands.

THE ECONOMY AT HOME

We must being with firm steps to put our own economic house in order, to give us the strength for meeting responsibilities to ourselves and to others.

We have talked far too long about energy, food, and inflation—and done far too little about them.

We must begin a massive and major effort to conserve precious energy resources—and do it now.

We must begin a massive and major effort to find alternative sources of energy—and do it now.

We must increase our output of food and our willingness to share it with others—and do it now.

And we must begin making the hard and difficult choices that will bring inflation under control while avoiding a deep recession—and do it now.

Our economic life and that of others depends upon what we do now. We can no longer indulge ourselves in half-way measures and in decisions postponed until next year. We can no longer deny that real sacrifices will be required. For millions of Americans whose savings are being wiped out by inflation—who are already sacrificing—next year will be too late. And for the international economy as a whole, there are ominous signs that "next year" may also be too late:

Too late to begin real Western cooperation or an attempt to work with the oil-producing states;

Too late to damp down conflict in the Middle East.

Perhaps even too late to support democracy in places like Italy and Portugal.

If we fail to put our own economic house in order, there is little we can do for other nations—rich and poor—at this perilous time in mankind's history. We must continue to provide essential military strength—we must continue to work for an end to the threat of nuclear war. But unless we act on the economic front, as well, our efforts for military security could become a Maginot Line, protecting us against threats from one direction, but failing to meet the more imminent danger.

THE WORLD ECONOMY

But if we do act—if we do accept our economic responsibilities to the American people and to the outside world—then we can begin the arduous work of helping to rebuild the world economy. We can begin to restore the credibility of the United States as a nation of vision and purpose, as a people of compassion and concern for the future of mankind.

This must be a time like the late 1940s. Then, in the chaos that followed history's most destructive war, people of vision built the great economic institutions of the Western world. They had the will and the wisdom, then; we must not fail to have them now in equal measure. We must join with others in a new burst of creative activity that can truly build a newer world.

We in the United States must join with others to merge our individual difficulties in the larger, global concern. Neither the United States nor any other industrial nation can meet and master today's economic threat on its own. Each nation's economy—and the health and development of its society—is bound together as never before. No nation can afford to export its inflation to others, like the destructive competition of the 1930s which brought suffering and grief to so many—and ended in war.

No nation can now go it alone, taking unilateral decisions that affect both its own people and millions abroad. No nation can ignore the need for a common fight against inflation. Instead, we must act with others to answer economic problems that threaten all that we and other nations have done for our people's well-being.

On the basis of my recent travels, I believe that at no time in the past quarter-century have we had more need to act together in reforming old institutions and in creating new ones. Nor have we had a greater opportunity for shaping the future to serve the needs of all nations and peoples.

There are many concrete steps:

We need a trading system that can ensure not only access to markets, but also access to food, fuel, and raw materials. This will only be possible if the Congress promptly passes the Trade Reform Act of 1973—and I promise my best efforts to see it is done.

We need a monetary system that can promote the growth of trade, despite inflation and the shocks caused by massive flows of petro-dollars from country to country. Here America must regain the lead, and promote action on behalf of all nations.

We need a means of waging together the fight against inflation, that will reduce the likelihood that each nation will try to solve its problems at the expense of others.

And we must broaden the basis of cooperation, even beyond the Western industrial states. We must work with nations that have new-found wealth and power; aid those developing nations left out of the world's prosperity; and reach out towards nations of the Socialist world, as well.

There are many ways to accomplish these tasks. But even more important is the will—and the knowledge that only a new burst of thought and action by us all will meet our duties to our people and to the future of mankind.

My travels also took me to the Middle East. This region is tied to the United States because of our long-standing concern for Israel; the area's strategic and political importance; and the new role of oil in the world economy.

We can and must keep the economics of oil separate from the Middle East conflict. We can and must support the efforts of men and women of peace, wherever they are found.

Of course peace in that region will be largely made by its people, themselves. But in helping to prevent war and move the conflict to the conference table, the United States can play a vital role. But we cannot do so unless we ensure American economic strength and capacity to lead. Here, too, we need to restore the credibility of the United States as an economic and political power.

We must be prepared to look beyond parochial concerns;

Prepared to fulfill our commitment to the search for peace;

Prepared to provide resources that will reduce the chances of war, and promote the development of all peoples in that troubled region.

PORTUGAL

At the end of my trip, I went to Portugal. And I return convinced that we bear a special responsibility to its people, consistent with our new, emerging role in the world.

For many years, concerned Americans urged the self-same steps that have now been taken by the new government in Lisbon. We opposed the repressive policies of the Salazar and Caetano governments; we opposed continued Portuguese colonial rule. Yet the American government continued to give its support to the tyrants in Lisbon; and it indirectly helped to perpetuate the bloody stain of colonialism.

Today, at a time of hope both for Portuguese democracy and for a final end to colonialism in Africa, the United States has a moral and practical duty to help. I therefore propose that we clearly indicate our support for the Portuguese experiment in democracy, and for the first halting steps of the new African states.

When the foreign aid bill comes to the Senate floor I will introduce an amendment to provide practical assistance to back up American concerns. I will propose a special loan fund of $50 million, half to be made available to Portugal; half to be made available to Guinea-Bisseau, Mozambique, Angola, the Cape Verde Islands, and Sao Tome. And I will propose the authorization of $5 million in grants for technical assistance, to be divided equally between Portugal and the nations now being born in Africa.

Beyond that, the United States should make available both standby credit authority and export-import bank financing. This would be further, positive demonstration of American commitment to the ideals and ac-

tions now being expressed in Lisbon, and in the nations emerging from Portuguese Africa.

Some of this aid can go to assist the youth of Portugal. The Universities are still formally closed; but education continues in informal classes and in the homes of professors. 15,000 Portuguese students lack proper classrooms; and countless more lack the books and libraries they need for liberal education. After nearly half-a-century of repressive rule, these students must have the tools of education. These are the tools that can bring the ideas of Western education and democracy to a population starved of free thought and free expression for more than three generations.

Let it not be said that Portugal's experiment was jeopardized because the United States did not support efforts by Portuguese democrats to follow the ideals we have expressed for more than two centuries. Here, too, we must understand new forces in the outside world, and new commitments that go beyond the politics and preoccupations of the past.

HUMAN RIGHTS

Our responsibilities towards Portugal reflect our need to reassert traditional American concern for human rights—so often neglected in recent years. This means limiting the power of the CIA, so that never again will we bear the strain of thwarting the will of a people, or of helping to bring down an elected government.

Professor Plank has been particularly courageous in opposing what we did in Chile—and his inspiration must light the way for American actions.

Concern for human rights means a vigorous American effort in Cyprus, to help the refugees and move the parties towards agreement and the restoration of the sovereignty and integrity of that troubled island.

Concern for human rights means meeting our shared responsibilities for feeding mankind, for aiding efforts to limit population growth, to further education and human development, and to save lives wasted by disease.

But most important, concern for human rights means recognizing the enduring, basic importance of each man and woman. It means tempering the demands of power with compassion. And it means accepting that the worth of the United States in the world will finally be measured by our willingness to hear and heed the cries of the oppressed, the weak, and the poor.

RELATING FOREIGN AND DOMESTIC POLITICS

There is one further lesson about America's relations with the outside world that I bring home from my trip to Europe and the Middle East. It is that the demands of foreign policy and those of domestic policy are now intertwined as never before. We can no longer talk of foreign policy as an arena subject far removed from the lives of individual Americans—far removed from this university campus.

There is now growing conflict between many demands of our domestic economy, and the demands of international economic life—conflicts that we face every day on Capitol Hill.

What are these conflicts?

Many Americans want to limit exports of food in order to keep prices down—*but* we must also export food to pay for oil imports, and to meet commitments to nations that must import food to live.

We want to protect American workers against unfair foreign competition—*but* we must also beware of setting off a wave of retaliation that could bring on worldwide depression.

We want to help solve inflation by importing more goods from abroad—*but* we must also pay our way in the world, and beware of exporting our inflation.

We want to encourage some oil-country investments in the United States—*but* we must also be concerned with the impact these investments will have on our domestic economy, and on the needs of other nations.

The Congress—against my opposition—voted to require that a major share of our oil imports are carried in U.S. ships—*but* we must also face potential retaliation from other countries, and a loss of confidence in U.S. leadership.

And some Americans want to reduce our role in helping the world's developing countries—*but* if we do so, we must also face the rise of human tragedy in those same countries, and the defeat of efforts to secure their cooperation on oil and other raw materials.

These and other daily conflicts between foreign and domestic policy must be resolved. But that cannot be done by a Secretary of State, or Commerce, or the Treasury—however able, experienced, and wise these people may be. None of them has the scope in his responsibilities for fitting all the pieces of the international puzzle together. More important, none of them can combine factors of domestic and international life, and make the hard decisions about competing demands.

As I have learned from my years in Washington, these choices cannot be made without effective, committed leadership from the President—working with Congress and with the American people, themselves. Within the Administration, only he has the purview and the political mandate to weave together the strands of domestic and foreign economic policy. Only he can bring to the American people the tough choices that we must face, and seek our participation in the difficult process.

We can and must take part, making our constructive suggestions and understanding the impact of the outside world on our daily lives.

For this is the final and most critical lesson that I bring home from Europe and the Middle East: that the basic decisions about America's future in the outside world must be made right here, in the cities and towns of America. You, too, as university students, are vitally involved. This is your nation—your future—your responsibility. I have no doubt that you and other young Americans will be equal to this challenge—to this opportunity for helping to build America and a more peaceful, just and humane world for all mankind.

POLL: MAJORITY AGAINST CPA–ACA BILL

Mr. ALLEN. Mr. President, an interesting article from the New York City Enquirer of October 17, has just come to my attention.

This publication evidently set forth the pro and con arguments on the now moribund Agency for Consumer Advocacy—alias Consumer Protection Agency—bill, by two very able advocates, the distinguished Senators from Connecticut (Mr. RIBICOFF) and New York (Mr. BUCKLEY). A poll of its readership was apparently then taken on the subject.

The result vindicates what was said about this bill, S. 707, in our minority views. Namely, that the ACA is a bad idea whose time has come and gone. A majority of this publication's readership is opposed to this concept.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

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

RESULTS OF ENQUIRER READER POLL—FIFTY-THREE PERCENT AGAINST FEDERAL CONSUMER AGENCY

A federal Consumer Protection Agency is not needed, say a narrow majority of readers responding to an Enquirer opinion poll.

Latest results of the poll, which appeared in our Sept. 15 issue, show that of 957 ballots cast, 513, or 53.6 percent, were "no" votes to the question: "Does the U.S. need a Consumer Protection Agency?" The remaining 444 ballots, or 46.4 percent, were "yes" votes.

The Enquirer takes no sides in its opinion polls. But we do present the opposing viewpoints of authorities.

U.S. Sen. Abraham Ribicoff (D.-Conn.) wrote: "(It) would provide a single government agency to which a consumer could take a complaint—and know that it would be listened to by the right people."

U.S. Sen. James L. Buckley, (R.-N.Y.) argued: ". . . the bill will create a 'consumer czar' who can't be fired and whose decisions can't be reviewed by a court."

OCCUPATIONAL SAFETY HAZARDS

Mr. WILLIAMS. Mr. President, I have read with interest the recent speech by Congressman DAVID R. OBEY before the Society for Occupational and Environmental Health. Congressman OBEY, in his role as a member of the House Labor-HEW Appropriations Subcommittee, is a knowledgeable and active supporter of worker rights to an occupational environment free from hazardous exposure to toxic or pathogenic chemicals. The administration has never adequately funded or staffed the Government's programs for research on occupational carcinogens or other potentially hazardous industrially used substances, and yet seemingly every week we hear that another chemical is causing illness or death among our working men and women.

It is going to fall to the Congress again to insist, through its oversight and legislative functions, that the workers, entitlement to a safe and healthful workplace be upheld. I recommend this speech for the reading of the Members of this body, and ask unanimous consent that it be printed in the RECORD.

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

ADDRESS OF CONGRESSMAN DAVID R. OBEY BEFORE THE SOCIETY FOR OCCUPATIONAL & ENVIRONMENTAL HEALTH, WASHINGTON, D.C.

Thank you for inviting me here today. I wanted to come because you are an important group of people and you are dealing with an important problem. What bothers me very much is that not many people know it.

You are dealing with—and investigating—many facets of one simple fact: That the human organism is being silently and subtly bombarded with an exploding variety of environmental changes—most of them synthetic and largely untested, which may have serious long-term physical consequences for all of us.

Oh, I know that many Americans are vaguely aware that smog causes health problems, that there may be some health problem with asbestos. Some of them have just last month noticed reports about potential carcinogens being found in some communities' water supply. More have probably heard about some vague problem being associated with vinyl chloride. But mostly these bits of information are—to most Americans—a series of unrelated messages, of uncertain importance.

The problem is that you know, but most of them don't:

That the mortality rate for men in this country has actually been increasing for over ten years now;

That a steadily increasing portion of Americans of all ages, of both sexes—those

who don't smoke as well as those who do—are dying of lung, liver and bladder cancer;

That perhaps 80 to 90% of those cancers are induced by environmental factors;

That certain non-malignant diseases of human organs most directly affected by environmental impurities are killing more Americans each year;

That certain groups of workers are contacting some of those diseases at a rate many times that of the population at large;

That the production of many of the chemicals which you gentlemen are most concerned about is growing almost geometrically (petrochemical production, for instance, has increased by more than 2000% since 1945);

That the long latency period of 20 to 30 years between the first exposure to a dangerous chemical and the occurrence of irreversible disease means that it may be several decades before we have a true understanding of what those chemicals have done to the nation's health;

That something as innocuous as freon—supposedly inert—appears to gather in the upper atmosphere, break down ozone and allow increased penetration of ultraviolet rays which could cause thousands of additional cases of skin cancer each year by the 1990's.

None of us really knows for certain what it all means. But you know more than most what some of it could mean. And we owe it to ourselves, and the people I represent, to try to find out—if we can, before it is too late to do anything significant about it.

You know, individual citizens—if they are suspicious or concerned—can take individual action to minimize potential consequences. They can stop smoking. They can cut down on their drinking. They can wear respirators if they work with asbestos, and if they know it is important. They can close their windows when the summer air is dirty in a big city.

But by and large, they have to take what comes. They really have a limited range of choices in determining what risks they will take because thanks to modern technology and 20th century American affluence, so many chemical agents are "just there"—asbestos fibers from brake linings in city air or their drinking water (courtesy of Reserve Mining; arsenic from neighboring chemical plants; and on, and on, and on.

You know, one job of government is to respond collectively to problems which cannot be responded to individually. In this case, by funding significant, comprehensive medical and scientific research to at least determine the magnitude and nature of the problem. But even as new revelations have made the hazards more apparent in the scientific community, the reaction of the U.S. government has in some cases actually diminished. For instance: In 1973, 736 people in E.P.A. with a budget of $50 million were researching chemical contaminants in our water supply. Since then, concern over the danger posed by asbestos in drinking water has mounted. Preliminary studies suggest the possibility that in some communities the chlorine used to purify drinking water may be reacting with pollutants in the water to form carcinogens which may explain excess cancer rates as high as 20% in some of those same communities.

But today funding for that research in E.P.A. is $2 million less. Instead of 736 people working on the problem, there are 636.

The National Institute for Environmental Health Sciences (NIEHS) has a budget of $31 million in FY '73 with an authorized staff of 248. NIEHS researchers working in a wide range of areas have found serious potential hazards in such industrial chemicals as halo ethers and in chemicals found in everyday consumer products such as, for instance, the hundreds of toxic substances being poured into common plastics.

And, despite the increasingly clear warning which such discoveries present to concerned scientists, the response at OMB—which has learned to determine price much more easily than value—has been to cut NIEHS funding by $2 million and to reduce the authorized staff by 15.

But the best example of the government's failure to respond to the chemicals question is the National Institute for Occupational Safety and Health (NIOSH). Initially, a staff of over 1100 people and a budget in the neighborhood of $70 million was planned for NIOSH. By January of 1973, a total staff of 660 had been built.

The last two years have brought us terrifying revelations concerning vinyl chloride, operating room anesthetics and inorganic arsenic. But NIOSH's staff stands today at 565—down 14% in less than two years.

The budget for NIOSH submitted by the Administration this year called for the organization of 14 criteria packages by NIOSH on occupationally dangerous chemicals. Our committee reminded the Administration that just two years ago Secretary of H.E.W. Elliot Richardson had suggested a minimum of 55 to 60 criteria packages each year be prepared by NIOSH, and we increased funds for NIOSH and NIEHS by 25% in the Labor-HEW Appropriation bill. The President has said he will sign the bill.

I hope that will mean that each of these agencies will have sufficient additional resources to greatly expand the scope of their operations and begin looking at chemicals which thus far have escaped critical examination.

But if you think that this means we have turned the corner, you're dead wrong. In an era when strict fiscal restraint is a matter of overriding national concern, there is no assurance that these gains can be sustained either in terms of the Administration's willingness to allow the appropriated money to be spent or the Congress' willingness to provide increases for these agencies in coming years while other federal programs are being cut back.

Now, as part of its inflation-fighting package, the President's budget analysts are preparing to ask the Congress to accept a $7 million cut in NIEHS which would prevent the agency from getting any of the increases contained in the Labor-HEW appropriation and, in fact, would cut that Institute's budget $1 million below the terribly inadequate amount which the Administration had initially requested.

At NIOSH the Administration agreed to only $2 million of the $6 million increase and will ask the Congress to give them authority to impound the other $4 million.

I am hopeful that if we can communicate this problem to enough members of the House and Senate when Congress reconvenes in January, that the Congress will reject that ill-conceived impoundment request. But even if the funds eventually reach the right agencies, there are endless opportunities for an unsympathetic Administration—guided by an insensitive OMB to frustrate, delay and prevent an energetic and unbiased research effort.

NIOSH, for instance, has been placed so far down on the bureaucratic totem pole that routine administrative problems have often become greater roadblocks to productive research than inadequate funds and is constantly harassed and squeezed by C.D.C. The agency is not permitted to operate its own personnel operation, so the already difficult chore of recruiting qualified scientists is complicated by unnecessary red tape and many good applicants are lost after months of bureaucratic hassels.

The heart of the NIOSH research effort is located in Cincinnati in a building so antiquated and inadequate that the whole operation might well be shut down if federal employees were protected by the Occupational Safety and Health Act. And, although Congress has repeatedly stressed the importance of increasing the agency's in-house research capacity, it is clear that little can be done until that agency has a house. And that too, is another problem stalled in the higher echelons of the Department of Health, Education and Welfare.

H.E.W. has also imposed upon NIOSH a senselessly tight restriction on the average civil service grade point which in plain English means that no matter how much money Congress appropriated, NIOSH may not be able to pay sufficient salaries to attract qualified personnel.

Even with the National Cancer Institute, chemical research has been down-played. The carcinogenisis area, under the very able leadership of Dr. Saffiotti, does not even rate the status of a full division within the Institute, and receives only 6 percent of the total funds spent by N.C.I. despite an impressive case that the great number of cancers are the result of some type of chemical exposure.

So why the hassel? Why the lack of government response to an important social, scientific and medical problem? Why hasn't the information which you gentlemen have worked so hard to produce made a greater impact on the policy planners in government?

One reason, I think, is simply that not enough high-level government officials understand the importance of the problem (not many are scientists or environmentalists). Another is simply because the chemicals question has not become a sexy political issue. Nothing generates a politician's awareness of a question quite so much as an indication that the public is interested in it. And the problem is that today the American public is simply not aware of the potential seriousness of the problem. As someone who has spent much of this fall meeting and talking with a wide spectrum of people in Northern Wisconsin—including many who get their drinking water from Lake Superior—I can tell you the word is simply not getting through.

Many of the people I represent have probably seen front-page headlines tentatively linking hazard "X" or chemical "Y" with cancer, but they see them as isolated incidences not part of a whole. The public does not see the potential over-all meaning of the chemical problem. And the press is only beginning to. And many people, after the initial sensational headlines have ebbed in their memory, have quit taking these reports seriously. A few conclude that virtually everything causes cancer and that it is simply a problem we will have to live with until we can find a cure.

Most have no sense that their chemical environment has radically changed in the last quarter of a century in terms of the kinds of substances they are exposed to in their daily lives and that while many of these substances are harmless, some could be deadly. And the only way we can differentiate is through research. They are not aware that cancers are but a few of a host of largely environmentally induced diseases that are very likely to present a much greater problem to their generation than they did to their parents or their grandparents' generation. If they understood that, and the chilling impact of that understanding set in, you may be certain that OMB and the high-level bureaucrats within HEW would become far more sensitive to the problem, regardless of a tight budget or industry representatives who don't want the government looking into their plants and products.

Once printers become fully aware of the cancer and respiratory disease hazards posed by benzene and polychlorinated biphenyls; once machinists understand the possible link between cancer of the scrotum and various cutting oils; and once beauticians begin to realize that the unusual incidence of malig-

nancies in their profession may be linked to their unusually heavy exposure to a number of potentially dangerous untested chemicals; and once Americans begin to understand the pattern of it all, there would be no budget problem for EPA, NIOSH, and NIEHS.

There would not be any hesitency to enforce the health provisions of the Occupational Safety and Health Act, and Congress would not dare to permit industry lobbying and differences between the two houses to almost kill a toxic substances act guaranteeing pretesting of most potentially dangerous chemicals.

And most important—tactically speaking—the common interest that really unites the occupationally exposed worker and the environmentalist will be made clearer to both. And that can be the key in building the political pressure that will be necessary if the problem is to receive the attention it simply must have.

And so your job is as much political as scientific. You must make a special effort to explain to the press in general, and the scientific press in particular, the political importance of your studies. You must make a special effort to make officials and rank and file of the labor movement aware of their interest in expanded research and the potential consequences of neglect. You must make a special effort to alert the medical community to any potential pattern to be watched for.

And most of all, you must make an even greater effort to provide accurate interpretation of your research. One false scare, one overdramatized episode, one rashly interpreted study, unbuttressed by hard evidence, can fuel public and business skepticism and make our job even more difficult. And you and I both know we just cannot afford that.

TRIBUTES TO SENATOR ALAN BIBLE

Mr. ROBERT C. BYRD. Mr. President, Christmas is the season of peace, goodwill, and joyousness, but this Christmas is also tinged with sadness, in that we will say farewell to a most esteemed Member of this body.

ALAN BIBLE, senior Senator from the silver State of Nevada, will not be with us when we reconvene in January 1975, and I am sure that I voice the sentiments of my colleagues on both sides of the aisle when I express sincere regret that this will be so.

Senator BIBLE's 20 years of service to his country, to his State, and to the U.S. Senate have been marked by a high level of legislative skill, perform quietly and without fanfare, but always with notable effectiveness. Satisfaction with a job well done has at all times been more important to ALAN BIBLE than public praise.

It has been my privilege to enjoy ALAN BIBLE's friendship and counsel since I was elected to the Senate early in his second term, and I will always be grateful. Many times, over the years, I have found cause to be grateful for his unfailing cooperation and understanding in his capacity as chairman of the Subcommittee on Interior of the Committee on Appropriations. Problems in my own State of West Virginia, and wider national problems, have many times been solved to the benefit of my constituents, as well as to the benefit of citizens throughout the Nation, by ALAN BIBLE's acute grasp of people's needs, and his compassion for their well-being. While he served the interests of the people of Nevada conscientiously and faithfully, he never forgot his duty and his responsibility as a U.S. Senator to the country as a whole.

Senator BIBLE's decision to retire represents a deep loss to the Senate, and a deep, personal loss to me. I wish him, in the words of the 18th century poet, James Thomson:

> An elegant sufficiency, content,
> Retirement, rural quiet, friendship,
> books. . . .

A SENATE'S LOSS, A UNIVERSITY'S GAIN

Mr. NELSON. Mr. President, some students at the University of Nevada at Reno have a treat in store. They are the students who will be enrolled in the political science courses to be taught by Prof. ALAN BIBLE. Our colleague, the senior Senator from Nevada, will be commencing his new career as a university classroom teacher this winter, as I understand. The Senate's loss is the university's gain.

Those Reno students will find in their professor a man of learning, wisdom, wit, and charm. We in the Senate have been the beneficiaries of those fine qualities, which ALAN BIBLE has now decided to transfer from the Capitol's corridors and cloakrooms to the halls of higher education.

But more than the Senate has profited from the public service of ALAN BIBLE. The country is better for that service.

It has been my privilege to serve and to work closely with the Senator from Nevada on two committees, the Committee on Interior and Insular Affairs and the Committee on Small Business.

Every American who loves the great out of doors and shares a concern for the environment is in ALAN BIBLE's debt for his work as chairman of the Interior Subcommittee on Parks and Recreation. Our national environment can have no better friend than a strong, healthy National Park System, and our national parks could have no better friend than ALAN BIBLE.

Every citizen who has shared the American dream of individual enterprise is in ALAN BIBLE's debt for his long work as a member and since 1969 as chairman of the Select Committee on Small Business. His efforts to lighten the burden on small business of crime in general and cargo thievery in particular, the burden of unfair and unreasonable taxation, and the burden of governmental paperwork will be remembered with special gratitude.

With admiration, affection, and respect, I join my colleagues in thanking the Senator from Nevada for his many contributions to this body and to the country, and in wishing him great happiness and satisfaction in the new career he has elected to pursue.

Mr. TUNNEY. Mr. President, I join my colleagues to bid farewell to Senator ALAN BIBLE, who is retiring after 20 years of service to his country in the U.S. Senate.

Senator BIBLE has served ably on the Appropriations Committee, Interior and Insular Affairs Committee, the Select Committee on Small Business, Special Committee on Aging, the Joint Study Committee on the Budget, and the Joint Committee on Atomic Energy.

As chairman of both the Appropriations Subcommittee on the Interior and the Interior and Insular Affairs Subcommittee on Parks and Recreation he has had major responsibilities touching all areas of land and water use.

In addition he has guided the development of our national parks and recreation areas, a lasting monument for future generations to enjoy.

I have had the opportunity to work with Senator BIBLE in his capacity as chairman of the Subcommittee on Parks and Recreation and he has always demonstrated a real knowledge and concern for the orderly implementation of a comprehensive park and recreation plan.

So it is not just this present generation, and those of us here in this Chamber today who owe Senator BIBLE a great debt of thanks but also those future generations who will benefit from the work he has done here in the Senate.

I know we all wish Mr. BIBLE well on the retirement he has so honorably earned.

Mr. BAYH. Mr. President, the retirement this week of the senior Senator from Nevada, ALAN BIBLE, not only marks the end of the Senate career of a man who has earned the lasting respect and admiration of his colleagues, this retirement also leaves a void in a specific area of public concern.

For while ALAN BIBLE has always been a good, hard-working Senator for his State and for our country, he worked especially hard and deserves special recognition for his outstanding leadership in the expansion and development of our National Park System.

As chairman of the Subcommittee on Parks and Recreation of the Interior Committee, and as chairman of the Interior Subcommittee of the Committee on Appropriations, ALAN BIBLE achieved many of his lofty objectives for our National Park System. Generations still unborn will benefit from Senator BIBLE's success in preserving many of the most scenic parts of our country, including areas of unmatched ecological significance and still other areas of vast potential for recreation.

I have had the good fortune to witness first-hand the dedication and concern of our retired colleague. He was instrumental during the past decade in the creation and development of the Indiana Dunes National Lakeshore, the first lakeshore in the National Park System.

Our efforts to preserve the Indiana Dunes, an area of remarkable scenic beauty and unlimited recreational opportunity, were aided at every step of the process by the interest, hard work, and personal commitment of ALAN BIBLE. And, of course, our experience in Indiana with Senator BIBLE's excellence was repeated throughout the country during his years of service in the Senate. As I noted in a letter which I had occasion to send to Senator BIBLE just this past September:

> As you look forward to a long and healthy retirement, the Dunes Lakeshore is but one part of a muchly improved National Park System which will be your lasting legacy.

As substantial as were Senator BIBLE'S achievements in this area, I would not want to leave the impression that his contributions during a 20-year Senate career were in any way limited. As a member of the Appropriations and Interior Committees, and as chairman of the Select Committee on Small Business, Senator BIBLE worked long and hard for the people of Nevada and the United States. His voice was listened to in Committee and in this Chamber with great care, for he always commanded the respect of his colleagues.

ALAN BIBLE'S retirement leaves a void in this body; a void that no person, but only time can fill.

A TRIBUTE TO SENATOR ALAN BIBLE

Mr. MUSKIE. Mr. President, it is a great pleasure for me to join in paying tribute to ALAN BIBLE, a man I have always counted as an able and effective Senator, and as a friend.

Our committee assignments have brought us together on many issues, and I have always enjoyed our contacts, both because of his abilities as a legislator and for his grace, warmth, and informality.

Among the projects which interested us both was the Roosevelt Campobello Island International Park, and I was able to persuade him earlier this year to attend a recent meeting of the Park Commission on the island.

The park was established to promote goodwill between the United States and Canada, and ALAN BIBLE proved to be a superior goodwill ambassador. I thank him again for his efforts.

Mr. President, ALAN BIBLE has been a consistent and dedicated leader in the field of conservation. He has effected major improvements and expansion of our National Park System, and has for years been active in forestry programs and resource conservation and development. His leadership in this field has earned him several awards, including the National Distinguished Service in Conversation Award from the National Wildlife Federation.

In his 20 years of Senate service he has also been active in such varied issues as crime control, the 18-year-old vote, education and health research, Indian affairs, small business legislation, and the problems of older Americans.

On many of these issues we shared the same point of view. When we did, I found ALAN BIBLE an able and tireless ally. On some issues we held opposite points of view. On those occasions, I found ALAN BIBLE a tenacious and formidable opponent.

But whether we agreed or disagreed, I always found ALAN BIBLE fair, understanding, approachable, and genuinely friendly.

His warmth and his wit will be missed. Jane joins me in wishing ALAN and Loucile a happy and healthy retirement.

Mr. CANNON. Mr. President, I ask unanimous consent that a statement by the Senator from Texas (Mr. BENTSEN) in tribute to Senator BIBLE be printed in the RECORD.

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

STATEMENT OF SENATOR BENTSEN: IN TRIBUTE TO SENATOR ALAN BIBLE

I want to join those who are today honoring our colleague and good friend, Senator Alan Bible. Since his election in 1954, Senator Bible has provided invaluable service to his State and Nation, and I want to congratulate and thank him for it. I would like to take this opportunity to note just a few of his accomplishments with which I am personally familiar.

Through his membership on the Interior Committee and his chairmanship of the Appropriations Subcommittee for the Interior Department, Senator Bible has acquired a special appreciation for the need to preserve the natural beauty and resources of our Nation.

Senator Bible will long be remembered by the people of Texas. For nearly a decade, an effort has been made to protect the extraordinary wonders of the Big Thicket region of southeast Texas. That effort has been of particular interest to me and was, in fact, the subject of the first measure I introduced as a Senator. Described as a true biological crossroads in which fluara and fauna of the Appalachians, the tropics, and even the desert mingle; the Big Thicket's very existence was threatened by development along the fast-growing Gulf Cost. As one delay followed another, acre after acre was lost.

Approval for establishment of a Big Thicket Biological Preserve was finally won this year, and I believe that Senator Bible played a most instrumental role in making that success possible. He guided the measure through a difficult conference and helped ensure that present and future generations will have access to the wild beauty and wonder of the Big Thicket. He will, indeed, be long remembered by the many Texans who have seen their dream at least become a reality.

I also want to commend Senator Bible for his continuing concern for the needs of small business in this country. The contribution of the small businessman has, I believe, for too long been overlooked and underestimated. In many instances, he has been responsible for the innovations and technological breakthroughs which have resulted in productivity increases and a rising standard of living. And his continued viability has ensured the effectiveness of our competitive market system.

The American people have, I believe, recently acquired a new appreciation of the importance of small business. The hundreds of thousands of our people who own concerns or are employed in that sector of our economy have, however, long known that they had a friend in Senator Bible, who, as Chairman of the Select Committee on Small Business, has been tireless in voicing their concerns, publicizing their needs, and ensuring their continued viability.

During consideration of the landmark pension reform legislation this session, Senator Bible observed that a great many of our small businesses did not participate in pension plans. He urged that the new law not discourage these small businesses from establishing their own plans, and I believe he made a lasting impact on all of us who were involved in drafting the legisltaion.

I wish my good friend, his wife, and family every success and happiness. I have valued his friendship and will miss working with him here in the Senate.

Mr. KENNEDY. Mr. President, it is with a sense of deep personal sadness that I say goodby to ALAN BIBLE, who is retiring after 20 years in the U.S. Senate.

Senator BIBLE has been a good friend to me and to the people of Massachusetts. He came with me on a trip down the Connecticut River to see firsthand the problems and the potential of preserving green space and recreational areas in a densely populated section of Massachusetts. He came with me to the Cape Cod Islands to hear the residents of those beautiful islands express their views on an innovative approach to protecting their unique natural resources. He same with me to Boston to visit Faneuil Hall and the Old North Church and Bunker Hill and to find out how we could preserve these treasures for all Americans for generations to come.

And this same personal concern he has shown for all the best in Massachusetts, he has shown the length and breadth of this country. As my distinguished colleagues will testify, Senator BIBLE has visited every corner of the United States to listen to the people and then to find ways to conserve our finest and most fragile natural, cultural, and historic resources.

Anyone who has seen ALAN BIBLE conduct a hearing as Chairman of the Senate Interior Subcommittee on Parks and Recreation knows that there is no one who can get to the heart of the matter quicker. There is no one who can conduct a more equitable, orderly hearing on the most controversial issues arousing the deepest passions in citizens with divergent views. There is no one who has a deeper, more abiding interest in the preservation of the unique natural and historic landmarks of this Nation than ALAN BIBLE.

He cannot be replaced in this Chamber—but the example he leaves us in the Senate will serve us well. He has taught us how to care deeply and turn that caring into effective action. He has taught us the value of preserving our heritage and protecting the land and the water. And most of all he has taught us that concern about these resources is really caring for the people of this Nation and their future.

With ALAN BIBLE'S retirement, we have lost a good friend and a great Senator. We will have always with us a reminder that a gentle voice and inquisitive mind and good heart are the attributes of our finest statesmen. And in ALAN BIBLE we had it all.

Mr. MCCLURE. Mr. President, it is typical of ALAN BIBLE that he would put the interests of his constituents above his personal pride by resigning early in order to give his successor seniority over other newly elected Senators.

There are many ways of paying tribute to Senator BIBLE. He is a kind, decent man. He is a great legislator. He is a great patriot. But more than any man I know, he is without partisanship. I learned this in my work on the Senate Interior Committee. No man could have been more helpful to me in those first difficult weeks around here than ALAN BIBLE. I will always be grateful to him for it.

Senator BIBLE more than represents Nevada. He somehow symbolizes the West, and all of us from that part of the country wish him much happiness in his retirement.

Mr. MONTOYA. Mr. President, I wish to add my tribute to that of other Members of the Senate who have spoken in recent days about the accomplishments

and great dedication of Senator ALAN BIBLE.

I feel that I share much in common with ALAN BIBLE. We are alumni of many of the same institutions. He and I are both graduates of Georgetown University, to cite one example. More recently, we have both served together on the Joint Committee on Atomic Energy and the Appropriations Committee Subcommittee on Interior and Related Agencies. His efforts to provide for better use of our natural resources and greater and more intelligent conservation of our natural wealth are well known. I have been privileged to see them work at close hand.

I think it is also important to note his hard work on behalf of the Indian people. He has spent many hours working to assure self-determination and equality of opportunity to these native Americans, and he has been, for all of us, a fine example of the best kind of responsible and good government.

I will greatly miss his guidance and help here in the Senate. I wish him great happiness in the years ahead, and hope he will continue to advise us about the need to protect our wilderness and our land.

Mr. LONG. Mr. President, December brings with it both the ending of another Congress and the retirement of an outstanding Senator. Senator ALAN BIBLE is leaving us, to return to his State of Nevada where he will be teaching at the University. He will be missed by his colleagues both for his legislative contributions and his personal friendship.

Senator BIBLE has completed 19 years in this body. Not many of us were here when he first came to Washington but all of us are aware of his diligence and devotion to duty. His career has been not only long, but very productive, passing legislation that benefits both his constituents in Nevada and Americans all over the country.

His service on the Interior and Appropriations Committees has enabled him to influence many of the laws in the field of conservation.

His record in expanding and improving the National Park System is unequalled. He has received national recognition in this field; his awards include the National Distinguished Service Award from the National Wildlife Federation and honors from the National Trust for Historic Preservation and the American Scenic and Historical Preservation Society.

Mr. President, Senator BIBLE's contributions are not only in the area of conservation. He has served on and chaired many committees in the Senate. He is presently chairman of the Small Business Committee and holds membership on the Joint Congressional Committee on Atomic Energy and the Special Committee on Aging. He formerly held membership on the District of Columbia Committee, which he chaired for 12 years. Within the Appropriations Committee, Senator BIBLE is chairman of the Interior and Related Agencies Subcommittee, a member of the Defense Subcommittee and serves on the Labor; Health, Education, and Welfare; Transportation; and Public Works Subcommittees. And these are only a few of his assignments. The list is a very long one, indeed.

Senator BIBLE is a quiet man but, as we all know, a quiet man can be an effective one. He is a man who gets things done.

I am reminded of something President Kennedy once said:

> Nevada has every reason to be proud of ALAN BIBLE. He has always preferred headway to headlines. His many solid accomplishments for his State and Nation add to his stature as one of America's outstanding lawmakers.

He is an outstanding lawmaker and he will be much missed by this body. I join with my colleagues in expressing how much he will be missed.

I want him to know as he leaves Washington for his State of Nevada, he takes with him our friendship and leaves with us—and to all Americans—a better country due, in large part, to him.

Mr. HART. Mr. President, I would like to borrow some words on retirement from Thomas Jefferson which I believe apply with particular grace to Senator ALAN BIBLE.

Mr. Jefferson wrote:

> If, in my retirement to the humble station of private citizen, I am accompanied with esteem and approbation of my fellow citizens, trophies obtained by the blood-stained steel, or the tattered flags of the tented field, will never be envied. The care of human life and happiness, and not their destruction, is the first and only legitimate object of good government.

Senator BIBLE never need envy those who may take with them trophies of war, for the trophies which mark his career in the Senate—if future generations protect and continue what he started—will live long after time has turned tattered flags to dust.

Because of his efforts, countless children and their children will be able to enjoy wild areas and parks and open space which otherwise might have been lost to development.

In a very real sense, Senator BIBLE dedicated his efforts here to "the first and only legitimate object of good government."

We in Michigan are particularly fortunate that two of his most important "trophies" are in our State—Sleeping Bear Dunes National Park and the Pictured Rocks National Lakeshore.

The preservation of these priceless natural terrains speaks to Senator BIBLE's contributions to the Nation far more eloquently than any word I can speak.

So indeed, Senator BIBLE, you are accompanied by the esteem and appropriation of your fellow citizens, not only of present generations, for future ones as well.

Mr. McCLELLAN. Mr. President, it has been my distinct privilege to have served on the Committee on Appropriations with Senator ALAN BIBLE for nearly 16 years—since January 14, 1959. Few men have made a greater contribution to its work and accomplishments during that time.

I know of no one who commands greater respect and affection from their fellow Members than Senator BIBLE. Despite his own heavy burden as chairman of the Interior Subcommittee, he has cheerfully and willingly stepped into the breach when other Members, either through illness or the press of legislative business, have had to temporarily relinquish their subcommittee work.

Senator BIBLE is a man of outstanding integrity and has evidenced the highest level of dedication and diligence in the entire work of the Senate. Since January 21, 1971, he has been an extremely valuable member of the Appropriations Defense Subcommittee where he made a lasting contribution to the defense of our country.

The record of achievement that he leaves behind him will long endure as a reminder his accomplishments in the area of national parks, wilderness preservation, recreation, natural resource conservation and in assuring that our Nation will have adequate supplies of energy in the future.

The citizens of Nevada and all Americans can be grateful for his independence of mind and for his accomplishments. Senator BIBLE has served in the best traditions of the Senate. He has brought honor to himself, his family and to our Nation.

Mrs. McClellan joins me in extending our best wishes to Senator and Mrs. Bible for many future years of happiness.

TRIBUTES TO SENATOR NORRIS COTTON

Mr. ROBERT C. BYRD. Mr. President, among those colleagues to whom we are saying a reluctant and regretful farewell as this session of the 93d Congress ends, the senior Senator from New Hampshire occupies an honored place.

Since his election to the U.S. House of Representatives from the Second District of New Hampshire in 1946, NORRIS COTTON has had a distinguished legislative career. He was elected four times to the U.S. Senate by the people of his State, and he has amply repaid their trust and their confidence by the high level of representation that he has given to New Hampshire in the many years that he has graced this Chamber.

NORRIS COTTON, like his colleague and friend, GEORGE AIKEN, personifies all the fine qualities that have made New England the proud, independent, yet compassionate and conscientious bastion of our democracy that it has been since the earliest days of the Republic.

I am proud to have known NORRIS COTTON as a colleague and as a friend. I wish him well in what I hope will be a long and peaceful retirement, and I express the wish that we will have the privilege and the pleasure of seeing him back in Washington, and in the Senate, as often as he feels the desire to visit with us.

Mr. FONG. Mr. President, I rise today to pay tribute to our senior colleague from New Hampshire (Mr. COTTON) who is retiring with the close of this 93d Congress.

Upon retirement, our distinguished colleague will have completed more than 50 years of continuous public service in his home State and in the Nation's Capital. This is a record of which he can be very, very proud.

NORRIS COTTON came to this body after he was elected in 1954 to fill the 2-year unexpired term of the late Charles W. Tobey. Before his election to the Senate, he had served 8 years in the U.S. House of Representatives. An attorney, he had an excellent apprenticeship for service in Congress in the New Hampshire Legislature, where he became majority leader and speaker.

Only 5 years after he came to the Senate, he performed an act for which we in Hawaii shall be eternally grateful. He voted for the bill to grant statehood to Hawaii. Without his vote and those of like-minded colleagues, I would not be here today to thank him.

During his 20 years in the Senate, NORRIS COTTON gained respect and confidence for being straightforward with his constituents and with his colleagues on both sides of the aisles.

He spoke his mind. Everyone knew where he stood on an issue. He worked hard for what he stood for. He did his "homework" and was well informed on legislation.

In recognition of his dedication, his wisdom and expertise in legislation, NORRIS COTTON has held important positions. As chairman of the Republican conference, he is a member of the leadership team that confers with the President. He has been the top ranking Republican member of the Senate Commerce Committee, third ranking Republican member on the Appropriations Committee and member of the Subcommittees on Defense; on Health, Education, and Welfare; State, Justice, Commerce, and the Judiciary; Transportation; and Legislative Branch.

Our distinguished colleague worked for legislation establishing the present Interstate Highway System and the Federal aid for airports program.

On the Appropriations Committee on which we both served, NORRIS COTTON was a veritable "watchdog" as he fought against wasteful Federal spending.

As a member of the Appropriations Subcommittee on Labor, Health, Education, and Welfare, he has worked diligently and compassionately to help all Americans, the schoolchildren, their teachers and school administrators; the working men and women of America; the sick, the poor, and the aging.

His commitment to better health and education has resulted in a legacy of legislation that has improved the well-being of countless Americans. A symbol of hope for cancer victims in northern New England is the facility appropriately named "the Norris Cotton Cancer Center," at the Mary Hitchcock Memorial Hospital. He had secured the necessary funds for the center, which later was named in his honor.

For years NORRIS COTTON has kept in touch with his constituents by sending them regular reports. Now, in retirement he will have more time to spend among the people he has loved and served over the years.

Ever willing to encourage new Senators starting their careers, NORRIS COTTON was helpful to me when I first came to this body 15 years ago. I value his friendship, and I know you all do too.

I extend every good wish to NORRIS COTTON in his retirement and hope the years ahead will be meaningful and rich in new experiences.

Mr. METZENBAUM. Mr. President, I rise today to pay tribute to the senior Senator from New Hampshire, NORRIS COTTON, who is departing Congress after so many years of illustrious service. It has been my pleasure to have served along side such an experienced and well respected man. Throughout his career, Senator COTTON has displayed a sense of dedication to his Nation and his State that should serve as a guiding light to all public officials.

During my brief tenure in the Senate, I have been able to observe Senator COTTON's expertise as ranking minority member on the Commerce Committee. I know that his presence will be sorely missed by that Committee and by the entire Senate as well.

I sincerely wish NORRIS and his lovely wife, Ruth, a most enjoyable and well deserved retirement.

Mr. CURTIS. Mr. President, Senator NORRIS COTTON, the distinguished and genial statesman from the State of New Hampshire, is a tall man. Not only is he tall physically, but also NORRIS COTTON is a man who towers over his peers.

NORRIS COTTON will be long remembered. He has a great sense of humor and is a superb story teller. He is a master of the English language, and his newsletters are quoted throughout the length and breadth of this land.

Senator COTTON is a tall man any way you view him. We live in days when constitutional government is under attack. NORRIS COTTON is a good constitutional lawyer, but what is more important, he is devoted to the Constitution and does not deviate from it.

NORRIS COTTON has a concern for the solvency of the U.S. Government. He has cast hundreds of votes that took great courage, and he did so because he did not want to see his Government go bankrupt.

The marvel of our great republic can be summarized as the "history of private enterprise." Here in America we have a society where the individual is of great importance and the law protects him in his right to think, to dream, to plan, to invent, to take risks, to acquire property and to dispose of his property. This system has brought more good things to more people over a longer period of time than any other economic system in the history of mankind. NORRIS COTTON firmly believes in our private enterprise economy.

We wish Senator COTTON many years of health and hapiness, and we hope that his retirement will hold many challenges for him. May I also say that I hope he comes back to see us often.

SENATOR NORRIS COTTON

Mr. PERCY. Mr. President, it has been a privilege for me to have served in the Senate for the past 8 years with NORRIS COTTON. I have found him to be a man of deep conviction who argues his position with forcefulness.

I know him best for his work on the Appropriations Committee and there I found him to be a man who worked hard and put the interests of the whole country first. All States, certainly including my own, have benefited from his counsel and decisions. His devotion to the just causes of the elderly, the disabled and handicapped and others in need are well known.

When NORRIS COTTON spoke on the floor, everyone listened, for if NORRIS COTTON felt impelled to speak, then he had something worth listening to.

It has been my privilege and pleasure to know NORRIS COTTON and I wish him well.

Mr. MUSKIE. Mr. President, I am delighted to have this opportunity to pay tribute to Senator NORRIS COTTON, the senior Senator from my neighboring State of New Hampshire.

In 20 years of distinguished service in the Senate, NORRIS COTTON has built a record of achievement through hard work, dedication and close association with his people of New Hampshire—which deserves great respect.

Since beginning his career in public service in the New Hampshire Legislature in 1923—more than 50 years ago—NORRIS COTTON has championed causes ranging from improvements in the quality of medical services to transportation, social security benefits, consumer protection and energy.

He has been a strong force in shaping programs of Federal aid to education, and a wide range of other programs dealing with the needs of the people.

His concern has won him the confidence and support of people beyond the boundaries of his native New Hampshire, including many in my home State of Maine.

NORRIS COTTON will be missed in the Senate. Although he and I often found ourselves on opposite sides of many votes, when it came to matters concerning New England, I found him to be a most valued and dedicated ally.

I know the people of Maine and throughout New England join me in offering thanks for his tireless efforts on their behalf.

Jane and I extend our very best wishes to NORRIS and Ruth Cotton for a happy and active retirement.

Mr. HARTKE. Mr. President, I have had the pleasure of working with Senator NORRIS COTTON on the Commerce Committee and in the Senate since I came to the Senate. His representation of New Hampshire has been consistent and direct.

During his 20 years in the Senate, NORRIS COTTON has been a champion of the rights of the individual and the

smaller States. His tremendous zeal for life and his dedication to the causes of our country are shining lights that shall be beacons to all Senators who shall represent New Hampshire.

His leadership on the Commerce Committee as the ranking Republican was always congenial, forthright, direct, and honest. This is a man who never compromised his principles, but was always willing to work out differences for the betterment of mankind.

I join with the entire membership of the Senate in paying tribute to him, and in wishing him many years of health and happiness. May NORRIS and Ruth find the pleasures of life fuller during their days of retirement.

Mr. DOMINICK. Mr. President, I hold it a great honor to join with my colleagues today in saluting the notable achievements of our friend, NORRIS COTTON, the senior Senator from New Hampshire. For almost 30 years now, his selfless and untiring spirit have been the admiration of all who have known and worked with him in Congress.

Senator COTTON has consistently devoted much of his own time and the time of his staff to the solution of the personal problems of his constituents. The warm and enthusiastic manner in which he has worked with his fellow Members of Congress on both sides of the aisle is typical of the fairminded generosity of his character.

Heaped upon all of that is NORRIS' wonderful sense of humor which has enlivened many a trip and many otherwise disheartening situations. The Senate and the country will lose this great asset during the next few years and we as his friends will miss it terribly.

Each of you, I know, join me in wishing NORRIS and his wife, Ruth, the very best of all good things in the years of their retirement among the green fields, rocky hills, and dark forests of the fair State of New Hampshire.

Mr. HOLLINGS. Mr. President, I would like to rise today to commend my respected colleague, NORRIS COTTON, and to wish him well as he prepares to take leave of the Senate.

Retiring after half a century of public life, serving in municipal, county, and State government in New Hampshire, the U.S. House of Representatives, and 20 years in the Senate, the distinguished Senator has presented a model for others to follow.

Improvements in social security, the Interstate Highway System, and numerous advances in the fields of health and education are achievements long to be remembered as credits to NORRIS COTTON. "The NORRIS COTTON Cancer Center" in New Hampshire, a living memorial to Senator COTTON, is but a token representing the significance of his contributions through public service.

I have had the pleasure of serving with NORRIS COTTON on both the Commerce and Appropriations Committees in the Senate. And I have found working with the senior Senator from New Hampshire one of the most rewarding experiences of my years in the Senate. The distinguished Senator's integrity, foresight, diligence, and patience are to be remembered by us all. So is the good judgment of his counsel. His strengths to do what he thinks is right, while preserving and honoring the rights of others, struck me as soon as I came to the Senate and I have seen my good friend from New Hampshire adhere to these principles day in and day out as he goes about the business of the people.

NORRIS COTTON achieved a commanding stature in this body—he did it by good judgment, rare ability, hard work, and by being a man of his word. Out of all this came a record of positive achievement on behalf of his State and Nation in which he can take tremendous pride. I will miss seeing him in the daily business of the Senate, but I hope he will favor us by frequent visits and by continuing to share with us his outlook on the great issues of the day. We wish for him the happiest of retirement years, and we congratulate him on his eminent public service.

AES SALUTES SENATOR COTTON

Mr. STEVENSON. Mr. President, I have had the honor of serving in the Senate for only 4 years, and have been a member of the Commerce Committee for only the last 2 years. But in that short time I have come to know and appreciate the integrity and personal warmth of NORRIS COTTON, the ranking senior Senator from New Hampshire and ranking minority member of the Senate Commerce Committee.

I admire the way Senator COTTON has been "on top" of legislation. I have not always agreed with him, but I have always respected his high motives. Senator COTTON has served his country and the people of New Hampshire well. The memories are many, but my fondest recollections will be of the warmth, good humor, and courtesy that Senator COTTON always brought to his work.

It has been a pleasure working with him—albeit for too briefly a time. The Commerce Committee, the Senate, and the Nation will miss Senator COTTON in the Senate.

Mr. GRIFFIN. Mr. President, I rise to add my voice to the chorus of acclaim for our distinguished colleague from New Hampshire (Mr. COTTON) who prepares to retire from the Senate after 50 years of public service.

Throughout the period of my service in the Senate, I have been privileged to work very closely with NORRIS COTTON. He has been my leader on the Commerce Committee. We have served together as members of the Republican leadership team in the Senate.

Words are inadequate to describe the esteem and affection I hold for NORRIS COTTON. Occupying as he does the desk on the Senate floor once used by Daniel Webster, he has given the Senate and the Nation the kind of leadership we have come to expect from the best of New England.

Like Webster, NORRIS COTTON has been one of the Senate's most eloquent and effective speakers.

And, as we who have served with him know so well, he has left his imprint on much of the legislation that has passed through this Chamber. In particular, he has been effective in advancing the cause of education and health. Accordingly, it was most appropriate when the cancer center at Mary Hitchcock Hospital, associated with Dartmouth College in Hanover, was named "the Norris Cotton Cancer Center."

After a long stretch of public service in New Hampshire, and after 28 years in Congress—8 in the House and 20 in the Senate—NORRIS COTTON decided last year that he would retire at the end of this session.

Characteristically, he announced his decision in a newsletter to his constituents—the personal report he has been writing to "the folks back home" for more than 25 years.

I should like to read from that particular newsletter because it reveals something of the humanness of NORRIS COTTON.

He wrote:

Because these reports have been my closest contact with you, I think it is fitting that I should make use of this one to tell you that next year when my present term expires I shall not be a candidate for reelection.

After reviewing a number of factors which entered into his decision, including his own age and the state of his wife's health, he continued:

The people of New Hampshire have been mighty good to me. The people of New Hampshire are entitled to young, active, dynamic representation.

Then he wrote:

I hate to go. I can think of no greater privilege than the one you have granted me of serving in the U.S. Senate. Its associations deepen and mellow as the years go by, and the greatest days are the latter days.

All of us hate to see NORRIS COTTON go. But it is good to know that our loss will be a gain for young people at Dartmouth College where he will be teaching a seminar beginning with the spring term next year. I know he will be an inspiration to Dartmouth students just as he has been an inspiration to all his colleagues here in the Senate.

Mr. KENNEDY. Mr. President, I rise in tribute to NORRIS COTTON who is about to leave this body after more than 40 years of distinguished leadership and service to his State and to his country.

As a Senator from a neighboring State, I have been involved with Senator COTTON on a variety of regional issues. We have stood side by side in the battle of New England to obtain nondiscriminatory treatment on energy matters.

For more than a decade, Senator COTTON's leadership and direction were essential to the effort to alleviate and finally to end the oil import quota system.

From the time NORRIS COTTON entered public life as a 22-year-old member of the New Hampshire Legislature, he has been a force for the betterment of the condition of man.

In the years since his election to the

Senate in 1954, after four terms of impressive service in the House of Representatives, he has been selected by his peers to positions of leadership.

As the ranking minority member of the Senate Commerce Committee, his presence has been essential to the development of modern policies and programs affecting consumer protection, transportation, aviation and communication. I particularly recall his work in support of the Northeast Corridor rail service, a project which hopefully will bring high-speed rail service between Washington and New England within the next few years.

Perhaps even more important to the people of New Hampshire and the people of America, Senator COTTON has been the ranking minority member of the Senate Appropriations Committee. His work, particularly on matters dealing with labor, health, education, and welfare, has meant major new programs in all these areas. Guiding him throughout has been a sense of compassion and understanding for the common man that has been reflected in the improvements in a host of Federal social programs.

It is most fitting that there stands in New Hampshire, a few miles from his home in Lebanon, the Norris Cotton Cancer Research Center, as a monument to his concern for improving the health of our Nation and the world. That monument could rest anywhere in America, for Senator COTTON's work on the Labor-HEW Subcommittee has helped insure the progress of critical health programs that affect the lives of all Americans.

I knew him first through my brother, who regarded him as a friend during the years they served together here in the Senate. Then and now, I respect him for his willingness to speak out forthrightly and passionately on what he believes to be right. It has been an honor to serve with him. I regret that he has decided to retire but that feeling is mixed with one of envy for the distinguished record of public service that he leaves behind.

Mr. McCLURE. Mr. President, nothing is easier—or come to think of it, harder—than talking about NORRIS COTTON. It is easy because it gives me a chance to put into words my admiration for his work. Senator COTTON is a man whose principles and integrity have always led him. This in turn has enabled him to provide the more junior members of his party with the leadership and assistance we needed upon entering this body. It is saying goodby that is the hard part. I know what great pride the Senator, his family, friends, and constituents have in recalling his many contributions to the Senate and the Nation as a whole. Mr. COTTON is a "Senator's Senator" and will be greatly missed by us all.

I sincerely hope that his retirement years are happy ones and that we in the Senate will still have the benefit of his great wisdom from time to time.

Mr. HART. Mr. President, tributes to retiring Senators too often have a way of taking too long to say too little.

For example, in speaking of NORRIS COTTON, the temptation is to recount his leadership, his cooperation, his wisdom on various questions before the Senate Appropriations and Commerce Committees.

But he more than most knows how fleeting are the legislative triumphs of yesterday.

And it is just that sense of history, and his sense of humor, directness, and fairness that will be missed in the Senate.

So at the risk that some may misinterpret the brevity of my remarks, but confident that he will appreciate the absence of verbosity, let me say that NORRIS COTTON carries with him the good wishes of his fellow Senators on both sides of the aisle.

Mr. MONTOYA. Mr. President, it is with sorrow that I join my colleagues in saying goodby to NORRIS COTTON, with whom I have served on the Appropriations Committee during these last difficult years.

Senator COTTON has always approached his job with a true humanitarian feeling. He has never allowed politics to stand in the way of his belief in good education, good and effective medical research, or compassionate help to the needy. His hard work and effort have meant a great deal to all of us, and he will be greatly missed.

Like me, Senator COTTON served in his State government, in the House of Representatives, and in the Senate. He has devoted his life to the people of his State and this Nation.

I know that he will return to New Hampshire to be honored as a great and good public servant, and will long be remembered as a national leader and honorable member of his party. I wish him great happiness in the years ahead.

Mr. MATHIAS. Mr. President, in every institution there ought to be some strong character who has the courage and the concern to say exactly what he thinks without regard to the personal consequences of doing so. In the Senate this role has been filled with distinction by the Senator from New Hampshire, Mr. COTTON. His association with the Senate preceded his election as a Member, and his devotion to the Senate is not surpassed by any other Senator. Such service is unique, and will be sorely missed on his retirement.

Mr. WILLIAMS. Mr. President, I join my colleagues today in bidding farewell to Senator NORRIS COTTON as he brings to a close an exemplary career of distinguished public service.

The record of public service that NORRIS COTTON has compiled is truly awesome. His first elected office was as a member of the New Hampshire Legislature beginning in 1923. He went on to serve as county attorney, municipal judge, and as majority leader and Speaker of the New Hampshire House of Representatives. He was elected to the Congress from New Hampshire's Second District in 1946 and was reelected to the House three times.

NORRIS COTTON entered the Senate in 1954 when he was elected to fill the unexpired term left by the death of Senator Charles Tobey. Since then, he has been reelected three times.

As chairman of the Republican Conference, Senator COTTON has played an important role in shaping his party's legislative efforts and in coordinating those efforts with the White House. In addition, he has long been the ranking minority member of the Commerce Committee, where his outstanding work is well known. Through his service on the Appropriations Subcommittees for Defense and for Labor, Health, Education, and Welfare, NORRIS COTTON has been influential in determining how our Federal Government would spend some 70 percent of the budget.

Senator COTTON's work in helping to establish the Interstate Highway System and the Federal aid for airports program is well known. I know he and I have shared a personal interest in a number of areas, particularly the ongoing effort to improve the social security program and increase benefits.

Mr. President, it has truly been both a privilege and a pleasure to serve in the Senate with NORRIS COTTON. I know we will all miss him, and I want to join today in wishing him and his wife Ruth every happiness in the years ahead.

Mr. McCLELLAN. Mr. President, it is with considerable sadness and regret that I note the retirement of Senator NORRIS COTTON after 20 years of valuable service to the people of New Hampshire and to the Nation.

During his nearly 13 years of service on the Committee on Appropriations—since February 16, 1962—I have gotten to know NORRIS COTTON not only as a fellow legislator but also as a friend. He has been a working Senator, paying close attention to the business of this great body.

While others may have actively sought the headlines, he has served the people of his State and the country as a whole with a quiet distinction that has been translated into a record of high achievement.

During the past 3 years in which we have served together on the Defense Subcommittee, I have had the opportunity to observe him closely. Without reservation, I can say that he has been dedicated to the work of the subcommittee and to insuring that the United States would have an effective deterrent and defense capability in a world of international tension and uncertainty.

Senator COTTON has brought to the work of the Defense Subcommittee, the Appropriations Committee and the Senate as a whole, a sustained passion for hard work and Yankee frugality that have been of considerable value to this body in its deliberations.

Mrs. McClellan joins me in expressing the hope that you and Mrs. Cotton will enjoy the richest blessings of life in your retirement. May you have peace and contentment always.

THE RETIREMENT OF DR. FLOYD M. RIDDICK AS PARLIAMENTARIAN OF THE SENATE

Mr. EASTLAND. Mr. President, I want to join with my cosponsors of Senate Resolution 443 in paying tribute to our Senate Parliamentarian who is retiring and who will become Parliamentarian Emeritus.

As President pro tempore of the Senate, I have reason to know more intimately than most the enormous service that Floyd Riddick renders to the Senate day after day.

Just as the position of President pro tempore is unique to the Senate and is a post unknown to the House, so many of the rules and precedents of the Senate are unique to this body. In his enormous knowledge of these, in the scholarship which he has brought to his writing on them, and in the fairness and impartiality and conscientiousness which he has brought to the interpretation of them in practice in the heat of Senate debate, he has earned over the years the respect of all Senators and all students of the Senate.

I am sad that he is retiring as Parliamentarian. I hope that as Parliamentarian Emeritus his advice and counsel will continue to be available to us. I know that his writings will long guide us.

Mr. FANNIN. Mr. President, Dr. Floyd M. Riddick is the professor who has educated many of us as to how to keep the U.S. Senate running smoothly. He has been the tutor standing close by to give us instant instruction on how to keep out of parliamentary snarls.

Earlier this week, Senator GRIFFIN recounted the impressive career of Dr. Riddick and his almost three decades of service to the Senate. It is indeed an amazing story of achievement.

Dr. Riddick's appointment as Chief Parliamentarian came just 2 days before the start of my service in the Senate. Mine was the first freshman class Dr. Riddick had to suffer as Parliamentarian.

He has a well-deserved reputation for fairness and he is a gentleman of tremendous ability and great integrity. I am deeply grateful for the help and guidance he has provided over the years.

I join my colleagues in wishing him the best of everything in his retirement.

Mr. TAFT. Mr. President, the retirement of Dr. Floyd M. Riddick at the end of this session is deeply regretted by all of us. He has been an outstanding public servant and always fair and perceptive. His approach toward parliamentary problems of the Senate has made a major contribution to the effectiveness of this body. We wish him well in his retirement and will miss him.

Mr. PELL. Mr. President, I join my fellow Senators today in paying tribute to the brilliant Parliamentarian of the Senate, Dr. Floyd M. Riddick.

It is no more than simple truth to say that Dr. Riddick knows better than any person the rules, procedures, and precedents established by the Senate of the United States in the course of 186 years. The knowledge in itself is encyclopedic and awesome.

But the real genius of Dr. Riddick lies in his wisdom in the application of the rules, procedures, and precedents. And that wisdom in applying the rules and procedures of the Senate has its roots in a deep understanding of the purpose of procedural rules, an understanding that those rules have been established and refined through the years, not to obstruct action, but to assist the Senate in working its will in an orderly way.

In following that philosophy, Dr. Riddick has always approached the rules of the Senate with a positive outlook. To a Senator seeking advice, his response has been, not to tell him how the rules forbid an action, but to advise him how an action can be pursued in accordance with the rules. He has always sought to be helpful.

As chairman of the Senate Subcommittee on Education, I have a particularly keen appreciation of Dr. Riddick's parliamentary abilities. Because they involved issues on which opinions were strongly held and sharply divided, education legislation during the past several years has been involved in extremely complex and difficult parliamentary situations. Without the wise counsel of Dr. Riddick, it would have been difficult if not impossible to move this legislation forward so that the will of the majority of the Senate could be expressed in law.

And I would add, finally, that even in the most difficult and heated situations, Dr. Riddick maintained a calm and courteous and objective manner.

And this year, when the Senate faced the ominous prospect of the first trial of an impeachment of a President of the United States in a century, Dr. Riddick provided invaluable advice and assistance as the Committee on Rules and Administration prepared proposals for Senate rules of procedure in the event of a trial.

Dr. Riddick's talents and knowledge will be missed here in the Senate, but we are fortunate that in his usual, thorough, and competent way, he has served the Senate well in preparing an able, knowledgeable, and gifted successor, Mr. Murray Zweben. I look forward with pleasure and confidence to working with Murray in the years ahead.

To Dr. Riddick, I extend my personal thanks for his many courtesies and services in the past and my best wishes for the future.

Mr. TALMADGE. Mr. President, after 27 years of untiring and distinguished service to the U.S. Senate, Dr. Floyd M. Riddick will retire at the end of the 93d Congress.

Dr. Riddick has always been impartial, objective, and nonpartisan. He has been levelheaded and evenhanded during tumultous debates and intricate procedural maneuvers. He is the unchallenged master of the rules and procedures of the Senate, as evidenced by his work on the 1958 and 1964 editions of "Senate Procedure" and his work in preparing an updated and revised edition for publication this past summer.

I am pleased that my friend, Doc Riddick, will continue to be with us as a consultant and as Parliamentarian Emeritus. I join my colleagues in thanking him for his outstanding service to the Senate and the people of the United States and I wish him well in the future.

Mr. BELLMON. Mr. President, if the Senate ever speaks with one voice, it is likely to do so in expressing gratitude for the services rendered to this body and its Members by Dr. Floyd M. Riddick.

As the Parliamentarian of the Senate, Dr. Riddick has been of great assistance to those of us who have sat in the chair of the Presiding Officer. His many years of experience have helped us avoid parliamentary pitfalls, and his guidance and counsel have proved invaluable on many occasions.

May I join my colleagues in congratulating Dr. Riddick for his distinguished record of service to the Senate and wish him well in his retirement.

ON THE RETIREMENT OF DR. FLOYD M. RIDDICK

Mr. MUSKIE. Mr. President, as we all know, Dr. Floyd Riddick has retired as Parliamentarian of the Senate. His encyclopedic memory and prodigious knowledge of Senate rules and precedents have been of enormous help to me throughout our association, and I am sure each of my colleagues joins me in formally offering thanks for his efforts over the years.

We are fortunate that we will not lose the services of Dr. Riddick, since I understand he will continue to serve with the Rules Committee in an advisory capacity in the coming year. He has always been accommodating, fair, and helpful to each of us in this body, and I am sure we will all have occasion to seek his guidance in the years ahead.

A much more significant, and more substantial, tribute to Dr. Riddick than any I could offer was delivered to each of us last May. His work "Senate Procedure," which revises and updates the previous edition of 1964, carries on a tradition begun by Thomas Jefferson. In his manual, Jefferson expressed the hope that it would be updated and improved by his successors into a code of rules to provide "accuracy in business, economy of time, order, uniformity, and impartiality."

Dr. Riddick has fulfilled Jefferson's hope, and his document will be a constant source of help to us all.

We owe him our thanks, and wish Dr. Riddick and his wife Margot many years of happiness in retirement.

TRIBUTE TO DR. FLOYD M. RIDDICK ON HIS RETIREMENT AS PARLIAMENTARIAN OF THE U.S. SENATE TO BECOME PARLIAMENTARIAN EMERITUS OF THE U.S. SENATE

Mr. ALLEN. Mr. President, the U.S. Senate closes an era when Dr. Floyd M. Riddick, at the end of this Congress, retires as Parliamentarian of the U.S. Senate. Happily, the Senate by resolution sponsored by all Senators has named Dr. Riddick as Parliamentarian Emeritus of the U.S. Senate in recognition of his outstanding work as Parliamentarian.

Earlier this year Senators received a copy of Dr. Riddick's great work "Senate Procedure—Precedents and Practices," updated to 1974. This work is a com-

pilation by our distinguished Parliamentarian of the rules of the Senate, portions of laws affecting Senate procedure, rulings by the Presiding Officer, and established practices of the Senate.

The Nation, the Congress, and, in particular, the Senate are indeed fortunate to have had Dr. Riddick as Parliamentarian of the Senate. He ranks with John Hatsel, Parliamentarian of the House of Commons in the 18th century, and with Thomas Jefferson, second Vice President and third President of the United States, as one of the greatest of parliamentarians.

Jefferson's manual quoting Hatsel points out that rules of legislative bodies operate as a check and control on the actions of the majority, and that they are in many instances a shelter and protection to the minority against the attempts of power; and that whether these forms be in all cases the most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by than what that rule is, so that there may be a uniformity of proceeding in business not subject to the caprice of the Presiding Officer or captiousness of the Members.

"Senate Procedure" goes back more than 90 years in assembling Presiding Officers' rulings and the practices of the Senate that have grown up around the application of the Senate rules in actual Senate procedure.

How valuable it is to a Senator or to the President of the Senate, after reading a Senate Rule, to refer to "Senate Procedure" to see how this rule works in practice or in actual Senate procedure.

Through the specific examples given in the book of how the rules have been applied during the last 90 years we get a pretty clear picture of the Senate as a living, continuing body with references to many Senators and legislative issues now a part of the history of the U.S. Senate.

What a boon this book is to Senators because, strange to say, all of the rules of procedure are not in the Senate rules. Many result in practice from how Presiding Officers may have construed a rule in the part or how the rule has been applied in similar circumstances long ago. Without such a book as "Senate Procedure," Senators would be without a guide and without precedents or reference to past practices so necessary to orderly and uniform procedure.

Historians studying the U.S. Senate will find this book invaluable to them in learning how the Senate works and what procedures it follows.

Sometimes the Senate must be something of a puzzle or enigma to visitors to the Senate galleries but underneath the seeming confusion, and near chaos the Senate is proceeding as set forth in "Senate Procedure."

Every Member of the Senate and everyone who works with the Senate is indebted to Dr. Riddick for his monumental work. Dr. Riddick, we salute you and offer you our sincerest congratulations, and I express my personal appreciation to you and your fine staff of Assistant Parliamentarians.

Dr. Riddick has performed outstanding service as Parliamentarian of this body. He has acted in a nonpartisan, impartial manner. He has been of great assistance to every Member of the Senate.

I am hopeful that even though he is retiring as Parliamentarian and taking on the honorary title of Parliamentarian Emeritus, he will be available for consultation with Members of the Senate who may wish to confer with him, and I am sure that many Senators will.

I think it is sad that Dr. Riddick is retiring. He wants to travel, study, write, enjoy more time with his family, and certainly that is understandable.

To say that the Senate Parliamentarian is the 101st Member of the Senate would be to minimize his role. While he has no vote in the Senate his parliamentary advice to the Presiding Officer of the Senate keeps the Senate on course as an orderly, deliberative body. Without the uniformity of the rulings of the Chair based on the Parliamentarian's advice, the Senate would quickly become a madhouse. So the Senate Parliamentarian performs one of the most important roles in the entire machinery of legislation.

Mrs. Allen and I wish for Dr. and Mrs. Riddick many years of happiness and contentment and rewarding use of the many years they have to look forward to in the future.

Mr. SYMINGTON. Mr. President, let me express to Dr. Floyd M. Riddick my deep appreciation for the great contributions he has made to the U.S. Senate.

Through his writings, also in the superb assistance he has given Senators and their staffs in interpreting the Senate rules, Floyd has brought about a keener understanding and a greater willingness to observe the rules of the Senate.

While regretting Dr. Riddick will retire at the end of this session, I wish him well in the opportunity he will have in his leisure to travel and to study, and am glad that he may also be available as a consultant to Senate committees.

At the same time, I am confident Mr. Murray Zweben, the Assistant Parliamentarian, will carry forward in this same fine manner that has come to be associated with the Office of Parliamentarian; for me first under Charley Watson, then under Floyd Riddick.

We are all grateful for the objective manner in which Dr. Riddick has served all Members of the Senate these last 9 years; and congratulate him for the distinction he will enjoy as the Parliamentarian Emeritus of the Senate.

Mr. HARTKE. Mr. President, after 27 years of invaluable and able service to the Senate, Dr. Floyd M. Riddick is retiring. His presence will be sorely missed; his wisdom, expertise, and fairness will be irreplaceable.

The position of Senate Parliamentarian symbolizes the quintessential nature of democracy. Although often inefficient and frustrating, the Senate steadily moves ahead working within the context of its rules. These rules—the ones that Doc Riddick has been helping us interpret for almost three decades—insure our commitment to the democratic process and to the supremcy of law.

I am happy to congratulate Floyd Riddick as he takes formal leave of this Chamber; but I am happier still that he has decided to accept the position of Parliamentarian Emeritus and thus will not abandon us entirely.

Thank you, Doc Riddick, for a job well done. I know that you have the appreciation of each and every man and woman who has been part of this body during your tenure. Be proud that you have made a lasting contribution to your Nation.

Mr. CHURCH. Mr. President, I commend the joint leadership for introducing Senate Resolution 443, naming Dr. Floyd M. Riddick as Parliamentarian Emeritus.

For 27 years Dr. Riddick has served the Senate with honor and distinction as:

Editor of the Daily Digest from 1947 to 1951;

Assistant Parliamentarian from 1951 to 1964; and

Parliamentarian from 1965 to the present.

He has always performed his duties in an impartial and thoroughly professional manner.

Over the years Dr. Riddick has been of enormous help to me and my office. When a parliamentary question was posed to him, he answered it objectively and with consummate knowledge.

Quite clearly, the duties of a Parliamentarian are difficult and demanding. There are many stresses and strains, but Dr. Riddick has always maintained his composures in discharging his crucial responsibilities.

As a Senator who has relied upon Dr. Riddick's wise counsel on several occasions, I regret that he shall retire at the end of the year.

However, I am delighted that the Senate recently bestowed upon him the extraordinary honor of being designated as Parliamentarian Emeritus, only the second time in the history of the Senate that such an honor has been awarded.

My wife, Bethine, and I want to extend our best wishes to Dr. Riddick and his family.

Mr. SPARKMAN. Mr. President, Dr. Floyd M. Riddick, who has served as Senate Parliamentarian for so long and so well, is retiring at the end of this Session of Congress. By his service, he has well earned retirement even though we regret to see him leave us. I know all of us will be wishing for him great happiness throughout many years of retirement. I certainly join in that wish.

Mr. BUCKLEY. Mr. President, I would like to take this opportunity to pay tribute to Dr. Floyd Riddick, the Senate Parliamentarian who will retire at the end of this session of Congress.

Like so many newcomers to this body, I found myself in 1971 somewhat puzzled and often bewildered by the intricacies of parliamentary procedure. Alas, I cannot say that 4 years of experience have made me a master of the parliamentary technique. But I have had the oppor-

tunity to watch Floyd Riddick guide us through the parliamentary thickets with infinite patience and, it would seem, infinite knowledge of the Senate's rules. He is a virtuoso of the rules governing cloture, a master of the quiddities of the perfecting amendment and a veritable encyclopedia of little known facts concerning points of order, amendments in the second degree and other such esoteria that make this such a consistently interesting place in which to work.

In conclusion, may I simply say that I wish Floyd Riddick a happy and fulfilling retirement and that it is my personal wish that future perfecting amendments to his happiness are always germane.

Mr. HASKELL. Mr. President, I have a profound respect for my colleagues in the Senate who have mastered the intricacies of our rules and procedures. Above all I admire Dr. Floyd Riddick's mastery of those intricacies and his ability to iron out the difficulties involved in even the most complicated parliamentary situations.

His unfailing courtesy, complete fairness, and evenhanded application of the Senate procedures has often calmed this body during even the most heated debate. His tremendous wealth of information and knowledge of Senate precedents will be sorely missed.

He has authored several volumes about the structure and organization of Congress. His most recent contribution, the 1974 edition of "Senate Procedure," updated the compilation of procedures and precedents upon which the daily work of the Senate is based. For this we owe him a lasting debt.

His presence will be missed but I certainly do not begrudge his retirement and want to thank him for his patience with those of us who have much to learn about our procedures and wish him well.

DR. FLOYD M. RIDDICK, SENATE PARLIAMENTARIAN

Mr. SCHWEIKER. Mr. President, I would like to associate myself with the remarks of my colleagues who pay tribute to Dr. Floyd M. Riddick, who will retire as Senate Parliamentarian at the conclusion of the 93d Congress.

"Doc" Riddick, as he is known to all, has diligently served the Senate as its parliamentarian since 1965. From 1951 to 1964 he served as Assistant Parliamentarian and prior to that he was Senate editor of the Daily Digest.

Certainly "Doc" Riddick is one of the Nation's leading experts on the nuances of the legislative process—particularly with respect to the Standing Rules of the Senate. Not only to freshman Senators, but to those who consider themselves artful in the ways of the Senate, "Doc" Riddick has been a constant source of helpful information and advice.

I know "Doc" Riddick will bring invaluable experience and expertise to his new position as consultant to the Senate Rules Committee on the codifying of the Senate rules, and I wish him well with this and all other endeavors.

Mr. FONG. Mr. President, I rise to pay tribute to the Parliamentarian of the Senate, Dr. Floyd M. Riddick, who is retiring this year, after nearly 30 years of dedicated and distinguished service in this body.

The general public is not aware of how important are the services of our Parliamentarian in the day-to-day operation of the Senate of the United States. It is a very demanding and very challenging assignment, one requiring exceptional memory, patience, attention to detail, and accuracy. It is a pressure cooker job, very often requiring split-second advice. The Parliamentarian serves in countless ways, including assisting the Presiding Officer during sessions of the Senate, acting as timekeeper during periods of limited debate, advising the leadership and other Senators in the Chamber, in their offices, and in his office.

As Parliamentarian, Dr. Riddick has been superb. He is unusual in that he combines a capacity for precision and detail with a capacity for viewing and analyzing the total picture. On top of that, he has the temperament and attributes of character that enable him, with unfailing courtesy and cheerfulness, to serve 100 Senators of varying philosophy and disposition. Dr. Riddick is a true gentleman, ever kind and ever able to maintain a confidence.

Although perhaps not well known to the general public, Floyd Riddick is indeed well known in academic and parliamentary circles nationally and internationally as a man of stature.

Dr. Riddick came to the Senate post of Parliamentarian exceptionally well qualified. A longtime student of government, he earned his doctor of philosophy degree in political science at Duke University. On an international fellowship, he pursued a year's study at the University of Berlin. For several years in private enterprise, he held positions dealing with the workings of the Congress, both the Senate and the House of Representatives.

In 1947, he entered the employ of the U.S. Senate, where he served as the first editor of the Daily Digest of Senate proceedings. From that position, he was promoted to the post of Assistant Parliamentarian, where he served under the late Parliamentarian Charles L. Watkins. He and Mr. Watkins coauthored the first edition of the valuable reference work, "Senate Procedure," in 1958 and the revised edition in 1964.

Floyd Riddick is indeed a walking encyclopedia of Senate rules, procedures, and precedents. We are very fortunate that he has imparted a great deal of his knowledge in his latest edition of "Senate Procedure," published earlier this year.

He has set such a high standard of excellence and integrity that it is fitting that the Senate has recognized his value by designating Floyd Riddick as our Parliamentarian Emeritus.

I well remember Dr. Riddick in the early years of my own tenure here, when I first came to the Senate as one of the two Senators elected by the people to represent Hawaii after we became the 50th State. Dr. Riddick was most kind and helpful to me, a greenhorn in Senate procedure although I had had 14 years of experience in the Hawaii Territorial Legislature. For his assistance then as well as since then, I remember Floyd Riddick with special gratitude.

I would add one small footnote. When Floyd Riddick first came to the Senate in 1947, he recommended for a research position in the Senate a young lady recently employed under him who, 13 years later, was hired by me and who now serves as my administrative assistant. So I have another special reason to thank him.

To Floyd Riddick, I extend my very best wishes and warm aloha for a happy and fulfilling retirement.

Mr. KENNEDY. Mr. President, the retirement of Dr. Floyd M. Riddick as Senate Parliamentarian leaves each of us with a genuine sense of regret and loss to the Senate.

Dr. Riddick first came to the Senate in 1947, as the editor of the Senate section of the Daily Digest of the CONGRESSIONAL RECORD. He became Assistant Parliamentarian in 1951 and he became Parliamentarian in 1965. During the 28 years he has graced the Senate, he has been an outstanding public servant. We feel his loss all the more, because to his brilliant and dedicated intellectual work on our behalf he has always brought the warmth and kindness and good humor that is the mark of real greatness.

In many respects, Dr. Riddick is the Senate's truly indispensable man. Without his daily wisdom and guidance and constant reassurance, the Senate could not function effectively as a legislative institution. Just as it has been said that in our Nation laws are the wise restraints that make men free, so our own Senate rules are the wise restraints that guide us in our service to our country.

Dr. Riddick's period of service as our Parliamentarian has coincided with an era involving some of the most vigorous and passionate issues that the Senate has ever encountered in its long history. Especially in areas like the debates over the Vietnam war and civil rights, to name but two, the Senate's rules have been under severe and continuing pressure, and Dr. Riddick's job has not been easy.

Members on both sides of an issue have often found that they are only halfway armed for debate if they are prepared only on the merits of an issue. We also must be armed with knowledge of the procedures of the Senate and the opportunities the rules allow, in order that our various positions may be presented with maximum efficiency and maximum prospect for enactment.

That is why, although the Parliamentarian's office seems a quiet one, it is the quiet at the center of the storm. Dr. Riddick is always at the center of every major Senate debate. Over the years, his knowledge and experience have provided a vast reservoir of opportunity for every Member. Much that any of us have accomplished is a tribute to his counsel—counsel that has always been wise, read-

ily offered to each who seeks him out, and scrupulously fair and impartial for the benefit of all and for the greater good of our institution.

Perhaps the most tangible landmark of Dr. Riddick's skill is his new edition of "Senate Procedure," published last spring. Its publication was not only an important new milestone in our body's distinguished parliamentary history, but also an outstanding example of the skill, scholarship, and intelligence of our able, respected, and well-loved Parliamentarian.

"Senate Procedure" is the Senate's common law, because it is the compilation of the rules and precedents by which the Senate lives and functions. As Oliver Wendell Holmes wrote in his famous essay, "The Path of the Law," the life of the law has not been logic, it has been experience. And so it is with the procedures of the Senate, which are the life and experience of our Chamber, often called the greatest deliberative body in the world.

Through his work and counsel, Dr. Riddick has always held up a mirror to the Senate at its best, functioning under the rule of law, applying his parliamentary knowledge to the experience of debate and the necessities of modern legislation.

"Senate Procedure" is also a distinguished companion to the distinguished parliamentary guides of our past. One of our earlier compilations was the work of Thomas Jefferson, prepared during his service as Vice President of the United States and President of the Senate from 1797 to 1801. As he put it in the preface to the work we now call Jefferson's Manual:

> I have begun a sketch which those who come after me will successively correct and fill up till a code of rules shall be formed for the use of the Senate, the effects of which may be accuracy in business, economy of time, order, uniformity and impartiality.

Dr. Riddick's service to us have been Jeffersonian in its faithfulness to each of these great ideals. I congratulate our Parliamentarian for his ability. I wish him many productive years in retirement. I shall miss him as a friend and colleague, but I also know that our loss is a well-deserved gain for his wife Marguerite, his son John, and his daughters Johanne and Dianne, and their families.

Recently, in Senate Resolution 443, the Senate expressed its collective appreciation to Dr. Riddick for his long and faithful service, by designating him as "Parliamentarian Emeritus of the U.S. Senate." By unanimous consent, every Member of the Senate was added as a cosponsor of the resolution. Mr. President, I ask unanimous consent that the full text of the resolution may be printed at this point in the RECORD, including the cosponsors. I also ask unanimous consent that an article on Dr. Riddick from the Duke University Alumni magazine at the time of his appointment as Parliamentarian may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the resolution and article were ordered to be printed in the RECORD, as follows:

LIST OF SPONSORS

Mr. Mansfield (for himself, Mr. Robert C. Byrd, Mr. Hugh Scott, Mr. Griffin, Mr. Allen, Mr. Abourezk, Mr. Aiken, Mr. Baker, Mr. Bartlett, Mr. Bayh, Mr. Beall, Mr. Bellmon, Mr. Bennett, Mr. Bentsen, Mr. Bible, Mr. Biden, Mr. Brock, Mr. Brooke, Mr. Buckley, Mr. Burdick, Mr. Harry F. Byrd, Jr., Mr. Cannon, Mr. Case, Mr. Chiles, Mr. Church, Mr. Clark, Mr. Cook, Mr. Cotton, Mr. Cranston, Mr. Curtis, Mr. Dole, Mr. Domenici, Mr. Dominick, Mr. Eagleton, Mr. Eastland, Mr. Ervin, Mr. Fannin, Mr. Fong, Mr. Fulbright, Mr. Goldwater, Mr. Gravel, Mr. Gurney, Mr. Hansen, Mr. Hart, Mr. Hartke, Mr. Haskell, Mr. Hatfield, Mr. Hathaway, Mr. Helms, Mr. Hollings, Mr. Hruska, Mr. Huddleston, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Johnston, Mr. Kennedy, Mr. Long, Mr. McClellan, Mr. McClure, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Magnuson, Mr. Mathias, Mr. Metcalf, Mr. Metzenbaum, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Nunn, Mr. Packwood, Mr. Pastore, Mr. Pearson, Mr. Pell, Mr. Percy, Mr. Proxmire, Mr. Randolph, Mr. Ribicoff, Mr. Roth, Mr. Schweiker, Mr. William L. Scott, Mr. Sparkman, Mr. Stafford, Mr. Stennis, Mr. Stevens, Mr. Stevenson, Mr. Symington, Mr. Taft, Mr. Talmadge, Mr. Thurmond, Mr. Tower, Mr. Tunney, Mr. Weicker, Mr. Williams, and Mr. Young) submitted the following resolution; which was considered and agreed to; preamble agreed to.

RESOLUTION RELATING TO THE RETIREMENT OF FLOYD M. RIDDICK, PARLIAMENTARIAN OF THE UNITED STATES SENATE

Whereas the Senate has been advised of the retirement of its Parliamentarian, Floyd M. Riddick, at the end of this session: Therefore be it

Resolved, That, effective at the sine die adjournment of this session, as a token of the appreciation of the Senate for his long and faithful service, Floyd M. Riddick is hereby designated as Parliamentarian Emeritus of the United States Senate.

[From the Duke Alumni Register, April 1965]

ALUMNI PROFILE—FLOYD RIDDICK: SENATE PARLIAMENTARIAN

What is it like to be Parliamentarian of the U.S. Senate? "It's like keeping store—it may be quiet for a long time, then all hell breaks loose," says the new Senate Parliamentarian Floyd M. Riddick, 1932, Ph. D. 1935.

Sitting in his quiet office on the ground floor of the Capitol's Senate wing, Dr. Riddick talked easily about his new position. And there was every reason that he should. He had served a 13-year apprenticeship as assistant to Charles L. Watkins, the Senate's first Parliamentarian, before talking over the job with the opening of the new session of Congress in January. Mr. Watkins, a Senate employee for more than half a century and Parliamentarian since 1937 when the post was created, had retired at the last session of the Senate.

Explaining in his mild, soft-spoken way the job of the Parliamentarian, Dr. Riddick pointed out that the Senate has its own standing rules which differ in many respects from conventional parliamentary procedure. In addition, numerous amendments and revisions have been made over the years. The result is a complex body of rules which require a great deal of time to become thoroughly familiar with. Since the Presiding Officer of the Senate has many other duties, it isn't practical for him to spend all his time with rules.

In his official capacity, the Parliamentarian is the servant of the Senate. When the Senate is in session, he sits on the dais in front of the Presiding Officer. He must be ready whenever he is called upon to advise the Presiding Officer. The Parliamentarian, Dr. Riddick emphasized, does not make decisions. He simply advises the Presiding Officer as to what the rule is. All decisions are made by the Presiding Officer.

The Parliamentarian also advises the Senate leaders and the individual Senators whenever they have questions about procedure. This often eliminates controversies on the floor and expedites the business of the Senate. The Parliamentarian also indicates the references to committees of all bills and resolutions introduced as well as those passed by the House and transmitted to the Senate.

It is obviously a tough and demanding job, and one that allows not the slightest hint of partisan preference. During the heat of debate the Parliamentarian must have his wits about him every minute, and he must immediately produce the right answer at the right time.

But in addition to a wealth of scholarly knowledge, the job requires stamina. During a filibuster in 1954, Dr. Riddick remembers putting in 86 hours in the Senate Chamber. Mr. Watkins was ill and he had to remain by the Presiding Officer straight through, never able to leave for more than a few minutes at a time. "I would doze in my chair," Dr. Riddick recalls, "but I never got a chance to lie down."

It is obvious that this is one of the toughest jobs on Capitol Hill. But how does one get to be Senate Parliamentarian?

"When I started out," says Dr. Riddick, "I had no idea in the world of becoming Parliamentarian of the U.S. Senate."

Born in Trotville, N.C., he grew up on the family farm in Gates County. He didn't care much for farmwork which he considered too hard, but became interested in the law by observing the district solicitor perform in Gates County Superior Court. So he decided to become an attorney, and with this objective he entered Duke.

At Duke, however, he became a student of Dr. Robert S. Ranklin's and soon changed his mind in favor of an academic career. After receiving his bachelor's degree in 1932, he went on to Vanderbilt where he earned a master's degree in political science before returning to Duke to work on his doctorate.

In 1935 he received his Ph. D. His dissertation was almost a forecast of the future, it dealt with parliamentary procedures in the House of Representatives.

After graduation he worked as a statistical analyst for the Government, and spent a year at the University of Berlin on an international fellowship. His research paper on local institutions in Germany was later used by the U.S. occupation forces after World War II.

After his return from Germany, Dr. Riddick did some teaching at American University and, for a summer session, at Duke. Then he took a job as legislative analyst for a private research organization known as Congressional Intelligence, Inc. He edited their publications for several years, and published articles in scholarly journals. As a result he came to the attention of scholars in the field and his reputation as an expert in congressional procedures began to grow.

He is the author of "Congressional Procedure" (1941) and "The U.S. Congress: Organization and Procedure" (1949), and the coauthor of "Congress in Action" (1948) and "Senate Procedure" (1958).

In 1947 he went to the Senate to inaugurate the publication of the CONGRESSIONAL RECORD's Digest. This publication is now recognized as an indispensable tool for readers of the RECORD.

As he relaxes in his spacious office, which he shares with his assistant and his secretary, Dr. Riddick is obviously a proud and happy man. He is proud of the Senate, the world's greatest deliberative body," and he is proud of his association with it."

Upon his appointment to the post, he was praised by a number of Senators as a worthy successor to the esteemed Charles Watkins. Senator RUSSELL, of Georgia, whose own deep knowledge of the rules is outstanding, said he was confident Floyd Riddick "will live up to every respect to the kind of service demanded of a successor to Charles Watkins."

Senator MIKE MONRONEY, of Oklahoma, pointed out that Dr. Riddick knew the history and traditions of the Senate well, and observed:

"He is also well aware that the Parliamentarian, like Caesar's wife, must be above suspicion on all accounts, because in the Senate many parliamentary decisions are more important than votes."

Mr. BIDEN. Mr. President, I wish to add my respects to the deserved tributes being paid Dr. Riddick upon his retirement as Parliamentarian of the Senate.

During my 2 years in the Senate, Dr. Riddick always treated my questions respectfully and fairly—a treatment I needed because obviously in this area my lack of knowledge, unlike that of my senior colleagues, was profound. When I presided during my first few months in the Senate, Dr. Riddick was particularly solicitious.

And, finally, as Parliamentarian, he had a certain artistry about him, if I may say so, as talented men and women do who deal with technical matters. He was master of the rules of the Senate in a constructive fashion, as I have observed him. In my opinion, Dr. Riddick worked with the rules of the Senate as if they were stepping-stones, not stumbling blocks.

I give my unanimous consent, Mr. President, to many long and fruitful years for Dr. Riddick and I move that rule 22, (cloture), of the Senate never be applied to these years.

Mr. McCLELLAN. Mr. President, I wish to join my colleagues in paying deserved tribute to Dr. Floyd M. Riddick, who is retiring as Senate Parliamentarian after 30 years of dedicated service to this body.

During his long and distinguished career, Dr. Riddick has provided counsel and guidance that have been of inestimable value in helping us to make our way through the maze of thorny procedural questions that arise daily in this Chamber. He has been an excellent Parliamentarian and we all have benefited from his advice and instruction.

I wish Dr. Riddick health, happiness, and prosperity in future years, and hope he will be available from time to time for consultation as our Parliamentarian Emeritus.

Mr. HOLLINGS. Mr. President, this session will be the last one for Dr. Floyd M. Riddick, the Parliamentarian of the Senate, before he retires. Dr. Riddick's service in this Chamber can only be described as distinguished, and it is fitting, indeed, that we have set aside time today to pay tribute to this fine and dedicated public servant.

I know that every member of the U.S. Senate has had innumerable occasions to be thankful for "Doc" Riddick's presence. His guidance and counsel have helped steer the Senate through some very rough passages. His mastery of parliamentary procedure is unmatched.

One of the best helping hands available to a Senator is the latest edition of "Senate Procedure," the absolutely indispensable guide through the thicket of Senate procedure. I know and appreciate the tremendous work which Doc Riddick put into this manual, and every time I have reference to it, I appreciate it all the more.

Dr. Riddick is retiring from a most impressive career. As scholar, teacher, author, and Parliamentarian, he has made an indelible mark. Today it is a real privilege for me to join with his many friends in wishing hm well. We hope he will be back to see us often, and I am certain he can count on being asked for occasional assistance in the months ahead.

Mr. WILLIAMS. Mr. President, I am honored to join with my colleagues in paying tribute to Dr. Floyd M. Riddick, our Senate Parliamentarian who will retire this month.

His long and distinguished career in the Senate began in 1947 when he arrived to publish the Daily Digest section of the CONGRESSIONAL RECORD, and 4 years later he became the Assistant Parliamentarian to Charles L. Watkins, the Senate's first Parliamentarian. Dr. Riddick became Parliamentarian on January 1, 1965.

For the past decade he has worked diligently, impartially, and patiently with us. He has been an educator and a wise counselor to us on a daily basis. His remarkable knowledge about Senate procedure resulted in his coauthorship with Mr. Watkins of "Senate Procedure" which he has updated this year.

I believe that our action in passing a resolution naming Dr. Riddick as the Senate's Parliamentarian Emeritus accurately expresses our very high regard for him. I wish him great happiness in retirement, and I hope that he will return to visit and counsel us often.

Mr. HUMPHREY. Mr. President, our distinguished Parliamentarian, Dr. Floyd M. Riddick, will be retiring at the end of the 93d Congress. I know all of my colleagues will share with me a deep sense of loss. For many years we have all leaned on the expertise of this wise man who consistently and tirelessly provided guidance to us in the conduct of Senate business.

We should be especially grateful to Dr. Riddick for his work on the revised edition of the Senate manual. The high standards and level of competence with which he has always approached any task truly serve as a fine example for all public servants to follow.

I wish Dr. Riddick a fond farewell. I understand that he will continue to serve the Senate on a consulting basis and as Parliamentarian Emeritus, and I look forward to future association with him.

Mr. HATFIELD. Mr. President, today marks the last day of service to the Senate of Dr. Floyd Riddick. His service as Senate Parliamentarian has been marked by a professionalism topped by no one who works in this Chamber. As the author of texts on parliamentary procedures, he has had ready answers to every difficult question that has arisen.

I think it appropriate that last evening, less than a day before Dr. Riddick retires, people watching the swearing-in ceremonies of Vice President Rockefeller got the opportunity to see Dr. Riddick in action. While he was not called on to make any parliamentary decisions on complicated questions, it was a reminder of his contribution to the Senate.

We will miss the wise counsel of Dr. Riddick, and I think it is in recognition of his many skills that he has been named as Parliamentarian Emeritus. I know his successor, Mr. Zweben, will do a fine job as Parliamentarian just as he has while serving as Dr. Riddick's deputy.

Mr. MAGNUSON. Mr. President, I am pleased to join with my Senate colleagues in paying tribute to Dr. Floyd M. Riddick for his long and devoted service as Parliamentarian of the Senate.

Dr. Riddick first came to this body in 1951, where he served as Assistant Parliamentarian until the close of 1964. In addition, he organized and was the first editor of the Senate section of the Daily Digest—a most important and helpful guide for all who use the CONGRESSIONAL RECORD.

In 1965, upon the retirement of Parliamentarian Charles Watkins, Dr. Riddick rose to the position of Senate Parliamentarian. It has been a privilege for me to work with Dr. Riddick, who has always exhibited an unquestioned integrity and sense of fairness to all of us in the Senate.

Dr. Riddick has just recently completed a revision of "Senate Procedure," a volume with which we in the Senate are all familiar.

Mr. President, the Senate is losing a great Parliamentarian and a good friend. I wish Dr. Riddick every success for the future, full of health and happiness.

Mr. PEARSON. Mr. President, at the end of this Congress, we will lose the services of Dr. Floyd M. Riddick, who for the past 23 years has devoted his time and services to the U.S. Senate as the Parliamentarian.

Few individuals mean more to the orderly transaction of business on the Senate floor than the Parliamentarian. Although most of the bills which come before the Senate are routinely approved, there are measures which demand much attention, provoke highly emotional debate, and require intricate parliamentary maneuvering. At such times, all turn to the individual whose experience, knowledge, and objectivity can be invaluable in expertly guiding the Senate through the tangled thicket of rules, procedures, and precedents. Time after time, Dr. Riddick has provided immediate and cogent responses to the requests for rulings made of him. That

such rulings have never been rejected by the Senate, a course of action available under its procedures, is ample testimony to the knowledge which Dr. Riddick brings to his office.

Among Dr. Riddick's numerous achievements is the publication of his book, "Senate Procedure." This work, the only one of its kind, should provide Senators and interested observers with ample information on the workings of the Senate long after Dr. Riddick's departure. This volume will serve as a reminder of the dedication and sacrifice which this man has made for the Senate and for the Nation.

Mr. President, I shall miss Dr. Riddick's presence in this Chamber. However, I offer him every wish for a successful and well deserved retirement in the years ahead.

Mr. DOLE. Mr. President, my colleagues know that through retirement we are losing one of this body's great friends, one of its most loyal servants, a man little known by the public but essential to the work of the Senate for the past 27 years.

His associates call him "Doc," a term of affection that conveys at the same time their great respect for his learning and his talents.

Dr. Floyd M. Riddick of Trotville, N.C., an employee of the Senate since 1947 and its Parliamentarian since 1965, has been more than a loyal, hard-working employee during all these years.

He has been a student of the Senate. No one knows more about the systems and structures of the Congress. And especially, no one knows more about Senate procedure, than does Dr. Riddick. And on the most authoritative volumes now in print on the subject, there is his name as author.

For these works, students, scholars, and certainly Senators and their staffs are in his debt; as we are in his debt for his conscientious work as Parliamentarian and as Assistant Parliamentarian before that.

After these almost 30 years in the Senate's employ—and over the same period he has spent countless hours in local university classrooms sharing his knowledge of and appreciation for our Senate practice and procedure—he has made the understandable desicision to retire.

He will be missed in this body.

As one who has been called upon repeatedly to perform the duties of the Chair, for myself and for all who have done the same, I thank him for his always valuable and often desperately needed expert guidance and assistance.

To Dr. Riddick whose gracious wife and lovely family I wish many years of health and happiness in retirement.

Mr. BROOKE. Mr. President, the U.S. Senate is about to lose one of its most able counselors. Dr. Floyd Riddick is retiring after 27 years of service. He will be sorely missed.

Dr. Riddick has been of immeasurable help to me during my 8 years of service in the Senate. I am sure he has served each and every Member as well.

Dr. Riddick is an extraordinary Parliamentarian and a wise guide through Senate procedure. He has worked diligently to update Senate procedures and let us keep pace with the times.

We are fortunate that "Doc" Riddick will continue to serve as a consultant to the Senate and as the Parliamentarian Emeritus.

But I shall miss "Doc" Riddick on a day-to-day basis. I shall miss his Parliamentarian sagacity and eagerness to help.

Yet, I cannot begrudge "Doc" Riddick his retirement and I wish him health, happiness, and joy.

TRIBUTES TO SENATOR SAM J. ERVIN, JR.

Mr. SPARKMAN. Mr. President, I know that every Senator will miss Senator SAM ERVIN when he retires from office at the end of this term. SAM has been recognized from the first as our leading authority on constitutional matters. He has been sound and firm in his views.

I had the privilege of serving in the House of Representatives with SAM ERVIN and in the Senate throughout his time there. His beloved State of North Carolina and the Nation as a whole appreciate the service of this stalwart, and we shall all regret to lose him.

Mrs. Sparkman and I have valued the friendship of Senator and Mrs. ERVIN. We extend to SAM and Mrs. Ervin, as they leave us, our very best wishes for great happiness throughout the years of their retirement.

And, of course, we wish for SAM much opportunity to fish, and great success in such undertaking.

Mr. NUNN. Mr. President, although I have known for a long time that the day was approaching, I find it difficult to convince myself that Senator SAM ERVIN will not be in his seat when the 94th Congress convenes in January.

When SAM ERVIN came to the Senate in 1954, I was 16 years old and a sophomore in high school. At a time when I was probably reading the Constitution for the first time, Senator ERVIN was already demonstrating to his colleagues his exceptional understanding of the intricacies of this great political document.

In the 20 years that have transpired since then, SAM ERVIN has distinguished himself as the leading constitutional authority in the U.S. Senate. He is never far from a copy of the Constitution, and his career in politics has always reflected those basic tenets set forth therein.

SAM ERVIN has shown by his example, an abhorrence of injustice, an adherence to freedom and individual liberties, believing that the goal of government must be equal justice under the law. He has stood steadfastly for the principles of limited government embodied in the Constitution.

I consider myself particularly fortunate to have been a SAM ERVIN pupil the past 2 years during my close association with him on the Government Operations and Armed Services Committees.

As chairman of the Government Operations Committee, he has shepherded much extremely important legislation through Congress. None, however, is of greater significance than the Congressional Budget and Impoundment Control Act. This landmark legislation revising the congressional budgetary procedure, became a reality primarily due to SAM ERVIN's belief that after 50 years, it was time for Congress to revamp its antiquated procedures for determining how the taxpayers' money is spent and to exercise the role ordained for it under the Constitution.

His relentless pursuit of this legislative goal has resulted in a law which we all hope will make Congress more prudent and responsible in the preparation of future budgets. I certainly can think of no more significant or more enduring legacy that he could leave this body.

It has been my great privilege to serve with my good friend from North Carolina in the 93d Congress. It has been an extraordinary experience for me, an enriching experience for all of us, and I shall always cherish my service in the Senate with SAM ERVIN.

Although SAM ERVIN is leaving the Senate at the conclusion of this Congress, I know that he is a long way from "retirement" in the traditional sense of that word. There is no doubt in my mind but that SAM ERVIN will continue to contribute to the people of this Nation for years to come. It would be totally out of character for him to do otherwise.

I wish for SAM ERVIN and his delightful wife, "Miss Margaret," many, many years of health and happiness back in the foothills of North Carolina that they know and love so well.

Mr. METZENBAUM. Mr. President, the Constitution of the United States is recognized by all mankind as the model for democratic societies. Its greatness lives not only in the principles which those who drafted the original document delineated but also in the fact that it is a living and growing charter, adjusted through the years to meet the ever-changing needs of the people. Yet the preservation of the original concepts remains unchanged.

That this is true is in no small part due to the dedication of the solons who have served in the Congress through the last nearly 200 years.

No Senator in the history of our Nation deserves more credit for the preservation of the letter and spirit of the Constitution than Senator SAM ERVIN. Further historians will list his name with honor along with the Founding Fathers, for no man in history has been so dedicated to the implementation of their interest than our colleague from North Carolina.

Current history may make more note of his skill in presiding over the Watergate hearings. I share in the admiration of the American people for the great service he performed in this capacity. But it is his inspiring dedication to the principles of our Constitution that will stand the test of time.

I am grateful for the opportunity I had to serve in the U.S. Senate with this man. I join my colleagues in the hope that he will continue after his formal retirement to give us and the Nation the benefit of his counsel.

EDITORIAL COMMENTS CONCERNING SENATOR ERVIN'S RETIREMENT FROM NEWSPAPERS OUTSIDE NORTH CAROLINA

Mr. HUDDLESTON. Mr. President, when he announced last December his decision not to seek reelection to the U.S. Senate, many newspapers outside of North Carolina made editorial comments upon Senator ERVIN'S service. I ask unanimous consent that a few of these editorial comments be inserted at this point in the body of the RECORD.

The PRESIDING OFFICER. There being no objection, the editorial comments were ordered printed as follows:

[From the Anniston (Ala.) Star, Dec. 23, 1973]

SAM ERVIN RETIRES—A MAN WHO IS WHAT HE SEEMS

The hills around Morganton are a little higher and the town in the valley is a little smaller but the western North Carolina city is not unlike Anniston. It is set in beautiful country but is little known to the nation—except as the hometown of a famous son who is returning, for good.

"Here we hope to dwell for a time among the people who have known us best and loved us most and to watch the sun set in indescribable glory," said Sen. Sam Ervin on announcing he would retire from the Senate next year and go home.

Of course, the senior senator from North Carolina was not always famous. Ten years ago, when civil rights was the nation's number one concern, there were many who thought he was out of touch with the times. He was no hero to the youth of that generation. There were no fan clubs, no "Chairman Sam" T-shirts, and nobody was assembling or repeating what has now come to be accepted as his "authentic folk wit and wisdom."

He was a plodding country lawyer when Washington was being dazzled by the computerized wizardry of Robert McNamara's cost-effectiveness system. He was everybody's obsolete uncle, whose earthy stories were to be tolerated by a town under the spell of the grace and elegance of "the Kennedy Style."

Yet, even then, people who opposed him on the central issue of the time found him puzzling. For instance, in 1963 he was against renewal of the six-year-old civil Rights Commission. His opposition was not animated by personal prejudice; no grandstanding declarations of "segregation forever" ever passed his lips.

He thought the commission was a useless body because every one of the 40 cases sent to the Justice Department by the commission from North Carolina was returned by civil rights lawyers who could find no grounds for prosecution.

Despite his objections, he held hearings on the bill in his Constitutional Rights Subcommittee soon after it was introduced. Even though he knew he would not win on that issue he did not try to subvert the system by all the sly maneuvers that many committee chairmen use. He was no obstructionist; he believed in the system even when he thought the results might be wrong.

Perhaps this is what most of the nation saw in him when he was finally discovered through the televised Watergate hearings.

But not even the days and weeks of constant exposure on national television have totally explained the mystery of the man. What formed this curious man who could be so wrong on some issues but so right on so many fundamental questions?

There are clues in his background but no final answers. He was born in a small town, the son of a lawyer. He studied law himself at Harvard, and served 23 years on the bench in North Carolina—the last six as a justice of the state Supreme Court. He came to the U.S. Senate in 1954 where he steadily gained a reputation for fairness and as a constitutional authority.

Clues, but no final answer. Perhaps there is no answer because there is really no riddle. Perhaps the man is simply what he seems to be, perhaps he is no more and no less than what his own words reveal about him.

He talks about his state, his hometown, about good friends and sunsets; he most often quotes from the Bible, the Constitution and Shakespeare.

If that is what he is about, then it is a very good thing to be in a time when expediency has seemed to be a virtue. He is a man rooted in principle and place. Through temporary fame and passing public excitements, he has cared for—been fixed by—permanent values: home, friends, the law and nature.

Such a man is not likely in retirement to be troubled by regrets or ambitions unachieved. He can take full pleasure from his friends and his sunsets.

[From the Boston (Mass.) Globe, Dec. 21, 1973]

WHAT SAM ERVIN KNOWS

Sen. Sam J. Ervin Jr., (D-N.C.), whose double chin and twitching eyebrows jumped like a pogo stick into the national consciousness when the Senate Watergate hearings began last May, has announced he will retire after the end of next year, and surely this calls for some comment beyond saying we are sorry to see him go.

Senator Sam gave his age of 77 as the only reason, but there has to be more to it than that. "It is simply not reasonable," he said, "for me to assume that my eye will remain undimmed and my natural force stay unabated" during what might have been a fourth six-year term in the Senate. Some cynics have suggested that he would have faced formidable opponents next year.

Perhaps so. But we prefer to believe that Senator Sam could go on forever, quoting Shakespeare and the Bible and occasionally even misquoting them, if he wanted to.

Let us fault him for opposing civil rights legislation because of his belief in states' rights. But in what will be two decades in the Senate, he has and will have probably done more than any other member of that exclusive club to protect individual Americans from invasion of their constitutional rights by government agencies. That, most of all, is why we shall miss him there. The Senate has too few like him.

He and his wife hope "to dwell for a time among the people who have known us best and loved us most and to watch the sun set in indescribable glory behind Table Rock and Hawk's Bill Mountain," down in the "Brushies" below the Blue Ridge range and some 50 miles east of Thomas Wolfe's Asheville.

May they dwell there long. Senator Sam knows something that some of us don't know, something he did not acquire at Harvard Law Schol or as a self-styled "country lawyer" or as a judge or senator. He knows the meaning of humility. And he also knows, unlike some others whose homes have even finer views, when to depart.

[From the Chicago (Ill.) Tribune, Dec. 22, 1973]

FAREWELL TO SENATOR SAM

Sen. Sam Ervin, the septuagenarian superstar of the televised Watergate hearings, has announced that he will retire at the end of his term and not seek reelection next year.

Mr. Ervin, who brought color, wit, Southern charm, and not a little wisdom to the stodgy Senate chambers, said he was moved to his decision by an obvious reality. He is now 77 years old, and if he ran again and won he would be serving North Carolina as a senator until after his 84th birthday.

"Since time takes a constantly accelerating toll of those of us who have lived many years," he said with typical Ervinian profundity, "it is simply not reasonable for me to assume that my eye will remain undimmed and my natural force stay unabated for so long a time."

Mr. Ervin is displaying a degree of common sense which many an aging member of Congress might do well to emulate. Indeed it is symbolic of his long and successful career in the Senate. He was considered by many as the leading Constitutional expert in that body, and followed a straight and true course in defense of that document.

Liberal Democrats angry at his positions on civil rights found themselves applauding his stands for individual liberties. Conservative Republicans who agreed with him that the Equal Rights Amendment for women was redundant and unnecessary found themselves not so pleased with his conduct as chairman of the Watergate investigating committee.

Thru it all Mr. Ervin has been still the same old Senator Sam, plodding along in pursuit of principle wherever it took him. If there is a little of the ham in Sam, it is a benign idiosyncrasy.

Those who claimed he was using Watergate to further his reelection bid are now proved wrong. But in stepping down, Mr. Ervin said he hadn't "the slightest doubt in my mind" that he could win.

He is probably right.

[From WEWS–TV, Cleveland, Ohio, Dec. 19, 1973]

ON LOSING SENATOR SAM

It's too bad that Sam Ervin is not going to run again. First of all, he's the only United States senator who knows how to tell a story and more important who has some stories to tell. In a political landscape that is almost totally devoid of interesting people, the nation can hardly afford to have a man like him retire to private life. But Senator Sam says 20 years in the Senate is enough and at 77 it's time for him to go back to North Carolina and sit on the porch.

It's amazing that it took so long for his personality to get imprinted onto the public mind. But the situation and the timing were important, too. All of the Watergate exposure did it, of course, probably because of the way he talks with an unvarnished, unrefined southern hill country brogue. It would have been impossible for him to have ever made some headway on the national political scene—until now.

Lyndon Johnson learned that no matter how brilliant the mind or how great the political skills a man might have, if he doesn't talk like an easterner, he really can't aspire to high national office. And Johnson became the President as a result of first, the political accident of being chosen because John Kennedy needed Texas, and because of the murder of the President in Dallas. If he had not been selected by John Kennedy in 1960, it is very unlikely that he could ever have won the presidency on his own even though his congressional colleagues considered him to be the best qualified man for the job in the nation.

So it was with Ervin, one of the strong men of the Senate. Until now he just couldn't have had the credibility but he may have single-handedly changed a strong bias of the electorate. His speech pattern played on TV against the polished, unaccented speech of Nixon's glossy aides, did hillbillies, southerners, and Texans a great service. It now may be possible for a person with a thick, regional country accent to aspire to the presidency. In fact, compared to what

we've been hearing from a lot of our lost Watergate stained leaders, such an accent just might stand as a badge of honesty and honor.

So, for John and me, at least, Senator Sam, thanks a lot.

[From the Arkansas Gazette, Dec. 22, 1973]

SENATE LOSES AGAIN: VALE, SENATOR SAM!

The Senate, and therefore the country, would be a great deal poorer for the absence of Sam J. Ervin Jr., even if there had never been a Watergate investigation, which fact is some kind of measure of his contribution.

We have often disagreed with him, mostly on facets of the desegregation issue, but, more than most Southern members of Congress and their new-found joiners in certain areas of the North, his position was based more on his view of what the Constitution does or does not permit or prohibit than on the prejudices of his constituency.

The prejudices of his constituency are great and, if anything, growing deeper, and we are not talking about race alone. While an increasingly large number of North Carolinians have had it with the Watergate Gang, there are still plenty of blind supporters of "the President" who, whether they realize it or not, have moved (or been moved by events) from a position not just of condoning the behaviour revealed by the Ervin Committee's investigation into an active *approval* of it; that is, approval of burglary, illegal electronic eavesdropping, bribery, soliciting of bribes, perjury, subornation of perjury, blackmail, invitation to blackmail, the art of the procurer, pretty much the whole criminal catalogue short of child molestation.

We do not know whether Senator Sam was "in trouble" with the voters of North Carolina or not. People, especially in the South tend to hang on their seniority-rich senators even when they disagree with them, usually finding, at licklog time, that they also have things on which to agree with them.

So we are inclined to take the Senator's word for the underlying reason for his retirement at the end of his present term, which, quite simply is that he now is 77 and would be 84 at the expiration of another term if he had chosen to stand for it and had won. This is pretty badly stated precis of Senator Ervin's reason, which, naturally, he was able to put a great deal better:

"Since time takes a constantly accelerating toll of those of us who live for many years, it is simply not responsible for me to assume that my eye will remain undimmed and my natural force stay unabated for so long a time [seven more years.]"

And besides, he and "Miss Margaret" now are ready to go back to the small town of Morganton, N.C., where they started, where they "hope to dwell for a time among the people who have kown us best and loved us most [and whom they know best and love the most] and *"watch the sun set in indescribable glory."* (Our superfluous italics.)

On the matter of age, the fact that Senator Ervin has been in the Senate long enough to pile up all that committee preferment and prestige is pretty unsettling to someone who is thus reminded that the seat he will be giving up was inherited from Clyde Hoey and who remembers thinking when Hoey died that the Senate would never be quite the same then, either, though for rather less substantial reasons than why it will never be the same without Sam Ervin. Hoey was a fairly florid rhetorician, too, but his principal distinction was that he was the last Member of the U.S. Senate to wear a frock coat.

Things are never the same, of course. Things are not the same in North Carolina, certainly, not even with Ervin still representing it in the Senate for another year, and not, equally certainly, in the country. The only rule is that while things can get better, the odds increasingly seem to be that they are going to get worse. Or maybe it is only the gloom that attaches to Senator Sam's coming departure.

[From the Miami, (Fla.) Herald, Dec. 26, 1973]

SENATOR SAM'S STYLISH EXIT

Politics is a dreary, humorless drag most of the time and so we shall miss Sen. Sam Ervin of North Carolina, a venerable 77, who has announced he is going to retire.

Some who serve as latter-day Solons—so they think—hang on and on even if enfeebled in body and mind, and younger men dare not risk popular sympathy to challenge them. But not Sam.

"Since time takes a constantly accelerating toll of those of us who have lived many years, it is simply not reasonable for me to assume that my eyes will remain undimmed and my natural force stay unabated," he explains with customary eloquence.

A sort of folk hero in his own time, Sen. Ervin brought to the Senate a brimming larder of lore, juicy but always tasteful. Watergate spun him to national prominence. His wealth of backwoods stories appeared in book form. Youngsters sported "Uncle Sam" T-shirts. The Carolinian curmudgeon and jester by turn, is an institution.

He exits with a sense of timing found in few politicians, for most try to live (as indeed we do all) beyond their era. Sam Ervin is very much of this one and ready to yield the floor to the next one. Largely unknown to the public before daily television exposure, he had entertained and influenced the Senate for years with his wit. One of his "Uncle Ephraim" stories, deadly in its twist as the rapier of a D'Artagnan, brought down the late Sen. Joseph McCarthy of Wisconsin in the disgrace of Senate censure during the mid 1950s.

Yet if Sam Ervin has been consistently and even deadly serious about one thing, it is the strict construction of the Constitution. No man in forum or on bench in Washington knows it better.

Most of us will bid a reluctant farewell to the leonine Tar Heel who made a nation laugh. Better, still, he made it think.

[From the Tennessean, Dec. 24, 1973]

"SENATOR SAM" WILL BOW OUT

Many will find some measure of regret in Sen. Sam Ervin's announcement that he will retire at the end of his term, but few can question the logic of his reasons.

Senator Ervin is 77. In making his announcement, he said: "Intellectual honestly compels me to confront this inescapable reality: If I should seek re-election in 1974, I would be asking North Carolinians to return me to the Senate for a term which would extend beyond the eighty-fourth anniversary of my birth."

Age is a reality that few can ignore and Senator Ervin is right in concluding that he should not try to stay on.

But the man that many know as the Senate's foremost constitutional lawyer will have left his mark on the laws and, perhaps, the politics of this country. Senator Ervin used the constitution to oppose some of the civil rights legislation. But he also used the constitution to fight for the rights of privacy, against unwarranted search and seizure, wiretapping and government spying on its citizens.

Senator Ervin has more than another year left in his term, and the singular opportunity to help see that the wellsprings of the political process are protected by law from any future predators who would ignore the Constitution in the name of security or victory.

[From the Portland (Maine) Press Herald, Dec. 26, 1973]

SENATOR SAM

It may take a psychiatrist to explain it, but it makes a lot of difference to a lot of folk that a United States senator from North Carolina has decided not to run again for that seat.

Sen. Sam J. Ervin Jr., has qualities that recommend him to those who do not understand the intricacies of government—and that includes a vast cross-section of us. Ervin "has an honest face", "speaks plainly", has a "folksy way about him," is a "next door neighbor sort of guy."

If there is one thing that Ervin did, he created credibility among the young folk. In an era of estrangement, the 77-year-old southern leader, drawl, Bible-quoting, phrase making, and all, was able to tap the confidence of the young at heart.

Sen. Sam won't run for re-election in 1974. With the stately verbal cadences of the past he explained:

"Since time takes a constantly accelerating toll of those of us who live many years, it is simply not reasonable for me to assume that my eye will remain undimmed and my natural force stay unabated for so long a time" as to complete another six years in the Senate.

The man who became something of a national folk hero as chairman of the Senate's nationally televised Watergate investigation can still intrigue his listeners with his cadenced sentences. And then he can light the eye of any country man with his expectancies for the future: "Upon retirement the first thing I'm going to do is go fishing."

Watergate hasn't been all bad. It gave us Sam Ervin. There is something of Santa Claus in the living legend that is Sam Ervin. The honorable gentleman from North Carolina has a way of renewing faith within people who feel they have been so shabbily betrayed by some of their leaders.

Senator Sam is not guiding the Ship of State, but he gives the assurance of a top-notch harbor pilot who won't let it go aground while he 's around.

[From the Sacramento (Calif.) Bee, Dec. 26, 1973]

IT WON'T BE THE SAME WITHOUT SENATOR SAM

Sen. Sam J. Ervin, D–N.C., came along at the right time, to steer the nation through the dark and tricky maze of Watergate, and there are many people who feel he will be retiring from the Senate prematurely in 1975, even though he will be 79 then.

The gravelly-voiced country lawyer with the jiggly eyebrows has done a masterful job of chairing the Senate select committee in its investigation into the crimes and excesses behind the 1972 re-election campaign for President Richard Nixon.

The televised hearings easily could have turned into a Roman circus, as they did in the infamous witch hunt by the late Sen. Joseph McCarthy. Ervin, courteous but firm, quick and scholarly, saw to it his committee conducted itself judiciously and skillfully brought out the most sordid episode in American political history.

Ervin made a name for himself as the Senate's leading authority on constitutional law and as a delightful storyteller long before television viewers began to consider him something of a folk hero. Only his consistent votes against civil rights legislation has marred his image.

He was visibly shaken at one point when former White House aide John D. Ehrlichman claimed Nixon had a right to authorize burglary for "national security." Ervin cited the Fourth Amendment guarantee against unreasonable search and seizure and declared,

"I can understand the English language. It's my mother's tongue."

At another turn, the Southern senator said, "I love my country. I venerate the office of the president." But, he said, Nixon had failed to provide moral leadership to the nation and the President had a special obligation to hand over any information in the form of tapes or records that would shed light on Watergate.

Senator Sam says he wants to spend more time in retirement fishing, catching up on his reading and listening to good music. He has earned it.

[From the Arizona Daily Star, Dec. 22, 1973]

SAM WON'T PLAY IT AGAIN

Sam Ervin is playing his last act in the U.S. Senate. The 77-year-old North Carolina Democrat—he of the bushy eyebrows and the bucolic wit—has announced that he will not seek another term in Congress.

And he did so in characteristic Ervin manner:

"If I should seek re-election in 1974 I would be asking North Carolinians to return me to the Senate for a term which would extend the 84th anniversary of my birth," Ervin crooned. "Since time takes a constantly accelerating toll of those of us who live many years, it is simply not reasonable for me to assume that my eye will remain undimmed and my natural force stay unabated for so long a time."

Among the many things about Sam that will be missed in the Senate, is elegance of phrase such as demonstrated by the immediately preceding passage. Such graceful prose can only cause one to curse the typewriter for being so pitifully unequal to the task of transmission—for its incapability to impart the honeyed tones of Sen. Ervin's southern-comfortable accent.

But more than this the Senate and the nation will lose that wealth of information, that command of biblical and literary reference, that incisive grasp of the U.S. Constitution which is Sam Ervin's to command. The Senator distinguished himself as a champion of personal liberties and public illumination and as a constitutionalist, long before his chairmanship of the Senate Watergate Committee brought him to national stardom.

Sam Ervin is the physical embodiment of the U.S. senator. His silver-grey hair, ponderous visage, and those legendary and hyper-active eyebrows could serve as a model for a Norman Rockwell portrait. Ervin's style has delivered all that his senatorial appearance promises.

But Sam stepped out of character when he announced his impending retirement. The archetypal U.S. senator lingers in Washington long past his effective lifespan. Unlike the archetype, Sam Ervin knows enough to quit while he is ahead.

[From the Washington Star, Jan. 5, 1974]

TIME TO GO FISHING

Southern politicians talk more about going fishing, and probably do less of it, than any other class of citizens. This is because talking about it is good politics in the South, but the politics takes up so much time that little fishing is possible. We expect, though, that Senator Sam Ervin really means it when he says "the first thing I'm going to do is go fishing" when he gets back to North Carolina, after retirement at the end of his current term.

For though Ervin may be a great senator, he really is not a great politician in the sense of tireless cultivation of the voters back home. He has, in fact, gone fishing when some of his friends thought he should be politicking, and consequently some zealous younger men might have run him a hard race for re-election next year. It is difficult to believe he would have failed to win, institutionalized as he is in his chairmanship of the Watergate hearings. Also, his humorous storytelling is captured in a new book which surely will have brisk sales in North Carolina. But even there, alas, change has been swift, and for many of his neighbors he talks in the accents of another age. There, as here, many see him as an anachronism.

We suppose this is a correct observation. But when Senator Sam retires to his modest home town of Morganton, "to watch the sun set in indescribable glory behind Table Rock and Hawk's Bill Mountain," something will pass from Washington for which the modern age has found no good substitute. Long ago the classical men of gentle eloquence began to disappear from the ranks of Southern politicians, and now Ervin is the last of his kind in the Senate, probably for all time. Who else will be lecturing us with Shakespeare and Tennyson, in homespun dialect, while ever worrying about constitutional rights more than pork barrel for the homefolks? And who will blink in a disarming way and offer the King James Bible as higher law, recounting "Fay-re-oh's" mistakes, reminding sharp Watergate lawyers in all seriousness, "God is not mocked. Whatsoever a man soweth, that shall he also reap"?

We can do without it if we must, of course, but the homely civility he exemplifies will be lost at our own peril. It serves a purpose which keen-edged people do not understand—to hold society together, with consensus of courtesy. That is the South's best gift, and Sam Ervin transmits it with a special warmth. He will be sorely missed, when he finally says farewell.

Mr. TUNNEY. Mr. President, I take great pleasure joining my colleagues to record my farewell remarks for a great and unique colleague, Senator SAM J. ERVIN of North Carolina. I have no doubt that SAM ERVIN will go down in history as one of the giants of the Senate, and I consider it a distinct honor to have been able to serve for 4 years with him in this body.

Senator ERVIN. came to the Senate 20 years ago having already made a great contribution to public life and to the law in his native State of South Carolina. He had served as a State legislator at the age of 27, and later became a judge, rising through the trial and appellate ranks to become an Associate Justice of the North Carolina Supreme Court. Such a career would have been ample for most men, but in 1954, at the age of 58, SAM ERVIN embarked on a new adventure, and a new career, in the U.S. Senate.

SAM ERVIN'S love of the law, and his commitment to wise lawmaking have been the hallmarks of his service in the Senate. He is universally admired as a dogged champion of the underdog, and a ferocious protector of the Constitution, that precious document which he has cherished above all things in his public life. And over the years he gained a reputation for complete integrity and fairness in all his work, a reputation which shone brilliantly in these last 2 years of constant publicity and pressure.

More than anything else, SAM ERVIN has been a constant fighter for the rights of the individual, those fundamental protections of our society which were embodied in the Bill of Rights of our Constitution. His leadership over many years of the Constitutional Rights Subcommittee made a forum for exposure of wrongdoing, and for development of important legislation to protect individual rights and individual privacy.

But SAM ERVIN'S constant fight for the individual came against government overreaching and wrongdoing came to its height in his chairmanship of the Select Committee on Presidential Campaign Activities. His wise, deliberate, but determined leadership of that committee was instrumental in uncovering the massive crimes of the Nixon administration. It was not dislike of the man, Richard Nixon, or of any of his associates which made SAM ERVIN so ferocious in his quest for the truth, but his horror and revulsion that the law, and the Constitution, could be subverted by men holding a public trust. These past 2 years have been SAM ERVIN'S greatest glory, a true matching of a need for a leader at a time in history, with the perfect man to carry out the task. Our Nation will long be in his debt for his work.

Turning to a more personal note, it has been my privilege and pleasure to work with SAM ERVIN for 4 years on the Committee on the Judiciary. In that time we agreed on many issues, and disagreed on some others. But always SAM was courteous, and fair. His command of the Constitution and of many other aspects of the law was awesome, and often carried the day in our committee. But he never overpowered his colleagues; his tool was that of sweet reason, and well-timed wit.

I will miss SAM ERVIN greatly, and I know every Senator will also miss his presence in the Congress. But as he returns to his beloved Morganton, we know that he has contributed enormously to the law that he loves, and the Nation he loves. We shall be the poorer for losing him, but the richer for having the benefit of his wisdom and his character. I know that his example and his memory will remain for a long while to guide all of us.

A TRIBUTE TO THE HONORABLE SAM J. ERVIN, ON THE OCCASION OF HIS RETIREMENT FROM THE U.S. SENATE

Mr. BROCK. Mr. President, in the waning hours of this memorable session of Congress, in which so much has transpired of National and historical consequence—we would do well, I believe, to pay our respects to the author of a major part of our accomplishment, the Honorable SAM J. ERVIN, Senator from North Carolina.

SAM ERVIN is a conservative. He has always said so and he has had the right to say so. He is a constitutionalist, who knows his Constitution like he knows the back of his hand.

On certain issues—notably civil liberties as they apply in opposition to the police power—he may not hold to the official conservative position, or the one that most conservatives are intent upon defending, but that is because, in his opinion, the Constitution reads in a liberal direction on that particular matter, and he has no choice but to follow where it leads.

He is a man of conscience, all the way,

and there is no point in bringing other factors to his attention, such as financial or political advantage He is a member of that special breed of Senators that have managed to avoid getting rich throughout the course of their service in the Nation's Capitol, and he is not ashamed to say so. His business in politics, as he has seen it, has been to locate the shortcomings in our form of government, and to direct his energies against them, full force, and with enthusiasm.

He is a patriot, and one of the finest, seeing World War I service with the 1st Division in France where he was twice wounded in battle, twice cited for gallantry in action, and highly decorated by the Governments of France and the United States. Back home as a civilian, he consistently supported the American military cause, in World War II, the Korean conflict, and the war in Vietnam. He has always been a consistent supporter of military spending, a heavy nuclear deterrent, and the draft.

In the manner of all conservatives in Congress, SAM ERVIN has given priority to the older virtues: self-reliance, industry, and economy in Government. He has opposed a great deal of Federal spending on principle, believing that the Government—the same as the individual—should find a way to live within its means. In all his years on Capitol Hill he has sought, against the interests of pressure groups of monumental influence and extraordinary force, a balanced budget and a retiring national debt.

As a senior member of the Antitrust Subcommittee, SAM ERVIN has served as a strong supporter of the free enterprise system and a strong critic of abuses perpetrated against the national interest by influential and unscrupulous labor unions.

Yet, for all his sympathy for the problems of American industry, he has alined himself to the cause of the environmentalists in the matter of establishing Federal standards, whether or not they have industrial approval.

As the longstanding defender of the underdog's right to be heard, SAM ERVIN has opposed, from the moment of his arrival in this Chamber, all attempts at curbing the filibuster power, and in so doing has won a score of major battles on the Senate floor.

Nor is his record less brilliant in committee work. As a member of four committees—Armed Services, Select Committee on Equal Educational Opportunity, Government Operations, and Judiciary—he has developed an experience rendering him a giant among the lawmakers.

As chairman of the Subcommittees on Constitutional Rights and Separation of Powers, he has emerged in recent years as an important National figure in controversies over the invasion of privacy and Army surveillance. In defending the individual's right to be left alone by government, excepting only when engaged in criminal activity. he has criticized the Army, the Bureau of the Census, HEW, the State Department, the Passport Office, the Secret Service, and the Justice Department, for investigating the behavior of American citizens beyond what, in Senator ERVIN's opinion, can be properly regarded as the point of reason.

His major legislative accomplishments include the Criminal Justice Act of 1964, providing legal counsel for indigent defendants; the Bail Reform Act of 1966; the Military Justice Act of 1968; protecting the rights of military personnel; the 1964 District of Columbia Hospitalization of the Mentally Ill Act; and the Congressional Budget and Impoundment Control Act of 1974 on which it was my great pleasure to work with him.

In my brief period of service in the Senate, I have come to admire SAM ERVIN as a man of honor, ability, hard work, sagacity, and the highest principle. He has been, beyond question, one of the most distinguished Members of this body over the past 20 years, and shall be so remembered by posterity.

I ask unanimous consent that a recent article about SAM ERVIN, George F. Will's "Let Us Praise This Rare Man," be included in the RECORD at this point.

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

[From the Washington Post, Dec. 17, 1974]

LET US PRAISE THIS RARE MAN

(By George F. Will)

In 1925 the North Carolina legislature considered and rejected a bill to forbid teaching Darwinism or "any other evolutionary hypothesis that links man in blood relationship with any lower form of life." An opponent of the bill, a 29-year-old state legislator, just country lawyer, said: "I don't see but one good feature in this thing, and that is that it will gratify the monkeys to know they are absolved from all responsibility for the conduct of the human race."

Half a century later, Sam J. Ervin Jr., looking back on 20 years in the U.S. Senate, could be forgiven if he concluded that there is no form of life lower than man. Although his entire Senate career, which is in its final hours, has been lustrous, it has been bracketed by, and is symbolized by, his service on two select committees which had to deal with some of the basest men ever coughed up by the American political process.

In 1954 Ervin was appointed to replace a senator who had died. On June 11 he was sworn in by Vice President Richard Nixon. On June 17 Sen. Joe McCarthy ended his hearings about whether the U.S. Army was soft on communism.

On Aug. 2 the Senate established a select committee to report on Resolution 301: "Resolved, that the conduct of the senator from Wisconsin, Mr. McCarthy, is unbecoming a member of the United Senate, is contrary to senatoral traditions, and tends to bring the Senate into disrepute."

Vice President Nixon appointed seven senators to the committee, including the newest senator, the former associate justice of the North Carolina Supreme Court. On Oct. 3 McCarthy attacked Ervin and the two other committee Democrats as "unwitting handmaidens" of the Communists. On Nov. 15 Sam Ervin said in the Senate:

"The issue before the American people transcends in importance the issue before the Senate. The issue before the American people is simply this: Does the Senate of the United States have enough manhood to stand up to Sen. McCarthy? . . . The honor of the Senate is in our keeping. I pray that senators will not soil it by permitting Sen. McCarthy to go unwhipped of senatorial justice."

On Dec. 2, 1954, the Senate censured McCarthy.

Nineteen years later, as chairman of another select committee, Ervin's manliness made the Senate seem more manly than it was. In his role as chairman of that Watergate Committee, he may have been the last man born in the last century to become a hero in this century.

Nixon and McCarthy were impostor conservatives. Both had the true radical's disdain for due process and other limits. But most conservatives unlike Ervin, did not acknowledge their special duty to break the impostors.

Late in his career, because of Watergate and because of his astringent opposition to government invasion of citizen privacy, Mr. Sam became a hero to American liberals. But modern liberalism, both in theory and in practice, is diametrically opposed to his constitutional conservatism.

Liberals have tried to suggest that there is an incongruity, if not a contradiction, between Ervin's gritty opposition to McCarthy and Nixon, on the one hand, and his equally gritty opposition to federal civil rights legislation, on the other. In fact, a constitutional conservative frequently must be an "opposing man." And the consistent theme of Ervin's great "oppositions" was this: Our government is—or, at any rate, once was and should be again—a government of precisely enumerated, carefully delegated and strictly limited powers.

Ervin's constitutional conservatism, a doctrine of unblinking hostility toward unchecked power, led him to oppose well-intended civil rights policies, as well as meanminded men, when they involved putting federal power to uses not explicitly sanctioned by the Constitution, strictly construed.

Thus Sam Ervin, who always has been better than the Senate he ennobled, is a living rebuke to liberals, who have consistently opposed his conception of government, and to lesser conservatives, who failed to stand with him against impostors.

So now, as he takes leave of us, let us praise this rare man whose fame, though great, does not match his great virtues, a man every bit as fine as his nation affectionately thinks he is.

Washington will be diminished by his departure. But the bittersweet sense of loss we feel is the price we pay for having had for so long, but not nearly long enough, the pleasure of his enlarging company.

Mr. BAYH. Mr. President, when the 93d Congress adjourns there will be a note of sadness for all of us here in the Senate, knowing that our distinguished colleague from North Carolina, Senator SAM ERVIN, will retire and will not be with us in January when the 94th Congress convenes.

SAM ERVIN has built a record of legislative accomplishment that few have ever equaled. For the past 20 years, he has been the Senate's recognized expert on the Constitution. While he has never slackened his dedication to the public well-being, Senator ERVIN's wit and wisdom have always made our deliberations more enjoyable, and quite importantly, more fruitful. Through the recent Watergate hearings, the world has learned what those of us in the Senate have always known—no man could more deserve respect and praise than SAM ERVIN.

It has been my great privilege to serve as a member of the Senate Judiciary Committee with Senator ERVIN. I have witnessed at close hand his courage, wis-

dom, and dedication to the fundamental law of the land and the rights that law guarantees all Americans.

Senator ERVIN, as much as any person who has served in this body throughout our history, truly reverses the Constitution of the United States and the ideals upon which that document is based. But what is more, SAM ERVIN understands the Constitution. Through this reverence and understanding of the Constitution and through the force of his personality, Senator ERVIN has made a contribution to this body and the Nation of historical proportion.

Senator ERVIN and I have not seen eye to eye on every issue. But I have never run up against a more formidable opponent. Nor has there ever been a time when I did not appreciate hearing the views of my distinguished colleague from North Carolina. The respect he so deservedly maintained required that we always give thoughtful consideration to Senator ERVIN's views.

I would like to conclude these remarks with a quotation from Senator ERVIN, one which I believe expresses the man, and my feelings about him, far better than anything I myself could say:

> The Founding Fathers left us with a delicate government which if maintained in its proper balance will ensure freedom for generations to come. The vigilance that freedom demands must be provided by each and every citizen—and especially by those of us who love the law.

SAM ERVIN is one of those special men who truly love the law. There is a special place of honor and respect reserved for him in the history of our Nation.

THE SENATE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS SAYS GOODBY TO ITS CHAIRMAN, SENATOR SAM J. ERVIN, JR.

Mr. ALLEN. Mr. President, yesterday the staff of the Senate Subcommittee on Constitutional Rights of the Senate Judiciary Committee, said goodby to its longtime chairman, Senator SAM J. ERVIN, Jr., in a letter signed by all members of the subcommittee staff. I ask unanimous consent that a copy of such letter be printed at this point in the body of the RECORD.

The PRESIDING OFFICER. There being no objection, the copy of the letter was ordered printed in the RECORD as follows:

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

SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS,
Washington, D.C., December 18, 1974.

Hon. SAM J. ERVIN, Jr.,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: At the risk of being overly sentimental and decidedly unobjective we, the staff of the Senate Subcommittee on Constitutional Rights, want to take this opportunity on the eve of your departure from the Senate to pay you our tribute and respect.

There is not one of us who will not cherish his experience working on your behalf. We found you a singular man—a man of charm and wit, a man of integrity and dedication. Your steadfast commitment to the Constitution was inspiring—simply knowing that you genuinely and deeply felt that our constitutional guarantees were inviolate and, indeed, were the basis of our freedom, gave to each of us a sense of purpose and reward. And, if you felt our freedoms worth saving, you had unswerving faith in our constitutional system of government as well. You never shied from questioning what you took as departures from the constitutional scheme of things. You never failed to act on those judgments either, whatever the political popularity of your actions may have been. We, on the staff, were ourselves bolstered by your courage and conviction.

And, if not all the bills we worked on were passed, nor attracted the attention we thought they deserved, we are proud of what we did accomplish and the record we have made together. We would recall that the Criminal Justice Act of 1964, the Criminal Justice Act Amendments of 1970, the Bail Reform Act of 1966, the Military Justice Act of 1968, the Indian Bill of Rights of 1968, and the Hospitalization of the Mentally Ill Act of 1965, all had their beginnings in the Subcommittee on Constitutional Rights. The subcommittee also provided the forum for your investigations of military surveillance, invasions of privacy, federal employee rights, encroachments upon freedom of the press, the separation of church and state, and the right to speedy trials. More recently, our efforts have led to repeal of the "no-knock" laws and the development of legislation to govern federal data banks and computers in general, and the dissemination of criminal justice information in particular.

These are momentous issues—at times they seemed too momentous for ordinary folks to handle. But we were not working for any ordinary man. When James J. Kilpatrick called you "the last of the Founding Fathers," he put into words our own heartfelt regard for your stature.

We take this opportunity, then, on behalf of all those who have worked on the staff of the Subcommittee on Constitutional Rights during your tenure as Chairman, to wish you and Mrs. Ervin the best for the future. While others will undoubtedly convey their own regrets at your departure, there are few that will feel your absence more profoundly than we do.

Sincerely,

Lawrence Baskir, Adeline Bigelow, Ben Dixon, George Downs, Sr., Martha Freeman, Mark Gitenstein, Mary Gowen, Lydia Grieg, Merrielou Howser, Helen Lyles, Irene Margolis, Sylvia Muszalski, L. Britt Snider, Gordon Thomas, Marcia MacNaughton, Victor Creech III.

Mr. PERCY. Mr. President, I would imagine that most Americans, if they were asked to name a Senator, would probably think of SAM ERVIN first. To many, he is the personification of the Senate, due mainly to his chairmanship of the Select Committee on 1972 Presidential Campaign Practices. However, much more than that he is known to us in the Senate as a man who has been the personification of many of the values of our Founding Fathers.

SAM ERVIN has a love of country, a love of the law, a respect for our history, and very personal relationship with every one with whom he has come into contact.

In many ways, they don't make 'em like SAM ERVIN. anymore. He learned law in the old tradition, reading Blackstone, and learning from his father. As with everything he has done, he went back to the roots of the law to learn what was there to be learned. Of course, now he is widely known and respected as one of the Nation's leading constitutional authorities, notwithstanding his typically modest claim of being "only a country lawyer."

His service to his beloved State of North Carolina and to his country has been varied and extensive. He was wounded twice in World War I, served in the North Carolina State Legislature, and as an Associate Justice on the North Carolina Supreme Court. In 1954, he came to the U.S. Senate, and immediately became one of this body's most beloved and most respected Members. One of the first tasks which he had upon his arrival was dealing with the volatile and distasteful disease which had spread through this Nation, commonly known as McCarthyism. It is ironic that one of the last tasks which he performed as a Senator involved another political hot potato, Watergate. Both represented dark moments in our Nation's history and both were fundamental threats to our constitutional form of government. Both were overcome largely due to SAM ERVIN's leadership.

The marks which SAM leaves on this body and on this country are many and indelible. His service as chairman of the Constitutional Rights Subcommittee has helped to highlight many threats to our constitutional rights, including spying on civilians by the military. He has guided through many legislative landmarks, such as the Speedy Trial Act which for the first time gives some substance and meaning to the constitutional guarantee of a speedy trial.

The reason I feel that I know SAM ERVIN so well is because of these last 2 years when he has served as chairman, and I as the ranking Republican member, of Government Operations. We have had a unique and a very close relationship on this committee. Our cooperation has been bipartisan and our service together has been one of the most rewarding experiences of my life.

I have learned a great deal from this wise man. His sense of humor, his sense of decency, his sense of fair play, and his sense of history, have contributed to making the Government Operations Committee one of the best committees in the Congress. As an example, I would cite two bills which are now law largely due to SAM ERVIN's efforts. The Budget Reform Act makes the Congress a full-fledged partner with the executive in determining this Nation's budgetary priorities. The privacy bill gives each American the right to learn what information has been secretly collected and stored by agencies and organizations of every type. These two bills, though perhaps not widely known, certainly are as important as any which this Congress has passed in recent years.

I will miss my friend from North Carolina in the coming months and years. I will miss his advice, his wisdom, and his friendship. But what is our loss is indeed North Carolina's gain. He will return to that land that he loves, and which has nurtured him all of his life. No doubt, you will be able to find him with a fishing pole in his hand. But just as often, I trust that you will be able to find him back here with his friends, giving

us the benefit of his counsel even though he will then be a private citizen.

For what he has done for me, for what he has done for the Senate, and for what he has done for this Nation, I simply say, thank you, SAM.

Mr. MUSKIE. Mr. President, hundreds of Americans have served their country in the U.S. Senate. Most of them served their country well. A few served it superbly. But rarely has our country been served with the same selfless dedication as the Senator from North Carolina, SAMUEL JAMES ERVIN, Jr., who soon will leave us on his final recess.

SAM ERVIN is a rare man, who has served the cause of civil liberties under our Constitution. He has no multibillion-dollar programs named after him. He has no monuments of brick and mortar named after him. Rather, he has served a quiet stewardship of our constitutional rights as no other Senator has in this century.

Appropriately, he leaves at a time similar to when he arrived—when willful men sought power at the expense of individual rights. That was in 1954, when Senator Joseph McCarthy had pilloried honest public servants with dishonest accusations. It was a time when both the strong and the weak feared to speak honestly.

When SAM ERVIN spoke against this and urged censure of Senator McCarthy, he reached our conscience with this call:

> Mr. President, the honor of the Senate is in our keeping. I pray that Senators will not soil it by permitting Senator McCarthy to go unwhipped of senatorial justice.

The Senator from Wisconsin did not go unwhipped, and our rights were preserved, thanks, in no small part, to the freshman Senator from North Carolina.

Even though others shrank or ran for cover, SAM ERVIN stood his ground because of his strict adherance to constitutional principles—principles that he believed unchangeable.

As he stood his ground for 20 years in this Chamber, he fought against transient expediency that traded hard-fought rights and principles for the fool's gold of temporary benefit. In doing this, he lived the true conservatism of someone ready to fight Jacobins of the left and right. It was conservatism dedicated to truth and dignity.

SAM ERVIN explained his basic philosophy this way:

> The Founding Fathers rightly believed that truth alone makes men free. They desired most of all that the people for whom they were creating a government should be politically, intellectually, and spiritually free.
>
> In the nature of things, they could not guarantee that Americans would have the right to know the truth, and make that right effective by conferring upon the people and denying to the government the power to determine what truth is.

In talking about freedom, he often quoted his fellow collegian, Thomas Wolfe, who said:

> I do not believe that the ideas represented by "freedom of thought," "freedom of speech," "freedom of press," and "free assembly" are just rhetorical myths. I believe rather that they are among the most valuable realities that men have gained, and that if they are destroyed men will again fight to have them.

SAM ERVIN was always ready to put these words into action—especially when Government sought to take powers away from the people with the pretext that the people were not capable of exercising these powers themselves.

But SAM ERVIN's defense of our rights was done quietly, without the drama we as politicians have come to expect. It was waged not on campaign platforms, not on whirlwind jet-propelled tours, nor on television screens.

Rather he maintained his vigil in the quiet world of books, of reasoned debate with others, and in secluded reflection with himself.

It was only recently that Americans came to know of his lonely vigil. They came to know of it when a so-called third-rate burlary brought an administration of dishonest men to the stand.

They came to know him as a voice of sanity and clarity. He symbolized the simple dedication to principle that has been a bedrock of our form of government.

Without fanfare, without bitterness, SAM ERVIN conducted televised hearings that exposed the "team players" who would make inoperative the rights and principles established two centuries ago. He spoke out with the clarity of Thomas Jefferson in contrast to the Orwellian logic and rhetoric we have heard so much recently. His common sense and faith in people compelled him to expose—then let people judge—the wiretapping, the impounding, the bugging, the covering up and the surreptitious devices of an irresponsible administration.

He observed dispassionately:

> The evidence thus far introduced or presented before this Committee tends to show that men upon whom fortune had smiled benevolently and who possessed great financial power, great political power, and great governmental power undertook to nullify the laws of man and the laws of God for the purpose of gaining what history will call a very temporary political advantage.

His words were like his life—simple, forthright, and powerful. And they expressed a philosophy of life and government that practiced faith in people and restraint of power. These words lectured us on our duties under the Constitution.

I came to appreciate fully SAM ERVIN's wisdom in the past few years as we worked together for curbs on executive privilege, impoundment of funds, budget reform, freedom of information, privacy, and other legislation involving basic constitutional issues. The Senate could not have accomplished these reforms without his sage leadership.

In our years together, SAM ERVIN and I have disagreed as often as we agreed. We have opposed each other especially on the issue of civil rights. I still disagree with his idea that civil rights legislation confers special privileges on people, instead of enforcing and protecting their rights.

But I also know that his stands did not spring from malice or meanness. They came from a principled opposition to activist government, in all forms.

It is no revelation to say that SAM ERVIN is imperfect, in my eyes and in his own eyes. As we know, he revels in his imperfection and in his knowledge of man's imperfection.

But, as he departs for the mountains of western North Carolina, let us remember him for his demonstration that our rights are fragile, and need our constant care and defense. Let us remember him for his lessons that man, being imperfect, cannot hold unchecked power over others without eventually abusing them.

Let us remember him for his long, patient, and courageous stewardship of our rights. Let us remember him simply—he looked after the Constitution.

Mr. HATHAWAY. Mr. President, I rise today to pay tribute to SAM ERVIN, distinguished senior Senator from North Carolina for his illustrious service here in this Chamber knowing full well that he was distinguished in the field of law long before he came on the national scene.

Before he was 26 years old, our colleague had graduated from Harvard Law School, taking enough time off before graduation to earn himself a Distinguished Service Cross, the French Fouragere, the Purple Heart with Oak Leaf Cluster and the Silver Star during his service with the 1st Division in France during World War I.

It is fortunate for America that his first love was for the law, as it is clear that he could have had a successful career as a soldier. And how we would have missed him over the past 20 years here. But his thirst for justice was stronger than the thirst for victory, and instead of applying his tenacity toward battle, he applied it to the law.

Senator ERVIN was well trained for the work he has done here. At 27 he was writing laws as a member of the North Carolina State Assembly, where he served three terms before accepting a judgeship in the Burke County Criminal Court. Two years later, he became judge of the North Carolina Superior Court, a positon he held until 1943. When his younger brother, a Member of the House of Representatives died in 1946, Mr. ERVIN was elected to fill that vacancy, and served in the lower house until January 1947. He did not seek reelection, choosing instead to return to his law practice. In 1948, SAM ERVIN was appointed associate justice of the North Carolina Supreme Court, a position he held until appointed to the U.S. Senate in 1954. The residents of North Carolina have reelected him three times since his appointment, and he has been a highly visible person here ever since.

Destiny is an unusual word in this Chamber, for here we deal with laws and issues. But it must seem as unique to my colleagues as it does to me that the antics of a few arrogant public servants occurred at a time in history when the acknowledged expert on constitutional law was available to chair the Select Committee on Presidential Campaign Activities.

The legal skills he brought to that investigation made public a fact that the citizens of North Carolina and Members of Congress knew all along; no one reveres the law more than SAM ERVIN.

and few are as dedicated as he in preserving our Constitution.

Although the primary purpose of that committee's investigation was to ferret out the truth of the so-called Watergate scandal, its activities set in motion a series of events which helped restore the people's confidence in their government, a perfect accomplishment for a man whose life's work has been dedicated toward that goal.

Ours is a government of faith, and faith without credibility becomes cynicism. SAM ERVIN helped restore that faith, and while he has had many successes throughout his life in his battle to protect that faith in government, this event has special meaning. As we approach our 200th birthday as a democratic Government, the significance of SAM ERVIN'S tenacious pursuit of truth becomes more and more relevant. The Constitution forged those many years ago has time and time again withstood the shocks of wars and scandals. And it has done so because each time in history that it has been under attack, a man of SAM ERVIN'S caliber has been in a position to right the wrong.

While it is right to call this a major accomplishment, we cannot refer to it as a finale.

The battle for freedom is fought in the mind of man, not with his hand. As a citizen, a judge, a State legislator, an associate justice of his State's supreme court, and as a Member of Congress, SAM ERVIN has distinguished himself in that battle.

We will miss his presence here, Mr. President, but I have every confidence that SAM ERVIN will continue to distinguish himself, for he has aptly demonstrated that he is willing to utilize his life to protect the liberty and freedoms guaranteed by our Constitution.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Texas (Mr. BENTSEN) in tribute to Senator ERVIN.

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

STATEMENT OF SENATOR BENTSEN IN TRIBUTE TO SENATOR SAM ERVIN

Our emotions must certainly be mixed as we enter the closing days of the 93rd Congress. We have had a most productive year, we have dealt responsibly and conclusively with several outstanding matters of grave importance during this post-election session, and we view the coming Congress as a new opportunity to continue our efforts to restore the nation's prosperity and the people's trust in their institutions.

However, we are also saddened by the thought that these will also be the last days that we will be privileged to serve alongside a number of our colleagues who have enhanced the reputation of this body and served their nation so well. Among those who will complete their Senate careers is the distinguished senior Senator from North Carolina, the honorable Sam J. Ervin.

Senator Ervin has become, quite rightly, a legend in his own time. His decency, graciousness, humor, leadership, and wise counsel have for so long been part of this Senate, and I believe we will each be diminished by his departure.

Senator Ervin will be best remembered for the role he played during the Watergate affair. The nation scarcely anticipated the horrors that would eventually be revealed when it entrusted Senator Ervin with chairing the Select Committee on Presidential Campaign Activities. As he has done throughout his Senate career and his entire life, Senator Ervin accepted that challenge and proceeded to lead the nation in unearthing the abuses and unraveling the many efforts to prevent their disclosure. His careful prodding and attention to detail set the example for the entire Committee, and their combined works provided the real basis for the subsequent labors of the House Judiciary Committee and the courts. Senator Ervin helped guide the nation through a most unsettling time, and our people shall be eternally grateful.

Those efforts, however, only culminated a career marked by a dedication to preserving the liberties granted by the Constitution and reversing the growing imbalance of powers among the branches of our government. Throughout that career, Senator Ervin has been driven by an unflinching belief in what James Madison best expressed nearly 200 years ago:

"The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."

Senator Ervin has had the ability to relate the events of today to the basic rights guaranteed by our Constitution, and I believe he has helped to move the nation to a greater commitment to preserve them. He bequeaths as part of his legacy to the American people a list of legislative recommendations proposed by his Watergate Committee, and I know that few things will please him more than their subsequent enactment.

These few words do not pay full tribute to the Senator from North Carolina. He has served his nation so well, and our people shall long be indebted to him. I wish him and his wife lasting happiness. We shall miss them both.

Mr. DOLE. Mr. President, as the 93d Congress comes to a close, so also does the senatorial career of one of this country's most distinguished Senators, most noted constitutional guardians, and most famous "country lawyer."

The senior Senator from North Carolina, Senator SAM ERVIN—now known to millions as Senator SAM—has served in this body 20 years as its most outspoken defender of constitutional integrity.

Before he became known as Senator SAM he was referred to by his associates as "the judge", a title that both referred back to his tenure in the Supreme Court of his State of North Carolina, and referred as well to his wisdom and judicious state of mind, experience and characteristics which made him a figure sure to take a prominent place in the history of the U.S. Senate.

To the people of his State he has been an able representative serving them and their interests at the same time he guarded watchfully the needs of the Nation as a whole.

His has been a voice, over 20 years of the most sweeping changes in this country, for moderation and perspective. He has been a voice for calm in the midst of a near chaotic rush of events. He has been a voice for reason and deliberation. He has on numerous occasions cautioned this body against haste. And he has always been a voice in defense of tradition, not blindly so, but by way of reminding us that tradition is the counsel of wise men who have gone before us.

Those of us who will remain in the Senate and those new Members we will welcome into the 94th Congress will be better because SAM ERVIN has gone before us, has in effect reinforced by his service many of those traditions which are best about the Senate.

I wish to add by voice to those of my colleagues in wishing Senator SAM ERVIN all of the best in his coming years of retirement. I ask of him only—and I am sure my colleagues join in this request—that he will continue to share with us and the Nation his thoughts about and his prescription for the problems facing this country.

Mr. HUMPHREY. Mr. President, I want to join my colleagues in the Senate and the American people in thanking Senator ERVIN for his outstanding service to our country. No one in Congress knows the Constitution better. No one in the country has done so much to educate us on its meaning, to preserve its fundamental principles, and prove that it must remain the foundation of our Government. His contributions in protecting the rights of the individual, preserving the checks and balances between the branches of government, and to investigating abuses of power will have a lasting impact on this Nation.

We will miss this statesman who for 20 years has enhanced the Senate by his presence. His integrity, his courage, his fairness, his commitment to a government of laws not men, his deep sense of justice have done much to shape the American people's expectations of their representatives. We will all continue to be judged by this standard for years to come.

We owe a special debt of gratitude to Senator ERVIN for the central role he played in turning a major failure of government into a triumph of constitutional principles. Due in great part to his wisdom and guidance, the American people have survived a crisis of confidence in government and emerged with a new faith in the strength of the principles on which this country was founded.

As an advocate, Senator ERVIN was without peer—a man of integrity and courage, a hard worker, an articulate, deeply committed and sometimes humorous spokesman for what he believed to be right, a patriot in the truest sense, and a conservative in the best sense. Such a man alway improves the quality of debate on both sides of any issue.

I join my colleagues in wishing Senator ERVIN the best of health and much happiness as he returns to the beautiful State he has served so well for so many years.

AES SALUTE TO SAM ERVIN

Mr. STEVENSON. Mr. President, with the end of this Congress the Senate loses one of its greatest members, SAM ERVIN of North Carolina.

"Senator SAM" first became widely known to the American public outside of North Carolina as Chairman of the Senate Watergate Committee. But his tireless effort there on behalf of the Constitution was not a new found interest. In the Senate that effort began when he

first arrived in 1954 and was appointed to the Select Committee considering a resolution of censure on Sen. Joe McCarthy. In the 20 years since then he has led the fight in the Senate for Constitutional Rights and Constitutional Government. He was investigating Army surveillance of civilians before the Watergate Committee existed, led the fight against the repressive "No Knock" law, and was in the thick of battle over Presidential usurpation of Congressional authority through illegal impoundment of funds. Just this week the Senate passed the Federal Privacy Act, a final tribute to Senator ERVIN'S life-long persistence in defense of the citizen against Government encroachment of his civil liberties.

I cannot imagine that the Senate will ever have a more dedicated and effective Chairman of the Subcommittee on Constitutional Rights. The people of North Carolina can be justly proud of their senior Senator, and all of the American people owe him thanks for the 20 years he has spent here in defense of their liberties. We shall all miss him.

Mr. SCHWEIKER. Mr. President, I would like to join in paying tribute to our colleague, Senator SAM ERVIN.

The Senate and the Nation owe a debt to SAM ERVIN which can never be repaid. Everyone knows the key role which Senator ERVIN played on the Watergate Committee, and his tremendous contribution to the preservation of our form of Government will certainly be a matter of historical record, and an inspiration to American citizens for decades to come.

We in the Senate, however, have also been privileged to know SAM ERVIN as a friend and a colleague, and we know how valuable his wisdom and his insight have been in the day-to-day work of the Senate. We know his numerous accomplishments on the Senate Judiciary Committee, and we know that his knowledge of, and commitment to, the U.S. Constitution has set a standard which should be a model for every U.S. Senator.

We will miss SAM ERVIN. But the Senate's loss is North Carolina's gain, and I know SAM'S many friends and admirers in North Carolina will be glad to have him home on a year-around basis. I am sure my colleagues all join me in wishing Senator ERVIN a happy and productive retirement.

Mr. KENNEDY. Mr. President, the Senate is on the eve of losing one of its most distinguished Members, Senator SAM J. ERVIN, Jr. of North Carolina. The esteemed presence of SAM ERVIN will be greatly missed by all of us.

Appointed to the Senate in 1954, SAM brought to the Congress a unique scholarship and temperament acquired from 14 years as a North Carolina judge. He has devoted his efforts to preserving and strengthening the personal liberties guaranteed by the Constitution. As a champion of the Constitution, SAM ERVIN has been our conscience and watchdog by pointing out the dangers of governmental intrusion into the private lives of citizens. His efforts have been responsible for many major pieces of legislation including the legislative overhaul of the Code of Military Justice which has injected a measure of fairness into the military justice system; The Bail Reform Act of 1966 to remedy a situation where the rich, but not the poor, enjoyed the full benefits of our constitutional presumption of innocence; his amendment to the 1968 Civil Rights Bill which helped guarantee to native Americans the same rights guaranteed to all citizens.

Most recently, his greatest contribution to our Nation and its future has been his distinguished performance as chairman of the Select Committee on Presidential Campaign Activities. Through his efforts he has once again renewed our faith in the integrity of our political process. Future generations will indeed benefit from the ideals and examples he has set for us.

It is not only SAM'S legislative work that will be missed, Mr. President. SAM'S intangible qualities—the humility and wisdom nurtured in North Carolina's Burke County have helped us all retain a true sense of reality in our efforts and feelings for the American people. There have been many times this legislative body has been bogged down in the intricacies and labyrinth of technical debate, but SAM ERVIN'S legendary anecdotes have always illustrated a central point and restored our focus to the important issues. His fundamental wisdom will truly be irreplaceable.

Mr. President, I want to join with my colleagues and the American people in thanking SAM ERVIN for his dedicated service to the Nation, and wish him every good fortune upon his retirement.

Mr. STENNIS. Mr. President, when we meet again in January, the Senate, and the Committee on Armed Services, will be without one of their most respected and valued Members—I can really say one of their shining lights. I refer to my good friend the senior Senator from North Carolina, Senator SAM ERVIN. I shall now speak of him primarily—connected with his services as a member of the Committee on Armed Services.

Senator ERVIN joined our committee early in January 1955. For 20 years he has given us his wise advice—clearly and carefully expressed—and always richly seasoned with good humor in his own style.

Long before his other recent activities pushed him into the spotlight and alerted the public to his great capacity, we on the Armed Services Committee were fully aware of his great ability and of his dedication to the public interest. It just does not say enough to say that he will be missed.

As a lawyer, I think I have been especially aware of the fine legal talent which Senator ERVIN possesses. Our committee will be the poorer, in many ways, for his retirement.

Of course, in that connection, we certainly wish him all the best as he moves with his good wife from a career of public service back to North Carolina where he was born and raised.

The record should show that Senator ERVIN compiled a distinguished record for gallantry in action in World War I, that he served in the North Carolina Legislature and in the House of Representatives, and that he was a Superior Court Judge in North Carolina—all before he ever came to the Senate.

Here in the Senate he has, of course, done distinguished service as chairman of the Committee on Government Operations and—in recent months—as chairman of the Senate Select Committee on Presidential Campaign Activities. The latter assignment has of course made him personally known and admired across the Nation.

His contributions to the work of the Judiciary Committee, as one of the country's best legal scholars, are well known to Members of the Senate, the members of the press, and the whole country at large.

I predict that SAM ERVIN will be long and favorably remembered in this Chamber and that his work will live for many decades to come.

To him and his family we extend very best wishes for a happy and fruitful retirement.

Mr. McCLELLAN. Mr. President, in recent years, the American people have discovered what we in the Senate have known for many years—that Senator SAM J. ERVIN, Jr., is one of the most outstanding legislators to grace this body in many decades.

As a result of years of friendship and service together on the Judiciary and Government Operations Committees, I have had the opportunity to develop a respect for the wide-ranging intelligence and deep learning of the senior Senator from North Carolina.

So, it was no surprise to me—as it was to no Member of the Senate—that when the time came for him to perform what must have been a distasteful but necessary task in conducting the Watergate investigation, he met those responsibilities in keeping with the highest traditions of the Senate.

Through his conduct of these hearings, he succeeded in transforming what could have been a bleak experience for most Americans into a renaissance of faith in the strength of our democratic institutions and in the viability of our system.

SAM ERVIN has, in his 20 years of service in the Senate, well deserved his reputation as an authority on constitutional law, but he has also achieved an outstanding record of accomplishment in a wide range of governmental activities.

He has proposed and helped enact reforms in the congressional budget process, in the establishment of ethical standards for Government officials, in the protection of first amendment rights and in the methods of financing election campaigns.

During his career, Senator ERVIN has come to represent all that is good in the United States and its traditions. His scholarship, his ready wit, his great love for this country—all have combined to make him a southern statesman who has contributed immeasurably to the progress and welfare of our country.

Mrs. McClellan and I hope that you and Mrs. Ervin, after the long and active years of service that you have given this country, will find much pleasure and contentment in your retirement. May the

richest blessings of life abide with you always.

Mr. HARRY F. BYRD, JR. Mr. President, the joy of this holiday season will be less bright for all Members of the Senate because of the knowledge that when we reconvene in January, the voice of SAM ERVIN will no longer be heard in the Chamber.

Senator ERVIN is justly renowned as the Senate's foremost constitutionalist.

Ever since his admission to the bar in 1919, SAM ERVIN has made the law his life. As an attorney, as a judge of the North Carolina Superior Court, as a Member of the House of Representatives, as associate justice of the North Carolina Supreme Court, and lastly—for the last 20 years—as a U.S. Senator, he has above all been a man of the law.

His celebrated eloquence has most often been heard in defense of the rule of law, and of his beloved Constitution. I say "his beloved Constitution" advisedly; not because any American owns the Constitution more than another, but because Senator ERVIN has made it his mission to defend it against all attackers.

We in the Senate may be forgiven, I think, if we sometimes think of SAM ERVIN as one of the framers of the Constitution. Since he is a mere, strapping 78, he couldn't have been present at Philadelphia in 1787, but I know how often his spirit has visited the halls in which our organic law was forged.

Senator ERVIN's dedication to the Constitution is not just to its letter, but to its spirit. It was to preserve the spirit of the Constitution, I am sure, that he waged relentless battle against invasion of privacy, distortion of justice in military law, twisting of constitutional structures in the name of expediency and momentarily popular causes, and wrongdoing and corruption in high office.

But Senator ERVIN is far more than a great lawyer and constitutionalist. His enormous skill as an advocate has been employed in good causes convening the whole spectrum of legislation. Indeed, he sometimes seems to be the Renaissance man of the Senate.

And beyond all this, SAM ERVIN is a man of immense warmth. I know of no colleague to whom I have more often turned for counsel, nor any who has more willingly and honestly given it. We shall miss his friendship fully as much as his vast legislative skills.

We in the Senate are occasionally chided for our frequent use of the word "distinguished." Perhaps at times we overdo it a bit. But in the case of Senator ERVIN, no word could be more truly fitting.

Farewell, then, to a distinguished servant of the people—and a distinguished human being.

Mr. WILLIAMS. Mr. President, it is with a feeling of melancholy that I join today in paying tribute, on the eve of his departure from this body, to the senior Senator from North Carolina, SAM ERVIN.

During the course of my own service in the Senate I have counted it a privilege to serve with many fine Americans whom I shall aways remember with fondness and great respect. But among them have been a few who, even in this outstanding company, have stood head and shoulder above the crowd. Without question, SAM ERVIN has been one of these.

Even before he came to Washington, SAM ERVIN had compiled a record of which anyone could be proud were it, in fact, the sum of a lifetime. He served three terms in the North Carolina legislature and then began a career on the State bench, first as a Judge of the Burke County Criminal Court, then as a Judge of the North Carolina Superior Court, and finally as an associate justice of the North Carolina Supreme Court.

SAM ERVIN served one term in the House of Representatives in 1946 and 1947, was elected to the Senate in 1954, and has been here since. In that time he has earned the gratitude of his constituents, the respect of his colleages, and, at the end of his career, the admiration of a nation.

To those of us privileged to serve with him, SAM ERVIN has been best known through his work as chairman of the Committee on Government Operations, and through his service on the Committee on the Judiciary. He has long been recognized as the Senate's leading constitutional expert and has often been the person the rest of us have relied upon when questions involving the Constitution have arisen. Among his memorable legislative accomplishments can be ranked the Law Enforcement Assistance Act of 1965, the Omnibus Crime Control and Safe Streets Act of 1968, and the historic legislation that curtails the ability of the President to usurp congressional prerogatives through impoundment of appropriated funds.

Within the Congress, and among informed observers of the Washington scene, SAM ERVIN has long been known as the leading defender of the Constitution, and particularly of first amendment rights. His has been a respected voice in committee councils and floor debate. He has long been considered a powerful ally or a most formidable opponent. But it was not until he assumed the chairmanship of the Select Committee on Presidential Campaign Activities that SAM ERVIN became known to the Nation at large.

Because of the truly outstanding manner in which he discharged one of the most momentous tasks ever to fall to a Member of the Senate, SAM ERVIN has become a national hero. His relentless pursuit of the truth about the Watergate scandal, tempered by his gracious good humor and guided by his ingrained sense of justice and fair play, has won him the admiration of millions of his countrymen. The ramifications of the investigation he directed are well known and need not be repeated here. Suffice to say that SAM ERVIN's name has been indelibly printed on the history of our time. I am quite confident that history will judge him with as much respect as do we, his contemporaries.

Mr. President, the Senate will not be quite the same when SAM ERVIN is gone, but it will be infinitely better for him having served here. I join my colleagues today in wishing SAM "good fishing," and in wishing him and his charming wife Margaret every happiness in the years ahead.

Mr. MAGNUSON. Mr. President, at the conclusion of this 93d Congress, we will bid farewell to a man who epitomizes the very essence of the American spirit, the senior Senator from the State of North Carolina, SAM ERVIN.

The Senate has had the benefit of his wit and experience since 1954, and in that time Senator ERVIN has established a reputation for honesty that has made him one of the most highly respected Members of this body.

His handling of the most delicate position as chairman of the Senate Watergate Committee will long be remembered for the fairness and courtesy shown to all who testified.

Senator ERVIN. is essentially a simple man, truly a man of the people, and I know that the people of his State, who revere his integrity and his great personal warmth, will miss his presence in the Senate as much as I.

Mr. MATHIAS. Mr. President, it does not take much experience in life to learn that one of the chief objects of any civilized society must be the guarantee of individual liberty for every citizen. This is the only way in which men and women can exercise the talents with which they are endowed for their own benefit and for the benefit of the society to which they belong. But the recognition of this need and the fulfillment of it are two different things.

Liberty has survived, however, because in every generation there have been champions who were not only willing to fight for liberty, but who had the strength, courage and skill to be successful in that struggle.

The Senator from North Carolina, Mr. ERVIN, has been such a champion in our time. His defense of liberty will live in the legends of the Senate. His devotion to the ideal of personal freedom should inspire judges and lawyers as well as legislators and public officials for years to come.

This is a role that comes naturally to Senator ERVIN. As a member of the Society of the Cincinnati, Senator ERVIN has the privilege of representing in his time a distinguished forbear who was a leader in the American Revolution. He has honored the responsibility that accompanies this privilege. His depth of understanding of the true character of the American Revolution has certainly helped him to lead the Senate so effectively in so many critical issues.

And now, like Cincinnatus who was chosen as a hero to be emulated by the veterans of the American Revolution, Senator ERVIN returns from the scene of his battles to retirement in his own countryside, by the side of his own hearth. I hope that his years there will be many and happy.

Mr. MONTOYA. Mr. President, it has been my great privilege to work closely with Senator SAM ERVIN in this past 2 years. I have learned to deeply admire the "simple country lawyer" who has been the constitutional conscience of this Nation for so long.

I doubt that we will ever be able to replace Senator ERVIN here in Washington, D.C. He leaves us with a great responsibility—the defense of the Constitution and the Bill of Rights will now fall on the shoulders of those of us who are left behind.

Senator ERVIN has stood for many years as the single most "revolutionary" man in the U.S. Senate: A man who fought with every tool at his hands to defend the rights of the people and the freedom of mankind, here under this Government. He has protected our privacy, fought for our right to make up our own minds, and insisted on our need for good commonsense in the Congress of the United States.

He will be greatly missed. I wish him the very finest and happiest of years ahead as he returns to the beautiful State of North Carolina with his lovely wife Miss Margaret. They will carry with them the gratitude of many plain Americans for their years of service protecting our liberty and civil rights. Most especially they will have the thanks of a "barefoot boy from Pena Blanca"—JOE MONTOYA.

Mr. HATFIELD. Mr. President, I have not had the pleasure of working closely with SAM ERVIN during our years together in the Senate, so I will let others speak in detail of his great accomplishments in this body. For my part, I simply want to thank him for being who he was.

SAM ERVIN has roused in me a new sensitivity for our constitutional roots, the peril of untrammeled Government power, and the dignity of each individual citizen. He has amazed me with his energies and the power of his intelect, and been an inspiration for me to work harder. He has deeply impressed me with his humility, particularly at a time when all around us there are those who are impressed mainly with themselves. And he has enriched the language with the wit and wisdom so characteristic of his State, when so many resort to the colorless, meaningless language of the advertising age.

The litany of accomplishments is long and familiar to us now. I wish we had known them better before. There were the Watergate hearings, of course, valuable not so much because they led to the resignation of a President, but because they alerted the people to the necessity of vigilance and adherence to the Constitution. And there were the battles fought for Indians, for the mentally ill, for civilian control of the military, freedom of the press, rules of evidence consistent with justice, congressional control of the budget, congressional review of Executive agreements, and most precious of all, individual privacy.

And there were some which, from my point of view, were battles against: Against civil rights legislation, against the equal rights amendments. On those issues the difference between Senator ERVIN and myself was, as he would put it, "as vast as the gulf between Lazarus in the bosom of Abraham and Dives in the pit of hell." But no matter. The man has been true to his vision, as I wish we all would be.

I will miss him, and those expressions, greatly. He has made this a better place and ours a better country. But I know how he wants to get back to those North Carolina mountains, and I wish for him and Margaret many happy days watching the Sun set over Table Rock and Hawk's Bill Mountain.

Mr. ROBERT C. BYRD. Mr. President, it is with the greatest regret, both in a personal sense, and in a sense of deep loss to this body, that we bid farewell to the senior Senator from North Carolina as the 93d Congress draws to a close.

In his two decades of service to his country and to his State, in the Senate of the United States, SAM ERVIN has built a reputation that any one of us might envy. The United States of America, and its constitutional system and way of life, have never had a more staunch advocate or a more knowledgable spokesman.

Those of us who have been privileged to know SAM ERVIN, and to work with him in this Chamber and in committee, have long been aware of his outstanding qualities as a legislator and as a man.

His conduct and demeanor as a Senator are ennobling to himself and to this body he has served so skillfully and so faithfully. And in serving this body and the people of North Carolina, SAM ERVIN has never forgotten his duty as a U.S. Senator to serve with equal fervor the wider interests of the people of this Nation.

There have been times in the history of this Republic when our precious freedoms and liberties have been threatened. At each of those times of danger, there have emerged among us men and women whose dedication to the cause of freedom and liberty has ensured that they would not perish. SAM ERVIN is in that honorable company.

We will sorely miss SAM ERVIN'S erudition, his eloquence, and his presence. We will miss the counsel and the friendship of a man who has always stood up and been counted for the Rule of Law and the Bill of Rights.

SAM ERVIN is of those men who were, in Stephen Spender's words:

Born of the sun, and traveled a short while
while toward the sun,
And left the vivid air signed with their honor.

Mr. RANDOLPH. Mr. President, in 1925, when young SAM ERVIN was a legislator in the North Carolina General Assembly, he helped defeat a bill that would have banned the teaching of evolution in the State's public schools.

If the bill had passed, the famous Scopes "monkey trial" in Tennessee could have easily happened in North Carolina. But SAM ERVIN saw a threat to free speech, and he fought against it.

He said at that time:

Such a resolution serves no good purpose except to absolve monkeys of the jungle from all responsibility for the follies of the human race.

SAM ERVIN is known to his friends and colleagues as a devastating wit, a folksy charmer and raconteur—and as a great constitutional lawyer. It is in this latter role that he has served his country so well. He has, in recent years, become the scourge of Government spies, of invaders of privacy and abusers of public privilege. Throughout his long and distinguished career, he has fought those who would diminish or repeal outright the constitutional guarantees of the first amendment.

I suspect that if some of his constituents knew he received his law degree from Harvard Law School, he might not have received such overwhelming voter support over the past 20 years he has served in the U.S. Senate. Prior to his arrival on Capitol Hill, he was Associate Justice of the North Carolina Supreme Court, a State legislator and a member of the House of Representatives from the 10th District.

I count SAM ERVIN as a friend and coworker, and I'll miss him in the Senate. He brought to this body an image of respect, and captured the hearts of America at a time when the name "politician," was blackened by the ravages of Watergate. He is a politician in the finest sense of the word, and he leaves a legacy of high purpose.

Mary and I have enjoyed having Margaret and SAM with us in West Virginia, and the members of the Press Association in our State continue to recall his brilliant address to them in 1972.

TRIBUTES TO SENATOR J. W. FULBRIGHT

Mr. WILLIAMS. Mr. President, I want to join my colleagues today in paying tribute, and bidding farewell, to a man who has truly been an institution in this body, Senator J. W. FULBRIGHT.

I would venture to say that in the history of our country few Members of Congress have achieved the singular importance in formulation of national policy that Senator FULBRIGHT has. When he leaves the Senate at the end of this term, he will have served 30 years in this Chamber, and half of that time he has been Chairman of the Committee on Foreign Relations. He has, in fact, chaired this committee longer than anyone else.

Under his leadership, the committee has been an important and powerful influence of our Nation's foreign affairs. Senator FULBRIGHT'S voice has been respected and heeded, and indeed his counsel has regularly been sought by the highest officials of our government in the field of foreign affairs. Certainly his voice was one of the most influential in finally turning our national course away from the tragic and disastrous war in Southeast Asia.

Widely recognized as one of the keenest intellects in the Congress, J. W. FULBRIGHT served on the faculty of the University of Arkansas Law School before entering politics. In 1939, at the age of 34, he was named president of the university, and served in the post for 2 years.

In 1942, J. W. FULBRIGHT was elected to the House of Representatives, where he immediately sought membership on the Foreign Affairs Committee. He introduced what became know as the Fulbright resolution which called for the participation of the United States in an international organization to maintain

the peace and helped lead to our role in establshing the United Nations.

Elected to the Senate in 1944, Senator Fulbright from the outset continued his interest in foreign affairs and authored the student exchange program initiated in 1946, and which has done so much to further international understanding. Always independent and committed to following the course he believe was right, Senator FULBRIGHT was the only Member of the Senate to vote, in 1954, against additional funds for the Special Investigating Subcommittee headed by Senator Joseph McCarthy. He also was a sponsor of the resolution to censure Senator McCarthy.

Mr. President, the absence of Senator FULBRIGHT from this chamber will undoubtedly be felt strongly in the highest councils of our government, and the unique role he has played will be long remembered. I join in wishing him and his wife Elizabeth every happiness in the years ahead.

Mr. MONTOYA. Mr. President, when the Founding Fathers were discussing the composition of the U.S. Senate in the Federalist Papers No. LXII, they restated a fine and simple definition of good government. Good government, they said, implies two things:

> First, fidelity to the object of government, which is the happiness of the people; secondly, a knowledge of the means by which that object can be best attained.

It was their belief, and the belief of those who wrote the Constitution, that by searching for men who held that fidelity and who had that knowledge and by electing them to sit in the Senate, the best interests of the people would be served.

Not every Senator has successfully filled those shoes. But Senator WILLIAM FULBRIGHT certainly has.

For 30 years Senator FULBRIGHT has provided the kind of government leadership which means good government in the highest sense. He has never been afraid of public opinion. He has always had the intellectual integrity to hold firm to what he believed was right. He has had the kind of wisdom and knowledge which was needed to steer a safe course through controversial years, through times of emotional misunderstanding or confusion. In the end he usually proved to have been correct in his analysis and in his decisions.

I wish him well in the years ahead, and I know that his scholarly career will continue to provide understanding and clarity of vision to those who study under him. Students everywhere will be richer for having learned from him—as we all are here in the Senate.

Mr. HUMPHREY. Mr. President, today I wish to pay tribute to a great man who soon will end his many years of Senate service to his State, and Nation. I speak of my friend and colleague from Arkansas, BILL FULBRIGHT.

Senator FULBRIGHT'S career in the Congress has been marked by numerous legislative achievements. The Fulbright scholarship program forever will be a tribute to his dedication to a humane and enlightened foreign policy for our Nation. On issues as diverse as arms control and foreign assistance his contributions have been sound, sensible, and lasting.

It was a fitting final tribute to BILL FULBRIGHT when the Senate last week ratified the Geneva Protocol of 1925 and the Biological Warfare Treaty. These two vitally important measures will do much to advance the cause of peace and disarmament. And the fact that the Senate gave its advice and consent to their ratification is a result of BILL FULBRIGHT'S leadership and dedication to disarmament.

No discussion of Senator FULBRIGHT'S career is complete without a mention of one of his most important contributions to American Government. Without a doubt, BILL FULBRIGHT can take credit for playing a major and critical role in redressing the grievous imbalance between the executive and legislative branches of Government. It was BILL FULBRIGHT who constantly reminded his colleagues and the American people that the Congress should play a greater role in the creation of foreign policy.

The tragic war in Vietnam was the vehicle by which Senator FULBRIGHT determinedly made his point that the people's representatives in Congress must share in the responsibility of the foreign policy process. I was a member of the Johnson administration when BILL FULBRIGHT first became critical of the Vietnam war. I did not totally agree with his position. But it is a fitting tribute to his good sense and judgment that in the final analysis I came to share his basic views about our involvement in this war.

Today, the fundamental relationship between the legislative and executive branch is much improved as a result of BILL FULBRIGHT'S persistent efforts. It is my hope that we can continue his work. I have been greatly affected by his persistent efforts to alter the relationship between the two branches of Government and thus influence the process of foreign policy.

I shall miss BILL FULBRIGHT, and his leadership as chairman of a great committee will be missed by his colleagues. His friendship has meant a great deal to all of us. Mrs. Humphrey and I want to wish BILL and his dear wife Betty all the best in the days and years ahead.

Senator FULBRIGHT still has much to contribute to his Nation. I hope he will continue to speak his mind and provide us with new and fertile ideas. He is a man respected for his intellect not only in this Capital City of Washington but in the many capitals of the world. I wish him well and thank him for his friendship. His decency as an outstanding Senator, his reputation as a man unwilling to accept the conventional wisdom, and his desire that the Senate fulfill its constitutional mandate long will be remembered.

Mr. BROOKE. Mr. President, today marks the end of a Senate career for one of the most brilliant men ever to serve in this body—J. WILLIAM FULBRIGHT. It is extremely unfortunate that at this time of extreme crisis for ourselves and for the world, the Senate will not have the benefit of his continuous counsel. I, for one, will deeply miss his presence.

I have not always agreed with the conclusions reached by Senator FULBRIGHT from his intensive and well-grounded analysis of world events. But even in disagreement I have had complete confidence that he spoke not from a cursory knowledge of events but rather from deep reflection on the complexities of international relations and how a specific instance relates to the general ebb and flow of those relations. BILL FULBRIGHT'S views never had a shallow foundation.

The Senator from Arkansas leaves his country a great legacy as he retires from public service, a retirement that I hope will be short in duration. He enabled thousands of young Americans to gain a deeper understanding of the world in which they live by initiating the overseas scholarship program that bears his name. The ultimate worth of that program will evidence itself in the events that occur many years after all of us have passed from the public scene.

He was instrumental in recognizing, then mobilizing, efforts to correct the imbalance of power between the Executive and the Congress that evolved in the decades both before and after the Second World War.

He was among the first to recognize the tragedies that would result from our overinvolvement in Indochina. Through the dark years of the mid- and late 1960's he was indefatigable in seeking to reverse the policies that intensified the tragedy. The Senate hearings he chaired on the Indochina question will be viewed by historians as an initiative of major historical significance. That our involvement in Indochina has significantly decreased is due, in great part, to the perseverance of BILL FULBRIGHT in following a course of action he believed conformed to the true interests of the United States.

In the past months the distinguished retiring chairman of the Senate Foreign Relations Committee has been instrumental in maintaining positive support for our Government's efforts to reduce potential or actual tension between ourselves and the Soviet Union. His support of the concept of détente stems not from any misconception as to intentions on either side but rather from a realization that in a world of nuclear superpowers, continued strident animosity between such powers may result in a conflagration that will destroy civilization as we know it. Efforts to alleviate such animosity are acts of supreme statesmanship. That BILL FULBRIGHT should be engaged in such a cause is no surprise to those who know him well.

The Senator from Arkansas will, hopefully, in the months ahead provide us with his thoughts on evolving conditions in the world. I will eagerly await both his verbal and written advice that I know will be forthcoming. Those who have had the opportunity to read his published works—"Old Myths and New Realities" and "The Arrogance of Power," know full well the benefits one can anticipate from his future endeavors.

Mr. President, I bid a public farewell to BILL FULBRIGHT. I cherish the association I have had with him these past years and want him to know that I am one of those who have benefited greatly from his presence in this body. I fully intend to continue to benefit from his wisdom in the coming years.

Mr. PEARSON. Mr. President, from time to time our Nation has been endowed with leaders of extraordinary depth and ability, leaders who have helped us meet the great national challenges of their time. Senator J. WILLIAM FULBRIGHT is such a leader. For three decades he helped shape the history of this Nation—and made some history of his own.

It is difficult to single out Senator FULBRIGHT'S most notable accomplishment. His name is synonymous with education. Generations of students and their countries have benefited immeasurably from Fulbright Fellowships. Members of the United Nations recognize his leadership in the establishment of that world organization at a time when it was desperately needed. Members of this body will remember his persistent efforts to restore the Senate to its proper constitutional role in the formulation and conduct of foreign policy.

These achievements notwithstanding, Mr. President, J. WILLIAM FULBRIGHT will be remembered for his intellectual and political courage. He was a Senator with the courage to tell the President of the United States and a substantial majority of his colleagues in the Senate that he believed them mistaken. More than that, he was ready to provide thoughtful, carefully constructed alternative proposals. FULBRIGHT the dissenter was also FULBRIGHT the educator and leader.

Mr. President, the Senate and its Committee on Foreign Relations will miss BILL FULBRIGHT. But I have a feeling that he will continue to offer his counsel for years to come, and we will welcome it. I also have a feeling that he will continue to exhibit the intellectual toughness and courage which have marked his three decades in Congress. Our Nation will welcome that.

Mr. President, I know that the people of Kansas join me in wishing BILL and Betty Fulbright all the best in the years to come.

Mr. MAGNUSON. Mr. President, I rise today to join with my colleagues in the Senate in paying a richly deserved tribute to my distingished colleague, the Senator from the State of Arkansas, WILLIAM FULBRIGHT.

Senator FULBRIGHT was first elected to this body in 1944 and has served his constituency and his Nation with unfailing principle and devotion to the ideals of our democratic system.

As chairman of the prestigous Senate Foreign Relations Committee, Senator FULBRIGHT has emerged as one of the most knowledgeable and highly respected voices of American foreign policy. His genuine concern for America's place in the world, coupled with superb legislative skills, have resulted in his far-reaching approach to our Nation's foreign policy.

Mr. President, we will long remember the courage and integrity that are BILL FULBRIGHT'S trademarks, and we will miss his presence in this body.

I wish, for BILL and for his lovely and understanding wife, Betty, the best of all things. May their futures be filled with a deep and lasting happiness.

Mr. JAVITS. Mr. President, during my colleagues' tribute yesterday to the most distinguished Senator from Arkansas and chairman of the Senate Foreign Relations Committee—and my friend—WILLIAM FULBRIGHT, I was unavoidably required to be elsewhere, and I wanted to take this opportunity to express my regret that Chairman FULBRIGHT is retiring from the Senate and my admiration for him. He will be sorely missed not only by his good friends in the Senate but by the Nation and by the hundreds of millions of the world who thirst for freedom and economic and social justice.

Throughout his 30 years of service in the Senate—15 of which have been as chairman of the Senate Committee on Foreign Relations—and in a period of remarkable, if not revolutionary, change in American society and especially in the conduct of the affairs of the United States in the world, Senator FULBRIGHT has offered rare and intelligent leadership and wise counsel to his colleagues and numerous Presidents. From his introduction of the Fulbright resolution in 1943—which is generally regarded as a forerunner of the establishment of the United Nations—when he was a Member of the House of Representatives—to the fractious and vexing Vietnam era, culminating in the enactment of the War Powers Resolution in 1973 in which he took a most active and decisive role—Chairman FULBRIGHT'S independence of mind, intelligence and high patriotism have been manifest.

Chairman FULBRIGHT and I have not always agreed, especially on the Middle East, but we have also agreed and collaborated on great issues of foreign policy and our differences have always been those of men having the highest respect for each other. I will sorely miss BILL FULBRIGHT both personally and as a colleague, and I sincerely hope that we all shall continue to hear much more of and from him, Mrs. Javits and I bespeak for Betty and BILL FULBRIGHT a lifetime of happiness and dignity and continued achievement.

Mr. MATHIAS. Mr. President, the achievement of Senator J. WILLIAM FULBRIGHT marks him as one of the great Senators of this century. His place in American history is assured. BILL FULBRIGHT'S greatest accomplishment as chairman of the Foreign Relations Committee, under the most difficult of circumstances was to help lead the United States out of the disastrous entanglements of the Vietnam war and to lay the foundations for a new foreign policy required by the end of the cold war. Through great intellectual and personal courage and depth of historical understanding, he provided the leadership to this country required to reverse the slide toward authoritarian rule, so much a part of the Vietnam-Watergate era. It was a difficult burden to assume the role of "the great dissenter" and there is no question that the intellectual and moral energies required to sustain the long and complex legislative efforts to correct our disastrous national policies was at the cost of great personal sacrifice.

As a colleague and a friend I have always enjoyed his warm fellowship, wit, and good humor. As a man of ideas with a deep reflective turn of mind, we all owe him a great debt. As a national leader of courage and insight in a time of serious national danger, the country owes its respect and gratitude.

It is with great regret that the Senate must accept the end of BILL FULBRIGHT'S 30-year career as a Member of this body, but he leaves with our heartfelt admiration because he has ennobled this body and through his distinguished service in the Senate, has brought honor to this country.

TRIBUTES TO SENATOR GEORGE D. AIKEN

Mr. FULBRIGHT. Mr. President, a few days ago the distinguished senior Senator from Vermont addressed the Senate with his usual candor and frankness. He described his remarks as a confession rather than a valedictory statement, and explained very simply:

During the 34 years of my tenure as U.S. Senator, I have committed many sins.

Mr. President, if confession is good for the soul, then all of us can find renewed inspiration in the Senator's remarks. These remarks, as with many of his earlier senatorial pronouncements, should be made required reading for every Member of the legislative branch.

I say this not because I agree with all of his findings and observations. As the Senator knows, I frequently do not. But his remarks, whether of today or yesterday, deserve the attention, the consideration and the respect of all of us. They are in a phrase "pure Aiken" and for that we must all be thankful.

Unlike so many in public life, the Senator from Vermont—to his great credit—has withstood the onslaught of the age of advertising, gimmickery and image making. Any man who can do that in this day and age not only deserves respect and admiration but commands them. GEORGE AIKEN is such a man.

He is the kind of man who Rudyard Kipling immortalized when he penned the memorable lines of "If." Very few men come as close to the standards laid down by Kipling as does the senior Senator from Vermont.

Mr. President, as a tribute to the former Governor of Vermont, I insert the Kipling classic in the RECORD at this point:

IF

If you can keep your head when all about you
  Are losing theirs and blaming it on you,
If you can trust yourself when all men doubt you,
  But make allowance for their doubting too;
If you can wait and not be tired by waiting,
  Or being lied about, don't deal in lies,
Or being hated don't give way to hating,
  And yet don't look too good, nor talk too wise;

If you can dream—and not make dreams
your master;
If you can think—and not make thoughts
your aim,
If you can meet with Triumph and Disaster
And treat those two imposters just the
same;
If you can bear to hear the truth you've
spoken
Twisted by knaves to make a trap for fools,
Or watch the things you gave your life to,
broken,
And stoop and build 'em up with worn-out
tools:

If you can make one heap of all your
winnings;
And risk it on one turn of pitch-and-toss,
And lose, and start again at your beginnings
And never breathe a word about your loss;
If you can force your heart and nerve and
sinew
To serve your turn long after they are
gone,
And so hold on when there is nothing in you
Except the Will which says to them: "Hold
on!"

If you can talk with crowds and keep your
virtue,
Or walk with Kings—nor lose the common
touch,
If neither foes nor loving friends can hurt
you,
If all men count with you, but none too
much;
If you can fill the unforgiving minute
With sixty seconds' worth of distance run,
Yours is the Earth and everything that's in it,
And—which is more—you'll be a Man, my
son!

Mr. METZENBAUM. Mr. President, the career of the distinguished senior Senator from Vermont, GEORGE AIKEN, is a hallmark in the history of the Senate. Few men have served in this Chamber for as long or with as much wisdom.

As ranking minority member of the Foreign Relations Committee, Senator AIKEN was a vital part of the nonpartisan approach to America's foreign affairs taken by that committee during many troubled times. I well remember his sensible statements concerning our involvement in Vietnam. His was a voice of wisdom and humanity in a difficult and confusing era.

Although I have served with him during only a brief part of his distinguished career, I have come to understand why the people of Vermont returned GEORGE AIKEN to the Senate for 34 years. It is a measure of his service to Vermont that GEORGE received both parties' nomination when he last ran for the Senate. I am honored to have served with GEORGE AIKEN.

But my remarks about him would be incomplete if I didn't also comment about his wonderful wife, Lola. Both she and the Senator have become wonderfully good friends of the METZENBAUMS. The country will miss his leadership in the Senate. Shirley and I will miss the warmth and grace of two of the finest and warmest human beings we have ever met.

Mr. CURTIS. Mr. President, any one of our colleagues could make a long and truthful speech lauding the accomplishments of our friend Senator GEORGE AIKEN of Vermont, who is about to retire. Those who have a better command than I of the English language can do a better job, so I will be content to make a few observations.

GEORGE AIKEN is an example for all young Americans to follow. He is forthright. He is honest. He has never been involved in anything that was not honorable. He is loyal to the State that has honored him by electing him Governor and U.S. Senator. He is dedicated to the interests of agriculture and to rural America.

The farmers of America, along with people of all other walks of life, respect and revere GEORGE AIKEN and they, like his colleagues, wish him the very best in his years of retirement.

ON THE RETIREMENT OF SENATOR GEORGE AIKEN

Mr. MUSKIE. Mr. President, I rise to thank GEORGE AIKEN. I would feel uncomfortable offering tribute to this honest man, or praise to this modest man. But GEORGE AIKEN, a Vermonter by birth, and temperament, has earned the thanks of every American, and uncounted millions of men, women, and children around the globe.

As a practicing politician from a line of politicians stretching back to the 18th century, GEORGE AIKEN has proved by his actions, and not his words, that politics can be an honorable profession.

Since beginning his career in public service in the Vermont legislature in 1931, his name has become associated with such diverse projects and accomplishments as rural electrification, the St. Lawrence Seaway, the rural water and sewer program, Food for Peace, food stamps, school lunch and peaceful uses of the atom.

It is a measure of the high regard in which his fellow Vermonters hold him that in 1968 he was the nominee for the Senate of both the Republican and Democratic parties.

Two themes seem to run through the public life of GEORGE AIKEN, themes which I imagine were first set in his mind as a young man growing up in southeastern Vermont. GEORGE AIKEN has a respect for the land—its bounty, its resources and its beauty. And he carries with him the conscience of the people.

Because of his concern for the land and those who till the land he has been a leader in shaping our Nation's farm, milk and egg programs, rural conservation and development programs, fire and forest protection, recreation and wilderness preservation programs.

His concern for people led him to introduce a food stamp program as early as 1943, and caused him to use his considerable legislative skill to aid passage of such other people programs as school lunch, and a variety of measures aimed at improving the lives of rural Americans at a time of increasing urbanization.

This concern went beyond the borders of his home State, and beyond our national boundaries. While his name is most closely associated with the St. Lawrence Seaway and power development and Food for Peace, he has been an active member of the Foreign Relations Committee for two decades.

I will always regard it as a privilege to have served with him for 4 years on that committee.

And through his work on the Joint Committee on Atomic Energy, our distinguished colleague consistently supported efforts to increase the peaceful uses of the atom to meet the people's needs for energy.

Mr. President, the Senate will miss his red ties, his forthrightness, his honesty, and his style of oratory.

There is a feeling common to many in New England that we should only speak when it will improve on silence. It was a maxim that GEORGE AIKEN has followed throughout his long career, and it is too little heeded today.

Jane and I extend our warmest wishes to GEORGE and his gracious wife, Lola, for many, many happy, healthy, and active years in retirement. He has been a good friend, and Washington will miss him.

GEORGE D. AIKEN—A PIONEER SPIRIT RETIRES

Mr. HARTKE. Mr. President, today this august body comes together to pay tribute to a man, or more appropriately, he should be characterized as an institution. Senator GEORGE AIKEN has ably served his State of Vermont in the U.S. Senate since 1940. He is the dean among us. Those of us who had the pleasure of serving with him shall never forget his spirit and devotion to the causes he felt and believed to be the best and ablest directions for our country.

The lasting impression left upon the Senate during his 34 years of service will not soon be forgotten. He has arduously worked on the Committees for Agriculture and Forestry and Foreign Relations.

Born in Dummerston, Vt., on August 20, 1892, he served the people of Vermont first as speaker of the house of representatives and then as both Lieutenant Governor and Governor. His illustrious career as a public servant of the people continued to the Senate.

Senator AIKEN, a pioneer spirit in the true tradition of America, shall soon retire from the Senate, but he shall long be remembered with respect and fondness.

GEORGE AIKEN—A SENATOR'S SENATOR

Mr. SYMINGTON. Mr. President, when I first came to the Senate, a trusted friend observed that one of the great statesmen of our time was the present Dean of the Senate, the senior Senator from Vermont.

How right he was. There never has been, there never could be a more able statesman than GEORGE AIKEN.

I will miss him. The Nation will miss him; all of us will miss his character, his wise counsel and advice.

Not liberal nor conservative, but realistic and constructive, he leaves a record as a Senator few have equaled and none have surpassed.

Not the least of the reasons for his unprecedented popularity among his colleagues on both sides of the aisle is due to the affection and respect all of us have for his gracious and charming wife.

To GEORGE and Lola, let us send every good wish for happiness and prosperity in the years to come.

Mr. HOLLINGS. Mr. President, in 1940 a farmer from Putney, Vt., came to Washington. After 34 years of serving the

interests of his people in Vermont, as well as those of all Americans, GEORGE AIKEN, the distinguished senior Senator from Vermont is retiring.

GEORGE AIKEN'S name is imprinted on practically every page of agricultural law passed in the past 30 years. His support for rural electrification, the Rural Water and Sewer Act, farm credit, the National Forest Wild Areas Act, the Food Stamp and National School Lunch Acts, the Rural Development Act, and the Eastern Wilderness Act are but a few of the living memorials to GEORGE AIKEN.

GEORGE AIKEN looked beyond the interests of farmers. He had the foresight and good judgment to insist on the relationship between agricultural policies and foreign policies as reflected in the Food for Peace Program.

Appointed by three Presidents to represent our Nation abroad, Senator AIKEN has traveled extensively on behalf of better international relations. In 1960 President Eisenhower appointed him as a delegate to the 15th Session of the UN General Assembly. In 1963, President Kennedy sent him to Moscow to participate in the signing of the Nuclear Test Ban Treaty. In 1965, President Johnson sent him to the capitols of Europe and Asia.

GEORGE AIKEN, the distinguished Senior Senator from Vermont will soon be taking leave. Behind, however, he leaves a record of solid achievement. And he leaves a reputation for honesty, sagacity, and personal integrity seldom matched in our legislative annals. We will miss him as a legislator. We will miss him daily as a friend. Today we wish him well in retirement, and we hope he will come back to see us often.

Mr. CANNON. Mr. President, I ask unanimous consent that a statement by the Senator from Texas (Mr. BENTSEN) in tribute to Senator AIKEN printed in the RECORD.

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

STATEMENT OF SENATOR BENTSEN, IN TRIBUTE TO SENATOR GEORGE D. AIKEN

The Congress and the Nation are about to lose an outstanding Senator, not only because of his many years of experience and hard work, his dedication to the Senate and the people of Vermont, and his well-know sense of fair play. The Senate is losing an outstanding Senator also because of his compassion, his humor and his ability to strip away the rhetoric which all too often surrounds policy debates.

We shall miss his dedication, his talent, his intelligence—but most of all we shall miss the man. To those of us who have more recently reached the Senate, GEORGE AIKEN has long been a source of inspiration, with a record for fairness and hard work to inspire all of us. Vermont's Senior Senator may be physically leaving the Senate but his legacy will remain. I am reminded of an old French adage: "Many make an impression; few leave an imprint." GEORGE AIKEN is leaving an imprint, not only on the Senate but also on the Nation.

Mr. GRIFFIN. Mr. President, there is an old saying that "not by years but by disposition is wisdom acquired."

That surely applies to the distinguished dean of the Senate from Vermont (Mr. AIKEN) who is retiring at the end of this session after 34 years of continuous service as a Senator.

When he returns to Putney, Vt., around the first of the year, GEORGE AIKEN will have completed approximately six decades of public service.

He came to the Senate in 1941, the year I graduated from high school. Before that he had served as Governor of Vermont, as Lieutenant Governor, and for many years as a member of the Vermont House of Representatives where he was the Speaker in 1933–35.

In all these positions GEORGE AIKEN demonstrated the capacity—and the disposition—to say and do the right thing. As a result, he has become a living symbol of political responsibility and integrity.

Shortly after he took his seat in the Senate, GEORGE AIKEN became a member of the Committee on Agriculture and Forestry. He is still a member of that committee and he still believes that agriculture is the most important industry of all.

He took a leading role in the enactment of many important agriculture bills, including the National School Lunch Act, the special milk program, the Food Stamp Act and the Rural Water and Sewer Act. As chairman of the Agriculture Committee at the time, he was a principal sponsor of Public Law 480 which has helped alleviate hunger throughout the world.

He has been a leading supporter of the rural electrification program, and as a member of the Joint Committee on Atomic Energy he has been in the forefront of the development of atomic power to supply the Nation's energy needs.

In 1954, GEORGE AIKEN became a member of the Senate Foreign Relations Committee, reflecting a long-standing interest in foreign affairs.

In his first major speech in the Senate in 1941, GEORGE AIKEN registered concern about U.S. involvement in war:

The farm and village folds of my State do not want war. Their sympathies are with Great Britain. They would go all the way, down to the last dollar and the last man, to protect Canada. But they do not see why American boys should give their lives to define the boundaries of African colonies, or to protect American promoters and exploiters in Indochina or New Guinea. Neither do I.

During the height of the tragic Vietnam War he put forth a proposal which attracted the support of many Americans. In effect, he said it's time to "declare victory" and bring our boys home from Southeast Asia.

We have come to look upon GEORGE AIKEN as the voice of moderation—as the voice of down to earth common sense in national and international affairs. He will be sorely missed in the years ahead.

Marge and I extend to GEORGE AIKEN and his gracious wife, Lola, our warm best wishes for many happy and rewarding years in retirement.

Mr. KENNEDY. Mr. President, I am proud to join my colleagues in honoring one of the truly great men of the Senate, in this decade or any other. Senator GEORGE DAVID AIKEN, son of Vermont—and of the Nation—for 34 years in the Senate has been one of America's guiding lights. Particularly in foreign affairs, he has brought wisdom and commitment to understanding the issues that move the world, and that shape our destiny in relations with other states and peoples.

As a Republican in a Democratic-controlled Senate, Senator AIKEN was never chairman of the Foreign Relations Committee. But his influence and impact on the conduct of U.S. foreign relations was not less for that. He could always be relied upon for leadership; for constructive effort; and for courage and determination that took him far beyond party or faction into that rare realm of true statesmen.

On a more personal note, those of us in the Senate who have not been members of committees on which he has served will still remember him with deep affection. He has always been a man to whom we could turn for counsel, advice, and support. I for one, a near neighbor to this distinguished gentleman from Vermont, have valued my association with him, and have valued him highly. I will think of Senator AIKEN always with deep respect—and personal affection.

Mr. McCLURE. Mr. President, the Senator from Vermont (Mr. AIKEN) has so many friends on both sides of the aisle that I will be very brief in my remarks about him for fear that someone will have to file for cloture simply to get back to business. The Senate will be a poorer place without that repository of Yankee wisdom and commonsense which is Senator AIKEN. I know that Senator AIKEN has said that this return to his beautiful State is not so much a retirement as a change of occupation. Anyone who is aware of the range and scope of the Senator's interests will realize that is an understatement. Nevertheless, I congratulate the Senator for having such a beautiful State to return to and I congratulate the State of Vermont for wooing the Senator back.

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Illinois (Mr. PERCY).

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

Mr. PERCY. Commonsense seems to have become raw material which this Nation has nearly exhausted. Senator GEORGE AIKEN seems to have exclusive rights to what little we see around us. With the departure of GEORGE AIKEN, the Senate will be a little less wise, a little less down to earth.

Many words have been said about GEORGE AIKEN, and many more will be written. For his place in history will be more than a mere footnote. His service to his beloved State of Vermont and to his Nation has been untiring and unselfish. His contribution to debates in this Chamber has always been knowledgeable, deeply felt, and based on the bedrock of commonsense.

Each of us is proud of the State which we represent in the Senate. But I know of no Senator who loves his State more than GEORGE AIKEN loves Vermont. He wears that love and that pride like a shining badge. He has always yearned to return to the Green Mountains, Lake Champlain and the apple orchards of Vermont. The air is clearer up there than it is in Washington. Perhaps that

makes it easier to think more clearly up there. I have a feeling that the air will be even clearer once GEORGE AIKEN returns home.

GEORGE AIKEN has given us many words of wisdom which have served us well in the past, and which can guide us in the future. But his farewell address in the Senate provided us with even more thoughts which we should seriously consider.

The thought that I want to mention here concerns the role of those of us who have been elected to represent our States. He said:

> Members of Congress are frequently accused of being tools of special interests. They should be, but the special interests should be the people of the States they represent. The special interests of a State, however, are made up of many groups of people, each having a purpose or objective of its own. When a Member of Congress becomes subservient to or packaged, as they say—to a single group, his value to the overall special interests becomes seriously impaired.

Once again, in eloquent simplicity, GEORGE AIKEN has stated a fundamental proposition with clarity and insight. GEORGE AIKEN has always been the tool of special interests. In his case, though, the special interests have been his State and his country.

The Senate is often referred to as an exclusive club, and in a way it is. But like any small group, unique relationships between the Members often grow. GEORGE AIKEN has had a unique relationship with all of the many, many Senators he has served with since 1941, and indeed, he has had a unique relationship with the Senate itself. I count myself as indeed fortunate and blessed to have served with GEORGE AIKEN in the Senate. It is with a great deal of pride that I can say that GEORGE AIKEN is my friend. For me, that friendship has been instructive, constructive, close and endearing. In a sense, our friendship, and the friendships he enjoys with so many of the Members of the Senate, is but a mirror of the friendship he has with the people of this Nation. He has helped move this Nation along through some very difficult times, and he has served as a constant reminder of what this country is all about—the people.

One can never help but feel that words are a poor vehicle to express the respect and feeling which one person has for another. Many more words will be said about GEORGE AIKEN. But no words will be spoken with more sincerity or more respect than these.

GEORGE AIKEN is going home to Vermont. The people of that State are very fortunate. Because as much as the Green Mountains, as much as the waters of Lake Champlain, and as much as the apple orchards, GEORGE AIKEN is Vermont. With him back in the State, it will be whole once again.

Mr. MATHIAS. Mr. President, since I had the good fortune to have married a girl from New England, I claim a special ability to appreciate the qualities of the New England character. I have, therefore, keenly enjoyed my years of association with the Senator from Vermont (Mr. AIKEN).

He is as economical with his words as he is in his personal habits. He regards the world of nature with the same respect that he accords the world of men. He knows that dignity is severable from solemnity and that wisdom need not be severed from mirth. But best of all he knows that integrity is the essential quality of public service and that friendship and good will are important ingredients to the successful conduct of public affairs.

Mrs. Mathias and I join in wishing Senator and Mrs. AIKEN a happy return to New England and the pleasure of witnessing the spectacular changing seasons in Vermont for many years to come.

Mr. MONTOYA. Mr. President, I have served with Senator GEORGE AIKEN on the Joint Committee on Atomic Energy during the developing crisis and energy shortage. It has been most revealing to discover that the wisdom and plain commonsense of this gentleman from New England is continually being vindicated today as it has been over and over again in the U.S. Senate for 34 years.

I can well remember when Senator AIKEN told us about a windmill in Vermont which had blown down and been destroyed because of lack of care. That seemed a shameful waste of energy to him—and as it turns out, he was right. It was a waste of energy which we now wish we had.

His work in developing new plants and new ways of farming was once seen as a rather esoteric hobby—but today, with the world food famine worrying every one of us, Senator AIKEN'S wisdom in developing and recognizing the need for innovative and careful farming techniques is like a beacon of wisdom and inspiration for us all. Young people in his part of New England have always known how right he was to fight for the land and for a return to the simple, saving virtues of his heritage. Now, every day, we are learning that he was ahead of us all.

We will miss him here in the Senate. I hope he will continue to advise us and remind us of the real needs of America in the years ahead. I wish him a continually busy and rewarding retirement in his beautiful Vermont.

Mr. LONG. Mr. President, I would like to join with my colleagues and express my regret that a very valued friend is leaving us, to return to his home State of Vermont. That State is very lucky, indeed.

GEORGE AIKEN, the dean of the Senate, has been here for so many years that it is hard to conceive of this body without him. His absence will be felt personally by every Member here today.

Although we have always sat on opposite sides of the aisle, I have learned much from him. He is a quiet man, but his few words say more than many of the lengthy speeches I have listened to in my years here.

During his 34 years in the Senate, Senator AIKEN did much to shape the direction of our great country, especially through his work on the Senate Agriculture Committee.

He joined the Agriculture Committee in 1941 and has served on it since. And, during the Republican-controlled 83d Congress in 1954, he served as its Chairman. His imprint is evident on every major agriculture law enacted in the last 30 years.

He came to Washington with love and respect for the soil. He had been a farmer back in Vermont and during the 1920's he cultivated wildflowers and ferns. He now hopes to experiment with growing a disease-free raspberry plant. Even during his "retirement"—and I put that word in quotation marks—he will be aiding American agriculture.

Just a few of his legislative achievements would include the Aiken Rural Water and Sewer Act, the National School Lunch Act, the Special Milk program, the Rural Water and Sewer Act, the Rural Development Act, the Eastern Wilderness Areas Act, and the important Public Law 480, the Food for Peace program. I would list all his achievements but the leadership has requested that the Senate try to adjourn sometime before Christmas.

Senator AIKEN'S contributions are not limited to agriculture. His expertise in the field of international relations is well known, as well. He joined the Senate Foreign Relations Committee in 1954 but his study of international relations did not begin there. His first Senate address in 1941 was on the lend-lease bill.

He served as a foreign policy advisor to Presidents of both parties over the years. In 1958 he inaugurated the Canada-United States Interparliamentary Group to establish on a continuing basis an exchange of ideas and a forum for discussion of mutual problems. And he led the Senate delegation at the interparliamentary meetings until 1969.

In 1960 President Eisenhower appointed Senator AIKEN as delegate to the 15th General Assembly. President Kennedy personally requested he visit Moscow in 1963 to participate in the signing of the Nuclear Test Ban Treaty. Two years later President Johnson asked him to visit the capitals of Asia and Europe for his personal assessment. And, in 1970, President Nixon named him to a Presidential commission to recommend ways U.S. participation in the U.N. could be improved.

He once stated his philosophy in foreign affairs this way:

> People are people the world over. Some are good, some bad, some greedy and some generous. Nations are like people and act the same way.

Mr. President, I would like to mention what is another one of Senator AIKEN'S virtues—and one which many Members of this body, myself included, should look to—and that is his thriftiness. In one reelection campaign he spent less than $20. And, in his last primary, his expenses totalled about $35. The increase, of course, was due to inflation.

In an even better economy move—and one which I would say was inspired—he managed to obtain his top staff aide without pay. He married her. Of all his achievements, this was his greatest.

Lola is not only one of the most

knowledgeable persons on Capitol Hill, but is a warm and generous woman. I know she will be missed as much as he will. In fact, I was sort of hoping that when GEORGE returned to Vermont, he would leave Lola with us to help run the country.

Mr. McCLELLAN. Mr. President, the Senator from Vermont (Mr. AIKEN), is the dean of the Senate not only in years but in terms of service in this great body. Nevertheless, no Member of the Senate has a livelier zest for life, a more luminous intellect or has evidenced a greater tenacity in the pursuit of his ideals.

We in the Senate, the people of Vermont, and the citizens of our Nation as a whole have all benefited from the 34 years of service that this good man has given us.

It is indeed sad that he has decided to retire to his beloved Vermont at the end of this year for I know that all Members will miss his wisdom, his insight, his dry Yankee humor and his calm and balanced views on the myriad problems confronting our country in these dark days.

On most any issue which can be cited—both in the field of foreign and domestic policy—GEORGE D. AIKEN has been one of our clearest voices for rationality. At a time when skepticism and cynicism are in fashion, he has maintained an abiding faith in the institutions of republican government.

Throughout his long career, Senator AIKEN has shown a grasp of the complexity of international affairs, a sense of moderation in the formulation and execution of national policy, a devotion to the constitutional limits on the exercise of power and the need for economy in government.

Mrs. McClellan and I hope that you and Miss Lola, after the many years of dedicated service you have given our country, will enjoy many years of happy retirement. Godspeed and may the richest blessings of life abide with you always.

Mr. PROXMIRE. Mr. President, for the last 34 years Senator GEORGE AIKEN has represented the best of Vermont in this body. His voluntary retirement this month will be a great loss for the people of Vermont as well as those of us who had the good fortune to serve with him.

Over the years he has demonstrated a healthy dose of commonsense, a commodity that is in rare supply these days.

When I first came to the Senate, I had the pleasure of working with him on the Agriculture Committee. Both of us represent dairy States and as we considered issues before the committee I soon came to appreciate the best New England traits that he brought to every debate—a healthy skepticism, a fierce intellectual independence, tenacity, a concern for fiscal economy, and a sensitivity to the impact of government upon it's citizen's lives.

This sensitivity has also been apparent in his efforts to humanize our foreign policy through his work on the Foreign Relations Committee. His concern for underdeveloped nations and human rights will be sorely missed.

His efforts to reduce the growing costs of Government are well known. In his office, his wife Lola has served as his administrative assistant for years without pay. During his 1968 reelection campaign, he spent less than $20, because he believed that Vermont deserved a full-time Senator.

This lack of pretentiousness has characterized all of his actions, including his farewell address to the Senate last Wednesday. Not a valedictory, it was characteristic straight talk on problems facing the Congress.

More than anything else, this address demonstrated that GEORGE AIKEN never lost sight of the fact that he was the people's servant.

As he leaves, he takes with him the knowledge that he has served them well and that is the highest accolade of all.

TRIBUTES TO SENATOR PETER H. DOMINICK

Mr. FANNIN. Mr. President, Colorado is a beautiful State and it has sent some great men to the Congress. One of them is the senior Senator from that State, PETER H. DOMINICK.

For the past 14 years—2 years in the House of Representatives and 12 years in the Senate—Senator DOMINICK has performed a marvelous service in representing the people of Colorado and in working for the betterment of our Nation.

Through his work on the Senate Armed Services Committee he has helped provide a strong national defense for our country.

Through his service on the Labor and Public Welfare Committee, he has sought to provide protection for the rank and file working man against the abuses of big labor. He has fought for improvements in education and he has worked diligently for much-needed reforms in the welfare system.

Senator DOMINICK is a man of deep conviction who is not afraid to speak out forcefully on the controversial issues. His keen mind and strong voice will be missed, and I join my colleagues in wishing him all the best in the future.

Mr. BARTLETT. Mr. President, on the last night of Senator PETER DOMINICK'S tenure as a Member of this body, I want to express my gratitude to him for the guidance, leadership, and assistance he has afforded me during my freshman session. As a matter of fact he was instrumental in my even being here because he was the keynote speaker at my campaign kickoff in 1972.

Senator DOMINICK has been a senator's Senator. He has unselfishly worked night and day for his beloved Colorado and for his country.

I have long admired his intelligence, his wit, his eloquence, and his dedication. As a conservative Republican, he has been a dynamic leader of the "loyal opposition," providing alternative proposals for consideration by all Senators.

"PETE," as he is known by his colleagues, will be missed in this Chamber.

I do hope he chooses to continue his public service. His experience and ability are invaluable assets which should not go unused.

Most of all, I want to say, "thank you, PETE," and I hope to see you often in the future.

Mr. HELMS. Mr. President, there is nothing perfunctory about the many expressions of regret that are being voiced, publicly and privately, about the departure of PETER DOMINICK from this Senate. The regrets are absolutely sincere.

PETE DOMINICK has been a great Senator, because he has had the courage of his convictions. Indeed, the fact that he has on countless occasions cast unpopular votes—votes based on his honest principles—may well be one reason for his departure. It is so difficult, in many instances, for the public to avoid confusion amidst the babble of false prophets.

In the long run, PETER DOMINICK will be remembered as a man who always leveled with the people, who always did his best to show them that they cannot expect to preserve their freedoms while simultaneously inviting more federal intervention in their lives and private affairs.

So, to PETE DOMINICK, I say: You have been a good and faithful servant of the people. And on a personal note, he has been, and will continue to be, a treasured friend of mine. Dorothy and I extend our affectionate best wishes to him and Nancy.

Mr. McCLURE. Mr. President, words can never really express the true worth of a good man. But when we are saying goodbye to old friends, we at least have to try.

I became acquainted with the Senator from Colorado (Mr. DOMINICK) early in my first term in the House of Representatives. His State and mine have many mutual interests, so we often worked together on finding solutions to some of the problems that came up. I saw first hand what he could accomplish—the Eisenhower dollar and gold ownership are just two examples.

Along the way, we became good friends, as well. One of the first things I learned upon entering the Senate was that all of his colleagues in this body feel much the same way.

Those who envision Senator DOMINICK skiing down the Alps sometime in the near future may well wonder who really won the Colorado election. For me, I know who lost. The people of Colorado lost one of its most dedicated public servants. And the Senate has lost one of its most respected members.

Few men have had so many opportunities to serve their country as has Senator DOMINICK. And few have acquitted themselves with such distinction.

Mr. STENNIS. Mr. President, for 8 years the Senate Committee on Armed Services, has profited from the wise counsel of the senior Senator from Colorado, Senator DOMINICK. Now he is leaving the Senate, and I want to say that he and his valuable services will be missed.

Senator DOMINICK has been a strong, solid, and highly valuable member of our committee. In the committee—and in its subcommittee's, including a position as ranking minority member of the important Research and Development Subcommittee—he has dealt with some of the Nation's most difficult and complex

problems, and has dealt with them to good effect.

Senator DOMINICK came to the Senate in 1963 after serving in his State legislature for 4 years and in the House of Representatives for one term. Including distinguished service as a pilot in World War II he has spent much of his life in public service. I esteem him highly and respect him greatly.

Recently, I have seen published reports that President Ford will make further use of his talents, and I hope these reports are true. I would be very glad to see him continue his career in Government.

In any event, I certainly wish him the very best in the future and commend him on the good work he has done here in the Senate.

Mr. HUGH SCOTT. Mr. President, on this last day of the 93d Congress, I want to note that two Senators on my side of the aisle are leaving the Senate and will not be here with us next year—Senator DOMINICK from Colorado and Senator COOK from Kentucky.

PETER DOMINICK's service in the Senate has been distinguished by his aggressive work on the Senate floor on behalf of the two major committees on which he has served—Labor and Public Welfare and Armed Services. On the former committee especially, PETER DOMINICK assumed a key role in the development of education legislation over the past several years.

In addition, he has taken an active role and interest in international affairs, recently making a remarkable speech on the Senate floor about U.S. participation in the United Nations. I ask unanimous consent that this speech be printed in the RECORD.

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

SENATOR PETER H. DOMINICK SPEECH ON SENATE FLOOR CONCERNING THE UNITED NATIONS

As my friends and colleagues in the Senate well know, during my fourteen years in the Congress I have criticized many of the actions of the United Nations. I disapproved of the application of sanctions against Rhodesia, I opposed the entry of Communist China, and I have worked to reduce what I believe to be our disproportionate share of the U.N. budget.

Despite such specific disagreements, however, I have continued to support the U.N., believing, as did we all who participated in World War II, in the need for such a force for world peace on the international scene. As I wrote those who urged me to work for our withdrawal, I have believed that the U.N., imperfect though it may be, still served a useful and necessary function in world affairs and that it would not be in the best interests of world peace for us to take away our support.

It is with considerable regret that I must say in this, my last major speech in this body, that I have now reached the conclusion that the United States should cease *its active participation in the United Nations' General Assembly.*

I, like so many others, have looked to the United Nations for leadership in furthering the search for peace.

The time has come now, however, when we must frankly face the fact that the U.N., dominated by the General Assembly, no longer offers any hope or promise of furthering peace. The General Assembly now more often than not works against it.

Let us look at some history.

In the U.N.'s first major test, the North Korean invasion of South Korea in 1950, the U.N. took an important step toward becoming a force for world peace by organizing a force under its aegis to come to the aid of the victim.

Even here, however, we should not delude ourselves by thinking that the U.N. made a significant contribution above that of providing an umbrella for action on the part of the U.S. The U.S. bore the brunt of the fighting and lost 33,000 men. General Mark Clark, who served in Korea as U.N. Commander, termed the contribution of other U.N. members to the war as "piddling". At no time did the troops of other U.N. members in Korea amount to even 10% of the American force of 450,000.

However, this partial step forward by the U.N. effectively proved to be its last.

Since Korea we have witnessed an accelerating series of United Nations' failures which I believe have now reached the point at which continued American participation in, and cooperation with, the General Assembly is not only useless but carries the danger of jeopardizing the very peace the U.N. was founded to pursue.

A brief review of recent actions should suffice to illustrate its degradation.

In 1965 and 1968 the Security Council voted economic sanctions against the breakaway regime in Rhodesia. Regardless of how one feels about Rhodesia's internal policies, such an action exceeded the U.N.'s mandate. In no way did Rhodesia represent a threat to international peace. The U.N.'s action constituted simple political discrimination to repress an independence movement and to interfere in the internal affairs of another state in violation of the U.N. Charter.

In 1967 at the unilateral request of the Egyptians the U.N. Secretary General withdrew the U.N. security force then standing between the Egyptians and the Israelis, thus precipitating the 1967 "Seven Day War" in the Middle East and helping to lay the groundwork for the 1973 hostilities and the imbroglio we find ourselves in today.

In 1971 the General Assembly voted to recognize the Peking regime as the only lawful representative of China and to "expel forthwith" the Republic of China delegation. In so doing, the U.N. threw out of the U.N. a charter member directly representing more than 14 million people, whose record in respecting its duties and responsibilities as a U.N. member was far better than those which voted to expel it, in order to accept a regime whose record of aggression and repression exceeds that of any other nation in the world today.

While taking such procedural retaliations, the U.N., in contrast, has remained tragically inert when faced with such issues as the Soviet invasion of Czechoslovakia, the Biafran-Nigerian confrontation, the Indian forcible annexation of Goa and assimilation of Sikim, the racist repression of Uganda's Idi Amin, the genocide committed by the Burundi regime against the Hutus, the restrictions on emigration by the Soviet Union, and the continued French atomic tests in the Pacific.

This year's General Assembly session, by reaching new heights of irresponsibility and hypocrisy and setting new records for ignoring its own rules, has made it crystal clear that, far from representing a hope for peace, it is in fact an obstacle to it.

First, the General Assembly voted to reject the credentials of the representatives of South Africa and then to suspend the South African delegation from participation in the current session of the General Assembly. At the very time the combination of dialogue and economic, political and athletic realities had begun to persuade the South African government to move to relax its apartheid policies, the General Assembly chose to rebuff such progress and to strengthen the hand of South African extremists on both sides. By virtually expelling the South African government and thus isolating and obstracizing it, the U.N. has given it less reason and less opportunity to reform and has hastened the possibility of violence as the only avenue of change in South Africa.

The General Assembly then continued on to invite the Palestinian Liberation Front, the bloodstained perpetrator of such tragedies as Munich and the Lod Airport massacre, to participate in the deliberations of the Assembly on the question of Palestine. After the Assembly gave the PLO spokesman, Yesir Arafat, the formal reception customarily reserved for heads of state, it enthusiastically applauded Arafat, a holster on his hip and bearing "an olive branch and a freedom fighter's gun", while he delivered his demand—a Palestine state under PLO control—and his warning "do not let the olive branch fall from my hand".

Following the debate, in which Israel's right to reply was effectively muzzled by restricting each nation in the debate to one ten minute speech for the first time in history, the General Assembly docilely recognized the Palestinian people's right to independence and sovereignty "in Palestine". To the resolution's sponsors, Palestine meant "what has at this moment been replaced by Israel and by the Israeli occupation of the West Bank and Gaza Strip", thus effectively erasing Israel—a U.N. member—from the map. The resolution also affirmed Palestinian rights "to return to their homes and property from which they have been displaced and uprooted" and recognized that they may regain these rights "by all means in accordance with the U.N. Charter". As the Arabs have presumed to interpret the Charter to give people the right to use violence to achieve self-determination, the General Assembly thus formally endorsed the PLO terrorism.

A second resolution granted the PLO permanent observer status and the right to attend all conferences under U.N. auspices. Recognizing a terrorist organization which has no government and no territory as a legitimate permanent observer would be ridiculous if it were not such a tragic example of the delegation of the principles of the U.N.

At the same time we also had the example of UNESCO, where once again the Afro-Arab-Asian-Communist Bloc had its way, with a large majority voting to condemn and exclude Israel, to cut off aid to Israel, and to supply funds instead to the PLO and African liberation movements. The cutoff of aid to Israel, amounting to only one-tenth of Israel's own contribution to UNESCO, hardly represents a calamity. But the mentality that move illuminates, exemplified further by the Lebanese spokesman's comment that Israel is "a state which belongs nowhere", typifies the irresponsibility which currently dominates the U.N.

Such irresponsibility cannot occur in a vacuum, and two threads stem from these actions.

First, the most likely current flashpoint of world conflict is the Middle East. One of the keys to a peaceful solution is a carefully worked-out resolution to the Palestinian problem. Following the lead and instructions of Arab extremists, the General Assembly has diliberately chosen to throw a monkey wrench into these delicate diplomatic negotiations by presuming to prejudge their outcome—an outcome requiring suicide by the state of Israel.

This irresponsible act itself, with the complications and dangers it has introduced into the Middle East, I believe justifies my contention that the General Assembly now represents an obstacle to the pursuit of peace in the world.

Second, there is the question of explicit authorization of terrorism. This is the same General Assembly which has consistently refused to consider even the most gentle condemnation of terrorism and hijacking. By

its recognition of the PLO, however, it provided concrete evidence that terrorism pays off, and it specifically sanctioned terrorism as a legitimate means of action in the future.

Thus it should have been no surprise that even during the Palestinian debate PLO guerrillas attacked the Israeli town of Beit Shean, killing four Israeli civilians. The day following the General Assembly vote, PLO terrorists hijacked a British VC–10, demanded the release of thirteen imprisoned terrorists, including the eight assassins of our Ambassador and his deputy in Khartoum, and executed a German businessman to demonstrate their seriousness. In light of the PLO's statements and record and the current diplomatic fuzziness, I have no confidence that the current camouflage of PLO "disciplining" of extremists represents anything more than propaganda.

The Assembly's failure to insist on the right of Israel to exist, a right the U.N. recognized twenty-seven years ago in voting to establish separate independent Arab and Jewish states, and the Assembly's surrender to, and endorsement of, a group which has organized uncounted acts of terrorism, made these—and future such acts—foreordained.

I do not believe that the United States needs to or should stand, sit, vote, or listen to those whose hands are so bloody.

Before withdrawing, however, one should ask why such unreason has come about. Is it only temporary aberration? We should not withdraw if there is hope that reform is possible and that sanity might return.

Unfortunately I see no grounds for hope.

One has only to look at the makeup of the General Assembly to understand why unreason, hatred of the United States, and irresponsibility now have the upper hand.

When the General Assembly met for the first time in January 1946, its membership consisted of 51 nations, all of them World War II participants on the side of the allies. By this September, however, the General Assembly counted 138 members, the increase coming largely from former colonies which won political independence. A U.S. proposal that would have established requirements for U.N. membership in terms of size and viability never made it to first base.

Thus, in the General Assembly, with an equal vote to ours, now sit a number of diminutive states with such limited human and material resources as to fail to fulfill the requirement of any definition of statehood—effective government, defined territory, permanent population, genuine political and economic independence and the ability to fulfill international obligations. As examples, look at Equatorial Guinea, with its population of 290,000 split between an island and an enclave, and at the Maldive Islands with 101,000 people on 115 square miles. Other giants include the Bahamas, Bahrain, Barbados, the Gambia, Bhutan, Oman, Qatar, the United Arab Emirates Mali, and Upper Volta.

The result of the admission of a large number of such states, each with a voice equal to that of ours but with a vision dominated by selfish and narrow concerns, has been an increasing tendency to use the United Nations as a propaganda forum at which to score rhetorical victories at the expense of concrete achievements, to interfere increasingly in the internal affairs of U.N. members, and to issue hypocritical moral judgments on others.

All observers recognize that a coalition of Third World countries from Asia and Africa, enjoying Communist support which bridges the so-called Sino-Soviet split, can now push through just about any resolution they want without recognizing any need for responsibility and self-restraint. Thus the Arabs and the Communists joined the Africans in suspending South Africa and the Africans and Communists joined the Arabs in recognizing the PLO.

The countries of this bloc, ranging from absolute despotisms such as China to the comparatively benign autocracies such as Kenya, are generally characterized by collectivism, one-party presidential or military dictatorships, a virulent national socialism, and hatred of the U.S. The bloc includes such sterling examples of democracy and commitment to peace and freedom as Uganda, governed by Idi Amin who professes admiration of Adolf Hitler for his murderous treatment of the Jews and implements his own racism against Asians and whites. As C. S. Sulzberger has noted in the New York Times:

"Uganda is involved in one of the weirdest, most cruel patterns of government brutality. Chopping up opponents and feeding them to crocodiles is not a lesser sin than South African segregation. And Chad sometimes buries Christians alive in anthills."

The bloc's sense of priorities are perhaps best illustrated by India, which after initiating wars with China and Pakistan and forcibly annexing her neighbors' territory while preaching her own moral superiority, now spends millions on developing nuclear weapons while continuing to insist on the duty of the U.S. to provide her with food.

On other recent specific issues, General Assembly actions have followed the same pattern and given little reason for hope. It was only a 56–54 vote, with 24 abstentions, which kept the General Assembly from unseating the legitimate government of Cambodia in favor of an insurgency whose chief sits in a foreign country. In a world rife with actual and potential insurgencies, it would have been the height of irresponsibility to have supported such a move, but 54 countries chose to do so and 24 others sat on their hands. It is perhaps symbolic that the December 9 vote in the General Assembly Political Committee on a resolution calling for the withdrawal of American troops in South Korea was a tie 48–48, indicating how far we have come from the hopeful days when the U.N. stood up against aggression in Korea. The bloc again showed its power and its sense of priorities by using its dominance to force the General Assembly's Legal Committee on December 10 to recommend that consideration of proposals the U.N. action against terrorism be postponed for another year.

Finally, let us not forget also the Assembly's utter disregard for financial reality. If all countries speak with the same voice and vote in the General Assembly, all do not share the same financial burden of supporting U.N. activities. The U.S. leads all nations in both assessed and voluntary contributions, paying, for example, 25% of the U.N. regular budget and 90% of the U.N. Fund for Drug Abuse Control; overall we pay over 30% of U.N. expenditures. By contrast, in 1974 the Soviets are paying only 12.97% of the U.N. regular budget, Communist China 5.5%, Castro's Cuba 11%, and Panama, which has succeeded in having the Security Council hold one of its sessions in Panama to dramatize its attempt to wrest control of the Panama Canal from us, is expected to contribute .02%. Of the wealthy oil-exporting nations, Kuwait is paying .09%, Libya .11%, Iran .20%, and Saudi Arabia .06%.

The General Assembly has repeatedly violated its own rules and precedents. It has refused to take action on such key issues as international terrorism and hijacking, yet has consistently interfered in the internal affairs of its members. It has set back the search for a peaceful resolution of issues in both South Africa and the Middle East. It has rewarded and authorized terrorism as a legitimate policy.

In short, it has forfeited the confidence and hope of the civilized world.

While continuing to participate in the Security Council in order better to protect our interests and to work with many of the U.N. specialized agencies, the U.S. should now withdraw from active participation in the General Assembly. Instead of continuing the search for peace in such a hypocritical and immoral framework, the U.S. should instead pursue it through bilateral channels, as we have been doing with the Soviets and Chinese, through "regional" negotiations as Secretary Kissinger has been doing in the Middle East, or in other international forums, such as the Law of the Sea Conference. The General Assembly's irresponsibility has now made it irrelevant and increasingly harmful. We should let it go its way without us, not only without our participation, but, with any luck, in some other locale than New York.

I have chosen to speak today with the aim of launching a last parting salvo at a target shortly to pass out of my range.

I have spoken in hope—in the hope that by now publicly questioning our continued participation in the General Assembly, my colleagues and other observers might begin seriously and openly to consider the issues involved.

Then when the next Congress considers the U.N., the Senate will choose to reflect carefully on the wisdom of continuing to fund and endorse activities which run counter not only to our national interests and morality, but also to international justice and peace.

TRIBUTE TO SENATORS DOMINICK, BENNETT, AND COOK

Mr. GOLDWATER. Mr. President, offering eulogies to Members of this body who will not be returning is not something I enjoy doing, because it is not something that I can do easily. Sitting in the quiet of my apartment at night after a long, rather strenuous day on the floor, I am thinking of my friendship for three of these delightful people. And I did like to just comment on that feeling briefly.

There is PETER DOMINICK, whom I have known for many years and with whom I served in the U.S. Air Force in the same theater in China. Flying over the same pile of rocks. I've known him and his family and delightful wife for many years and I think I cherish the friendship of our social relationship as much or more than I cherish our relationship in politics, but they are very equal. He is a man who has dedicated almost a lifetime to serving his Nation and his State. He has left an indelible mark on this body and on all of us. He is a very reasoned man who can put forth his arguments with great eloquence. He has been a valued associate on the Committee of the Armed Services, where his vast experience in aviation has been of such value. I am going to miss PETER, miss sitting behind him in the Senate, miss talking with him and visiting with his family. So as he goes back to the delightful climate and the beautiful mountains of his State I wish him only the very happiest of days.

When I got to thinking about WALLACE BENNETT who comes from a State just north of mine, Utah. He is of the religion of the Mormon whose people are so dominant in his State and my State also. WALLACE is a very religious man whose deep convictions carry over into his political thoughts and have guided him throughout the years that he has been in our body and guided him throughout the years that I have known him as a businessman in Utah. His ad-

vice is always solid and it has been sought. Frankly, had this body listened more to men of his philosophy, this country would not be in the financial trouble it is today. In his quiet gentle way WALLACE is a giant amongst men. It is a perfect example to me of the reasoning that one can grow greater through a spiritual life than one ever can through a material life. He is returning to a wonderful State, people, and to some of the greatest friends I have known—among these friends will always be my friend and colleagues of so many years, WALLACE BENNETT.

Then my thoughts wandered to MARLOW COOK, the man from Kentucky from whom I learned for the first time the beauties and joys of his State. I was privileged to have been elected in the same class that brought him to the Senate, the class of 1968. Our relationship, while not having been close socially, or too close politically, nevertheless has been close in a friendship way—which I think to all of us means the most of anything that we get out of our stay here. His integrity is known by all of us, his drive, his intelligence, and his ability, to bring all of this to the floor for our benefit is something that we have all been privileged to share—so as it gets about time to turn off the lights and go to bed, I think of a saying that we southwesterners have long used when we think of friends we are saying goodby to because goodby just is not a word we use lightly, so let me say to all three of these wonderful people "via condios."

Mr. JAVITS. Mr. President, Colorado's PETER DOMINICK has served his State and his country with great distinction in the Senate for the past 12 years.

During our years together in the Senate, I have been privileged to work with him on the Labor and Public Welfare Committee. I have come to admire his devotion to ideas and fidelity to principle. By virtue of our committee service, I am in a unique position to testify his deep commitment to a better education for all Americans. All of the major education legislation of the last decade has borne the firm and distinguished imprint of PETER DOMINICK. For his efforts, educators, parents and students, young and old, owe to him a debt of gratitude. Not only has he served his country well, he has also been a leader of our Republican Party. PETER DOMINICK knows that the surest guarantee of our freedom is a strong and vigorous two-party system. As a past chairman of the Republican Campaign Senatorial Committee, he devoted his every skill to assuring that the party put forth candidates who represented the best qualities of these United States. As a Senator, a Republican, and a friend, I thank him for the great contributions he has made to his State, his party, and his country. I wish him and his family all success and happiness in his future endeavors.

TRIBUTES TO SENATOR EDWARD J. GURNEY

Mr. FONG. Mr. President, I rise to pay tribute to a friend and colleague, EDWARD J. GURNEY.

Senator GURNEY, as you know, has tendered his resignation effective December 31.

It has been my privilege and pleasure to have served with ED GURNEY on the Judiciary Committee and the Special Committee on Aging and on several subcommittees.

I know him to be a very modest man, but a man who will pursue relentlessly those goals which he feels are in the national interest or for national security.

Throughout my acquaintance with ED GURNEY, I have known him as a man with special compassion for those in need. I have been most impressed with his genuine and lasting concern for America's senior citizens and veterans of our wars overseas.

ED GURNEY himself knows of the rigors of war, for he bears permanent injuries sustained in military service for his country. He entered the U.S. Army's 101st Cavalry Regiment as a private in 1941 and saw action overseas with the 8th Armored Division as a tank commander. He left the Army as a lieutenant colonel after advancing through the ranks.

A Purple Heart and a Silver Star attest to his valor and devotion to duty.

After leaving the Army and gaining an additional law degree at Duke University Law School, ED GURNEY has spent most of his years in public service.

He was city commissioner in Winter Park, Fla., from 1952 to 1958; mayor of Winter Park from 1961 to 1962; and served in the 88th, 89th and 90th Congresses as a U.S. Representative.

In 1968, when ED GURNEY was elected as a U.S. Senator, he won his seat by the largest number of votes in Florida's history. Some 1,131,499 cast their votes for him. His was the first time in the State's history when the count for any single candidate went above the 1 million mark.

ED GURNEY has served his State and his Nation faithfully and well.

My best wishes go out to him in all of his future endeavors. May he find peace and tranquillity.

Mr. ALLEN. Mr. President, the distinguished senior Senator from Florida (Mr. GURNEY) and I took the oath as Members of the Senate at the beginning of the 91st Congress. I have noted that Members of the Senate of the same class or starting Congress have a certain closeness and a certain esprit de corps and this feeling has indeed existed between me and Senator GURNEY.

Senator GURNEY had the distinction of being the first U.S. Senator from the State of Florida since Reconstruction Days. He has been an outstanding Member of the Senate, hard working, dedicated and able. He and I have worked together in efforts to seek to see that Florida and Alabama and other Southern States receive treatment at the hands of the Federal Government uniform with that of other States of the Union, and that effort continues and will continue in the future.

I have confidence in him as a man of honor and integrity. He has stood for a strong national defense, for fiscal responsibility, and against escalation in the Federal bureaucracy and I strongly support these same positions.

He has represented the thinking of the people of Florida and the Nation and his people have every reason to be proud of his work in the Senate.

Mrs. Allen joins me in best wishes to Senator and Mrs. Gurney as he returns to private life.

Mr. BARTLETT. Mr. President, tonight, as the Senate adjourns, I am particularly sorry to have to say goodby to our good friend, ED GURNEY.

ED GURNEY has been a real friend of the American taxpayer. He is a fiscal conservative who believes, as do I, that government spending has gotten out of hand. If we had 100 ED GURNEYS in this body, we would not be worrying about mounting Federal deficits.

I wish ED GURNEY the best of luck in the future, and I hope he will pay frequent visits to this Chamber.

Mr. THURMOND. Mr. President, in these last days of the 93d Congress, Senator EDWARD GURNEY is nearing the end of a dozen years of service to his State of Florida and the Nation in the Congress.

From 1963 to 1969, ED GURNEY served as a Member of the U.S. House of Representatives from Florida after a successful career as a practicing attorney. In November 1968, Senator GURNEY was elected to the U.S. Senate.

After earning a bachelor of science degree from Colby College, Senator GURNEY later obtained an LL.B. from the Harvard Law School and an LL.M. from Duke Law School.

In January 1941, ED GURNEY enlisted in the U.S. Army as a private and rose rapidly through the ranks until he received his discharge as a lieutenant colonel in 1946. Senator GURNEY saw action in the European theater. He was wounded in Germany in 1945 and thereafter was awarded the Purple Heart and the Silver Star.

Senator GURNEY has served the Senate well on the Government Operations and Judiciary Committees. In my personal association with ED GURNEY on the Judiciary Committee and in the Senate, I have been particularly impressed with his outstanding legal abilities and sound judgment.

In the same way that he fought for his country in World War II ED GURNEY has continued to fight for his country within the Halls of Congress. Senator GURNEY is a man of strong belief who has always worked to enact legislation which is in the best interest of our entire Nation.

ED GURNEY has been a strong advocate of the preservation of the constitutional principles upon which our country was built. Through his work on the Senate Judiciary Committee, Senator GURNEY has been instrumental in formulating legislation to preserve our basic constitutional liberties.

Since he believes that the United States should always maintain a strong military posture, Senator GURNEY has long been a supporter of the Armed Forces and the national defense.

Mr. President, ED GURNEY has been an asset to the U.S. Senate. He is a hard-working, patriotic individual for whom I have a great deal of respect.

Mrs. Thurmond and I extend to Senator GURNEY and his lovely wife, Nata-

lie, our best wishes for good health and happiness in the years ahead.

Mr. McCLURE. Mr. President, I want to thank publicly the senior Senator from Florida (Mr. GURNEY) for the privilege of having served with him in this body.

A man who has known many personal tragedies, Senator GURNEY learned early that courage comes from adversity. He has developed a philosophy of life that has served him well in the Senate.

His legal ability won him a coveted spot on the Senate Judiciary Committee in his first year in this body, and it is the tribute of tributes that Senator GURNEY quickly became one of its most influential and most admired members.

I want him to know that he will be missed by many of us in the Senate. It is my sincere hope that the future brings him the happiness and contentment he so richly deserves.

Mr. CURTIS. Mr. President, I am very disappointed that our colleague, Senator EDWARD GURNEY of Florida, will not be with us when the new Congress convenes in January. I say this not only because everyone enjoys him as a friend, but because he has established a record as a good, solid, dependable legislator.

There are many issues that come before the U.S. Senate. All matters to be considered take time. Some of them are of little passing importance. Other measures involve important issues that deal with the standing, solvency, and perpetuity of our Government. I like to measure a man on how he applies himself to those latter issues, which are so important to the welfare of our Republic. On these matters Senator ED GURNEY merits a very high grade.

Senator GURNEY is a good lawyer. The Senate obtained the benefit of his keen legal mind and his expertise in questioning witnesses. He is devoted to our Constitution. He is a man who has the courage of his convictions. He stood up against the trend for the ever enlarging of our Government. These actions merit for him the gratitude of all thoughtful Americans.

It is our hope that this is not the end in public service for Senator GURNEY. He will be able to render outstanding service in any capacity in which he serves. We extend to him every good wish for the future.

Mr. STENNIS. Mr. President, It has been both a privilege and a pleasure to serve in the Senate with the Senator from Florida (Mr. GURNEY).

Even though I have not had a chance to serve on a committee with him, I have learned to know him well and to respect him.

He has been a hard worker and has caried his part of the load both on and off the Senate floor. I regret that he is leaving the Senate and wish him well in every way.

Mr. HELMS. Mr. President, I want to join my colleagues in paying my respects to the distinguished Senator from Florida (Mr. GURNEY) as he prepares to depart from our midst. As I have told him privately, he will be missed.

Not long ago, I was looking at the voting records of Senators, and it was not surprising to me to note that ED GURNEY had consistently voted to reduce Federal spending, for a balanced Federal budget, against forced busing of schoolchildren, and against the tidal wave of Federal controls which today threaten to inundate the lives and liberties of the American people.

If this Senate as a whole had voted as ED GURNEY has voted, this country would not today be in the economic distress that now plagues us. ED GURNEY has stood forthrightly for limiting the power of the Federal Government to intrude in the lives of the American people.

As he concludes his service in the Senate, I wish his well. We shall miss his good nature, his affable and gentlemanly demeanor, and his constant willingness to cooperate. Best wishes always, ED.

TRIBUTES TO SENATOR HOWARD M. METZENBAUM

Mr. FONG. Mr. President, I rise to pay tribute to our distinguished colleague, the gentleman from Ohio (Mr. METZENBAUM) who leaves the Senate next week.

Though the fine Senator has been with us only a short time, while here he has been known as a very friendly and personable individual and one of our hardest workers. His courageousness and conscientiousness, which were his forte from his early days in the Ohio State Legislature, were very evident during his tenure as a U.S. Senator.

In Ohio, HOWARD fought for 16 years and eventually had passed by the State legislature legislation prohibiting discrimination by race, creed, or national origin by employers and unions. Though a businessman, he also fought to defeat antilabor legislation.

The Metzenbaum Foundation, in conjunction with the U.S. Department of Justice, pioneered a model legal services program for prisoners at Leavenworth Penitentiary.

He fought for civil rights and marched with the late Dr. Martin Luther King in Selma, Ala.

With his vitality and perseverance, I am confident HOWARD METZENBAUM will continue to be active in many endeavors in the years to come.

My best wishes go with HOWARD and his gracious wife, Shirley.

TRIBUTE TO THE DISTINGUISHED JUNIOR SENATOR FROM OHIO, MR. METZENBAUM, ON HIS RETIREMENT FROM THE U.S. SENATE

Mr. ALLEN. Mr. President, as this session of the Congress draws to a close, I would like to pay tribute to one of our colleagues who will not be here next year, HOWARD M. METZENBAUM, the distinguished junior Senator from Ohio, whose absence will be keenly felt by the Members of the Senate.

Senator METZENBAUM took office at an uncertain time in the history of his country. He leaves it stronger in the resolve to match challenge with achievement. His record of maximum accomplishment in a minimum length of service has won him the respect and esteem of his fellow citizens and his Senate colleagues on both sides of the aisle.

He has served his Nation with distinction, and he deserves his Nation's gratitude.

Senator METZENBAUM has never been content to take a passive role in the affairs of this body. He has been a doer and an achiever from his maiden speech to this day.

It was he who first called for an economic summit conference in his Economic Preparedness Act last April. He felt the economy was so torn by inflation and unemployment that it was time to reappraise the country's economic policymaking machinery. Three months later the President convened just such a conference. The result has been a renewed emphasis on the vital partnership of business and Government upon which the American people increasingly depend for both economic prosperity and social progress.

It was he who authored the Foreign Investment Review Act, designed to create an early-warning system to detect the identities of foreign interests who are investing substantial amounts in American industry.

He has concerned himself with the energy problems facing this country, particularly in the area of petroleum production, control and sale, both in the United States and abroad.

He has made important and far-reaching contributions in the field of national and international food production and consumer protection.

He has worked diligently in the cause of improved health care and for the conservation of natural resources.

He has worked in the best interest of the Nation as a whole, and at the same time was never diverted from a conscientious and careful concern for the people of Ohio.

These are merely a few of HOWARD METZENBAUM'S achievements, but they are the ones which will last. The imprint of his devotion to duty, his diligence of heart and mind will go beyond the present day. His capacity to meet the challenge of changing times with vigor, strength, and enthusiasm will inspire his countrymen for many decades to come.

For me it has been a signal honor to serve with HOWARD METZENBAUM, and I am certain this country has benefited greatly from "The Metzenbaum Year."

Fortunately for America, his departure from the Senate does not mean withdrawal from public service. I know he will continue to respond to the calls which will be made on him to furnish continued inspiration and guidance.

Nothing has been more important to him than the work he undertook so willingly and which he has so well advanced.

As he takes leave he will be accompanied by the affection and admiration of his colleagues in the Senate. My wife, Maryon, and I wish for him and his wife, Shirley, and all his family, good health and happiness in the years ahead.

Mr. CHURCH. Dear Mr. President, I would like to take a few minutes to say thank you to a man who has become a valued friend in the few brief months he has served in the Senate, and who will be missed when he leaves our midst.

HOWARD METZENBAUM quickly distinguished himself when he entered the Senate. Not only was he willing to work hard, he soon became known as a man whose judgment was sound, and whose discretion could be relied upon. I appreciate also the compliment he paid me in soliciting my own views on legislation originating in committees on which I serve.

Although his time in the Senate has been brief, I am thankful for the friendship it made possible, and for the opportunity I have had to work with him. I join my colleagues in wishing HOWARD METZENBAUM only the best in his future endeavors.

Mr. HASKELL. Mr. President, I have never been especially adept at saying goodby or paying tribute to those whom I admire the most. Admiration and respect for another individual are very personal feelings and are difficult to share in public.

But as my good friend and colleague from Ohio, Senator HOWARD METZENBAUM, prepares to resign his seat on December 23, I feel compelled to comment for I shall miss him a great deal.

When HOWARD was appointed to the Senate by Governor Gilligan to fill the vacancy created by Senator William Saxbe's resignation most of us knew him only as the Cleveland industrialist with an unpronounceable name who had lost a very close election for the Senate in 1970. Since then I have come to know him as both a friend and a colleague whose qualities and abilities I admire.

He and I have both served on the Committee on Interior and Insular Affairs and the Committee on Aeronautical and Space Sciences. Throughout his all-too-brief tenure in the Senate HOWARD has been willing to spend countless hours on the nitty-gritty items which are so essential to our performing our duties properly. This desire to do his homework well continued even during a very rigorous primary election campaign.

The creation of the Cuyahoga Valley National Recreation Area in Ohio is a monument to his efforts. He was also successful in exposing a scandal in the National Park Reservation System which was supposed to provide overnight reservations for people who wanted to be assured of a place to stay in our national parks. The Director of the National Park Service, who was involved in the awarding of the reservation system contract, resigned shortly after the situation came to light.

I shall miss HOWARD METZENBAUM as a colleague. I shall continue to value his friendship and hope that we all will have his advice and counsel in the months and years to come.

Mr. KENNEDY. Mr. President, I rise in tribute to HOWARD METZENBAUM, a colleague and friend whose presence the Senate and the Nation will surely miss.

Senator METZENBAUM has served in the Senate this past year and compiled an admirable record of leadership in a variety of areas. Untiring in his work, he has been on the floor of the Senate for long hours daily.

He conducted a vital investigation into the activities of the National Park Service which were largely responsible for the departure of the former director. Senator METZENBAUM's legislation now requires Senate confirmation of the National Park Service director. His efforts have immeasurably improved this agency so important to the protection of the Nation's natural resources and the recreation of its citizens.

Senator METZENBAUM also achieved the goal of many past Ohio Senators, the creation of the first national park in that State, the Cuyahoga National Park. This park will insure the protection of this resource for generations to come.

In his Interior Committee role, Senator METZENBAUM has maintained a vigilant review over the operations of the major oil companies. He called for and supported legislation to restrict the profits of the major oil companies and to place stiff price controls on all petroleum products.

In this effort, his leadership helped achieve Senate passage of those provisions.

Senator METZENBAUM has been an active and thoughtful participant throughout the Interior Committee's inquiry into the energy crisis and the reasons for it.

He has brought to the Senate his knowledge of the business world and he has used that knowledge in defense of consumers and of the public at large.

It was that knowledge and experience that resulted in legislation which I am sure will be enacted into law soon, S. 3955, to provide more adequate reporting and controls on foreign investment abroad.

He has been a liberal spokesman on the major issues facing the Senate and the nation, and while I regret his departure, I am sure that he will continue to serve the people of his State and the Nation in the future.

Mr. McGEE. Mr. President, I would like to take this opportunity to pay tribute to the junior Senator from Ohio (Mr. METZENBAUM) who, although he has been with us for only a short period of time, has established himself as a conscientious and effective Member of this body.

Although HOWARD METZENBAUM will not be a Member of this body when we convene in January, I want to extend my heartfelt congratulations and sincere appreciation for the exceptional job he performed after being appointed earlier this year to the Senate seat vacated by former Senator William Saxbe who assumed the post of Attorney General of the United States.

His presence will be particularly missed since he demonstrated a very strong and positive concern for the manner in which the United States was assuming its responsibility for meeting the needs of the less developed countries of the world. This sense of internationalism and commitment to those less fortunate are attributes this body sorely needs.

In closing, I want HOWARD METZENBAUM to know of the respect and admiration I have for him as an individual and his capabilities as a legislator in this body.

Mr. STENNIS. Mr. President, I have enjoyed my association with the distinguished Senator from Ohio, HOWARD M. METZENBAUM, although the period of time we have served together in the Senate has been comparatively brief.

Senator METZENBAUM has had a distinguished career in business, and here in the Senate he demonstrated very early his quick intelligence and fine grasp of economic matters. He made many fine contributions in many phases of governmental problems as well as the economy, and represented the people of Ohio in an outstanding manner.

He applied himself in the Senate, and he made friends very quickly. We will miss him here; and I certainly wish him well.

Mr. JAVITS. Mr. President, HOWARD METZENBAUM's term in the Senate has been short, but I am certain that my colleagues join me in wishing him success in whatever he may undertake.

He is to be commended especially for his efforts in the area of energy conservation.

I also note that during his career, HOWARD METZENBAUM has shown courage and a pioneering spirit. In 1960 he had the foresight to speak out against the Vietnam war, a stand which at the time was considered unpopular.

It is also important to mention that in 1949 as a member of Ohio's State Legislature, HOWARD METZENBAUM—also a businessman—authored one of the Nation's first consumer protection laws.

I wish him every success and for him and his family much happiness in the years ahead.

TRIBUTES TO SENATOR WALLACE F. BENNETT

Mr. FONG. Mr. President, I rise to pay tribute to our distinguished senior colleague from Utah (Mr. BENNETT) who is retiring at the end of this year.

During his 24 years as a U.S. Senator, WALLACE BENNETT has served the people of his State and our entire Nation with distinction and fidelity.

A businessman and former president of the National Association of Manufacturers, WALLACE BENNETT was first elected to the Senate in 1950. This is the only elective public office he has ever sought or held. He performed his duties so well that the people of Utah reelected him three times.

In his long tenure, he has been witness to momentous events in our history, and he has served during the administrations of six U.S. Presidents: Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, Richard M. Nixon, and now Gerald R. Ford.

I share with my constituents in Hawaii a warm feeling for WALLACE BENNETT for his support of statehood for the islands. Such friendship will never be forgotten by the people of my State.

Here in the Senate, WALLACE BENNETT assumed ever-increasing responsibilities over the years. He is the ranking Republican member on the Senate Finance Committee. He is senior Republican on the Senate Banking, Housing and Urban Affairs Committee. He is third-ranking Republican in overall Senate seniority.

In addition, our respected senior col-

league from Utah has found time to serve as secretary of the Senate Republican Conference, vice-chairman of the Senate Ethics Committee and member of the Joint Committees on Atomic Energy, Defense Production, and Internal Revenue Taxation.

WALLACE BENNETT is the first popularly elected Utah senator to retire voluntarily from office. He can look back with pride on a record which includes legislation that created the Colorado River storage project, provided for credit union insurance, and professional standards review organizations. He has been a leading advocate of Federal revenue sharing.

In all his undertakings, WALLACE BENNETT has been a credit to his pioneer family who settled in the Salt Lake Valley in 1968.

His retirement will give him more time for work with his church. He is a devout member of the Church of Jesus Christ of the Latter-Day Saints, Mormon, and has written two books: "Why I Am a Mormon" and "Faith and Freedom."

WALLACE BENNETT has carried out his responsibilities with ability, intgerity, and dedication, and with reverence for our constitutional form of government and our private enterprise system.

I cherish my associations with him and I wish him every happiness and good health in his retirement. Aloha, my friend.

Mr. FANNIN. Mr. President, the great State of Utah has a pioneer heritage of industry, fierce independence and deep religious conviction. No man better represents these people and this heritage than the senior Senator from Utah, WALLACE BENNETT.

His life is a chronology of achievement and service to his State, Nation, Church and fellowman.

He was a successful businessman and the president of several important national trade organizations, including the National Association of Manufacturers.

He was a leader in a number of civic groups and charity drives in Utah.

He has been extremely active in the Latter Day Saints Church, serving in a number of capacities. He has written books about his faith.

For the past 24 years, Senator BENNETT has represented his State in this Chamber. His knowledge and his faith have enriched the Senate.

Senator BENNETT has fought to keep the American economy strong so that all our people will have the opportunity for a better life. He has worked to preserve free enterprise, to provide an equitable tax system, and to reform the welfare system.

As ranking minority member on the Finance Committee, Senator BENNETT has provided strong leadership and I feel privileged to have had the opportunity to work with him.

Mrs. Fannin and I join in wishing my colleague and his charming wife, Frances, happy years of retirement in Utah.

Mr. ALLEN. Mr. President, it has indeed been a privilege for me to serve in the U.S. Senate during 6 years of the 24-year period of service of the distinguished senior Senator from Utah (Mr. BENNETT).

His retirement from the Senate causes me deep sadness because of our pleasant associations on and off the Senate floor and in the Senate Prayer Breakfast group, and because of the loss to the Senate and the Nation occasioned by his departure.

I have been deeply impressed with his ability, his integrity, his dedication and his political philosophy. Because of him and Senators of his fine character and statesmanship, the U.S. Senate has been called the greatest deliberative body in the world, but with his departure from the Senate the Senate will lose much of its luster.

I have told Senator BENNETT on more than one occasion that I have always been greatly impressed with the members of the Mormon Church—their dedication and sincerity, their good works and self-reliance, their good citizenship and missionary work, their dedication to family and reliance upon the family as a unit, both in one's natural family and as members of the church.

Paul in writing to the Corinthians tells us that we are apostles of Christ known and read of all men. What an exemplary apostle Senator BENNETT makes for Christ, for his faith, his Christian stewardship, his way of life and his love of God and his fellowman. His example has inspired and sustained many more than he knows.

Maryon joins me in extending our sincerest best wishes to him and to "Miss Frances," his loyal and gracious wife, whom we both dearly love.

Mr. McGEE. Mr. President, the Senate loses another champion of the West with the retirement of our distinguished colleague, the senior Senator from Utah (Mr. BENNETT).

WALLACE BENNETT was particularly sensitive to the concerns of his State of Utah, whose concerns coincide on so many occasions with those of my own State of Wyoming. Thus, as is often the case, we were the direct beneficiaries of his efforts on behalf of Utah.

His service on the Senate Finance Committee and Senate Banking and Currency Committee was distinguished and effective. His input was invaluable as those committees put many significant and much-needed legislation on the law books.

WALLACE BENNETT will be missed.

Mr. YOUNG. Mr. President, our friend Senator WALLACE BENNETT's retiring will leave a void in the Senate that will be very difficult to fill.

WALLY BENNETT has set very high standards of conduct and effectiveness. He is not only a devout Christian, but he lives a Christian life from day to day, whether it be in the Senate or in any other facet of his life. If he ever was really angry he never showed it. I cannot help but believe there were times when he must have been disturbed—he could hardly help but be.

WALLY is the soul of honesty and integrity. WALLY BENNETT has been a very able and effective Senator, especially in the difficult, highly complex field of taxation. He is the truest and most honest conservative I have ever known and he has adhered to the conservative principle he believed in, not just part of the time, but all of the time. Not only is the U.S. Senate better for the years that he spent in this body, but the entire Nation is as well.

He has left a wholesome imprint on all of the legislation he has dealt with. His is a record that not only his beloved State of Utah can be proud of, but the U.S. Senate, and the entire Nation.

Pat and I express the fond hope that WALLY and his equally respected wife, Frances, will have many years of good health and happiness in their retirement.

Mr. KENNEDY. Mr. President, it is an honor for me to take this occasion to pay tribute to Senator WALLACE F. BENNETT on his retirement.

During my own decade in the Senate, I have always had great respect for Senator BENNETT's outstanding ability, especially his mastery of the details of the complex tax and economic legislation that he so often handled so well on the Senate floor. Although we occasionally disagreed on particular issues, he has always been an able, fair, and effective advocate, and I shall miss his presence here.

On the issue of health, which is one of the important subjects of our overlapping interests, Senator BENNETT has been an outstanding innovator in the area of the quality of health care available to the American people. Senator BENNETT is the father of the PSRO legislation enacted in 1972 and now becoming operational in many parts of the country—the professional standards review organization concept of peer review of medical care.

The quality of care is one of the most important but least understood aspects of the Nation's health care crisis. I view Senator BENNETT's pioneering leadership in this area as an outstanding example of the very real difference that can be made by a single Senator who sees the need for change and who works to bring reform. Because of Senator BENNETT's remarkable contribution, we have made an excellent beginning on this complex problem, and it is up to us to carry on the legacy he leaves.

I would also single out a few of the many other areas in which Senator BENNETT has been an effective Member of the Senate. His continuing leadership and sponsorship of the Upper Colorado River Storage Project has been of great value to the people of Utah and the other Western and Pacific States in achieving a wise and responsible allocation of the region's precious water resources.

Senator BENNETT was also extremely influential in shaping the truth in lending bill. He played a major role in the enactment of the legislation providing insurance for members of credit unions.

And, his service as vice chairman of the Senate Ethics Committee has been a continuing testament to his integrity and respect, and to the admiration in which the Senate holds him.

I know that Senator BENNETT is also proud of his role as a teacher in the Senate, proud of the people of Utah who have served on his staff and gone on to distinguished public or private service. By

his service, he has touched and helped to shape the lives of many others, and his example will be missed.

Mr. THURMOND. Mr. President, when the 93d Congress comes to a close, the U.S. Senate will lose one of its most outstanding Members, the senior Senator from Utah, WALLACE F. BENNETT. WALLACE has served this body in a most able fashion during his four terms as a U.S. Senator from Utah.

He was first elected to the Senate in 1950, after distinguishing himself in the business world as president of Bennett Glass and Paint Co. and Bennett Motor Co. I understand that he still gives leadership to these two family groups as chairman of their boards of directors. Before coming to the Senate, WALLACE also served as vice president of the National Paint, Varnish, and Lacquer Association and also as president of the National Association of Manufacturers, a very high honor, indeed.

WALLACE BENNETT came into this body in 1951 as a conservative Republican, and I am pleased to say that he has maintained a strong conservative philosophy throughout his four terms in the Senate. In so doing, he has served the people of Utah and the Nation well.

As a Member of the Senate, WALLACE is the ranking Republican on the Finance Committee and second ranking minority member of the Banking, Housing, and Urban Affairs Committee. His expertise in these two vitally important economic areas has been of tremendous benefit to all of us over the years and will be greatly missed in the 94th Congress.

Additionally, Senator BENNETT has worked diligently as a member of the Senate Select Committee on Standards and Conduct, of which he is vice chairman, and he has served effectively on the Joint Committee on Atomic Energy.

I have admired and respected Senator BENNETT ever since I joined him as a colleague in the Senate. His pattern of leadership has been consistently excellent, his character commendable, and, in every endeavor, he has shown himself to be an outstanding American. I will surely miss his presence on the Republican side of the aisle in the new Congress, and I wish him the very best as he returns to the fine State of Utah.

Mrs. Thurmond joins with me in wishing WALLACE and his charming wife Frances good health and happiness in the years ahead, and we sincerely hope they will live long enough to see each of their 27 grandchildren achieve great success.

Mr. McCLURE. Mr. President, Idaho has the unique distinction of having three Senators. There is the senior Senator (Mr. CHURCH) and myself, and then there is WALLACE BENNETT. Oh, I know, he is officially recorded as a Senator from Utah. But Senator BENNETT'S good works are so well known throughout my State that you will find a great many Idahoans who think of him as one of their own. And with good reason.

I am somewhat tempted to allude to the fact that he has been the leading advocate of causes and proposals essential to our part of the country. But that would obscure something even more important—the fact that he has always placed the Nation's welfare above everything else. Few men have had the impact upon legislation that he has, simply because few of them could match the statesman-like manner in which he viewed his job as public servant.

I suspect the reason for this has a great deal to do with his association with the Church of Jesus Christ of the Latter Day Saints. Deeply held religious conviction inevitably leads a man into serving others. And so it has been for WALLACE BENNETT.

It is unlikely that I could match the eloquence of others who have paid tribute to WALLACE BENNETT in recent days. So, I will simply say that speaking for the people of Idaho as well as myself, I wish him the very best in the days that lie ahead.

Mr. GRIFFIN. Mr. President, I wish to join with my colleagues in honoring the distinguished Senator from Utah (Mr. BENNETT) who is retiring after 24 years of service in the Senate.

As he returns home to Salt Lake City the Senate and the Nation lose a highly articulate champion of economic responsibility. Along with other Members of this body, I lose a close counselor.

As the senior Republican on the Finance Committee, and the Senate Banking, Housing and Urban Affairs Committee, WALLACE BENNETT has had a lasting impact on the tax and financial policies of this country.

He has also served as a member of the Joint Committee on Atomic Energy, where he has worked tirelessly to achieve a sensible balance between military and peaceful uses of atomic energy. He has been a strong supporter of international cooperation in the development of atomic energy.

A tireless and dedicated Senator, WALLACE BENNETT has served also on Joint Committees on Defense Production and Internal Revenue Taxation.

In addition, he has been secretary of our Republican Conference, and in that capacity he has been tremendously helpful as a member of the leadership team.

Seeking the first elective office he ever sought or held, WALLACE BENNETT ran for the U.S. Senate in 1950. His 24-year term of service is the second longest in the history of Utah, and he is the first popularly elected Utah Senator to retire from office voluntarily.

Characteristically, WALLACE BENNETT planned to step down early so that his successor, Senator-elect JAKE GARN and the State he loves so much will have the benefit of some seniority.

In his retirement years we are sure Senator BENNETT will find plenty to occupy his time. We hope he will do some more writing. He is already the author of two books: "Why I Am a Mormon" and "Faith and Freedom."

Marge and I wish for him and Frances many happy and rewarding retirement years.

Mr. HANSEN. Mr. President, many tributes have been paid to Senator WALLACE F. BENNETT extolling his contributions to this body and our Nation. None is more fitting than a letter which his staff prepared to show their appreciation for his years of dedicated service.

I ask unanimous consent that the Bennett staff tribute be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., December 20, 1974.

To whom this letter may come:

This shall witness the character and attributes of WALLACE F. BENNETT which fit him for the highest of offices and qualify him for the greatest honors which society may bestow.

Although perhaps not of the greatest importance in your estimation, we list first his ability to inspire in his staff great devotion and love, both to him and to the country, values and principles to which he himself is devoted. This has made our responsibilities a challenge, not drudgery; our work a joy, not a chore; our office a haven, not just a place to work; and him a leader, not just a boss.

Next we extol his greatness as a representative of Utahans. We know firsthand how he has taken their cause and solved their problems, whether it be aiding an immigrant or building a dam.

Furthermore, we are witness to his concern for our country, a concern which exceeds his concern for himself. This is reflected in his consistent dedication to responsibility, his devotion to truth in his work and his attention to substance and detail as contrasted with form, public whim or general appearances. During a career in public life spanning 24 years, his character remains unblemished, the complete respect of his colleagues undimmed. In him we see the ideal public servant.

Finally, leaving much still unsaid, we praise him the thoughtful husband, the family man, the warm and unforgetful friend, the part-time chaplain of the Senate, the kind boss . . . in a word, Senator BENNETT, the *man*.

Without reservation we vouch for him as an uncommon man and uncommon statesman.

Lest this be taken as epitaph, we urge that you put him on your staff.

And tho it be merely a eulogy, we urge that it be done immediately.

Sincerely,

THE BENNETT STAFF.

Mr. MATHIAS. Mr. President, it is seldom in the course of life that we meet with a person whose every motivation seems founded, not on personal gain, but on what is right and what is good. While he and I may have disagreed on issues, I have never for a moment questioned the basis of his judgments. This in turn has led to a personal confidence in him that has been a great comfort to me as we have discussed many thorny issues. This association may be more difficult to maintain as he retires, but I hope it will continue intact for many years.

TRIBUTES TO SENATOR MARLOW W. COOK

Mr. PELL. Mr. President, I welcome the opportunity to join today with my colleagues in paying tribute to the senior Senator from Kentucky, MARLOW COOK, who is leaving this body with the end of the 93d Congress.

It has been my pleasure for the past 2 years to serve with Senator COOK as a

member of the Committee on Rules and Administration. During that time, Senator COOK has been the ranking minority member and has served in that capacity with distinction during a period of unprecedented responsibilities for our committee. In those 2 years, the committee has conducted investigations and hearings on the nominations of two persons, Gerald Ford and NELSON ROCKEFELLER, to be Vice President and laid the groundwork for the conduct in the Senate of an impeachment trial. In addition, the committee also developed legislation which has led to a major reform of our Nation's election laws.

In all of these challenging assignments, the committee has benefited from the good counsel, the courtesty, and the good humor of MARLOW COOK.

I would also mention, Mr. President, that I have been glad to have Senator COOK as the minority member of the Subcommittee on the Smithonian Institution, which I chair, and there, as in all of his responsibilities in the Senate, he has been diligent and judicious.

Mr. President, I wish MARLOW COOK well in his retirement from the Senate and success in all of his future endeavors.

Mr. FONG. Mr. President, I rise to pay tribute to our distinguished colleague from Kentucky (Mr. COOK) who leaves the Senate at the end of the 93d Congress in January.

Since coming to the Congress in 1969, MARLOW exhibited the same independence and clear thinking which distinguished him in the Kentucky House of Representatives and later as Jefferson County judge.

I have watched him with admiration as he led discussions on the Senate floor. A man of strong conviction, he would oppose or support a bill or a cause based on his own knowledge, conscience, and what he sincerely believed was for the good of our country, regardless of the political consequences.

During the 91st Congress he was rightly cited as one of the three outstanding "freshman" Senators, though he was a freshman only in terms of his tenure in office and not in terms of experience, ability, and sound judgment.

While in the Senate, MARLOW COOK left his mark through three key committee assignments.

He served as ranking Republican on the Commerce Committee's Subcommittees on Consumer and Environment. Laws on consumer protection, automobile insurance reform, the establishment of the National Railroad Passenger Corporation—Amtrak, and on many other vital issues contain the results of his close scrutiny and expertise.

As ranking minority member on the Committee on Rules and Administration, he played an important role in the confirmation, first of Gerald Ford as Vice President of the United States, and then again of NELSON ROCKEFELLER to the same position as the 25th amendment to the Constitution was implemented twice in succession.

On the Judiciary Committee, the able Senator was the ranking Republican on the subcommittees dealing with juvenile delinquency, national penitentiaries, and citizen interests. He also served on the same committee's Subcommittees on Constitutional Amendments, Criminal Laws and Procedures, Immigration and Naturalization, and Internal Security.

I could go on and cite many more activities of the Senator here in the Nation's Capital and in Kentucky, but the accomplishments of his hard work and farsightedness speak for themselves.

We will, I am sure, hear further of MARLOW COOK's accomplishments in the future. A man of his vitality and dedication cannot help but continue to make significant contributions to America and its people.

To MARLOW, his gracious wife, Nancy, and their fine children, I extend my very best wishes and fondest aloha.

Mr. FANNIN. Mr. President, I wish to join in the tributes being paid to the senior Senator from Kentucky for the outstanding service he has rendered the past 6 years.

He has most capably represented the people of his State. His distinguished background in law, education, and commerce made him an extremely knowledgeable Senator who contributed a great deal to the legislative process. We will miss his expert counsel in these areas.

Senator COOK also assumed a heavy burden of work in the nonlegislative aspects of the Senate. We are grateful for his service on the Rules Committee, for his devotion to the Senate youth program, and his labor on the Joint Congressional Committee on the Inaugural.

From service on submarines in World War II to the U.S. Senate these past 6 years, MARLOW COOK has served his country with great dedication. I know that retirement from the Senate does not spell the end of this service, and I wish my friend from Kentucky well in his future undertakings both as a private citizen and a public servant.

Mr. BAKER. Mr. President, in the Cumberland region of our Nation good neighbors are greatly valued. In this vein, I wish to pay tribute to a respected neighbor, my distinguished colleague from Kentucky, Senator MARLOW COOK, who hails from a neighboring State and who has occupied the seat adjacent to mine on the Senate floor.

From my service on the Commerce Committee, of which he is a member, I know MARLOW COOK to be a significant force in committee deliberations, a capable ally, and a formidable opponent. Because we shared many legislative interests, I especailly shall miss his leadership and support and, of course, the quality and vigor of floor debate will be lessened by the absence of MARLOW COOK's colorful oration.

Although I particularly have been gratified by the opportunity to serve with him on the Committee on Commerce, MARLOW COOK also has served with distinction as ranking Republican member of the Committee on Rules and Administration, which has made history in reporting the nominations of two Vice Presidents under the 25th amendment, and as a member of the Judiciary Committee, the Select Committee on Nutrition and Human Needs, and the Joint Library Committee.

Mr. President, good friends like good neighbors are hard to find. MARLOW COOK is both a neighbor and a friend, and I, as well as the Nation and the Senate, have benefited greatly from his service in this Chamber.

Mr. MCINTYRE. Mr. President, I want to take this opportunity to say farewell and good luck to our departing colleague from Kentucky, the Honorable MARLOW W. COOK.

In the 6 years that Senator COOK has been with us, I have come to respect his independence and his refusal to fit into any preordained political pattern.

A proud conservative he is, but the good Senator's early recognition of the validity of many of the complaints and protests voiced by today's young people and his wariness of the military-industrial complex mark a distinct and refreshing departure from the stereotyped norm for conservatives.

Though my working relationship with the senior Senator from Kentucky has been limited, I have admired his refusal to grant "sacred cow" status to defense spending, and I think his "Security With Solvency" motto is one we could well follow.

As he leaves this Chamber for the final time, I want him to know I will miss his presence and wish only the best for him in the years ahead.

Mr. BELLMON. Mr. President, I am pleased to join with other Members of the Senate in recognizing the accomplishments of the senior Senator from Kentucky, MARLOW COOK, during the past 6 years.

Having served with him on the Select Committee on Nutrition and Human Needs and having observed his service on other committees and on the floor of the Senate, I have developed a high regard for his devotion to duty and his dedication to the principles in which he believes.

His prior experience in State government in Kentucky has been highly beneficial to the workings of the Senate, and his talents and abilities will be missed. I join with my colleagues in wishing him well in his future endeavors.

Mr. CURTIS. Mr. President, Senator MARLOW COOK, of Kentucky, served in the Senate only one term, but he has made his mark. He is a very able man and an excellent debater. He has a keen mind and quickly grasps the issues that come before this body. He served his State well as a U.S. Senator. He was faithful in attendance here and in the committees to which he was assigned. He was active on the floor of the Senate. His speeches were always listened to.

We regret that his service in this body was terminated, and we hope that it will not be the end of his public service. I wish to extend to him and to his family every good wish for the future.

Mr. ALLEN. Mr. President, when MARLOW W. COOK leaves the Senate a few days from now, it will mark the end of 17 consecutive years of public service by the State of Kentucky's distinguished senior Senator.

I should like to acknowledge the pride I feel in being privileged to have served in the Senate with MARLOW COOK. We were elected to the Senate at the same time and for the past 6 years MARLOW and I have served together on either the Senate Committee on Agriculture and Forestry, or the Senate Committee on Rules and Administration. Our committee service together and my firsthand observation of him in action here on the floor of the Senate have made me deeply aware of MARLOW's exceptional qualities and capabilities.

The people of Kentucky have been most fortunate to have been represented by a man of the character, the ability, and the dedication of MARLOW COOK. This gifted legislator has indeed been indefatigable in his work in the Senate and in his devotion to the people of his State and the Nation.

As a member of the Senate Commerce Committee, Senator COOK has been in the forefront of many of the great economic programs which have emerged from that committee in recent years. Although Senator COOK has been deeply involved in legislation regarding automobile insurance reform, product safety standards, consumer protection, and a myriad of major transportation issues of national and international import, he maintained the roots of his Kentucky upbringing. Ample evidence of this was Senator COOK's opposition to the year-round daylight savings time bill and his successful fight this year to gain a partial repeal of this ill-advised statute which was hastily enacted during the energy shortage panic last year.

Yes, Mr. President, MARLOW COOK has been a doer and a mover since the first day he entered professional life. No one has been more kind to me than MARLOW COOK during the past 6 years. For this and other reasons, I have an especially warm and personal friendship for him.

I am sure that MARLOW leaves the Senate with the gratitude and affection of his colleagues. MARLOW, I salute you and thank you, and Maryon and I wish for you and Nancy and your family all the best and many, many years of good health and happiness.

Mr. PERCY. Mr. President, every Member of the Senate owes a special debt of gratitude to MARLOW COOK, the senior Senator from Kentucky, for his outstanding contribution to the work of the Senate over the past 6 years.

We will always be indebted to Senator COOK for his work on the Federal Election Campaign Act Amendments of 1974. This landmark legislation will help restore public confidence in the political process and will help make elections more equitable, open, and honest. MARLOW COOK played a major role in helping to bring these reforms to reality.

Perhaps MARLOW COOK's major contribution has been his work on the Senate Rules Committee in making the provisions of the 25th amendment to the Constitution operative twice in the last year. Twice the committee has had to conduct extensive reviews of nominees for Vice President and twice the committee has done a thorough and fair job. Tonight both the President and the Vice President of the United States will be in office through the workings of the committee and Senator COOK has made a major contribution to this outcome.

We will all seek Senator COOK's advice and counsel in the future and we all wish him well.

Mr. HARTKE. Mr. President, my State of Indiana shares many miles of border with Kentucky, the Bluegrass State, represented here by Senator MARLOW COOK. We are neighbors—separated only by the Ohio River—and the people we represent have a great deal in common.

Today I join my colleagues in saluting MARLOW COOK as he concludes 6 active, distinguished years in the Senate. I have had the great pleasure of serving with Senator COOK on the Veterans' Affairs Committee and the Commerce Committee. As chairman of the Veterans' Committee, let me say that MARLOW has been a capable and constant advocate of the rights, needs, and concerns of our American veterans. He has done his homework and worked very hard for the veterans and Kentucky and all of the country.

At a time in the world's history when we are daily reminded of the curses of hunger and starvation, Senator COOK can take special pride in his work on the Senate Select Committee on Nutrition and Human Needs. As a member of that committee, he has done much to make the people of America aware of the extent of hunger and malnutrition within our own borders.

Before coming to the Senate in 1968, Senator COOK distinguished himself as a State legislator and county chief executive He has served the people of Kentucky well in the past—I know he will continue to do so.

Mr. HARRY F. BYRD, JR. Mr. President, the Senator from Virginia would not want adjournment of the 93d Congress to pass without having the opportunity to pay tribute to his colleague from the neighboring State of Kentucky, Senator MARLOW COOK, as he leaves the Senate.

His public career is impressive—a member of the Navy's submarine service during World War II, 4 years in the Kentucky House of Representatives, and 8 years as judge—administrator—of Kentucky's largest county—Jefferson County—before coming to the Senate.

MARLOW COOK's State, and the Nation, have been served well during the senior Senator from Kentucky's 6 years in this body. He has been a hardworking and effective member of the Commerce, Judiciary, and Rules Committees. The Senate will miss his eloquent advocacy of his positions during debates in this Chamber.

It has been a pleasure to serve with Senator COOK, and I wish him and his family the very best as he leaves the Senate. I trust that the citizens of his State and the country will in some way continue to benefit from MARLOW COOK's proven leadership and ability.

Mr. HOLLINGS. Mr. President, today, I am rising to bid farewell to one of my most distinguished colleagues and friends, the Senator from Kentucky, MARLOW COOK.

Behind him, Senator COOK will be leaving a number of accomplishments from his tenure in the Senate. At the top of the list are revised product safety standards, consumer protection actions, Amtrak, and automobile insurance.

Named by a national magazine as one of three "outstanding freshman Senators in 1971," MARLOW COOK has presented himself as a model of forthrightness and integrity for all of us to remember. Serving with MARLOW COOK on the Commerce Committee, I have had the pleasure of working closely with the Senator. And I am continually impressed with his judgment and personal commitment to do what is right for the people of Kentucky and our Nation.

Senator COOK has also served on the Judiciary Committee and the Committee on Rules and Regulations where he was the ranking minority member. It is also to the Senator's credit that he was appointed to the Committee on Nutrition and Human Needs, the Select Committee to Study Questions Related to Secret and Confidential Documents, the Joint Committee on the Library of Congress, the Special Committee on Equal Education Opportunity, and the Select Committee on Small Business Subcommittees on Monopolies, Science and Technology and Urban and Rural Economic Development.

We will truly miss MARLOW COOK as a colleague. I hope we will never miss the benefit of his continued friendship.

Mr. HATFIELD. Mr. President, as the Senate ends this legislative session, I would like to say a few words regarding the service that Senator MARLOW COOK provided this legislative body.

I had the privilege of serving with Senator COOK on the Senate Committee on Rules and Administration. Senator COOK served as the ranking minority member and in this capacity he provided excellent leadership when the committee handled legislation on election reform, budget reform, and the confirmation of both Gerald Ford and NELSON ROCKEFELLER as our country's 40th and 41st Vice Presidents.

Senator COOK's eloquence on the Senate floor is well known. His participation in Senate debates was meaningful and useful and we all are going to miss having the opportunity to debate with the senior Senator from Kentucky. I must add that he worked just as diligently in committee sessions.

Mr. President, Senator COOK deserves a word of thanks from his colleagues for the service he has provided this institution, this country, and his State. While he will be missed here in the Senate, we know that he will continue to make a valuable contribution to our country.

Mr. DOLE. Mr. President, I came to this body in the 91st Congress which assembled in 1969. In that same "class" with me was a man whom I think it appropriate to single out for a special tribute today.

MARLOW COOK, the retiring senior Senator from Kentucky, has been for me in these past 6 years often a legislative

partner, a fellow member on the Select Committee on Nutrition and Human Needs and always, a friend.

MARLOW COOK has throughout his career, here in the Senate and in public life before that, developed an expertise in the law which distinguished him in his service here and in the Judiciary Committee of the Senate where he served so long.

The people of Kentucky have been well served by this native son, and the people of the United States, too, owe him a debt of gratitude for his conscientious attention to detail as a member of the Committee on Rules and Administration which has been called upon twice in the last 2 years to perform the weighty tasks assigned under the 25th amendment.

He has been a conscientious legislator and a most energetic Representative of Kentucky.

In my years in the Congress, there has been no man more suited by talent, energy, disposition, and experience, to bear the responsibility of representation. No man more carefully sensitive to the needs of the Nation at large.

I join with my colleagues in wishing him well for the future and in the hopeful expectation that he will continue, in years to come, to put his talents in the service of the public.

Mr. CANNON. Mr. President, Senator MARLOW COOK will complete his Senate service to his State and the Nation on January 2, 1975.

For almost 3 years, since February 23, 1972, he has served as the ranking minority member of the Committee on Rules and Administration, of which it is my privilege to be chairman. I believe that history will reflect that this period will rank among the most active and demanding ever experienced by this committee. MARLOW has been a worthy advocate and supporter and I will miss him very much.

We served together as cochairman of the Joint Congressional Committee on the Inaugural Ceremonies of 1973.

We worked together to forge the campaign election reforms which the President has now signed into law, and held extensive hearings which led to the adoption of much needed budget reforms.

For the first time in our history, our Nation has a President who was not elected by the people, and Senator COOK played a major role in the conduct of the committee hearings which led to the confirmation of President Ford to be the Vice President of the United States.

For the second time in just a little over a year, the committee was called upon to determine the fitness and qualifications of a Presidential nominee to fill the Office of the Vice President. I am very proud of the manner in which these hearings were conducted and by his performance, Senator COOK brought credit to the committee and the U.S. Senate.

It is difficult to know just what the committee will do for an encore, but whatever fate decrees, I know that we will be equal to the task—but we will miss MARLOW COOK.

I do not know what road he intends to follow in the years ahead, but be it in politics or private industry, I am sure that he will continue to be most successful.

As a final tribute to MARLOW COOK, the members of the committee have joined with me in signing this resolution, which I ask be placed in the RECORD:

RESOLUTION

Whereas, When Marlow Webster Cook completes his Senate service on January 2, 1975, he will have faithfully and competently served his Nation and his native State of Kentucky as a United States Senator since December 17, 1968;

Whereas, In addition to having served the United States Senate in various other important capacities, he will have served as a valued and loyal member of the Committee on Rules and Administration during the period February 23, 1972 through January 2, 1975;

Whereas, During his Senate and Committee service he has earned the esteem and affection of the members for the commendable way in which he discharged his official responsibilities which included assignment as co-chairman, Joint Congressional Committee on the Inaugural Ceremonies of 1973 as well as ranking minority member of the Committee on Rules and Administration when the Committee unanimously approved the nomination of both Gerald R. Ford and Nelson A. Rockefeller to serve as Vice President of the United States: Now therefore, be it

Resolved, That we, the other members of the Committee on Rules and Administration assembled, register our gratitude for having had the privilege to know and to work with Marlow Webster Cook, and express to him our sincere wishes for his continued health and happiness after he completes his Senate service on January 2, 1975.

Mr. TUNNEY. Mr. President, I am pleased to pay tribute to our colleague, Senator MARLOW COOK, of Kentucky, who will retire at the end of this Congress.

During his years in the Senate, he showed a keen interest in a range of issues, including consumer protection. It was my pleasure to serve with him on the Commerce Subcommittee for Consumers, and to work with him in his capacity as ranking minority member of the Judiciary Subcommittee on Representation of Citizen Interests, which I chair. We worked together on a number of legislative matters, and I found him always to be knowledgeable, hard working, and dedicated to the best interests of his State of Kentucky and the Nation.

We jointly planned 6 days of hearings on legal fees, of which 1 day concerned the scandal of exorbitant fees paid to a few Kentucky lawyers pursuant to the Black Lung Benefit Act of 1972, and related State legislation. Senator COOK and I also worked together on S. 2928, Consumer Controversies Resolution Act, which was favorably reported by the Judiciary subcommittee and unanimously reported by the Senate Commerce Committee. The bill is an important consumer measure, to which Senator COOK made major contributions. I intend to follow through on this important piece of legislation.

Senator COOK will be missed by all who have had the privilege of serving with him.

Mr. SCHWEIKER. Mr. President, I would like to take this opportunity to pay tribute to my colleague from Kentucky, MARLOW COOK.

MARLOW and I came to the Senate together in 1968. He demonstrated his courage early, by refusing to change his stand on the Carswell and Haynsworth appointments, despite tremendous pressure. It was my privilege to stand with MARLOW in several early fights including the ABM, and I can assure my colleagues today that you could not have a stronger ally than the senior Senator from Kentucky.

The Senate will miss MARLOW COOK, but I know he will be successful in his chosen endeavors in the years to come. It has been a privilege to serve in this body with MARLOW, and I wish him the very best for the future.

Mr. BARTLETT. Mr. President, I am extremely sorry to have to say goodby to our distinguished colleague, MARLOW COOK, tonight.

MARLOW COOK has served with distinction as Senator from Kentucky. His commonsense, objectivity, and forthrightness have distinguished him in this Chamber.

He did his homework so thoroughly that those in opposition to his position, would pay close attention to his remarks.

I hope Senator COOK decides to return to public service in the future. His concontributions will be sorely missed in this body.

I enjoyed his particpation in the discussion at the Wednesday prayer breakfasts.

MARLOW COOK has been a good friend, and I hope and trust that friendship will continue in the future.

Mr. KENNEDY. Mr. President, as the 93d Congress draws to a close, we mark the departure of our distinguished friend and colleague, the senior Senator from Kentucky, Senator MARLOW COOK.

Senator COOK has made a valuable and lasting contribution to the work of the Senate, and particularly to the work of the Judiciary Committee, where I have been privileged to work with him as a member. We have worked together on a wide variety of issues. On all matters that came before the committee—whether involving criminal justice or constitutional law, judicial nominations or administrative law—his judgment and counsel were highly valued by all members of the committee. His presence has helped bring about the passage of significant legislation.

The Senator brought to the Senate a long and distinguished career of public service in Kentucky. After serving in the Navy, he served with distinction as a member of the Kentucky House of Representatives, and then as Jefferson County judge, a post with major administrative as well as judicial responsibilities. His judicial experience and temperament have been a particular asset to the Judiciary Committee. The committee will suffer a deep loss from his departure.

Senator COOK has distinguished himself by his thoughtful and knowledgeable views on a wide range of issues. He has also been known for his strong qualities of independence. He has worked for what he believed was right. While we have sometimes disagreed, I have always valued and respected his judgment and his wide knowledge. His views were al-

ways carefully thought out and the product of long deliberation.

Perhaps what we in the Senate will miss most is his continuing warmth and sense of humor. Kentucky can be proud of his record of achievement.

Mr. THURMOND. Mr. President, as the 93d Congress draws to a close, I wish to recognize Senator MARLOW COOK as he culminates 6 years of fine service to his State of Kentucky and to his Nation.

Actually MARLOW COOK has been serving his State and Nation for many years. At the age of 17, Senator COOK enlisted in the U.S. Navy and served in the submarine service in the Atlantic and Pacific during World War II.

To prepare for his work in the Senate, MARLOW COOK earned an L.L.B. from the University of Louisville Law School, and thereafter, he was elected to two terms in the Kentucky House of Representatives from 1957 to 1961. Senator COOK was then elected as county judge in Kentucky in 1961 and was reelected to a second term 4 years later.

In November 1968, MARLOW COOK was chosen by his fellow Kentuckians to be a U.S. Senator. Upon Senator Thruston B. Morton's resignation in December 1968, Mr. COOK was appointed to the remainder of the term. In January 1969, Senator COOK assumed his full term in the Senate.

During his 6 years as Senator, MARLOW COOK has served as a member of the Commerce, Judiciary, and Rules Committees. I have had the personal pleasure of serving with him on the Senate Judiciary Committee. I regard MARLOW COOK as an able lawyer and an effective advocate. Furthermore, he is an individual who possesses the character and ability which is necessary to accomplish the demanding duties of a U.S. Senator.

Mr. President, Mrs. Thurmond joins me in extending our best wishes for success in the future to Senator COOK and his lovely wife, Nancy.

Mr. HATHAWAY. Mr. President, our colleague MARLOW COOK, the Senator from Kentucky, will be leaving this Chamber soon, and with him goes a tremendous source of energy and activity that has left an enduring mark here.

Through his many and varied commitees, Senator COOK has authored many bills and amendments that are now law, a notable achievement. His own personal drive, coupled with keen perceptions of where improvements were needed to upgrade the quality of life for all Americans, made him an effective force here that will be difficult to replace. Few men could keep pace with this active man. He serves on the Commerce and Judiciary Committees, the Rules and Administration Committee, the Joint Committee on the Library, the Select Committee on Equal Opportunity and the Select Committee on Nutrition and Human Needs.

In addition to his invaluable input in those committees, Senator COOK has been active in floor debate, and has proven to be a capable, articulate spokesman, and debater on the issues in which he was involved. And perhaps that is the quality we will miss most; his ability to sift through rhetoric and fallible argument and strike directly at the heart of those issues which he felt were valid not only for his home State of Kentucky, but for the Nation.

Senator COOK's roots are in Kentucky, a source of pride, I am sure, for Kentuckians, but his heart and soul belong to America, and he has devoted 6 hard-working years of his life to improve and enhance all of our citizens' opportunities for a full and rich life. I wish him and his family the best of success in the years ahead, for they deserve the very best that Kentucky and America can offer.

Mr. WEICKER. Mr. President, I would like at this time to state what a pleasure and honor it has been to have served with MARLOW COOK, of Kentucky, during the past 4 years in the Senate.

MARLOW has been an outstanding public servant, both with respect to his legislative deeds and his attention to the needs and desires of his constituents. I have also been lucky enough to be a "neighbor" of MARLOW'S, as my office is across the hall from his. I have come to know him personally. He is a man of warmth. He is a man of principle. That is, with the single exception of the time he unscrupulously imported four "ringers" in order to defeat my staff softball team.

Perhaps the most concrete evidence of the warm personal relationship I have enjoyed with MARLOW, is that he has even shared his secret recipe for wild goose with me. Many Members of this body have been all too willing to tell me that my goose was cooked. MARLOW was the only one who ever told me how to go about it.

Senator COOK has always distinguished himself by his hard work, his open mind, and his ready wit. The Senate will miss this fine gentleman, and I will miss a friend.

Mr. STEVENS. Mr. President, I join with my colleagues in paying tribute to my good friend the senior Senator from Kentucky, MARLOW COOK. MARLOW has been an outstanding Representative of the State of Kentucky during his service in the Senate, and I have always been impressed with his constant concern for the welfare of his State and his constituents while serving as a Member of the Senate. He has worked hard to meet his goals of establishing new priorities for America, and he can take a great deal of pride in his interests and efforts in revenue sharing, rewriting of the bankruptcy laws, sponsoring the equal rights amendment, and his involvement with solutions to the national energy crisis.

MARLOW has had a special, continuing interest in the youth of America, and was a sponsor of both the Juvenile Delinquency Act and the Runaway Youth Act.

It has been a pleasure for me to work with MARLOW on the Senate Commerce Committee on matters of mutual concern, and I have always been impressed with MARLOW'S ability to grasp the substance of complex issues before the Senate and make substantial, important suggestions for resolution. He has made important contributions to committee work and he has always been willing to stand up for his convictions on issues before him for consideration.

MARLOW COOK has had a brilliant past and he has an even more brilliant future. I sincerely hope that his intelligence, dedication, independence, and good counsel will be available not only to me, as a personal friend, but to all of us in government. I have enjoyed the personal relationship between our respective families, and I wish MARLOW and his wife, Nancy, the best of the continuing success which they so richly deserve.

Mr. McGEE. Mr. President, I want to take this opportunity to pay tribute to a colleague and "hall-mate" of mine, the distinguished senior Senator from Kentucky (Mr. COOK).

I say "hall-mate," because MARLOW COOK'S offices are directly across from mine in the Russell Senate Office Building.

MARLOW COOK has performed a valuable public service over the past 6 years as senior Senator from his State. This service is reflected in the work and major role he played as a member of the Commerce, Judiciary, and Rules Committees. The work has brought significant benefits to his own State and the Nation as well.

I want to wish MARLOW the best and to assure him his 6 years in the Senate have been productive ones.

Mr. PEARSON. Mr. President, I want to associate myself with the remarks of my colleagues in tribute to our colleague, Senator MARLOW COOK, of Kentucky. Senator COOK has been an effective and able advocate as a member of our Committee on Commerce. I have valued this association, and have appreciated the opportunities we have had to work together on various measures before the committee.

Mr. President, MARLOW COOK has been much in the public eye as the senior member of our party on the Rules Committee. Under the provisions of the 25th amendment to our Constitution, the Rules Committee of the Senate has been called upon to review the qualifications of Gerald Ford and NELSON ROCKEFELLER to be Vice President of the United States. The committee discharged its duty on each occasion with dignity, in an even-handed and fair manner. Senator COOK was a leader in this process of confirmation. Along with his colleagues on the committee, MARLOW COOK undertook a responsibility vested in all the people under normal circumstances. The Rules Committee has arisen to the challenge on each occasion—and America is a more stable and united country today, because of it.

Mr. President, the concern of America in these difficult times has been the need for reform of our electoral processes. As the ranking Republican on the Rules Committee, Senator COOK has been a constructive force in behalf of meaningful reform of Federal elections. The landmark legislation of this Congress will eliminate, hopefully, most of the abuse of the public trust which has characterized Presidential electoral politics in past years.

I commend our colleague, MARLOW COOK, as he leaves this body, for his leadership and positive contributions in dealing with the most sensitive issues of our time. Along with his many friends in the Senate, I wish him well in the years ahead.

Mr. MATHIAS. Mr. President, it is manifestly impossible to recount all the

accomplishments of a Senator during a legislative session, let alone during an entire term in the Senate. But there are sometimes incidents in the career of a Senator that characterize his service to the Nation.

One such incident that comes to mind is the moving account that the Senator from Kentucky (Mr. COOK) gave of the way in which he made his decision on the question of the confirmation of Judge Carswell to be a justice of the Supreme Court. Senator COOK recalled that while he was pondering this difficult question, he was invited to attend a ceremony at the White House at which the Medal of Honor was to be awarded to a soldier who had served in Vietnam. As he watched that young man, scarred by battle, receive the highest military award, because he had risked his life for his country, Senator COOK got a clear vision of his own duty in making the decision confronting him. As Senator COOK tells it, he recognized that the great sacrifices made for America in the past required that none of us offer America less than the best of which we are capable.

And this is the standard that MARLOW COOK has set for himself. He has given the best of himself, and the Senate is better for it.

Mr. WILLIAMS. Mr. President, I join my colleagues today in bidding farewell to Senator MARLOW COOK.

During the 6 years that MARLOW COOK has served in the Senate he has made many friends here, and I am proud to count myself among them. He has developed a fine reputation for being hard working, straightforward, and plain spoken, and I am sure my colleagues would agree he has earned the respect of the Members of this body.

Before coming to the Senate, MARLOW COOK served two terms in the Kentucky House of Representatives, and was twice elected judge in Jefferson County, Ky. Elected to the Senate in 1968, he has served with distinction as a member of the Committees on Commerce and Judiciary, and as a member of the Committee on Rules and Administration, where I have often been privileged to work with him.

Mr. President, I know that MARLOW COOK will be missed in the Senate, and I want to join in wishing him and his wife, Nancy, success and happiness in the future.

Mr. HUGH SCOTT. Mr. President, MARLOW COOK will be remembered by many of us, and the public, for his important role in the Rules Committee deliberations on the nominations of Gerald Ford and NELSON ROCKEFELLER, both to be Vice President of the United States. Senator COOK is one of the few people in this country who knows more about these two men than they know about themselves, and that knowledge helped the Senate and the Nation to accept them at a critical point in history. The Senator's service on two other committees, Judiciary and Commerce, was enormously important for his State of Kentucky.

On behalf of the Republican leadership, I want to wish PETER DOMINICK and MARLOW COOK all the very best as they leave the Senate. Hopefully, the American people will be able to receive the benefits of their future service.

Mr. McCLELLAN. Mr. President, for the past 6 years, I have had the pleasure of serving with Senator MARLOW W. COOK, of Kentucky, on the Judiciary Committee. During this period, I have had the opportunity to observe him as he worked effectively for the welfare of the people of his State and the Nation.

Although Senator COOK's term of service has been short, he has left an indelible record in the annals of the Senate. He has made significant contributions in reforming our juvenile delinquency laws and in assuring that our country will have adequate supplies of energy in future years.

I am convinced that Senator COOK will continue to play a vital role in helping resolve our Nation's problems and I am certain we shall be hearing more from him.

Mrs. McClellan joins me in wishing Senator and Mrs. Cook future happiness and pleasures that bring fulfillment and contentment.

Mr. RANDOLPH. Mr. President, it is with genuine regret that I join my colleagues in marking the departure of the distinguished Senator from Kentucky (Mr. COOK). We knew him for only 6 years, but he earned our admiration and respect in that short time.

Senator COOK, as he retires to private life, can look ahead, yet we know that during his service in this body, he made a lasting contribution to the remarkable progress which has brought the people of his State to their present vibrant prosperity.

He will be missed for his strength and decency among us where he was truly representative of merited trust. We know he will devote this same strength and decency to whatever career he undertakes as he continues, as he must, to participate in public affairs.

It has been a privilege and a joy to work with MARLOW, I found his most striking attribute to be one of evident conviction that the viability of our American democracy is intact and ongoing, and his best efforts were in its preservation. I wish for him a fine future.

Mr. STENNIS. Mr. President, it is hard to realize that the distinguished Senator from Kentucky, MARLOW W. COOK, will not be with us when we reconvene in January.

He came to the Senate with a fine knowledge of government, gained from serving in a number of important capacities in his own State. He quickly showed himself to be an apt learner in governmental affairs at the national level, and has rendered distinguished service in the Senate.

Senator COOK is one of the best debaters in the Senate. He marshals his facts, presents his points with logic, and argues with persuasion. He is an extremely hard worker and he has been very diligent in committee work, making many very constructive legislative contributions.

I know that MARLOW COOK has many useful years ahead of him, and I certainly wish him well in his future endeavors.

Mr. JAVITS. Mr. President, I am particularly sorry to witness the departure of the distinguished Senator from Kentucky, MARLOW COOK. I have always admired his progressive views as a fellow Republican and, in my judgment, he has contributed much toward invigorating the spirit of our party.

In many areas we worked together toward achievement of the same goals. As ranking minority member of the Commerce Committee's Consumer Subcommittee, he relentlessly urged passage of legislation vital to our consumers: product safety, consumer protection, and reform of automobile insurance programs. I, too, share his deep concern for the consumers of our country.

An enlightened thinker, MARLOW COOK sought to establish "new priorities for America." His most fervent hope was that America might some day establish a better balance between its domestic and defense spending; that we might see improved facilities in all areas for all our people.

Today, no problem has a more devastating effect on the well-being of our country and the revival of its economy than energy. In 1970, MARLOW COOK was one of the first to pioneer legislation to solve the challenges of the energy crisis which were to lie ahead.

Mr. President, Kentucky is losing a dedicated Senator. Along with many others in this body, I will miss MARLOW COOK. However, I am certain that he will continue to devote himself to furthering the best interest of our Nation. I wish him and his family all happiness.

TRIBUTES TO SENATOR HAROLD EVERETT HUGHES

Mr. MONTOYA. Mr. President, I am certain that my colleagues on both sides of the aisle join me in a feeling of great loss at the retirement of Senator HAROLD EVERETT HUGHES.

Sometimes a man comes among us who is such an outstanding leader and such a compassionate and understanding human being that all of us whose lives are touched by his feel lucky to have known him. That is the kind of man HAROLD HUGHES is.

Throughout his public career he has kept his faith bright and has been an inspiration to others. He has given great dignity to the Senate and has led us all toward a more understanding and considerate use of government to help those who are ill or handicapped.

His door has never been closed to those who needed or wanted his help. His great strength has provided a hand up to those among us who had lost their way and wanted to return to a more worthwhile and thoughtful life.

The Senate is indeed losing a bright and courageous Member. I know that Senator HUGHES will continue to be an inspiration and a guide to all of us as he goes forward in the new career he has chosen for himself—a new and even more demanding form of public service.

I hope that the years ahead will continue to be what he wants them to be—a chance to serve his fellow man.

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in

the RECORD a statement by the distinguished Senator from Illinois (Mr. PERCY).

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

STATEMENT BY MR. PERCY

At the end of the 93d Congress, the Senate will be saying goodbye to a giant of a man. By the example he has set in both his public and private life, HAROLD HUGHES has touched all of us to a degree we are not likely to experience again.

He leaves the Senate by his own choice to answer a call higher and more demanding than any issued by an earthly political constituency. We admire and respect him for this decision, we wish him well, but we shall be diminished by his absence.

Mr. President, HAROLD HUGHES is still a young man. There is still so much he is capable of giving to this country and our people; there is still so much that we need from him—the strength of his conscience, the depth of his thoughts, the compassion of his spirit, and the boundless generosity of his heart. I know that we can count on him for all of this, for his prayers and for his advice and counsel.

Earlier this year, as the Senate debated the difficult issue of capital punishment, the Senator from Iowa was a source of strength to me. I was moved by his eloquent statements against the restoration of the death penalty which made my own decision to oppose capital punishment a little bit easier. I am grateful to him for this and for all that he has given of himself to me and to the entire Senate.

In conclusion, I would like to leave with my colleagues some words said by Senator HUGHES himself, "I have long believed that government will change for the better only when people change for the better in their hearts." I myself, Mr. President, believe that many hearts will be changed because of the work the Senator from Iowa is setting out to do.

Mr. WILLIAMS. Mr. President, before the Senate adjourns sine die today, I want to express a few sentiments about one of our colleagues who will not be with us in the next session, Senator HAROLD HUGHES.

It is almost superfluous for me to say what a great pleasure it has been to work with HAROLD HUGHES, and what a distinct privilege it has been to serve with him in the Senate. But beyond that, I look back with feelings of much warmth and deep gratitude on a close personal friendship which I have valued very highly.

The story of HAROLD HUGHES' career is a singular one in modern American politics. He first sought elected office as a member of the Iowa Commerce Commission, because his firsthand experience had convinced him that the State's trucking laws were not being adequately enforced. That decision, in 1958, launched him on a career that was to see him become a three-term Governor, and finally a member of this body.

HAROLD first was elected Governor in 1962 and was reelected 2 years later by the largest plurality the voters of Iowa have ever given a candidate for statewide office. In 1966, he became the first Democrat ever elected to a third term as Governor. Under his stewardship, Iowa's State government made historic advances. Support for public schools was quadrupled; a statewide system of vocational and technical schools was established; programs for the mentally ill, the retarded, and the physically handicapped were improved; tax relief for the elderly was enacted; and laws guaranteeing fair employment practices and nondiscrimination in housing were passed. HAROLD HUGHES also personally provided the leadership for establishment of a State alcoholism prevention and treatment program.

Elected to the Senate in 1968, HAROLD enthusiastically continued his interest in progressive social programs through his work on the Committee on Labor and Public Welfare. He also has served with distinction, and been a leader, on the important Armed Services and Veterans' Affairs Committees. But it was on Labor and Public Welfare, which I have the honor to be chairman of, that I have been privileged to work most closely with Senator HUGHES.

His support of education, health, antipoverty, and worker protection measures has been unswerving, as has his enthusiasm for legislation to help the elderly and the handicapped. As chairman of the Subcommittee on Alcoholism and Narcotics, HAROLD'S leadership has been exemplary. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, and the omnibus drug abuse prevention and rehabilitation legislation enacted in 1972, are both landmark measures which stand as a monument to Senator HUGHES' commitment, energy, and perseverance.

Mr. President, it was with a feeling of deep personal regret that I learned of HAROLD HUGHES' decision not to seek reelection to the Senate. However, we all know that he is a man of the deepest convictions who felt compelled to pursue other goals. I know that I speak for all Senators when I express the hope that HAROLD will continue to make available to the Nation his wise counsel and leadership, and when I express to him and his wife, Eva, my most sincere wishes for every success and happiness in the years ahead.

Mr. ROBERT C. BYRD. Mr. President, when the 94th Congress convenes in January 1975, the senior Senator from Iowa will not be among our number. This is a matter of sincere personal regret to me, as I count HAROLD HUGHES as a valued friend and as a colleague of high degree.

Senator HUGHES' sojourn in this body has been relatively brief, but in the 6 years that we have known him, he has made all of us conscious of his outstanding qualities as a legislator and as a man.

His chairmanship of the Subcommittee on Alcoholism and Narcotics has been marked by the passage of the Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act in this Congress. It was largely due to HAROLD HUGHES' hard work and enthusiasm for the legislation that this important measure has become public law.

Though he has resigned his seat in the U.S. Senate, it is comforting to his friends to know that he will continue to devote his considerable energies to the service of his fellowmen, through his deep and abiding faith in God.

All of us who know and respect HAROLD HUGHES are confident that he will bring to his work in the church the same sincerity and integrity that have characterized his achievements as Senator of the United States.

Our admiration and affection are with him as he goes to serve a higher Master.

Mr. STENNIS. Mr. President, more than a year ago the Senator from Iowa, Mr. HUGHES, announced that he would leave the Senate at the end of this session and begin a new career in public service of a different sort. He is giving up his seat in the Senate after a single term, and at a very productive time of his life, to do something that he feels he ought to do. There, too, he will render an outstanding and fruitful service in administering to the spiritual needs of the people.

For the last 4 years Senator HUGHES has been a member of the Senate Armed Services Committee. I commend him on his fine service. I have implicit confidence in this fine man and esteem him highly, as do all Members of the Senate.

There have been occasions, in our committee work, when Senator HUGHES and I have differed on policies and programs. This is, of course, not unusual in any legislative body and I mention it only so I can stress the good personal relationship which we have had, on the committee and in all other phases of our life here in the Senate.

As Members of the Senate know, Senator HUGHES had served three terms as Governor of Iowa before he came to the Senate in 1969. He fought as a rifleman in World War II, was a member of his State's commerce commission, and has spent much of his life in public service. I am sorry, of course, to see him leave Government now.

But I must add that I honor and respect his determination to meet a new challenge in a new way—as a religious lay worker. I am sure he will work in that capacity with the same energy and dedication which he has shown in our committee work and, generally, here in the Senate.

I believe that he will be successful in his new endeavors, and I am sure that he will take great satisfaction from them.

In my time, no man has exceeded the high esteem and great respect earned and deserved by HAROLD HUGHES. Our fondest good wishes go with him.

Mr. JAVITS. Mr. President, HAROLD HUGHES during his 6 years as a U.S. Senator and three terms as Governor of Iowa has displayed a unique blend of conscience and compassion.

HAROLD HUGHES is a man who has great courage buttressed by his deep convictions. He leaves the Senate by his own choice, firm in his belief that he has a more important call on his dedication to life.

Although he is leaving the Senate after one term, HAROLD HUGHES has performed a lifetime of work in the fields of alcoholism and drug abuse. In 1969 he was named chairman of the Special Subcommittee on Alcoholism and Narcotics and proceeded to educate Members of Congress and the American people on these tragically ignored problems.

As a result of his work and leadership, landmark legislation was passed to aid the victims of these dreaded afflictions. Under his guidance we in 1970 passed the Comprehensive Alcohol Abuse Act and in 1972 an omnibus drug abuse law. For those great efforts alone, millions of Americans are indebted to him. I would like to convey my deep thanks and admiration to the senior Senator from Iowa and hope that his future endeavors be as successful as his Senate career and to wish him and his family all happiness.

RETIREMENT OF HON. WILLIAM E. TIMMONS AND HON. TOM KOROLOGOS FROM WHITE HOUSE LIAISON OFFICE

Mr. ALLEN. Mr. President, with the retirement from public service of Bill Timmons and Tom Korologos, the Nation loses the dedicated services of two men who enjoy the high respect and trust of every Member of the Senate.

For 6 years they have done an outstanding job of representing the administration in pushing its legislative program and maintaining effective liaison between the Members of the Senate and the administration.

I have never doubted these gentlemen and have always felt that I was getting the straight story and the absolute truth in any representations they made to me regarding executive-legislative relationships.

They have done a good job—one that I and other Members of the Senate appreciate. They have always been courteous and accommodating and anxious to assist me in giving effective service to the people of Alabama.

I hate to see them leave Government service, but wish them the very best of success and happiness in their new work.

They have the faith and confidence of the Members of the Senate as they leave their present posts.

Mr. TALMADGE. Mr. President, after the first of the year Bill Timmons and Tom Korologos will leave the White House Legislative Liaison Office, and I join my colleagues in the Senate in saluting these men for the outstanding service they have rendered at the White House for the past 6 years and, prior to that, on Capitol Hill in senatorial offices.

As chairman of the Committee on Agriculture and Forestry and vice chairman of the Finance Committee, I have had many occasions to work with Bill Timmons and Tom Korologos on various legislative matters. They always did a splendid job in keeping me and my staff informed, which was of immense help to my committee work and in dealing with my constituents. Both these men had had previous senatorial staff experience, Tom Korologos with Senator BENNETT and Bill Timmons with Senator BROCK, before going to the White House, and this experience enhanced their legislative liaison service for the President. We have of course very often found ourselves on different sides of an issue but there always existed a spirit of mutual respect and understanding. I wish both Bill and Tom every success and happiness in whatever they undertake in private business.

Mr. HANSEN. Mr. President, two of the top assistants in the White House are leaving to go into business for themselves. They are Bill Timmons and Tom Korologos. Bill is an assistant to the President who was earlier an assistant to our good colleague, the junior Senator from Tennessee (Mr. BROCK) when BILL BROCK was a member of the other body.

Tom was Administrative Assistant to Senator BENNETT of Utah and is from Utah himself.

Both of them have been of inestimable help to members on both sides of the aisle and their presence both here on the Hill and in the White House will be sorely missed.

Bill worked in the 1968 campaign and came to the White House with President Nixon. Tom left the Senate to join the White House staff in 1971.

Anytime any Senator needed some help or information in a hurry, either Bill or Tom was always available.

I wondered sometimes when they slept after calling at some weird hours of the night and finding one or the other still at work.

And when Tom gave a Senator his word or made a commitment, that is the way it would be and we all knew it.

Both have been real workhorses and certainly deserve a little rest. I hope they are able to enjoy a little relaxation after doing fire alarm duty for the Senate and the other body these last several hectic years.

They have not been easy ones for any Republican especially top-level White House assistants to the President. I would like to add my compliments for performance above and beyond the call of duty and wish the best to both of them as they begin new careers.

Mr. BROCK. Mr. President, today marks the departure of two outstanding men from the White House, William Timmons and Tom Korologos. Thus I rise to express my enormous gratitude to each for their substantial contribution to this country and for their friendship.

These have been difficult years. Our Nation and, in particular our Government have undergone a trauma of enormous magnitude. In such a situation those whose responsibility is to act as a bridge between the executive and legislative branch are placed in the most difficult of all circumstances.

I believe we were fortunate to have had Bill Timmons in charge of the congressional liaison responsibility during these times. He met his responsibility with a remarkable combination of impeccable integrity and intelligence, constant good humor and tact. The fact that he now leaves office with the respect and affection of Democrat and Republican alike is testimony to the quality of his efforts.

Tom Korologos, in equal degree, has earned the confidence of every Senator in this body. He has been both candid and forthright. He has demonstrated great ability and total dedication to the highest measure of performance.

These two men have set a standard which will challenge those who succeed them to superior effort. It is difficult to see them leave the service of our Nation, for we will miss them. Even so, the bonds of friendship which have been established will remain, and I know we we all wish them well in their chosen careers.

Mr. MAGNUSON. Mr. President, I would like to join with my Senate colleagues in paying tribute to two fine public servants: Tom C. Korologos and William E. Timmons, of the White House Legislative Liaison Office.

It has been my privilege to work closely with these men we honor here today, for the past 6 years on vital matters of legislation affecting our Nation.

Throughout the turmoil of the past few months, Mr. Korologos and Mr. Timmons have shown a genuine concern for the problems of America and complete dedication to the high principles of democracy and freedom for which this Nation stands.

They are men of tremendous vitality and deep conviction, committed to the public interest, and we, as Members of Congress, will miss their cooperation and assistance in the formulation of the laws of the land.

It was my good fortune to have Mr. Korologos as part of the staff when I visited mainland China in 1973. He did an excellent job for us and was an immense help to all the delegation members.

Mr. President, I wish for Messrs. Korologos and Timmons every success in their new endeavors.

TOM C. KOROLOGOS

Mr. ROBERT C. BYRD. Mr. President, as we get ready to close the 93d Congress, I would be remiss if I did not take a moment to express my sincere personal regret at the pending resignation of a man whom all of us have come to know and respect, Tom C. Korologos, the Deputy Assistant to the President for Senate Legislative Affairs.

I had known of Mr. Korologos and his good works long before he went to the White House. As a member of the staff of the distinguished Senator from Utah, Mr. BENNETT, from 1962 until 1971, Mr. Korologos' accomplishments were noted by the President and the White House, and he was asked to join the congressional relations team almost 4 years ago. In that capacity, he was assigned specific duties in the Senate.

As a member of the Senate leadership, I can state without fear of contradiction, Mr. President, that Mr. Korologos was perhaps one of the finest of all of the congressional relations representatives we have ever had in the Senate, and we have had some excellent ones. His easy, friendly style, his long-standing friendships, his perseverance, his virtually instant response to our many requests, his readiness to assist any and all Senators and staffers, and his wit and personality all helped make him a major part of the Senate scene.

Seldom has an outside individual gained such respect and confidence of all Senators from both sides of the aisle

and from all parts of the political spectrum. The Senate came to trust and to rely on Tom Korologos in its daily deliberations. His contributions and steadfastness under the most trying of circumstances—walking a thin line from which lesser men would have wavered—Tom's strong character served him in good stead.

A man of many talents, I always marveled at his ability to grasp and simplify even the most complicated of issues and get to the nub of a problem. I say this in regard to highly visible international and domestic issues down to the smallest but important issues affecting my State of West Virginia.

Tom's relationships with all Senators and with both Presidents Nixon and Ford were always good.

His successes in the Senate are too numerous to mention. But in his losses as in his victories, he never changed, he never sulked, and he never gloated. I recall him saying to a Senator once who had voted against the administration on a particular issue:

There's nothing deader than yesterday's vote. I will be around to see you again tomorrow.

I am sure that all of us in our own offices can list projects, personnel matters, legislative questions, and a myriad of other things that we have referred to Mr. Korologos and who has handled them all with dispatch. I always appreciated knowing if something could or could not be done, and I could rely on Tom to tell me so.

Mr. President, the Senate is going to miss this fine man whom all of us came to trust, respect, and rely upon. To him I say thank you, good luck, and best wishes.

I ask that I might insert in the RECORD at this point an exchange of letters between the President and Mr. Korologos.

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

[The White House]

EXCHANGE OF LETTERS BETWEEN THE PRESIDENT AND TOM C. KOROLOGOS, DEPUTY ASSISTANT TO THE PRESIDENT

DECEMBER 18, 1974.

DEAR TOM: It is not only with the deepest regret but also with a personal sense of loss that I accept your resignation as Deputy Assistant to the President, effective December 31, 1974, as you requested.

For more than three years, you have served as the President's representative in the Senate with brilliance, loyalty and the kind of political acumen that is the hallmark of the true Washington professional. I know from my own long experience in the Congress that your understanding of the complexities of our legislative system and your ability to work with and within that system is unsurpassed. On numerous occasions in recent months I have greatly valued your sound counsel and assistance on the difficult legislative issues which have come before us. You have given me your full, unhesitating support throughout the period of transition. For this and for your many, many contributions to my Administration and to our Nation you have my unqualified admiration and heartfelt gratitude.

I deeply appreciate your kind comments and expression of confidence as you prepare to depart the White House staff. I know that in the months and years ahead you too will be devoting your skills and energies to the future strength and prosperity of our nation.

Betty joins me in extending to your family and to you our very best wishes for every future success and happiness.

Sincerely,

JERRY FORD.

DECEMBER 12, 1974.

DEAR MR. PRESIDENT: After almost four years in the Congressional Relations office in the White House, personal considerations require that I submit my resignation as your Deputy Assistant for Legislative Affairs effective December 31, 1974.

I will always be grateful for your asking me to continue in my position the same day you were sworn in as President of the United States.

To serve as the President's representative in the Senate has been an incomparable experience which I shall always cherish; likewise, it has been a distinct privilege to serve on your White House staff. I shall remember fondly our personal relationship through the years when you were Minority Leader, Vice President and now as President. I also thank you for your many kindnesses, professionally and personally to me and my family.

I regret that I will not be able to share the many accomplishments that are ahead for you both domestically and internationally. I leave the White House, however, with the fullest confidence that you will achieve the goals you have set for our Nation. And, in your efforts, I wish you every success.

Warm best wishes to you and the First Lady.

Sincerely,

TOM C. KOROLOGOS.

Mr. CURTIS. Mr. President, information has come to me that Mr. Tom Korologos and Mr. William Timmons are leaving Government service at the end of this month. These two gentlemen have served loyally as liaison officers between the White House and the Congress. I regret to see them go because both of them have done an outstanding job.

Tom Korologos and William Timmons have worked long hours every day of the week, yet they were always patient and courteous and anxious to be just as helpful as possible. The task for which they were assigned was usually involved and difficult.

Legislation involves controversy. Views of individual legislators and the view of the Chief Executive often have to be reconciled. Information has to be exchanged and the lines of communication kept open. Messrs. Korologos and Timmons are skillful, conscientious and successful. They accomplished many things that were very important in the public good.

I am amazed at the grasp these two men have of the works of Government and of public issues and public affairs. They know who's who in Government. Their knowledge and skill plus their honest and forthright application caused them to be most helpful to all of those who worked with them.

I want to express my gratitude to each of them for the fine service that they have rendered and to extend to them every good wish for their future.

TOM KOROLOGOS

Mr. EASTLAND. Mr. President, a man who has served well both the executive and legislative branches will soon be leaving the service of Government. Tom Korologos, the Deputy Assistant to the President for Legislative Affairs has traveled Pennsylvania Avenue many, many times to serve as a hard working and invaluable liaison between the Senate and the executive branch. He has successfully bridged the separation of powers.

I would like to take a moment to voice a personal thank you for his thorough, efficient, and always patient work. Tom has gained the respect of every Senator on both sides of the aisle. He has sought to accommodate and balance all of the conflicting views that emanate from a body composed of 100 men while at the same time serving as an effective advocate for the position he represented. He has responded to the requests of every Senator so that each of us could serve our constituents more effectively.

But, perhaps, one quality that arises above the others is his wit. This quality has served him well and has contributed along with his hard work and ability to make him an extremely effective advocate.

We shall miss Tom Korologos. Tom is one individual who the Senate will miss as much as the executive branch will. I wish him well in his future career, and I want him to know that there are many of us on both sides of the aisle who hold him in the highest regard.

TOM KOROLOGOS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a statement by the distinguished majority leader (Mr. MANSFIELD) in reference to the retirement of Thomas Korologos be printed in the RECORD.

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

STATEMENT OF SENATOR MANSFIELD

Because I am absent from the Senate on official business, I have asked the distinguished Acting Majority Leader, Mr. Byrd, to place these remarks in the RECORD for me. They concern the pending departure from the White House, the Senate scene, and government service of my friend and fellow westerner, Tom C. Korologos, the Deputy Assistant to the President for Senate Legislature Affairs.

As Majority Leader, I have seen many Administration representatives come our way. However, one of the finest and most talented of them all has been Tom Korologos. His relationships with all Members of the Senate, on both sides of the aisle, have been outstanding. I have never heard a derogatory comment about him or his important work.

My relationship with him goes back a good many years when I came to know him as the Assistant to the distinguished Senator from Utah, Mr. Bennett. He performed extremely well in that capacity. His talent and accomplishments were appropriately noticed, and he was called to the White House nearly four years ago.

In his capacity as the President's liaison with the Senate, Mr. Korologos called on me very frequently. From this there developed a warm association and one which I shall long remember. I can say with admiration that we all came to trust and respect Tom Korologos. His efforts during the passage of the President's legislative program were truly outstanding. He was loyal to two Presidents; yet he performed in a most bipartisan manner.

Senators turned to him for advice and counsel. His ready wit, personality, plus his professional approach and perserverance became his hallmarks.

Tom Korologos is the type of man Elbert Hubbard referred to when he wrote:

"If . . . you work for a man, in Heaven's name work for him!

"Speak well of him and stand by the institution he represents.

"Remember . . . an ounce of loyalty is worth a pound of cleverness."

Tom has demonstrated unquestioned loyalty and is a dedicated public servant.

I join with my distinguished colleagues to press appreciation, affection, and respect for a man who served his Senator well, who served his Presidents well, and who served the Senator well. Tom has left his mark on this body. He was one of the best!

Mr. SPARKMAN. Mr. President, I am glad to join with my colleagues in expressing great satisfaction with the wonderful service that has been rendered to us by two members of the White House staff—Bill Timmons and Tom Korologos. Certainly, no Senator ever lacked for help from these two outstanding public servants.

Both of them have told me that they were leaving Government service to engage in other endeavors. As they leave, I want to express my thanks and the thanks of my office staff for the ready, willing, and wonderful service given us.

Mr. MOSS. Mr. President, I have known Tom Korologos for a good long time. I remember him as a young newspaperman back in Salt Lake City, Utah, where both of us were born. Tom came to Washington to serve on the staff of Senator WALLACE BENNETT, my senior colleague, and from there he went to the White House to work as legislative liaison between the executive and the legislative branches.

In my opinion, no one has filled the job better than Tom. He is an able thoughtful man with a friendly and spontaneous manner. He is courteous and thoughtful and he is a man whose word is good every time. I believe he served the President extremely well and I appreciate the services that he performed for Members of Congress. His background of having worked for a Senator enabled him to understand our particular problems and to help keep things on track.

We shall miss having his service, but I am sure that all of my colleagues, as do I, wish him well in his future endeavors.

TRIBUTE TO BILL TIMMONS AND TOM KOROLOGOS

Mr. DOLE. Mr. President, for the past 6 years, the White House has been fortunate to have two men of outstanding ability to fill the demanding, if not at times impossible, role of liaison with the Congress.

It has been their job to try to accommodate our needs, meet our demands, answer our questions, soothe our anger, laugh at our jokes, and in almost superhuman fashion, Bill Timmons and Tom Korologos have done it all.

Both will be leaving their present position with the end of the 93d Congress. They will be missed, I am sure, not just by the minority in this body, but by our colleages across the aisle. Though we differ in our politics, we agree in our evaluation of Bill and Tom as professionals of extraordinary skill.

It is my understanding that they plan to stay together after they leave Government service, joining in a private concern in Washington. I join with my colleagues in wishing them all the best of luck and good fortune and am confident that the same skills and talents which they have put to our service and the service of the administration—indeed which they have put in service to their country—will see them well through whatever future challenges they may set for themselves.

Given the separation of powers doctrine, and the natural rivalries and disagreements that emerge between the White House and the Congress, and given further, the fact that it was Mr. Timmons and Mr. Korologos—Bill and Tom—who had the job of bringing the news of administration activities to the "Hill", that old story about "killing the messenger" was not just an old story to them. It was an ever-present threat.

They rose above it every time, however, and functioned always as a most professional team. They have been good-humored, quick-witted, and sure-footed in their daily climbs up Capitol Hill.

Mr. BENNETT. Mr. President, as my service in the Senate comes to an end, the service to the Senate of another man whom I brought to Washington is also ending, and before we both leave, I want to express my pride and satisfaction for his success. Twelve years ago this month, Tom Korologos joined my staff as my press secretary, and in those years, my respect, admiration and affection for him steadily increased. Four years later, I made him my administrative assistant, and for the next 5 years, he helped me carry my responsibilities as Senator in the manner that only a good administrative assistant can do.

In 1971, recognizing his character and ability, the White House offered him the opportunity to serve as its liaison man with the Members of the Senate, and as his area of activity has increased, the respect we in the Senate have for him has also expanded. Senators on both sides of the aisle have reminded me of what I knew already—that Tom Korologos is a man of high character who keeps his word, a man who accepts and carries out responsibilities, a man of imagination and great personal drive. No President has ever had a better representative to the Senate than Tom Korologos.

I think it is interesting and maybe symbolic that we are both leaving at the same time—I to go into retirement and Tom to move into private life where he will have an opportunity to expand the numbers of those whom he can serve as their representative to the Senate.

During these years at the White House, Tom has worked with another fine liaison man, Bill Timmons, for whom I also have the greatest of respect. The two of them will make a powerful team, and I am sure that in the years ahead, as they continue their relationships with their friends in the Senate, they will continue to earn and merit the respect and trust they have built up. I am sure all of my colleagues join me in wishing them success in their new venture.

Mr. PELL. Mr. President, it is inevitable, in our system of government, that strains and stresses develop between the executive and legislative branches. This is particularly true when the two branches are controlled by different political parties as has been the case during the past several years.

Seldom in our history, however, have there been greater strains between the two branches than during the past 2 years. Even, and perhaps especially in these circumstances, communications between the White House and the Congress are particularly important.

The fact that communications were maintained, permitting the necessary business of government to go forward, is due in large part to the work of two members of the White House staff, William E. Timmons, in charge of congressional relations, and Tom C. Korologos, who handled Senate affairs for the White House.

In these difficult times, Bill Timmons and Tom Korologos have fulfilled their responsibilities with tact, courtesy, and efficiency. Both will be leaving the White House staff and Government service at the end of this year. I commend them for their dedicated service to the White House, to the Congress, and to the American people, and I wish them well in their future endeavors.

Mr. STENNIS. Mr. President, my remarks will be brief, but I want to publicly express my appreciation for the fine services to the Senate by the Honorable Tom C. Korologos during the 4 years that he has been legislative liaison representative of the White House to the Senate.

Based on my experiences with him, Mr. Korologos represents the very best type of public service, especially as a liaison officer to the legislative branch of the Government.

First, he has those basic and essential qualities of character that serve as a basis for the trust and the high confidence in him that I believe is shared by every Member of this body.

Next, he had valuable years of previous public experience on Capitol Hill as a valuable staff member to Senator WALLACE BENNETT of Utah. He knows intimately the problems of a Senator in all of its practical and public relations aspects.

Next, he has excellent judgment with reference to legislation and with reference to the practical side of handling legislation in the Congress.

Further, he has the utmost respect for the duties as well as the problems and prerogatives of a Senator and never attempted to "get over the line" with any Senator on any subject.

Frankly, I regret to see him leave us.

Certainly, I wish him well, and believe that all Senators do, in all of his future endeavors. I am confident that, because of the qualities I have already mentioned, he will be successful in any worthy undertaking that he sees fit to undertake. May God bless and sustain him now and in the years ahead.

TOM KOROLOGOS

Mr. HRUSKA. Mr. President, it has been my good fortune in the past several years to work closely with Tom Korologos, a man who has diligently toiled to bridge the gap between the legislative and executive branches of our Government. It is with much regret that I note that he will shortly be leaving his position as Deputy Assistant to the President for Legislative Affairs.

Tom, one of the few men who truly understands the legislative process, received a thorough education in the ways of the Senate under the tutelage of the distinguished senior Senator from Utah (Mr. BENNETT), for whom he had previously served as administrative assistant. Tom's feel for the sentiment of the Senate and his ability to count votes prior to the rollcall, are of legendary proportions.

A man of boundless energy, ability and intellectual insight, Tom is respected and valued as a friend and counselor on both sides of the aisle. Because of these qualities and the vigor which he has devoted to his tasks, he has provided great service to the administration, the Congress, and his Nation.

Earlier this year, there appeared a news story in the Washington Post which very aptly describes Tom and his relationship with the Congress. Mr. President, I ask unanimous consent that this news story be placed in the RECORD at the conclusion of my remarks.

I join the many who wish Tom continued success and happiness in his future endeavors. It is my hope that, although he is leaving Government service, he will still be able to find time to give us the benefit of his wisdom from time to time.

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

WHITE HOUSE, AGENCIES LOBBY HEAVILY ON HILL

(By Spencer Rich)

At 9:30 each morning the Senate is in session, a huge black chauffered limousine rolls up to the Capitol.

Out steps a beefy, barrel-chested man with thick glasses, wiry salt-and-pepper hair and a black briefcase. Striding rapidly, he heads for the office of Vice President Gerald R. Ford, just off the Senate chamber, or of Senate Minority Leader Hugh Scott of Pennsylvania.

His name is Tom Korologos, and he is the White House's chief lobbyist in the U.S. Senate. His business, as he puts it, is "passing the President's program."

If an impeachment trial reaches the Senate and the vote is close, his powers of persuasion, his ability to count votes and his tactical sense could have an impact on whether President Nixon is removed from office or not.

Korologos is just one of the battery of lobbyists every President maintains, at public expense, to help pressure Congress to pass his program. Although few people outside Congress realize it, the White House and federal-agency lobbying operation is one of the most powerful and expensive in the capital.

The White House operation, headed by William E. Timmons, numbers only seven persons including Korologos, but every federal agency has at least one "legislative liaison" or "congressional relations" officer who spends much or all of his time lobbying Congress for passage of administration proposals.

All told, there may be as many as 75 agency lobbyists, virtually all of them political appointees whose work is coordinated by Timmons.

Timmons is the best-paid administration lobbyist, at a reported $42,500. Korologos and his House counterpart, Max Friedersdorf, get about $37,500 each. Assistant Secretaries for Legislation who head up the lobbying operations in the departments, like Fred Webber at Treasury, Steve Kurzman at HEW, and ex-Rep. John Kyl at Interior get $38,000, their chief deputies $36,000.

Counting salaries, office expenses and clerical and second-line aides, the Executive Branch's lobbying operations probably cost the taxpayer well over $1 million a year, possibly as much as $2 million. In normal times, this apparatus has terrific clout.

"The foremost lobbying organization in this country is not the National Association of Manufacturers, the AFL–CIO, the Chamber of Commerce or the veterans' lobby," said Senate Democratic Whip Robert C. Byrd, of West Virginia. "It is the White House and federal executive branch, hands down.

They are the most potent, influential, active lobby.

This power derives from two things.

One is the President's prestige and his power to do favors for a friendly member of Congress. In normal times, the White House has favors to dispense, such as appointments, approval of projects or grants, rulings on matters that affect a district or state.

Knowledgeable insiders say there is virtually no direct vote-buying—almost no time when a flat deal is made to trade a project for a vote. And they say there aren't as many favors for the faithful as most people think. There are rules and regulations that it is hard to break.

The lobbyists "have little flexibility and they often can't deliver anyhow," said one GOP aide. But they can look into legitimate problems at the request of a member, and push a grant or a project his way when his state or district is just as qualified as other applicants.

There are rumors that one senator cast his vote on a weapons issue with the White House a few years ago in return for approval of an irrigation project, but an ex-lobbyist from one of the executive agencies said the project "probably would have been okayed anyhow, it had Reclamation Bureau approval, and the senator was inclined to vote that way anyhow."

What many members of Congress respond to best, however, is simply the feeling that they are somehow getting in good with the President, without hope of specific immediate reward. Since President Nixon's prestige has dropped substantially as a result of the Watergate scandal, this leverage is far less.

The White House lobbyists' clout "depends on the President's clout to a great degree, and there's virtually none in the White House now," said Byrd.

Still, what little clout is left is reinforced by what may be an even more important function of White House and departmental lobbying—providing leadership, staffing and tactical expertise for administration supporters on the Hill. This second form of influence has been impaired little if at all.

In bodies as diverse and disorganized as the House and the Senate, doing simple things is crucial—things like taking vote counts, developing strong position papers, making sure everyone knows what the White House position is, finding senators and congressmen to offer amendments in committee or the floor for the White House at the right time or stall when necessary, reminding people when their vote is crucial and they shouldn't be absent, maintaining liaison between different members backing the White House position, helping draft legislation.

The White House and the agencies have formidable weapons for this kind of battle.

To rush a senator to a vote from out of town, they can get an Air Force plane, as when Treasury's Fred J. Webber, then an aide to Korologos, summoned a plane to bring Oklahoma Republican Sens. Dewey Bartlett and Henry Bellmon back from a quail hunt to vote against cloture on campaign financing last year.

The White House regularly writes speeches for members of Congress, usually praising the President and his program, and offers them around for someone to read into the record as his own.

Most important, perhaps, is the staffing the White House and agencies can provide to develop arguments, statistics and position papers.

The 25 top liaison men, one for each department or agency, are backed up by lower-level liaison people and virtually numberless federal bureaucrats. In the White House, Timmons can turn to the OMB and aides at the Domestic Council and other White House officers for all sorts of aid in presenting the administration position.

Timmons, chief of the White House's seven-man liaison operation, is 43, a graduate of Georgetown who worked six years for former Sen. Alexander Wiley (R-Wis.) and six years for then-Rep. Bill Brock (R-Tenn.) before joining the President's staff 5½ years ago.

Korologos, a 41-year-old former newspaperman, is a graduate of the University of Utah and former Pulitzer journalism fellow who worked as administrative assistant and press secretary to Sen. Wallace F. Bennett (R-Utah) from the early 1960s until joining the White House staff in 1971.

Patrick O'Donnell, 37, son of famed World War II Air Force hero Rosie O'Donnell, has worked for the D.C. Corporation Counsel and was with Dean Burch at the Federal Communications Commission; he recently joined the staff as second man in the Senate.

In the House Timmons has Max Friedersdorf, in his early 40s, from Indiana, a former newspaperman who worked at one time for ex-Rep. Richard L. Roudebush (R-Ind.). Roudebush is now congressional lobbyist for the Veterans Administration.

Vern Loen, one-time assistant to Rep. Albert Quie (R-Minn.), and Gene Ainsworth, a former administrative assistant to Rep. Gillespie V. (Sonny) Montgomery (D-Miss.), complete the House staff.

Powell Moore, 36, a newspaperman from Georgia who was press secretary for the late Sen. Richard B. Russell (D-Ga.) from 1966 to 1971, then worked for Justice and the 1972 Nixon campaign, is an inside aide to Timmons.

In January, 1973, the President agreed to a Timmons request to upgrade each of the departmental lobbyist top slots to assistant secretary rank. Many of those holding the jobs now are Timmons' choices, and he must coordinate their work with that of his own staff at the White House.

The days start early for Korologos, Friedersdorf and other White House lobbyists: At 7:30 they meet with OMB and Domestic Council aides to get a fix on the day's problems and get policy positions set. Timmons usually doesn't attend this meeting, but the whole White House lobbying group meet with him at 8. Half an hour later, the senior staff of the White House meets to review the day's problems and prospects—Alexander Haig, perhaps Budget Director Roy Ash, Ron Ziegler, Peter Flanigan, possibly even the peripatetic Henry Kissinger or other top officials. Of the lobbying staff, only Timmons attends this meeting.

White House legislative positions are developed in the departments and refined or

altered in the Domestic Council and OMB; when Timmons needs guidance he talks to the Domestic Council's Kenneth Cole, Kissinger, Ash or even the President.

His office is right down the hall from the President's, and he sees him or talks to him by phone several times a week—sometimes several times a day. Tactics are worked out between Timmons and the other lobbying staffers in the field.

Timmons says he gets up to the Hill only a few times a week—his real function is to stay downtown and coordinate the activities of his troops, while channeling up to the President the things he needs to know about the mood on Capitol Hill.

Korologos is widely liked and respected in the Senate. He has close contacts with GOP conservatives, naturally, but also quite good relations with such Democrats as John Pastore of Rhode Island, Majority Leader Mike Mansfield of Montana, Armed Services Committee Chairman John Stennis of Mississippi, Henry M. Jackson of Washington and Russell B. Long of Louisiana.

Every Tuesday afternoon, he goes to Sen. Scott's leadership office off the Senate chamber, where he is available to any Republican senator who has problems that he wants the White House to know about.

"I like him, he's conscientious, honest, does a job for the White House," said Mansfield. "Korologos does a very good job," said Senate GOP Whip Robert P. Griffin of Michigan.

While the Timmons crew works on big issues and big floor fights, liaison men from the departments are usually evident mainly at the committee level, working on the details of legislation. "They don't come up here enough. They just aren't around enough to have real influence," said one GOP aide.

"But Tom is terrific. On the veto-override vote on the energy bill, it never would have happened without Tom beating up and down the halls" rounding up votes, he continued.

Another victory for the White House lobbying staff was on the Senate's vote last year to slash NATO forces. At noon the administration looked beaten and lost the first key vote. Then, going all out, and using some high-level extra manpower, the White House reversed defeat by two votes within four hours.

They lose some, too—as in the Senate's recent vote, despite all-out White House lobbying, to kill added funds for aid to Vietnam. Even good lobbying can't substitute for having a popular position.

Will the White House lobby heavily on impeachment? "Sure, but I don't think it will be effective," said Rep. John B. Anderson (R-Ill.). "I think it'll be resented."

Byrd made the same assessment. Timmons refused to discuss the matter, except to say, "Information will be made available to member if needed."

Korologos also refused to discuss impeachment, but veteran Senate insiders say it's clear that the White House will try to lobby, though in a discreet, careful way, and that it will seek to concentrate its efforts on moderate-to-conservative Republicans and Southern Democrats, who together make up half the Senate and have cooperated with the White House in the past. The President needs only 34 votes to beat an impeachment conviction.

"Korologos is about the finest thing Nixon has going for him up here right now," said one veteran Democrat. "But the real defense of the President will have to be made by [Presidential lawyer James D.] St. Clair."

Mr. DOMINICK. Mr. President, goodbys are difficult, especially when they involve good friends. It is difficult to say good-bye to Tom Korologos, who has given dedicated service as Deputy Assistant to the President for Legislative Affairs.

Tom must have tracked a thousand miles between the White House and Capitol Hill. He has kept his good humor through it all—and helped us with a myriad of requests, always efficiently and courteously handled.

Many of the good debates on the floor have been buttressed by his background and knowledge of the subject and if we did not win them all it was certainly not for lack of effort. Good luck to Tom, and may his new life be most rewarding.

WILLIAM E. TIMMONS

Mr. President, I join with many in wishing Bill Timmons "Godspeed" as he retires from the position of Assistant to the President for Legislative Affairs.

I send him sincere thanks for his many years of consistent and dedicated service to the office of the President—he served faithfully through dark as well as sunny times. A liaison job is a tough one—it is hard to please "all of the people all of the time." Bill did yeoman service in keeping the President pleased and we on the Hill happy.

All success to him in his new endeavor.

Mr. LONG. Mr. President, as the 93d Congress comes to an end, I would like to take just a moment to join with my colleagues from both sides of the aisle in expressing regret that two very able men are leaving the service of our Government.

William E. Timmons, Assistant to the President, and Tom C. Korologos, Deputy Assistant to the President, have worked with us under two Presidents. And I do not know of anyone who has worked harder, put in longer hours or been more helpful to us in guiding important legislation from conception to the law books than Tom and Bill.

They are both brilliant and dedicated men. I would like to think, of course, that they acquired these attributes from the years they worked in this branch of Government.

As we in this chamber are aware, Tom was administrative assistant for 8 years to the distinguished Senator from Utah, Mr. BENNETT, who is ranking minority member of the Senate Committee on Finance. Tom has a grasp of the often intricate measures that come under the consideration of this committee. His assistance to us has been invaluable.

Mr. President, oftentimes a good working relationship develops into a personal friendship. It has with Tom. I know that as he begins a new career our friendship will continue. And I, as well as my colleagues in the Senate, hope to see much of him in the future.

Mr. President, I would like to extend to both Bill and Tom my best wishes for much success in their new endeavors.

ADJOURNMENT SINE DIE

Mr. ROBERT C. BYRD. Mr. President, with the best wishes on behalf of the majority leader and myself to everyone for a very pleasant Christmas and a good and prosperous and Happy New Year, I move, in accordance with the provisions of House Concurrent Resolution 697, that the Senate adjourn sine die.

The motion was agreed to, and at 5:40 p.m., the Senate adjourned sine die.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 20, 1974:

DEPARTMENT OF JUSTICE

Edward B. McDonough, Jr., of Texas, to be U.S. attorney for the southern district of Texas for the term of 4 years.

David C. Mebane, of Wisconsin, to be U.S. attorney for the western district of Wisconsin for the term of 4 years.

Benjamin F. Butler, of New York, to be U.S. marshal for the eastern district of New York for the year of 4 years.

U.S. RAILWAY ASSOCIATION

Charles B. Shuman, of Illinois, to be a Member of the Board of Directors of the United States Railway Association for a term of two years.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

THE JUDICIARY

Ellsworth A. VanGraafeiland, of New York, to be U.S. circuit judge for the second circuit.

John T. Elfvin, of New York, to be U.S. district judge for the western district of New York.

Henry Bramwell, of New York, to be U.S. district judge for the eastern district of New York.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on December 24, 1974, he presented to the President of the United States the following enrolled bills and joint resolutions:

S. 251. An act for the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, F. Clyde Wilkinson, Arthur D. O'Neill, Joseph H. Avery, Jr., Joshua Cosden, Keith Jewell, Bertha Seelmeyer, Thomas Dennis O'Neill, Robert H. Brockhurst, Michael Senko, Salvatore La Capria, C. J. Moore III, and Ann C. Siegal;

S. 356. An act to provide minimum disclosure standards for written consumer product warranties; to define minimum Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities, and for other purposes;

S. 521. An act to declare that certain land of the United States is held by the United States in trust for the Cheyenne-Arapaho Tribes of Oklahoma;

S. 544. An act to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes;

S. 663. An act to improve judicial machinery by amending title 28, United States Code, with respect to judicial review of decisions of the Interstate Commerce Commission and for other purposes;

S. 754. An act to assist in reducing crime and the danger of recidivism by requiring speedy trials and by strengthening the supervision over persons released pending trial, and for other purposes;

S. 1017. An act to provide maximum Indian participation in the Government and education of the Indian people; to provide for the

full participation of Indian tribes in programs and services conducted by the Federal Government for Indians and to encourage the development of human resources of the Indian people; to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities; and for other purposes;

S. 1083. An act to amend certain provisions of Federal law relating to explosives;

S. 1296. An act to further protect the outstanding scenic, natural, and scientific values of the Grand Canyon by enlarging the Grand Canyon National Park in the State of Arizona, and for other purposes;

S. 1418. An act to recognize the 50 years of extraordinary and selfless public service of Herbert Hoover, including his many great humanitarian endeavors, his chairmanship of two commissions of the organization of the executive branch, and his service as 31st President of the United States, and in commemoration of the 100th anniversary of his birth on August 10, 1974, by providing grants to the Hoover Institution on War, Revolution, and Peace;

S. 2149. An act to amend title 10, United States Code, to provide certain benefits to members of the Coast Guard Reserve, and for other purposes;

S. 2446. An act for the relief of Charles William Thomas, deceased;

S. 2807. An act to name the Federal building, U.S. post office, U.S. courthouse, in Brunswick, Ga., as the "Frank M. Scarlett Federal Building;"

S. 2854. An act to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance a national attack on arthritis;

S. 2888. An act to convey certain land of the United States to the Inter-Tribal Council, Inc., Miami, Okla.;

S. 2994. An act to amend the Public Health Service Act to assure the development of a national health policy and of effective State and area health planning and resources development programs, and for other purposes;

S. 3022. An act to amend the Wild and Scenic Rivers Act (82 Stat. 906), as amended, to designate segments of certain rivers for possible inclusion in the national wild and scenic rivers system; to amend the Lower Saint Croix River Act of 1972 (86 Stat. 1174), and for other purposes;

S. 3289. An act to amend the act of August 10, 1939 (53 Stat. 1347), and for other purposes;

S. 3358. An act to authorize the conveyance of certain lands to the United States in trust for the Absentee Shawnee Tribe of Indians of Oklahoma;

S. 3359. An act to authorize the conveyance of certain lands to the United States in trust for the Citizen Band of Pottawatomie Indians;

S. 3394. An act to amend the Foreign Assistance Act of 1961, and for other purposes;

S. 3433. An act to further the purposes of the Wilderness Act by designating certain acquired lands for inclusion in the national wilderness preservation system, to provide for study of certain additional lands for such inclusion, and for other purposes;

S. 3481. An act to amend the Federal Aviation Act of 1958 to deal with discriminatory and unfair competitive practices in international air transportation, and for other purposes;

S. 3548. An act to establish the Harry S. Truman memorial scholarships, and for other purposes;

S. 3934. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes;

S. 3943. An act to extend the time for using funds appropriated to carry out the 1973 rural environmental assistance program and the 1974 rural environmental conservation program;

S. 3976. An act to amend title 17 of the United States Code to remove the expiration date for a limited copyright in sound recordings, to increase the criminal penalties for piracy and counterfeiting of sound recordings, to extend the duration of copyright protection in certain cases, to establish a National Commission on New Technological Uses of Copyright Works, and for other purposes;

S. 4073. An act to extend certain authorizations under the Federal Water Pollution Control Act, as amended, and for other purposes;

S. 4206. An act to provide price support for milk at not less than 85 per centum of the parity price therefor, and for other purposes;

S.J. Res. 40. A joint resolution to authorize and request the President to call a White House Conference on Library and Information Services not later than 1978, and for other purposes;

S.J. Res. 133. A joint resolution to provide for the establishment of the American Indian Policy Review Commission; and

S.J. Res. 262. A joint resolution authorizing the Architect of the Capitol to permit certain temporary and permanent construction work on the Capitol Grounds in connection with the erection of an addition to a building on privately owned property adjacent to the Capitol Grounds.

MESSAGES FROM THE HOUSE RECEIVED AFTER ADJOURNMENT

Under authority of the order of Friday, December 20, 1974, a message from the House of Representatives received on December 20, 1974, after sine die adjournment, stated that the House had passed without amendment the following Senate bills:

S. 3289. An act to amend the act of August 10, 1939 (53 Stat. 1347), and for other purposes; and

S. 4206. An act to provide price support for milk at not less than 85 per centum of the parity price therefor, and for other purposes.

The message also stated that the House agreed to the amendment of the Senate to the bill (H.R. 12860) to amend title 10 of the United States Code in order to clarify when claims must be presented for reimbursement of memorial service expenses in the case of members of the Armed Forces whose remains are not recovered.

The message further announced that the House agreed to the amendments of the Senate to the bill (H.R. 16925) to make technical amendments to the act of September 3, 1974, relating to salary increases for District of Columbia police, firemen, and teachers, and to the District of Columbia Real Property Tax Revision Act of 1974, and for other purposes.

The message also announced that the House agreed to the amendment of the Senate to the bill (H.R. 17450) to provide a People's Counsel for the Public Service Commission in the District of Columbia, and for other purposes.

The message further announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2994) to amend the Public Health Service Act to assure the development of a national health policy and of effective State and area health planning and resources development programs, and for other purposes.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3022) to amend the Wild and Scenic Rivers Act (82 Stat. 906), as amended, to designate segments of certain rivers for possible inclusion in the national wild and scenic rivers system; to amend the Lower Saint Croix River Act of 1972 (86 Stat. 1174), and for other purposes.

The message further announced that the House agreed to the concurrent resolution (H. Con. Res. 698) to authorize certain corrections in the enrollment of H.R. 14449, in which it requested the concurrence of the Senate.

The message also stated that the Speaker had signed the following enrolled bills and joint resolutions:

S. 356. An act to provide minimum disclosure standards for written consumer product warranties; to define minimum Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities, and for other purposes;

S. 521. An act to declare that certain land of the United States is held by the United States in trust for the Cheyenne-Arapaho Tribes of Oklahoma;

S. 1083. An act to amend certain provisions of Federal law relating to explosives;

S. 1296. An act to further protect the outstanding scenic, natural, and scientific values of the Grand Canyon by enlarging the Grand Canyon National Park in the State of Arizona, and for other purposes;

S. 2446. An act for the relief of Charles William Thomas, deceased;

S. 2807. An act to name the Federal building, U.S. post office, U.S. courthouse, in Brunswick, Ga., as the "Frank M. Scarlett Federal Building";

S. 2888. An act to convey certain land of the United States to the Inter-Tribal Council, Inc., Miami, Okla.;

S. 3358. An act to authorize the conveyance of certain lands to the United States in trust for the Absentee Shawnee Tribe of Indians of Oklahoma;

S. 3359. An act to authorize the conveyance of certain lands to the United States in trust for the Citizen Band of Pottawatomie Indians;

S. 3394. An act to amend the Foreign Assistance Act of 1961, and for other purposes;

S. 3481. An act to amend the Federal Aviation Act of 1958 to deal with discriminatory and unfair competitive practices in international air transportation, and for other purposes;

S. 3548. An act to establish the Harry S Truman memorial scholarships, and for other purposes;

S. 3943. An act to extend the time for using funds appropriated to carry out the 1973 rural environmental assistance program and the 1974 rural environmental conservation program;

S. 3976. An act to amend title 17 of the United States Code to remove the expiration date for a limited copyright in sound recordings, to increase the criminal penalties for piracy and counterfeiting of sound record-

ings, to extend the duration of copyright protection in certain cases, to establish a National Commission on New Technological Uses of Copyright Works, and for other purposes;

S. 4073. An act to extend certain authorizations under the Federal Water Pollution Control Act, as amended, and for other purposes;

H.R. 620. An act to establish within the Department of the Interior an additional Assistant Secretary of the Interior for Indian Affairs, and for other purposes;

H.R. 1715. An act for the relief of Cpl. Paul C. Amedeo, U.S. Marine Corps Reserve;

H.R. 2208. An act for the relief of Raymond W. Suchy, second lieutenant, U.S. Army, retired;

H.R. 2933. An act to improve the quality of unshelled filberts and shelled filberts for marketing in the United States;

H.R. 3203. An act for the relief of Nepty Masauo Jones;

H.R. 3339. An act for the relief of Deomira DeBow;

H.R. 5264. An act to amend section 2(f) of the Federal Property and Administrative Services Act of 1949, with respect to American Samoa, Guam, and the Trust Territory of the Pacific Islands;

H.R. 7599. An act to amend the Trademark Act of 1946 and title 35 of the United States Code to change the name of the Patent Office to the "Patent and Trademark Office";

H.R. 7767. An act for the relief of Samuel Cabildo Jose;

H.R. 8322. An act for the relief of William L. Cameron, Jr.;

H.R. 8591. An act to authorize the President to appoint to the active list of the Navy and Marine Corps certain Reserves and temporary officers;

H.R. 9182. An act for the relief of Fernando Labrador del Rosario;

H.R. 9199. An act to amend title 35, United States Code, "Patents," and for other purposes;

H.R. 9654. An act for the relief of Mr. Aldo Massara;

H.R. 10827. An act for the relief of Kiyonao Okami;

H.R. 11144. An act to amend title 10, United States Code, to enable the Naval Sea Cadet Corps and the Young Marines of the Marine Corps League to obtain, to the same extent as the Boy Scouts of America, obsolete and surplus naval material;

H.R. 11796. An act to provide for the duty-free entry of a 3.60-meter telescope and associated articles for the use of the Canada-France-Hawaii telescope project at Mauna Kea, Hawaii;

H.R. 11802. An act designating the Laneport Dam and Lake on the San Gabriel River as the "Granger Dam and Lake";

H.R. 11897. An act to name the U.S. Courthouse and Federal Office Building at 110 Michigan Street NW., Grand Rapids, Mich., the "President Gerald R. Ford Federal Office Building";

H.R. 12427. An act to amend section 510 of the Merchant Marine Act, 1936;

H.R. 12884. An act to designate certain lands as wilderness;

H.R. 13022. An act to amend the act of September 2, 1960, as amended, so as to authorize different minimum grade standards for packages of grapes and plums exported to different destinations;

H.R. 14461. An act for the relief of Judith E. Sterling;

H.R. 14600. An act to increase the borrowing authority of the Panama Canal Company and revise the method of computing interest thereon;

H.R. 14718. An act to discontinue or modify certain reporting requirements of law;

H.R. 15229. An act to expand the authority of the Canal Zone Government to settle claims not cognizable under the Tort Claims Act;

H.R. 15322. An act designating San Angelo Dam and Reservoir on the North Concho River as the "O. C. Fisher Dam and Lake";

H.R. 15977. An act to amend the Export-Import Bank Act of 1945, and for other purposes;

H.R. 16215. An act to amend the Coastal Zone Management Act of 1972, to provide more flexibility in the allocation of administrative grants to coastal States, and for other purposes;

H.R. 16596. An act to provide assistance for unemployed persons;

H.R. 17010. An act to establish a working capital fund in the Department of Justice;

H.R. 17468. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1975, and for other purposes;

H.R. 17558. An act to amend the act of May 13, 1954, relating to the Saint Lawrence Seaway Development Corporation to provide for a 7-year term of office for the Administrator, and for other purposes;

H.R. 17597. An act to provide a program of emergency unemployment compensation;

H.R. 17655. An act to extend for 2 years the authorizations for the striking of medals in commemoration of the 100th anniversary of the cable car in San Francisco and in commemoration of Jim Thorpe, and for other purposes;

S.J. Res. 40. A joint resolution to authorize and request the President to call a White House Conference on Library and Information Services not later than 1978, and for other purposes;

S.J. Res. 133. A joint resolution to provide for the establishment of the American Indian Policy Review Commission;

H.J. Res. 1178. A joint resolution making further continuing appropriations for the fiscal year 1975, and for other purposes; and

H.J. Res. 1180. A joint resolution making urgent supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

The enrolled bills and joint resolutions were signed by the Acting President pro tempore (Mr. METCALF) on December 23, 1974, under authority of Senate Resolution 475, agreed to on December 20, 1974.

Under authority of the order of Friday, December 20, 1974, a message from the House of Representatives received on December 23, 1974, stated that the Speaker had signed the following enrolled bills and joint resolution:

S. 251. An act for the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, F. Clyde Wilkinson, Arthur D. O'Neill, Joseph H. Avery, Jr., Joshua Cosden, Keith Jewell, Bertha Seelmeyer, Thomas Dennis O'Neill, Robert H. Brockhurst, Michael Senko, Salvatore La Capria, C. J. Moore III, and Ann C. Siegal;

S. 544. An act to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes;

S. 663. An act to improve judicial machinery by amending title 28, United States Code, with respect to judicial review of the Interstate Commerce Commission and for other purposes;

S. 754. An act to assist in reducing crime and the danger of recidivism by requiring speedy trials and by strengthening the supervision over persons released pending trial, and for other purposes;

S. 1017. An act to provide maximum Indian participation in the Government and education of the Indian people; to provide for the full participation of Indian tribes in programs and services conducted by the Federal Government for Indians and to encourage the development of human resources of the Indian people; to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities;

S. 1418. An act to recognize the 50 years of extraordinary and selfless public service of Herbert Hoover, including his many great humanitarian endeavors, his chairmanship of two commissions of the organization of the executive branch, and his service as 31st President of the United States, and in commemoration of the 100th anniversary of his birth on August 10, 1974, by providing grants to the Hoover Institution on War, Revolution, and Peace;

S. 2149. An act to amend title 10, United States Code, to provide certain benefits to members of the Coast Guard Reserve, and for other purposes;

S. 2854. An act to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance a national attack on arthritis;

S. 2994. An act to amend the Public Health Service Act to assure the development of a national health policy and of effective State and area health planning and resources development programs, and for other purposes;

S. 3022. An act to amend the Wild and Scenic Rivers Act (82 Stat. 906), as amended, to designate segments of certain rivers for possible inclusion in the national wild and scenic rivers system; to amend the Lower Saint Croix River Act of 1972 (86 Stat. 1174), and for other purposes;

S. 3289. An act to amend the act of August 10, 1939 (53 Stat. 1347), and for other purposes;

S. 3433. An act to further the purposes of the Wilderness Act by designating certain acquired lands for inclusion in the national wilderness preservation system, to provide for study of certain additional lands for such inclusion, and for other purposes;

S. 3934. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes;

S. 4206. An act to provide price support for milk at not less than 85 per centum of the parity price therefor, and for other purposes;

H.R. 421. An act to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needle and upholsterer's pins free of duty;

H.R. 1820. An act to direct the Administrator of General Services to release certain conditions with respect to certain real property conveyed to the State of Arkansas by the United States, and for other purposes;

H.R. 7684. An act for the relief of Nicola Lomuscio;

H.R. 8214. An act to modify the tax treatment of members of the Armed Forces of the United States and civilian employees who are prisoners of war or missing in action, and for other purposes;

H.R. 10710. An act to promote the development of an open, nondiscriminatory, and fair and free competition between the United States and foreign nations, to foster the economic growth of, and full employment in, the United States, and for other purposes;

H.R. 11273. An act for the control and eradication of noxious weeds, and the regulation of the movement in interstate or for-

eign commerce of noxious weeds and potential carriers thereof, and for other purposes;

H.R. 11847. An act for the relief of certain fire districts and departments in the State of Missouri to compensate them for expenses relating to a fire on Federal property;

H.R. 12044. An act designating the lake created by the Hidden Reservoir project, Fresno River, Calif., as "Hensley Lake";

H.R. 12113. An act to revise and restate certain functions and duties of the Comptroller General of the United States and for other purposes;

H.R. 13296. An act to authorize appropriations for the fiscal year 1975 for maritime programs of the Department of Commerce, and for other purposes;

H.R. 14449. An act 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;

H.R. 16045. An act to amend the Solid Waste Disposal Act to authorize appropriations for fiscal year 1975;

H.R. 16925. An act to make technical amendments to the act of September 3, 1974, relating to salary increases for District of Columbia police, firemen, and teachers, and to the District of Columbia Real Property Tax Revision Act of 1974, and for other purposes;

H.R. 17045. An act to amend the Social Security Act to establish a consolidated program of Federal financial assistance to encourage provision of services by the States;

H.R. 17085. An act to amend title VII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training;

H.R. 17628. An act to designate a national laboratory as the "Holifield National Laboratory"; and

S.J. Res. 262. A joint resolution authorizing the Architect of the Capitol to permit certain temporary and permanent construction work on the Capitol grounds in connection with the erection of an addition to a building on privately owned property adjacent to the Capitol grounds.

The enrolled bills and joint resolution were signed by the Acting President pro tempore (Mr. METCALF) on December 24, 1974, under authority of Senate Resolution 475.

Under authority of the order of Friday, December 20, 1974, a message from the House of Representatives received on December 26, 1974, stated that the Speaker had signed the following enrolled bills:

H.R. 510. An act to authorize and direct the Secretary of Agriculture to convey any interest held by the United States in certain property in Jasper County, Ga., to the Jasper County Board of Education;

H.R. 12860. An act to amend title 10 of the United States Code in order to clarify when claims must be presented for reimbursement of memorial service expenses in the case of members of the Armed Forces whose remains are not recovered;

H.R. 17450. An act to provide a people's counsel for the Public Service Commission in the District of Columbia, and for other purposes; and

H.R. 15977. An act to amend the Export-import Bank Act of 1945, and for other purposes.

The enrolled bills were signed by the Vice President on December 27, 1974.

HOUSE OF REPRESENTATIVES—*Friday, December 20, 1974*

(Legislative day of Thursday, December 19, 1974)

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 9 o'clock a.m., Friday, December 20, 1974.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Glory to God in the highest and on Earth peace, good will toward men.—Luke 2: 14.

O God, to whom glory is sung in the highest, while on Earth peace is proclaimed to men of good will, grant that good will to us that we may make a worthy contribution to the life of our day.

May Thy Spirit be born anew in all our hearts teaching us to love one another, to forgive one another, to help one another, and to be just to one another. Thus may Thy glory shine in our world and Thy children begin to live for the well-being of all.

As we face a new year may we keep our faith alive, our hope alert, and our love awake working always for the highest good of our beloved land. Whatever the future has, may we be sustained by Thy presence and strengthened by Thy power.

Bless our President, our Vice President, our Speaker, and every Member of Congress.

May the Lord preserve our going out and our coming in from this time forth and even for evermore. Amen.

PROVIDING FOR PRINTING AS A HOUSE DOCUMENT OF CONSTITUTION OF THE UNITED STATES AS AMENDED THROUGH JULY 5, 1971, AND PRINTING OF CONSTITUTION OF THE UNITED STATES AS AMENDED THROUGH JULY 1, 1971, TOGETHER WITH DECLARATION OF INDEPENDENCE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 675) providing for the printing as a House document of the Constitution of the United States (pocket-size edition), and of the concurrent resolution (H. Con. Res. 679) to provide for the printing as a House document of the Constitution and the Declaration of Independence, with a Senate amendment thereto and concur in the Senate amendment.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 720]

Adams	Clausen,	Fish
Anderson, Calif.	Don H.	Flowers
Andrews, N.C.	Clawson, Del	Flynt
Archer	Clay	Foley
Ashley	Collier	Ford
Badillo	Collins, Ill.	Fountain
Biaggi	Conlan	Fraser
Bingham	Conte	Frelinghuysen
Blackburn	Corman	Froehlich
Blatnik	Cotter	Fulton
Boggs	Coughlin	Gettys
Brasco	Crane	Giaimo
Breaux	Culver	Goldwater
Brotzman	Davis, Ga.	Grasso
Brown, Calif.	Delaney	Gray
Broyhill, Va.	Dellums	Grover
Buchanan	Dent	Gude
Burke, Calif.	Derwinski	Haley
Burke, Fla.	Dickinson	Hanna
Burleson, Tex.	Dingell	Hanrahan
Burton, John	Donohue	Hansen, Idaho
Butler	Drinan	Hansen, Wash.
Byron	Edwards, Ala.	Harrington
Camp	Edwards, Calif.	Harsha
Carey, N.Y.	Erlenborn	Hastings
Cederberg	Esch	Hays
Chappell	Eshleman	Hébert
Chisholm	Evans, Colo.	Heckler, Mass.
Clark	Evins, Tenn.	Hogan
Howard	Nedzi	Steele
Huber	Nelsen	Steelman
Hudnut	O'Hara	Stokes
Ichord	Owens	Stubblefield
Jarman	Parris	Stuckey
Johnson, Colo.	Pepper	Symington
Jones, Ala.	Podell	Teague
Jones, N.C.	Powell, Ohio	Thompson, N.J.
Kemp	Price, Tex.	Thomson, Wis.
Ketchum	Pritchard	Tiernan
Kuykendall	Railsback	Towell, Nev.
Kyros	Rarick	Traxler
Landrum	Rees	Udall
Lent	Reid	Van Deerlin
Long, Md.	Rhodes	Veysey
Lujan	Riegle	Vigorito
Luken	Roncallo, N.Y.	Waggonner
McDade	Rooney, N.Y.	Widnall
McKinney	Runnels	Wilson,
McSpadden	Ruth	Charles, Tex.
Macdonald	Ryan	Winn
Maraziti	Sandman	Wright
Martin, Nebr.	Scherle	Wyatt
Martin, N.C.	Seiberling	Wydler
Mathias, Calif.	Shipley	Wyman
Matsunaga	Shoup	Yates
Metcalfe	Sisk	Yatron
Mills	Skubitz	Young, Alaska
Minshall, Ohio	Slack	Young, Ill.
Mizell	Staggers	Zion
Moorhead, Calif.	Stanton, James V.	Zwach
Morgan	Stark	

The SPEAKER. On this rollcall 254 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR PRINTING AS HOUSE DOCUMENT OF CONSTITUTION OF THE UNITED STATES AS AMENDED THROUGH JULY 5, 1971, AND FOR PRINTING OF CONSTITUTION OF THE UNITED STATES AS AMENDED THROUGH JULY 1, 1971, TOGETHER WITH DECLARATION OF INDEPENDENCE

The SPEAKER. The Clerk will read the concurrent resolutions:

The Clerk read the concurrent resolutions as follows:

H. CON. RES. 675

Resolved by the House of Representatives (the Senate concurring), That there shall