

SENATE—Monday, October 3, 1983

The Senate met at 12 noon, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

I will sing of Thy steadfast love, O Lord, forever; With my mouth I will proclaim Thy faithfulness to all generations. For Thy steadfast love was established forever, Thy faithfulness is as firm as the heavens.—Psalm 89: 1, 2

Faithful, Father God, help the Senators to hear the criticism of people and press—justified or not. If justified, help them to change in ways that will quiet the critic and the cynic. If not justified, help them to prove the criticism wrong. In these critical days for the Nation and the world, may the Senate be part of the solution and not part of the problem.

Dear God, deliver the Senate from everything that prevents its efficient and productive operation. Strengthen integrity, selflessness, servant-hood, honesty. Help each Senator to remember his mandate and be true to the responsibility and honor implicit in trustworthy leadership. In the name of Him who, though tempted as we, was without sin. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, the Senate has convened today pursuant to an adjournment on Friday, and pursuant to a unanimous-consent order which provides that the call of the calendar has been dispensed with, the reading of the Journal has been dispensed with, that no resolution shall come over under the rule, and the morning hour is deemed to have expired.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the two leaders are recognized under the standing order there will be a period for the transaction of routine morning business of 1 hour in length during which Senators may speak for not more than 10 minutes each.

MARTIN LUTHER KING HOLIDAY BILL

Mr. President, at the conclusion of the time for the transaction of routine morning business it is the intention of the leadership on this side to go to the consideration of the Martin Luther King holiday bill.

It is hoped that we can finish that bill today. If we cannot, we will continue on the measure as long as it takes.

Mr. President, there are a number of other items that must be dealt with this week, if possible. There are conference reports, there are at least two appropriations, perhaps an abbreviated or scaled-down agriculture bill and, no doubt, other measures that I have not recalled to include.

The Senate is scheduled to go out for the Columbus Day recess on Friday, the 7th, and to reconvene on Monday, the 17th of October. I anticipate the Senate will keep that schedule, absent some extreme situation or urgent national emergency.

Mr. President, I believe that that covers the situation as I see it at this moment. I have no further need for my time under the standing order, and I offer it to the minority leader if he wishes.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader.

VOTE ON RESOLUTION CALLING FOR RESIGNATION OF SECRETARY WATT

Mr. BYRD. I thank the distinguished majority leader. He and I have discussed this matter earlier today and so it comes as no surprise. Earlier today I asked the distinguished majority leader when we might get a vote on the resolution concerning Mr. Watt, and we talked about it a little bit and I was left with the impression that I need not expect such a vote—I do not want to attempt to presume to say what the majority leader said or even convey my impression of the conversation, but I do raise a question at this point. We have an amendment to the State Department authorization bill, which is the unfinished business, and that amendment, which is a sense of the Senate amendment, would call on the President to ask for the resignation of Mr. Watt.

This is an issue which is important to the Senate in a number of ways, among which is the fact that this is the confirming body under the Consti-

tution, and we have voted in 1981 to confirm Mr. Watt for the position which he now holds and, second, there are not only Democrats but there are also Republicans, if I judge correctly from some of the statements that have been made by our colleagues on the other side of the aisle, who would like to see a vote on this amendment.

I see a twinkle in the eye of my majority leader and perhaps he sees a twinkle in mine, but I would ask the majority leader as to when he thinks we will get a vote on the pending Watt amendment to the State Department authorization bill.

Mr. BAKER. Mr. President, I must do something about that twinkle in my eye which has been referred to often now by the minority leader. But he is right; of course he is right.

We talked about this matter earlier today before the Senate convened and, as I recall the conversation, the distinguished minority leader indicated he wished to proceed with that and I told him I did not and we sort of bogged down at that point. But let me say to the distinguished Senator I am not trying to keep him ever from getting a vote on that amendment. Indeed I intend, on behalf of the leadership on this side, to ask the Senate to go to the State authorization bill and when we do the Byrd amendment, dealing with Watt will be the pending question. But I frankly had not planned to do that until after we come back on the 17th, probably right after we come back; although on the day we come back I would hope we can take up the Export Administration bill which we extended only for 15 days and which will expire while we are gone. As a matter of fact, I feel committed to do that.

But there is no desire on my part to postpone the State authorization bill beyond that week. I cannot give the Senator a day after the 17th when we will take it up but I can tell him that I still plan to ask the Senate to turn to it, to resume consideration of the unfinished business which is State authorization or if it is necessary to proceed by motion on Martin Luther King. It is my intention to once more call up the State authorization on the calendar after we return on the 17th.

So, I can assure the Senator that I understand all to well how he can force that issue. He can offer that amendment to goodness knows how many other vehicles. He can make my life miserable offering that amendment on other issues. I would just as

soon have it on the State authorization bill as anywhere. But I would just as soon not have it this week. We have the Martin Luther King holiday bill to deal with, two appropriations bills, and conference reports that we are trying to get out by the 7th.

What I would like to do is this—I will have to clear this on our side, if my friends and colleagues on the staff will listen for a moment—and that is perhaps to propose a unanimous-consent agreement that would provide that at the close of the time for the transaction of morning business we go to the Martin Luther King bill, and that no call for the regular order between now and October 17 on this or any other matter would bring back the unfinished business, which could not recur until on or after the 17th of October. That is what I would like to do.

That would mean, when we get back, we would be in the same status we are in right now, except for the matter of devoting this week to whatever important business that it seems we need to do before the Senate can go out for that 10-day break.

(Mr. GORTON assumed the chair.)

Mr. BYRD. Mr. President, I hope the majority leader can get unanimous consent to proceed to the Martin Luther King bill. As far as I am concerned, I would be happy to enter into an agreement that, if we proceed by unanimous consent, a call for regular order would not bring down the unfinished business, the State authorization bill. If the majority leader should move to proceed, I believe that motion, if carried, would put the now unfinished business, back on the calendar.

So I would hope that he would not have to do that.

Mr. BAKER. Mr. President, I hope not, too, as well. Because both the minority leader and I have stood in our places here on this floor long enough, in my case to have at least a passing familiarity with the rules and he with a great wealth and storehouse of knowledge of the rules, and we both know that finally he can do what he wants to do.

But what I am doing is trying to devote this week to other matters. So if we can arrange that up front with everybody understanding what we are doing, and by unanimous consent, I think it would be far better. So I will ask my cloakroom to try to clear that.

I will repeat once more what it will be: That at the close of the time for the transaction of routine morning business, the Senate will then go by unanimous consent to the consideration of H.R. 3706, Calendar Order No. 343, which is the Martin Luther King holiday bill and that the State authorization shall not recur as the unfinished business until on or after October 17.

Mr. BYRD. Mr. President, does the majority leader feel that there is a good chance that there will be no amendments to the Martin Luther King bill, or does he feel that that will only be brought about by cloture, if invoked?

Mr. BAKER. Mr. President, I am not sure yet. I said earlier today to other Senators who inquired that I anticipate that there will be a motion to commit and if that fails—and I will oppose that motion—we will know whether there are going to be amendments at that point, or general debate.

In either event, if it is clear we cannot finish this bill today, since we have such a crowded schedule, it is my intention at the moment to go ahead and file a cloture motion this afternoon.

Mr. BYRD. I take it that it is the position of the majority leader to oppose—and I am just presuming now, because I have not discussed it with him—I take it to be the position of the majority leader to oppose any and all amendments to this bill.

Mr. BAKER. Yes, Mr. President, the minority leader is correct. I will vote against all amendments to the bill. I support the bill as reported by the House and most likely I will move to table amendments to the bill.

Mr. BYRD. I thank the majority leader.

Mr. President, I see no Senator seeking time. I yield back my time remaining to the majority leader.

Mr. BAKER. I thank the minority leader.

Mr. President, I believe the Senator from Pennsylvania is here to seek recognition in his own right during the time for transaction of routine morning business. If the minority leader has no further requirement for time, I yield back the time allocated to the two leaders.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 1 hour, with statements therein limited to 10 minutes each.

THE KURDISH SITUATION AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, recent media accounts of Kurdish involvement in the Iranian-Iraqi war brings again to our attention the plight of the Kurdish people, who have for decades been oppressed by the governments which rule them. This situation illustrates the acute need for the Genocide Convention.

Some 10 million Kurds inhabit the mountainous region where Iraq meets Iran and Turkey. Although Kurdistan is divided by these national bound-

aries, its inhabitants constitute a separate nationality. They speak a distinct Indo-European language, practice unique cultural traditions, and claim ethnic distinction from the peoples which surround them.

Yet the Kurds have been, and continue to be, the target of systematic efforts—most recently, in particular, by Iraq—to uproot, disperse, and extinguish their society. Kurdish villages have been destroyed. Kurdish families have been separated. Kurdish patriots and resistance fighters have been imprisoned or executed. Kurdish refugees have been forcibly resettled and detained under subsistence-level living conditions. These acts are clearly designed to literally eliminate the Kurds as a cultural group.

It is not clear that the Kurdish people are victims of genocide according to the Genocide Convention's precise definition. It seems undeniable, however, that many Kurds have been victims of gross violations of human rights, and that these violations are being systematically carried out as a deliberate government policy. These acts certainly border on genocide.

Historical illustrations of the need for a treaty banning genocide are less compelling precisely because they are now history. We may find it too easy to shrug them off as mistakes of the past. I hope my Senate colleagues will remember that acts of a genocidal character are still occurring in the present day. The imperative for a genocide ban remains current. U.S. ratification of the International Genocide Convention would strengthen the message that the international community will no longer tolerate these offenses against humanity. I urge my fellow Senators to lend their support to ratification without delay.

NEEDED: COMPREHENSIVE ARMS CONTROL AGREEMENTS WITH THE SOVIETS

Mr. PROXMIRE. Mr. President, the debate about what foreign policy we should follow to prevent a nuclear war has boiled down to what kind of arms control we should pursue. Oh sure, a number of Americans, including some in the Congress and more than a few in the military, still believe that we should forget about trying to limit arms and take on the Russians in a straightforward race to develop and maintain a nuclear military force superior to anything the Russians can develop. Advocates of this view say the following: In the first place, we cannot trust the Russians to keep any agreement we make with them. Second, we can out-produce them with nuclear weapons because our economy is twice as productive as theirs. Third, we can assuredly stay ahead of them because we have superior technology and the

scientists and engineers to keep that technology out in front. Furthermore, whereas the Russians have a shortage of skilled manpower and facilities, we have millions of capable workers unemployed and a full 25 percent of our industrial capacity standing idle and ready, willing and able to go to work. So they ask: Why not put these resources to work to win the nuclear arms race with the Russians and keep it won?

The answer is that this kind of unrestrained competition for nuclear supremacy will swiftly bring on a nuclear arms technology that will make life on earth even more tenuous and dangerous than it already has become in this nuclear age. And sometime, somewhere out of fear or ignorance or stupidity or some other fatal human failure, the last world war will start. If it started today it would certainly end in a terrible catastrophe for all. But if it started after 10 or 20 years of an unrestrained all-out build-up by the two superpowers, it might very well end the prospect of life on Earth by the human species. Also, the unrestrained arms race would make the prospect of war not only more devastating but far more likely. At this very moment, the overwhelming consensus of experts is that the two superpowers have rough nuclear arms parity. The overwhelming consensus also judges that a nuclear war would be an immense loss for both sides with no victor. And the consensus view also holds that this present situation does provide some degree of stability as both superpowers recognize that any nuclear war between the two countries would destroy both as organized societies as well as impose mammoth casualties including half the population of each country. An all-out, unrestrained arms race between the United States and the Soviets under these circumstances would therefore tend to increase, not lessen, the likelihood of nuclear war.

So even the Reagan administration which came to office with less regard for nuclear arms control than any administration since the first nuclear bomb was exploded at Hiroshima now pushes for arms control—highly limited arms control—but arms control nevertheless. Although it does support arms control, the Reagan administration has limited that support to the deployment of intermediate nuclear missiles in Europe and the so called START initiative which would limit the number of deployed strategic warheads on both sides. The administration has not shut the door on other limited arms control possibilities. But it has flatly opposed a truly comprehensive arms control agreement like the nuclear freeze which has won solid and impressive popular support and passed the House by a nearly 2-to-1 margin—including many Republicans—earlier this year.

Mr. President, I have discussed the nuclear freeze on the floor of the Senate almost every day for more than 1 year. The heart of the dispute over the freeze goes to whether such a freeze could be negotiated effectively with the Soviets and if negotiated whether or not it could be verified with assurance. It may well be, Mr. President, that a comprehensive arms control agreement like the freeze would be easier to negotiate and also easier to verify than the more limited agreements that now occupy the administration. If there is a clear lesson from our experience in negotiating nuclear agreements with the Soviet Union it is that the more comprehensive the treaty, the more practical the negotiations, and the more successful the compliance.

In the June issue of the Federation of American Scientists Public Interest Report the argument for comprehensive agreements is made concisely and well. I ask unanimous consent that a copy of this statement be printed in the RECORD at this point.

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

COMPREHENSIVE AGREEMENTS

One of the enduring debates in the arms control community is over the question of whether or not one should seek to negotiate comprehensive agreements.

Many arms controllers have reached the conclusion that the effort to negotiate comprehensive agreements was a mistake and that one should now focus on specific individual measures.

It is not possible to determine how this lesson could have been drawn from the experience of the past 15 years. The only agreements which have been successfully negotiated have been comprehensive ones. The inclusion in the agreement of a number of elements made trade-offs possible. The United States could gain the limitations it wanted while conceding other limits to the Soviet Union. There is nothing to suggest that more narrowly drawn agreements would have been easier to negotiate or that they would have been easier to sell to the Senate.

In fact one could argue the opposite. It is the failure to include limits in the agreement that has often been most controversial. Moreover the Soviets have demonstrated that they will push to the limits of any agreement, not doing anything that clearly violates them but nonetheless exploiting every loophole and ambiguity. Perhaps a careful review would lead us in the opposite direction—to agreements which covered all aspects of strategic forces, leaving no room for loopholes or ambiguity.

Comprehensiveness would also make verification easier.

If everything were to be controlled it might be easier first to stop and then to try to negotiate reductions.

HAZARDS OF MARIHUANA SMOKING

Mrs. HAWKINS. Mr. President, surprisingly, most students in this country do not consider marihuana smok-

ing dangerous, at least not as dangerous as cigarette smoking. If we cannot convince our Nation's children of the profound dangers of marihuana smoking, and if we prove unsuccessful at curbing illicit drug traffic in this country and abroad, then I should like to suggest that, instead, we introduce legislation requiring that the following warning be printed on each marihuana joint sold in the street:

Warning: The Surgeon General Has Determined That Marihuana Smoking Impairs Memory, Learning Performance, and Speech, Reduces Your Ability To Perform Simple Motor Tasks, Speeds Up Your Heart Rate, Permeates Your Lungs With Cancer-Causing Hydrocarbons, Interferes With the Menstrual Cycle, Affects The Reproductive Organs, Leads To Psychological Problems, Induces Feelings of Paranoia, and Can Inspire Panic Anxiety Reactions Leading To Suicide, and Experts Have Testified It Takes 35 Days To Eliminate the Effect of One Joint From Your Body.

Mr. President, adolescents are the only age group on this country to have shown a decrease in life expectancy, rather than an increase. While the health of all other Americans has been improving, the death rate for young Americans between the ages of 15 and 24 is higher than it was 20 years ago. Medical experts are convinced that drug abuse has been the major factor in this frightening trend. Rick Gibson, a school guidance counselor in Goddard, Kans., had this to say about his experiences with drug abusers in school:

"It's unreal. The Kid looks you straight in the eye and says, full of conviction: 'Well, pot doesn't hurt me!' His grades have slid from A's and B's to C's and D's. He's been put off the basketball team because of poor performance. He's irritable, hostile, always tired, feels depressed. He cares less about everything. He has a cough, chest pains. He's really going down the tubes. But blowing grass every day, he insists, has no relation to any of this.

"To my mind, the scariest thing about marihuana is that the user can't see what the drug is doing to him. Or, if he does admit to a symptom, he shrugs it off. Yesterday a seventh grader told me, 'I know pot's done bad things to my memory. But I don't really need my memory because I decided I'm not going to college.'"

Mr. President, the notion that marihuana is a harmless, non-habit-forming drug is a myth, a very dangerous myth, that deserves to be debunked. We must unmask the frightening facts about the extreme dangers of marihuana smoking, which has reached pandemic proportions in this country. The United States is the most drug-abusing nation in history, and marihuana is the most pervasive illegal drug of abuse. Vast numbers of our Nation's young people are daily ingesting a virulent poison into their bodies—marihuana.

The tremendous quantities of marihuana smoked and its uninterrupted usage, makes marihuana smoking

more dangerous than food additives or even air pollution. Current research even indicates that THC, the active ingredient in marijuana, may induce genetic mutation and cause permanent cell damage. Thus the deleterious effects of marijuana smoking may persist into the successive generations, and its mutagenic effects may alter our minds and bodies forever.

In the words of a White House drug policy official:

If the present adolescent drug abuse trends continue, we could soon acquire an unmanageable number of emotionally, intellectually, and socially handicapped young people; we could have a "diminished generation" unable to function effectively, if at all, in an increasingly complex and demanding world.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a special report by Consumer's Research magazine, entitled "Twelve Things You Should Know About Marijuana." And I plead with each Senator to read it carefully.

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

[From Consumers' Research Magazine,
April 1980]

TWELVE THINGS YOU SHOULD KNOW ABOUT MARIJUANA

OFFICIAL STUDIES REVEAL NEW EVIDENCE OF SERIOUS THREATS TO HEALTH: A SPECIAL REPORT FROM CONSUMERS' RESEARCH, INC.

The importation and sale of marijuana, once symbolic of the "counterculture" in the United States, has become big business.

As many as 43 million Americans have used marijuana at one time or another, and 16 million people described themselves as "current" users in a 1977 official survey. Supplying all these customers has become a multibillion-dollar industry—netting \$12-\$20 billion annually to the distributors, on the estimate of the Drug Enforcement Administration.

While most adults past 35 have not used marijuana, their children have—in ever increasing quantities. In one survey, 59 percent of high school seniors acknowledged having used the drug. And, quite clearly, they have little trouble getting it. A Gallup Poll found 81 percent of high school respondents saying marijuana was readily available.

The phenomenon has reached into the junior high schools, and to even younger age brackets. In 1978, one-quarter of the young people questioned said they had used marijuana by the time they were in the ninth grade. Officials of the National Institute on Drug Abuse, the Federal Agency that monitors such things, estimate that 8 percent of children 12 to 13 years old, and an unknown number under 12, have used marijuana.

This increased usage by young people has been matched by increasing potency of the drug as it is marketed in the United States. Chemical tests of marijuana coming into this country in the 1970s suggest it was five or six times stronger in terms of psychoactive ingredients than the marijuana available a decade earlier.

Marijuana use has grown so markedly because of a general belief that the substance is a harmless recreational drug, with no adverse

effects. This view is widely entertained by young people. It has also drawn support from statements by groups interested in changing marijuana laws, and by official spokesmen who have said definitive results on marijuana are not yet in, or that it is no more harmful than tobacco or alcohol.

Also, as the marijuana industry has grown, a number of entrepreneurs have entered the field—selling glossy magazines and paraphernalia related to marijuana use. These products are in large measure aimed at youthful users, and often convey the message that consumption of marijuana is a harmless, if not actually beneficial, activity.

While millions of young people are using marijuana in the belief that it won't hurt them, developing scientific evidence points in just the opposite direction. In the past few months, Federal agencies that had previously spoken in tentative accents about marijuana have been issuing statements stressing the dangers of the drug, particularly for young people. While more research is needed, these statements suggest a serious, and growing, health hazard.

Past noncommittal comments on this subject were based on the fact that insufficient testing had occurred, or that the tests were not adequately controlled. In recent years, however, this situation has changed. The National Institute on Drug Abuse—a division of the Department of Health, Education, and Welfare—has sponsored more than 1,000 experimental projects concerning marijuana. More than 100 such tests were supported by NIDA in 1979.

In such tests, NIDA controls for dosage, strength of the psychoactive ingredients in the drug, and other possible variables, to insure that the results are both consistent and relevant to social usage. And, in addition to the tests it has sponsored, the agency continually sifts the results of other tests in this country and around the world.

Out of this process, there has emerged a series of results—and warnings—from the nation's highest ranking officials dealing with questions of drug abuse. In the past year, officials of NIDA have published documents and offered testimony before Congress explaining the physical and psychological effects of marijuana in greater detail than ever before. These statements are made the more impressive by the fact that previous comments from NIDA on the subject have been so restrained. (Symbolic of this change is Dr. Robert L. DuPont, former Director of NIDA.)

Prominent among the findings in these documents are that marijuana use impairs memory, learning performance and speech, reduces ability to perform tasks such as driving or flying, has negative effects in terms of heart rate and lung capacity, introduces cancer-causing hydrocarbons into the lungs, may affect the reproductive functions, leads to psychological problems in youthful users, induces feelings of paranoia and can lead to panic anxiety reactions.

In other words, these official studies reach conclusions that run directly counter to the popular assumptions about the effects of marijuana—particularly assumptions that are prevalent among adolescents and children who are using the drug on a regular basis.

In this special report, Consumers' Research presents some of the data obtained from these official documents. All statements herein are derived from recent reports issued by NIDA or the summary statements of responsible NIDA officials, as follows (with citations used in the text given in

parentheses): Testimony of William Pollin, M.D., Director of NIDA, before the U.S. Senate, January 18, 1980 (Pollin); Marsha Manatt, Ph.D., *Parents, Peers and Pot*, published by NIDA in 1979 (Manatt); address by Robert C. Petersen, Ph.D., NIDA assistant director of research, to the American Academy of Pediatrics, October 14, 1979 (Petersen); "Marijuana: What It Is and What It Does," in *NIDA Drug Abuse Facts*, 1980 (DAF).

We present this special report in the belief that parents and others need access to the latest findings to be fully aware of the risks being run by young Americans using marijuana.

1. What is marijuana?

Marijuana (also called pot, grass, reefer, or weed) comes from a plant with the botanical name of *Cannabis sativa* that grows wild and is cultivated in many parts of the world. Containing 419 chemicals, this plant has the ability to intoxicate its users, primarily because of the psychoactive mind altering ingredient called delta-9-tetrahydrocannabinol, or THC. It is the THC content, found at various concentrations in different parts of the plant, which determines the potency. And the THC content is controlled by plant strain, climate, soil conditions, and harvesting. (DAF)

THC (delta-9-tetrahydrocannabinol) is the major psychoactive, or mind-altering, chemical in marijuana, but at least three other cannabinoids that affect the mind interact with THC . . . THC is a powerful hallucinogenic chemical; however, marijuana users take THC in a form diluted with non-psychoactive plant material.

In the 1960s, most of the marijuana used in the United States was domestic and had a low THC content (0.2 percent to 1.5 percent). During the 1970s, a great deal of marijuana consumed in the United States has been smuggled from Mexico, Jamaica, and Colombia with a THC content averaging 2.5 percent to 5 percent. (Manatt)

Although confiscated samples of cannabis can not be regarded as adequately representative of marijuana used in the United States, there is considerable evidence that their potency has markedly increased over the past several years. Analyses by our University of Mississippi Marijuana Research Project chemists indicated that in 1973 Mexican samples averaged little more than one-tenth of one percent delta-9-THC, the principal psychoactive ingredient. By 1979, however, the strength of the material had increased to nearly two percent THC (1.95 percent)—nearly a twenty-fold increase. Other material, suspected to be of Colombian origin, now averages over four percent THC content. Samples of hashoil, a still more concentrated material (not even available a decade ago), has been found to have an average THC content as high as twenty-eight percent. (Petersen)

2. Who uses it?

An estimated 43 million Americans have tried marijuana at least once. Approximately 16 million were considered current users at the time of the last national survey in 1977, "current" because they reported smoking marijuana during the month preceding the survey.

A breakdown of teenage marijuana use shows that:

59 percent of high school seniors had tried it, and 1 out of 9 was a daily user.

8 percent of the 12-13 year olds reported that they had smoked marijuana at least

once, and half of this groups were current users.

29 percent of the 14-15 year olds had tried it, and 15 percent were still using it.

While children under the age of 12 were not surveyed, many in the 12 to 17 age group report that they first tried marijuana, and even started smoking it regularly, while they were still in grade school, and probably before their parents even suspected they knew about the drug. (DAF)

Use, once largely confined to young adults, now involves millions of children under eighteen, many of whom smoke marijuana every day. Frequency of use is clearly increasing and the age of first use continues to drop alarmingly. In 1975, for example, one out of seventeen high school seniors nationwide was using daily. By 1978 the percentage of seniors using each day had nearly doubled. We have good reason to believe such use is continuing to increase. In Maine and Maryland, for which we have recent statewide survey results, one in six high school students is getting "high" on a virtually a daily basis. The number of high school seniors who had first used marijuana by the ninth grade jumped by fifty percent (from 16.9 to 25.2 percent) between 1975 and 1978. (Petersen)

Figures from the annual survey of high school seniors conducted by the National Institute on Drug Abuse in 1977 indicate that adolescents are beginning their use of marijuana at younger ages. . . . In 1977, surveys showed that more young girls were joining their male peers in pot smoking. In 1978, the proportion of high school seniors who smoked marijuana daily rose to 1 out of 9 (11 percent), nearly double the figures for daily use in 1975 (1 in 17, or 6 percent). Daily marijuana use now exceeds daily alcohol use among high school seniors (6 percent). In fact, the percentage of teen-agers who are daily users of marijuana may well exceed the 11 percent who acknowledge daily use in the survey. (Manatt)

3. Accumulation in the body

When marijuana is smoked, THC, its active ingredient, is absorbed by many tissues and organs in the body. The body, in its attempt to rid itself of the Foreign chemical, chemically transforms the THC into metabolites. Human tests on blood and urine can detect THC metabolites up to a week after marijuana is smoked. Tests involving radioactively labeled THC have traced these metabolites in animals for up to a month. (DAF)

THC and the other cannabinoids are fat-soluble chemicals. They accumulate in the fatty linings (lipid membranes) of the cells in the body and brain, and are metabolized out of the system very slowly. A week after a person smokes one marijuana cigarette, 30 to 50 percent of the THC remains in the body; it is estimated that 4 to 6 weeks are required to eliminate all the THC. Thus, the youngster who smokes on Saturday night and again on Wednesday gradually builds up the level of THC in his/her system. Regular use—even once or twice a week—means the user is never entirely free of the drug . . .

At present, scientists are not sure how this accumulation of marijuana chemicals (including many cannabinoids and compounds other than THC) affects human health and development. However, many observers of youthful marijuana smokers worry that this slow, subtle, accumulation within the body and brain may cause gradual personality and behavioral changes. (Manatt)

4. Marijuana and alcohol

Various marijuana plants and various parts of the same plant have differing amounts of the cannabinoids and can produce different effects on users. In this respect, marijuana differs from alcohol, which has a controlled level of active ingredient. (Manatt)

The persistence of THC in the system differentiates marijuana from alcohol. Alcohol is a water-soluble chemical that is metabolized or "washed out" of the body relatively quickly. Thus, the youngster who drinks too much will probably get sick and suffer a hangover the next day, as his/her stomach and liver work to process the alcohol. This detoxification is completed within 12 hours. Because THC is not water soluble, it is not quickly washed out by the body fluids. (Manatt)

Despite their occasional assertion to the contrary, children's marijuana use is not analogous to the adult's before-dinner martini. Unlike the martini, smoking a "joint" has as its objective getting "high," that is, intoxicated in a way that alters judgment, self-perception, memory, and other aspects of psychological functioning. Unfortunately, unlike alcohol intoxication, with its telltale signs of slurred speech, impaired coordination, and breath odor, marijuana intoxication is easily disguised so that it clearly interferes with learning and performance in school. (Petersen)

However, studies have also shown that marijuana does not increase aggressiveness as alcohol sometimes does, and a driver under its influence is not as likely to lose control of the car. (DAF)

5. Effects on the lungs

Scientists believe that marijuana can be particularly harmful to the lungs because some users inhale the unfiltered smoke deeply and hold it in their lungs as long as possible, thereby keeping the smoke in contact with lung tissue for prolonged periods. Repeated inhalation of smoke, whether marijuana or tobacco, inflames the lungs and affects pulmonary functions. In one study on humans, it was found that smoking five joints a week over time is more irritating to the air passages and impairs the lungs' ability to exhale air than smoking almost six packs of cigarettes a week. Another study on animals using THC levels similar to daily human use found that extensive lung inflammation . . . after 3 months to a year of use.

While marijuana smoke has been found to contain more cancer-causing agents than tobacco smoke, there is no direct evidence so far that marijuana can cause cancer in humans. However, biopsies of human lung tissue chronically exposed to marijuana smoke in a laboratory showed cellular changes called metaplasia that are considered precancerous. In laboratory tests, the tars from marijuana smoke have produced tumors when applied to animal skin. (DAF)

There is growing concern that the contemporary American practice of inhaling and holding marijuana smoke deep in the lungs may precipitate earlier and more serious lung problems than have been identified in countries where marijuana use has been traditional. In 1976, lung researchers reported that smoking three to five joints a week is equivalent to smoking 16 cigarettes a day . . . That is, five joints equal 112 cigarettes. (Manatt)

Marijuana smoke contains larger amounts of cancer-producing hydrocarbons than tobacco. In animal testing the smoke residuals produce skin tumors and there is laboratory

evidence that human lung tissue exposed in the test tube to marijuana smoke shows more cellular changes than when exposed to similar amounts of standard tobacco smoke. As yet, there is no direct evidence that marijuana smoking is correlated with lung cancer, although some preclinical studies point out some changes which may in the longterm result in cancer. Critical epidemiological studies should be started to evaluate this risk after longterm use. As with tobacco, it will probably take at least 20 years to know the results.

After exposure to marijuana smoke, pulmonary macrophage production has been inhibited in animals. These are the cells which help protect the lungs from bacterial invasion. Cilia, which assist in moving inhaled dust and other small foreign particles from the lungs, have also been found to be adversely affected by marijuana smoke. In summary, following exposure to marijuana smoke, defense systems in the lungs show more impairment than following exposure to tobacco smoke.

In three animal studies, after daily exposure for periods of from 3 months to a year, the animals showed extensive lung inflammation and other evidence of lung damage not found in animals exposed to tobacco or to inert marijuana smoke. Thus, it appears likely that daily use of marijuana may lead to lung damage similar to that resulting from heavy cigarette smoking. (Pollin)

6. Effects on the heart

Marijuana use leads to an increased heart rate and associated circulatory changes. Evidence that chest pain associated with poor circulation to the heart muscle occurs more rapidly in patients with already impaired heart function with marijuana use than with cigarette smoking has led to a consensus that those with heart conditions, or at high risk, should not use marijuana. Limited studies to date have not shown deleterious consequences from these acute effects in healthy young male volunteers. (Pollin)

Marijuana use increases the heart rate as much as 50 percent and can bring on chest pain in people already experiencing a poor blood supply to the heart. For this reason, doctors believe that people with heart conditions, or those who are at high risk for heart ailments, should not use marijuana. (DAF)

Studies show that adults with impaired heart function suffer chest pain (angina pectoris) when they exercise after smoking marijuana. Smoking tobacco cigarettes also affects heart function, but the marijuana effect is even more pronounced. Thus, people with known heart problems should not smoke marijuana at all. Physicians warn that marijuana's effect on heart function may pose an increasing public health problem if use continues to spread among older adults and if youthful users keep smoking pot as they grow older.

Many heart weaknesses in children and adolescents are not detected until later in life. Whether increasing marijuana use among youngsters will precipitate earlier manifestations of latent heart defects is an open question. (Manatt)

7. Interference with memory

Acute intoxication impairs learning, memory, and intellectual performance. Virtually all of the many studies which have been done of performance while "high" show that marijuana interferes with immediate memory and intellectual performance in ways that impair thinking, reading compre-

hension, arithmetic problem solving and speech.

The research finding such impairment included a variety of study tasks such as digit symbol substitution (a timed task in which the individual substitutes a series of symbols for numbers), choice reaction time (a reaction-time task in which the response depends on rapidly discriminating between choices), the ability to repeat in forward and backward order a succession of digits and to mentally make a succession of repeated subtractions.

Less familiar, more difficult tasks are interfered with more than well-learned performance, and the extent of the effect as with all drugs depends on the amount used. (Pollin)

8. Driving and flying

Marijuana intoxication impairs driving, flying and other complex psychomotor performance, at usual levels of social usage. Studies involving such diverse areas as perceptual components of the driving task, driver and flight simulator performance, test course and actual driving behavior, all tend to show significant performance and perceptual deficits related to being high that make functioning more hazardous . . .

Research has indicated that experienced pilots undergo marked deterioration in their performance under flight-simulated or test conditions while high. It is also significant that these experienced pilots predicted there would be no decrement in their performance, and were not aware of the general deterioration in their performance. There was a substantial decrement on the basis of having smoked only one joint.

A continuing danger common to both driving and flying is that some of the perceptual or other performance decrements resulting from marijuana use may persist for some time, possibly several hours, beyond the period of subjective intoxication. Under such circumstances, the individual may attempt to fly or drive without realizing that his or her ability to do so is still impaired although he or she no longer feels "high." Ongoing studies are attempting to further delineate these issues. (Pollin)

9. Defense against disease

Because marijuana accumulates in the fatty membranes of the body cells, it affects the entire cellular process, including cell-mediated immunity. Although this complex area of research will require many years to establish conclusive findings, there is increasing evidence that marijuana use reduces or alters fundamental cellular defenses against disease. Because there has still been no centralized pooling of information from parents, physicians, and marijuana users themselves, the practical implications of the lab findings are still not established. (Manatt)

Some reports suggest that the white cell formation central to the body's immune response is affected by heavy marijuana smoking. Some laboratory animal studies have found that the immune response is significantly suppressed in mice and rats subjected to high doses of marijuana. Other studies have not confirmed these findings. Because the immune response is so important to good health, long-term studies are essential to determine if marijuana users become more susceptible to disease. (DAF)

The T-lymphocyte is a white blood cell which plays a central role in the immune response. There have been two human studies, which suggest an effect on T-cell function under conditions of chronic heavy

marijuana use; other human studies, however, have failed to confirm this observation.

The animal data are a bit more clear-cut and have more consistently indicated a definite suppression of the test animals' immune responses. Three reports based on work in two laboratories have reported reductions in the immune response in mice and rats treated with high, but humanly relevant, doses of inhaled marijuana smoke.

There has been no large-scale epidemiological research undertaken as yet to determine if marijuana smokers suffer from infections and other diseases to a greater extent than others of similar lifestyle, who do not use the drug. Thus, for the present, this question must be regarded as unresolved. (Pollin)

10. Psychological effects

There is unanimity of informed professional opinion concerning marijuana use by children. While there may be uncertainty about the implications of occasional marijuana use by well-integrated adults, there is little question that regular use of an intoxicant that blurs reality and encourages escape into a chemical nirvana makes growing up more difficult. (Petersen)

The most common adverse clinical reaction of marijuana use among American users is the acute panic anxiety reaction. Transient mild paranoid feelings are common in users. Marijuana flashbacks have been reported.

An acute brain syndrome associated with cannabis intoxication including such features as clouding of mental processes, disorientation, confusion and market memory impairment has also been reported, though this is much more likely at unusually high doses and appears to be rare. (Pollin)

Personality and behavioral changes will probably occur long before any physical changes become obvious, though many of the psychological problems may have a physiological basis. Some observers of heavy marijuana users have described an amotivational syndrome, in which the user becomes apathetic, lethargic, passive, and withdrawn. Younger users tend to lose interest in schools, sports, clubs, and other vigorous or engaging activities. Their lives seem to narrow in focus, as they become more preoccupied both with the rituals of drug use and with drug-using friends. The youngster may frequently be fatigued, depressed, and moody. S/he may have a tendency toward paranoia and complain that everyone is "down on me" or that someone is always "hassling me." Despite the apathy and withdrawal, s/he may flare up and become hostile when questioned by parents or teachers about altered behavior or attitudes . . .

Perhaps the most insidious effect of adolescent marijuana use is that mood-altering drugs provide a quick and simple escape from the stresses that are a normal part of growing up. A youngster who continually blots out pain, boredom, or frustration, never learns to cope with them. Many youngsters who habitually get stoned at parties and games do not learn to converse and to participate; they do not develop social skills. Being stoned is a self-absorbing, self-limiting, antisocial experience. Teenagers who continually "get high" may grow up believing that getting high is the only way to enjoy anything. (Manatt)

11. Possible brain damage

To date, no definitive neurological study of humans has turned up evidence of marijuana-related permanent brain damage. However, in a recent study of rhesus mon-

keys, the animals were trained to smoke a marijuana cigarette 5 days a week for 6 months. The researcher reported that persistent changes in the structure of the monkeys' brain cells followed.

This and other studies have led researchers to conclude that the possibility of subtle and lasting changes in brain function from heavy and continuous marijuana use cannot be ruled out. (DAF)

In 1976, Dr. Sidney Cohen reported that marijuana use may alter the relative roles of the right and left hemispheres of the brain, with significant impairment of verbal-analytic tasks. To some degree, his findings substantiate the observation by a Canadian researcher that regular marijuana use seems to decrease his students' ability to abstract and synthesize or to perceive appropriate relationships when writing university-level essays. In 1978, Dr. Robert Heath and his associates revealed that his studies with rhesus monkeys indicated that heavy marijuana use (one joint a day) produced permanent changes in deep-brain areas that affect emotion and behavior. Of particular significance was a widening of the gap between brain cells (the synaptic cleft) across which nerve impulses are transmitted. (Manatt)

12. Effects on reproduction

There is evidence that marijuana, like many other substances and therapeutic compounds, affect the network of glands and hormones which are involved in such functions as reproduction. There are a variety of both animal and human studies suggesting that marijuana used daily and in substantial amounts similar to those of a regular cigarette smoker may adversely impair some aspects of the reproductive function.

Levels of the male hormone testosterone have been found to be reduced temporarily, though still within normal range, in some, but not all studies. Whether more persistent, chronic use of marijuana might result in permanently depressed levels of serum testosterone is not known at this time.

At least two studies have found abnormalities in the sperm count, motility and in the structural characteristics of sperm of male chronic users. One study of 16 male, healthy, chronic marijuana users smoking from eight to 20 standard marijuana cigarettes per day for 4 weeks in a hospital environment, found a significant decline in sperm concentration and a decrease in sperm motility.

Three studies in animals of the effects of marijuana on testicular functioning, including the production of sperm, have also found adverse effects. While the clinical implications of such findings are not yet known, and the acute effects noted may be reversible when marijuana use is stopped, they do indicate a basis for concern for long term users as decreased fertility may result, especially in those of already marginal fertility. (Pollin)

Information about the reproductive effects of marijuana on women is scarce; marijuana research on women of childbearing age is not permitted because of possible reproductive risks. But one recent study of marijuana use and human female endocrine functioning with 26 women using street marijuana for 6 months or more found they had defective menstrual cycles three times more frequently than a similar group of nonusers.

These defective cycles involved either a failure to ovulate or a shortened period of

fertility—findings which suggest that regular marijuana use may reduce fertility in women. Many female animal studies have been completed and show that marijuana influences levels of estrogen, the principal female sex hormone, and progesterone, another reproductive hormone, as well as the growth hormone from the pituitary. These studies do suggest that heavy use should be avoided by the physically and sexually developing adolescent girl . . .

As stated earlier, research on women is limited because of possible risks to the unborn child. Laboratory animal tests, however, have shown that THC-treated female monkeys were four times more likely than untreated monkeys to abort or have still-born infants. And males born of the THC-treated monkeys were lighter than usual in birth weight. Scientists believe that marijuana, which crosses the placental barrier in the pregnant mother's womb, may have a toxic effect on embryos and fetuses. Use of marijuana or any other drug during pregnancy is an unnecessary risk.

Animal studies have shown that THC from marijuana can be transmitted to a baby through the mother's milk and that traces of THC have been found in the baby's urine and feces after nursing. Scientists have no doubt that THC is also transmitted in human milk, but because of possible risks to the mother and child, human research has not been done. (DAF)

NATURAL GAS DECONTROL

Mr. HELMS. Mr. President, I hope Senators will read an article on natural gas deregulation by Dr. Edward Erickson, professor of economics and business at North Carolina State University.

Dr. Erickson has just completed an exhaustive study of the natural gas market in North Carolina and the possible economic impact of price decontrol there. In a nutshell, his article recounts the enormous benefits North Carolina and, indeed, the Nation, would realize if Federal restrictions now inhibiting the market were lifted.

My support for deregulation is no secret. I firmly believe Federal controls should be removed to insure adequate supplies of natural gas at affordable prices.

Mr. President, the Senate may soon consider whether to deregulate natural gas. I urge my colleagues to read Dr. Erickson's fine article and consider the compelling points he makes.

I ask unanimous consent that the text of the article 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:

NORTH CAROLINA SHOULD BENEFIT FROM NATURAL GAS DEREGULATION

(By Edward W. Erickson)

(Editor's note: Dr. Erickson, Professor of Economics and Business at N.C. State University in Raleigh, undertook a study of the potential economic effects of federal deregulation of natural gas prices on North Carolina. His article below is based on that study.)

North Carolina has always been a leader. It is evident in our microelectronics center,

our university system and our attractiveness to high quality new industry. North Carolina's tendency to be at the front of the pack is less apparent, but no less real, in the area of energy as well.

North Carolina is not a primary energy producing state, but the economic growth we have enjoyed over the last quarter century has in large measure depended upon increased energy utilization and availability. Since 1960, total U.S. energy utilization has increased 80 percent. Over the same period, North Carolina's energy requirements have grown 120 percent, or 50 percent more than the rest of the country. This growth is not the result of squanderous use. North Carolina's use of petroleum has tracked conservation trends in the rest of the country almost exactly. Growth of total residential energy consumption in North Carolina has been slightly higher than that for the rest of the country, but this simply reflects North Carolina's higher population and per capita income growth rates.

The major causes of increased energy use in North Carolina are the rapid increases in energy consumption in our industrial and commercial sectors. Since 1960, commercial sector growth in energy use has been 70 percent greater in North Carolina than in the rest of the country. And North Carolina's increase in the industrial use of energy is over 100 percent greater than that for the total nation.

The energy sources which have fueled these higher commercial and industrial energy growth rates have been coal and natural gas. North Carolina's use of coal is up 140 percent compared to a 40 percent increase for the rest of the country. And North Carolina's use of natural gas is up 183 percent versus 67 percent for the whole national economy.

The importance of coal as an energy source to fuel North Carolina's higher than average growth rate is consistent with both our relatively greater reliance upon electricity and national energy policy. But the role of natural gas is a pleasant surprise.

Just a few years ago, natural gas was nearly written off by national policy makers. It was widely believed that there was very little natural gas left to find and that the required drilling effort was beyond the capacity of the industry to undertake. Since 1976, however, the number of U.S. gas well completions has doubled. And in 1981, the latest year for which data are yet available, U.S. natural gas reserve additions exceeded production for the first time since 1967. Domestic natural gas is now beginning to be perceived as a potential bridge fuel to the latter part of the 21st century.

North Carolina has shared in the benefits of this encouraging reassessment. Since the days of deep curtailments in 1977, North Carolina natural gas use has more than doubled. Increased availability of natural gas has supplied about one-half of North Carolina's growth in energy usage since 1977. Thus, natural gas has made a very important contribution to the industrial growth which has benefited all North Carolinians. North Carolina industries which have benefited substantially from increased natural gas availability include textiles, tires, glass and fertilizer.

The shortages and curtailments in the 1970s were regulation-induced. Federal ceiling price controls did not permit producers to incur the costs necessary to allow supply to keep up with demand. It has been observed that, next to bombing, the second best way to destroy a city is through rent

controls. The natural gas shortages which we inflicted upon ourselves were another illustration of that principle. For North Carolinians, that was particularly bad news because we again led the nation—only that time it was in shortages of natural gas.

Is it possible that North Carolina might experience a re-run of the curtailments of the 1970's? Unfortunately the answer is yes.

Contrary to popular belief, the Natural Gas Policy Act of 1978 (NGPA) was not a deregulation bill. The NGPA extended regulation to the 40 percent of natural gas production which had previously not been subject to federal ceiling price controls. The NGPA pigeon-holed various kinds of gas production into a byzantine structure of over two dozen separate ceiling price control categories. About 5 percent of current gas production was decontrolled by the NGPA, and more decontrol is scheduled for 1985. But even after the scheduled decontrol of some gas in 1985, about one-half of U.S. natural gas production will still be subject to federal ceiling price controls. This remaining price-controlled natural gas, unevenly distributed among pipelines, has a considerable potential for mischief—particularly with respect to North Carolina.

North Carolina's sole source of natural gas is pipeline deliveries by Transco. Because of the rapid growth on the Transco system, Transco's relative share of older, price controlled gas is considerably smaller than the national pipeline average. For example, Transco's average cost for buying gas is \$3.20 per million Btu's. This is almost 20 percent above the national average cost of about \$2.70 per million Btu's. This means that North Carolina industries served by Transco have to compete with industries elsewhere which are served by other pipelines and have significantly lower energy costs.

At the moment, there is more total gas available to Transco than Transco can market to its customers. As a result, Transco has taken the national lead in developing innovative marketing methods. The North Carolina Utilities Commission has also been a national leader in encouraging our distribution companies to adopt flexible marketing practices. But the surplus of today, like the shortage of a few years ago, may not be a permanent thing.

To discover and produce natural gas requires that wells be drilled. A leading indicator for well completions is the number of drilling rigs in active operation. In December of 1981, the number of active drilling rigs in operation reached an alltime historical peak of 4,520. At the end of April, 1983, the active rig count was 1,860—nearly a 60 percent decrease.

The signs are beginning to indicate that we are on the way out of the most severe industrial recession since World War II. Therefore, for both demand and supply reasons, the national natural gas market may begin to tighten up in the relatively near future.

In a tight national market, North Carolina may be disadvantaged in terms of access to available natural gas supplies. Pipelines now purchase a mix of natural gas with widely different regulated wellhead prices. These different prices are all rolled together with transportation costs to arrive at an average delivered price. For gas to be sold, the average delivered price must be competitive with alternative fuels. In a tight market, with some gas controlled and other gas decontrolled, pipelines with large shares of the controlled gas can bid higher prices for

decontrolled gas than can pipelines such as Transco with small shares of controlled gas.

Pipelines with large shares of controlled gas are called "deep cushion" pipelines. Pipelines with small shares of controlled gas are called "shallow cushion" pipelines. In a relatively tight market, deep cushion pipelines can outbid shallow cushion pipelines for available new gas supplies, average the higher new gas costs in with lower controlled gas costs, and still remain competitive at the burner tip. The result is shortages and curtailments for shallow cushion pipelines such as Transco.

If a shallow cushion pipeline is disadvantaged in terms of access to new gas supplies and has to curtail industrial load, the remaining residential customers have to pick up a larger share of the total transportation and distribution overhead. But if a shallow cushion pipeline attempts to match the "hothouse" prices offered by deep cushion pipelines, its average delivered gas costs exceed alternative fuel costs and it loses industrial load anyway. It is a "no win" situation created by the existence of some gas that is subject to price controls and some gas that is not.

A potential solution might appear to be extending ceiling price controls to all gas. But that just creates another layer in the complicated welter of regulated prices, encourages inefficient use of natural gas, and lays the foundation for another national shortage of natural gas.

The Federal Trade Commission has found that, "the natural gas industry is capable of workably competitive performance in the absence of price regulation." In a competitive situation, prices are free to go up and down as contracts are voluntarily renegotiated in response to the market forces of supply and demand. Even impeded by price controls, these forces are at work in natural gas markets today. It is difficult, however, for a competitive market to generate its full potential benefits when it is half price controlled and half free. The real solution is to totally remove all federal ceiling price controls from the entire supply of natural gas.

Deregulation of wellhead prices for natural gas and removal of regulatory restrictions on the use of gas yield incentives to utilize natural gas efficiently, cause natural gas to be produced at minimum cost, and allow the market to flexibly adapt to changes in supply and demand. The sooner complete deregulation of the natural gas market occurs, the better it will be for the citizens of the United States, and particularly North Carolinians.

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

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

THE CONTRIBUTIONS OF SENIOR CITIZENS CENTERS

Mr. PERCY. Mr. President, on August 30, 1983, the Daily Dispatch published an excellent feature story about the Moline Senior Citizens Center. I had the pleasure of visiting

this center while I was in Illinois during the August recess.

As I pointed out in my book "Growing Old in the Country of the Young," loneliness and poverty are the worst fears of the elderly. Senior centers such as this one in Moline provide an unduplicated variety of services to help address both problems.

One of the most important services provided by the Moline Senior Citizens Center and other similar senior centers is companionship. Through social activities like planning group traveling, cardplaying, billiards, and dances, and charity work such as craft projects and volunteer programs, older persons who otherwise might feel isolated and shut out of society can remain actively involved in the community.

Other centers also serve as congregate nutrition sites, providing the only hot balanced meals some of the elderly may have contributing what they can to their cost. I was proud to coauthor the original meals program, and feel a special affinity with it. Before this program started, many older persons used to sit alone all day in their separate apartments drinking tea and eating toast, because they had no money for food or were unable to cook. The meals program provides both a nutritious meal at a low cost and, perhaps even more importantly, lunch companions for people who might under other circumstances go without human contact for periods of time.

A number of communities also have another food program that delivers hot meals to elderly men and women who are homebound but nevertheless want to remain in their own homes and out of nursing institutions. The daily delivery of meals and human contact make this possible. The program allows people whom the elderly trust to have access to them, to learn when they are having problems, and to guide them to solutions.

In addition, transportation plays an essential role in the comprehensive programs of many senior centers. It is difficult for a number of the aged to get around without aid—and virtually all the elderly have trouble coping with standard mass transportation where it is available. A growing number of areas are providing small buses and vans to help the elderly run necessary errands, see physicians, and reach community events, including senior center affairs. This not only provides essential transportation, but allows the opportunity to see friends and meet others while on the bus.

It is clear, then, that senior centers provide invaluable services to the elderly. I ask unanimous consent that this article, which outlines one such center's contributions, be printed in the RECORD.

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

[From the Moline (Ill.) Daily Dispatch, Aug. 30, 1983]

SENIORS' CENTER OFFERS FRIENDSHIP

(By Jeff Rodriguez)

MEMBERS FIND NEW PURPOSES IN LIFE

Maybe you're one of those people who has always associated being old with rocking chairs, hearing aids and long days of listless inactivity.

Well, sonny, have you got another think coming!

Why, down at the Moline Senior Citizen Center, where the weekly schedule includes exercise classes, arts and crafts, charity projects, and even dancing, there's always something interesting going on. The center is not only for those who are young at heart, but for the folks who are young in the head and hands as well.

"The people here are terrific," said Lynn Wilkinson, coordinator for the center and herself a spry 25 years of age. "They're always on the go, always having a good time. I can hardly keep up with them."

Wilkinson said the center, located at 620 18th St., is "primarily a recreation facility." She said membership dues are just \$2 annually, and the center is open to all senior citizens in the area, Monday through Friday, 9 a.m. to 5 p.m.

But though the center is a recreational and social outlet for the members, there's a good deal of charity work going on. Through the Leisure Auxiliary of the center, the members do work for the American Cancer Society, the Junior Service League, FISH and other organizations that approach them.

In June, they reported nearly a thousand hours of volunteer work for the month. "Anything we can do to help, we'll do," said Wilkinson.

And that includes helping themselves; the center is operated and supervised by the Moline Park and Recreation Board, but, true to the nature of its membership, the center is largely self-reliant. The city pays for the maintenance of the building, and for the salaries of Wilkinson and her staff, but the center is otherwise left to its own means.

Funds are gathered through the many donations of money and gifts from members (73 in June alone), and through several fundraising projects.

One of the center's most important projects is the open house, where members sell craftwork and other handmade goods to visitors, giving their profits to the center. "They're a very giving group, both monetarily and in friendship," said Wilkinson.

It's probably that friendship that the group is richest in. The center is a very big reason why there are few less elderly citizens who consider themselves "elderly."

"After my husband died, I hibernated," said Estella Schaaf, Moline. "Being here has given me new life."

Schaaf, a victim of a series of strokes, was told by doctors that she would never walk again. Now she's a supervisor for the Leisure Auxiliary, and she scurries about constantly, checking with everyone and helping to get the work done. Schaaf said, "If I would have given up, I'd still be in a wheelchair."

Adah Fye, East Moline, said, "I don't know what I'd do without the center, it's been a big boost. When my husband died

suddenly, it left a great void. This has filled the void."

Wilkinson said the center has about 800 members. They come from all social classes and span four decades of age differences, from members in their 50s all the way up to 98-year-old Elizabeth Matson, who still comes to the center to help sew cancer pads.

Wilkinson said transportation is available for members unable to drive or without cars. "They're proud people," she said. "They don't like to be catered to."

One member capable of transporting himself is Arthur Timmerman, Moline, who has been a member for about 15 years (dating back to when the center was run out of the old Viking Hall in Moline). Timmerman does the shopping with Wilkinson, hauls the groceries and runs other errands for the center.

"We all come down here to give something," said Timmerman. "The more active you are, the better off you are." Timmerman said he goes to the center about four times a week, and enjoys the card-playing and billiards.

Cards and pool are just two of the many activities at the center. There are also craft projects, sing-alongs, calligraphy classes and exercise sessions. Every Friday, a live band is brought in for a dance, and the members also have their blood pressure checked twice a month.

Wilkinson, who has been coordinator for just over a year, praised the work of her two staff members, Sally Chumbley and Lucille Almquist. In the process of building a solid working relationship with them, she has earned the respect of the members.

"Lynn has been helpful along every line," said Helen Adamson, East Moline, a member of the center for 20 years. "They picked a good one when they picked her."

"The age differences haven't been a problem," said Wilkinson. "At first, I was a little concerned about being grand-parented, but they're very easy to get to know and love. If you respect them, they'll respect you."

The relationship has proved beneficial for both Wilkinson and the members, giving the center an inviting atmosphere. The center is a place for senior citizens to keep productive and stay active at an age when many people are slowing down.

But the center also provides another valuable feature: friendship. Loneliness can add years to a person's life, and the companionship of the center helps to combat that unnatural aging. It's almost as if the center has some mystic capability to restore youth and energy to the members; the elderly citizens once too tired to face the next day now can't wait for it to begin.

"This is my second home, and I love it," said Mary Taulbee, Moline. Like so many of the members, she said that the center's existence has made all the difference to her outlook on life.

"Before, I was lost, and didn't know what to do with myself," she said. "Now I'm down here every day, always trying to keep busy, always on the go. My family says they have to make an appointment just to see me anymore. Me, I think it's wonderful just being here."

PRESIDENT REAGAN ON THE VOA

Mr. PERCY. Mr. President, the greatest goal of this or any nation is peace. It is the shared dream of the American people that peace will someday bestow its manifold blessings on

all the troubled regions of the world. I want to commend to the attention of my colleagues the remarkable way in which the U.S. message of peace was carried to the world last Saturday, September 24, when President Reagan made a remarkable trip from the White House. He sat at a microphone in a studio of the Voice of America in Washington, and, for the first time since President Kennedy, an American President addressed the world on the broadcast frequencies of the Voice of America.

President Reagan spoke about peace and about his forthcoming remarks to the U.N. General Assembly. The broadcast probably reached 100 million people, many of whom would have been unable to hear the President's message from the United Nations because its transmission would have been stymied by the jammers of the Soviet Union and their proxies. The President's speech was simultaneously broadcast in English and in Russian, Ukrainian, Lithuanian, Romanian, Bengali, Hausa, and Urdu.

The broadcasting of accurate, objective and comprehensive news is the mandate under law of the Voice of America. The President and the Voice of America are to be highly commended for their work in getting the message of peace across to the world. I ask unanimous consent that an article on the subject from the Chicago Tribune appear in the RECORD at this point.

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

[From the Chicago Tribune, Sept. 25, 1983]
SOVIET RADIO LISTENERS HEAR REAGAN
PRESIDENT'S ADDRESS ON PEACE CARRIED OVER
VOICE OF AMERICA

WASHINGTON.—President Reagan had his weekly radio address beamed into the Soviet Union Saturday with simultaneous translations into eight dialects to push "the cause of peace."

In a long-planned and highly secret bit of diplomatic one-upsmanship, Reagan traveled several blocks from the White House to Voice of America headquarters to give his regular U.S. audience and millions of Soviet listeners a preview of his speech to the United Nations General Assembly on Monday.

"I will speak to the United Nations General Assembly in two days for a cause that people everywhere carry close to their hearts—the cause of peace," Reagan said.

"The subject is so important I want to share this message with a larger audience than I usually address each Saturday in the United States," he said in remarks released in advance by deputy press secretary Larry Speakes.

Word of Reagan's trip to Voice of America, where he used the same equipment at the same master control unit used when President Dwight Eisenhower broadcast to the world in 1957, was tightly held in advance "so the Soviets hopefully will not have the opportunity to jam the broadcast," Speakes said.

The reason for the Voice of America appearance "is to get his message across, par-

ticularly to people in the Soviet Union," Speakes said.

As the President spoke in English, simultaneous translations were broadcast in Russian, Ukrainian, Romanian, Bengali, Hausa [an African dialect], Lithuanian and Urdu [a Pakistani language spoken in the Soviet Union].

The broadcast will be available later in the other 42 languages the Voice of America broadcasts in, Speakes said.

Speakes said an estimated 100 million people each week hear Voice of America broadcasts in eight languages on three continents, Europe, Asia and Africa.

"It's to get his message across to the people, particularly the Soviet Union," said Speakes, who added the event had been in the planning stages for a few weeks. Reagan normally delivers the live broadcast from the Oval Office, or from his retreat at Camp David, Md.

Speakes said, "The pitch is to take his desire for peace directly to the Soviet people and others around the world."

Reagan used the 25-year-old equipment to symbolize the point he made in a speech several weeks ago that the Voice of America's hardware is outdated and in need of modernization with funds from Congress. He said at the time the Soviets could be winning a propaganda war because of their advanced broadcasting technology.

BRAZILIAN DEBT PROBLEM

Mr. PERCY. Mr. President, the continuing international debt crisis will be the major focus of attention during the annual meeting of the World Bank/International Monetary Fund meeting this week in Washington. Brazil has replaced Mexico as the debtor country with the most serious difficulties. Its foreign debt now exceeds \$90 billion, and it is in arrears in interest payments to foreign bankers by more than \$2 billion.

Last May the IMF and the international banks suspended loans to Brazil because of its failure to comply with IMF conditions. Although the Brazilian Government has recently negotiated a new agreement with the IMF, the resumption of foreign loans to Brazil is by no means certain. In keeping with its economic stabilization program, the Brazilian Congress must first pass a tough wage law, and this bill is spawning widespread opposition even within the governing party.

It is of major importance to the United States that Brazil find solutions enabling it to satisfy its foreign creditors without provoking serious internal social unrest. An important contribution to the debate on this topic was made earlier this month by Rubem Medina, a noted Brazilian Congressman. In a speech at the Johns Hopkins School of Advanced International Studies, Mr. Medina, who has twice headed the Economic Commission of the Brazilian Congress, elaborated a comprehensive five-point program for alleviating Brazil's foreign debt. His thoughtful proposals merit the serious attention of my colleagues

in the Senate. I ask unanimous consent that Congressman Medina's statement be entered in the CONGRESSIONAL RECORD at this point.

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

LECTURE BY FEDERAL CONGRESSMAN RUBEN MEDINA AT THE SCHOOL FOR ADVANCED INTERNATIONAL STUDIES

In 1983 the Brazilians are faced with a drama resembling that which you yourselves went through in 1929. And they are going to overcome it, sooner or later. Sooner, if you, and all the people in the world learn to know us better and to trust us.

I am an economist, and a politician freely elected by the people. In other words, I study Brazil at my desk and I live Brazil in the highways and byways, in the trains, the plants and the plantations. This dual status lets me view Brazilian problems in a particularly all-encompassing manner. It brings me a feeling of certainty that the Brazilian crisis is so immense and complex that it forms a part of an even greater crisis that involves the whole world. More than an economic crisis, it is a social crisis, and might, from one hour to the next, turn into a political crisis capable of overthrowing a lengthy and mighty effort, that is transforming the country into the greatest democracy in the Latin world, with 60 million voters on the rolls as of the recent polls.

And when I use the term social crisis, I am not referring merely to unemployment or a reduction in living standards. I am talking about people that are literally dying of hunger in an immense region afflicted by drought these past five years. In this region, the hinterland of North East Brazil, 250 out of every 1,000 children born die in the first year of life. Millions of farmers have quit as their holdings have turned into desert and they try to keep body and soul together on government aid that amounts to 20 dollars a month; just enough to give them one third the number of calories the adult organism needs.

Many of these men and women have been migrating for years to the industrialized South. Despite every handicap, they have become competent workers and technicians, and are today helping manufacture computers or even airplanes that are exported to the United States.

Those migrants from the North East had reached the point where they felt they had vanquished the century-old challenge of the people in their part of the world. They did not earn much, but they managed to get enough to eat every day, to dress decently, to sleep under a proper roof, to have access to medical care, to bring up and educate their children. Suddenly, the factories started closing down. The dream was over. Now what are they to do? Trek back to the arid waste lands and slow death or stick it out there in the big city, after losing everything even possibly their self-respect?

The urge to resort to any desperate solution is great and the distance to social convulsion and political retraction is but a short one. It was perhaps with this in mind that the New York Times (August 5) editorial expressed the following concern:

"Brazil deserves at least as much attention as the Reagan administration is giving to Nicaragua, and much more understanding. It is a dynamic nation, without a shadow of a doubt the most powerful and promising one in all Latin America. And the

burden of the ninety billion dollars of external debt threatens the stability of the country, the cause of democracy in South America, even the structure of world finance."

For all these reasons, I affirm with deep conviction that the Brazilian crisis no longer can be resolved by purely economic instruments. We shall either have a political solution, or none at all. It is no longer just a matter of paying what we owe—and we are indeed going to pay every last cent, if people give us time and conditions for doing so—but of deciding whether or not Brazil is entitled to have a future at all. That decision implies a series of short and long term measures that are not going to be solved with a calculating machine but through the political consensus of the Brazilians and their partners throughout the world.

A moratorium on the external debt is a decision that a country takes only when no other alternative is available to it. Brazil does not wish to reach that point. What we seek is an overall solution, negotiated with all our creditors, to establish a truly feasible program for payments. At the present time we are already assuming many of the burdens habitually resulting from a moratorium, but without the freedom of action that a moratorium would permit. Let me explain what I mean:

During 1983, external loans for productive purposes practically came to a halt. Our extremely low percentage of imports in relation to the gross internal product, less than 8%, has a tendency to decline even further, hampering the acquisition of vital components of many products we manufacture and jeopardizing the volume of our exports, without which we cannot generate dollar earnings to pay for what we owe. And a result of the high interest we are paying for debt servicing, the 6 billion dollars surplus we shall get on our commercial balance at the cost of a violent retraction in imports, will mean but little compared with the 11 billion dollars we shall have to pay in interest alone, in addition to the amortization of the short-term principal.

In view of the recent upward value of the dollar, we are paying more and more for what we buy and receiving less and less for what we sell. More than that, we are facing a series of protectionist measures in the countries we export to, including the United States. The negotiations we had been engaged in to modify the terms of our payments have been burdensome and not very productive, especially during these last few months. In other words, from being treated like a credit risk, we end up actually becoming a credit risk. Now, what would you do in our place?

In my opinion, Brazil ought to press for a five-point program:

(a) Automatic conversion of interest falling due in the next two years into long term loans, with a minimum grace period of three years. Such a measure, adopted through political channels at a government level, would permit creditor banks to enter the unpaid interest on their accounts as new loans rather than as losses. In other words, the ideal would be to request concession of a waiver by the Comptroller of Currency, to permit such a type of arrangement, which would facilitate Brazil's strategy of adjustment with financing. It is worthwhile calling to mind that similar schemes were adopted in the cases of renegotiation of indebtedness by Mexico and Nicaragua.

(b) Extension of Project 2 for renegotiation of the Brazilian external debt for the first two years, which would also be equiva-

lent to converting into long term loans those installments falling due on the principal of the credits contracted in the past.

(c) Support by the governments of the developed countries, especially the United States, for official financial institutions such as the World Bank, that supply long-term credit, to finance investment projects. Supply of such resources would make it possible to develop innumerable investment opportunities providing high social returns, and prepare for the resumption of the process of economic development, interrupted ever since 1981.

(d) Reduction of the protectionism exercised by the developed countries against exports from the developing ones. The economic authorities of the industrialized countries need to understand that expansion of exports is the sole effective alternative for facing up to the heavy financial burdens of external indebtedness. Moreover, protectionism ends up by penalizing consumers in the developed countries themselves, more particularly the poorer sectors of the population, that would be purchasing the less expensive products exported by the developing countries.

(e) Reduction of the U.S. public deficit, which would cause a decline in international interest rates, benefiting not only Brazil and other debtor countries but the economy of the United States as well. It is unjust to demand that merely Brazil and other developing countries, with balance of payments problems, strive to balance their public finances, while the budgetary imbalance of the largest economy in the world increases, thereby boosting tremendously the cost of credit.

It would be ideal for these measures to be accepted by the public and private institutions Brazil owes money to, for if Brazil goes down, economically or politically, it will not go down alone. The rest of Latin America and the international banking system will go down with it.

The other question that is raised frequently in my country is: "How come Brazil got to owe so much?" In the first place, it was the Brazilian themselves that were responsible for it. We should have known better to resist the many offers of loans made by banks that wanted to remunerate their shareholders, whatever the risks, rather than lose out to competitors.

Then again, the petrodollars were easy to come by and flowed in a never-ending stream. Their port of destination was at all times the place paying the highest rate. The bankers rushed to Brazil with their enticing offers just as they ran to other nations as well. Mexico, today on the way to recovery, after the black September of last year, reached the point of procuring funds equivalent to the capital of the largest private bank in the world, the Bank of America.

Yes, we should have turned a deaf ear. But in any case, being a developing country means being a debtor country, an importer of resources. Between 1870 and 1890 the United States built up an external debt that mounted then, as ours does in Brazil today, to about 300% of the amount of one year's exports. And in Canada, in 1913, according to Economic Nobel prize winner W. A. Lewis, the debits with foreign countries reached a level of 860% of exports, which did not, however, prevent that country from becoming in due time one of the most affluent nations in the Western world.

We needed all the money we could get to prospect for petroleum, to develop the greatest fuel alcohol project in the world

and build hydro-electric plants, as alternatives to oil and gasoline, to settle the Amazon West and produce foodstuffs, to give jobs to the 3 million Brazilians entering the labor market every year to win for them a hope for the future.

Our debt was not for financing the purchase of superfluous items but to build up a country as large as the United States. It is quite true we were in too much of a hurry, even though Rio was founded earlier than New York, but no one, not even the banks and governments of the world, had counted on so sharp a decline in the prices of crude oil and the consequent damming up of available funds. We were wrong. But we were in good company.

Brazil today is the eighth largest economy in the world. It not only has the greatest agricultural frontier waiting to be developed in the western world, it is the world's largest exporter of coffee and the second largest exporter of soya beans. It also puts out industrial products that are more and more competitive and that bring in more foreign exchange earnings than agriculture itself. In the mining sector, ore strike follows ore strike. In just three years we have changed from importers into exporters of gold. Our reserves of gold, iron ore and other metals appraised by international experts at about US \$600 billion, are over six times our total foreign debt.

Today the economy is at a standstill. The level of employment in industry has fallen to where it was five years ago, while population continues to expand at 3% a year. Internal interest rates have accompanied those charged abroad, suffocating companies that have to borrow so as to produce and grow. Inflation is expected to reach 160% by the end of the year. And the conventional remedies such as containing wages so as to contain demand are of scant merit in a country where the minimum wage is equivalent to 2 dollars a day and per capita average consumption is negligible.

We will need to find a way that will enable us to restrain inflation, lower our public deficit and recover economic growth, without which democracy will endure enormous risk.

We will need to attract new investments and financing in order to provide more jobs and to carry out undelayable public works, without having to print new money. We will have to cut down waste and reorder priorities, as if we were living on an economy of war. In other words we are going to need bold new creative formulas.

But those goals, that are not just ours but also those of all mankind—for President Reagan himself has recorded his indignation at the residual pockets of poverty in so prosperous a country as yours, will necessarily entail the constructing of a new world economic order.

What type of order it will be, we do not know. But it will undoubtedly be far different from the economic world that emerged from Bretton Woods. It is no longer a matter of rebuilding a society already mature such as that of Europe and Japan, but of building an entire new society in the Southern hemisphere.

The world can no longer be divided by an imaginary line, north of which people go to the physician so as to lose weight and south of which the people die of hunger without ever having seen such a thing as a physician.

TUNISIA

Mr. PERCY. Mr. President, too often, we focus our attention on nations which are the center of controversy while we ignore the moderate states which contribute so much to the family of nations. High on the list of the moderate, contributing nations is the Republic of Tunisia. Since 1956, the Tunisian people have met the challenges of independence without the turmoil which so many other nations have experienced. In 1957, for instance, the National Assembly of Newly Independent Tunisia replaced the hereditary ruler of the country, the Bey, with a provisional President. No shots were fired; no blood was spilled. The former ruler quietly and peacefully was removed from power and a Republic was established.

The manner in which Tunisians transformed their Government well illustrates the moderation and balance which has characterized Tunisian policy ever since. Last summer, when few could be found to accept the Palestinian leaders and combatants from Beirut, the Tunisians offered to help. Without their assistance, Ambassador Phil Habib might not have been able to arrange the withdrawal of the Palestinians from Beirut and that tragedy could have been worse.

The Tunisians have also displayed remarkable forthrightness in promoting moderate policies when moderation was not supported by others. President Bourguiba, in his famous Jericho speech in 1965, was the first Arab leader to call for direct Israeli-Arab negotiations to end the Middle East conflict. Today, as radical Arabs increasingly reject a negotiated settlement, the Tunisians remain firm in their support for a peaceful solution to that regional problem.

At the same time, the Tunisian Government and people endeavor to achieve economic development while retaining free and open institutions. Their success at improving economic conditions in Tunisia is a model for many other countries.

Despite the successes of the past, economic hurdles and regional instability still pose serious difficulties. American economic and security assistance is designed to help them meet these challenges and to demonstrate the mutuality of interests of our two nations. Tunisians have chosen the path of moderation and their success reflects well on all who strive for economic development, individual freedom, and the resolution of conflict through negotiation.

Mr. President, over the past 8 years, I have made two extensive trips to the Middle East calling on Israel and 13 Arab countries. Each time I have been accompanied by our Ambassador, and have insisted that our Ambassador be with me to always show a commonality of purpose of the legislative and

executive branches of our Government.

In each case in Arab countries, I have urged the chief of state to adopt a policy that will lead toward the recognition of the reality and existence of Israel, the necessity of Israel existing as a sovereign nation behind defendable and definable borders, the need for the people of Israel to live in peace, and the need for all peoples of the Middle East to live in peace.

I have had many, many assurances that most Middle Eastern leaders accept this reality. They recognize Israel is here to stay. But when I come to the bottom line, "Will you authorize me to quote you?" there is some degree of reluctance.

In contrast, each time I have called on President Bourguiba and have asked, "May I have permission to state publicly that you today reaffirm the position that you took in 1965," which was that it was realistic for the Arab world to recognize that Israel was here to stay. He said, without equivocation, "You have my permission and you may do so."

So, once again I pay tribute and salute not only a remarkable leader and a remarkable person but a country that has steadfastly proven it is a great friend of the United States, and a great friend of free nations. Tunisia has withstood, with our backing and support certainly, attempts from within and attempts from without to undermine its security and its independence.

We know the Tunisians. We know who their adversary has been. We have stood with Tunisia, and I trust we will always stand with the Tunisians. They have proven their friendship and their devotion to peace, stability, security, and progress.

EXTENSION OF PERIOD FOR ROUTINE MORNING BUSINESS UNTIL 2:45 P.M.

Mr. BAKER. Mr. President, I will not take but a moment, because I know the Senator from Arizona is seeking recognition.

Mr. President, the President of the Arab Republic of Egypt is here and will be visiting with Members, including having coffee, in the Foreign Relations Committee room at 2:15 p.m.

I have discussed this with the minority leader, and he and I agree that in view of that and in deference to our distinguished visitor that we should extend the time for the transaction of routine morning business so that Members will have a maximum opportunity to pay their respects.

Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until 2:45 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is ordered.

Mr. BAKER. I thank the Senator from Arizona.

MARTIN LUTHER KING, JR. HOLIDAY

Mr. GOLDWATER. Mr. President, I know that sometime today we will take up the subject contained in H.R. 3706, which is an act to amend title 5 of the United States Code to make the birthday of Martin Luther King, Jr., a legal public holiday.

Mr. President, several weeks ago I commented on this. I would like to repeat it, or substantially repeat it, because I do not know if I will have a chance to get the floor when the vote comes.

Mr. President, I think Martin Luther King has done a great deal of good for his country. I think he performed in an honorable way. But, Mr. President, when it comes to naming a holiday after a man—I do not care if he is black or whatever he is—I think that person should have been dead at least 50 years.

I can think, for example, of Thomas Jefferson. He does not have a holiday named after him. Abraham Lincoln does not have a holiday named after him. Charles Lindbergh does not have a holiday named after him.

With no disrespect meant to Martin Luther King, I intend to vote against the bill for a national holiday, frankly, for two reasons: One, the one which I have recited, the fact that we have not had enough time to fully judge his contributions to our country; and, second, because it means one more Monday that is a holiday. And we are slowly getting ourselves into a way in this country where we are going to have nothing but holidays every Monday. I oppose this move for that reason, if for no other reason.

So, again, I say, Mr. President, without any disrespect to Martin Luther King or any disrespect for his memory, but out of the great respect for many, many, many Americans, black and white, who have gone before us who are not recognized in this manner, I do not intend to vote for a holiday for Mr. King.

I hope the good judgment of my colleagues will prevail, because there are many, many, many people that we should recognize in this fashion in this country.

Mr. President, I yield the floor.

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

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

BIRTHDAY OF MARTIN LUTHER KING, JR., AS A FEDERAL HOLIDAY

Mr. HOLLINGS. Mr. President, many outstanding Americans and their individual accomplishments have been acclaimed in these Halls. And we have special days to mark the anniversaries of the birth of some of our most heralded forefathers, like Washington and Lincoln. But today it is time to recognize a man who accomplished a great deal not because of the power of his office, but because of the power of his message.

Few have done more to change America than Martin Luther King, Jr., a man of vision who for many Americans came to symbolize the equality of all Americans. Perhaps most important, he had a dream—the American dream. And he fought mightily for it without sticks, stones, or fists, but with the call that we, the people, shall overcome.

Dr. King's words will be remembered and so will his profound influence on historic legislation affecting civil rights and voting rights. Yet, some may forget the struggle, the determination, and the crusade. They may forget that the air was saturated with hate and fear and that the perseverance and eloquence of one great man inspired a people and a world to search souls and right civil wrongs.

Twenty-seven years ago there was Rosa Parks, a weary black seamstress who was arrested and fined \$10 for failing to take a seat at the back of a Montgomery City lines bus. Dr. King organized a boycott of the bus system and arranged car pools to carry the 25,000 blacks who ordinarily rode the buses. Dr. King and his fellow ministers who organized against the bus system were later fined \$500 for their actions and charged another \$500 for court costs. But the cause marched on.

Dr. King told the story of one black minister, stopping his car to pick up an elderly black woman during the bus boycott. The minister said to the woman, "Sister, aren't you getting tired?" She replied, "My soul has been tired for a long time. Now my feet are tired and my soul is resting."

Thus a chain reaction for social change through peaceful means was started. The cause marched on with the freedom riders in the summer of 1961. It marched on through the streets of Birmingham in 1963. It marched on across the Edmund Pettus Bridge into Selma. And it marched on to the Nation's Capital and beyond.

But the journey was never easy. Freedom riders were slugged, burned, and savaged with iron pipes. In Birmingham of 1963 "white only" signs were almost as plentiful as the blos-

soms on magnolia trees. Hundreds of peaceful demonstrators were thrown in jail at the singing of "we shall overcome." Dr. King himself spent a week in solitary confinement where he wrote his famous "Letter from a Birmingham Jail," telling America that it was not pleasant to be called "boy" or "nigger," to be made to feel inferior, to be black in America.

The struggles in Birmingham and the struggles in Selma, throughout the South and throughout the Nation, were often met by tear gas, clubbings, and mass arrests. But the confrontations of violence and nonviolence not only called attention to specific incidences, places or civil wrongs, it induced a Nation to confront its conscience and protect the most fundamental rights of a free society—the right to vote and the freedom to be.

Mr. President, I urge my colleagues today to commemorate the birth of a man who sought to make a living reality of our fundamental principles, that "all men are created equal," and that we all have a right to "life, liberty, and the pursuit of happiness." Dr. Martin Luther King, Jr., not only furthered the cause of black Americans, he furthered the cause of all Americans. Indeed, America was his cause. It is time that we recognize his efforts, his accomplishments, and his spirit, for with them lies not only a dream but the foundation of freedom upon which this great Nation has been built.

PENTAGON SPENDING SPREE

Mr. EAGLETON. Mr. President, understandably, nothing rankles American taxpayers more than waste in Government spending. When someone rips off the food stamp program (and some people do) or when someone rips off the welfare program (and some people do), taxpayers get indignant. Taxpayers work hard to make a living and rightfully resent that the money they pay in taxes sometimes goes to waste.

It is a curious thing that that same righteous indignation does not apply to the Defense Department when it squanders money by the hundreds of millions of dollars.

In the category of egregious, frenetic waste, consider this article from the Kansas City Star of October 2, 1983.

The Defense Department, like all government agencies, hates to have money left over at the end of the fiscal year. So when the Pentagon faced the end of the government's fiscal year Friday, it went on a one-day, \$4.2 billion shopping spree.

Veteran Pentagon observers said it was the largest single-day defense expenditure since the Vietnam War ended a decade ago.

To avoid having to return any part of its fiscal 1983 appropriation to the Treasury Department, the Pentagon awarded 234 contracts and wiped out what would have been a surplus. Just the bare-bones description of

those last-minute contracts covered 29 pages.

The Wall Street Journal describes this as a spending binge. Amongst the largest recipients of this binge were Honeywell, Inc. (\$562.5 million) and General Electric (\$434.5 million). The 29 pages of contracts cover several dozen corporations scattered around the country.

To be sure, not all of these contracts are wasteful. Many are probably in our national security interest. But why the last-minute spending rush to pour the dollars out of the Pentagon treasury before the money lapses at fiscal year end?

If the Agriculture Department did this same thing with food stamp money, taxpayers probably would be aroused. They should be just as aroused when the Pentagon does it.

To get to the bottom of this situation, I have by letter urged the chairman of the Senate Defense Appropriations Subcommittee, Senator TED STEVENS, to utilize the investigative resources of the Senate Appropriations Committee to probe this matter and to schedule an oversight hearing thereon. This hearing should determine whether these last-minute expenditures were truly necessary.

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

The PRESIDING OFFICER (Mrs. HAWKINS). Without objection, it is so ordered.

MARTIN LUTHER KING, JR. HOLIDAY

Mr. BAKER. Madam President, for some time now I have announced the intention of the leadership on this side to go to the consideration of the Martin Luther King holiday bill. It was postponed once for good and sufficient reasons. The announcement was made at that time, and then again last week, that on today we would go to that measure, and indeed we will. That is H.R. 3706, which is Calendar Order No. 343.

Madam President, I have discussed this with the minority leader, who is aware of the situation; with the distinguished chairman of the Judiciary Committee, the Senator from South Carolina, with the distinguished Senator from Kansas (Mr. DOLE); and with Senator HELMS, who is on the floor.

Madam President, first, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3706, Calendar Order No. 343.

Mr. HELMS. Madam President, reserving the right to object, I am

always reluctant to oppose a unanimous-consent request by the leadership, but in this case I must.

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. Madam President, as always, the Senator from North Carolina has been kind enough to advise me that was his intention.

Madam President, also, as I will move shortly to the consideration of H.R. 3706, I suspect that the debate will not be swift and prompt.

No Senator will be taken by surprise, I am sure, when I say that it is the intention of the leadership on this side—I would even presume to say perhaps the joint leadership—to attempt to limit the debate on the motion to proceed as and when we reach that, the bill itself.

Mr. BYRD. Madam President, will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. BYRD. So Senators should not be under any delusion, I signed the cloture motion. I was No. 16 on it.

Mr. BAKER. That may be. Madam President, and, notwithstanding the warm and cordial friendship that really does exist between the minority leader and me, I am told that it is perhaps the first time that the minority leader and I, since I have been majority leader, have both been singatories to the same cloture motion.

Mr. President, I now move that the Senate turn to the consideration of H.R. 3706, the Martin Luther King holiday bill.

Mr. HELMS. Madam President, just a few hours before the Senate recessed on August 4, there was a movement in the Senate to rush through at the last minute H.R. 3706, which would make a national holiday of the birthday of Martin Luther King. I felt obliged at that time to register strong objection. I did not then and I do not now favor another national holiday, shutting down this country, for Martin Luther King or anybody else. What we need to concentrate on in this country, Madam President, is more productivity, not more leisure time. Moreover, the extreme haste with which some wanted the Senate to move on such significant legislation was not at all in keeping with the Senate tradition of full debate and careful deliberation.

Madam President, just so the record will be clear as to how quickly the proposed national holiday legislation has moved and how scant the consideration has been in connection with this matter in the 98th Congress, let me review the measure's chronology.

On June 16 of this year, H.R. 3345 was introduced in the House of Representatives to make a national holiday of Dr. King's birthday. No hearings were held, yet the bill was favorably reported by the House Committee on Post Office and Civil Service to the

full House of Representatives on July 26.

On July 29, a bill identical to H.R. 3345 but with a new number, H.R. 3706, was introduced. This change obviously was made in order to accommodate certain House Members who wanted their names included on the printed bill as original cosponsors.

On August 2, this new bill, H.R. 3706, was discharged by the Post Office Committee by suspension of the rules. On that same day, again by suspension of the rules, the House called up the measure and passed it.

Bear in mind, Madam President, not 1 minute of hearings was conducted on the pros and cons of this legislation. Not one.

In any case, Madam President, the Senate received the bill on August 3. Instead of its being sent to the appropriate committee, the Committee on the Judiciary, for consideration, for hearings, the bill was read twice and placed right on the calendar.

The very next day, August 4, with Senators expecting to go into recess within a few hours, some of my distinguished colleagues proposed that the bill be brought up quietly so that it could sail through, probably with a voice vote, with little or no debate.

Madam President, what goes on? Why are those who favor this national holiday, which will cost our economy between \$4 and \$12 billion, depending on whose estimate you take—why could not, why should not this bill have been referred to the Committee on the Judiciary for consideration, as is normal procedure? Why the haste?

The Senate was in no position to act on this matter on August 4, because I regretfully told the majority leader that I would be obliged to talk a while on it. As I indicated earlier, that was the day that the Senate went into recess for the month of August.

Madam President, because of my opposition to the legislation and because of what has been perceived by many Americans as a steamroller approach, I had to make clear on August 4 that I felt obliged to resist consideration at that time of H.R. 3706. I had hoped that a measure of comity and commonsense would prevail during the August recess and that the we would come back here and that the bill would be referred to the Committee on the Judiciary and that hearings would be held so that the pros and cons of the proposition could be heard. But that did not occur. The bill is still on the calendar and my good friend, whom I admire and respect so much, the distinguished majority leader, has just moved for its consideration by the Senate.

Madam President, it continues to be my strong hope that, after having an opportunity to reflect further on the implications of this proposal, the pro-

ponents of this legislation will abandon any inclination to move precipitately or rashly and consider what we are doing with such a proposal.

If this bill is laid before the Senate, it is my intention to move to commit it to the Judiciary Committee for consideration and for hearings. That is all I ask. If the Senate will simply follow its normal procedures in matters of important legislation, I assure Senators that it would not be my intent to delay consideration of this proposal once it has been reported back to the Senate by the Judiciary Committee. But unless and until the public has been given a right to say yea or nay, for or against, pro or con, I must object.

It is unrealistic to expect quick passage on the floor of any measure that Congress has had before it in one form or another for 15 years but repeatedly has declined to act. Now there is an atmosphere of pressure, intimidation, even threats that if Senators do not vote for this bill, all sorts of unhappy things will happen next year. I, for one, am not going to knuckle under to such intimidation, and I hope other Senators will not.

I do not ask Senators to change their position; I ask Senators simply to vote to send the bill to the Senate Judiciary Committee, where it should have gone in the first place, and let there be consideration and public hearings on it.

I cannot understand why that is not a fair request.

As to the merits of H.R. 3706, I must confess that I find it difficult to believe that the proponents of the bill have given even scant thought to the ramifications and the implications of this proposal.

Madam President, can they be serious about virtually shutting down this country for yet another holiday each year? Have they considered what it will cost in terms of money and taxes and jobs? I have come to the conclusion that many have not given those implications one iota of consideration. And I do not think it speaks well of the Senate. Frankly, with the economy struggling to make a comeback, I am convinced that we need fewer, not more, national holidays. There are nine already: New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

Now, one distinguished Member of the House of Representatives has estimated that the potential cost to the American economy—and he is talking about Government and the private sector—would be \$12 billion.

Now, I do not know whether his estimate is correct or not, but I think that perhaps the correct figure lies somewhere between \$4 and \$12 billion. How much closer to one than the other I do not know.

And the ironic thing to me is that black citizens, who, above all others, need jobs would ask, demand this Senate to pass this legislation without any hearings, without the normal processes of the Senate being utilized. I just do not understand it.

Madam President, I asked the Library of Congress to give me an assessment of the direct costs of this proposal. I was informed that at the beginning it would cost U.S. taxpayers \$270 million for pay and benefits and lost productivity among the Federal employees alone. That is just for openers. The taxpayers will be hit for another \$692 million to cover the pay, benefits and lost productivity among State and local government employees, assuming—and I think it is a fair assumption—that the States follow the Federal lead in this matter.

In addition, the Chamber of Commerce of the United States estimates that the cost to the private sector in terms of payroll for full-time employees would be \$4.3 billion for this one additional day of shutting down this country.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. HELMS. I would prefer to finish my statement, if the Senator does not object.

Mr. KENNEDY. I would hope that in his statement—

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

Mr. KENNEDY [continuing]. The Senator will give the authority for such a statement.

The PRESIDING OFFICER (Mr. COCHRAN). The Senator from North Carolina has the floor.

Mr. HELMS. I thank the Chair.

The picture of direct cost for an additional holiday looks something like this. The public sector cost, Federal, State and local, \$962 million for one single new national holiday; private sector cost, estimated, \$4.3 billion, for a total of \$5.262 billion per new national holiday.

Now, Mr. President, that figure is horrendous enough in an economy that is struggling to recover, at a time when a chorus of political voices rises every day saying we must do something about unemployment, we must do something, they say, about productivity. I agree with both of them. But as the saying goes, "Here we go again."

This figure does not, I say again, account for the indirect cost to the overall economy. Trying to get all the costs, indirect as well as direct, is difficult, but at least we know that there are valid estimates concluding that \$5.262 billion will be taken out of this economy.

Now, is it worth it? Every citizen, every Senator, of course, is obliged to make his or her judgment about that. In any case, whether one is inclined to

accept any specific or precise figures, the fact remains, no matter who is doing the figuring, the cost of an additional national holiday is enormous.

Now, I have given a great deal of thought to that. All of us have our individual heroes. I have mine. There are many notable Americans in our history for whom no holiday exists. As the matter now stands, for example, I have often wondered why there was not a national holiday for Thomas Jefferson, who happens to be my favorite. There are many who would like to see a holiday for Franklin D. Roosevelt or John F. Kennedy or Booker T. Washington. Each of us could compile a sizable list.

Mr. President, I have been told that it is political suicide to oppose this proposal. It may be, but America needs to get productivity up, not water it down more. We need to reduce the tax burden, not increase it. We need to cut Federal spending, not increase it.

Mr. President, when one sector of the electorate feels very strongly and very passionately about a cause, it is a serious matter to oppose that cause. When people on one side feel very passionately about the matter, it is extremely difficult to ask them to lay their passion to one side and be objective in their assessment of the matter. I am not about to say that I do not have strong convictions myself about the proposal to create this new national holiday, to shut this country down for another national holiday. But I think that there are reasonable arguments and dispassionate analyses which ought to help bring our people together on this issue rather than drive them apart.

I think the best way for that to occur is for the Senate to say we are going to follow our normal procedures. Since it has not been given 1 minute's consideration in hearings in the House of Representatives or in the Senate, let us say we are going to send this bill to the Senate Judiciary Committee where hearings can be held and the people invited to come in and speak pro or con.

Those who object to it can never say that they were not given an ample opportunity to make themselves heard. But if we proceed along the track that we are now following, there are citizens all across this country who will be resentful. They will be hostile toward this Congress, and they will feel that they did not get a fair shake in being able to express themselves on a controversial, vital issue.

A holiday—a national holiday, in particular—is, or should be, an occasion for shared values, for the commemoration of things which we as a nation as a whole hold in common. While Dr. King, in his public image, did appeal to many of those shared values, his very name itself remains a

source of tension, a deeply troubling symbol of divided society.

I do not refer to the tensions of racism. I readily admit that racism lingers in our society. But I think it is interesting, when one talks about racism, to try to find at least two people in the Senate or in any other group to agree what the word racism means. So I am reluctant to use a word that is subject to so many different interpretations, some of them completely at odds with each other, because too often the word racism is used as a smear word to convey exactly the kind of hatred that the word pretends to deplore.

A great many of our thought leaders in the media keep at a hand quickly available ax handle to bludgeon those with whom they disagree. They dredge up the word racism and apply it, as fact—when it is not fact. But I contend that relations between persons depend upon what is in their hearts, not upon their color; and I suspect that what we often hear described as racism are merely the same old vices to which mankind has always been susceptible at its worst.

The human soul is capable of both good and evil, and there is a good bit of both in each of us. We know from experience, even from our personal experiences, that human beings sometimes choose evil, so we should not be surprised that evil exists in the world, even though some persons, for political or sociological reasons, may refer to some of these evils as racism, instead of using the more accurate and traditional moral categories.

I say that to emphasize that Martin Luther King's repeated and well-publicized appeals to love and brotherhood found, during his lifetime—and still find—a broad appeal to men of goodwill, because they are basic things upon which we can all agree. But there are many who point out—and they are sincere and they are not without foundation when they say it—that the image of Dr. King as a religious leader blends quickly into the image of Dr. King as a political leader, as a man who was seeking to use the power of government to reshape and redistribute the power within the Government. Indeed, the veneer of religious imagery with which he cloaked his political concepts created the very tension which his name still invokes.

Mr. President, I submit that Dr. King's political views did not necessarily follow from his stated religious convictions, nor is there any reason for a Christian or any religious person to apply Dr. King's principles to the structure of society in the way that Dr. King did.

The tension between his religious and his political views was matched by the tension in his methods, between his preaching of nonviolence and his calculated use of nonviolence as a pro-

vocative act to disturb the peace of the State and to trigger, in many cases, overreaction by authorities.

So the perceptions exist among many in this country, right or wrong, that the legacy of Dr. King was really a division, not love; and although the anger of that division has cooled, mistrust remains. In any case, two generations have been led to concentrate on politics instead of production; and the bitterness that remains results from the failure of political methods to solve economic problems.

The palpable truth is—and many Americans are learning it—that you cannot eat politics. Dr. King has been presented as a hero to his people by a generation of people who may qualify as myth makers. Although Dr. King used the categories and rhetoric of Christianity in preaching the Bible, there are countless Americans who remember his associates, who remember that the then President of the United States advised him to disassociate himself from people specified by the then President.

He was a proponent of the same movement which today goes by the name of liberation theology. The view of the liberation theology is that a theology of God and salvation from sin is outmoded.

Instead, they say salvation is to be found in this world and we work out our salvation by bringing about some idealized view of a just society even if to do so requires destruction, theft, terrorism, all the other fruits of revolution. It is the same kind of liberation, I guess, that was whispered to Adam and Eve in the biblical accounts and the result was always the loss of Eden rather than the achievement of Eden.

Be that as it may, Mr. King's political views were those of a radical political minority that had little to do with racial minorities. It is this fact, not his exploitation of racial feelings, that makes it inappropriate to rush ahead without hearings, without due process, if you want to call it that, in the Senate.

The fact is that Dr. King's program at least in part was conceived and aided by men and women who were not loyal to the United States. And I use the term "not loyal" not in the general sense, but in the technical political sense of those striving for the violent overthrow of the Constitution of the United States. I refer specifically to members of the Communist Party of the United States, a revolutionary action organization funded and directed from Moscow. Although there is no record that Dr. King himself ever joined the Communist Party, he kept around him as his principal advisers and associates certain individuals who were taking their orders and direction from a foreign power.

Dr. King kept as his adviser—perhaps, some would say, his key advisers—men who vowed to overthrow our Government and our way of life. He kept them even though non-Communist friends, who were sympathetic to his cause, repeatedly warned him that to keep Communists in his advisory and action structure was to bring disrepute upon his cause. Those who warned him included the President and the Attorney General of the United States.

There are some who might say that all of these things are irrelevant. What matters to them is that Dr. King seemed to be the conscience of a civil rights movement and that the aims of the civil rights movement were reform, not revolution, and some might argue that the participation of Marxists in Dr. King's movement did not taint the essence of what Dr. King accomplished. To the contrary, they might argue by participating in such a grand movement these Marxists themselves were brought into the political process and they argue that it is good to have Marxists participating in the system instead of trying to destroy it.

But this comes down to being an extremely tendentious argument which I do not believe a lot of Americans are willing to swallow.

I think most Americans would feel that the participation of Marxists in the planning and direction of any movement taints that movement at the outset. Not just communism itself but philosophical Marxism lies outside of the national consensus, or at least I hope it does.

Others may argue that Dr. King's thought may have been merely Marxist in its orientation. But the trouble with that is that Marxism-Leninism, the official philosophy of communism, is an action-oriented revolutionary doctrine.

And Dr. King's action-oriented Marxism about which he was cautioned by the leaders of this country, including the President at that time, is not compatible with the concepts of this country.

These are just some of the thoughts that many Americans have expressed to me. It has been widely advertised that I am going to filibuster this proposal. I do not know about that yet. We could put an end to the extension of time spent on this measure simply by sending this proposal to the Judiciary Committee with or without instructions to conduct hearings on it and report back at any time satisfactory to the Senate. That is all I ask.

I ask only that this proposal not be treated differently from other major controversial issues, that at least we give the people an opportunity to speak out pro or con and then report back if that is the will of the Judiciary

Committee so that the Senate can act on it.

I give my commitment, if that procedure is followed, this Senator will consume no more time than normal depending on the language of the legislative proposal reported out. I will be committed, as a Senator, to offer an amendment if I feel it is necessary.

But you are going to find, Mr. President, holy wrath in opposition to the proposal that we follow the normal procedures of the Senate. We are going to hear all sorts of explanations to the effect that we have heard all of this before in prior years et cetera, et cetera, et cetera, as the King of Siam said.

But these protestations will be hollow because if this proposal is as sacrosanct as it is pretended to be, then what fear should we have of an exploration of the proposal? As I say, at the appropriate time, I am going to offer a motion to send this legislation to the Judiciary Committee. We cannot recommit it because it was never there in the first place. So the motion will be to commit it to the Judiciary Committee. And I shall be very interested in observing how Senators vote on this proposal, particularly in light of my assurance, my guarantee, that once that is done, once hearings are held, once the legislation is reported out, this Senator will do nothing inordinate to hold up action on the proposal.

But I do feel obliged, Mr. President, to raise a respectful protest in response to the manner in which this proposal has been handled thus far. That is it. We can end this debate this very afternoon, get it over with. All we have to do is refer this legislation to the appropriate committee, ask for hearings, and ask for a prompt report to the Senate.

For the life of me, I cannot see that that is too much to ask.

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. KENNEDY. Mr. President, as a cosponsor of this legislation, I ask unanimous consent that the order for the quorum call be rescinded so that I may make an opening statement.

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

Mr. KENNEDY. Mr. President, before making a formal statement I must say that I am enormously distressed by these allusions, suggestions, inferences which are made by a colleague of mine, the Senator from North Carolina, about Dr. King's involvement with the Communist Party.

Those charges, Mr. President, were raised first and most vigorously by the arch-segregationists bent on retaining the rule of racism. It is their heirs in

the last-ditch stand against equal justice who seek to divert us today on this legislation with such matters.

I do not think that the comments of the Senator from North Carolina are worthy of response and I will not dignify them with a reply. They reflect no credit on this body, and I am sure they would be shunned by the vast majority of the American people, including the citizens of his own State.

Mr. President, there have been comments made on the floor of the U.S. Senate about whether this legislation has had adequate hearings, and there has even been some observation that I, in the U.S. Senate, have been somewhat remiss in not holding hearings on this legislation. As a member of the Judiciary Committee and as the former chairman of the Judiciary Committee when this legislation was introduced, I might say we had in 1979, 2 days of hearings.

The Senate Judiciary Committee reported this bill to the U.S. Senate by a vote of 10 to 6, and to suggest on the floor of the U.S. Senate that the Senate Judiciary Committee has not had the hearings or that the House of Representatives has not had the hearings, shows gross ignorance about the legislative history of this particular proposal, and I think it was demonstrated by the Senator from North Carolina in not only his understanding of the legislative history but also with regard to his comments about the costs of various holidays.

Mr. President, I will put into the RECORD at an appropriate place the information that the Senate Judiciary Committee and the House Judiciary Committee have, both reports which are available to the Members of this body, have available to them here on the floor of the U.S. Senate, in talking about the costs to the American economy of this particular holiday.

The fact is, Mr. President, this particular issue has been before the U.S. Senate for a period of some 14 years in one form or another. It does not come as any surprise to the Members of Congress or to this body. It does not come as any surprise to the Members of the Senate Judiciary Committee, or the House of Representatives Judiciary Committee. It passed the House of Representatives 338 to 90 some several weeks ago, and now the Senator from North Carolina is trying to suggest, after due notice has been given for a period of weeks by the majority leader, that this somehow is being sprung on the U.S. Senate. That is hogwash, Mr. President. It is hogwash. Those same kinds of representations that are being made here have been made time and time again, and I have heard them when we have had to call various pieces of civil rights legislation from the calendar, and it is not an appropriate kind of commentary when

we are considering the importance of this piece of legislation.

Mr. President, I welcome the opportunity to debate in the U.S. Senate, if we have that opportunity to debate in the U.S. Senate, the bill to create a national holiday commemorating the birth and life and message of Dr. Martin Luther King, Jr. This is a great day in the 200-year history of the struggle to make the American dream a reality for every American.

These are difficult times and more than ever before we must reaffirm our Nation's commitment to equality, to peace, to nonviolence, and to the right of all individuals to fulfill their potential free of prejudice and artificial limitations.

Martin Luther King dedicated his life and gave his life to complete the unfinished business of the American Revolution and the Civil War, and he helped this Nation to see that discrimination in our midst is eliminated and to accept the right of equality for all of our people, and the genius of Dr. King enabled America to confront and resolve that principle of equality in a peaceful and nonviolent manner, and he is one of the true giants of American history and he richly deserves the extraordinary honor we confer on him today.

In these years of deepening poverty and unacceptable unemployment there are millions of Americans whose skin is not white who wonder about their future and our Nation. They see a severe recession that closes the door of opportunity. They see an economic policy that is unfair, inequitable, and unjust. They see an attempt to retreat from voting rights and housing rights and civil rights, and, worst of all, they see a government that does not seem to care.

On August 27, over 200,000 people came to the Capital from every section of the land to ask this Nation to redeem its commitment to peace and jobs and freedom for all Americans. They came on the 20th anniversary of Dr. King's historic march on Washington in 1963. They proved in 1983 that the power of Dr. King's dream is still alive in the hearts of the American people, and the item at the top of the agenda of those who marched last month is the measure we are acting on today because in honoring Dr. King, we honor the cause of equity and the cause of fairness and the cause of decency in economic progress and social justice for all Americans.

A few weeks before his death he reaffirmed his dream for America and called upon each of us to struggle for that dream. And I quote:

Let us be dissatisfied until every man can have food and material necessities for his body, culture, and education for his mind, and freedom and human dignity for his spirit.

We face many vital issues in the present Congress. This legislation now before us may well be our most enduring achievement. Long after all other actions will have been forgotten people will remember his was the Congress that gave Dr. King the highest honor our Nation can bestow on any of its citizens. Presidents and Congresses will come and go, but Martin Luther King and his dream will go on so long as there is an America, and each year henceforth on this anniversary of his birth citizens of every region and every color will pause in their own lives, in their own way, in their own tribute to this man who brought us a fuller measure of justice than our Nation has ever known. In honoring Dr. King we honor the best in our country and ourselves.

Mr. President, I take some notice of the fact that we have a legislative bulletin that is put out, I imagine daily. In this case it is the one that is referred to as by the Republican Policy Committee. I am mindful that this legislation that has been introduced was introduced by, in this Congress by, Senator MATHIAS and has had bipartisan support in the Judiciary Committee. But I do think that it is important that we know where the President of the United States is going to stand. I know where the members of the Judiciary Committee stand and I know where many of us who are cosponsors of this legislation stand, but I think it is important that we find out where the President of the United States is going to stand because this is a matter of enormous importance and consequence.

I take note, Mr. President, that in the U.S. Senate Republican Policy Committee on the issue of H.R. 3706, Martin Luther King, Jr. holiday, that on the bottom it says, "Administration position not available at press time."

Well, I dare say that when we pass this legislation and we go on down to the White House we are not going to find another statement, "not available at press time." Mr. President, we need your intercession now, not down at the White House, in the Rose Garden at the signing time, we need it now, just as we needed it at the time of the Voting Rights Act; just as we needed it at the time of the Civil Rights Commission compromise proposed by Senator DOLE; just as we needed it at other times. Instead you have made recommendations and made suggestions about giving tax credits to those who gave contributions to segregated schools. Today, it is members of your party as well as this party who are prepared to stand up to this issue.

I certainly hope that, as we start this debate and this discussion here this afternoon on an issue of such importance and consequence—called off the calendar credibly by a Republican leader and supported by many Repub-

licans in the U.S. Senate, as it was in the House of Representatives, and supported by millions of Republicans and Democrats and Independents across this country—that we have a right to know where you stand, Mr. President. Let us know, and perhaps we will not spend more time than absolutely necessary in this body on this issue which I think cries for action at this present time.

Mr. President, I know there are other of my colleagues that wish to speak on this issue. I yield the floor.

Mr. HELMS. Mr. President, in light of the comments by the Senator from Massachusetts (Mr. KENNEDY), it is important that there be such an examination of the political activities and associations of Dr. Martin Luther King, Jr., principally from the beginning of his work in the civil rights movement in the mid-1950's until his death in 1968. Throughout this period, but especially toward the beginning and end of his career, King associated with identified members of the Communist Party of the United States (CPUSA), with persons who were former members of or close to the CPUSA, and with CPUSA front organizations. In some important respects King's civil rights activities and later his opposition to the Vietnam war were strongly influenced by and dependent on these associations.

There is no evidence that King himself was a member of the CPUSA or that he was a rigorous adherent of academic Marxist ideology or of the Communist Party line. Nevertheless, King was repeatedly warned about his associations with known Communists by friendly elements in the Kennedy administration and the Department of Justice (DOJ) (including strong and explicit warning from President Kennedy himself). King took perfunctory and deceptive measures to separate himself from the Communists against whom he was warned. He continued to have close and secret contacts with at least some of them after being informed and warned of their background, and he violated a commitment to sever his relationship with identified Communists.

Throughout his career, King, unlike many other civil rights leader of his time, associated with the most extreme political elements in the United States. He addressed their organizations, signed their petitions, and invited them into his own organizational activities. Extremist elements played a significant role in promoting and influencing King's opposition to the Vietnam war—an opposition that was not predicated on what King believed to be the best interests of the United States but on his sympathy for the North Vietnamese Communist regime and on an essentially Marxist and anti-American ideological view of U.S. foreign policy.

King's patterns of associations and activities show that, at the least, he had no strong objection to communism, that he appears to have welcomed collaboration with Communists, and that he and his principal vehicle, the Southern Christian Leadership Conference (SCLC), were subject to influence and manipulation by Communists. The conclusion must be that Martin Luther King, Jr., was either an irresponsible individual, careless of his own reputation and that of the civil rights movement for integrity and loyalty, or that he knowingly cooperated and sympathized with subversive and totalitarian elements under the control of a hostile foreign power.

BIOGRAPHICAL DATA

Martin Luther King, Jr., was born on January 15, 1929, in Atlanta, Ga. He was the son of Alberta Williams and Martin Luther King, Sr., a Baptist minister. He was graduated from Morehouse College, Atlanta, in 1948, receiving the degree of B.A. He attended the Crozer Theological Seminary in Chester, Pa., receiving the degree of B.D. in 1951, and he received the degree of Ph. D. from Boston University in 1955. In 1953 he married Coretta Scott of Alabama, by whom he was the father of four children. On April 4, 1968, King was murdered by a rifle assault in Memphis, Tenn. On March 10, 1969, James Earl Ray, an escaped convict, pled guilty to the murder of King and was sentenced to 99 years in prison, a term he is now serving.

OPERATIONS "SOLO" AND STANLEY D. LEVISON:¹

In the early 1950's the Federal Bureau of Investigation (FBI) undertook a long-term and highly classified counterintelligence operation against the CPUSA. The FBI persuaded a former member of the National Committee on the CPUSA and former editor of the "Daily Worker," the party newspaper, to become active again within the party leadership and to report on party activities to the FBI. This man's name was Morris Childs, and his brother, Jack Childs, also a Communist, agreed to act as an informant as well. The FBI operation was known as SOLO, and for nearly 30 years it provided reliable and highly sensitive information about the CPUSA, its activities within the United States, and its relations with the Soviet Union to the highest authorities in the U.S. Government. At least three U.S. Presidents were aware of SOLO, and Morris Childs may have briefed President Nixon prior to his trip to Moscow in 1972. In 1980 SOLO was brought to an end. Jack Childs died on August 12, 1980, and the operation was publicly disclosed and thus terminated by historian David J.

¹ Footnotes at end of article.

Garrow in a book published the following year.

Among the most important facts learned from SOLO was that the CPUSA was dependent on a direct financial subsidy paid by the Soviet Union. About 1 million a year in Soviet funds was paid to a member of the CPUSA, usually Jack Childs himself, in New York City. Although this subsidy was illegal, the FBI allowed it to continue for a member of reasons—prosecution would have exposed SOLO and necessarily brought it to an end, and the operation was of continuing value; and the dependence of the party on Soviet funds meant that it did not seek to increase its membership and importance within the United States.

In 1953 Jack Childs reported to the FBI that an individual named Stanley David Levison (1912-1979), a New York lawyer and businessman, was deeply involved in acquiring and disposing of the funds of the Soviet subsidy to the CPUSA. Levison may have been involved as a financial benefactor to the party as early as 1954 and may have established legitimate business enterprises in the United States and Latin America in order to launder Soviet funds to the party. In this connection Levison was said to have worked with Isidore G. Needleman, the representative of the Soviet trading corporation AMTORG.

Childs also reported to the FBI that Levison assisted CPUSA leaders to acquire and manage the Party's secret funds and that he directed about \$50,000 a year into the party's treasury. After the death of party treasurer William Weiner in 1954, Levison's financial role became increasingly important, and Levison, according to Childs, became "the interim chief administrator of the party's most secret funds."²

The FBI maintained close surveillance of Levison, but in mid to late 1955, Levison's financial role began to decline. The FBI decreased its surveillance, although Levison was believed to have occasional contacts with CPUSA leaders. The Bureau eventually terminated surveillance of Levison, probably sometime in 1957. Some indications that CPUSA leaders were disgruntled with Levison led the FBI to interview him on February 9 and March 4, 1960. It is not clear what Levison told the FBI at these interviews, but he definitely rejected the request of the FBI that he become an informant within the Communist Party.

In the summer of 1956 Bayard Rustin, himself a former member of the Young Communist League, the youth arm of the CPUSA, introduced Levison to Martin Luther King, Jr. in New York City. Levison and King soon became close friends, and Levison provided important financial, organiza-

tional, and public relations services for King and the SCLC. The FBI was not aware of their relationship until very late 1961 or early 1962, and it was the discovery of their relationship that led to the protracted and intensive FBI-DOJ surveillance of King for the remainder of his life. The FBI believed that Levison was still a Communist and that King's relationship with him represented an opportunity for the Communist Party to infiltrate and manipulate King and the civil rights movement.

Of King's dependence on Levison there can be no doubt. A DOJ task force investigating the FBI surveillance of King discussed this dependence in this report of 1977:

The advisor's (Levison's) relationship to King and the SCLC is amply evidenced in the files and the task force concludes that he was a most trusted advisor. The files are replete with instances of his counseling King and his organization on matters pertaining to organization, finances, political strategy and speech writing. Some examples follow:

The advisor organized, in King's name, a fund raising society. . . . This organization and the SCLC were in large measure financed by concerts arranged by this person. . . . He also lent counsel to King and the SCLC on the tax consequences of charitable gifts.

On political strategy, he suggested King make a public statement calling for the appointment of a black to the Supreme Court. . . . This person advised against accepting a movie offer from a movie director and against approaching Attorney General Kennedy on behalf of a labor leader. . . . In each instance his advice was accepted.

King's speech before the AFL-CIO National Convention was written by his advisor. . . . He also prepared King's May 1962 speech before the United Packing House Workers Convention. . . . In 1965 he prepared responses to press questions directed to Dr. King from a Los Angeles radio station regarding the Los Angeles racial riots and from the "New York Times" regarding the Vietnam War.³

After King's death, Coretta Scott King described Levison's role: "Always working in the background, his contribution has been indispensable," and she wrote of an obituary of King written by Levison and Harry Belafonte, "two of his most devoted and trusted friends," as "the one which best describes the meaning of my husband's life and death."⁴ It may be noted that this obituary began with a description of America as "a Nation tenaciously racist * * * sick with violence * * * (and) corrosive with alienation." According to Garrow, Levison also assisted King in the writing and publication of "Stride Toward Freedom" the administration of contributions to SCLC, and the recruitment of employees of SCLC. King offered to pay Levison for all this help, but Levison consistently refused, writing that "the liberation struggle (that is, the civil rights movement) is the most positive and rewarding area of work anyone could experience."⁵

There seem to have been few if any agents and administrators in the FBI who knew of Levison's background of involvement in handling the secret and illegal Soviet funds of the CPUSA who doubted that Levison remained a Communist or under party control at the time he was working with King, and some FBI personnel have suggested that Levison may actually have held rank in the Soviet intelligence service. Garrow himself does not seriously question the accuracy of Childs' reports of Levison's earlier role in the party, but he appears to be skeptical that Levison continued to be a Communist at the time he worked with King and that he was not motivated in this work by any factor other than friendship for King and belief in the civil rights movement.

Garrow's conclusion in this respect is open to question. He is decidedly favorable to King, as opposed to J. Edgar Hoover and other anti-Communists of the time. It is not clear why Garrow came to this conclusion, since he does not appear to have had access to all FBI materials on Levison or derived from SOLO and since he appears to be largely ignorant of the nature of CPUSA activities in racial relations through front groups and surrogates and of the discipline of the party over its members.

A number of factors support the belief that Levison continued to be a Communist or to act under CPUSA control during his association with King:

First, there is no evidence that Levison broke with the CPUSA; the termination of his financial activities on behalf of the party prior to his work with King means nothing as far as his affiliation with or loyalty to the party or the Communist movement is concerned.

Second, Levison had been involved not as a rank-and-file member but as an operative involved with clandestine and illegal funding of the CPUSA by a hostile foreign power. He had had access to the highest leaders of the party and to the inmost secrets of the party. It is not likely that such tasks would be given to one who was not fully trusted by both the CPUSA leadership and by the Soviets themselves. Even if Levison had changed his mind about communism, his activities would have constituted grounds for blackmail by the party.

Third, several years after the apparent end of his financial activities for the CPUSA, Levison rejected an opportunity to act as an FBI informant against the party. Details of his discussions with the FBI are not available, but apparently they were not friendly.

Fourth, Levison testified under subpoena at an executive session of the Senate Subcommittee on Internal Security on April 30, 1962. This testimo-

ny is still classified. His attorney at this time was William Kunstler, who became notorious for his far left activities in the 1960's and 1970's; Kunstler had been recommended to Levison by the latter's friend, Arthur Kinoy, also a far left activist. Although Levison in his opening statement before the subcommittee denied that he was or ever had been a member of the Communist Party, he refused to answer any questions during this hearing dealing with his relations with the party or his alleged financial role in it; he pled the fifth amendment throughout the hearing.

Fifth, Levison's known policy and personnel recommendations to King exhibit a leftist orientation. He was instrumental in persuading and influencing King to oppose the Vietnam war and in hiring at least one other individual with known Communist affiliations to work in SCLC.

Sixth, prior to his work in a New York-based civil rights group called "In Friendship" in 1955, Levison had never displayed any interest in civil rights activities. The sudden development of his interest in civil rights and his extensive, time-consuming, and costly assistance to King may have been motivated by a spontaneous and enduring dedication to this cause, but there is little reason to think so. His own description of the civil rights movement as a liberation struggle suggests a Marxist perspective.

Seventh, after King was urged by DOJ to disassociate himself from Levison and was subject to surveillance and distrust by the FBI and the Kennedy administration, there was no effort on Levison's part to try to explain his past or to persuade appropriate authorities (in the FBI, DOJ, or the White House) that he had been innocent of Communist connections or that his relationship with King was not connected to his Communist affiliation. Had he been able to do so, King and the civil rights movement would have been much more favorably received by the Kennedy administration and King himself would probably have been spared several years of surveillance and harassment by the FBI. Instead, Levison and King entered into a secret and deceptive relationship by which Levison continued to influence King through an intermediary, himself of far left orientation and background.

In short, Levison consistently behaved in a manner that lent itself to a sinister interpretation, and his behavior lends further credence to the firm belief of FBI agents involved that Levison remained a Communist or under Communist control. That Levison remained under Communist control was and remains a reasonable explanation of his activities in lieu of any evidence to the contrary or any

known behavior on his part that would contradict this explanation.

The FBI informed Attorney General Robert F. Kennedy of the close relationship between Levison and King and of Levison's Communist background on January 8, 1962. The Attorney General decided to warn King of Levison's background and to urge him to disassociate himself from Levison in order to spare himself, the civil rights movement, and the Kennedy administration any future embarrassment. Both Burke Marshall, Assistant Attorney General, acting through Harris Wofford, White House Civil Rights Adviser, and John Seigenthaler, Administrative Assistant to the Attorney General, informed King that persons close to him were Communists or had Communist backgrounds. King expressed skepticism and made no commitment to inquire further or to take any action. Marshall brought the matter to King's attention again in subsequent meetings. On June 22, 1963, King met separately in Washington with Marshall, Robert Kennedy, and President Kennedy. All three men again warned King about the Communist affiliations of Levison and Jack O'Dell, an official of SCLC who had been promoted by Levison and who had been—and may still have been—a member of the National Committee of the CPUSA. President Kennedy, in a private conversation with King in the White House Rose Garden, compared the situation with the Profumo scandal in Great Britain and specifically stated, with reference to Levison and O'Dell, "They're Communists. You've got to get rid of them."⁶

Even after this conversation, King "made no move to sever ties with either O'Dell or Levison."⁷ It was not until the FBI leaked information to the press about O'Dell and the publication of this information that King accepted O'Dell's resignation from SCLC in a letter of July 3, 1963. King had still done nothing to sever ties with Levison, and not until after a meeting of Burke Marshall with Andrew Young of SCLC did a change in their relationship occur. In this meeting Marshall told Young:

I can't give you any proof, but, if you know Colonel Rudolph Abel of the Soviet secret intelligence, then you know Stanley Levison.⁸

This characterization suggests that the FBI may have had other facts about Levison showing a direct link with the Soviet Union.

Levison himself reportedly suggested to King that they curtail their association, and King reluctantly agreed. However, they now entered into a means of communication deliberately designed to deceive the FBI and the Kennedy administration. Levison and King were to communicate only through an intermediary—or "cut-out" in intelligence parlance—and to avoid

direct contact with each other. In this way Levison could continue to influence King. Whether Levison or King instigated this clandestine and deceptive relationship is not clear. The intermediary between King and Levison, from July 1963 until 1965, when the overt contact between them was resumed, was Clarence B. Jones, a black lawyer whose left political views and firm resistance to any symptoms of racial discrimination had placed him in hot water a number of times while serving in the U.S. Army in the 1950's.⁹

Jack O'Dell continued to maintain an office at SCLC offices in New York City even after his resignation of July 3, and King and SCLC issued contradictory explanations of this continuing relationship. King himself made commitments to Federal officials that he would sever his ties to Levison and O'Dell, but telephonic surveillance of King, Levison, and Jones showed that he had not done so in regard to either individual. As Burke Marshall stated in an interview in 1970:

If you accept the concept of national security, if you accept the concept that there is a Soviet Communist apparatus and it is trying to interfere with things here—which you have to accept—and that that's a national security issue and that taps are justified in that area, I don't know what could be more important than having the kind of Communist that this man was claimed to be by the Bureau directly influencing Dr. King.¹⁰

HUNTER PITTS O'DELL

Hunter Pitts O'Dell (also known as Jack O'Dell and J. H. O'Dell), known to have been extensively involved in CPUSA affairs at a high level of leadership, worked for the SCLC at least as early as 1961. O'Dell met Martin Luther King in 1959 and had communicated with him by mail in 1959 and 1960. In June, 1962, Stanley Levison recommended to King that he hire O'Dell as his executive assistant, and O'Dell subsequently was increasingly active in SCLC and was listed as a ranking employee of the organization.¹¹

O'Dell testified under subpoena in hearings before the Senate Subcommittee on Internal Security (SISS) in New Orleans on April 12, 1956; he took the fifth amendment when asked about his organizational activities in New Orleans on behalf of the CPUSA. Materials discovered in O'Dell's apartment at the time the subpoena was served were described in the annual report of the subcommittee as "Communist literature from Communist parties in various parts of the world."¹² He also took the fifth amendment when asked if he was a member of the CPUSA in a hearing before the House Committee on Un-American Activities (HCUA) on July 30, 1958. O'Dell, according to an FBI report of 1962, was elected a member of the National Committee of the CPUSA in December 1959, and, according to information submitted to

HUCA in 1961, was a member of the national committee as of that year.¹³ As Garrow states:

No one, including O'Dell, denied his work with the Communist Party from the late 1940's to at least the late 1950's.¹⁴

O'Dell is an associate editor of *Freedomways*, a magazine described in 1964 by J. Edgar Hoover as an organ which the CPUSA continues to use as a vehicle of propaganda. One of the editors of *Freedomways* is Esther Jackson, a member of the CPUSA and wife of James Jackson, a leader of the CPUSA. O'Dell, as well as James Jackson, are included in a "list of members" of the World Peace Council for 1980-83. The World Peace Council, long known as a Soviet-controlled front organization, was described by the Central Intelligence Agency in 1982 as "the major Soviet-controlled international front organization."¹⁵

In October 1962, various newspapers in the United States, using information provided them by the FBI, exposed O'Dell's Communist affiliations and his current ties to King and the SCLC. King issued an inaccurate statement that sought to minimize O'Dell's work with the SCLC and accepted O'Dell's resignation. As Garrow states:

The resignation . . . was more fiction than fact, as King's own message and appointment books for late 1962 and the first half of 1963 reflect.¹⁶

Further news stories of June 1963, which exposed O'Dell's continuing relationship with King and his presence in the New York office of SCLC, coupled with warnings from the Kennedy administration led King again to accept the resignation of O'Dell on July 3, 1963. Even after this date, however, FBI surveillance showed a continuing relationship between O'Dell and SCLC.

There is no doubt about O'Dell's extensive and high level activities in and for the Communist Party, and his affiliations since 1961 strongly suggest continued adherence to and sympathy for the CPUSA and the Soviet Union to the present day. Despite these ties and King's knowledge of them, King promoted O'Dell within the SCLC at the behest of Levison and retained his help after twice publicly claiming to have disassociated himself from O'Dell following strong and explicit warnings from the Kennedy administration about O'Dell's Communist background and affiliations.

SOUTHERN CONFERENCE EDUCATIONAL FUND

Stanley Levison and Hunter Pitts O'Dell were not the only individuals of Communist background with whom Martin Luther King was in contact and from whom he received advice, although they were in a better position than most to exert influence on him. From the mid 1950's through at least the early 1960's, King and the SCLC were closely involved with an organization known as the Southern Confer-

ence Educational Fund (SCEF), essentially a Communist front organization. SCEF was itself dominated by the Communist Party through the party members who ran it, and some of these individuals provided assistance to King and exerted influence on him and the SCLC.

A. BACKGROUND OF SCEF

SCEF was originally founded as part of an organization known as the Southern Conference on Human Welfare (SCHW), founded in Birmingham, Ala., on September 6, 1938. SCHW was originally located in Nashville, Tenn., but later moved to New Orleans, La. In 1947, the House Committee on Un-American Activities issued a report on SCHW, which found:

Decisive and key posts (of SCHW) are in most instances controlled by persons whose record is faithful to the line of the Communist Party and the Soviet Union. . . .

The Southern Conference for Human Welfare is perhaps the most deviously camouflaged Communist-front organization. When put to the following acid test it reveals its true character:

1. It shows unwavering loyalty to the basic principles of Soviet foreign policy.
2. It has consistently refused to take sharp issue with the activities and policies of either the Communist Party, USA, or the Soviet Union.
3. It has maintained in decisive posts persons who have the confidence of the Communist press.
4. It has displayed consistent anti-American bias and pro-Soviet bias, despite professions, in generalities, of love for America.¹⁷

In 1944 the Special Committee on Un-American Activities (SCUA) of the House of Representatives also cited SCHW as a Communist front.¹⁸

Soon after its identification as a CPUSA front in 1947, SCHW was dissolved, but the Southern Conference Educational Fund continued. SCEF maintained the same address as SCHW (808 Perdido Street, New Orleans, La.) and published the same periodical ("the Southern Patriot"). In 1954 the Senate Subcommittee on Internal Security (SISS) held hearings in New Orleans on SCEF and found that at least 11 former officials of SCHW were or had been also officials of SCEF. Among these were the president and executive director of SCEF, both of whom were identified in testimony taken under oath as having been members of the CPUSA and as having been under the discipline of the CPUSA. Both individuals in their own testimony denied these allegations. The Subcommittee concluded in its report that—

An objective study of the entire record compels the conclusion that the Southern Conference Educational Fund, Inc., is operating with substantially the same leadership and purposes as its predecessor organization, the Southern Conference for Human Welfare.

The subcommittee accordingly recommends that the Attorney General take the necessary steps to present this matter before the Subversive Activities Control

Board in order that a determination can be made as to the status of the Southern Conference Educational Fund, Inc.¹⁹

B. BACKGROUNDS OF INDIVIDUAL LEADERS OF SCEF

At least two key associates of Martin Luther King were formally associated with SCEF as well as with the SCLC itself. The Southern Christian Leadership Conference, King's principal vehicle for civil rights activism, was officially founded in Montgomery, Ala., on August 7-8, 1957. Among the guests at the organizational meeting in Montgomery was Ella J. Baker of New York City, of the "In Friendship" organization.²⁰ Baker was also formally associated with SCEF as of October 1963, as a "special consultant." In 1959 Baker established SCLC headquarters in Atlanta, Ga., and was a long-standing friend of Martin Luther King. She later played a key role in the Student Non-Violent Coordinating Committee (SNCC), an organization that became notorious in the 1960's for its advocacy and instigation of racial discord and violence. John Lewis, a founder of SNCC, described Ella Baker as the spiritual mother. I guess you would call her, of SNCC.²¹

Little appears to be known of the "In Friendship" organization of which Ella Baker was the representative at the SCLC organizational meeting in 1957. However, Stanley Levison also was closely involved with this organization in New York. According to Garrow:

Levison . . . had first become involved in the southern civil rights struggle as one of the most active sponsors of a New York group named In Friendship. Organized in 1955 and 1956, In Friendship provided financial assistance to southern blacks who had suffered white retaliation because of their political activity. In Friendship has sponsored a large May, 1956, rally at Madison Square Garden to salute such southern activists, and a good percentage of the funds raised went to King's Montgomery Improvement Association.²²

It was Levison who, with Bayard Rustin, sent Ella Baker to Atlanta to oversee the SCLC office in that city, just as he had brought O'Dell into the SCLC office in New York.

Fred L. Shuttlesworth, corresponding secretary of SCLC in 1957, was in 1963 the president and a former vice president of SCEF. Shuttlesworth was responsible for the formation of the Montgomery Improvement Association, through which King and other civil rights activists became involved in civil rights work. Several other individuals affiliated with SCEF as organizational leaders were alleged under oath to have been members of the Communist Party and to have accepted party discipline or can be shown to have had ties to known Communist Party front organizations. Internal documents of SCEF reveal that Martin Luther King

was in close contact with some of these leaders of SCEF.

First, Aubrey Williams: president emeritus of SCEF in 1963, Williams had been identified as a member of the CPUSA and as having accepted the discipline of the Communist Party in the testimony of two former members of the party, Paul Crouch and Joseph Butler, before SISS in 1954. Williams denied these allegations.

Second, Dr. James A. Dombrowski: executive director of SCEF, Dombrowski had also been identified as a member of the Communist Party and as having accepted party discipline by witnesses Crouch and Butler before SISS in 1954. Dombrowski denied these allegations.²³

Third, Carl Braden: field organizer for SCEF, Braden was identified as a member of the CPUSA in the testimony of Alberta Ahearn, an FBI informant in the party, before SISS on October 28, 1957. Braden later served as executive director of SCEF (1966-70) and, until 1973, information director of SCEF. Braden was indicted and convicted of advocacy of criminal sedition in the State of Kentucky in 1954 and was sentenced to 15 years imprisonment; the conviction was reversed by the decision of the U.S. Supreme Court in *Pennsylvania v. Nelson*, 350 U.S. 497 (1956), which struck down State sedition laws. In 1959 Braden was convicted of contempt of Congress for refusing to answer questions before HCUA. Braden served a year in a Federal penitentiary for this offense, and his conviction was upheld by the U.S. Supreme Court. Braden's wife, Anne McCarty Braden, was also identified by Alberta Ahearn as a member of the Communist Party in testimony before SISS in 1957. Anne Braden also was active within the leadership of SCEF.²⁴

Fourth, William Howard Melish: Eastern representative of SCEF (in New York City) in 1963, Melish was identified as a member of the Communist Party in testimony before the Subversive Activities Control Board (SACB) in 1956 in connection with SACB hearings on the National Council of American Soviet Friendship, described by HCUA as the Communist Party's principal front for all things Russian and included in the Attorney General's List of Subversive Organizations pursuant to Executive Order 10450. William Howard Melish is the father of Howard Jeffrey Melish (also known as Jeff Melish), a member of the Student for a Democratic Society (SDS) and of the violent Weatherman faction of SDS. Jeff Melish was arrested in Chicago during the violent days of rage rioting organized by the Weatherman faction in 1969; he attended the "9th World Youth Festival in Sofia, Bulgaria," in 1968 and traveled to Cuba in 1970.²⁵

Fifth, Benjamin E. Smith: formerly counsel to and in 1963 treasurer of SCEF, Smith as a member of the executive board of the National Lawyers Guild (NLG), repeatedly cited as a Communist front organization, in 1956 and in 1962 was listed as cosecretary of the NLG Committee to Assist Southern Lawyers. In the 1950's Smith was active in the legal defense of persons charged with violating the Smith Act, and in at least one instance he was reported to have received funds from the Emergency Civil Liberties Committee, an organization also identified as a Communist front organization.²⁶

C. INTERNAL DOCUMENTS OF SCEF

On October 4, 1963, State and local police raided the headquarters of SCEF in New Orleans and seized a number of internal documents, memoranda, and letters. Much of this material shows extensive involvement on the part of SCEF and its staff in the activities of other CPUSA front organizations. Several of the documents reveal a close relationship between SCEF and Martin Luther King, Jr. These documents include the following:

First, an appeal to sign a petition to President Kennedy for executive clemency for Carl Braden, recently convicted of contempt of Congress for his refusal to answer questions before HCUA. Among the signatures on the appeal found in SCEF offices are those of the Reverend Martin Luther King, Jr., Atlanta, Ga. and of two former presidents of SCEF: Aubrey Williams and Edgar A. Love and of a future president of SCEF, Fred Shuttlesworth. In addition to King and Shuttlesworth, other officers of the SCLC also signed the appeal: Rev. C. K. Steele, first vice-president of SCLC, and Rev. Ralph Abernathy, treasurer, SCLC.²⁷

Second, a memorandum, dated January 18, 1963, from Carl Braden to Howard Melish (both of whom had been identified as members of the Communist Party), "In re Martin King." Complaining that Martin King has a bad habit of arriving late at meetings and sundry affairs such as the one we are planning in NYC on February 8, Braden suggested, as a means to correct King's habit, that—

Either you or Jim Dombrowski should write him at his home, asking him to come to a dinner with you or Mogulescu or some of the key people . . . The dinner invitation to his home will serve to remind him of the engagement that night and will also pin down whether he will be there.²⁸

The significance of this memorandum is that it shows identified Communists—Braden, Melish, and Dombrowski—planning the influencing and manipulation of King for their own purposes. The assumption of the memorandum is that Melish and Dombrowski at least were close enough to King to invite him to dinner and to

expect to be able to exert influence on him.

Third, a photograph of Martin Luther King, Jr., Carl Braden, Anne Braden, and James A. Dombrowski, with the legend on the back of the photograph in the handwriting of Dombrowski, "The 6th Annual Conference of the Southern Christian Leadership Conference, Birmingham, Alabama, September 25 to 28, 1962."²⁹

Fourth a check dated March 7, 1963, for \$167.74, issued by SCEF to Dr. Martin Luther King, Jr., with the notation "N.Y. exp." (New York expenses), and signed by Benjamin E. Smith and James A. Dombrowski, treasurer and executive director of SCEF respectively. The Southern Patriot of March 1963 reported that King paid high tribute to SCEF in his remarks at the reception of the New York Friends of SCEF, and the UE News, official organ of the United Electrical, Radio and Machine Workers of America, reported on October 21, 1963, that King protested the seizure of the records of SCEF in Louisiana and the arrest of two of its leaders and an attorney during the course of his remarks.³⁰

Fifth, a letter on the stationery of SCEF apparently from Dombrowski to Dr. Lee Lorch, dated August 2, 1963. Lee Lorch was identified as a member of the Communist Party in testimony under oath by John J. Edmiston, former member of the party, in a hearing before HCUA on July 12, 1950. The letter from Dombrowski to Lorch discusses activities supportive of civil rights legislation then being considered in the Congress, and proposes the following:

As part of a massive letter writing campaign, we propose to place a full-page ad in at least one newspaper in each of these 15 states.

We enclose a layout and text for the ad to be signed by the Southern Christian Leadership Conference; Dr. Martin Luther King, president; the Student Nonviolent Coordinating Committee; and SCEF.

SCEF will raise the money. It will take about \$10,000 to place the ad in one newspaper in each of the 15 states, \$20,000 in two papers per state, etc.³¹

Sixth, a memorandum from Dombrowski to members of the executive committee of SCEF, dated June 20, 1962, "Re: Atlanta Conference on Civil Rights and Civil Liberties." The memorandum states in part:

For almost a year the staff has been discussing with various leaders in Atlanta the possibility of a Southwide conference in that city on civil rights and civil liberties. There has been a most encouraging response. Most gratifying is the interest shown by a number of organizations which in the past have not publicly associated themselves with projects in which the SCEF was involved.

The Rev. Wyatt Tee Walker of SCEF has promised his cooperation, including the personal participation of the SCLC president, Dr. Martin Luther King, Jr.³²

Seventh, a letter, dated July 27, 1963, from Carl Braden to James Dombrowski, which states in part:

The pressure that has been put on Martin (Luther King, Jr.) about (Hunter Pitts) O'Dell helps to explain why he has been ducking us. I suspected there was something of this sort in the wind.

The UPI has carried a story quoting Martin as saying they have dumped O'Dell for the second time because of fear that the segregationists (sic) would use it against them. He expressed no distaste for Communists or their beliefs, merely puts it on the pragmatic basis that SCLC can't handle the charges of Communism. This is a quite interesting development.

So I think it is best to let Martin and SCLC alone until they feel like coming around to us. They'll be back when the Kennedys and other assorted other (deleted) opportunists with whom they are now consorting have wrung all usefulness out of them—or rather when they have become a liability rather than an asset. Right now the Red-baiters in New York are holding Martin and SCLC as prisoners through offers of large sums of money. We shall see if they get the money and, if they do, how much of a yoke it puts upon them.³³

It will be recalled that in the summer of 1963, President Kennedy had urged King to sever relations with O'Dell and that King had appeared to do so by accepting O'Dell's resignation from SCLC. FBI surveillance showed, however, that O'Dell continued to frequent the New York office of SCLC.

The documents cited above show clearly first, that individuals in the leadership of SCEF, identified in testimony under oath as members of the Communist Party or generally well known for their activities on behalf of communism, considered themselves to be on close terms with Martin Luther King and in a position to exert influence on him, and second, that King himself had no objection to working with identified Communists except on the pragmatic basis that Communist affiliation might lend his activities a negative public image and be counter-productive. Indeed, King appears to have worked closely with individuals generally identified as Communists.

KING'S ACTIVITIES ON BEHALF OF OTHER COMMUNIST OR COMMUNIST FRONT GROUPS

In addition to his association and cooperation with SCEF and its leaders, Martin Luther King also associated and cooperated with a number of groups known to be CPUSA front organizations or to be heavily penetrated and influenced by members of the Communist Party. On October 4, 1967, Congressman John M. Ashbrook of Ohio, at that time the ranking minority member of the House Committee on Un-American Activities and an authoritative spokesman on internal security matters, inserted in the CONGRESSIONAL RECORD extensive documentation of King's activities in this regard:³⁴

First, Martin Luther King, Jr., was listed as a sponsor of the "National Appeal for Freedom," held in Wash-

ington, D.C., November 19-21, 1960, of the Committee to Secure Justice for Morton Sobell, a group identified as a Communist front organization by HCUA and SISS in 1956.

Second, King sent a congratulatory telegram to the 27th annual convention of the United Electrical, Radio and Machine Workers of America (UE) in 1962. UE was expelled from the Congress of Industrial Organizations (CIO) in 1949 on grounds that it was dominated by Communists, and in 1944 the SCUA, in a report on the CIO Political Action Committee, found that—

The 600,000 members of the United Electrical, Radio, and Machine Workers of America (employed in many of the most vital American defense industries) are submitting to an entrenched Communist leadership.³⁵

Third, in May 1962, King addressed the convention of the United Packinghouse Workers of America (UPWA). Stanley Levison wrote this speech. Charles Hayes of Chicago of UPHW was a guest at the founding meeting of the SCLC in Montgomery, Ala., in 1957 with Ella J. Baker of "In Friendship." The annual report of HCUA for 1959 states that Charles A. Hayes of Chicago had been identified as a member of the Communist Party by two witnesses: by John Hackney, a former member of the Communist Party who had served as a Communist in several party units within the meatpacking industry, and by Carl Nelson, who stated that he had attended many Communist Party meetings with Mr. Hayes.³⁶ In 1952, in testimony before HCUA, witness Roy Thompson, a former member of the Communist Party and a former official of UPWA in Chicago, stated that he had attended Communist training meetings in which instructions in communism were given by a Mr. Charley Hayes.³⁷ In 1959, witness Carl Nelson, a former Communist and worker in the meatpacking industry, testified before HCUA that the Communist Party deliberately sought to infiltrate its members into the meatpacking industry because they would be in an excellent position to cut off food for the Armed Forces in the event of war.³⁸ Mr. Nelson also identified as having been Communists the editor of the official organ of the UPWA, two field representatives of the union, a departmental director of the union, a district secretary-treasurer of the union, a secretary in the international office of the union, and a former president of a local of the UPWA, in addition to Mr. Hayes, who was a district director of the UPWA, and his secretary.³⁹

Fourth, Martin Luther King was a luncheon speaker at a conference in Atlanta, Ga., of the National Lawyers Guild Committee to Assist Southern Lawyers, held on November 30 and December 1, 1962. The National Lawyers

Guild was cited several times as a Communist front, and in 1962 the committee stationery listed Benjamin E. Smith, cosecretary of the committee and treasurer of SCEF and Arthur Kinoy, as affiliated with it. Kinoy is reported by Garrow to have been a friend of Stanley Levison and to have recommended William Kunstler as an attorney to Levison for the latter's appearance before SISS in April, 1962.⁴⁰

Fifth, King also lent his support to the National Committee to Abolish the Committee on Un-American Activities, identified as a Communist Party front by HCUA in 1961. Seven of the thirteen founders of this organization were identified as having been members of the CPUSA, including William Howard Melish. Carl Braden was also active in the Committee, as was Anne Braden.⁴¹

Sixth, King also assisted in the initiation of appeals for executive clemency for Carl Braden and, in 1962, for Junius Scales, former chairman of the North Carolina-South Carolina district of the Communist Party and sentenced to a 6-year prison term for violation of the Smith Act.

Seventh, Highlander Folk School: One of the most controversial aspects of King's career concerns his association with the Highlander Folk School of Monteagle, Tenn., and the nature of the school. In the 1960's groups in opposition to King frequently publicized a photograph showing King at the school, which was described as a Communist training school, sitting in the company of persons alleged to be Communists or pro-Communists.

This photograph is an authentic one, taken on September 2, 1957, when King addressed the 25th anniversary celebration of the Highlander Folk School. Shown in the photograph sitting adjacent to King are Abner Berry, a correspondent for the Communist Party newspaper, the Daily Worker; Aubrey Williams, identified as a member of the CPUSA and president of SCEF; and Myles Horton, a founder and director of the Highlander Folk School. Although Myles Horton was not identified as a member of the Communist Party, a witness before SISS in 1954 and a former member for 17 years and a former official and organizer for the party, Paul Crouch, testified that he had solicited Horton to join the party:

At that meeting after we discussed the (Highlander Folk) school I asked Mr. Horton to become a formal member of the Communist Party and his reply was, as near as I can recall his words, "I'm doing you just as much good now as I would if I were a member of the Communist Party. I am often asked if I am a Communist Party member and I always say no. I feel much safer in having no fear that evidence might be uncovered to link me with the Communist Party, and therefore I prefer not to become a member of the Communist Party."⁴²

Crouch also testified that Horton had been affiliated with the Southern Conference Educational Fund and with its predecessor organization, the Southern Conference for Human Welfare.⁴⁴

The Highlander Folk School (HFS) was founded in 1932 by Myles Horton and became well known for its involvement in a number of leftist causes. Both Aubrey Williams and James Dombrowski, each of whom was identified as a member of the Communist Party, were affiliated with HFS. Paul Crouch, who had been district organizer for the State of Tennessee for the Communist Party, described in his testimony the uses of the HFS for the party as they were developed in a conference that included himself, Horton, and Dombrowski:

The purpose of the conference was to work out a plan by which the Daily Worker would be purchased by the school. They would be made accessible to the students, that everywhere possible the instructors should refer to the Daily Worker, to news that had come in it, to encourage the students to read it, and it was agreed that the Communist Party should have a student, a leader, sent there as a student whose job it would be to look around for prospective recruits and Mildred White, now in Washington, D.C., was selected to attend the Highlander Folk School for the purpose of recruiting for the Communist Party and carrying the Communist Party line among the student body there.

Mr. ARENS (Special Counsel to the Subcommittee). You said it was agreed? Who agreed?

Mr. CROUCH. Mr. Horton and Mr. Dombrowski.⁴⁵

Based on this information and considerable evidence of a similar nature collected by the Joint Legislative Committee on Un-American Activities of the State of Louisiana in 1963 and by other investigative bodies, it is not inaccurate to describe the Highlander Folk School as a Communist, or at least a pro-Communist, training school.

Although Martin Luther King, Jr., was present only briefly at HFS on September 2, 1957, when the photograph was taken, his relations with HFS appear to have been prolonged and positive. On February 23, 1961, the New York Times reported that—

The Southern Christian Leadership Conference . . . and the Highlander Folk School have joined forces to train Negro leaders for the civil rights struggle.⁴⁶

In 1962 the Highlander Center opened in Knoxville, Tenn., with Myles Horton on the board of directors. In December 1962, Martin Luther King, Jr., was listed as a sponsor of the Highlander Center on its letterhead.⁴⁷

MARTIN LUTHER KING AND THE VIETNAM WAR

As the Vietnam war escalated in the mid 1960's, Martin Luther King became one of the most outspoken critics of U.S. policy and involvement in Vietnam. It is probable that Stanley

Levison in particular encouraged King's criticism, since Levison himself was also critical of the war and wrote President Johnson to urge American withdrawal from Vietnam, describing American policy in Vietnam as completely irrational, illegal, and immoral and as supportive of a succession of undemocratic regimes which are opposed by a majority of the people of South Vietnam.⁴⁸ FBI surveillance of King showed that Levison was urging King to speak out publicly against American military involvement in Vietnam.⁴⁹

On December 28-30, 1966, a conference was held at the University of Chicago to discuss and make plans for a nationwide student strike against U.S. involvement in the Vietnam war. This conference, which led to a week of demonstrations against the war known as "Vietnam Week," April 8-15, 1967, was initiated by Bettina Aptheker, daughter of Communist Party theoretician and member of the national committee of the CPUSA Herbert Aptheker, and herself a member of the CPUSA. The Chicago conference, as a report of the HCUA found, "was instigated and dominated by the Communist Party, U.S.A., and the W.E.B. DuBois Clubs of America," described by Attorney General Katzenbach in 1966 as substantially directed, dominated and controlled by the Communist Party.⁵⁰

The scheduled after-dinner speaker at the Chicago conference was Rev. James L. Bevel, of the Southern Christian Leadership Conference, who had been released from his duties with SCLC by Martin Luther King in order to serve as national director of the "Spring Mobilization Committee To End the War in Vietnam," an organization found by the HCUA to be heavily influenced, supported, and penetrated by Communists and in which Communists are playing a dominant role. Bevel joined the DuBois Clubs as a plaintiff in a suit to prevent the "Subversive Activities Control Board" (SACB) from holding hearings on the DuBois Clubs as petitioned by Attorney General Katzenbach, and Bevel was a sponsor of Vietnam Week and of the Chicago conference that initiated it.⁵¹ The report of the HCUA concluded that—

The proposal for a nationwide student strike was completely Communist in origin.

Communists are playing dominant roles in both the Student Mobilization Committee and the Spring Mobilization Committee. Further, these two organizations have unified their efforts and are cooperating completely in their purpose of staging on April 15 (1967) the largest demonstrations against the war in Vietnam ever to take place in this country. . . .

Dr Martin Luther King's agreement to play a leading role in the April 15 demonstrations in New York City, and his freeing Rev. James Bevel from his key position in the Southern Christian Leadership Confer-

ence to head up the Spring Mobilization Committee, are evidence that the Communists have succeeded, at least partially, in implementing their strategy of fusing the Vietnam and civil rights issues in order to strengthen their chances of bringing about a reversal of U.S. policy in Vietnam.⁵²

The major statement of Martin Luther King on the Vietnam war is contained in a speech he delivered at the Riverside Church in New York City on April 4, 1967, a few days prior to the beginning of Vietnam Week. Analysis of this speech shows that King's criticism of U.S. policy in Vietnam was not based on a consideration of American national interests and security nor on a belief in pacifism and nonviolence but on an ideological view of the Vietnam conflict that is indistinguishable from the Marxist and New Left perspective.⁵³

King portrayed U.S. troops in Vietnam as foreign conquerors and oppressors, and he specifically compared the United States to Nazi Germany:

They (the South Vietnamese people) move sadly and apathetically as we herd them off the land of their fathers into concentration camps where minimal social needs are rarely met. . . . They watch as we poison their water, as we kill a million acres of their crops. . . . So far we may have killed a million of them—mostly children. What do they think as we test out our latest weapons on them, just as the Germans tested out new medicine and new tortures in the concentration camps of Europe?

King described the U.S. Government as the greatest purveyor of violence in the world today and President Ngo Dinh Diem as one of the most vicious modern dictators, but he spoke of Ho Chi Minh, the Communist dictator of North Vietnam, as a national leader and the innocent victim of American aggression:

Perhaps only his (Ho Chi Minh's) sense of humor and of irony can save him when he hears the most powerful nation of the world speaking of aggression as it drops thousands of bombs on a poor weak nation more than 8,000 miles away from its shores.

The Communists, in King's view, were the true victims in Vietnam

In Hanoi are the men who led the nation to independence against the Japanese and the French. . . . After 1954 they watched us conspire with Diem to prevent elections which would surely have brought Ho Chi Minh to power over a united Vietnam, and they realized they had been betrayed again.

In King's view, the National Liberation Front (NLF), the political arm of the Vietcong terrorists controlled by North Vietnam, was that strangely anonymous group we call VC or Communist, which consisted of a membership that is less than 25 percent Communist.

King might have been interested to learn of the television interview given in France on February 16, 1983 by North Vietnamese generals Vo Nguyen Giap and Vo Bam. As reported by the

Economist (London) in its issue of 26 February, 1983:

General Bam admitted the decision to unleash an armed revolt against the Saigon government was taken by a North Vietnamese communist party plenum in 1959. This was a year before the National Liberation Front was set up in South Vietnam. The aim, General Bam added, was 'to reunite the country.' So much for that myth that the Vietcong was an autonomous southern force which spontaneously decided to rise against the oppression of the Diem regime. And General Bam should know. As a result of the decision, he was given the job of opening an infiltration trail in the south. The year was still 1959. That was two years before President Kennedy stepped up American support for Diem by sending 685 advisers to South Vietnam. So much for the story that the Ho Chi Minh trail was established only to counteract the American military build-up. . . . General Bam got his orders on May 19, 1959. 'Absolute secrecy, absolute security were our watchwords,' he recalled.⁵⁴

King included himself as one of those who "deem ourselves bound by allegiances and loyalties which are broader and deeper than nationalism and which go beyond our Nation's self-defined goals and positions. We are called to speak for the weak, for the voiceless, for victims of our Nation and for those it calls enemy, for no document from human hands can make these humans any less our brothers."

Apart from the arrogance and ingratitude displayed by these remarks, it is a logical implication of this self-proclaimed universal humanism that King should have denounced Communist atrocities and tyranny at least as strongly as those he attributed to his own country. Yet throughout King's speech there is not a single word of criticism, let alone of condemnation, for North Vietnam or for Ho Chi Minh, for Ho's internal and external policies by which a totalitarian state was created and its institutions were imposed on adjacent States, for the use of terrorism by the Vietcong or for the terrorism and systematic repression perpetrated by the Communists in North Vietnam.

King portrayed American policy in Vietnam and U.S. foreign policy in general as motivated by a need to maintain social stability for our investments and formulated by men who refuse to give up the privileges and the pleasures that come from the immense profits of overseas investment. He saw individual capitalists of the West investing huge sums of money in Asia, Africa, and South America, only to take the profits out with no concern for the social betterment of the countries.

King, in other words, did not dissent from U.S. policy in Vietnam because he was concerned for the best interests of the United States or because of moral and humanitarian beliefs. His opposition to the war was drawn from an ideological, and false, view of Amer-

ican foreign policy as motivated by capitalist and imperialist forces that sought only their own material satisfaction and which were responsible for the giant triplets of racism, materialism, and militarism.

This view of American foreign policy is fundamentally Marxist, and it parallels the theory of Lenin in his "Imperialism: The Highest Stage of Capitalism." It was a doctrine that became increasingly fashionable in New Left circles of the late 1960's and 1970's, although it has been subjected to devastating scholarly criticism.

Public reaction to King's speech on Vietnam was largely negative. The Washington Post, in an editorial of April 6, 1967, said that the speech was filled with bitter and damaging allegations and inferences that he did not and could not document.

He has no doubts that we have no honorable intentions in Vietnam and thinks it will become clear that our "minimal expectation is to occupy it as an American colony. . . . It is one thing to reproach a government for what it has done and said; it is quite another to attribute to it policies it has never avowed and purposes it has never entertained and then to rebuke it for these sheer inventions of unsupported fantasy.

Life magazine, in its issue of April 21, 1967, described King's speech as "a demagogic slander that sounded like a script for Radio Hanoi." Carl Rowan wrote that King "has alienated many of the Negro's friends and armed the Negro's foes . . . by creating the impression that the Negro is disloyal."⁵⁵ John P. Roche, a former director of Americans for Democratic Action (ADA), in a memorandum to President Johnson, wrote that King's speech indicates that King—in desperate search of a constituency—has thrown in with the commies.⁵⁶

CONCLUSION: WAS MARTIN LUTHER KING A COMMUNIST?

As stated earlier there is no evidence that Martin Luther King was a member of the Communist Party, but the pattern of his activities and associations in the 1950's and 1960's show clearly that he had no strong objection to working with and even relying on Communists or persons and groups whose relationships with the Communists Party were, at the least, ambiguous. It should be recalled that in this period of time, far more than today, many liberal and even radical groups on the left shared a strong awareness of and antipathy for the antidemocratic and brutal nature of communism and its characteristically deceptive and subversive tactics. It is doubtful that many American liberals would have associated or worked with many of the persons and groups with whom King not only was close but on whom he was in several respects dependent. These associations and, even more, King's refusal to break with them, even at the expense of public criticism and the alienation of the Kennedy ad-

ministration, strongly suggest that King harbored a strong sympathy for the Communist Party and its goals.

This conclusion is reinforced by King's own political comments and views—not only by the speech on Vietnam discussed above but also by a series of other remarks made toward the end of his life. King apparently harbored sympathy for Marxism, at least in its economic doctrines, from the time of his education in divinity school. The Rev. J. Pius Barbour, described by Garrow as perhaps King's closest friend while at Crozer Theological Seminary from 1948 to 1951, believed that King was economically a Marxist He thought the capitalistic system was predicated on exploitation and prejudice, poverty, and that we would not solve these problems until we got a new social order.⁵⁷ King was critical of capitalism in sermons of 1956 and 1957, and in 1967 he told the staff of the SCLC:

We must recognize that we can't solve our problems now until there is a radical redistribution of economic and political power.⁵⁸

In 1968 he told an interviewer that—

America is deeply racist and its democracy is flawed both economically and socially the black revolution is much more than a struggle for the rights of Negroes. It is forcing America to face all its interrelated flaws—racism, poverty, militarism, and materialism. It is exposing evils that are rooted deeply in the whole structure of our society. It reveals systemic rather than superficial flaws and suggests that radical reconstruction of society itself is the real issue to be faced.⁵⁹

In 1967, in his remarks to the SCLC staff, he argued that—

For the last twelve years we have been in a reform movement. . . . But after Selma and the voting rights bill we moved into a new era, which must be an era of revolution. I think we must see the great distinction here between a reform movement and a revolutionary movement (which would) raise certain basic questions about the whole society . . . this means a revolution of values and of other things.⁶⁰

And in 1968 he publicly stated, "We are engaged in the class struggle."⁶¹

King's view of American society was thus not fundamentally differed from that of the CPUSA or of other Marxists. While he is generally remembered today as the pioneer of civil rights for blacks and as the architect of nonviolent techniques of dissent and political agitation, his hostility to and hatred for America should be made clear. While there is no evidence that King was a member of the Communist Party, his associations with persons close to the party, his cooperation with and assistance of groups controlled or influenced by the party, his efforts to disguise these relationships from public view and from his political allies in the Kennedy administration, and his views of American society and foreign policy all suggest that King may have had an explicit but clandestine

tine relationship with the Communist Party or its agents to promote through his own stature, not the civil rights of blacks or social justice and progress, but the totalitarian goals and ideology of communism. While there is no evidence to demonstrate this speculation, it is not improbable that such a relationship existed. In any case, given the activities and associations of Martin Luther King described in this report, there is no reason to disagree with the characterization of King made by Congressman John M. Ashbrook on the floor of the House of Representatives on October 4, 1967:

King has consistently worked with Communists and has helped give them a respectability they do not deserve and I believe he has done more for the Communist Party than any other person of this decade.⁹²

ADDENDUM

On January 31, 1977, in the cases of *Bernard S. Lee v. Clarence M. Kelley*, et al. (U.S.D.C., D.C.) and *Southern Christian Leadership Conference v. Clarence M. Kelley, et al.* (U.S.D.C., D.C.), U.S., District Judge John Lewis Smith, Jr., ordered that the Federal Bureau of Investigation purge its files of:

All known copies of the recorded tapes, and transcripts thereof, resulting from the FBI's microphonic surveillance, between 1963 and 1968, of the plaintiffs' former president, Martin Luther King, Jr.; and all known copies of the tapes, transcripts and logs resulting from the FBI's telephone wiretapping, between 1963 and 1968, of the plaintiffs' offices in Atlanta, Georgia and New York, New York, the home of Martin Luther King, Jr., and places of accommodation occupied by Martin Luther King, Jr.

Judge Smith also ordered that—

At the expiration of the said ninety (90) day period, the Federal Bureau of Investigation shall deliver to this Court under seal an inventory of said tapes and documents and shall deliver said tapes and documents to the custody of the National Archives and Records Service, to be maintained by the Archivist of the United States under seal for a period of fifty (50) years; and it is further

Ordered that the Archivist of the United States shall take such actions as are necessary to the preservation of said tapes and documents but shall not disclose the tapes or documents, or their contents, except pursuant to a specific Order from a court of competent jurisdiction requiring disclosure.

This material was delivered to the custody of the National Archives and Records Service to be maintained by the Archivist of the United States under a seal for a period of 50 years.

FOOTNOTES

¹ Most of this section is drawn from David J. Garrow, *The FBI and Martin Luther King, Jr.: From "Solo" to Memphis* (New York: W.W. Norton & Company, 1981), esp. ch. pp. 21-78.

² *Ibid.*, p. 41.

³ United States, Department of Justice, *Report of the Task Force to Review the FBI Martin Luther King, Jr., Security and Assassination Investigations*, January 11, 1977, pp. 121-22.

⁴ Victor S. Navasky, *Kennedy Justice* (New York: Atheneum, 1971), pp. 162-63.

⁵ Quoted in Garrow, *FBI*, p. 28.

⁶ Quoted in Garrow, *FBI*, p. 81.

⁷ *Ibid.*

⁸ *Ibid.*, p. 62.

⁹ *Ibid.*, p. 63.

¹⁰ *Ibid.*, quoted, p. 95.

¹¹ *Ibid.*, p. 151.

¹² United States, Congress, Senate, *Report of the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws*, Committee on the Judiciary 84th Congress, 2nd Session, for the Year 1956, Section III, December 31, 1956, p. 46. (Publications of this Subcommittee hereinafter cited as SISS).

¹³ United States, Congress, House of Representatives, *Structure and Organization of the Communist Party of the United States, Part I*, Hearings before the Committee on Un-American Activities, 87th Congress, 1st Session, November 20, 21, and 22, 1961, Testimony of Francis J. McNamara, p. 576. (Publications of this Committee hereinafter cited as HCUA).

¹⁴ Garrow, *FBI*, p. 50.

¹⁵ *World Peace Council, List of Members, 1980-1983* (Helsinki, Finland: Information Centre of the World Peace Council), pp. 141-42; for O'Dell's background, see *Review of the News*, July 13, 1983, pp. 49-50; *Soviet Active Measures*, Hearings before the Permanent Select Committee on Intelligence, House of Representatives, 97th Congress, 2nd Session, July 13, 14, 1982, p. 57.

¹⁶ Garrow, *FBI*, p. 50.

¹⁷ HCUA, *Report on Southern Conference on Human Welfare*, 80th Congress, 1st Session, June 16, 1947, pp. 2 and 17.

¹⁸ HCUA, *Guide to Subversive Organizations and Publications (and Appendices) Revised and published December 1, 1961, to supersede Guide published on January 2, 1957*, p. 154 (hereinafter cited as *Guide*).

¹⁹ SISS, *Southern Conference Educational Fund, Inc., Hearings*, March 18, 19, and 20, 1954, p. VIII.

²⁰ Trezz Anderson, "New Rights Group Launched in Dixie," *Pittsburgh Courier*, August 17, 1957, p. 2; this article misprints "In Friendship" as "In Fellowship."

²¹ Robert H. Brisbane, *Black Activism: Racial Revolution in the United States, 1954-1970* (Valley Forge, Pa.: Judson Press, 1974), p. 49; see also the masthead of *The Southern Patriot* of October, 1963, reproduced in State of Louisiana, The Joint Legislative Committee on Un-American Activities, Report No. 4, November 19, 1963, "Activities of the Southern Conference Educational Fund, Inc. in Louisiana," Part I, p. 74, Exhibit 29 (hereinafter cited as JLCUA).

²² Garrow, *FBI*, p. 26.

²³ SISS, *Southern Conference Educational Fund, Inc. Hearings*, pp. VI and VII.

²⁴ SISS, *Communism in the Mid-South, Hearings*, October 28 and 29, 1957, Testimony of Alberta Aheran, p. 37; John M. Ashbrook, "Rev. Martin Luther King: Man of Peace or Apostle of Violence," *Congressional Record*, October 4, 1967, p. H13013.

²⁵ JLCUA, p. 14; *Guide*, pp. 117-18; United States, Congress, House of Representatives, Special Committee on Un-American Activities, *Report on the C.I.O. Political Action Committee*, 78th Congress, 2nd Session, March 29, 1944, p. 156; United States, Department of Justice, Federal Bureau of Investigation, *Foreign Influence—Weather Underground Organization (WUO)*, August 20, 1976, p. 332.

²⁶ See *Guide*, p. 1212, for citations of the National Lawyers Guild as a Communist front; JLCUA, pp. 14-16.

²⁷ JLCUA, p. 86, Exhibit 37.

²⁸ *Ibid.*, p. 97, Exhibit 41.

²⁹ *Ibid.*, p. 100, Exhibit 43a.

³⁰ *Ibid.*, p. 101, Exhibits 44 and 44a; Ashbrook, *Congressional Record*, October 4, 1967, p. H13012.

³¹ JLCUA, p. 102, Exhibit 45; for the identification of Lee Lorch as a member of the Communist Party, see HCUA, "Hearings Regarding Communist Activities in the Cincinnati, Ohio, Area—Part 1," 81st Congress, 2nd Session, July 12, 13, 14, and 15; August 8, 1950, p. 2675.

³² JLCUA, p. 104, Exhibit 46.

³³ *Ibid.*, p. 106, Exhibits 47 and 47a.

³⁴ Ashbrook, *Congressional Record*, October 4, 1967, pp. H13005-H13017 *passim*.

³⁵ *Report on the C.I.O. Political Action Committee*, p. 183.

³⁶ For Hayes's presence at the SCLC meeting in Montgomery, see Trezz Anderson, *Pittsburgh Courier*, August 17, 1957, p. 2, where Hayes's name is given as "Chris Hayes, United Packinghouse Workers . . . of Chicago." And see HCUA, *Annual Report*, 1959, p. 40.

³⁷ HCUA, "Communist Activities in the Chicago Area—Part 2 (Local 347, United Packinghouse Workers of America, CIO)," Hearings, 82nd Congress, 2nd Session, September 4 and 5, 1952, Testimony of Roy Thompson, p. 3767.

³⁸ HCUA, *Annual Report*, 1959, pp. 37-38.

³⁹ *Ibid.*, pp. 38-39.

⁴⁰ Ashbrook, *Congressional Record*, October 4, 1967, p. H13010; JLCUA, p. 75, Exhibit 30.

⁴¹ Ashbrook, *Congressional Record*, October 4, 1967, pp. H13011-H13013.

⁴² *Ibid.*, pp. H13010-H13011.

⁴³ SISS, *Southern Conference Educational Fund, Inc., Hearings*, Testimony of Paul Crouch, p. 136; see also Ashbrook, *Congressional Record*, pp. H13000-H13012; and JLCUA, pp. 23-37.

⁴⁴ SISS, *Southern Conference Educational Fund, Inc., Hearings*, Testimony of Paul Crouch, p. 137.

⁴⁵ *Ibid.*, pp. 135-36.

⁴⁶ Quoted, Ashbrook, *Congressional Record*, October 4, 1967, p. H13011.

⁴⁷ *Ibid.*, p. H13012.

⁴⁸ Garrow, *FBI*, pp. 137-38.

⁴⁹ *Ibid.*, p. 139.

⁵⁰ HCUA, *Communist Origins and Manipulation of Vietnam Week (April 8-15, 1967)*, Report, March 31, 1967, pp. 53 and 5.

⁵¹ *Ibid.*, pp. 25-26, 53, and 33-37.

⁵² *Ibid.*, p. 53.

⁵³ The Text of King's speech, "Beyond Vietnam," was inserted by Congressman Don Edwards, "Dr. Martin Luther King on Vietnam," *Congressional Record*, May 2, 1967, pp. 11402-11406; all quotations given below are from this text.

⁵⁴ "Vietnam: We Lied to You," *The Economist* (London), 26 February 1983, pp. 56-57.

⁵⁵ Carl T. Rowan, "Martin Luther King's Tragic Decision," *Reader's Digest* (September, 1967), p. 42; for further negative reaction, see Garrow, *FBI*, pp. 180-81.

⁵⁶ Quoted in Garrow, *FBI*, p. 180.

⁵⁷ *Ibid.*, p. 304, n. 25.

⁵⁸ *Ibid.*, pp. 213-14.

⁵⁹ *Ibid.*, p. 214.

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

⁶² Ashbrook, *Congressional Record*, October 4, 1967, p. H13005.

CLOTURE MOTION

Mr. BAKER. Mr. President, I indicated earlier that I was prepared to file a cloture motion under the provisions of rule XXII to bring to a close the debate on the motion to proceed. I send such a motion to the desk at this time.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of H.R. 3706, a bill to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday.

Senators Howard Baker, Ted Stevens, Strom Thurmond, Slade Gorton, Paula Hawkins, Ernest F. Hollings, Quentin Burdick, Spark Matsunaga, Bob Dole, John Danforth, Charles H. Percy, Edward M. Kennedy, Bob Packwood, David Durenberger, Arlen Specter, Robert C. Byrd, and Mark Hatfield.

Mr. BAKER. Mr. President, as Members know, under the provisions of rule XXII, the vote on this motion cannot occur prior to Wednesday. Unless the time is changed by unanimous consent, it will occur 1 hour

after the Senate convenes and after the presence of a quorum is established pursuant to that rule. I will discuss with the minority leader the possibility of adjusting that time in order to suit the maximum convenience of the greatest numbers of Senators. It is anticipated, however, that the vote will occur no later than 1 hour after we convene and the establishment of a quorum as the rule provides.

If cloture is invoked, Mr. President, I would hope to proceed to the debate the bill itself and perhaps even to finish it.

I must say in all candor that I am advised that we will not finish the bill on Wednesday and Members should know that I also have a cloture motion for Wednesday, too. But we will cross those bridges as we come to them.

Mr. President, I hope debate will continue on this motion today and that we can utilize the time remaining to us during the day to good advantage.

It is the intention of the leadership on this side, since we cannot vote on cloture tomorrow and if Senators wishing to speak on the motion to proceed do not require the entire day, to ask the Senate to turn temporarily to the consideration of some other matter, and that may be the Labor-HHS appropriations bill, which is here and available.

But on Wednesday, which is the first moment at which we can vote on this measure absent unanimous consent, we will be back on it. I intend to vote for cloture, obviously, and I am very hopeful that we will obtain cloture.

Mr. President, I yield the floor.

Mr. SPECTER. Mr. President, I support the majority leader, the distinguished Senator from Tennessee, in his efforts to bring this matter to a vote at the earliest possible time and on his placing the matter on the calendar.

While I agree with what the distinguished Senator from Massachusetts (Mr. KENNEDY) had to say, I would underscore the comments that he had made about the bipartisan nature of the effort to commemorate the birthday of Dr. King and would underscore Senator KENNEDY's comments about Republican support as well as Democratic support on this issue. I would not like to see undue emphasis placed upon the President's position because he has not responded in time for a bulletin to be put out.

The President is not obligated to make responses at a time when bulletins are issued. I, for one, am optimistic and even confident that, when the matter reaches the President's desk, the President of the United States will support this measure.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. SPECTER. I yield.

Mr. KENNEDY. I hope that the comments that I made would not be considered to be unfair.

This is an issue which is not new, which has been before the Congress and has been before the Senate for years. If the Senator from Pennsylvania can give me any indication at any time where the President has made a statement in favor of it, then I would be glad to correct the record. But he has not. I think the record ought to at least be clear that this is not some new kind of an issue which we are springing on the President and, therefore, he should be excused from exercising some judgment.

If the Senator can point out some kind of a comment or statement that the President has made, I would be glad to go back and offer to change the record and say so publicly at this time. If he has not and has not spoken about it, then I do think that the observations that I made about his failure to take a position on an issue, which has been a major civil rights issue for millions of people in this country over the period of years, should be noted as we begin this particular debate.

Mr. SPECTER. Mr. President, I thank the Senator from Massachusetts. I think the Senator from Massachusetts has noted that I make no representation that the President has spoken on the subject. But I do make the assertion that the President does not have any obligation to speak on it in accordance with the publication timetable of the Republican bulletin. The time that the President has an obligation to speak on this matter is when the Congress of the United States has acted and has submitted the matter to the President for his signature.

Mr. KENNEDY. Will the Senator yield 1 more minute?

Mr. SPECTER. Please allow me to finish, then I will yield before I move away from it. I have not responded yet.

But I do think that this matter is a very important subject which ought to be addressed on the merits and I do believe that the Senator from North Carolina has raised certain issues which ought to be addressed.

I think it preferable at this time not to inject partisanship into this issue about recognizing Dr. King's birthday as a national holiday. I think the more important factor is that, when the issue passed in the House 338 to 90, it received overwhelming Republican support, and, as the distinguished Senator from Massachusetts has noted, there is Republican support in this body, that the focus should be, I submit, on what we ought to be doing at this time, and that there was a note of partisanship injected by what the Senator from Massachusetts has had to say.

It might have been preferable if the President had spoken out on this subject, or a great many other subjects, prior to this time on somebody else's timetable. But when he has not chosen to do so, I do not think that that is a germane issue.

I simply note—I do not wish to argue at length—but I simply note that Dr. King's birthday as a national holiday has received widespread bipartisan support—Republican as well as Democratic—and that the President does not operate on the timetable of the Republican bulletins.

I now yield further.

Mr. KENNEDY. I thank the Senator.

Since the matter is before us, I say to my good friend and colleague from Pennsylvania, does he think it is appropriate that the President of the United States indicate his position on this issue, as he is delighted to do as he has demonstrated on any number of three dozen issues which the Senator from Pennsylvania and I can possibly name or list? Does the Senator think that it is asking too much for the President to at least indicate to his party his position for those that might be interested?

Obviously, we make up our own minds. But I also like to support the President whenever I can, and I am sure that others here would like to be able to do so whenever they can, as well.

Mr. SPECTER. I would like to support the President wherever I can, and I think I do so more often than the Senator from Massachusetts.

I do believe that it would be appropriate for the President to indicate his approval. It would be appropriate for him to indicate his disapproval. It would also be appropriate for him to do nothing if he chooses to do nothing.

It is certainly true, as the Senator from Massachusetts has asserted, that the President has indicated his position on some three dozen items or more. I think it is also true that the President has not indicated his position on some 30 dozen items or more. There are many, many matters which are pending before the Congress on which the President has not spoken out. Not that he does not necessarily have a position, but that he has a great many matters which confront him, more than confront the Senator from Pennsylvania, for example.

I do not think that the President is the issue at the moment. What I perceive to be the issue at the moment is the underlying merits of making a national holiday in commemoration of Dr. King. More specifically, the reason that I rose was not to take issue with the Senator from Massachusetts, but to make some comments about the discussion of the distinguished senior

Senator from North Carolina (Mr. HELMS), which I will proceed to do at this time.

The subject matter of a national holiday in commemoration of Dr. King I think is appropriate and timely now. In my judgment, Dr. King has been a herculean figure on the American scene. He has taken stands against racism and discrimination which make him fitting to be commemorated by a national holiday, not as a representative of the blacks or a representative of minorities, but a representative of all Americans. That is the standard for a national holiday.

The Senator from North Carolina made a number of comments about Dr. King. I would like to add my own experience to this record at this time.

The Senator from North Carolina made a comment about liberation theology as one of destruction and Marxist theory as action oriented. It is my view that they do not accurately describe the actions of Dr. Martin Luther King. I make this statement based upon personal experience as the district attorney of Philadelphia, where, during the midsixties, I had the responsibility, along with others, for the maintenance of the enforcement of the laws of the Commonwealth of Pennsylvania.

In that particular era there were riots in many parts of the United States, starting in Watts in Los Angeles and moving through Pittsburgh, Newark, Detroit, and many cities. Dr. King was in Philadelphia on a number of occasions and I had the opportunity to hear him speak in 1965, which I remember very well.

Dr. King spoke eloquently but specifically on the issue of nonviolence. He spoke on the approach of changing the system within lawful means in the best tradition of the democratic approach and in the best tradition of freedom of speech, addressing the issue to change people's minds, to move against racism, to move against discrimination, and to move for equality.

In 1966 and 1967 I recall very well the very difficult times of the long hot summers, and I recall the riots which plagued our sister city of Pittsburgh. Detroit, Newark, and Philadelphia did not have that problem, but I think the contributing factor was the presence of Dr. King, as I recall very well in 1965, and I believe he was present on other occasions.

I think he was a stabilizing influence at a time when many who sought similar objectives did so through violent means, where there were those riots.

I can testify, which is somewhat unusual, perhaps, for a statement on the Senator floor, as to what Dr. Martin Luther King said as to his state of mind, as to what he thought ought to be carried out and as to what followed at least in the city of Philadelphia

where he spoke eloquently on that subject.

So I do not believe that it is accurate to characterize Dr. King as an exponent in any way, shape, or form of a theory of destruction which may or may not be part of the liberation theology. I do not know the details of liberation theology as articulated by the distinguished Senator from North Carolina. But I do know that Dr. King did not talk of or incite destruction.

Similarly, I think it is inaccurate to characterize Dr. King as part of a Marxist philosophy which would be action oriented for destruction, because I saw him and I heard him speak about nonviolence, and I saw that carried out in accordance with what he was advocating at least in the city of Philadelphia.

I think there might have been other procedures followed by the distinguished majority leader (Mr. BAKER), but in placing this matter before this body at this time I think it most appropriate and I urge this body to consider this matter at the earliest moment and enact this legislation and submit it to the President, who I think will be ready, willing, and able to speak on the subject. As I say, I am optimistic, and in fact confident, that the President will support a national holiday for Dr. King and that we can move on this very constructive measure. I thank the Chair and I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, although the bill to make the birthday of Dr. Martin Luther King, Jr., a legal public holiday is not officially before us at this time, a motion has been made to proceed to its consideration. It will be brought up and, I anticipate, will be passed within a few days.

Mr. President, the Senate will then have before it H.R. 3706, a bill to make the third Monday in January a legal public holiday in honor of Dr. Martin Luther King, Jr.

I intend to support this legislation, principally for the following two reasons:

First, my past opposition to a 10th paid holiday for Federal employees, regardless of how noble the purpose or how substantial the contributions of the individual memorialized, has centered on the excessive cost of these holidays. At the same time, I have never opposed a day of recognition for Dr. King, provided the cost problem could be adequately addressed. Congressional leaders recently have assured me that legislation will be considered shortly to reduce the overall cost associated with these holidays. That may be a more desirable means of handling this problem.

Second, Mr. President, I fully recognize and appreciate the many substantial contributions of black Americans and other minorities to the creation, preservation and development of our great Nation. For their numerous military and civilian achievements and services, our minority citizens are surely deserving of the highest honor and recognition. Many feel that a Federal holiday is a means of annually commemorating those significant aspects of American history which are of special importance to our minority citizens.

Furthermore, the preference of black leaders with whom I have conferred is that the birthday of Dr. Martin Luther King, Jr., should be the focus of such a holiday. I might say, Mr. President, that I have extensively discussed this issue with presidents of the historically black colleges, black elected officials, and a wide spectrum of other minority leaders in South Carolina and across the Nation. Clearly, the overwhelming preference among our minority citizens is for a holiday honoring Dr. King, and I respect these views.

In summary, Mr. President, I support prompt passage of this legislation, based on the assurances that the cost concerns will be addressed subsequently, and out of respect for the important contributions of our minority citizens and the symbolic significance of this particular holiday to them.

Mr. President, as chairman of the Committee on the Judiciary, let me say that my committee would have received this House-passed legislation if it had been referred to committee. However, the majority leader held it at the desk and it is now the subject of his motion to bring it before the Senate. In view of the other duties I have on hand, I have requested the able and distinguished Senator from Kansas, Senator ROBERT DOLE, who is a member of the Judiciary Committee and chairman of the Courts Subcommittee, and who has had a prominent interest in this and other civil rights legislation, to handle this bill on the floor. Senator DOLE has agreed to do this. So, from this point on, I shall turn this matter over to the distinguished and able Senator from Kansas, with the request that he take charge of the bill.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I know the distinguished Senator from North Carolina (Mr. EAST) wants to make a statement. I have one that will take about 10 minutes. If he would like to precede me, I shall be happy to yield to him.

Mr. EAST. If the distinguished manager of the bill has no objection, I would like to proceed, if I could, if it is suitable with him, to make a few com-

ments on this particular proposal and measure and the concerns that I have about it.

Mr. DOLE. I am happy to yield the floor to the Senator.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EAST. Mr. President, I think the debate that will eventually ensue over this measure needs to be in an atmosphere of nonpartisanship and in an absence of deep acrimony and loose accusations. I think Senator SPECTER is correct, that partisanship ought not to be introduced into it.

The one only I greatly fear is that those of us who, for what I think are very fair and legitimate reasons, oppose the measure will be cast by high-flown rhetoric as invariably prejudiced or racist on this matter. I think that is unfair and I think that the tone of it ought to be cast in terms of the merits of the bill, of the legislation.

Not everything done in the name of civil rights necessarily advances the cause of civil rights; not everything done in the name of anticommunism necessarily serves the cause of anti-communism; and not everything done in the name of a stronger defense supports stronger defense. I know there are people here who often fear that if they take a position on something, wrath will come down upon them that some way or other, they are prejudiced and biased people and that no reasonable mind or fairminded or thoughtful person can disagree.

I submit, and I intend to be a part of this debate, that a fairminded, thoughtful person, which I like to think I am, could be opposed to this particular measure yet be fully supportive of the notion that every American ought to be evaluated on the basis of his talent and ability regardless of race, color, religion, sex, or national origin; that a fairminded person could support that position, which I do, and yet oppose the creation of this 10th national holiday.

Mr. President, hearings may have been held before the Committee on the Judiciary in 1979, but since 1980, for example, since I have been here and been a member of the Judiciary Committee, no hearings have been held—not in the current Congress, not in the current composition. It has not been so dealt with. So I think my distinguished senior colleague from North Carolina makes a valid point.

After all, there are many implications and facets to this measure that we ought to explore. For example, just to show that this thing ought to be done in the spirit now of fairness and civility and lack of rancor about racism, we have now currently nine nationally paid legal holidays. Nine of them.

We have New Year's Day, Washington's Birthday, Memorial Day, Inde-

pendence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. You will note of those nine, that only one is named after an American—George Washington's birthday. Columbus was the discoverer of the New World and, of course, Christmas—Christ. But only one is in honor of a specific American; namely, that was the father of the Revolution and the first President of the United States.

What we are saying here is that Martin Luther King, for whatever merit he had, and I am not questioning that, ought to be elevated to that stature and, I remind you, done to the exclusion of other great Americans like Jefferson, the author of the Declaration of Independence; James Madison, the father of the Constitution; Abraham Lincoln, who issued the Emancipation Proclamation; perhaps to Franklin Delano Roosevelt, one of the most influential Presidents of the 20th century; great public figures of our time such as Douglas MacArthur, or great public figures of the 19th century, such as Robert E. Lee.

All I am saying is that once you go beyond Washington, the founder and the first President, you set a precedent where other groups and interests naturally will wish to come in. Why should they be denied?

We might, for example, as an alternative, set aside a day called National Civil Rights Day. It would be a day where people were expected to go to work, or it might be a Sunday. And on that day, we could honor America's commitment to the idea, on National Civil Rights Day, that every American, regardless of race, color, religion, sex, or national origin, ought to be judged on the basis of talent and ability and not these other irrelevancies. That would be a good thing to do. To me, for example, I just throw it out as an alternative—what day might we pick? How about the birthday of James Madison, known as the father of the Constitution and the man who shepherded through the First Congress the Bill of Rights, from which many of the rights come that have protected minorities? I come from a group of handicapped Americans. In short, candidly, there is no end to how far you might wish to go.

I know prominent, handicapped Americans that I think it might be nice and appropriate to dedicate a national holiday to. Franklin D. Roosevelt would be one. He was a polio paraplegic, as I was, and after contracting polio, he was elected Governor of New York twice and President of the United States four times. He founded the National Foundation for Infantile Paralysis at Warm Springs, Ga., which eventually developed the vaccine that destroyed and eliminated polio. How about a day for that, a nationally paid holiday?

Is that any less significant? If so, why so?

I am going to be strongly resistant in this debate to the notion that unless you support this particular measure, this particular vehicle, hidden somewhere down deep in the recesses of your heart and soul is bigotry, because that is not true.

(Mr. MATTINGLY assumed the Chair.)

Mr. EAST. A fairminded, reasonable person could not agree on the method here but agree on the end, where we included not only our distinguished black citizenry in this country but all other groups who have, as we frequently look back in history, been excluded from the mainstream of participation in American public life—women, for example, or again ethnic origin or religion or the physically handicapped. And so it goes.

I submit, Mr. President, no one in this debate is going to be allowed to proclaim—and there is no way I can stop it—that they have a monopoly on compassion and solicitude for the rights of minorities and the disadvantaged. And so I think one thing we could have taken up in the Judiciary Committee hearings, and I will want to take up on the Senate floor debate, is why we would single out this group and this particular day as opposed to these other things. If we set the precedent of going beyond the founder of the country, is that going to be good? Do we have the historical perspective yet to do it? This takes a long time. It is not to say after the year 2000 and we evaluate the history of the 20th century that Martin Luther King was not an important historical figure. But will he rank with the stature of Washington? I do not know. There may be other black leaders who will rise to ever greater heights than he. Historical perspective is needed.

Mr. President, with all due respect to my colleagues who wish to rush through this quickly, as was done in the House—and it is going to happen in the Senate, I know that, I know that as well as you do—I think the issue has become highly politicized. That I regret, but it will eventually pass, of course.

I am simply here to defend the notion that it is possible to look at other alternatives. I wish to hear the arguments of those who will be contending that Martin Luther King's birthday should be elevated to the stature that Washington's was; that it is a good precedent and we should not anticipate more. Women's groups will want it, and why not? Handicapped groups will want it, and why not? Eventually we run—and I do not mean to be facetious on the point—the risk in which we have no Federal working days; they are all holidays, in commemoration of great Americans.

Maybe the prudent thing to do, I am suggesting, for example, is to stop with George Washington, the first President, the leader in the American Revolution, the founder, and say that is that, and henceforth other famous Americans will be recognized in other ways—days set forth to simply recognize them, not paid now. They will have to work that day. Because I do not see how, if this day is made a national holiday, you can resist the other groups that will come forth.

I resist the idea on the basis of precedent. I could offer alternatives. I could suggest, well, let us do one for Jefferson, the father of American democracy, the author of the Declaration of Independence, or, as I have said, James Madison, the father of the Constitution, or Abraham Lincoln, certainly a towering figure of the 19th century, or Robert E. Lee, a towering figure of the 19th century.

It has nothing to do with partisanship. It has nothing to do with who your particular favorite hero is. But with every group or area in the country, there is the same problem.

In the 20th century, who might you pick? Again, I suggest Franklin D. Roosevelt for his contribution to the handicapped or his enormous impact upon American politics.

Could one really say as a matter of historical balance at this time that King ought to be elevated to the status of Washington and that there are not other appropriate ways of doing it? I think there are and we could find them.

I offer the possibility of an amendment called the National Civil Rights Day, in which it would be encouraged, at the Federal and State and local level, that we renew the spirit in America that we are committed to the idea of each individual American being judged on the basis of talent and ability and not race, color, religion, sex, national origin, or physical disability.

That sounds like a good alternative. We could have appropriate celebrations on that day. The President could use his office to remind us, because we do need to be reminded. I, as a person in one of these categories, am sensitive to that. I realize great progress has been made in the area of the handicapped—architectural barriers, generosity of spirit, openness of the American people, employers. But there is still a long way to go, and we need to be reminded from time to time. That would be true of other groups—women, religious bigotry, and so forth.

It is imperative at the outset of this debate, whether it is on a motion to proceed or a motion to send it back to the Judiciary Committee for hearings, which have not been held, or on the general merit of the bill once it is out on the Senate floor, that those who are for and against, decide this debate can take place at a civil, intelligent,

and rational level without charges and countercharges about who has the greatest commitment to the rights of the excluded, minorities, and the disadvantaged in American life, because I will go on record and ultimately vote against this measure. I will concede that. But I do it not out of disdain for black Americans, for whom I have the greatest admiration. I have them on my staff, and I expect to have more. I have found them very talented and creative people.

Again, I will take the birthday of Franklin D. Roosevelt. I have exactly the same disability he had, polio paraplegic. I know the kind of physical struggle he had to go through to carry on in public life and to accomplish what he did. But I am reluctant to offer a day to mark handicapped American's because it goes beyond the precedent. And I do not think Franklin Roosevelt would want it. To anyone who spent any time at Warm Springs and has seen the great contribution that he made there—and out of that seed grew the conquest of polio in this country; people do not get it anymore—it would be obvious it deserves a national holiday.

But I am not going to propose that because I think it would break my own concern about the precedent—how far we go, once we let this genie out of the bottle, beyond recognizing Washington.

I think that is a fair question. I do hope the national media will try to give us a fair shot of putting the reasonable arguments in perspective. Let us express those arguments, instead of trampling this underfoot with the charge that here again is the ugly head of racism and bigotry. If I offered a proposal to make Franklin D. Roosevelt's birthday a national holiday because of his great contribution to the world of the physically disabled and you resisted it for some reason, I would not say you are spiteful and prejudiced against the handicapped. You could have other good reasons for opposing it, just as much as I have reasons for opposing Martin Luther King's birthday.

I have talked at some length—perhaps ad nauseum—and made my point more than I needed to. But I am troubled that as this debate proceeds on any point—motion to proceed, motion to commit to the committee, ultimately the substance of the bill—there will be a steamroller effort made by certain high-pitched voices in this Chamber, eloquent men, honorable men, good men, in which the intimation will be that only the prejudiced and only the bigoted could oppose it.

That, right there, is the ultimate form of bigotry, because you condemn out of hand those who might, in a fair, a reasonable, a civil, and I hope intelligent way, offer arguments against this national holiday.

All I am asking of my colleagues and all I am asking of the media, for that handful of Senators—and it will only be a handful; I know that; I can count—is that you at least respect that we feel that our position is an honorable one, not rooted in bigotry or hatred or prejudice, but rooted in genuine concern about whether this is a wise thing to do. Please give us that chance. Please give us that fair hearing. Let us not make it partisan. Let us not see who can outdo one another in saying, "I am a greater defender of the civil rights, of so and so, than somebody else is."

Let us carefully consider it, then, if it will not be sent back to committee, and probably the vote will be against it, and eventually we will get down to debating the merits of the bill.

Please, all I ask from colleagues and, yes, candidly, from the national media is this: Give us a fair chance to state our point of view; because a fair-minded person, a reasonable minded person, a civil person, and I hope an intelligent person could be opposed to this bill for a variety of reasons, some of which I have only hinted at, and at the same time be fully committed to the idea—I repeat—that every American, regardless of race, color, religion, sex, national origin, or physical handicap, ought to be judged on the basis of their talent and their merit, not these irrelevancies. It is in that spirit that I will debate this issue. I hope we can keep the tone and the level of this debate at that point.

I know that Senator SPECTER, my distinguished colleague from Pennsylvania, supports this measure, and he is a bright and able and talented Senator. In fact, I was in Pennsylvania not too long ago, and I spoke there on behalf of a candidate running for mayor. I said what a fine Senator they have in Senator SPECTER as well as Senator HEINZ. I do not know how Senator HEINZ will vote on it, but Senator SPECTER has indicated that he will vote for it. I have the deepest admiration for him. He will have good reasons for it. He is a bright and able man.

Senator SPECTER, I think, is correct in raising this point: Let us not make it a partisan issue. Let us not get the decibel level of this debate to where it is simply one based upon acrimony, name calling, the progressives versus the bigots, unfair, inaccurate, not true.

So I only plead this at the outset: That the tone and the character of the debate be befitting the greatest deliberative body in the world, the U.S. Senate, of which I am proud to be a Member, and I am honored that the people of North Carolina sent me here.

Some will disagree with me on this issue; some will agree. But I hope that when it is over, they can at least say: "What EAST did say, he said fairly and

civily. It sounded at least reasonably intelligent, and he did a good job as being a part of the national debate on this, though he was on the losing side, and though he voted with a handful of Senators in opposition to this bill."

Mr. President, I know that the distinguished manager of this bill, the Senator from Kansas, wishes to make some comments, and there may be others. I will yield the floor and, of course, avail myself of the right, at a later point in this ongoing discussion and debate, to comment from time to time.

I thank my colleagues for their indulgence, and I yield to my distinguished colleague from Kansas.

Mr. DOLE. Mr. President, I have listened very carefully to the distinguished Senator from North Carolina; and as he has indicated, I believe there should be serious debate.

We can have a different view on any matter in the Senate without inferring that anyone who may disagree, lacks compassion or is insensitive, or whatever it may be, on this bill or on any other bill. Certainly, the Senator from North Carolina has demonstrated time and again his sensitivity, concern, and compassion.

I share the view he expresses in that this is a serious matter. It is one where differences of opinion exist on both sides of the aisle. I certainly take seriously what he says, as it should be, and I think there will be debate. I do not believe there will be any attempt to railroad any such legislation.

Frankly, it would have been preferable, I believe, to have run the normal course and had hearings in the Judiciary Committee. This would have given people a better idea on this side, even though we had hearings 3 years ago, that this was a matter of importance, that it deserves careful attention. But for reasons that the majority leader felt were compelling and sound at the time, the House-passed bill was held at the desk. That is a judgment the majority leader made, and I support him in that.

So now we need to perhaps cover some of the questions raised by the Senator from North Carolina and by other Senators on both sides of the aisle, without any doubt the last thing this should be is a partisan debate.

I guess if you looked at numbers you would say why should Republicans vote for this legislation anyway? Every black leader in America is an active Democrat. They are out trying to defeat Republicans. There is all kinds of evidence where you could say, "this is certainly not a matter for Republicans to be concerned about at all."

But as I look around the past several years I have been in Congress, one area in which we truly have had bipartisanship or nonpartisanship, for the most part, has been on civil rights legislation. And those of us on the Re-

publican side are optimistic. We are looking at the future. Things will change. New leaders will emerge. New ideas will be exchanged by political leaders, black, white, Hispanic, whatever, in the next 10 to 20 years.

In my view, even though we may be on the low end of the totem pole now with 5 percent or 7 percent of the black vote, that in no way should impede what we consider to be sound legislation, whether it is a Martin Luther King public holiday or whether it is fair housing, or whether it is voting rights or whatever it may be.

So I would say as I said in a telegram I sent to Mrs. King and WALTER FAUNTROY during the recent commemorative march on Washington, let us keep civil rights a nonpartisan issue. There are those of us in the Republican Party who are strong supporters of civil rights, and we will continue to be strong supporters.

So I just suggest that there is going to be debate and we are going to pass this legislation. I am not certain when. And I do not suggest for a moment that anyone who speaks on the other side or offers amendments or in any way tries to underscore his views is holding up the legislation. But the legislation probably will pass. There are other matters that are pending that I believe we need to consider.

So, I believe, we will go on with this debate, for some time this afternoon. I guess tomorrow there are other things planned, like we will come back on this on Wednesday.

A nation defines itself in many ways; in the promises it makes, and the programs it enacts, the dreams it enshrines or the doors it slams shut. A great nation defines itself in poetry as well as politics, in its heroes and in its holidays.

Carl Sandburg defined America. "The people of the earth," he wrote, "the family man, wanted to put up something proud to look at, a tower from the flat land of earth on up through the ceiling into the top of the sky."

From her birth in the furnace of revolution, America was designed as an exercise in applied idealism. She would inspire other people who loved liberty and hungered for justice—or else she would become just one more straggler in history's long parade, a nation addicted to temporal power and corrupted by personal pride. Fortunately, that has not happened. We have not adjourned our covenant with each other, nor have we grown tired of the old, ringing words that proclaim equality under the law and promise better times ahead to anyone who would invest his own individual bit of divinity into the life struggle.

When we have been slow to keep the promise, men and women have stood up and pricked our national conscience. "It is never too late to give up

our prejudices," said Thoreau. "Be as beneficent as the Sun or sea," proclaimed Emerson, "but if your rights as a rational being are trampled on, die on the first inch of your territory." And there was Lincoln, the patron saint of my party and the greatest testament to democratic government we have produced. "As I would not be a slave, so I would not be a master. Whatever differs from this," he said, "to the extent of the difference, is no democracy."

Lincoln was a controversial man. Abe Lincoln presided over the deaths of a million of his countrymen. They did not die, nor did he, to preserve, protect, and defend the status quo.

FREEDOM—AN AMERICAN STANDARD

Now as then, America is a country about rights. Take that away, and what is left? Yet rights, as we learned more than 200 years ago, are not always handed down from above. They must sometimes be forced by pressure from below. The process of forcing can disturb the peace. It can shatter the placid calm of tradition. But such is the price that society must pay for living up to its own high standards.

As we forged a new nation at Concord and Lexington, Saratoga, and Yorktown, so we welded it together at Bull Run and Gettysburg, projected it on to the world stage at Chateau-Thierry, seized for it the moral high ground at Anzio and Guadalcanal—and renewed its historic status as the last best hope of human freedom in our own time—at Selma and Montgomery, Birmingham and Atlanta, Chicago and Washington.

Nothing less than a new American Revolution raised our consciousness and made us ask questions of ourselves—questions delayed or simply avoided for far too long. Questions that went to the heart of what America thinks of herself and offers her own citizens. Questions put with eloquence and irrefutable force by a man whose birthday we seek to make a national holiday—not to honor him alone, nor even the millions who marched and prayed and demanded our attention when some of us would have preferred to look elsewhere. We seek to honor Martin Luther King's idea, an idea as old as the New England town meeting, and yet as endangered in the modern world as the dignity of man himself.

"Segregation," he wrote, "is the offspring of an illicit intercourse between injustice and immorality."

Yet in the same year that I first came to this Congress, no black man or woman could share a whites-only lunch counter in an Atlanta department store.

Injustice anywhere, said Dr. King, was an injustice everywhere. Yet in those same years, millions of black Americans were denied equal access to

the voting booth, decent housing, a good job.

"We will not be satisfied until justice rolls down like waters," said Dr. King, "and righteousness like a mighty stream"—and some people called him a radical for quoting the Book of Amos.

But in America, the home of the brave and the land of the free, it was segregation that was radical, denial of opportunity that was revolutionary, and the smothering of individual hope that was an affront to decency. Thanks to Dr. King more than anyone else, America renewed her alliance with true democracy. She listened to the voices of her own oppressed. She caught the rhythm of their suffering, and she brought it in from the streets to the Halls of Congress and the centers of power. She wrote new laws to strike down old barriers. She built bridges in place of walls. She invited the black man and woman into the mainstream of American society—and in doing so, opened the way for women, the disabled, and other minorities who found their own voice in the civil rights movement.

A HOLIDAY FOR ALL THE PEOPLE

Some will oppose this legislation because they say it would cost too much. It might cost \$18 million or \$173 million, or even in the billions, we are told. Let's assume for the moment that they are accurate. Since when did a dollar sign take its place atop our moral code? And to those who worry about cost, I would suggest they hurry back to their pocket calculators and estimate the cost to 300 years of slavery, followed by a century or more of economic, political, and social exclusion and discrimination.

Others will contend that Dr. King was too controversial a figure to merit such a tribute. They forget that George Washington himself was called a tyrant during his second term in office. Or they suggest that this added holiday is somehow the exclusive property of black Americans. That is like saying that Columbus Day is exclusively for Italian Americans, or Labor Day reserved for union members. In my opinion, we can all profit from a day of national reflection on the faith that binds together a diverse people, and a chance to measure our own adherence to that faith.

We propose to celebrate Dr. King's birthday because his work—which in reality must be our work—is unfinished. Since he first commanded national attention, legal obstacles to voting, fair housing, and employment have fallen. The number of black elected officials has multiplied more than tenfold. The number of black kids pursuing a college degree has doubled in a decade, and incomes of young black couples have nearly reached parity with their white counterparts.

But much remains to be done. A dream has yet to be fully realized. And that brings me to my final point.

The pursuit of equal opportunity is a drama without intermission. Its cast is proudly nonpartisan. My own support of this legislation is nothing new; I take some pride in having been one of its original sponsors back in 1979. As a Republican, I can never forget that it was my party that originally struck the shackles from black Americans. As a Republican, I am appalled by waste—financial, to be sure, but human even more. In achieving economic and social emancipation, in putting an end to the waste of human talent and potential, Republicans have contributed much, not least of all our votes when crucial bills came before this body.

For there is nothing partisan about justice. It is as Conservative as the Constitution, as liberal as Lincoln, as radical as Jefferson's sweeping asserting that all of God's creation is equal in his eyes. So let us not congratulate ourselves simple because the cattle prods and police dogs of the 1960's have vanished from our streets. Instead, let us acknowledge more subtle forms of discrimination wherever they exist, and pledge anew to root them out, inspired by the example of a man of God and an authentic hero to tens of millions of Americans, black and white or whatever.

It is too late to bring him back—and muct too late to be debating his impact or inspiration. With this vote, we can show to the world that, while a man may have died in Memphis, his message lives on. Both deserve official recognition, on our calendar and in our priorities.

Mr. BRADLEY. Mr. President, I ask unanimous consent that my name be added to the cloture motion that was filed earlier today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The text of the cloture motion, with the addition of the name of Mr. BRADLEY, reads as follows:)

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of H.R. 3706, a bill to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday.

Senators Baker, Stevens, Thurmond, Gorton, Hawkins, Hollings, Burdick, Matsunaga, Dole, Danforth, Percy, Kennedy, Packwood, Durenberger, Specter, R. C. Byrd, Hatfield and Bradley.

Mr. BRADLEY. Mr. President, I rise not to make a speech but to make a brief comment to my distinguished colleague from Kansas. I felt his remarks were eloquent and to the point, and I think played upon a very fine

tradition in his party, and yet at the same time in response to earlier points made today, that this initiative does emanate from that side of the aisle as well, and I do not say that in a partisan sense. I say that only in the sense that I think there is still an ambivalence; you representing, the Senator from Kansas representing, one thrust, the Senator from North Carolina representing another, and it is that ambivalence that I think we see today at the highest levels of our Government. I know where the Senator from Kansas is on these kinds of issues. I have seen his work in the Voting Rights Act, I have seen his work in the Finance Committee, but I am not sure where the highest reaches of this Government are on these kinds of issues.

I think that is what Senator KENNEDY was referring to earlier when he sought to know the President's position on this holiday because I believe that this issue should be beyond partisanship. One would like to think that this basic commitment to civil rights is so profound that it goes beyond party label, and I think the Senator's statement today is only further evidence that that is still a possibility and perhaps a probability and perhaps in a real sense a fact today.

Yet, I mean, I remember back in 1964 as a college student when I sat right up there in the corner of this Senate gallery the day the 1964 Civil Rights Act was passed. I remember how good I felt about government, about keeping promises, about fulfilling the best of our Nation's ideals. And I will say to the Senator from Kansas, as he knows, 2 years ago how badly I felt about government when this administration attempted to protect the tax-exempt status of schools that discriminate on racial grounds.

In my view I do not think that these things, particularly questions of brotherhood, should be treated as political chits but as personal commands. I think the Senator from Kansas feels that way as well, and that is why I did not intend to make a speech today but simply to make that comment in hopes that the future of his party will be one that speaks for the values that the so eloquently expressed today and not the values that have been expressed on the floor today by the Senators from North Carolina.

Mr. DOLE. Mr. President, I certainly thank my distinguished colleague from New Jersey. There is no doubt in my mind where the Senator from New Jersey stands on issues of this kind, and I appreciate his comments.

I do think, you know, as I said earlier, you look at it cold turkey as Republicans and say, "Well, there is no future in anything like this for the Republican Party" and if it is going to be based on any partisan consideration of political or political gain, then it

loses its meaning in the first place and could not be seriously debated.

But I do believe, and I think just in my tenure in the Congress, there has been a big, big change, vast changes, and those changes for the most part—obviously there have been great black Americans, Hispanic Americans, white Americans, great leaders, but the spark that started the big movement was Martin Luther King, Jr.

So I join the Senator from New Jersey, and it is my hope as one on this side of the aisle that in 10 years from now when we look back on the debate on this issue we will be looking at full employment and no discrimination in housing or jobs for any American, handicapped, disabled, whatever; that progress is being made. But for those who have had to wait 300 years, 200 years, 100 years, 1 year, it seems mighty slow.

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. LEVIN. 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. LEVIN. Mr. President, this is a day I have wanted to happen since I was first elected to the U.S. Senate. It is a day when we in the Senate seek to memorialize the magnitude of a man who sought to protect the dignity of a people and awaken the conscience of a Nation. It is a day when we in the Senate seek to transcend the routine legislative agenda, as he sought to transcend the prejudices of centuries. It is a day when we in the Senate recognize Dr. Martin Luther King, Jr. as deserving a unique place in our national life and our cultural heritage.

Dr. King's death is 15 years behind us now. To some extent, deeply felt passions and the frustration, anguish, and bitterness with which the Nation was consumed during the tragic year of 1968 have cooled.

But what remains with us and what is indelibly woven into the fabric and history of our Nation is the vision which Dr. King lived for and the dream for which he died. This vision and dream embraced all Americans in Dr. King's quest to make a living reality of equality of opportunity and economic and social justice for all humankind, those fundamental principles in our Constitution.

This great warrior, whose battlefield was the hearts and minds of those who did not feel that justice and dignity were meant for all people, whose shield and armor was strong determination and an unassailable character and whose ammunition was moral conviction and self-sacrifice, deserves the fullest honor of this Nation.

Few have dedicated their life so tirelessly in the struggle for equality as Dr. King.

From the bus boycott in Montgomery to the sanitation workers in Memphis, his unyielding commitment to improve the lot of all Americans was demonstrated—he achieved significant goals by peaceful and nonviolent actions.

To Dr. King, those means were beneficial to those in the struggle as the ends they were seeking.

With reference to the 11-month long successful Montgomery bus boycott, he said:

Nonviolence had tremendous psychological importance to the Negro. . . . This method was grasped by the Negro masses because it embodied the dignity of struggle, of moral conviction and self-sacrifice. The Negro was able to face his adversary, to concede to him a physical advantage and to defeat him because the superior force of the oppressor had become powerless. . . . I am convinced that the courage and discipline with which Negro thousands accepted nonviolence healed the internal wounds of Negro millions who did not themselves march in the street or sit in the jails of the South. One need not participate directly in order to be involved. . . . to have pride in those who were the principals. . . . to restore to them some of the pride and honor which had been stripped from them over the centuries.

When the Supreme Court order to end segregation on buses was delivered to Montgomery, Dr. King proudly told an overflow crowd at a local church:

We came to see that, in the long run, it is more honorable to walk in dignity than ride in humiliation. So in a quiet dignified manner, we decided to substitute tired feet for tired souls, and walk the streets of Montgomery until the sagging walls of injustice have been crushed.

One way of insuring renewed dedication to his goals of freedom and equality is to enact legislation to honor Dr. King by designating his birthday as a national public holiday—allowing Americans at least 1 day each year to honor Dr. King's contributions to this country, 1 day to remember Martin Luther King's dream that our children will one day live in a Nation where they will not be judged by the color of their skin but by the content of their character.

Mr. DURENBERGER. Mr. President, recently I spoke with a young woman who, as a 1-year-old was present at the 1963 March on Washington. Obviously, she was unaware 20 years ago that segregationists were physically stopping blacks from entering public schools, that blacks and whites were being threatened and in many cases assaulted for their commitment to equality and that our society was divided by a barrier of color.

Twenty years later, this same woman—now a young adult—was back in our Nation's Capital to commemorate the anniversary of the march and Dr. Martin Luther King's "I have a

dream" speech. As the young woman rode the bus into Washington for the rally, she noticed that men and women, blacks and whites, Jews and gentiles, Protestants and Catholics were side by side.

She told me later that what struck her most about the experience was the sense of history—not just the historical nature of the 20th anniversary of the march, but the evidence of the changes in our society during the last two decades. Most importantly, she was reminded that she and millions of other Americans still share Dr. King's dream.

On that same day I was doing a radio call-in show in my home State of Minnesota. A caller identified himself as a teacher and said:

The best reason I can give you, Senator, for creating a Martin Luther King holiday is that it will give me and generations of teachers a role model of human rights and liberties with which to prepare our young for their obligations as American citizens.

I strongly believe that we as a nation need to celebrate that dream and the man, Dr. Martin Luther King.

National holidays are important occasions for the people of our country to annually break their routine and celebrate the accomplishments of our Nation, the ideals and principles upon which the United States is founded, and the men and women who have stood for those ideals. Memorial Day, for example, was created in 1868 as a day on which to decorate the graves of those killed in the Civil War. Today, Memorial Day commemorates all men and women who have died for our country. President's Day remembers not just George Washington and Abraham Lincoln—whose birthdays I had off from school as a youngster—but the principles for which they and other leaders of our country stood.

In the same way, a national holiday for the Reverend Martin Luther King will celebrate not just a very special man, but a cause. Dr. King's crusade, for which he gave his life, was the beginning of the end of our country's equivocation on the constitutional guarantees of equal rights, not just for blacks, but for other minorities, women, the elderly, the handicapped, and other groups.

Certainly, we still have a way to go to make those guarantees a permanent reality. But Dr. King's role in opening our eyes to the tragedy of discrimination and the fundamental principle of equality under the law should be celebrated. I think the recognition that a national holiday on Dr. King's birthday commemorates and ideal that is greater than any one man is the reason for President Reagan's support and the overwhelming vote of endorsement in the House of Representatives.

I am sure Dr. King would agree that the eloquence of his speech and his

devotion to justice are not so much a reason for us to remember him as a person, but to remember his cause. For one 24-hour period in every 365 days we need to take the time to celebrate civil rights and recommit ourselves to Dr. King's cause.

Mr. President, I ask unanimous consent that an editorial from the St. Paul Pioneer Press be included in the RECORD with my remarks this afternoon.

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

KING HOLIDAY WOULD BEST HONOR ALL

Ronald Reagan is reported to be warming up to the idea of a federal holiday commemorating the birthday of Dr. Martin Luther King, Jr. Advisers are telling him it would be a friendly gesture toward blacks and other minorities—in other words, good politics. If he softens his previous opposition for purely political reasons, he would be engaging in the worst sort of hypocrisy.

By 338-90, the House voted last week to set aside the third Monday in January to honor the assassinated civil rights leader. The measure is now on the Senate calendar for debate after Congress returns from the August recess.

Attempts have been made to memorialize Mr. King in this way every year since his death in 1968. With the president's support, passage would be a near certainty this year.

Mr. Reagan has his problems with minorities, who are angered by his soft civil rights stance. It is understandable that he would want to strengthen his relations with blacks. But this method sounds calculating and opportunistic rather than sincere.

It would be quite appropriate for the nation to set aside a national holiday to honor the contribution of all minority groups, and to remind ourselves of the ongoing struggle to eliminate injustice and achieve equality. But should that celebration be in the name of one person, such as Mr. King, or should it be on behalf of all those who have contributed to these causes? We believe it should be the latter, even if Mr. King's name graces the holiday.

That is not to belittle Mr. King's contributions. His most lasting gift was his dedication to non-violence, and that gift was to all Americans. For that gift, he was awarded the Nobel Peace Prize in 1964, the youngest man ever to be so honored.

While his stature in the 1960's civil rights movement was towering, there were many before him and since his death who have fought mightily for the same principles he espoused. Those principles, we believe, are what such a holiday should honor.

Independence Day, after all, makes no mention of Jefferson, Franklin, or other founders of the Republic. Labor Day does not evoke George Meany or Samuel Gompers specifically. And there is no Pocahontas in the words, "Thanksgiving Day."

Perhaps what we need most of all is a Civil Rights Day, or even a Human Rights Day. Ask a Hispanic American, or a homosexual, or an American Indian, or a woman or a member of any number of other groups if we have a distance yet to travel on the road to liberty and freedom.

Whatever Mr. Reagan decides to do on this issue, his decision will be respected and accepted more if it is based on logic and merit, rather than how many votes it will

win him or cost him in his anticipated 1984 re-election campaign.

Mr. JOHNSTON. Mr. President, today I express my support for the designation of the third Monday of every January as a legal public holiday in honor of Dr. Martin Luther King, Jr. Dr. King was a man of great vision, whose peacefulness, yet determined leadership had a profound and lasting impact on American civil rights. It is only right that we as a nation should thank him for what he has given us with an equally lasting tribute.

As a U.S. Senator from the South, I am in a unique position to see the results of Dr. King's lifetime work. I can remember the conditions and difficulties faced by southern blacks prior to the civil rights movement. I can remember the segregated schools, stores, restaurants, drinking fountains, and bathrooms. I can remember blacks being denied the right to vote.

All of this was very much a way of life in the South. No one questioned it. We were living in a two-tiered society with the whites on one tier and the blacks and other minorities on the other. It took courage and conviction for Martin Luther King, Jr., and his followers to challenge this status quo and it was with great difficulty that the blacks of the 1950's and 1960's managed to convince those in the mainstream of the southern political arena that their treatment of blacks was unjust and unfair.

Even so, Dr. King accepted the challenge and proceeded to push his message in a nonviolent manner. In an effort to desegregate the city's bus service, King masterminded the Montgomery bus boycott of 1956. He marched in Birmingham for fair hiring practices and an end to segregation of public facilities and department stores. He was the founder and first president of the Southern Christian Leadership Conference, an organization of black leaders committed to eliminating discrimination and increasing black voter participation.

Dr. King did not limit his activities to the South. He also worked for slum rehabilitation in Chicago and called for an end to the war in Vietnam. Many urged him to remain silent about the war, however, he argued that it was worthless to talk about integration if there was no world left to integrate.

Dr. King was also a moving force behind the 1963 March on Washington. Since that time great strides have been made to fulfill Dr. King's legacy. For example, the passage of the Voting Rights Act of 1965 brought many millions of black voters to the polls for the first time and it resulted in the election of thousands of blacks to every level of government. In the South alone, this legislation has resulted in an elevenfold increase in the number of blacks who now hold elec-

tive office, with the greatest increase occurring in the State of Louisiana.

During his lifetime, Dr. King also saw the passage of the Civil Rights Act of 1964. This act has been instrumental in integrating more than 25 million people into the mainstream of American society and it still serves as the catalyst for the entry of many more.

While Dr. King's activities did not physically bring him into Louisiana, the reverberations of his activities had a profound and lasting impact on my State. Many of the present prominent black leaders of Louisiana were early disciples of Martin Luther King, Jr., and the civil rights movement. Today, they continue to carry his message throughout the State. Their place in the political heritage of Louisiana was laid down by Dr. King's work throughout the country. A national holiday in honor of Dr. King would also serve as a national holiday in honor of these individuals and all of the other followers of Dr. King who have contributed to making his dream a reality.

While it cannot be denied that much progress has been made over the years, we still have a long way to go. We still must seek parity in the job market at home. Furthermore, worldwide unrest makes it especially important that we continue Dr. King's message into the 1980's and beyond.

Presently, there is a civil war raging in Lebanon. Martial law and a strong Soviet presence are felt in Poland. Russia has invaded Afghanistan and it has ruthlessly shot down the Korean civilian jet 007. By honoring Dr. King and his dream of peace, freedom and equality in this appropriate fashion, the United States would be sending a signal to the world that we as a nation are committed to peace and equality, both at home and abroad.

Throughout his life, Dr. King received many honors. He was named the 1963 Time magazine "Man of the Year," the first black to be so honored. In the following year, he was awarded the Nobel Peace Prize, thus becoming the youngest person ever to be so honored. These tributes are minor in comparison to the immeasurable contribution Dr. King made to our heritage. Dr. King brought our prejudices and faults to the forefront and forced us as a nation to examine our conscience and thus to move toward becoming a nation of truly one people. By honoring Dr. King with a national holiday we will be reminded of his dream each year. We will be forced to reexamine our national conscience to see whether we are still striving to make that dream a reality.

Mr. President, Dr. King had a great impact on 20th century America, perhaps the greatest impact of any man or woman. His march from Montgomery to Memphis has permanently

shaped the course of our history. Mr. President, I have been a cosponsor of this important legislation for many years and I call upon my colleagues to show their support for it and for the continuation of Dr. King's dream today.

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

The PRESIDING OFFICER (Mr. EVANS). 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.

Mr. BYRD. Mr. President, will the acting majority leader yield for a question?

Mr. STEVENS. Yes.

Mr. BYRD. Will there be any further rollcall votes today?

Mr. STEVENS. Mr. President, there will be no further rollcall votes today.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

ANNUAL SCIENCE AND TECHNOLOGY REPORT—MESSAGE FROM THE PRESIDENT—PM 79

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I am pleased to submit to the Congress the fifth *Annual Science and Technology Report*, as required under the National Science and Technology Policy, Organization, and Priorities Act of 1976, as amended.

Today the United States faces major challenges to both our economic well-being and our national security. We turn increasingly to science and technology to help us maintain the competitiveness of our industries in the international marketplace and to

ensure the continued technological superiority of our defense capabilities.

The science and technology policies described in this report outline the framework in which our Administration is addressing these challenges. The significant increases in Federal R&D support, especially in basic research—the fount of new technologies and new knowledge—is evidence of our long-term commitment to strengthening the economy and security of America through science and technology. Programs to increase the supply of well trained scientists and engineers will ensure the best possible talent for continued technological advances in industry, universities, and government. The results of these important actions, in conjunction with the vigorous investment in research and development by the private sector, will be greater security and strong economic growth in the years ahead.

RONALD REAGAN.

THE WHITE HOUSE, October 3, 1983.

DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 80

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with certain papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on the Budget, the Committee on Labor and Human Resources, the Committee on Foreign Relations, the Committee on Finance, the Committee on Environment and Public Works, and the Committee on Appropriations:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report nineteen new deferrals of budget authority totaling \$1,909,569,000 and one new deferral of outlays totaling \$15,209,000.

The deferrals affect programs in the Departments of Agriculture, Commerce, Defense (Civil and Military), Energy, Health and Human Services, Interior, State, Transportation, Treasury, and the Appalachian Regional Commission, Pennsylvania Avenue Development Corporation, Railroad Retirement Board, Tennessee Valley Authority, and the U.S. Railway Association.

The details of the deferrals are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, October 3, 1983.

MESSAGE RECEIVED FROM THE HOUSE DURING THE ADJOURNMENT

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of September 30, 1983, the Secretary of the Senate, on September 30, 1983, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. WRIGHT) had signed the following enrolled bill and joint resolutions:

H.R. 3962. An act to extend the authorities under the Export Administration Act of 1979 until October 14, 1983;

H.J. Res. 137. Joint resolution authorizing and requesting the President to issue a proclamation designating the period from October 2, 1983, through October 8, 1983, as "National Schoolbus Week of 1983"; and

H.J. Res. 368. Joint resolution making continuing appropriations for the fiscal year 1984, and for other purposes.

Under the authority of the Senate of September 30, 1983, the enrolled bill and joint resolutions were signed on September 30, 1983, during the adjournment of the Senate by the Vice President.

MESSAGES FROM THE HOUSE

At 12:14 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3929) to extend the Federal Supplemental Compensation Act of 1982, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. ROSTENKOWSKI, Mr. STARK, Mr. PEASE, Mr. MATSUI, Mrs. KENNELLY, Mr. CAMPBELL, Mr. MOORE, and Mr. FRENZEL as managers of the conference on the part of the House.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3813) to amend the International Coffee Agreement Act of 1980.

The message also announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 140. Joint resolution to provide for the designation of the week of October 2 through October 8, 1983, as "Myasthenia Gravis Awareness Week"; and

S.J. Res. 142. Joint resolution designating the week of October 3 through October 9, 1983, as "National Productivity Improvement Week."

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 12:33 p.m., a message from the House of Representatives, delivered by Ms. Goetz, announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 216. An act to amend title 18 of the United States Code to prohibit certain tam-

pering with consumer products, and for other purposes; and

S.J. Res. 140. Joint resolution for the designation of the week of October 2 through October 8, 1983, as "Myasthenia Gravis Awareness Week."

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. THURMOND).

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 2:47 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 2840. An act to provide for the orderly termination of Federal management of the Pribiloff Islands, Alaska; and

S.J. Res. 142. Joint resolution designating the week of October 3 through October 9, 1983, as "National Productivity Improvement Week."

The enrolled bill and joint resolution were subsequently signed by the President pro tempore.

At 2:46 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the amendments of the House to the bill (S. 461) to extend the authorization of appropriations for the Office of Government Ethics for 5 years, with amendments, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills, without amendment:

S. 884. An act to provide for the use and distribution of funds awarded the Red Lake Band of Chippewa Indians in docket numbered 15-72 of the United States Court of Claims;

S. 1148. An act to provide for the use and distribution of funds awarded the Assiniboine Tribe of the Fort Belknap Indian Community, Montana, and the Assiniboine Tribe of the Fort Peck Indian Reservation, Montana, in docket numbered 10-81L by the United States Court of Claims, and for other purposes;

S. 1465. An act to designate the Federal Building at Fourth and Ferry Streets, Lafayette, Ind., as the "Charles A. Halleck Federal Building"; and

S. 1724. An act to designate the Federal Building in Las Cruces, N. Mex., as the "Harold L. Runnels Federal Building."

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 3, 1983, he presented to the President of the United States the following enrolled bills:

S. 216. An act to amend title 18 of the United States Code to prohibit certain tampering with consumer products, and for other purposes.

S.J. Res. 140. Joint resolution for the designation of the week of October 2 through October 8, 1983, as "Myasthenia Gravis Awareness Week."

S.J. Res. 142. Joint resolution designating the week of October 3 through October 9,

1983, as "National Productivity Improvement Week."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 1914. A bill to amend the Internal Revenue Code of 1954 to facilitate home equity conversions through sale-leaseback transactions; to the Committee on Finance.

By Mr. GOLDWATER:

S. 1915. A bill to amend the Internal Revenue Code of 1954 to repeal capital gains tax on disposition of investments in U.S. real property by foreign countries; to the Committee on Finance.

By Mr. PERCY (for himself and Mr. DIXON):

S. 1916. A bill to amend title 49, United States Code, relating to the abandonment of intrastate bus transportation and State regulation of practices with respect to that transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PACKWOOD:

S. 1917. A bill to provide that the Federal Communications Commission shall not regulate the content of certain communications; to the Committee on Commerce, Science, and Transportation.

By Mr. GOLDWATER (for himself, Mr. GARN and Mr. SASSER):

S.J. Res. 177. A joint resolution to provide for appointment of Samuel Curtis Johnson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BENTSEN:

S. Res. 237. Resolution to upgrade the children's bureau; to the Committee on Governmental Affairs.

By Mr. KENNEDY (for himself, Mr. CRANSTON, Mr. TSONGAS, Mr. DODD, Mr. GLENN, Mr. HART, Mr. MOYNIHAN, Mr. PELL, Mr. RIEGLE, and Mr. SARBANES):

S. Con. Res. 71. Concurrent resolution deploring the assassination of Benigno Aquino, calling for the conduct of a thorough, independent and impartial investigation and calling for free and fair elections in the Philippines; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 1914. A bill to amend the Internal Revenue Code of 1954 to facilitate home equity conversions through sale-leaseback transactions; to the Committee on Finance.

HOME EQUITY CONVERSIONS ACT OF 1983

Mr. SPECTER. Mr. President, earlier in this Congress, I introduced S. 831, a bill that would enable elderly

homeowners to maintain residency while they, at the same time, convert the equity on their homes into income. This measure has attracted considerable interest and has had the benefit of review and comment by a number of home equity conversion experts. I am today introducing a modified substitute for this legislation so that a more comprehensive measure may receive hearings in the near future.

Our elderly homeowners who must live on fixed incomes are often faced with a cruel choice. Confronted by ever-rising living costs, they must either reduce their standard of living, or sell their most precious asset, their home, to pay their bills.

The trauma of losing a home for which a person has worked a lifetime is profound. The alternative, however, is equally dismaying: Living out one's last years—the allegedly golden ones—in materially constrained circumstances. It is an alternative no elderly homeowner should have to face if an alternative can be devised.

My bill facilitates sale-leaseback arrangements for elderly home equity conversions. Under this arrangement, rather than having to sell for funds to meet living expenses and moving into an apartment, the elderly homeowner can sell to a financial institution but continue to live in his or her own home under a lease. The homeowner can pay the lease payments out of the proceeds of the sale which may be in the form of cash, mortgage payments, annuity payments, or a combination of these sources of funds.

Tax barriers to sale-leaseback would be eliminated by this legislation which I am proposing. First, the elderly homeowner in the sale-leaseback transaction would be entitled to a one-time capital gains tax exemption that is otherwise available to homeowners past the age of 55 who sell their homes. And second, the purchaser/lessor could take depreciation on the value of the property it had purchased although the seller retains occupancy rights.

With these tax barriers removed, I am confident that the sale-leaseback transaction will prove attractive to financial institutions.

The President's Commission on Housing has estimated that the potential market for these home equity transactions to be between \$30 and \$40 billion. And the Commission has said that this market can be expected to increase as the number of older Americans increases and the idea of home equity conversion gains acceptance.

Access to the rewards of home equity—which has been dearly earned—should be given to our elderly Americans during their lifetimes. It is of no value to them after their deaths. And it will go a long way toward

making their last years truly golden ones.

This legislation will make sale-leasebacks feasible. It will make the arrangement attractive both to the elderly homeowner and to the purchasing financial institution.

I ask unanimous consent that a copy of the bill, and a list of modifications from the previous bill, be inserted in the RECORD.

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

S. 1914

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

SECTION 1. SHORT TITLE.

That this Act may be cited as the "Home Equity Conversions Act of 1983".

SEC. 2. DEPRECIATION IN QUALIFIED SALE-LEASEBACK TRANSACTIONS.

Section 167 of the Internal Revenue Code of 1954 (relating to depreciation) is amended by inserting after subsection (h) the following new subsection:

"(i) QUALIFIED SALE-LEASEBACK TRANSACTIONS.—

"(1) IN GENERAL.—In the case of property involved in a qualified sale-leaseback transaction, the deduction shall be computed as if the purchaser-lessor were the absolute owner of the property and shall be allowed to the purchaser-lessor.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED SALE-LEASEBACK.—The term 'qualified sale-leaseback' means a transaction in which—

"(i) the seller-lessee—

"(I) has attained the age of 55 before the date of such transaction,

"(II) sells property which was owned and used by such seller-lessee solely as a principal residence and not as section 1250 property before the date of such transaction, and

"(III) retains occupancy rights in such property pursuant to a written lease requiring a fair rental, and

"(ii) the purchaser-lessor—

"(I) is a person, and

"(II) is contractually responsible for the risks and burdens of ownership after the date of such transaction.

"(B) OCCUPANCY RIGHTS.—The term 'occupancy rights' means the right to occupy for a term which—

"(i) equals or exceeds one-half of the life expectancy of the seller-lessee at the date of the qualified sale-leaseback transaction (and his spouse, in the case of jointly-held occupancy rights),

"(ii) is subject to a continuing right of renewal by the seller-lessee (or his surviving spouse in the case of jointly-held occupancy rights), and

"(iii) terminates no later than the date of death of the seller-lessee (or his surviving spouse in the case of jointly-held occupancy rights).

"(C) FAIR RENTAL.—The term 'fair rental' means a rental pursuant to a qualified sale-leaseback transaction which is determined at the date of such transaction and equals or exceeds 80 percent of the appraised fair market rent."

SEC. 3. CAPITAL GAINS EXCLUSION IN QUALIFIED SALE-LEASEBACK TRANSACTIONS.

Subsection (d) of section 121 of the Internal Revenue Code of 1954 (relating to one-time exclusion of gain from sale of principal

residence by individual who has attained age 55) is amended by adding at the end thereof the following new paragraph:

"(9) SALE OR EXCHANGE DEFINED.—For purposes of this section, the term 'sale or exchange' shall include a qualified sale-leaseback transaction as defined in section 167(j)."

SEC. 4. INCOME TO SELLER IN QUALIFIED SALE-LEASEBACK TRANSACTIONS.

(a) GROSS INCOME.—Part III of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by inserting after section 121 the following new section:

"SEC. 121A. OCCUPANCY RIGHTS IN QUALIFIED SALE-LEASEBACK TRANSACTIONS.

"Gross income does not include any value of occupancy rights or fair market price discount attributable to retained occupancy rights received in a qualified sale-leaseback transaction as defined in section 167(i)."

(b) GAIN OR LOSS.—Subsection (b) of section 1001 of such Code is amended—

(1) by striking out "and" at the end of paragraph (1),

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof ", and", and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) In the case of a qualified sale-leaseback transaction (as defined in section 167(i))—

"(A) there shall not be taken into account any value of occupancy rights or fair market price discount attributable to retained occupancy rights, and

"(B) there shall be taken into account the cost of any annuity purchased for a seller."

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of subtitle A of such Code is amended by inserting after the item relating to section 121 the following new item:

"Sec. 121A. Occupancy rights in qualified sale-leaseback transactions."

SEC. 5. INSTALLMENT SALES IN QUALIFIED SALE-LEASEBACK TRANSACTIONS.

Section 453 of the Internal Revenue Code of 1954 (relating to installment method) is amended—

(1) by redesignating subsection (j) as subsection (k), and

(2) by inserting after subsection (i) the following new subsection:

"(j) APPLICATION WITH SECTION 167(i).—

"(1) IN GENERAL.—In the case of an installment sale in a qualified sale-leaseback transaction (as defined in section 167(i)), subsection (a) shall apply.

"(2) SPECIAL RULE FOR ANNUITIES.—In the case of an annuity purchased for the seller-lessee by the purchaser-lessor in a qualified sale-leaseback transaction, the purchase cost of such annuity shall constitute the amount of consideration received by such seller-lessee attributable to such annuity and shall be deemed received in the year of disposition."

SEC. 6. BASIS OF ANNUITY RECEIVED IN QUALIFIED SALE-LEASEBACK TRANSACTION.

Subparagraph (A) of section 72(c)(1) of the Internal Revenue Code of 1954 (relating to annuities) is amended by inserting before the comma "(including such amount paid by a purchaser-lessor in a qualified sale-leaseback transaction defined in section 167(i))".

SEC. 7. QUALIFIED SALE-LEASEBACK TRANSACTION ENGAGED IN FOR PROFIT.

(a) FOR PROFIT PRESUMPTION.—Section 183 of the Internal Revenue Code of 1954 (relat-

ing to activities not engaged in for profit) is amended—

(1) by striking out "If" in subsection (d) and inserting in lieu thereof "(1) IN GENERAL.—If",

(2) by inserting after paragraph (1) of subsection (d) (as designated by paragraph (1)) the following new paragraph:

"(2) QUALIFIED SALE-LEASEBACK TRANSACTION.—Any qualified sale-leaseback transaction as defined in section 167(i), unless the Secretary establishes to the contrary, shall be presumed for purposes of this chapter to be an activity engaged in for profit.", and

(3) by inserting "(1)" after "subsection (d)" each place it appears in subsection (e)."

(b) USE OF DWELLING UNIT.—Subparagraph (B) of section 280A(d)(3) of such Code (relating to disallowance of certain expenses in connection with business use of home, rental of vacation homes, etc.) is amended to read as follows:

"(B) SPECIAL RULES FOR RENTAL TO PERSON HAVING INTEREST IN UNIT.—

"(i) RENTAL AGREEMENT.—Subparagraph (A) shall apply to a rental to a person who has an interest in the dwelling unit only if such rental is pursuant—

"(I) to a shared equity financing agreement, or

"(II) to an agreement entered into pursuant to a qualified sale-leaseback transaction defined in section 167(i).

"(ii) DETERMINATION OF FAIR RENTAL.—Fair rental shall be determined as of the time the agreement is entered into and—

"(I) in the case of a shared equity financing agreement, by taking into account the occupant's qualified ownership interest, and

"(II) in the case of an agreement entered into pursuant to a qualified sale-leaseback transaction, by complying with the requirements of section 167(i)(2)(C)."

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall apply to sales after the date of the enactment of this Act, in taxable years ending after such date.

MODIFICATIONS TO S. 831

The original bill, S. 831, only addressed depreciation and capital gains exclusions. The modified bill amends a number of other sections of the tax code in an attempt to define legislatively the limits on this type of transaction.

The following changes have been made to clarify the tax code:

1. "Sale-Leaseback" replaces "sale-life tenancy" as the specific conversion mechanism to be used. The intent is to maintain a narrow focus utilizing a standard financial practice. There was controversy over the meaning of the term "sale-life tenancy".

2. The new bill defines "qualified sale-leaseback" as a transaction in which (a) the seller-lessee has attained the age of 55, sells property which was owned and used as a principal residence, retains occupancy rights in such property pursuant to a written lease requiring a fair rental. The seller-lessee is eligible for a one-time capital gains exclusion; (b) the purchaser-lessor is a person contractually for the risks and burdens of ownership, and may take depreciation on the property; (c) occupancy rights is defined as the right to occupy for a term which equals or exceeds one-half of the life expectancy of the seller-lessee at the date of the qualified sale-leaseback transaction (and his spouse) and is subject to a continuing right of renewal by the seller-lessee (or his

surviving spouse in the case of jointly-held occupancy rights); and (d) fair rental is defined as a rental in a sale-leaseback transaction which is determined at the date of such transaction and equal or exceeds 80 percent of appraised fair market rent. This is to prevent less than arms length transactions (sale to relatives at negligible rent).

3. In addition, the bill states that the value of occupancy rights should not be included in any computation of gross income or gain or loss to the property of the seller.

4. The bill extends common practice to installment payments in sale-leasebacks.

5. For determining the value of an annuity in a sale, the annuity shall be estimated by the cost of the annuity purchased. This defines a probable question since many residents are expected to seek or purchase annuities to ensure a steady source of income should they live longer than expected.

By Mr. GOLDWATER:

S. 1915. A bill to amend the Internal Revenue Code of 1954 to repeal capital gains tax on disposition of the investments in U.S. real property by foreign citizens; to the Committee on Finance.

REPEAL OF PROVISION IN FIRPTA

Mr. GOLDWATER. Mr. President, I am introducing legislation today to repeal onerous provisions of the tax law known as FIRPTA, the Foreign Investment in Real Property Tax Act of 1980.

This law is seriously harming the national interest by deliberately discouraging foreign investment in U.S. real estate. In the words of a brilliant professional analysis of FIRPTA, by Prof. Richard Kaplan in the April 1983 Georgetown Law Journal, this law unnecessarily "complicates the Tax Code, overrides bilateral tax treaty provisions, and creates an intrusive but unenforceable collection scheme."

What FIRPTA does is to single out a small group of what we might call passive investors for special penalty and notice. These are certain foreign investors in American real estate who are not engaged in a U.S. trade or business and who are not permanent residents of or present in the United States more than 182 days in the year of sale of the land. Such foreign investors had been exempt from any capital gains tax upon the sale of such land.

FIRPTA removed this exemption both as to real estate held directly by individual investors and real estate owned by a corporation in which a foreign investor owns stock. There are significant exceptions to the latter form of landholding, particularly for stock that is regularly traded on an established securities market, unless the foreign investor owns more than 5 percent of the particular company's stock.

Since the biggest landowners are corporations, this exemption means that most foreign stockholders in the big oil and gas companies or timber and paper companies, who alone control some 211 million acres of U.S. land, are not affected by FIRPTA. Thus, the law is very discriminatory in

its coverage and arbitrarily imposes its burdens on a limited kind of foreign investor without any visible reason, except favoritism to big corporations, which I will have more to say about in a moment.

Mr. President, in order to put this subject in context I will provide some basic facts about landholding in our country. There are 2.3 billion acres of land in America, of which 34 percent is owned by the Federal Government, another 2 percent is Indian trust land, and 6 percent is held by State and local governments.

That leaves 58 percent of the land in private hands, or 1.3 billion acres. The big majority of private lands is still agricultural or ranch land, 63 percent of it. Another 44 million acres are devoted to commercial, industrial, and recreational uses; and only 1 percent, 25 million acres, is used for private homeowners.

A Federal Government study by the Department of Agriculture calculates that about 3 percent of the population own 95 percent of lands. According to a different Agriculture Department report, as few as 570 large corporations control 23 percent of all privately held U.S. land through ownership or control of leasing, mineral, or surface rights.

What part of these private holdings are held by foreigners? Actually very little.

For example, a report of the Secretary of Commerce to Congress in April 1976 called Foreign Direct Investment in the United States concludes that:

The expressed concern about foreign ownership of agricultural land and other real estate does not appear to have a strong factual basis for the nation as a whole.

The same report cites a special study of foreign investment in Hawaii in which it was "concluded that the economic impact of foreign real estate investment in Hawaii was beneficial to both Hawaii and the nation."

An Iowa study, described in the same Federal Government report, found that:

... Use of farmland acquired by the non-resident aliens surveyed was not changed. In all of the cases investigated the land was used for grain production both prior to and after purchase by aliens. Local residents generally continued as operators of the land.

The latest available study by the Economic Research Service of the U.S. Department of Agriculture appears to support the validity of these earlier findings. In its report called Foreign Ownership of U.S. Agricultural Land Through December 31, 1982, the USDA calculates that foreigners owned 13.5 million acres, or slightly more than 1 percent of American farmland and forestry. Forest land accounts for 55 percent of foreign-owned acreage and cropland accounts for only 13 percent.

It is interesting to note that the report finds that only 37 percent of agricultural lands is held by foreign persons not affiliated with an American corporation. U.S. corporations in which foreign persons hold stock own 63 percent of all the foreign-held acreage. This means that most foreign-owned farmland is exempt from FIRPTA.

The value of U.S. agricultural landholdings by foreign owners was \$9.6 billion at the end of 1982. In contrast, a Department of the Treasury report found that at the end of 1978, portfolio ownership of equity securities issued by private U.S. companies amounted to over \$47.9 billion. This report, called Foreign Portfolio Investment in the United States, issued December 1980, also reveals that another \$31.8 billion of publicly held stock issues of American companies was held by foreign investors who own 10 percent or more of the voting stock in a given U.S. corporation. The total percentage of U.S. stock so held by foreign portfolio investors and such foreign parents was \$80.7 billion, or 7 percent of the total stock.

Now, the sale of this 7 percent of U.S. private stocks is exempt from our capital gains tax. Yet the sale of less than one-half of 1 percent of American farmlands owned directly by foreigners is subject to the capital gains tax.

Over \$80.7 billion worth of U.S. private stock held by foreigners is exempt under our tax laws from any capital gains tax, but \$3.5 billion of American farmland held by foreign owners not affiliated with an American corporation is not exempted.

This bizarre fact, or rather this extreme favoritism for one class of investors, stockholders, and discrimination against another class of investors, direct land owners, is compounded by the fact that foreign land investors who are not engaged in a trade or business are still subject to a 30-percent income tax on gross income, without regard to the normal deductions or exemptions that are available to U.S. citizens.

In other words, if a real property investment by a foreigner yields any income, such as rentals, a 30-percent tax based on gross rentals would have to be paid without deducting property taxes or even interest on loans borrowed. The exemption of such real estate from the capital gains tax would still leave gross income from developed property taxed at 30 percent every year until it is disposed.

The only way such a foreign investor can be entitled to all the deductions available to U.S. citizen taxpayers is by electing to claim a trade or business status, but once an election has been in effect for 3 years, the investor cannot revoke it without permission of

the Internal Revenue Service, which seems unlikely.

Another unfairness of FIRPTA is that it penalizes foreign investors who bought U.S. real property for investment in good faith under the investment laws prevailing at the time of purchase. These investors have been caught by surprise with a retroactive law applicable to lands acquired before it went into effect.

There are other quirks about this law. For one thing, it has no withholding mechanism. It does contain reporting requirements, but the penalty for noncompliance is \$25 a day up to a maximum fine of only \$25,000. Thus, the law is virtually unenforceable.

The law is blatantly discriminatory against a very small group of foreign land investors and is structured in a nonsensical way. It is permeated with exceptions and brings in very little revenue to the National Treasury. Yet it is a major impediment to investment in American real estate because it put the United States in a disadvantageous position with other countries which are promoting and encouraging foreign investment to their lands.

Mr. President, a major statement on international investment was made by the White House just 3 weeks ago, on September 9. It is the first policy paper in 6 years on that subject by any President.

In it, President Reagan highlights our Government's support of free and open investment and our concern with the increasing use of governmental measures to distort or impede international investment flows.

In carrying out this new international investment policy, I can think of no better step or signal to the world than the American Government can take than to repeal the restrictions to investment in FIRPTA.

Every country is trying to lure capital to itself and our Nation is mindlessly trying to chase away investors. If our Government is now truly committed to ending barriers to international investment, we should immediately correct FIRPTA. The bill I have introduced today will do just that.

Mr. President, I ask that the text of the bill may appear in the RECORD.

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

S. 1915

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

SECTION 1. REPEAL OF CAPITAL GAINS TAX ON DISPOSITION OF INVESTMENTS IN UNITED STATES REAL PROPERTY BY FOREIGN CITIZENS.

(a) **IN GENERAL.**—Section 897 of the Internal Revenue Code of 1954 (relating to disposition of investment in United States real property) is repealed.

(b) **CONFORMING AMENDMENTS.**—

(1) Paragraph (5) of section 861 (a) of such Code (relating to gross income from

sources within the United States) is amended to read as follows:

“(5) Sale or exchange of real property.—Gains, profits, and income from the sale or exchange of real property located in the United States.”

(2) Subsection (a) of section 862 of such Code (relating to gross income from sources without the United States) is amended—

(A) by inserting “and” after the semicolon at the end of paragraph (6),

(B) by striking out “; and” at the end of paragraph (7) and inserting in lieu thereof a period, and

(C) by striking out paragraph (8).

(3) Subsection (g) of section 871 of such Code (relating to tax on nonresident alien individuals) is amended by striking out paragraph (8).

(4) Subsection (a) of section 882 of such Code (relating to tax on income of foreign corporations connected with United States business) is amended by striking out paragraph (3).

(5) Subsections (c) and (d) of section 1125 of the Foreign Investment in Real Property Tax Act of 1980 are repealed.

(c) **CLERICAL AMENDMENT.**—The table of sections for subpart C of part II of subchapter N of chapter 1 of such Code is amended by striking the item relating to section 897.

SEC. 2. REPEAL OF SPECIAL REPORTING REQUIREMENTS WITH RESPECT TO UNITED STATES REAL PROPERTY INTERESTS.

(a) **IN GENERAL.**—Section 6039C of the Internal Revenue Code of 1954 (relating to returns with respect to United States real property interests) is repealed.

(b) **CONFORMING AMENDMENT.**—Section 6652 of such Code (relating to failure to file certain information returns, registration statements, etc.) is amended—

(1) by striking out subsection (g), and

(2) by redesignating subsections (h) and (i) as subsections (g) and (h), respectively.

(c) **CLERICAL AMENDMENT.**—The table of sections for subpart A of part III of chapter 61 of such Code is amended by striking out the item relating to section 6039C.

SEC. 3. EFFECTIVE DATE.

(a) **REPEAL OF TAX.**—The amendments made by section 1 shall apply to dispositions in taxable years beginning after December 31, 1983.

(b) **REPEAL OF REPORTING REQUIREMENTS.**—The amendments made by section 2 shall apply to returns for calendar years beginning after December 31, 1983.

By Mr. PERCY (for himself and Mr. DIXON):

S. 1916. A bill to amend title 49, United States Code, relating to the abandonment of intrastate bus transportation and State regulation of practices with respect to that transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

BUS REGULATORY REFORM ACT AMENDMENTS OF 1983

Mr. PERCY. Mr. President, I am today introducing legislation along with my distinguished colleague from Illinois, Mr. DIXON, that addresses a serious rural transportation problem facing less populated communities in virtually every State in the country.

As my colleagues are aware, the Bus Regulatory Reform Act of 1982 greatly relaxed the manner in which the

intercity bus industry is regulated. I joined my colleagues in supporting the Bus Act last year because of my belief that deregulation would lead to greater service for rural America. I continue to support deregulation, but also believe that refinements to the act are necessary at this time.

During last year's debate on the Bus Act, proponents argued that few abandonments would occur as a result of the measure and that, if they did, new carriers would provide replacement service. Unfortunately, this has not always been the case. In Illinois, for example, there has not been a single bus company that has offered to provide regular routes service, nor has any existing company expanded its route system, to incorporate abandoned routes.

Mr. President, unless legislative action is taken to assist the States, bus service in many rural areas will be unnecessarily eliminated. The measure that I am introducing today does not repeal the Bus Act. Rather, without altering the thrust of the act, it strengthens the ability of the States to preserve bus service.

A major provision of the legislation revises the abandonment procedures of the Bus Act to give States more time to work with local communities to encourage ridership, study the financial needs of retaining existing service, and, if necessary, to find alternative service. Under existing law, schedules may be dropped and substitute service may actually be discouraged. The Bus Act is less than a year old and Greyhound, the largest carrier, has filed petitions to abandon service to approximately 1,300 communities in the country.

Under my legislation, bus companies would publish a list of routes which are candidates for abandonment on March 1 of every year. This would be followed by a notice of intent to abandon routes that would include basic ridership and revenue information. Finally, 60 to 90 days later, a carrier would be permitted to petition the State to abandon a route and the State would then have 90 days to rule on the application. As provided for in current law, the carrier could still appeal to the Interstate Commerce Commission (ICC) for a rehearing.

This prior notice provision is patterned after a procedure that is used in the railroad industry which provides the necessary time to preserve a valuable service. Without prior notice, it is difficult for communities to react to the threat of abandonment in an effective manner by alerting other companies of a possible new market.

Another provision of this legislation addresses the problem of insufficient consultation between the ICC and the States. The current procedure of granting new route authority fails to

give the States adequate notice. While a State would normally welcome new service, the adverse effects on existing carriers may far outweigh the advantages of a new carrier. In Illinois, 47 communities may lose service because of a recent ICC decision. The legislation, therefore, requires the ICC to consult with the States for advice and comments whenever a new carrier applies for a grant of authority to establish a new route. The States surely have a right to know at the earliest possible date whether a new carrier may be operating within the State.

A third provision of the measure would restore to the States the authority to oversee the schedule of any company that provides fewer than three round trips per day. Under existing law, carriers can reduce service to one trip per day, perhaps scheduling trips at unreasonable hours that then justifies the termination of a particular route.

Last, the bill reaffirms a State's legitimate right to protect its transportation system. While the ICC must work closely with the States to effectively address the abandonment problem, I am sure that my colleagues would agree that States have a regulatory role to insure that the needs of the public are met.

We cannot sit back and wait for potential bus companies to compete for abandoned routes when it is already apparent that this is not likely to happen. The bus routes facing near-term abandonment are almost exclusively the last form of public transportation available to the communities served by them. Many of these communities have elderly citizens who depend on buses as their only means of transportation. In the future, as the population gets older and even more dependent upon intercity bus transportation, the relative need for service will increase.

In addition, the loss of bus service further isolates small towns and reduces the attractiveness of the community for economic development. Medical supplies, automobile and farm machinery parts, legal documents and other vital materials are shipped by bus in rural America.

The legislation I am introducing has been endorsed by the National Governors Association, the National Conference of State Transportation Specialists, the executive committee of the National Association of Regulatory Utility Commissioners and several State regulatory commissions. The legislation reflects the research and recommendations of the Illinois Commerce Commission, and I very much appreciate their assistance on this legislation.

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

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

S. 1916

Be it amended by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bus Regulatory Reform Act Amendments of 1983".

SEC. 2. (a) Subsection (a) of section 10935 of title 49, United States Code, is amended to read as follows:

"(a)(1) Each motor common carrier of passengers having intrastate authority under the laws of a State, and interstate authority under a certificate issued under section 10922 of this subchapter, to provide transportation over any route from any point in such State to any other point in such State shall prepare a list of any such points with respect to which such carrier is considering a discontinuance of transportation or a reduction in the level of service provided to a level which is less than one trip per day (excluding Saturdays and Sundays) from such point to such other point. Such a list shall be prepared and submitted to the Commission and to the department, agency, or instrumentality of such State having jurisdiction over granting such discontinuances and reductions (or, if such State does not have such a department, agency, or instrumentality, to the Governor of such State) not later than 60 days after the date of enactment of the Bus Regulatory Reform Act Amendments of 1983, and March 1 of each calendar year thereafter.

"(2) Any carrier may amend a list such carrier submits under paragraph (1) of this subsection on the first day of any month following the date of such submission.

"(3) Before a discontinuance of service or a reduction in level of service described in paragraph (1) of this subsection may take effect with respect to any point in a State, a carrier shall file a notice of intent to discontinue such service or reduce such level of service with the Commission and with the department, agency, or instrumentality of the State having jurisdiction over granting such discontinuances and reductions (or, if such State does not have such a department, agency, or instrumentality, with the Governor of such State). Such notice of intent may only be filed after the last day of the 30-day period beginning on the date such route is included on the most recent list submitted under paragraph (1) by such carrier. Such notice of intent shall include the following:

"(A) the number of passengers carried over the route during the preceding 12-month period;

"(B) the amount of revenues derived and variable cost incurred from passenger and freight service over the route during such period; and

"(C) such other information as the Commission or the State may specify by regulation.

"(4) Before a discontinuance of service or a reduction in level of service described in paragraph (1) of this subsection may take effect with respect to any point in a State, a carrier shall request the department, agency, or instrumentality of such State having jurisdiction over granting such discontinuances and reductions for permission to discontinue such service or reduce such level of service. Such request may only be made no less than 60 days and no more than 90 days after the date of filing of a notice of intent to discontinue such service or reduce such level of service under paragraph (3).

"(5) After a carrier has requested a department, agency, or instrumentality of a State having jurisdiction over granting discontinuances of service and reductions in levels of services described in paragraph (1) of this subsection for permission in accordance with this subsection to discontinue any service or reduce any level of service described in such paragraph and the request has been denied (in whole or in part) or such department, agency, or instrumentality has not acted finally (in whole or in part) on the request by the 90th day after the carrier made the request, the carrier may petition the Commission for such permission."

(b) Subsection (e) of such section 10935 is amended—

(1) by striking out "to any point" each place it appears and inserting in lieu thereof "from any point to any other point"; and

(2) by striking out "to such point" each place it appears and inserting in lieu thereof "from such point to such other point".

(c) Section 10935(g)(1) of such title is amended by striking out "accord great weight to" and inserting in lieu thereof "take into account".

(d) Paragraph (2) of section 10935(g) of such title is amended to read as follows:

"(2) In making a finding under subsection (e)(1) or (e)(2) of this section, the Commission—

"(A) shall consider to the extent applicable, at least—

"(i) the national transportation policy of section 10101 of this title; and

"(ii) whether the motor common carrier of passengers has received an offer of, or is receiving, financial assistance to provide the transportation to be discontinued or reduced from a financially responsible person (including a governmental authority); and

"(B) in the case of a petition to discontinue transportation to any point, shall accord great weight to whether the transportation is the last motor carrier of passenger service to such point and whether a reasonable alternative to such service is available."

(e) Subsection (h) of section 10935 of such title is hereby repealed.

SEC. 3. (a) Paragraph (1)(A) of section 10922(c) of title 49, United States Code, is amended by inserting "and after consultation with each State in which the transportation to be authorized will be provided" after "the issuance of the certificate".

(b) Paragraphs (2)(A) and (2)(B) of such section are each amended by inserting "and after consultation with such State" after "the issuance of the certificate".

(c) Paragraph (3) of such section is amended to read as follows:

"(3) In making any findings relating to public interest under paragraphs (1)(A) and (2)(B) of this subsection, the Commission—

"(A) shall consider, to the extent applicable—

"(i) the transportation policy of section 10101(a) of this title;

"(ii) the value of competition to the traveling and shipping public;

"(iii) the effect of issuance of the certificate on motor carrier of passenger service to small communities; and

"(iv) whether issuance of the certificate would impair the ability of any other motor common carrier of passengers to provide a substantial portion of the regular-route passenger service which such carrier provides over its entire regular-route system; except that diversion of revenue or traffic from a motor common carrier of passengers in and of itself shall not be sufficient to support a

finding that issuance of the certificate would impair the ability of the carrier to provide a substantial portion of the regular-route passenger service which the carrier provides over its entire regular-route system; and

"(B) shall accord great weight to the recommendations of each State in which the transportation to be authorized will be provided."

(d) Such section if further amended by adding at the end thereof the following new paragraph:

"(10) Not later than 10 days after taking final action upon any application for authority to provide transportation as a motor common carrier of passengers, the Commission shall notify each State in which such transportation will be provided of such final action."

SEC. 4. Section 10101(a)(3) of title 49, United States Code, is amended by striking out "(B) to provide Federal procedures" and all that follows through the period at the end of such subsection and inserting in lieu thereof the following: ", and (B) to coordinate State and Federal regulatory actions to ensure the provision of bus service to rural communities which have no other means of public transportation."

SEC. 5. (a) Paragraph (4) of section 11501(e) of title 49, United States Code, is amended by inserting before the period at the end thereof "and to any reduction in level of service to less than one trip per day (excluding Saturdays and Sundays) from any point to any other point".

(b) The second sentence of paragraph (5) of such section is amended by inserting before the period at the end thereof "and to any reduction in the level of service to less than four trips per day (excluding Saturdays and Sundays) from any point to any other point".

SEC. 6. It is the sense of Congress that the Interstate Commerce Commission, the States, and the national associations representing State departments, agencies, and instrumentalities should work in close harmony and cooperation in developing innovative regulatory approaches and procedures to ensure the preservation of bus service to areas which are threatened with the total loss of public transportation service.

Mr. DIXON. Mr. President, I am pleased to join my distinguished senior colleague, Senator PERCY, in introducing legislation to correct problems in the Bus Regulatory Reform Act that have seriously affected the ability of State regulatory commissions to insure that local communities in their States continue to receive adequate bus service. Identical legislation is being introduced today in the House of Representatives by a number of distinguished Illinois Congressmen, led by Congressman SIMON, who has played a major leadership role in drafting this legislation, together with the Illinois House delegation, the Illinois Commerce Commission, Governor Thompson of Illinois, and Senator PERCY and me. I want to especially commend the Illinois Commerce Commission for bringing this problem to my attention, and for its hard work in shaping this bill.

The Bus Regulatory Reform Act was fairly widely supported both by the bus industry and the Congress when it

was first adopted. The fear of many States that passage of the act would result in much less bus service to rural areas, however, has unfortunately been borne out. In the 6 months since the Bus Act was enacted, Greyhound alone has filed to abandon over 1,300 communities nationwide.

In Illinois, Greyhound originally petitioned to abandon 62 communities, but as a result of hard work and diligent persuasion by the Illinois Commerce Commission Greyhound reduced that number to 36. Two other bus companies have filed petitions to abandon Illinois routes and a third has notified our State commerce commission of its intention to do so.

Sadly, Illinois' experience is not unique. Similar problems are occurring in many other States. Rural bus service is deteriorating all around the Nation. In fact, Philip O'Connor, chairman of the Illinois Commerce Commission, stated in letters to Senator PERCY and me that he had "no doubt that, without remedial legislation, intercity bus service in rural areas will largely be eliminated very soon."

Mr. President, I do not believe we can stand idly by and see Chairman O'Connor's gloomy prophecy fulfilled. The legislation the Illinois congressional delegation is introducing today in both the House and the Senate is an attempt to give the States the tools they need to insure that essential public transportation services are preserved. It does not undercut the Bus Act; it merely gives the States the time, information, and authority they need to effectively work with bus companies and local communities in working out reasonable solutions to abandonment problems.

Briefly, the legislation provides for: A revised abandonment procedure that gives States and communities prior notice of a potential route abandonments, a procedure based in part on railroad abandonment procedures;

Closer cooperation and consultation between the Interstate Commerce Commission and the States regarding awards of new bus route authority;

State involvement in the regulation of scheduling when only a minimal level of service is offered; and

Reaffirming the States' legitimate interest in, and right to protect, their transportation systems.

The legislation borrows from ideas and concepts used before in handling railroad and airline abandonments. It is eminently reasonable and deserves the Senate's support. Unless it is adopted, rural bus service will continue to deteriorate, with predictable consequences for the communities, the elderly and needy, and the small businesses that rely on good public transportation.

Bus service is often the last public transportation alternative available to

a small town. The railroads abandoned passenger service to most of rural America long ago; the airlines serve only a tiny proportion of our Nation's communities. Our small towns need bus service; it is essential to their economic vitality in many cases and it provides the only means for many citizens, particularly the elderly, to travel.

Mr. President, I think it is worth making some modest changes to protect essential service to rural America. The changes we are recommending are reasonable and will not unduly burden bus companies, the ICC, or any other interested party. The legislation does not undermine deregulation, but merely puts a human face on it.

In sum, I believe this is good legislation, and that its quick enactment is both warranted and needed if we are to seriously address the growing transportation problem facing smalltown America. I commend the bill to my colleagues, and I urge its early adoption.

By Mr. PACKWOOD:

S. 1917. A bill to provide that the Federal Communications Commission shall not regulate the content of certain communications; to the Committee on Commerce, Science, and Transportation.

FREEDOM OF EXPRESSION ACT OF 1983

● Mr. PACKWOOD. Mr. President, today I am introducing legislation in the U.S. Senate to repeal the content doctrines imposed on the electronic media. This bill will remove the statutory basis for the so-called Fairness Doctrine and other restrictions on the freedom of the electronic press, including the equal time rules, reasonable access, and the lowest unit charge rules.

While this legislation will remove the stigma of second-class citizenship for broadcasters, it is also vitally important to the print media. Currently, the Federal Communications Commission is, by law, required to regulate editorial and news content that is broadcast. The law endangers the print media because newspapers are rapidly moving into the broadcast realm. USA Today and the Wall Street Journal, to name but two newspapers, are already sending their columns by satellite to printers across the country. More important, many newspapers are allowing their columns, including their editorials, to be carried via teletext over cable systems. The FCC has already begun regulating the cable industry, and other areas cannot be far behind. Print protections may soon be lost in an environment where regulation of editorial content is permissible. This legislation is vitally important to both print and electronic media.

Furthermore, this legislation will benefit the public. The public is best served when there is a free flow of di-

verse ideas. The public is badly served when the Government prohibits that free flow of diverse ideas. I hope the public will force Congress to act responsibly and demand repeal of the laws which now prohibit that free flow. Call these regulations what you will, they stifle political debate and prevent the widespread discussion of public issues.

Thomas Jefferson said that democracy cannot work well unless the voters are educated about the issues of the day. When the Founders amended the Constitution for the first time in 1791, they did it to protect the only two forms of communications known: press and speech. Our Founders were concerned that the freedom of expression be guaranteed. It is time we returned to that standard, not only to insure better services and more information for consumers, but to guarantee a lively discussion of issues and a revitalization of our electoral process.

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

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

S. 1917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Freedom of Expression Act of 1983".

FINDINGS

SEC. 2. The Congress finds that—

(1) free and unregulated communications media are essential to out democratic society;

(2) there no longer is a scarcity of outlets for electronic communications;

(3) the electronic media should be accorded the same treatment as the printed press;

(4) regulation of the content of information transmitted by the electronic media infringes upon the First Amendment rights of those media;

(5) regulation of the content of information transmitted by the electronic media chills the editorial discretion of those media and causes self-censorship, thereby dampening the vigor and limiting the variety of public debate; and

(6) eliminating regulation of the content of information transmitted by the electronic media will provide the most effective protection for the right of the public to receive suitable access to a variety of ideas and experiences.

PURPOSES

SEC. 3. The purpose of this Act is to extend to the electronic media the full protection of the First Amendment guarantees of free speech and free press.

AMENDMENTS TO THE COMMUNICATIONS ACT OF 1934

SEC. 4. The Communications Act of 1934 is amended—

(1) in section 312 (a) by—

(A) adding "or" immediately at the end of paragraph (5);

(B) striking out the semicolon and "or" in paragraph (6) and inserting in lieu thereof a period; and

(C) striking out paragraph (7);

(2) by repealing section 315;

(3) by amending section 326 to read as follows:

"Sec. 326. Nothing in this Act shall be construed to give the Commission the power to—

"(1) censor any communication;

"(2) review the content of any completed communication; or

"(3) promulgate any regulation or fix any condition which shall interfere with the right of free speech, including any requirement of an opportunity to be afforded for the presentation of any view on an issue."•

ADDITIONAL COSPONSORS

S. 1163

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 1163, a bill to amend title 5 of the United States Code to provide death benefits to survivors of Federal law enforcement officers and firefighters, and for other purposes.

S. 1164

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 1164, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the payment of benefits with respect to public safety officers who die of certain medical conditions sustained in the performance of duty.

S. 1570

At the request of Mr. MITCHELL, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 1570, a bill to amend the Internal Revenue Code of 1954 to provide simplification in accounting rules related to inventory.

S. 1613

At the request of Mr. TRIBLE, the name of the Senator from Arkansas (Mr. BUMBERS) was added as a cosponsor of S. 1613, a bill to amend title 10, United States Code, with respect to the provision of medical benefits and post and base exchange and commissary store privileges to certain former spouses of certain members or former members of the Armed Forces.

S. 1654

At the request of Mr. WILSON, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 1654, a bill to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Co.

S. 1680

At the request of Mr. GOLDWATER, the names of the Senator from Delaware (Mr. ROTH), and the Senator from Wyoming (Mr. WALLOP) were added as cosponsors of S. 1680, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1754

At the request of Mr. BENTSEN, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 1754, a bill to direct the Secretary of Agriculture to convey, without consideration, to the Sabine River Authority of Texas approximately 34,000 acres of land within the Sabine National Forest, Tex., to be used for the purposes of the Toledo Bend project, Louisiana and Texas.

S. 1811

At the request of Mr. NICKLES, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 1811, a bill to authorize the Secretary of the Interior to engage in a special study of the potential for groundwater recharge in the High Plains States, and for other purposes.

S. 1893

At the request of Mr. D'AMATO, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1893, a bill to prohibit foreign assistance to any member country of the United Nations that fails to vote in favor of resolutions deploring the Soviet attack on Korean Air Lines flight 007, or has failed to vote in favor of such resolutions already considered.

SENATE JOINT RESOLUTION 97

At the request of Mr. BOSCHWITZ, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Joint Resolution 97, a joint resolution to authorize the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the allied forces who served in the Korean war.

SENATE JOINT RESOLUTION 141

At the request of Mr. BINGAMAN, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Tennessee (Mr. SASSER), the Senator from Georgia (Mr. NUNN), the Senator from Michigan (Mr. RIEGLE), the Senator from Rhode Island (Mr. PELL), the Senator from Montana (Mr. MELCHER), the Senator from Maine (Mr. MITCHELL), the Senator from West Virginia (Mr. BYRD), the Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. SARBANES), the Senator from Hawaii (Mr. INOUE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Montana (Mr. BAUCUS), the Senator from New York (Mr. MOYNIHAN), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Nebraska (Mr. EXON), the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Iowa (Mr. JEPSEN), the Sena-

tor from Arizona (Mr. GOLDWATER), the Senator from Connecticut (Mr. WEICKER), and the Senator from South Carolina (Mr. THURMOND), were added as cosponsors of Senate Joint Resolution 141, a joint resolution to designate the week of September 25, 1983, through October 1, 1983, as "Carrier Alert Week."

SENATE JOINT RESOLUTION 152

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of Senate Joint Resolution 152, a joint resolution to designate the week of May 6, 1984, through May 12, 1984, as "Batten's Disease Awareness Week."

SENATE JOINT RESOLUTION 161

At the request of Mr. CHAFEE, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of Senate Joint Resolution 161, a joint resolution to designate the week of April 15, 1984, through April 21, 1984, as "National Child Abuse Prevention Week."

SENATE CONCURRENT RESOLUTION 67

At the request of Mr. GORTON, the name of the Senator from Maine (Mr. COHEN) was added as a cosponsor of Senate Concurrent Resolution 67, a concurrent resolution expressing the sense of the Congress that it is not appropriate at this time to transfer ownership or management of any civil meteorological satellite system and associated ground system equipment to the private sector.

SENATE RESOLUTION 130

At the request of Mr. GORTON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of Senate Resolution 130, a resolution expressing the sense of the Senate that the President should award the Presidential Medal of Freedom to Barney Clark, to be presented to his family in his memory.

SENATE RESOLUTION 183

At the request of Mr. CHAFEE, the names of the Senator from Indiana (Mr. QUAYLE), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of Senate Resolution 183, a resolution dealing with the prevention of arson.

SENATE CONCURRENT RESOLUTION 71—RELATING TO AN INVESTIGATION OF THE ASSASSINATION OF BENIGNO AQUINO

Mr. KENNEDY (for himself, Mr. CRANSTON, Mr. TSONGAS, Mr. DODD, Mr. GLENN, Mr. HART, Mr. MOYNIHAN, Mr. PELL, Mr. RIEGLE, and Mr. SARBANES) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 71

Whereas Benigno Aquino, Jr., was a leading figure in the effort to restore democracy and constitutional rule in the Philippines;

Whereas, in returning to the Philippines, he willingly faced death to lead the struggle for the restoration of democracy and non-violent change;

Whereas his brutal assassination was a despicable act that cut short the life of a dedicated Filipino patriot who was deeply committed to the cause of peaceful change and the restoration of democracy in his country;

Whereas, in the wake of his assassination, there may be a greater tendency on the part of the Filipino people to support those who would resort to violence as a way to bring about change in the Philippines; and

Whereas the elections for the National Assembly scheduled for May, 1984 have now become more important than ever, in terms of providing the Filipino people with an opportunity to peacefully determine their own future and to bring about such political changes as they may desire: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

1. That the Congress strongly deplors the brutal assassination of Benigno Aquino, and expresses its sincere condolences to his family and to all Filipinos who have shared his commitment to democracy;

2. That it is the sense of the Congress that all appropriate steps should be taken to achieve a thorough, independent, and impartial investigation of the Aquino assassination in a timely fashion and to bring to justice all those responsible for that assassination;

3. That it is further the sense of the Congress that the President of the United States should not visit the Philippines until there has been a full and accurate accounting of all the facts surrounding Senator Aquino's assassination and until the President's security can be adequately guaranteed;

4. That it is the policy of the United States to support genuine, free and fair elections to the National Assembly in May, 1984 and, to that end, to urge the Government of the Philippines to take the necessary steps to secure the full participation of the opposition parties in these elections, including the prompt reconstitution of an objective, impartial Electoral Commission and the restoration of full freedom of the press, so that all issues can be fully and openly debated and decided;

5. That the United States Government should take into account the conduct of the Government of the Philippines investigation into the Aquino assassination and the fairness of the 1984 National Assembly elections in the conduct of its relations with the Government of the Philippines.

Mr. KENNEDY. Mr. President, I am proud today to join with Senators CRANSTON, DODD, GLENN, HART, MOYNIHAN, PELL, RIEGLE, SARBANES, and TSONGAS in submitting a concurrent resolution calling for justice and democracy in the Philippines. Congressman SOLARZ and 42 cosponsors are introducing the same resolution in the House of Representatives.

This resolution strongly deplors the tragic assassination of Senator Benigno Aquino, the principal leader of the democratic opposition in the Phil-

ippines, and calls for a thorough, independent, and impartial investigation. It urges President Reagan to defer his visit until there is a full accounting of the facts surrounding the assassination and adequate guarantees of his security. The resolution declares as U.S. policy support for free and fair elections to the Philippine National Assembly in 1984. Finally, it calls on the U.S. Government to take into account in our relations with the Philippines both the conduct of the investigation into the assassination and the fairness of the 1984 National Assembly elections.

A month ago, Senator Benigno Aquino was brutally murdered. On September 21, one month after his death and 11 years after President Marcos had declared martial law in the Philippines, Manila was rocked by a huge protest rally that erupted into violence, leaving at least 11 killed and 200 wounded. Other demonstrations have followed; the American Embassy has become the scene of several protests. In response, President Marcos did not seek to engage in dialog with increasingly critical religious and opposition leaders, but instead threatened to reimpose martial law and take other repressive measures against his people. He has so far turned a deaf ear to the calls of the church, political leaders and increasing numbers of students, businessmen, and workers for justice and democracy in his land.

The full dimensions of this tragic setback for the cause of democracy in the Philippines are now even clearer. At stake are the prospects for the restoration of democracy in the Philippines and the country's long-term stability.

Senator Aquino was a lifelong champion of human rights and democracy. He was also a dedicated defender of the historic and close bonds between the United States and the Republic of the Philippines. He held high the torch of hope for the Filipino people. It is the solemn duty of the Philippine Government and all of us in the international community to make sure that Senator Aquino's torch was not extinguished in vain. We in the United States have a special obligation to support the struggle for human rights and freedom to which Senator Aquino dedicated his life.

In his own words before he returned to Manila in August, Senator Aquino saw the struggle in the Philippines as "between those who have been mesmerized by the 'efficiency' of authoritarianism and those who still hold that democracy with all its flaws and inefficiency is man's best hope for betterment and progress. Man's sense of justice makes democracy possible; man's injustice makes it necessary."

Over a month has gone by since Senator Aquino was struck down. But

what information, after all these weeks, has the Philippine Government revealed about the perpetrator or perpetrators of that brutal assassination? The Government appointed a commission to investigate the assassination. But what has been accomplished? Nothing. The commission is foundering. Is this the way the truth about Senator Aquino's assassination will emerge?

It is imperative that a thorough, independent, and impartial investigation of Senator Aquino's assassination be conducted. The U.S. Government should take whatever steps are necessary to make this happen now.

Senator Aquino's assassination makes the elections for the Philippine National Assembly, now scheduled for next year, more important than ever. These elections can be a critical milestone on the road to the restoration of democracy in the Philippines. For the Filipino people truly to voice their views, these elections must be free, fair, and held on schedule. The opposition parties must participate fully. The electoral commission must be reconstituted on an impartial basis. Full freedom of press must be restored.

On August 25 I wrote to President Reagan to make clear my view that it was unthinkable for an American President to visit the Philippines until those responsible for Senator Aquino's assassination were identified and brought to justice. A Presidential visit at this time would be interpreted as a sign both of indifference to Senator Aquino's assassination and of disregard for democracy in the Philippines. Now—when an unprecedented number of Filipinos have been killed in protests in Manila—is not the time for business as usual.

All of us should also take note of the growing anti-American sentiments being voiced in recent protest rallies. The President's trip can only serve as a lightning rod for additional protest that might further fuel those seeking to rupture United States-Philippines relations.

The United States has historic ties with the Philippines, marked by the struggle for independence and democratic institutions during the first half of this century. We have strategic interests in the Philippines: Clark and Subic are two pillars of our military power in the Pacific. We have major economic interests in the Philippines—American investment there exceeds \$1.26 billion; our two-way trade last year totaled \$3.4 billion.

But is the recent trend of events serving those interests? Does the cloud of suspicion surrounding Senator Aquino's assassination strengthen those ties? Do threats of martial law add to our confidence in Philippine political stability? It is time that the Philippine Government face these challenges and turn to the path of na-

tional reconciliation, democracy, and human rights that the Filipino people demand and our bilateral interests require.

I request that the letter which I wrote to President Reagan, and two important articles on the current situation in the Philippines appear at this point in the RECORD.

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

WASHINGTON, D.C., August 25, 1983.

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

DEAR MR. PRESIDENT: The assassination of Benigno Aquino is a tragic setback for the people of the Philippines, and for the cause of democracy and justice around the globe. Senator Aquino was a lifelong champion of human rights and a dedicated foe of communism. From personal experience he knew the pain of liberty denied. He also knew that America's singular contribution to the Philippines was the legacy of democratic ideals which it bestowed on that island nation. In life and in death Benigno Aquino strengthened and deepened the historic bond between the United States and the Republic of the Philippines.

The people of the Philippines and others throughout the world who cherish democracy are now looking to this nation to exercise its moral authority. The United States has an obligation to support the struggle for human rights and freedom which Benigno Aquino supported and ultimately died for.

The announcement of your intention to visit Manila was made before the brutal event of August 21. It is now unthinkable for an American President to visit the Philippines until the perpetrators of this crime against humanity are brought to justice. To lend your moral and political support to the Marcos Government at this critical time will be interpreted as a sign that America is indifferent to the assassination and condones the violation of human rights in the Philippines.

I also believe that the United States should delay action on all aid and support for the Philippines until the Marcos government has conducted a full, satisfactory, and impartial investigation of the Aquino assassination and reported its findings to the United States Government. I will urge my colleagues in Congress to support this position, and I intend to take action toward this end when Congress reconvenes in September.

Sincerely,

EDWARD M. KENNEDY.

[From the New York Times, Aug. 23, 1983]

THE PHILIPPINE SAGA HAS YET TO END

(By Benigno S. Aquino Jr.)

(The following article is adapted from an introduction to "The Philippines: Democracy or Dictatorship?", a book that Benigno S. Aquino Jr., President Ferdinand E. Marcos's strongest political opponent, was writing before he returned to Manila on Sunday and was assassinated.)

On July 4, 1946, America fulfilled her pledge and the Republic of the Philippines was born. This Republic was a mirror image of the American Republic conceived in 1776. It was the only republican democracy in all Asia. In fact, it was the first colony to be granted full independence after the Second World War.

For 25 years, the Philippines had the freest press in Asia and perhaps the entire developing world. Every four years it held Presidential elections that saw every incumbent President being booted out of office through the ballot. Since independence, the Filipinos have had six Presidential elections and, in the process, removed from office four incumbent Presidents. Two Presidents died in office and only one ever got re-elected to a second term. He was Ferdinand E. Marcos, elected for the first time in 1965 and re-elected in 1969.

On the seventh year of his non-extendable eight-year term, Marcos declared martial law in an attempt to prolong his stay in power, putting an end to a democratic experiment that started some seven decades earlier at the turn of the century.

It is Marcos's thesis that a developing country like the Philippines cannot afford the luxury of bread and freedom. It has to be either bread or freedom. It is his thesis that the democracy passed on to the Filipino people by America is unworkable because it is inefficient and inconvenient. What a third-world developing country needs, he asserts is a strong "authoritarian" leader who will rule unobstructed by a nagging Congress and a licentious press.

The Philippine saga has yet to end. And the many questions raised by Marcos's martial law regime remain to be answered: Are democratic institutions as developed in America really unworkable in a third-world developing country? Can a single man, no matter how well-meaning, solve all the ills of 48 million people? Is "authoritarianism" a mere euphemism for one-man rule? Is dictatorship the answer for struggling developing states?

A number of Filipinos refuse to accept that democracy cannot be made to work in the Philippines. These Filipinos hold that there is no substitute for the democratic institutions introduced and encouraged by Americans in the Philippines since 1898.

[The battle being fought in the Philippines] is between those who have been mesmerized by the "efficiency" of authoritarianism and those who still hold that democracy with all its flaws and inefficiency is man's best hope for betterment and progress. Man's sense of justice makes democracy possible; man's injustice makes it necessary.

[From the New York Times, Sept. 8, 1983]

POSTPONE THE VISIT TO MANILA

(By William J. vanden Heuvel)

William J. vanden Heuvel, former deputy permanent representative to the United Nations, practices law in New York City.)

For three years, Benigno S. Aquino Jr. and his family found sanctuary in our country. Americans are proud that he lived among us. We will never forget his humanity, his courage and his commitment to democracy. In life and in death, he deepened the historic bond between the United States and the Philippines.

His murderers have made certain that his memory will not die. Benigno S. Aquino Jr. is now part of the legend of Filipino patriots that dates to the 19th century.

President Reagan's announcement that he intended to visit Manila in November was made before Mr. Aquino was slain Aug. 21 on his arrival at Manila airport. Now, however, Mr. Reagan must reconsider that decision—not to insult those who disclaim involvement in the assassination but rather to

hold intact the memory of Senator Aquino and what he lived for.

The likelihood is that we will never know all the facts of the murder. Undoubtedly, the report resulting from the official investigation will uphold the claim of President Ferdinand E. Marcos and his wife, Imelda, that they were not implicated.

Mr. Marcos has said: "We practically begged him to help us in the effort to protect his life." Too bad that those efforts did not extend to supplying the security that the presumed threat to Mr. Aquino's life would reasonably have suggested.

Mr. Marcos has also told his nation that "the Communists did it." The official investigation may sustain that accusation, but we should remember that the Marcos definition of "Communist" included Benigno Aquino, a man of true democratic commitment who abhorred violence and who wrote in the statement that he was to deliver to his waiting supporters at the airport in Manila: "I was sentenced to die for allegedly being the leading Communist leader. I am not a Communist, never was an never will be."

It is not because of what Mr. Marcos did or did not do to Senator Aquino that Mr. Reagan should postpone his visit to the Philippines. Rather, it is because of the violence that President Marcos has done to the Constitution of his country that our President's embrace should be denied him.

Franklin D. Roosevelt, Harry S. Truman, Gen. Douglas MacArthur—and thousands of Filipinos and Americans who died at Corregidor, Bataan and Luzon in World War II—helped create that Constitution, which assured free elections and guaranteed the civil rights of the Philippine people. When President Marcos suspended the Filipino Constitution on Sept. 21, 1972, he set in train the violence that inevitably led to the brutality and bloodshed of Senator Aquino's murder.

At a time when totalitarian and democratic forces are in conflict throughout the third world, at a time when the possibilities of constitutional democracy are the heart and rationale of our involvement in Central America, there is a danger that President Reagan's visit, like the incomprehensible words of Vice President Bush during his visit to Manila in 1981—"We love your adherence to democratic principle and to the democratic processes"—will be misunderstood as United States acceptance of the violence done to the Philippine Constitution.

Our national interest may oblige us to pay a high price for military bases; it may oblige us to have diplomatic, political and economic relations with authoritarian and totalitarian governments; but our national honor obliges us to avoid the embrace of leaders who can too easily use such visits to imply that the United States supports and has accommodated itself to governments that have no popular base.

If President Reagan decides to carry out his plan to visit the Philippines, I hope he will remember the way that Pope John Paul II handled his television appearance with Gen. Wojciech Jaruzelski. The Pope blessed Poland and its people, not the dictator and his Government.

Therefore, when the people of the Philippines watch Mr. Reagan, I pray that the President will mention the outrage and sadness that Americans share with the family of Benigno Aquino.

And at that point, these words written by Benigno Aquino might be repeated as a testament that all Americans share: [The

battle being fought in the Philippines] "is between those who have been mesmerized by the 'efficiency' of authoritarianism and those who still hold that democracy with all its flaws and inefficiency is man's best hope for betterment and progress. Man's sense of justice makes democracy possible; man's injustice makes it necessary."

Our Founding Fathers could not have said it better.

SENATE RESOLUTION 237—TO UPGRADE THE CHILDREN'S BUREAU

Mr. BENTSEN submitted the following resolution; which was referred to the Committee on Governmental Affairs.

S. RES. 237

Whereas the United States has a mediocre record of infant and child health care compared to other industrialized nations, with an infant mortality rate no better than 14th over the last two decades:

Whereas there are some 90 to 100 child health and related federal programs scattered across half a dozen agencies with no coordination in operation on policy development and management;

Whereas the lack of program coordination data on child health issues has a major impact on the effectiveness and cost efficiency of federal spending on child health programs;

Whereas for most of this century, national child health policy was coordinated by a Children's Bureau, which now has very limited responsibility for selected children's issues;

Whereas there is now a need to improve the data base, and the coordination of child health programs and related issues to improve the coverage and effectiveness of such federal programs: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President shall reorganize the Children's Bureau and provide such administrative powers as are necessary for it (a) to gather extensive data on the status of children and on the impact of federal programs on that status; and (b) to prepare and submit to the Congress an Annual Report on the Status of Children.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

● Mr. BENTSEN. Mr. President, Monday, October 3, has been proclaimed Child Health Day by the President. That proclamation is certainly appropriate and I join the President in urging greater attention to the health care needs of one of our most helpless citizen groups—our children and infants.

That proclamation can serve another more fundamental purpose as well, however. The fiscal year 1981 reconciliation legislation reduced spending for child health care—particularly in the large maternal and child health, and primary health care programs. We have lived with a reduced program level for 2 years now and it is time for the impact of those cuts to be examined. My support—and I suspect the support of many of my colleagues—for that aspect of the reconciliation legislation 2 years ago was based on the belief that we were

making good progress in reducing child and infant disease. Certainly, statistics such as our declining infant mortality rate supported that belief. These programs, along with medicaid, WIC and the national immunization program, deserve substantial credit for the 41-percent decline over a scant 11 years in the infant mortality rate beginning in 1970. That rate fell to 11.7 deaths per 1,000 live births in 1981 from 20 per 1,000 in 1970. It took over twice as long—25 years—to achieve a comparable reduction in that rate in the absence of most of these programs during the 1950's and 1960's. That is strong evidence that these programs played an instrumental role in improving the health of our Nation's children and infants.

Yet, a need to reassess our progress toward improved child health and the impact of the 1981 cuts is suggested by those same infant mortality statistics. As the accompanying table shows, we are not as successful in controlling infant mortality as a number of other nations. Indeed, in 1979, 17 nations had lower infant mortality rates than the United States and we have run in the middle of the pack internationally for most of the past several decades—with a rank of only between 14th and 18th out of the best-performing 25 industrial nations. That is not an impressive performance. In 1979, the United States lagged behind such medical world powers as Hong Kong, Spain, Ireland, and East Germany. Sweden, Japan, Norway, and Denmark all enjoyed infant mortality rates at least one-third lower than our own. Had the United States enjoyed the same rate as Japan, over 17,000 fewer babies would have died here that year.

Mr. President, I ask unanimous consent to have printed at this point in my remarks, a table entitled, "Infant Mortality Rates, Selected Nations, 1970-1980."

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

TABLE I.—INFANT MORTALITY RATES¹
[Selected nations: 1970-80]

Country	1970	1975	1979/ 1980 ²
Austria.....	25.9	20.5	13.9
Canada.....	18.8	14.3	10.9
Denmark.....	14.2	10.4	8.5
East Germany.....	18.5	15.9	12.6
France.....	18.2	13.8	10.0
Italy.....	29.6	21.2	14.3
Japan.....	13.1	10.1	7.4
Norway.....	12.8	11.1	8.8
Poland.....	33.2	24.9	21.2
Spain.....	27.9	12.1	11.1
Sweden.....	11.0	8.6	6.7
United Kingdom (England, Wales).....	18.1	15.7	11.8
United States.....	19.8	16.1	11.8
West Germany.....	23.6	19.8	12.1

¹ Infant deaths are deaths of live-born infants under 1 yr. of age; rates are per 1,000 live births.

² Data refer to 1979 or 1980 (latest available).

³ Excludes deaths of infants dying before registration of births.

Source: Infant Mortality: A report prepared by the Congressional Research Service for the Committee on Energy and Commerce, U.S. House of Representatives, (Print 98-5), June 1983, table 6.

Mr. President, the time has come for Congress and the administration to join in a bipartisan examination of Federal child health programs. The infant mortality data from abroad is more than a mere straw in the wind. It is a warning that we are not doing the job we are capable of in improving the health of our infants and children.

A CHILDREN'S BUREAU

As a first step toward better child health in America, we need a focal point of Federal efforts to promote child health and well-being. To best achieve that goal, I believe the President should assign major new responsibilities to the Children's Bureau with the Department of Health and Human Services to gather data on the status of children in America, to prepare comprehensive reports annually to Congress on the status of children, how Federal programs are affecting that status, and to coordinate issues within the Federal Government and the Nation dealing with child health, nutrition, education, and other related children's issues.

Each of us in this chamber today—and our parents and children as well—grew up under the watchful eye of the original Children's Bureau established in 1912. That Bureau emerged from constructive and badly needed efforts to end child labor abuses. In its first 50 years, the Bureau played a significant coordination and advocacy role within the Federal establishment and across the Nation for better child education, health and safety.

Despite its successes, however, it was downgraded a decade ago. Its policy role was abolished. And, it now sits as an office within the Department of Health and Human Services (HHS) with limited responsibility over a handful of issues unrelated to child health. This downgrading of child health and children's issues is not warranted. Despite the success we have enjoyed, other nations have made faster progress and have healthier children, as well. We cannot afford to be smug and stand on our own health record. Indeed, there are those who argue that the less said about our lagging child health record, the better.

It is important that the issues raised by the President in his Child Health Day proclamation be pursued here and at the White House. They should not serve only as media grist for October 3, and ignored thereafter.

Some 90 to 100 children's programs exist today, scattered across a half dozen agencies from Defense to HHS. We need much better coordination between these Federal child health and associated programs. A rehabilitated Children's Bureau would be able to provide that coordination. It could play a data collection role, as well. In

fact, that is the key role I would like to see an upgraded Bureau play. Specifically, it should collect extensive data on a continuous basis regarding all aspects of the status of children and submit annual reports with that information—including the impact of Federal programs on the status of children—to Congress. That exercise would assist Congress mightily in formulating Federal policy involving children—a function which now occurs only in a haphazard and ineffective fashion in the Federal bureaucracy, if it can be said to occur at all. Its role as a national clearinghouse for information and data on children and on children's issues would be reestablished. Children have no effective voice in the political process. They need such a voice and the Children's Bureau can serve that role.

EXPLANATION OF LEGISLATION

The resolution I am introducing today calls on the President to upgrade the Children's Bureau and requires it to submit an annual report to Congress on the status of children. A resurrected Children's Bureau could improve child health and nutrition for more youths at lower cost. This could be accomplished without additional cost by beefing up the responsibilities of the existing administrative office within HHS. And, centralizing the collection of data relevant to children's health and related issues in one office would enable both Congress and the administration to deal more effectively with the need to improve the health and well-being of future generations.

I fought successfully in 1981 to keep the maternity and child health program as a separate block grant. The primary beneficiaries of these grants are infants and children, who are among the most deserving but least powerful constituents in our Nation. They warrant unique attention. And reorganization and upgrading of the Children's Bureau with potent inter-agency coordinating, data collection, and reporting powers would go a long way toward providing them that attention.

That is the purpose of the resolution I am offering today. And I urge my colleagues in this Chamber to join me in supporting it. It has been said that the care taken of its most defenseless citizen is a good measure of the worth of a society. We do not now measure up well by that standard in nurturing the well-being of our children. My resolution is designed to start us along the road toward better care for our children.●

AMENDMENTS SUBMITTED

CRITICAL AGRICULTURAL MATERIALS

JEPSEN AMENDMENT NO. 2265

(Ordered to lie on the table.)

Mr. JEPSEN submitted an amendment intended to be proposed by him to the bill (H.R. 2733) to extend and improve the existing program of research, development, and demonstration in the production and manufacture of guayule rubber, and to broaden such program to include other critical agricultural materials; as follows:

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

AGRIBUSINESS LOANS

Sec. . (a) This section may be cited as the "Agribusiness Loan Act of 1983".

(b) Effective for the period beginning with the date of the enactment of this Act and ending September 30, 1984, section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any other provision of law—

"(1) The Secretary shall make and insure loans under this subsection to small businesses which—

"(A) are located in rural areas;

"(B) are engaged in furnishing to farmers and ranchers machinery, supplies, and services directly related to the production of commodities diverted from production under payment-in-kind land diversion programs carried out by the Secretary; and

"(C) establish by substantial evidence that they are experiencing severe economic hardship directly attributable to the operation of such programs.

"(2) A loan shall be made or insured under this subsection for the purpose of assisting an eligible borrower to continue to operate the business of the borrower during the period of economic hardship described in paragraph (1)(C).

"(3) The principal amount of a loan made or insured under this subsection may not exceed \$75,000.

"(4) The period of repayment of a loan made or insured under this subsection shall be eighteen months.

"(5) The rate of interest on a loan made or insured under this subsection shall be the rate of interest applicable to an operating loan under section 316(a)(1), reduced by 3 per centum.

"(6) To the extent necessary to make or insure loans to eligible borrowers who have applied for assistance under this subsection, no less than 10 per centum of the funds appropriated under the heading "RURAL DEVELOPMENT INSURANCE FUNDS" in title II of the Act entitled "An Act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1983, and for other purposes", approved December 18, 1982 (96 Stat. 1799), for the purpose of guaranteeing industrial development loans, shall be made available to make or insure loans under this subsection.

"(7) No later than sixty days after the date of the enactment of the Agribusiness

Loan Act of 1983, the Secretary shall issue regulations to carry out this subsection."

AGRICULTURAL PRICE SUPPORTS

JEPSEN AMENDMENT NO. 2266

(Ordered to lie on the table.)

Mr. JEPSEN submitted an amendment intended to be proposed by him to the bill (S. 1529) to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to adjust the support levels for the 1983 and subsequent crops of tobacco, to make modifications in the tobacco production adjustment program, and for other purposes; as follows:

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

TITLE III—AGRIBUSINESS LOANS

AGRIBUSINESS LOANS

SEC. 301. (a) This section may be cited as the "Agribusiness Loan Act of 1983".

(b) Effective for the period beginning with the date of the enactment of this Act and ending September 30, 1984, section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended by adding at the end thereof the following new subsection:

(f) Notwithstanding any other provision of law—

"(1) The Secretary shall make and insure loans under this subsection to small businesses which—

"(A) are located in rural areas;

"(B) are engaged in furnishing to farmers and ranchers machinery, supplies, and services directly related to the production of commodities diverted from production under payment-in-kind land diversion programs carried out by the Secretary; and

"(C) establish by substantial evidence that they are experiencing severe economic hardship directly attributable to the operation of such programs.

"(2) A loan shall be made or insured under this subsection for the purpose of assisting an eligible borrower to continue to operate the business of the borrower during the period of economic hardship described in paragraph (1)(C).

"(3) The principal amount of a loan made or insured under this subsection may not exceed \$75,000.

"(4) The period of repayment of a loan made or insured under this subsection shall be eighteen months.

"(5) The rate of interest on a loan made or insured under this subsection shall be the rate of interest applicable to an operating loan under section 316(a)(1), reduced by 3 per centum.

"(6) To the extent necessary to make or insure loans to eligible borrowers who have applied for assistance under this subsection, no less than 10 per centum of the funds appropriated under the heading "RURAL DEVELOPMENT INSURANCE FUND" in title II of the Act entitled "An Act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1983, and for other purposes", approved December 18, 1982 (96 Stat. 1799), for the purpose of guar-

anteeing industrial development loans, shall be made available to make or insure loans under this subsection.

"(7) No later than sixty days after the date of the enactment of the Agribusiness Loan Act of 1983, the Secretary shall issue regulations to carry out this subsection."

CREDIT ASSISTANCE TO FARMERS

JEPSEN AMENDMENT NO. 2267

(Ordered to lie on the table.)

Mr. JEPSEN submitted an amendment intended to be proposed by him to the bill (S. 24) to provide emergency credit assistance to farmers, and for other purposes; as follows:

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

AGRIBUSINESS LOANS

Sec. . (a) This section may be cited as the "Agribusiness Loan Act of 1983".

(b) Effective for the period beginning with the date of the enactment of this Act and ending September 30, 1984, section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any other provision of law—

"(1) The Secretary shall make and insure loans under this subsection to small businesses which—

"(A) are located in rural areas;

"(B) are engaged in furnishing to farmers and ranchers machinery, supplies, and services directly related to the production of commodities diverted from production under payment-in-kind land diversion programs carried out by the Secretary; and

"(C) establish by substantial evidence that they are experiencing severe economic hardship directly attributable to the operation of such programs.

"(2) A loan shall be made or insured under this subsection for the purpose of assisting an eligible borrower to continue to operate the business of the borrower during the period of economic hardship described in paragraph (1)(C).

"(3) The principal amount of a loan made or insured under this subsection may not exceed \$75,000.

"(4) The period of repayment of a loan made or insured under this subsection shall be eighteen months.

"(5) The rate of interest on a loan made or insured under this subsection shall be the rate of interest applicable to an operating loan under section 316(a)(1), reduced by 3 per centum.

"(6) To the extent necessary to make or insure loans to eligible borrowers who have applied for assistance under this subsection, no less than 10 per centum of the funds appropriated under the heading "RURAL DEVELOPMENT INSURANCE FUND" in title II of the Act entitled "An Act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1983, and for other purposes", approved December 18, 1982 (96 Stat. 1799), for the purpose of guaranteeing industrial development loans, shall be made available to make or insure loans under this subsection.

"(7) No later than sixty days after the date of the enactment of the Agribusiness

Loan Act of 1983, the Secretary shall issue regulations to carry out this subsection."

MARTIN LUTHER KING, JR. HOLIDAY

RANDOLPH AMENDMENT NO. 2268

(Ordered to lie on the table.)

Mr. RANDOLPH submitted an amendment intended to be proposed by him to the bill (H.R. 3706) to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday; as follows:

Strike all after the enacting clause, and insert in lieu thereof the following: That section 6103(a) of title 5, United States Code, is amended—

(1) by inserting immediately after the item relating to New Year's Day the following:

"Birthday of Martin Luther King, Jr., January 15."

SEC. 2. The amendment made by the first section of this Act shall take effect on the first January 1 that occurs after the two-year period following the date of the enactment of this Act.

WILSON AMENDMENT NO. 2269

(Ordered to lie on the table.)

Mr. WILSON submitted an amendment intended to be proposed by him to the bill H.R. 3706, supra; as follows:

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

SEC. 3. Section 6103 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) The Congress finds that—

"(A) the cost of the growing number of legal public holidays to the Federal Government has become prohibitive; and

"(B) outstanding individuals deserving of national recognition by legal public holidays should be commemorated in other appropriate manners.

"(2) Legal public holidays under this section shall be limited to ten in number."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, October 4, at 2 p.m., to hold a hearing to receive testimony on the organization of the Joint Chiefs of Staff and its relationships with other Department of Defense and executive branch elements.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel, and the Subcommittee on Preparedness of the Committee on Armed Services, be authorized to meet during the session of the Senate on Tuesday, Oc-

tober 4, to hold a joint hearing to receive testimony from the Department of Defense on drug and alcohol abuse prevention programs.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, October 4, at 2 p.m., to hold a hearing to consider the nominations of Josephine S. Cooper, to be EPA Assistant Administrator for External Affairs; A. James Barnes, EPA General Counsel; and John C. Martin, EPA Inspector General.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 4, at 10:15, to consider the nominations of Henry Cooper, to be Assistant Director of ACDA, and Alan Keyes, to be the Representative to the Economic and Social Council of the United Nations.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 4, at 2 p.m., to consider the nominations of Reginald Bartholomew, to be Ambassador to Lebanon; Charles Dunbar, to be Ambassador to Qatar; Nicholas Veliotis, to be Ambassador to Egypt; and Donald Leidel, to be Ambassador to Bahrain.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, October 4, to mark up S. 121, the Trade Reorganization Act.

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

COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, October 4, at 2:30 p.m., to hold a markup of S. 1342, the Intelligence Information Act of 1983.

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

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to

meet during the session of the Senate on Tuesday, October 4, 1983, in order to receive testimony concerning S. 914, the Firearms Owners Protection Act.

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

ADDITIONAL STATEMENTS

S. 371: AID FOR LONG-TERM UNEMPLOYED AND NATION'S SMALL BUSINESSES

● Mr. SASSER. Mr. President, it is my hope that when the Senate moves to consider revenue legislation this session, we will see action on S. 371, my targeted jobs tax credit legislation. My desire to see action on this legislation is simple enough. While we have recently heard much news about a recovery taking hold in our economy, there are still some very chilling figures and troubling trends that we must deal with.

There have been indications that we are pulling out of the recession we have been mired in the last 2 years. We have seen the Nation's unemployment level begin to fall a bit after reaching record levels. Yet, while many, including myself, are cheered by this downward turn, I am troubled by the large number of long-term unemployed persons across America. Of the 10.7 million Americans out of work in August, 2.4 million, or 23 percent have been unemployed for 27 weeks or more.

What is particularly disheartening about this figure, Mr. President, is that it reflects a trend of increased long-term unemployment. In 1979, the percentage of unemployed persons who had been out of work for 27 weeks or more stood at 8.7 percent. This figure increased to 14 percent in 1981 and 16.6 percent in 1982. Using this year's statistics, we see that long-term unemployment is running at a yearly level of 24.3 percent through August. The percentage of long-term unemployed individuals in America has nearly tripled in 4 short years.

This is a problem that I have attempted to deal with in S. 371. As many of my colleagues know, this legislation creates another target group under the existing tax credit sections of the Tax Code for this increasing segment of our Nation's unemployed. Firms hiring long-term persons will be entitled to such a tax credit. Nearly one quarter of all the Nation's unemployed, some 2.4 million Americans, will be eligible for this credit.

S. 371 goes one step further and increases the amount of tax credit available when the hiring firm is a small business. This provision is equally necessary in light of the continued increases in recorded business failures across the country. Dun & Bradstreet reports that for the week of August 18

of this year, 662 businesses failed compared with 572 for the same period last year. To date this year we have reported 19,336 business failures. As my colleagues well know, last year saw the greatest number of business failures since the Great Depression. This year's reports indicate we will witness another record-breaking year in this dismal category.

The men and women who operate our Nation's small businesses need the type of assistance available under S. 371 to help keep them afloat. And while there are those who argue that such a tax credit would not prove beneficial to beleaguered small firms, I believe to the contrary. Earlier this year, the Senate Small Business Committee heard testimony from several small business owners regarding S. 371. These individuals stated that they would make use of the type of credit offered in S. 371. They felt it provided the type of catalyst which would speed hiring activity by small firms.

In closing, Mr. President, I would like to raise one last point disclosed during the Small Business Committee's hearings on S. 371. Testimony presented by John Chapoton of the Department of the Treasury, indicated his Department's belief that S. 371 would cost the taxpayer less than \$250 million per fiscal year. I should point out Mr. President, that this figure does not take into account the reduced Federal expenditures for those persons put back to work, nor the increase in revenues from such increased hiring. When these two factors are weighed in, I believe that this small sum of \$250 million would shrink drastically and indeed, the tax credit established in S. 371 may actually prove a revenue enhancer.

It is my hope, Mr. President, that we may see action on this important piece of legislation in the near future. Given the impact of this legislation on a wide segment of our society, and its low cost, I feel S. 371 is a measure this body should consider. I am hopeful an appropriate revenue vehicle may be found which will allow my colleagues the opportunity to come to the aid of the Nation's long-term unemployed and small businesses in a constructive manner. ●

PUBLIC SAFETY OFFICERS BENEFITS ACT

● Mr. D'AMATO. Mr. President, I rise today to cosponsor two bills concerning survivors' death benefits for Federal law enforcement officers and firefighters which have been introduced by my distinguished colleague, Senator GLENN.

S. 1163 amends title 5 of the United States Code to provide death benefits to survivors of Federal law enforcement officers and firefighters. It

would authorize a \$50,000 death benefit to the surviving spouse and children of such officer whose death is the direct result of injuries sustained in the performance of duty. The House version of this bill, H.R. 622, passed the House by the overwhelming margin of 390 to 33 on July 26, 1983.

S. 1164 defines "direct result of injuries" to include situations in which death results from a "medical condition sustained while ingesting or inhaling a poisonous substance, or while subject to extreme physical stresses on a single occasion, or during a single event, in the performance of duty."

Legislation very similar to that which I am cosponsoring today has previously passed both Houses of Congress. It passed the Senate on December 10, 1980. It was, however, vetoed by President Carter. The legislation was objectionable, he said, "because it would single out certain groups of employees for preferential treatment under the Federal employee workers' compensation law (FECA)." He indicated that there were other Federal employees who are also exposed to special hazards in their work.

It has also been claimed that, under current law, the Federal Government pays death benefits to survivors of employees who die on the job. Depending on family size, these benefits may be as high as 75 percent of an employee's salary.

Although these arguments merit our consideration, they do not withstand close scrutiny. It is not logical or fair to deny protection to an especially deserving group because you cannot presently cover all groups exposed to risk. The nature and extent of the risk involved in law enforcement is deserving of special consideration. As we increase our anticrime efforts, these risks will inevitably increase. Other groups are exposed to hazards, but no group is exposed so constantly to so many as those involved in the absolutely essential task of securing domestic tranquillity.

The Congressional Budget Office has estimated the cost of this legislation to be \$500,000 per year. In some years, the expense may be more and, if we are fortunate, in many years it will be less. For this minimal cost we can relieve great hardship and the ever-present fear for those in law enforcement that their families will not be adequately provided for in the event of their deaths. These brave public servants and their families deserve no less.

Mr. President, I urge my colleagues to repeat the wise action taken by the Senate in 1980 and, again, to support this important legislation. ●

SCS PROJECTS APPROVED

● Mr. STAFFORD. Mr. President, on August 3 of this year, the Committee

on Environment and Public Works adopted resolutions authorizing five Soil Conservation Service small watersheds projects. The five projects were Brundage watershed, Idaho; Elk Creek watershed, Kansas; Calapooya Creek watershed, Oregon; South Fork Licking River watershed, Ohio; and Loc Olmos Creek watershed, Texas.

I take this opportunity to inform the Senate that a committee print describing the five projects, together with the view of the Committee on Environment and Public Works, has been printed and can be obtained from the committee. ●

HOW TO HELP AMERICA COMPETE

● Mr. TSONGAS. Mr. President, international competition is one of the greatest challenges facing the U.S. economy today. Although high interest rates and an overvalued dollar have made many of our products less attractive on world markets than those of some of our competitors, waiting for these forces to subside will not be enough. There is much we must do to onset the competitive challenge. Some of these actions are set out in an eloquent commentary by Dr. Robert B. Reich of Harvard's John F. Kennedy School of Government, that appeared in the New York Times, September 30, 1983.

Mr. President, I would like to share Dr. Reich's thoughts with my colleagues, and I ask that the article be printed in the RECORD.

The article follows:

HOW TO HELP AMERICA COMPETE

(By Robert B. Reich)

CAMBRIDGE, MASS.—Question: Your company's widgets are losing out to low-cost imports. What do you do?

1. Close your American factory and start making widgets or widget parts in South Korea, Mexico or some other place where labor is cheap.
2. Automate the factory to cut your workforce (and labor costs) by two-thirds.
3. Quit the widget business, scrap your plant and equipment (or sell it to your employees), then buy an insurance company, mining company or a shopping center.
4. Threaten to do 1., 2. or 3. unless your employees agree to reduce wages and benefits.
5. Go to Washington, complain of unfair "dumping" of foreign widgets, forecast greater job loss, show that widgets are critical to defense and get a tariff or quota to block imports.

Answer: all of the above—at least, that's the answer our producers of steel, autos, textiles, apparel, televisions, video games and machine tools have come up with.

But others have different answers. Labor prefers to block imports. Many politicians talk about automation but vote for protection. Financial prefer diversification into other businesses. Most economists disparage protection, are indifferent to the other concerns and worry about overvalued dollars. Conservative Republicans often want to cut wages and benefits.

While any of these alternatives may improve our companies' competitiveness, none will lead directly to higher standard of living. That's because none will improve the competitiveness of Americans themselves. None will increase the number of Americans whose skills command higher real earnings in world markets. For that, we need another alternative: Retool your factory and retain your workers to produce a more sophisticated line of widgets.

What would this mean for our industries? It would mean shifting from basic steel to custom-cast steels with new additives and different levels of purification; from low-skilled car-assembly operations and the production of simple auto components like dashboards and seat covers to complex components like fuel-efficient engines, transmissions and graphite-fiber chassis; from basic cotton, wool and simple synthetic textiles to carbon fibers and specially-coated polyester filaments; from simple machine tools to computer-run tools.

These products would require skilled labor. But much of the training would be on-the-job. Advanced technologies would be applied not so much to reduce labor costs as to enhance workers' capacities to recognize and solve production problems and to improve efficiency and product quality. Lower-level employees would assume greater responsibility and the whole enterprise would be made more flexible. These new products and processes would represent a new generation of industries. As their markets grew, so too would jobs.

But this alternative is not at the center of debate over competitiveness. Most of American management has not embraced it, labor is at best lukewarm, investors and creditors are skeptical. Why? Because it poses large risks and costs for each player. Profits and jobs may not always materialize; if they do, they may be many years away. The other alternatives are relatively sure bets, at least in the short term.

The answer is to make this alternative more attractive to business and labor. For this, we don't need a Federal development bank or a Japanese-style central-planning agency. We need measures that alter the rules of the game by reducing the costs and risks of restructuring industry: for example, tax credits for company investments in employee retraining, subsidized vouchers unemployed workers can cash in for on-the-job training, antitrust exemptions for undertaking research joint ventures and consolidating older plants, changes in labor law to link greater job security to greater flexibility in work rules and job classifications, changes in banking regulations to allow larger equity holdings, unemployment compensation taxes tied to employee job security and retraining, a requirement that firms or industries receiving import protection simultaneously retool and retrain.

Improving competitiveness is a goal almost everyone can endorse. But the chorus of endorsement drowns out the key question: how? Most obvious alternatives would reduce workers' earnings increase unemployment or else keep out foreign goods and thereby impose new costs on consumers. But such strategies for improving competitiveness by reducing our standard of living confuse means and ends. A real gain in competitiveness can come only from making better use of our only unique national asset—our people. ●

CENTRAL AMERICA

● Mr. DURENBERGER. Mr. President, a couple of days ago, in the aftermath of our debate on Lebanon and the War Powers Act, I came across an editorial cartoon which expressed the dilemma we all face in dealing with foreign policy. The cartoon showed a person reading a newspaper which was filled with headlines about Lebanon. The person was asking his friend "What happened to Central America?"

Obviously, nothing has happened to diminish the importance of Central America, nor to make easier the quest for a long term and durable policy which will bring stability, prosperity and peace to that troubled region. But, as is so often the case in our country, attention has shifted away from the tough questions of the long term and has focused instead on other things which momentarily appear somehow more important. It is unfortunate that we often tend to think of our foreign policy in terms of whatever is most important at the moment, rather than recognizing that several things are vitally important simultaneously. It is also unfortunate that we too often tend to think in terms of today's headline, which emphasizes the dramatic, rather than tomorrow's problems, which are complex and often unclear.

As Senators may know, I recently returned from a brief trip to Costa Rica, a country I have been visiting for more than 10 years. I went to Costa Rica in conjunction with a business and investment conference sponsored by Caribbean/Central America Action, a remarkable group of public-spirited citizens and former State Department officials. Groups like CCAA are absolutely vital to a long term foreign policy based on more than reaction to today's headlines or tomorrow's crisis, for CCAA asks the hard questions about how to achieve prosperity and how to establish the conditions which will foster that prosperity. It does more than ask questions, however. It encourages thriving democracies like Costa Rica to join U.S. business in innovative programs of investment and development. It makes clear to countries which are not yet democratic that the kind of foreign investment needed to fuel equitable development will be forthcoming only in a political climate that is stable and representative. In short, the efforts of CCAA and other such groups go hand-in-hand with our own efforts to develop a long term policy.

One of the most frequent topics of conversation at the CCAA conference was a remarkable speech recently delivered by Kenneth Dam, the Deputy Secretary of State. Secretary Dam understands the challenges which face the developing countries, and he has outlined them with particular reference to Central America. He has done

more than outline problems, however. He has pointed the way to a long term policy of political and economic development. I think his speech is one of the best I have read in many years, and I want to share it with my colleagues. Therefore, I will ask that it be printed in the RECORD.

Ken Dam's speech had its counterpart in the remarks delivered to the CCAA conference by Anthony L. Andersen, the president of H. B. Fuller Co., in St. Paul.

I have known Tony Andersen for many years. He is the son of former Minnesota Governor Elmer Andersen, and he has carried his family's traditional concern with public service to the H. R. Fuller Co. Tony has a first-rate grasp of the problems of Central America, and he is not a Johnny-come-lately to the region nor one of those who only discovered the area after the headlines began to accumulate in the late 1970's. It was during my own association with H. R. Fuller, before coming to the Senate, that I traveled so often and so extensively throughout Central America.

Under Tony Andersen's leadership, Fuller has remained committed to Central America. It rebuilt its plant in Nicaragua after the revolution. It remains a major employer in Costa Rica through its subsidiary, the Kativo Corp. And now, as Tony announced at the CCAA conference, H. R. Fuller plans to devote 2 percent of its pretax profits to community affairs projects throughout Central America, a remarkable demonstration of public duty by a private corporation. In fact, Fuller will increase its contribution from 2 percent to 5 percent of pretax profits over the next few years.

It is in recognition of this kind of hard-headed philanthropy and this deep interest in and concern for hemispheric relations that Costa Rica recently named Tony Andersen its honorary consul in the Twin Cities of Minneapolis and St. Paul. Tony's appointment will serve as the capstone of an ongoing relationship between the Twin Cities and Costa Rica, for the two have been joined for some years in a sister-city relationship through the chambers of commerce.

Mr. President, the kind of imagination and intelligence shown by Ken Dam and Tony Andersen will be needed if our country is to develop and pursue a long-term policy in Central America. The current focus on military assistance can only be a short-run holding action. The real problems in the region—problems which our policy has too often ignored or failed to address—go well beyond immediate security threats. They cover the entire spectrum of social, political and economic difficulties which many of the Third World countries face. I am delighted to see people like Ken Dam and Tony Andersen doing more than

simply talking about these problems. They are acting.

Mr. President, I would like to conclude by adding to the RECORD the transcript of some remarks I made at the Westminster Church in Minneapolis shortly after my return from Costa Rica. Those remarks expand upon the comments I have here today. I therefore ask Kenneth Dam's speech, an extract of Tony Andersen's speech, printed in the St. Paul Pioneer Press/Dispatch, and a copy of my remarks to the Westminster Church be printed in the RECORD.

The material follows:

ECONOMIC GROWTH AND U.S. POLICY IN CENTRAL AMERICA

(Remarks by Hon. Kenneth W. Dam)

President Reagan on April 27 spoke to a special joint session of Congress to explain our response to the problems in Central America. He outlined a policy based on four interlocking elements: democracy, dialogue, defense, and development.

First, and I quote the President: "We will support democracy, reform and human freedom. This means using our assistance, our powers of persuasion, and our legitimate 'leverage' to bolster humane democratic systems where they already exist and to help countries on their way to that goal as quickly as human institutions can be changed. . . . We will work at human rights problems, not walk away from them."

Second, we favor negotiations and dialogue to resolve conflicts in ways that promote the development of democracy. The President's special envoy, former Senator Richard Stone, is working to facilitate negotiations both within and among the countries of Central America. We welcome the meeting that took place August 28 in Bogota, Colombia, between representatives of El Salvador's Peace Commission and the guerrillas. And we support the regional Contadora process, in which five Central American nations, including Nicaragua, are engaged with their nearest neighbors.

Third, to give diplomacy a chance to work, we are using military assistance as a shield to help Central American countries defend themselves. This shield should foreclose a military victory by anti-democratic forces supported through Nicaragua by Cuba and the Soviet Union.

Fourth, and again I quote the President: "In response to the challenge of world recession and, in the case of El Salvador, in response to the unrelenting campaign of economic sabotage by the guerrillas, we will support economic development."

It is this economic dimension of our policy toward Central America that I would like to focus on today. Amidst all the debate over the situation in Central America, surprisingly little attention has been paid to what should be done about the region's pressing economic troubles.

Few would deny that economic difficulties lie at the heart of much of Central America's instability. Or that sound economic growth is vital to the region's future. Promoting that growth in a framework of equitable development is a major focus of our policy. Our assistance to the region makes the point: eighty-one cents of every dollar of U.S. aid to Central America this fiscal year is devoted to economic goals. And now the National Bipartisan Commission on Central America headed by Dr. Kissinger

has begun to give special attention to the region's long-term development needs.

So it is fitting that we take a moment to assess both the obstacles to growth in Central America and how they might be overcome.

II.

Let me begin with something that is often overlooked. Central America is clearly capable of strong and sustained economic growth. That is the proven record of the 1950s, the 1960s, and most of the 1970s.

From 1960 to 1979, real GNP in the United States grew by an average of 3.7 percent per year; the industrialized market economies as a whole grew at a rate of 4.2 percent per year. During those same 20 years, Central America did more than keep up. According to the World Bank, every country in Central America grew faster than the United States, and faster even than the European average. Annual growth rates averaged from a low of 4.4 percent in Honduras to a high of 6.3 percent of Costa Rica.

It is also true, of course, that Central America's population growth during those same 20 years was among the highest in the world, averaging about three percent. Even so, per capita income increased in every country. And in each case, the percentage of total production accounted for by manufacturing and other industrial activity increased. For instance, between 1960 and 1979 industrial activity in Honduras rose from 19 percent of total production to 26 percent.

In the mid-1970s, in fact, Central America's economic prospects attracted a major Japanese investment campaign. In El Salvador, for example, Japanese firms were particularly active in textiles and electrical appliances. By 1978, Japan was El Salvador's second largest foreign investor.

Against such a favorable background, how is it that Central America's rapid development lost momentum? How do economic problems relate to today's tragic conflicts?

Many factors are involved, but three stand out: local social and political conflicts, the impact of the global economic recession, and the spread of guerrilla warfare and attacks on the economy.

Let me take each in turn.

First, local social and political conflicts. In Central America, misrule and maldistribution of the benefits of development span many years. The region was still relatively quiet politically when I travelled there briefly five years ago. But even then the underlying economic problems and social tensions were unmistakable. In major cities, high walls separated palatial homes from the deepest squalor. Growth was slowly improving the lot of many people; but growth was also increasing expectations. And except for Costa Rica, there were few democratic outlets to help resolve frustrations and social tensions peacefully. The repressions and instability that ensued proved bad for both business and labor. Over the past five years, social conflicts and political uncertainty have increasingly prevented new investment and set back development.

The second obstacle to growth was a series of adverse developments in the world economy. Beginning in the late 1970s, the prices of Central America's basic export crops plummeted. Consider the four principal exports of the region: Coffee is the single most important export product for most countries in the area. Bumper crops in Brazil and Colombia caused world coffee prices to fall by more than 26 percent in nominal terms

between 1977 and 1990. Cotton is the second most important export of El Salvador, Guatemala and Nicaragua. In 1981, cotton prices stopped keeping pace with world inflation and fell by some 20 percent in nominal terms in just nine months. The world price of bananas, a mainstay for Costa Rica and Honduras, also failed to keep pace with world inflation rates. The price of sugar, meanwhile, fell near its historic lowpoint in real terms.

The rise in import costs was nearly as damaging as this fall in export revenues. Two of Central America's most important imports are petroleum and financial capital borrowed from hard currency countries. In 1978 and 1979, the second oil shock almost doubled the price of imported oil. And in the 1980s, the higher cost of capital on world financial markets increased the cost of rolling over old debt and contracting new debt to offset falling export revenues.

The result was a shocking economic dislocation. By 1981, it actually took two bags of Central American coffee to buy what one bag had bought in 1978. The shift in overall terms of trade meant that Costa Rica, for example, had to export 1.7 times as much to pay for the same amount of imports as three years before.

Domestic policy responses to these changed circumstances were generally slow and sometimes inappropriate. This led to the flight of local capital, heavy external indebtedness and vitality-sapping controls. The Central American Common Market, the vehicle for preferential trade within the region, weakened rapidly as the economy of each of its members declined and grew more protectionist. The value of trade among Central American nations fell by a third in nominal terms, from a high point of over \$1.1 billion in 1980 to \$775 million in 1982. In real terms the decline was much greater.

No Central American nation escaped the effects of this general decline. Even democratic Costa Rica, which faced fewer of the political and social challenges prevalent elsewhere in the region, went into a deep economic slump. Until 1980, Costa Rica's real growth rate had averaged more than 6 percent per year—the highest in the region. In 1982, in contrast, economic activity in Costa Rica declined 9 percent.

The economy of El Salvador contracted even faster. The reason is that El Salvador has been hit hardest by the third, and in certain cases, the most important, factor in Central America's economic decline: the disruption of economic life by guerrilla violence.

In a nation where safe drinking water is scarce, guerrillas have destroyed water pumping stations and the transmission towers that carry the energy to run them. They have destroyed 55 of the country's 260 bridges and damaged many more. In a 22-month period ending last November they caused over 5,000 electrical interruptions—an average of almost 8 a day. In 1982 alone, the guerrillas destroyed over 200 buses. Less than half the rolling stock of the railways remains operational.

In a nation where overpopulation is endemic, where employment is hard to find, and where capital investment must be nurtured, guerrilla attacks have forced the closing of factories, the abandonment of farms and the displacement of thousands of workers. One out of eight of El Salvador's most productive land reform cooperatives is either abandoned or operating only sporadically because of guerrilla interference.

The result has been human as well as economic disaster. On the average, every man,

woman and child in El Salvador is one-third poorer today than four years ago. During the off-season, agricultural unemployment is now 40 percent. In 1981, El Salvador was able to import only two-thirds as much by volume as in 1977. Critical goods like medicines and raw materials have been cut back sharply. And to maintain even this reduced level of foreign purchases, its central bank has had to increase net borrowings by almost \$300 million.

El Salvador, moreover, is not the only country affected by the consequences of guerrilla warfare. The spread of violence and uncertainty has made investors wary of ventures anywhere in Central America, even in the most stable countries of the region, Honduras and Costa Rica.

III.

The United States is working hard to help the Central Americans overcome these obstacles and resume strong economic growth. Our policy is designed to address each of the problems I have mentioned.

First, to combat social tensions and the long-term instability of dictatorships, whether of the right or the left, we are supporting democratic politics and reform. Democracy gives people a stake in peaceful development. And it gives investors the stability they need to plan ahead, confident that the future is less likely to hold arbitrary shifts in government policies or sudden outbreaks of civil strife.

El Salvador's elected Constituent Assembly has, for example, twice extended land reform legislation in response to popular demand. 500,000 Salvadorans have now benefited directly from the land reform. Both the AFL-CIO and the Agency for International Development are working hard to consolidate the reforms and to increase agricultural productivity. After initial declines, yields are beginning to increase again. And by developing a rural middle class, with money to spend on domestically produced goods, the land reform should provide an indispensable base for greater national output and employment.

Second, to help cushion adverse developments in the world economy and complement domestic policy reforms, we have increased both bilateral economic assistance and other forms of cooperation.

In this fiscal year, we are obligating some \$625 million in bilateral economic assistance for Central America. That amount is more than four times greater than our military assistance. This economic aid includes:

Balance of payments support to permit needed imports of consumption and production goods;

Project money to build or improve basic assets like roads and bridges;

Technical assistance to help the Central American governments provide services to their people more efficiently;

Food aid; and

Funds for the construction of low-cost housing.

We are also going beyond traditional economic assistance in two ways. We are encouraging close cooperation between individual countries and the International Monetary Fund and the development banks. This cooperation should facilitate necessary internal adjustments and provide essential external capital flows. At the same time, we are creating new market opportunities for Central American products. The Caribbean Basin Initiative, which received strong bipartisan support in Congress and which the President signed into law just this past

August 5, is a hallmark of our efforts to lay a sound basis for future growth. I shall return to it in a minute.

Third, because of the guerrillas' explicit targetting of the Salvadoran economy, our military assistance program is designed to help shield economic activity. Behind that shield, the Salvadoran economy can function, people can go to work, and vital public services can be restored. A major civil-military operation is now under way in the two provinces (San Vicente and Usulután), where guerrilla activity has been most damaging to coffee, cotton, livestock and dairy farming. This operation is expected to permit 28 of El Salvador's 42 largest farm cooperatives to resume normal operations. Twenty schools and eight small hospitals have been opened since June.

It is difficult to quantify the lost value of foregone investments and disrupted production. We estimate that all our economic assistance since 1980 does not fully offset guerrilla damage to the Salvadoran economy. But it is making a critical difference.

IV.

What does the future hold?

The answer, of course, depends on the ability of our friends in Central America to design and implement policies that will go beyond immediate needs and improve conditions for long-term development.

But we can certainly help. U.S. businesses have relatively small stakes in Central America. At the end of last year, for example, total U.S. direct investment in Central America was less than half of one per cent of U.S. investment abroad. Nonetheless, economic development in Central America is in the national interest of the United States. The peace and prosperity of our neighbors is a goal worth spending money on, even a lot of money.

So it is not surprising that many Americans have recently been talking about a Marshall Plan for Central America. Americans are every bit as committed to the peace and prosperity of Central America as they were to the reconstruction of Europe after World War II.

But the term "Marshall Plan" should not be taken literally. The analogy between post-war Europe and present-day Central America is less than precise. Post-war Europe faced problems of reconstruction, not of long-term development and immediate defense. Europe's internal conflicts and even occasional violence were contained by democratic experience and widespread belief in a new future. And Europe had a large pool of trained manpower with a long industrial tradition. For all of these reasons, massive infusions of capital were quickly usable in post-war Europe. The problems of Central America are different.

But if the term "Marshall Plan" is used to emphasize the high priority we are already giving to economic assistance for the region, it is consistent with our thinking. Central America needs relatively high levels of assistance. It needs them now, and perhaps for some years to come. It needs them for both development and defense. And it needs them to restore destroyed or deteriorated assets.

As the region recovers its balance, however, we will want to ensure that Central America's economies do not succumb to the tendency of some small, developing economies to adjust to large inflows of capital in ways that create permanent dependence. Massive inflows of aid can reduce the incentives for domestic saving. They can help maintain exchange rates at levels that dis-

courage domestic investment. And the necessarily large role of governments in using foreign aid can also inflate the size of the public sector at the expense of more dynamic private enterprise.

Looking to the future, then, I would suggest six considerations that should be kept in mind in determining realistic levels of assistance for Central America after the present emergency.

The first is the one I have just outlined: the need to avoid impairing the region's independent economic potential by fostering dependence or undermining productivity.

Nicaragua provides a concrete illustration. Since July 1979, Nicaragua has benefitted from unprecedented levels of economic assistance from around the world. Their own figures indicate that they received more than \$500 million in assistance loans each year from 1980 through 1982. During the Sandinistas' first twenty-two months in power, the United States was Nicaragua's single largest bilateral donor of assistance, and we supported them when they applied to the international financial institutions for multilateral aid.

In spite of these high levels of aid, and an initial spurt of growth in 1979 and 1980, the Nicaraguan economy is now declining rapidly. We do not know just how rapidly because the Nicaraguan government no longer publishes timely statistics. We do know that the public sector's share of GNP, which was 15 per cent before the revolution, reached 41 per cent in 1980, and is even higher today. The indications are that the growth of the nationalized sector has been accompanied by disastrous losses in production. And little of the available external assistance has gone into developing the productive activities that will be needed to sustain Nicaragua's praiseworthy new literacy and public health programs. Arturo Cruz, once the Director of Nicaragua's Central Bank and a member of the revolutionary government junta, has concluded that "Nicaragua is condemned to be an international beggar."

A second consideration is the private investment, not official aid, is the key to growth. Funds for investment can come from only two sources: domestic savings, or foreign savings in the form of foreign investment, loans, or economic assistance.

To be self-sustaining, most of the investment must come from domestic resources. As I noted in presenting the U.S. position to the UN Conference on Trade and Development in June: "Adequate incentives for people to produce, save, and invest are the heart of effective policies for sustained growth."

Domestically, the nations of Central America can work to develop the kind of business environment conducive to private domestic investment. Political stability is a prerequisite. But open markets, an equitable and efficient tax system, sound monetary and foreign exchange policies, and a government commitment to encourage new enterprises are also needed. Sound government policies and non-discriminatory legal procedures can also attract foreign investment, and with it the technology and know-how to increase Central America's international competitiveness.

A third consideration is the distribution of investment. My own conviction is that industry should be developed, but not at the expense of agriculture. In country after country, an increasingly productive agricultural sector has proved to be the force driving economic growth.

Central America's own record is a case in point. For the most part, Central America

has been highly successful in selling its agricultural goods to the world market: coffee, cotton, sugar, bananas. Without disturbing the production of agricultural exports, the Central Americans can also increase their industrial exports. In the late 1970's, they had already begun to achieve this goal, as the statistics I mentioned earlier demonstrate. They can do so again, and better.

This brings me to a fourth consideration: international trade is key to Central America's future growth.

Although Central American domestic markets are relatively small, Central America enjoys a similar resource base and shorter transportation lines to major markets than the five members of the Association of Southeast Asian Nations (ASEAN). The ASEAN nations have had an average growth rate of about 6 percent over the last decade. With the exception of the Singapore city-state, the ASEAN nations are, like Central America, engaged mainly in agriculture and the production of basic commodities. But unlike the Central American Common Market, they have not protected themselves behind a common tariff barrier. Instead, they have fostered growth through open markets and exports, combined with cooperative economic policies and joint industrial projects. The experience of the ASEAN nations confirms what common sense suggests—that the Central American nations should also be able to compete effectively in world markets.

A fifth consideration is that we should commit ourselves to making the benefits of American trade and commercial investment available to Central America.

For years, Latin American experts have been telling us that what our neighbors wanted and needed most was a long-term U.S. commitment to their stable growth. That is why the President worked so hard on the Caribbean Basin Initiative. The CBI, to which I referred earlier, is an innovative twelve-year program of one-way free trade and tax incentives for twenty-seven nations in the Caribbean and Central America. The CBI provides market-oriented incentives for investment and business in the region, based on free trade and free investment flow. It emphasizes private enterprise and private investment as the engine of development. We expect the designation of the first CBI beneficiaries to take place in November, and the 12-year free trade provisions to go into effect in January.

By harnessing normal market forces to foster a growth pattern appropriate to the region, the CBI should attract capital and create employment opportunities on a lasting basis. It is an approach that creates opportunities without dependence. I believe it should typify much of our thinking about how to promote future growth in the area.

My sixth and final thought is that we should do more to help meet the basic human needs of the people of Central America. On a world scale, these are "middle-income" countries. But continued technical assistance and other forms of cooperation in health, education, and population are still essential. Indeed, because they are our neighbors, the grounds for a special U.S. effort are strong.

Our private sector could and, I believe, should play a major role—both independently and in cooperation with the Agency for International Development. There is great scope for universities, businesses, religious organizations and even local governments to cooperate with their counterparts in Central America. The needs are great for

improved training, transfer of technology, health services, and other cooperation to better the quality of life in both urban and rural areas.

V.

The United States is now on the road to a sustained economic recovery; most other industrialized nations are not far behind. The challenge is to transform this revival into a truly global recovery, based on renewed growth in world trade and investment.

Central America, which is so close and so important to the United States, must share fully in this recovery. I think it can. The six considerations I have outlined today are designed to do just that. Central America can avoid dependency, strengthen its private sector, develop agriculture as well as industry, and increase its foreign trade. In turn, the United States can ensure the availability of American markets and enterprise, and cooperate to better meet the basic human needs of Central America's people.

The key to establishing this dynamic is freedom. Freedom from outside intervention. Freedom from tyranny. And freedom to create. As President Reagan stated in his September 1981 speech to the IMF and World Bank:

"Only when the human spirit is allowed to invent and create, only when individuals are given a personal stake in deciding economic policies and benefiting from their success—only then can societies remain economically alive, dynamic, prosperous, progressive, and free."

That is our goal: neighbors who are both free and independent. Let us move to an era of economic and political cooperation, securely founded on peaceful development.

[From the St. Paul Pioneer Press/Dispatch, Sept. 26, 1983]

**CYCLE OF BUSINESS UNCERTAINTY FEEDS
CRISIS IN CENTRAL AMERICA**
(By Anthony L. Andersen)

H.B. Fuller is committed to the future of Central America. We have been here in good times and bad. We will be here in the future.

The Central American region has been an important area for our company. We have plants in five of the seven Central American countries.

With that in mind, I would like to examine some of the troublesome contradictions I have noticed in U.S. policy to this region.

First, when President Reagan announced the formation of the Central America Study Commission chaired by Henry Kissinger, he said: "Help us warn the American people that for the first time in memory we face real dangers on our borders, that we must protect the safety and security of our people."

Our president's memory, which is usually excellent, is obviously short in this case. Danger is nothing new in the Central American area. In 1962, for example, the Cuban Missile Crises brought America and the Soviet Union perilously close to nuclear conflict. During the 1970s and '80s economic crisis, particularly the growth of foreign debt, threatened Central American nations. Our neighbors in Central America have known constant danger for several decades now.

Second, I believe that we have abused the notion of what it means to be a good neighbor. We have given steady lip service to the importance of the Central American region, but have ignored the responsibilities that come with being a good neighbor. We have

paid sporadic attention to the region and have ignored long-term and consistent policies that are absolutely required if this region is to grow and prosper. And we can't make any more promises. Promises are cheap.

Third, the United States has seemed to believe that we could ignore Central America when it suited our needs. We have in fact a one-way relationship. Only two-way relations can develop lasting solutions.

The majority leader of the House, Jim Wright, described U.S. policy towards Central America as "broken promises and benign neglect."

This must change. We do not need temporary strategies. Magic and razzle-dazzle solutions will wear off. Results count.

Only with the promotion of a consistent foreign policy that fosters and assists broadly based economic and personal income growth can Central America prosper. We should not downplay the important position and potential the United States has in the region. This is why the development of a long-term positive and humane foreign policy is critical.

Central America's greatest danger, in my mind, is not the guerrillas supported by the Soviet Union. I believe the Central American people will see through the deception and recognize the emptiness of Soviet colonial, exploitive foreign policy.

My fear is that Central America will become caught in an accelerating cycle of business uncertainty that will result in increased national investment in the non-productive sector, or reduced foreign investment, expanded debt and increasingly greater instability, all of which further weakens the social and commercial fabric of these precious nations.

This vicious cycle must be firmly interrupted. The flow of capital, both local and international, must be redirected back to Central American nations. The United States government should assist Central American governments, where needed and wanted, to create a total climate whereby business investment—one necessary ingredient—can find its way to Central American countries.

The 1982 Caribbean Basin initiative was a modest beginning, but it was not enough. It benefited only a few Central American countries and did not create a long-term solution to problems at hand.

The United States government must also ensure that economic aid and credit deals directly with human needs. Today these programs are subject to shifting political moods in Washington. Businesses and Central American governments cannot plan thoroughly and with assured continuity if aid is turned on and off. We need to make a long-term commitment to help free people and free enterprise, not only political enterprise or political ambition.

The International Monetary Fund and the World Bank should not be treated as political tools. The governments of Costa Rica, Guatemala, Honduras and others need to know that their basic needs will receive attention and support and that these organizations are not short-term friends.

One of President Reagan's best initiatives has been to encourage and increase capital for OPIC, the Overseas Private Investment Council, which provides loans and risk insurance for overseas development. H.B. Fuller has used OPIC insurance coverage in the Dominican Republic, which encouraged us to make investments that we might not otherwise have been able to justify.

OPIC funds are readily available to countries like Panama, Belize and Costa Rica. OPIC insurance is much more difficult to get in El Salvador, Guatemala and Honduras because they are defined as "risky." If we are going to play it safe, we will lose. We must invest, because by investing we clearly become an active, involved participant in the solution, not a contributor to the problem.

Economic aid guarantees, loans and insurance are commitments difficult for United States leaders to make. They must understand that we must make commitments now to improve the Central American economy. Tomorrow is too late. This is truly an opportunity for our government leaders to exercise statesmanship vs. politics for the next election.

Government involvement, as I have said all along, is no panacea. Interhemisphere governments must create a climate for private enterprises to invest and in the long run remove the need for government assistance. In addition, over the long term, the attitude of the U.S. people must be changed and then they must be informed about the Central American region.

Private enterprise has responsibilities as well. Private enterprise must reinvest locally earned capital into Central America to stimulate business growth. At H.B. Fuller, we reinvest more than 80 percent of our earnings.

H.R. Fuller has an abiding commitment to assist the communities in which we are located. We recognize that stability is fostered, growth encouraged and faith and confidence instilled not only by economic development, but by reinvesting profits back into those communities into projects of social importance.

This philosophy has led us at H.B. Fuller to develop an extensive program of community affairs in Minnesota and throughout the United States.

I am proud to announce that H.B. Fuller will make a similar commitment in the Central American communities where we are located. We will take 2 percent of our Central American generated pretax profits for community affairs projects. This amount will increase to 5 percent over the next several years.

The United States government, private enterprise, Central Americans and nations in the Americas all have a stake in each other's future. We have a great opportunity here in Central America, but the opportunities are fraught with danger. Let us start working together so today's opportunities become tomorrow's realities.

**REMARKS OF SENATOR DAVE DURENBERGER TO
WESTMINSTER CHURCH**

As all of us here have found out, one of the hazards of involving yourself in the debate over Central America is that opinions vary and emotions run high. For instance, all throughout last year's political campaign, I remained essentially behind the administration's policy. The result was that several hundred uninvited guests showed up at my birthday party in 1982 to shout that I was somehow indistinguishable from Roberto D'Aubuisson. Later, after the election, I wrote a fairly harsh letter to the President, criticizing his policy and his rhetoric. The result was that nobody showed up at my birthday party in 1983. As they say, I'm not getting older, I'm just getting better.

The point here is to illustrate that it's hard to stay on top of the situation. Partly, that's because so few North Americans have

any experience in the region. Partly, it's because now that there's a sudden surge of interest, it's easy to fall into the trap of getting information from only one source or through only one prism. I'm a little amused by the huge flow of Congressmen on the two-day, "now I'm an expert" trips down what I call the "liberation theology trail."

Another source of confusion is that the region is not static. Every time we think we understand it, something changes. For instance, a cabinet-level Costa Rican official told me last week: "You know that we provided assistance to the anti-Somoza forces for many years. We detested Somoza. But we did not fear him. Now, we detest the Sandinistas and we fear them as well."

There are some constants in Central America, to be sure.

Far too many of the nations in the region have suffered from years of institutionalized squalor and institutionalized violence. Too many times, we've been partly to blame. There is no better example of this than our reliance on the Monroe Doctrine and several regiments of Marines to install the Somoza family in Nicaragua.

Our approach to Central America has for too long been characterized by alternating cycles of panic and neglect. The result is that our policy is often hasty, reactive, and simplistic. Every few years, an ongoing or potential crisis of some kind attracts our attention momentarily, and we respond by either sending the Marines or by rushing in with ambitious plans for economic development. The attention, however, is typically short-lived and the ensuing cycle of neglect feeds the crises which produce the next cycle of panic.

We can't afford this kind of stop-start policy. We must not continue the errors of the past because we won't look to the reality of the past and present or the potential to shape the future with a positive and long-term policy. But it's not easy.

VIEWPOINTS ABOUT CENTRAL AMERICA

There is an ironic consonance of views among many of the people who otherwise violently disagree about U.S. policy in Central America. It is shaped by a tacit belief that we should look at Central America—if at all—only in geopolitical terms. A surprising number of people fall into that mental trap.

Let's begin with a commonly expressed view: that somehow Central America just isn't worth all the fuss. We have heard President Reagan tell us that Central America and the Caribbean Basin are vital because they could serve as a naval chokepoint, strangling our access to Europe.

We often hear the region spoken of in vivid terms: "A dagger pointing north and south," or "a vital land bridge between two continents."

Regardless of how the metaphors are cast, a large number of Americans share a belief that Central America is only instrumentally important, not intrinsically important. In other words, many people believe that Central America is of concern only because it might spawn floods of refugees—"feet people," as the President calls them—or it might be used as a staging area for military and paramilitary activities. At bottom, therefore, many people look upon the region as simply a problem to be managed or solved.

There is by no means any common view on how to do this. In fact, people who knowingly or unknowingly share the geopolitical view can and do strongly disagree over such major policy questions as economic versus

military assistance. Let us not forget that the Alliance for Progress, which was unveiled with such great fanfare by the Kennedy Administration, was fundamentally justified to the public in geopolitical terms. It was seen as a way to keep the Russians out of our hemisphere. Like the Reagan Administration, the Kennedy Administration viewed the Third World in instrumental rather than intrinsic terms, and it tried to buy off problems before they became too large.

Economic aid is humane and needed, so I don't want to leave you with the impression that I oppose it. By the same token, there are times when military assistance may be called for in a given country at a given time. Once again, however, we've heard the arguments chiefly offered in geopolitical terms: If we can't buy them off, let's kill them off.

In all events, however, our policy premises are shaped far too frequently by a viewpoint which holds that the only relevant factor is the geopolitical. When we adopt this viewpoint, we resort to elementary map-reading. The result is frequent neglect and occasional panic. If the map seems clean, we ignore the region. If it seems cluttered, we panic. Worse, by reading the map, we often think in map-maker's colors. Central America is colored yellow on the four-dollar world map which I picked up at a local bookstore ten years ago, before my first visit there. That suggests that every nation in the region is the same. They aren't.

CENTRAL AMERICAN REALITIES

Each society is quite different. Guatemala is little more than a military dictatorship supported by a few powerful people, and repression is increasingly taking the form of atrocities against the large Indian population. Costa Rica on the other hand, is a vibrant democracy in the literal sense of the word, with free and representative elections, a highly advanced welfare system, a social democratic government, 90 percent literacy, and a commitment to peace sufficient to have prompted a Nobel Laureate in medicine to nominate the entire country for the Nobel Peace Prize. In a region too often characterized by military repression, Costa Rica has no army at all, having dismantled it in 1949.

In between these two extremes, we find the three remaining countries. Honduras is a troubled land which is slowly and painfully moving toward greater freedom. If it can avoid being sucked into the spiral of civil insurgency and regional violence, the Hondurans have a good chance.

El Salvador is a country desperately trying to do in a few years what it should have done over a half a century: Legitimize the government, redistribute income, remove the last vestiges of the oligarchy, and develop a constitution. It is challenged by its own bitter history, by local figures who violently resist the tide of change, by insurgents who are bent on destroying the economy in order to topple the government, and by Nicaraguan policy.

Finally, Nicaragua itself faces a profound choice. It succeeded in ridding itself of a despicable dictatorship. It faces awesome economic problems, many of which date back for decades. The governing junta came to power with widespread support. But Nicaragua now seems bent on a course which aims simply to consolidate the rule of a hard-line Marxist minority within the Sandinista movement, effectively threatening to replace one dictatorship with another.

Why should we care about these kinds of realities? If we accept that the geopolitical

view is insufficient, and if we are unwilling to argue that as Managua goes, so goes San Antonio, Austin and Dallas, why should we care at all? Let me briefly touch on a few reasons.

First, whether we like it or not, we are inextricably involved in Central America, partly because of our lamentable history and partly as well because Central America wants us to be involved. When people in the region object to our policy, they want a change, but not a total abrogation of our role.

Why should people in Central America want us to remain involved in their region? First, many of them have a genuine admiration for what is best in our country: our form of government, our scientific and technological skills, our prosperity, our health, social services and educational system. Second, Central America faces a horrifying economic crisis which is both long-term and structural, and which will require patience, commitment, and investment by the United States. If we ignore Central America, we consign 20 million people to perpetual poverty. They know that, even if we don't. So, like it or not, we are involved in Central America, and will continue to be, simply because Central America looks to us.

A second reality relates to the first. We often forget that ours was the first revolutionary country on earth. An astonishing number of people in this century have taken their inspiration from our own Declaration of Independence, and not all of them have been Jeffersonian democrats.

I believe that we in this country have an inescapable heritage of democracy and a mission of reform which derive from our most fundamental beliefs as a people. Just as this Church and my own have seen the message of Christianity in universal terms, so too I believe that this country has a duty to see democracy, human rights, and prosperity in universal terms. Obviously, that does not mean that we should guide every nation on earth toward a carbon copy of our own political system. But democracy is an ideal, just as religion is; it is a pathway more than a structure, and we in this country can and should light the way.

Third, remember that we are increasingly interdependent with the rest of the world. One acre in four of our farmland goes to exports, and the bulk of that export goes to the Third World. Much of what we consume comes from the Third World as well. We are linked economically with Central America, and that cuts both ways: we are their market as much as they are ours. As they prosper, so too we shall prosper.

So the point I want to make is that it is narrow and foolish to look at Central America simply in map-maker's terms. There is far more to the region than simply some metaphor about daggers and land bridges. It is a vibrant place, and one which should command our attention, not our apathy; our persistence, not our panic. It merits a positive and long-term policy, rather than a precipitate application of blunt instruments or a rush to judgment. Like any complex area, it raises quandaries.

THE NEED FOR NEW INFORMATION

If we are to begin to grasp our way toward a new and affirmative policy, we must begin to recognize some of the dilemmas we face. In many instances, those dilemmas are of our own making. There is no better illustration of this than in the area of information.

I noted at the outset of this speech that one constant in Central America has been

that too many political systems are characterized by maldistribution, repression, and personal aggrandizement. In fact, that image has become something of a cliché here in the United States. Mention Central America to most people, and the likely response will be "banana republic." Obviously, there's a lot more to the area than that, and many informed Americans know better. But many of the people who daily write to me have equally one-sided views of current reality, even if those views are a little more advanced than before.

How many of us in this country, for instance, are aware of the massive refugee flow from Nicaragua into Costa Rica? Costa Rican authorities now estimate that some 200,000 illegal aliens—many of them Nicaraguans—live in Costa Rica. In fact, the Costa Rican government has quarantined the northern region because of the public health threat posed by Nicaraguan and Miskito refugees who bring with them malaria and dengue.

You are unlikely to learn about this by watching the news. Certainly the Sandinistas don't boast of it. A major television network recently wanted to investigate a rumor that Costa Rica was wasting U.S. refugee funds, and it sent a crew to the country. When it was unable to prove waste, it went home, leaving uncovered the story of the increasing refugee flow.

Let me mention one other illustration which flies in the face of the current imagery. Before I left on this last trip, I was advised to visit Archbishop Roman Arrieta, who chairs the Central American Secretariat of Catholic Bishops. I was told that Bishop Arrieta, who was somewhat fondly known as the "Red Bishop" when he supported anti-Somoza forces some years ago, was very critical of the U.S. In fact, over the course of 45 minutes at his home, the Archbishop repeatedly stressed that under current circumstances the United States must remain in the region, doing what it is doing. He spoke in gentle but critical terms of his "beloved brethren" in this country who flirt with "liberation theology." He said that we must never forget that Marxists will capitalize on the legitimate grievances of people, and that they will use religion as a "scaffolding" to assist in the creation of a new society. "But," he cautioned me, "remember that after a building is erected, the scaffolding is destroyed. This is what I fear in Nicaragua."

CURRENT POLICIES IN CENTRAL AMERICA

I've stressed the need for new and better viewpoints and information because I think our policy is potentially very troublesome. That doesn't mean I share all the views of the critics. Quite the contrary, I am convinced that just as we must avoid dwelling on the geopolitical approach which looks to military threats everywhere, so too we must reject the romantic viewpoint which leads people to believe that so long as any regime brings health workers and teachers to the country it must be considered good. Naivete is not an acceptable substitute for cynicism. But having said that, let me briefly touch on our current policies and close by mentioning my principal concern.

At bottom, the Administration is pursuing a policy which is shaped by four premises. First, they continue to see Central America in terms of East-West confrontation over spheres of influence. Second, they look upon Central America as a region, often to the detriment of policies fine-tuned to each of the countries. Third, they increasingly tend to see the principal struggle as mili-

tary, rather than as a political one in which force would be the last option, not the first. Finally, they are seeking a policy which is as painless as possible to us in this country.

The net effect, if these are carried to their logical conclusion, will be to feed the status quo at a time when it needs changing. Central America has been confronting a nascent revolution for years, and if we try to stand in its way we will get crushed. What we can and should do is to ensure that the revolution is not stolen by Marxist-Leninists.

In El Salvador, for instance, we seem increasingly to be talking in terms of a battlefield victory rather than in terms of letting the best of the FMLN rejoin the mainstream while isolating the worst of the insurgents in the hills. A guerrilla force which is scattered, isolated, and cut off from the population is at worst an irritant, not a security threat. As we know from experience, it is possible to achieve that through a judicious combination of locally-based security coming from the people themselves and small-unit tactics which aim simply to keep the guerrillas off balance. Instead, we are looking at battalion-sized sweeps, large battles, and little progress in terms of letting the population—a population which bitterly opposes insurgent violence—get a stake in their own society.

There's no reason why the government can't talk while it does the necessary job of fighting to protect itself, but negotiations have been ruled out with a lot of rhetoric about "power-sharing." There's no excuse for continuing to look upon the armed forces, the national guard, or local civil defense as the private preserve of a few landowners rather than as a supplement to a genuinely national militia. But so long as we look upon the struggle in El Salvador as one in which large armies must confront each other over geopolitical stakes—stakes which are apparently seen as open-ended and absolute—our policy will take on more and more military overtones. We must never forget that an armed struggle is ultimately a dispute over political goals. If we lose sight of the essentially political nature of the conflict, we will simply feed violence for the sake of violence.

In Guatemala, we are now considering the resumption of military assistance to a regime which simply does not merit it. We have allowed the Guatemalan government to convince us that if they are well armed, they can protect us from a common threat. In fact, the Guatemalan government makes war on its own people more than on Nicaraguan communists. In doing this, it only increases the likelihood that Guatemala will some day fall, and fall violently. Frankly, as of today, U.S. policy in Guatemala is where Jimmy Carter's was in Nicaragua in 1978—looking for answers.

In Honduras, we are unfortunately viewing the country more as a convenient staging area than a society which faces its own problems. Certainly, Honduras should not be expected to tolerate cross-border incursions by Nicaraguan military forces or Sandinista agents carrying arms into El Salvador. So there is obviously a necessary security dimension to our relations with Honduras. But there is much more as well, and I have yet to hear anybody describe how we can help the people of Honduras continue their move closer to democracy and prosperity.

Finally, in Nicaragua, we have made the fundamental mistake of not letting the Sandinistas die on the vine. The Borges and Ortigas and D'Escotos of the world put on a

grand show. But they lack much in the way of genuine popular support. They face the problem of consolidating their power once they have stolen a revolution. Inevitably, we seem to assist them by giving them the pretext to posture as nationalists who are resisting outside pressure. Left to their own devices, the Sandinistas would have become more and more at odds with the people of Nicaragua as they set about muzzling the press, intimidating the Church, and mismanaging the economy. The refugee flow shows how little support they have.

Thus far, I have touched on the first three points I mentioned: East-West rhetoric, regional rather than fine-tuned policies, and over-reliance on armed forces. The final point I want to make is that our government is making the fundamental mistake of trying to pursue a potentially costly policy while reassuring us that it will be painless. The American people are rightly concerned, for they recognize the contradiction.

When any one viewpoint becomes the exclusive way we approach policy, we risk dealing in rigid and absolute terms. In the case of current policy, we have over-stressed the geopolitical framework to the point where the government now speaks in the most dire terms of a possible setback. In other words, we have escalated the stakes. But at the same time, remembering the presumed lessons of Vietnam the President has emphasized that we won't send troops. It is simply contradictory to tell us that we face a huge threat but then reassure us we won't fight. It is more than contradictory, however. It is haunting, for that was the essence of our policy in Vietnam, and people remember. Like President Kennedy, President Reagan wants to galvanize us but to reassure us at the same time. In this lies folly.

If we learned one thing from our experience in Vietnam, it is that our policy collapsed because we were unwilling to win but unwilling to lose. We repeatedly heard American presidents say that we would not fight a major land war in Asia while also stressing that we could not afford to lose Vietnam—particularly because of its purported geopolitical value. The result was the policy of incrementalism which seemed to suck us in deeper and deeper while we became increasingly confused over goals. Two and one half million young Americans were sent to Vietnam for reasons that were never fully explained to them. The Minnesota salute to Vietnam veterans which is going on today is a poignant reminder of those times and those policies. Only now—as they approach troubled middle-age—are the veterans beginning to understand.

What caused that policy? Nothing more than a rigid and artificial view of reality and self-imposed dilemma. We face that possibility once again today. But let us not forget that we could face the same kind of disaster if we were to adopt any one-dimensional view of reality. A romantic view is just as dangerous in this regard as a geopolitical one. American policy is not the only source of potential hazard in Central America. Just ask any Costa Rican. We can neither impose our own solution nor abandon the region in a naive faith that things will somehow work out. We must instead begin a quest for a positive, affirmative and progressive policy which accounts for the complexity of the region, the fact that our heroes of the moment often have clay feet, and the reality that problems will change as the region changes. You and I must be part of that quest. ●

PROGRAM

Mr. BAKER. Mr. President, there may very well be other Senators who wish to speak today. However, I would like to make arrangements for the session of the Senate tomorrow. I have consulted with the minority leader, who is on the floor, and I now make the following request.

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. tomorrow.

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

ORDER FOR ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, after the recognition of the two leaders under the standing order, there be a brief period for the transaction of routine morning business until 10 a.m., in which Senators may speak for not more than 1 minute each.

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

ORDER FOR RECESS TOMORROW FROM 12 NOON TO 2 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, between the hours of 12 and 2 p.m., the Senate stand in recess.

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

ORDER OF BUSINESS TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, at the hour of 10 a.m. tomorrow, the Senate turn to the consideration of H.R. 3913, Cal-

endar Order No. 418 appropriations for the Departments of Labor, Health and Human Services, and Education; and I further ask unanimous consent, Mr. President, that no call for the regular order will serve to displace this item.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object. Of course, in not objecting, I am giving up what could be an opportunity for me to press the vote on the Watt amendment. But, in this instance, I am going to cooperate with the majority leader and not object to the order.

Mr. BAKER. Mr. President, I am most grateful to the minority leader. I detect in the twinkle of his eye and the tone of his voice that he may not have abandoned that thought altogether, but simply for this measure. But, in any event, I am grateful.

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

Mr. BAKER. I thank all Senators, and I especially thank the minority leader.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. STEVENS. Mr. President, there being no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess in accordance with the previous order.

There being no objection, the Senate, at 5:13 p.m., recessed until to-

morrow, Tuesday, October 4, 1983, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 3, 1983:

COMMUNICATIONS SATELLITE CORPORATION
Neal B. Freeman, of Virginia, to be a member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1985, vice Justin Dart, resigned.

DEPARTMENT OF ENERGY

Raymond J. O'Connor, of New York, to be a member of the Federal Energy Regulatory Commission for a term expiring October 20, 1987, vice Charles M. Butler III, term expiring.

FEDERAL EMERGENCY MANAGEMENT AGENCY
Robert H. Morris, of Maryland, to be a Deputy Director of the Federal Emergency Management Agency (new position).

RAILROAD RETIREMENT BOARD

Earl Oliver, of Illinois, to be a member of the Railroad Retirement Board for the term of 5 years from August 29, 1983 (reappointment).

IN THE NAVY

The following-named officers of the Line of the Navy for promotion to the permanent grades of commander and lieutenant commander, pursuant to title 10, United States Code, section 628, subject to qualifications therefor as provided by law:

To be commander (unrestricted Line officer)

Robert E. Riera, Jr.

To be lieutenant commander (unrestricted Line officer)

William R. Walker, Jr.

Engineering duty officer

Geoffrey E. Schwartz.