

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MICHEL to revise and extend his remarks.

(The following Members (at the request of Mr. SMITH of New York) and to include extraneous matter:)

Mr. HASTINGS.

Mr. ERLBORN.

Mr. BAKER.

Mr. SCHERLE in 10 instances.

Mr. BROOMFIELD.

Mr. PELY in two instances.

Mr. REID of New York in three instances.

Mr. DUNCAN.

Mr. SCHMITZ.

Mr. WYMAN in two instances.

Mr. LANDGREBE.

Mr. CONABLE.

Mr. HOSMER in three instances.

Mr. O'KONSKI.

Mr. PRICE of Texas.

(The following Members (at the request of Mr. DAVIS of South Carolina) and to include extraneous matter:)

Mr. FRASER in five instances.

Mr. ROSENTHAL in five instances.

Mr. GONZALEZ in three instances.

Mr. HAGAN in three instances.

Mr. GRIFFIN in two instances.

Mr. RARICK in three instances.

Mr. BEGICH in five instances.

Mr. CELLER.

Mr. BRINKLEY in two instances.

Mr. BARING in three instances.

Mr. DORN in two instances.

Mr. EDWARDS of California in three instances.

Mr. ANDERSON of California.

Mr. RYAN in three instances.

Mr. RODINO in two instances.

Mr. DANIELS of New Jersey.

Mr. EDMONDSON in three instances.

Mr. EILBERG.

Mr. JAMES V. STANTON.

Mr. OBEY in six instances.

Mr. HANNA in five instances.

## SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 44. Concurrent resolution authorizing the printing of the study entitled "International Cooperation in Outer Space: A Symposium" as a Senate document; to the Committee on House Administration.

## ADJOURNMENT

Mr. DAVIS of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 27, 1971, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1228. A letter from the Secretary of the Interior, transmitting a report on the current status of the Government's helium program, pursuant to 50 U.S.C. 167; to the Committee on Interior and Insular Affairs.

1229. A letter from the Deputy Assistant Secretary of the Interior, transmitting a report on donations received and allocations made from the fund "14X8563 Funds Contributed for Advancement of Indian Race, Bureau of Indian Affairs" during fiscal year 1971, pursuant to 25 U.S.C. 451; to the Committee on Interior and Insular Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. BOLLING: Committee on Rules, House Resolution 661. Resolution providing for the consideration of H.R. 7248. A bill to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education (Report No. 92-588). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

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

By Mr. GREEN of Pennsylvania (for himself, Mrs. CHISHOLM, Mr. COLLINS of Illinois, Mr. DELLUMS, Mr. DIGGS, Mr. FAUNTROY, Mr. FRASER, Mr. HAWKINS, Mr. MIKVA, and Mr. MITCHELL):

H.R. 11420. A bill to provide for the prevention of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN:

H. Con. Res. 439. Concurrent resolution to provide for the printing of 50,000 additional copies of the subcommittee print of the Subcommittee on Domestic Finance of the House Committee on Banking and Currency, entitled "A Primer on Money"; to the Committee on House Administration.

By Mr. FUQUA:

H.J. Res. 936. Joint resolution authorizing the President to designate the first week in March of each year as "National Beta Club Week"; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII,

278. The SPEAKER presented a memorial of the Legislature of the State of California, relative to a national wildlife refuge for south San Francisco Bay, which was referred to the Committee on Merchant Marine and Fisheries.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

149. The SPEAKER presented a petition of D. E. Leveque, Sheboygan, Wis., relative to redress of grievances, which was referred to the Committee on the Judiciary.

## SENATE—Tuesday, October 26, 1971

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

## PRAYER

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

"O God of love, O King of peace,  
Make wars throughout the world to cease;

The wrath of sinful man restrain:  
Give peace, O God, give peace again!  
"Whom shall we trust but Thee, O Lord?  
Where rest but on Thy faithful word?  
None ever called on Thee in vain:  
Give peace, O God, give peace again!"

—HENRY W. BAKER.

As we have remembered with thanksgiving the veterans of the Nation's wars, may we now firmly resolve to bring in the generation of peace. May all who serve here and in all other areas of the Government, all who serve in churches and universities, in business and the profes-

sions, and in every vocation of our common life, concert their best efforts to adjudicate all internal and international conflicts by peaceful methods to bring the era of peace. Grant us peace of mind and soul that our service may be a blessing to our children and their children's children.

We pray in the name of the Prince of Peace. Amen.

## MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of October 20, 1971, the Secretary of the Senate, on October 22, 1971, received the following message from the President of the United States:

The nominations of Lewis F. Powell, Jr., of Virginia, to be an Associate Justice of the Supreme Court of the United States; and William H. Rehnquist, of Arizona, to be an Associate Justice of the Supreme Court of the United States.

## EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore, on today, October 26, 1971, laid before the Senate a message from the President of the United States, received on October 22, 1971, submitting the nominations of Lewis F. Powell, Jr., of Virginia, and William H. Rehnquist, of Arizona, to be Associate Justices of the Supreme Court of the United States, which nominations were referred to the Committee on the Judiciary.

## MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of October 20, 1971, the Secretary of the Senate, on October 21, 1971, received the following message from the House of Representatives:

That the House had disagreed to the amendment of the Senate to the bill (H.R. 7072) to amend the Airport and Airway Development Act of 1970 to further clarify the intent of Congress as to priorities for air-

way modernization and airport development, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. JARMAN, Mr. DINGELL, Mr. MURPHY of New York, Mr. ADAMS, Mr. SPRINGER, Mr. DEVINE, Mr. HARVEY, and Mr. KUYKENDALL were appointed managers on the part of the House at the conference.

That the Speaker had affixed his signature to the enrolled bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes.

#### REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of October 20, 1971, the following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 35. A bill to provide for the settlement of certain land claims of Alaska Natives, and for other purposes (Rept. No. 92-405).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with an amendment:

H.R. 9910. An act to amend the Foreign Assistance Act of 1961, and for other purposes (Rept. No. 92-404).

#### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 21, 1971, be dispensed with.

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

#### COMMITTEE MEETINGS DURING SENATE SESSION

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

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

#### THE UNITED NATIONS

Mr. SCOTT. Mr. President, the United Nations has severely wounded itself with self-inflicted blows—unwise, illogical, and foreboding for the future.

The United Nations has weakened itself by a decision which would permit that body, any time it rides on an emotional tide, to expel any country, particularly any little country, with whose actions it disagrees.

For example, had this precedent been established a short while ago, the United Nations could well have expelled Nigeria and thus removed itself as an agency for supplying relief to a part of Nigeria, Biafra.

Woe betide the next little country that runs athwart the majority sentiment of a couple of voting blocs in the United Nations who wish to get rid of it.

Mr. President, this may well be the beginning of a woeful period for the United Nations. It is a particularly bad time in history for world peace.

The United States has contributed far beyond what should have been its fair and normal share to the United Nations over the years. We have contributed out

of our substance, out of our blood, sweat, and tears more money than any other nation in the world—far, far more money than any other nation in the world has ever contributed.

Yesterday, too many states cavalierly voted against the position of the United States, which was merely an act designed to preserve the integrity of the United Nations as a body and to preserve its obligations toward universality and toward being truly representative of all the peoples of the world.

It is an unfortunate thing which occurred yesterday. I grieve for the damage which the United Nations has done to itself. If it falls, weakens, or sickens, it has no one to blame but the spirit of selfishness, the spirit of narrowness, and the spirit of ingratitude which pervaded so many of its members.

#### ORDER OF BUSINESS

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

#### A CORRECTION OF ERRORS IN CERTAIN RECENT NEWSPAPER STORIES

Mr. BYRD of West Virginia. Mr. President, a recent news story entitled "Senator Byrd Tactics Irk His Colleagues," written by Associated Press political writer Carl Leubsdorf, has been brought to my attention. I wish, for the record, to correct certain misstatements therein.

The news story began with the following paragraph:

WASHINGTON.—The hard-driving tactics of Sen. Robert C. Byrd, who has taken virtual control of day-to-day Senate scheduling, are beginning to cause resentment among some of his fellow Democratic senators.

The story then read as follows:

But twice in the past week, first on an amendment by Sen. Gale McGee, D-Wyo., and then on one by Sen. Hubert H. Humphrey, D-Minn., Byrd stirred antagonism from the sponsors he claimed to be helping.

On Tuesday, Byrd announced that the Senate would debate and vote Wednesday on McGee's amendment to delete a provision of the \$21-billion military procurement bill to reopen U.S. chrome ore imports from Rhodesia despite the U.N. trade embargo.

The next day, without explanation, the amendment was put over until Thursday.

The reason, Senate sources said, was that Byrd had not cleared the schedule with McGee.

Mr. President, I am always suspicious of stories that use the words "Senate sources." What are "Senate sources"? One is not given to believe that they are Senators. If a story sought to create the impression that my work as majority whip is creating "resentment among some of his fellow Democratic Senators," why did not the Associated Press political writer quote Senators rather than "Senate sources"? Is this a term that is used in reference to someone in and around the Senate who is not a Senator but who makes of himself a convenient vehicle for the spreading of false propaganda and who, for unknown reasons,

may deliberately mislead members of the press corps?

In any event, I have long since taken with a grain of salt any news report that is based on information gathered from "Senate sources."

In this instance, an explanation of the rescheduling of Senator McGEE's amendment was stated by me at the time in question, and that explanation appears on page 32759 of the CONGRESSIONAL RECORD for Wednesday, September 22, 1971.

Why did the reporter seek to leave the false impression that the amendment of Senator McGEE was put over until the next day "without explanation"? Why did the reporter state that "BYRD had not cleared the schedule with McGEE"?

If the reporter had asked me or had asked Senator McGEE he would have gotten the facts with respect to the matter. Or, if the reporter had simply read the CONGRESSIONAL RECORD he would have found the explanation. The explanation, which was perfectly clear and logical, was spread on the face of the RECORD for all to see.

I ask unanimous consent that the appropriate excerpts from the CONGRESSIONAL RECORD of September 22, 1971, to which I have just referred—in other words, the explanation which the reporter failed to note—be printed at this point in the RECORD.

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

#### MILITARY PROCUREMENT AUTHORIZATIONS, 1972—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the morning business on today, the pending question, the amendment submitted by the Senator from Wyoming (Mr. McGEE), be temporarily set aside and that at the close of business today, at the time of the adjournment of the Senate, the amendment by the Senator from Wyoming (Mr. McGEE) again be made the pending question.

The PRESIDENT pro tempore. Is there any objection?

Mr. STENNIS. Mr. President, reserving the right to object, I came into the Chamber a little late. I understand that an agreement has been now reached between the Senator from Wyoming (Mr. McGEE) and the Senator from Virginia (Mr. BYRD).

Mr. BYRD of West Virginia. The Senator is correct. Mr. President, by way of explanation, on yesterday several recesses were had in an effort to find a Senator who would be willing to call up an amendment today prior to 1 o'clock.

It was finally agreed upon between staff members of the Senator from Wyoming (Mr. McGEE) and the other Senators present on the floor at the time that his amendment No. 423 would be the pending question when the Senate adjourned last night and would be the first amendment to be considered when the Chair laid before the Senate the unfinished business today. However, following the adjournment of the Senate last night, the Senator from Wyoming (Mr. McGEE) contacted me to say it would not be possible for him to call up his amendment today.

That is the reason for vacating this unanimous-consent request.

I discussed the matter with the distinguished Senator from Virginia (Mr. BYRD), and it was agreed upon by him and by the Senator from Wyoming (Mr. McGEE) that the McGEE amendment could be made the pending business at the close of business today.



Mr. BYRD of West Virginia. Mr. President, Mr. Leubsdorf's story also might leave the impression that I had sought to "pull a fast one" on Senator HUMPHREY in scheduling his amendment. Pertinent paragraphs are as follows:

In the meantime, pursuing his efforts to bring amendments up for votes as quickly as possible, Byrd had persuaded Humphrey to bring up on Friday his proposal to hold up funds for converting U.S. missiles to multi-warhead MIRVs.

By noon Friday, Humphrey looked around him and at the absentee list, realized he didn't have a chance and that, in fact, the Senate might not even have the necessary quorum of 51 members to do business.

As the Senate paused, Humphrey told Byrd in a voice audible in the gallery that he had been "trapped"—he later explained he had agreed to a vote without being told many potential supporters would be absent.

The facts are these: I had been asked by the majority leader to try to get an amendment scheduled for that particular Friday. Many Senators were out of the city or, for one reason or another, could not call up their amendments on Friday. Whereupon I went to Senator HUMPHREY and asked if he would be willing to bring up his amendment, to which he replied in the affirmative. I then asked if he would be willing to enter into a time agreement, and he again indicated in the affirmative. He also indicated that 4 hours, equally divided, would be ample on the amendment. I asked him if he wanted a rollcall vote thereon, and he again replied in the affirmative. So it was not a matter of my "persuading" Senator HUMPHREY to bring up his amendment. I did not persuade him to bring it up on that Friday. I asked him if he would be willing to go with his amendment on that day and he said that he would.

Moreover, contrary to the impression that the political writer sought to convey, I am under no obligation to state what the absentee situation will be unless asked.

As a matter of fact, I may not have even known. I did not know precisely of any occasion. I leave it to the judgment of the author of an amendment as to whether or not he is willing to schedule action on his amendment at a particular time. Although in this particular instance I happened to vote against Senator HUMPHREY's amendment, I have never used my position in the leadership purposely and knowingly to place a colleague at a disadvantage regardless of my own viewpoint with respect to his amendment or his position on legislation. That is not a proper function of the Democratic whip of the Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD the article by Mr. Leubsdorf, to which I have referred, published in the *Beckley, W. Va., Post-Herald* of September 27, 1971.

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

SENATOR BYRD'S TACTICS IRK HIS COLLEAGUES  
(By Carl Leubsdorf)

WASHINGTON.—The hard-driving tactics of Sen. Robert C. Byrd, who has taken virtual control of day-to-day Senate scheduling, are beginning to cause resentment among some of his fellow Democratic senators.

Democratic Leader Mike Mansfield of Mon-

tana has been content to let Byrd, his deputy, handle the time-consuming and often tedious duty of making sure amendments are brought up and bills expedited, and the West Virginian has been relentless in pushing for unanimous-consent agreements to set specific times for action.

But twice in the past week, first on an amendment by Sen. Gale McGee, D-Wyo., and then on one by Sen. Hubert H. Humphrey, D-Minn., Byrd stirred antagonism from the sponsors he claimed to be helping.

On Tuesday, Byrd announced that the Senate would debate and vote Wednesday on McGee's amendment to delete a provision of the \$21-billion military procurement bill to reopen U.S. chrome ore imports from Rhodesia despite the U.N. trade embargo.

The next day, without explanation, the amendment was put over until Thursday.

The reason, Senate sources said, was that Byrd had not cleared the schedule with McGee.

In the meantime, pursuing his efforts to bring amendments up for votes as quickly as possible, Byrd has persuaded Humphrey to bring up on Friday his proposal to hold up funds for converting U.S. missiles to multi-warhead MIRVs.

By noon Friday, Humphrey looked around him and at the absentee list, realized he did not have a chance and that, in fact, the Senate might not even have the necessary quorum of 51 members to do business.

As the Senate paused, Humphrey told Byrd in a voice audible in the gallery that he had been "trapped"—he later explained he had agreed to a vote without being told many potential supporters would be absent.

Despite the recent resentment, most senators appreciate Byrd's efforts to bring more order to the Senate's usually haphazard scheduling. Fixed times for votes mean senators can plan their schedules, including out-of-town speeches, with prior knowledge of when they need to be on the floor.

And Byrd has been scrupulous about protecting the interests of absent senators, picking up in the process some valuable credits for the time he seeks the majority leadership after the 68-year-old Mansfield leaves the scene.

Mr. BYRD of West Virginia. Mr. President, in a later news story, Mr. Leubsdorf pursued the same theme, saying that I had "incurred the wrath of fellow Democrats, chiefly those in the party's more liberal wing who have feared he would use the job to push his conservative views."

Mr. Leubsdorf, in his second story, enlarges the number of Democrats whom I have reportedly "antagonized." He again refers to Senator McGEE and Senator HUMPHREY, whose names were in his first story, and he now adds Senator JOSEPH MONTROYA. The Associated Press writer states that I had reportedly antagonized Senator MONTROYA "when BYRD tried to persuade him to call up an antiwar amendment likely to lose before MANSFIELD's which was expect to be approved."

Why did the political writer not ask Senator MONTROYA if I had antagonized him? The impression is to be had, one may suppose, that I was trying to trick Mr. MONTROYA into scheduling his amendment—for which I voted—at a time when it was calculated to be defeated. In other words, I was trying to take advantage of Senator MONTROYA—so the writer would have readers believe.

I ask unanimous consent to have printed at this point in the RECORD, Mr. Leubsdorf's second story, which appeared in the *Bluefield, W. Va., Daily Telegraph* of October 11, 1971.

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

MANSFIELD MOVES TOWARD MORE ACTIVE ROLE IN RUNNING SENATE; BYRD'S METHODS ARE UNDER FIRE

(By Carl P. Leubsdorf)

WASHINGTON.—Democratic Leader Mike Mansfield of Montana is moving to reassert a larger role in running of the Senate in the wake of grumbling over the methods of his assistant, Sen. Robert C. Byrd of West Virginia.

The situation came to a head 10 days ago when Byrd lost control of an evening session that saw the adoption of an amendment dealing with chrome imports from Rhodesia—and then its reversal after several senators including Mansfield had gone home.

It was the latest in a series of incidents in which Byrd, who has been largely responsible for day-to-day scheduling of Senate business, incurred the wrath of fellow Democrats, chiefly those in the party's more liberal wing who have feared he would use the job to push his conservative views.

As a result, Byrd has been much less in evidence around the Senate in the past week—and Mansfield has been more visible.

Senate observers said they couldn't recall when Mansfield had spent as much time on the floor, keeping an eye on business.

Since Byrd became assistant leader in January by unseating Sen. Edward M. Kennedy of Massachusetts he has pushed hard to put the Senate on a more businesslike basis.

As a result, most amendments on key bills have had specific times set for voters after agreement on debate limitation, a procedure that makes it easy for senators to know when to come but which reduces attendance and spontaneity.

Before the chrome incident, Byrd reportedly had antagonized three fellow Democrats—Gale McGee of Wyoming, by scheduling his amendment also dealing with chrome on a day he was unable to be there; Hubert H. Humphrey of Minnesota, who claimed he had been "trapped" when he agreed to bring up an amendment on multiwarhead missiles without being told nearly half the Senate would be absent; and Joseph M. Montoya of New Mexico, when Byrd tried to persuade him to call up an antiwar amendment likely to lose before Mansfield's which was expected to be approved.

On the night of Sept. 30, the Senate had just approved by a vote of 45 to 43 an amendment by Sen. J. W. Fulbright, D-Ark., to keep the United Nations embargo on trade with Rhodesia on what leaders had said would be the final vote of the night.

But Sen. John C. Stennis, D-Miss., succeeding in winning two votes, 40 to 36 and 39 to 38, that reopened the issue after Mansfield and others had left.

On the latter vote, Byrd, at that point the acting leader, cast the decisive vote for reconsideration.

Fulbright then served notice he would prevent final action on the amendment by offering a series of alterations—a guarantee that final action could not be taken.

Mansfield told reporters later he felt he shared some responsibility for what had happened—and made clear he agreed with Fulbright's effort to put off final action because senators had left.

At the same time he made clear that he stands behind Byrd's efforts to expedite Senate business.

But a more visible Mike Mansfield has emerged in the Senate.

Mr. BYRD of West Virginia. Mr. President, while on the subject of newspaper misrepresentations, I call attention to a news story by James Doyle and Lyle Denniston, published in the *Washington Sunday Star* of October 10, 1971, in

which the following two paragraphs occur:

Two weeks ago Sen. J. W. Fulbright, D-Ark., the chairman of the Foreign Relations Committee, became irritated with Byrd for some parliamentary maneuvers, and accused him of conducting "a slick operation" in the way he scheduled bills for floor action.

Fulbright removed that remark from the Congressional Record, and Byrd removed his own comment, "I assure the Senator I am not trying to trick him."

I have in my possession, Mr. President, the original transcript of the CONGRESSIONAL RECORD of September 30, 1971. It is the transcript in which all deletions, additions, and interpolations for that date appear. An examination of this original transcript will show, contrary to the statement of the Star staff writers, that Senator FULBRIGHT did not remove—I repeat; did not remove—any such remark from the CONGRESSIONAL RECORD and, more important, that he made no such remark. The transcript will also show that I made no deletion of my comment and, indeed, that I did not make any reference to "trying to trick him."

Therefore, I ask unanimous consent that the pertinent colloquy as it appears in the original transcript, dated September 30, 1971, be printed at this point in the RECORD.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the amendment by the Senator from Alaska (Mr. GRAVEL) on Tuesday, the Senate proceed to the consideration of amendment No. 447, offered by the Senator from New York (Mr. BUCKLEY).

By way of explanation, Mr. President, There has already been an agreement entered into whereby time on that amendment would be limited to 1 hour.

The PRESIDENT pro tempore. Is there objection?

Mr. FULBRIGHT. Mr. President, reserving the right to object, is the Senator going to ask for the allocation of all the time on Tuesday, so that then there will be no time for even the possible consideration of the pending business?

Mr. BYRD of West Virginia. Mr. President, I hope all Senators will understand that I am not trying to play either side. I happened to vote with the Senator from Virginia on this question, but I do not intend now, or at any time in the future, and I do not think I ever have in the past—

Mr. FULBRIGHT. I did not suggest that. I was merely asking for information.

Mr. BYRD of West Virginia. I am trying to answer. I do not think the Senator from West Virginia is going to try any legerdemain, but I do have requests to take up two more amendments following the one as to which I have just presented the unanimous consent request, and following that, I hope the Senate will proceed to dispose of the amendment on Rhodesian chrome ore.

Mr. FULBRIGHT. Would the Senator mind asking unanimous consent for that first?

Mr. BYRD of West Virginia. No, because I want to clock in the other two amendments, and know where we stand, and at what point we can dispose of the Rhodesian ore amendment.

Mr. BYRD of West Virginia. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD the complete news article written by Messrs. Doyle and Denniston.

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

#### SENATORS BACK ROBERT BYRD FOR HIGH COURT VACANCY

(By James Doyle and Lyle Denniston)

President Nixon has received personal requests from a number of senators that he consider Sen. Robert C. Byrd, the West Virginia Democrat, for one of the two vacancies on the Supreme Court.

A high government official disclosed yesterday that Byrd's name has been put before the President in letters and personal conversations during recent weeks.

He did not name the senators who were pushing Byrd for the nomination, and it could not be determined yesterday whether the campaign on his behalf was a coordinated one. Byrd is majority whip in the Senate, ranking next to Democratic Leader Mike Mansfield in the party leadership.

The official said Nixon would give serious consideration to such suggestions, but he discounted a published report that Byrd was now Nixon's personal choice for the Supreme Court.

#### REPORT CAUSES SURPRISE

Several different administration sources also downplayed that report, but each noted that Byrd was indeed among those being considered.

It could not be determined how Byrd's name got on the White House list, but its appearance there caused considerable surprise, even shock, in government circles, including within the Senate.

Byrd has never practiced law. He was once a member of the Ku Klux Klan in his youth. The West Virginia AFL-CIO declined to support him for re-election in 1970. And within the last two weeks he has come under fire privately by Senate liberals, especially Republicans.

One of his Senate critics said yesterday, "First if all, I know this story was first floated by Byrd himself. But even if it were instigated by the White House, it couldn't be taken seriously. It would cause one of the most vicious fights this city has ever seen, and the past ones would look tame."

#### CRITIC SEES APPROVAL

That appeared to be a minority opinion, however. One of Byrd's bitterest critics in the Senate said late yesterday he thought the West Virginia Senator would be confirmed if his name were sent to the Senate by Nixon.

Byrd's name has not been submitted to the American Bar Association for clearance, but neither has any other name since the name of Rep. Richard H. Poff, R-Va., was withdrawn just one week ago.

Byrd apparently played a role in Poff's decision to withdraw his name from consideration for the nomination despite Nixon's almost certain intention to name Poff.

Byrd called Poff ten days ago and told him that if Poff's name was submitted to the Senate, it would face a long delay by liberal opponents.

#### FIGHT PREDICTED

Poff subsequently withdrew eight days ago, and his supporters disclosed that he had been unwilling to subject his family to the kind of bitter public controversy that went on with the earlier, rejected, nominations of Judge Clement Haynsworth and former Judge G. Harrold Carswell.

A similar controversy was predicted by opponents of Byrd's selection, and many offered the view that Byrd's choice, if it were to be made, would be disapproved outright by the A.B.A.

Byrd who is 53, earned his law degree belatedly at age 45 from American University, attending classes as a part-time student

for six years during his last term in the House and his first in the Senate.

His only experience with the judiciary has been as a recent member of the Senate Judiciary Committee. He is the newest Democrat on that committee.

#### TARGET OF LIBERALS

One of Byrd's supporters with the President, reportedly, has been the chairman of the Judiciary Committee, Sen. James Eastland, D-Miss.

Besides his lack of legal experience, Byrd has a controversial record with a number of liberal groups, including welfare rights organizations and those seeking more liberal benefits for the District of Columbia.

These stem from his past role as chairman of the Senate Appropriations subcommittee for the District, and his frequent acerbic comments on the floor of the Senate about D.C. residents who, he said, abused their welfare benefits.

His most serious opposition would be expected from blacks. In a well-remembered Senate speech in 1965, after the Watts riot, Byrd said:

"The ghettos are blamed; yet people of all races have lived in ghettos in the past, but they have not rioted.

"Poverty is blamed for the riots; yet poverty-stricken whites outnumber poverty-stricken Negroes in America, but they are not rioting . . . We can take the people out of the slums, but we cannot take the slums out of the people."

#### DISPLACED KENNEDY

In recent years he has moderated public comments and spent more time climbing the Senate leadership ladder.

Despite the bitter criticism of some liberals in the Senate, Byrd succeeded in displacing one of them, former Sen. Joseph Clark of Pennsylvania, as secretary of the Democratic Conference in 1967.

And earlier this year he succeeded in moving to the second position by displacing Edward M. Kennedy of Massachusetts as party whip. In each case he succeeded in winning solid conservative support and enough liberal support to win.

Byrd has been working closely with the White House in that role, and reportedly has developed a good relationship with Nixon and some of his top aides.

Byrd is also pushing a civil rights bill in the Senate at present, legislation which would strengthen the enforcement powers of the Equal Employment Opportunities Commission.

#### BACKED REJECTED NOMINEES

He voted for Nixon's two rejected court nominees, Haynsworth and Carswell, and has said publicly on several occasions that the Supreme Court needed a change in its membership in order to put the country "back on the right course."

Byrd was aboard Air Force One Friday when President Nixon flew to Elkins, West Va., to attend the 35th annual Mountain State Forest Festival. But a White House spokesman said yesterday that Byrd and the President did not confer privately during the trip.

Byrd declined comments about the reports of his possible nomination.

Byrd has been involved in controversy throughout his time in Washington, since first elected to Congress in 1952.

He admitted that as a youth he had been a member of the Ku Klux Klan, but called it a mistake, and he has appointed blacks to his staff on various occasions.

Two weeks ago Sen. J. W. Fulbright, D-Ark., the chairman of the Foreign Relations Committee, became irritated with Byrd for some parliamentary maneuvers, and accused him of conducting "a slick operation" in the way he scheduled bills for floor action.



## STORIES DISPUTED

Fulbright removed that remark from the Congressional Record, and Byrd removed his own comment, "I assure the senator I am not trying to trick him."

After that incident, which occurred during an angry night session of the Senate, news stories were written indicating that some liberals were disenchanted with Byrd as whip, and that he might be challenged as he worked his way toward the goal of being the next Majority Leader after Mike Mansfield of Montana.

Byrd told a reporter that the stories had been generated by Senate aides rather than senators, and even his critics admitted that he appeared to still have wide support among his fellow Democrats.

But last Tuesday a number of Republican senators complained privately to their own leaders about Byrd's manner in running the Senate, including his use of a unanimous consent agreement to keep all Senate aides off the Senate floor, where they are sometimes posted by absent senators to protect the absentee's interests.

Sen. Mansfield, who normally leaves the control of the floor to Byrd, maintained a closer vigil throughout last week, reportedly to mute criticism that Byrd was taking advantage of Mansfield's easy attitude.

Mr. BYRD of West Virginia. Mr. President, finally, I wish to refer to a story by Steve Gerstel of United Press International, published in the Williamson, W. Va., Daily News of October 8. Mr. Gerstel apparently sought to pick up the theme already established by Mr. Leubsdorf. The first two paragraphs of Mr. Gerstel's news story read as follows:

WASHINGTON.—First from the left and then from the right, the buffeting of Bobby Byrd has begun. The natives are restless.

A number of colleagues from both parties are chafing under the rigid, almost autocratic way that Sen. Robert C. Byrd runs the Senate as assistant Democratic leader.

Mr. Gerstel then proceeded to say:

Last week, the complainant was Sen. Hubert H. Humphrey, D-Minn., the former vice president, well-known for his ability to talk at length.

It was no surprise, therefore, that he was caught open mouthed when his facile tongue was stilled by Byrd's operations.

He stopped virtually in mid-sentence by the end of the so-called morning hour, a period of 15 minutes devoted to three-minute speeches.

Mr. Gerstel apparently did not bother to examine the facts. In the first place, Senator HUMPHREY's remarks were not "stilled by BYRD's operations." For one thing, I was not on the floor of the Senate at the time to "still" the remarks of anyone. Moreover, the practices which have been utilized during this session with respect to early morning 15-minute speeches and the limitation against extending the time on 3-minute morning business speeches are not "BYRD's operations" at all. These practices have been put into effect upon the recommendation of four distinguished Senators in this body, two from each side of the aisle—Senator CRANSTON and Senator HUGHES, both Democrats, and Senator SCHWEIKER and Senator SAXBE, both Republicans. The suggestions which these Senators made have been good ones and have worked exceedingly well. They were originally taken up before the Democratic and Republican conferences and were agreed upon; and, since the beginning of

this session, it has been my duty as majority whip, to assist in implementing the procedures recommended and approved. The remainder of Mr. Gerstel's story will speak for itself, and I ask unanimous consent to have it printed at this point in the RECORD.

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

THE BUFFETING OF WEST VIRGINIA'S SEN.  
ROBERT BYRD HAS BEGUN  
(By Steve Gerstel)

WASHINGTON.—First from the left and then from the right, the buffeting of Bobby Byrd has begun. The natives are restless.

A number of colleagues from both parties are chafing under the rigid, almost autocratic way that Sen. Robert C. Byrd runs the Senate as assistant Democratic leader.

The issues are minor, if not petty.

They are not peace, war, inflation or unemployment. That's not Byrd's world.

Rather, the issues are whether a senator will get three minutes for a speech and whether a Senate aide can or cannot stay in the chamber when the boss is away. In this area, Byrd reigns supreme.

And the complaints, when they come, are enveloped in words of praise and even love for the West Virginian.

Last week, the complainant was Sen. Hubert H. Humphrey, D-Minn., the former vice president, well-known for his ability to talk at length.

It was no surprise, therefore, that he was caught open-mouthed when his facile tongue was stilled by Byrd's operations.

He stopped virtually in mid-sentence by the end of the so-called morning hour, a period of 15 minutes devoted to three-minute speeches.

Humphrey contended, correctly, that 11 of the 15 minutes were used trying to find senators to make three-minute speeches leaving only four minutes for expounding.

Because Byrd was not present to hear Humphrey's protests in the morning, he continued them at night. Could, HHH asked, the time needed to search for speakers be charged to some other period than the 15 minutes. Absolutely unworkable, Byrd replied.

But in an attempt to soothe the tempers, Byrd said anytime he was on the scene (he almost always is) he would seek to extend the 15-minute period by three minutes if a senator needed the time.

As a result, GOP leaders will now ask every day that aides of all the Republican senators can stay on the floor. Byrd strangely will not, according to GOP policy chairman Gordon Allott—object to this back-door approach of getting the helpers into the chamber.

Mr. BYRD of West Virginia. Mr. President, I expect no special treatment from anyone in the news media. I have been in public life long enough to understand that criticism of those in public life is to be expected. Such criticism does not bother me when critical opinion is based on facts. When facts are distorted, either deliberately or through failure to ascertain what the truth is, then something quite different from fair criticism is involved.

Let me say, finally, that I would be less than honest if I did not acknowledge that most representatives of the news media have been fair with me. For that I am grateful.

Mr. MANSFIELD. Mr. President, I have just listened to the speech of the distinguished assistant majority leader, and I want to say that, insofar as I am

concerned and to the best of my knowledge, what he has had to say in reference to the McGee amendment, having to do with Rhodesia; what he has had to say with reference to the Humphrey amendment, which was called up on a Friday; and what he had to say relative to the Montoya amendment is the truth.

What the distinguished Senator from West Virginia has done, under my direction and with my full knowledge at all times, is to seek to bring about a limitation of debate on bills and amendments to the end that the business of the Senate can move forward.

I know that some doubts have been voiced about that policy because some people are under the illusion that it does away with the unlimited debate concept which has marked the Senate for so many years. I do not agree with that inference because if a measure is important enough, there will be plenty of objections to a limitation of time. So far as I am concerned, one Senator only has to object to any request, and that objection will be honored.

The distinguished Senator from West Virginia was correct when he said that the basis for the 15-minute rule in the morning was the recommendation of four distinguished Senators in this body—the Senator from Iowa (Mr. HUGHES), the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. SAXBE), and the Senator from Pennsylvania (Mr. SCHWEIKER)—who developed an extraordinary personal interest in the conduct of the affairs of the Senate. And the joint leadership is delighted that they did.

They came to us with this recommendation, among others, and, on the basis of the recommendations which they brought to our attention, we brought this particular matter before our respective conferences, and this recommendation was approved by those bodies.

So I think the RECORD ought to be straight. I have no hesitation in saying what I have just said, because I believe that the truth is what counts. The account of the distinguished Senator from West Virginia (Mr. BYRD) is accurate. What he did was done on the basis of my direction, I repeat, and with my full knowledge.

I am sure that that is the way this side of the body will operate in the future, just as it has in the past.

Mr. SAXBE. Mr. President, I should like to associate myself with the remarks of the majority leader.

It is true that I was quite interested in this subject, and we recommended the specific 15-minute limitation; and we also recommended great firmness when it came to setting up the schedule and keeping the schedule. I think it has worked very well. I also believe that the leadership on both sides has demonstrated genuine interest in trying to expedite business and not waste the time of Senators on the floor of the Senate.

If we will look at the progress made on appropriation bills, which have always been a stumbling block, and at the authorization bills that have been cleared this year, we will see that it has not been by accident; it has been due to the emphasis placed by the chairman of the Committee on Appropriations and the

chairmen of the various committees on authorizations on expediting the bills, and also by the leadership in scheduling these measures on the floor and seeing that all time is limited without depriving any Senator of his time in court, so to speak.

I do not want to see this system break down at a time when it is so important that we proceed with a degree of order. I think most Senators are quite willing to spend whatever time is necessary here in Washington, and on the floor of the Senate, as the case may be, to conclude our work.

If there are Senators who wish to talk at great length, for 1 hour, 2 hours, or 3 hours, they are not denied; Senators can take the floor at the close of the pending business. I have heard no Senator complain that he has not been given this opportunity. This was the idea. If a Senator wants to limit himself to 15 minutes and get his speech over with at the beginning of the session, that is allowed; if he wants to go on at great length, generally to an empty Chamber, he can do so at the end of the pending business.

As a relatively new Member I have never been able to understand why a Senator would want to stand up and read a paper for 2 hours when he could say his introduction and put the rest of the speech in the RECORD. Is it to entertain the half dozen people in the gallery at the time? It is not to enlighten Members of the Senate.

I wish there were some way in which Senators could be here to engage in a lively exchange, but such is not the case, so we have to face reality. If there are Senators who wish to go on for 2 hours, let them come at the end of the session.

I wish to commend the leadership for the efforts they have undertaken.

#### PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period of 30 minutes for the transaction of routine morning business, with the statements therein limited to 3 minutes.

#### THE UNITED NATIONS

Mr. STEVENSON. Mr. President, it may be expected that those who have done the most over the years to cause the expulsion of Taiwan from the United Nations will now be the ones to most excitedly protest it.

Ten years ago the United States might have recognized that the People's Republic won the war against a corrupt and incompetent regime and was in fact the government of China. The United States might then have supported a two-China policy and won its acceptance in both Peking and Taiwan. But the partisans of the Taiwan regime had their way. The United States refused to admit that the government of the most populous nation on earth existed.

We waged a long, humiliating retreat instead, fighting realities with techni-

calities, pressuring our allies to go against commonsense, expending every year a little more credibility in an impatient world.

One by one our allies dropped away—Canada, Great Britain, and France. But we went on stubbornly opposing the efforts of others to build a truly universal institution. We resisted the chance to break down the isolation of the People's Republic and bring it into the community of nations, until, our credibility gone, it was too late to save Taiwan's place in the United Nations.

What chance remained was lost in August when Mr. Nixon admitted that the government of China was located in Peking.

I regret the expulsion of Taiwan. And I deplore the posturing of those most to blame for it. They have caused the Nation enough humiliation.

It would be better now if the hysterics on the right were disregarded and instead we calmly accepted our defeat. We could restore some confidence in our commonsense. We could recognize that if Peking accepts its seat we will have a chance to forge a new community of nations at peace.

Our difficulties in the United Nations will not be diminished by petulant and threatening postures upon the stage of world opinion. We would be helped if we demonstrated that the United States wishes to be a citizen of the world and a friend of all mankind by recommitting ourselves in this hour to the support of the United Nations.

Mr. BYRD of Virginia. Mr. President, I have never thought it logical—or right—to undermine one's friends in order to accommodate one's enemies.

The United States itself agreed to throw Nationalist China out of the United Nations Security Council in order to give that seat to Communist China.

In view of this action, it is not surprising that a majority of the United Nations members decided to go one step further and throw Nationalist China out of the General Assembly.

From the outset, I have opposed seating Communist China at the price of the expulsion of Nationalist China.

Nationalist China is an original member of the United Nations and is larger in population than half the present member states.

Neither China is democratic—but Nationalist China has been an ally of the United States for many years.

#### THE EXPULSION OF NATIONALIST CHINA—A REPREHENSIBLE STEP

Mr. BYRD of West Virginia. Mr. President, I rise to state my dismay at the ejection of Nationalist China from the United Nations and the seating of Communist China in its place. I have no objection to bringing the Peking government into the U.N.; but I believe that the members of the U.N. have made a grievous mistake in ousting the Taiwan government, which was a charter member and in a position of great responsibility in the world body by reason of being one

of the five permanent members of the Security Council.

This reprehensible slap at a country which has consistently supported the U.N. since its inception can have no other effect than the further weakening of the U.N. itself.

There is no inherent incompatibility, in my judgment, in having both the People's Republic of China and Nationalist China as members of the U.N. That is the bedrock issue here. The U.N. is an organization which should be interested above all else in promoting and keeping the peace of the world. How does it serve that interest when it expels, without due cause or sufficient reason, a nation which was a charter member of the U.N. and which has fully discharged its responsibilities over the years?

This action by members of the United Nations, many of whom are so-called emerging nations whose ultimate impact upon the world's destiny is debatable at best, is not only unfair and unreasonable, but it also makes a mockery of the very objectives to which the U.N. should be dedicated.

The United States, in its efforts to retain the seat of Taiwan while favoring the admission of Communist China, was seeking a realistic solution of a difficult problem with one aim in mind: the promotion of peace in Asia and in the world. It is not logical in my opinion that a majority of the U.N. members should scorn this objective and throw their support to a Communist nation which has never hesitated to pursue its own selfish ends regardless of the effect its course might have upon the rest of the world.

A very bad precedent has been established, in my judgment, by this expulsion. I cannot condemn it too strongly, and I commend the representatives of the U.S. Government who have attempted to deal with this problem in a manner which I am convinced could eventually have contributed to peace in the world.

There is no question in my mind that the United Nations will be further diminished in the estimation of the American people. The Congress at the very least, I believe, should reexamine in considerable detail U.S. commitments to this organization which has failed so miserably in this hour of testing, and should definitely reduce U.S. contributions to the United Nations.

The PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. GOLDWATER. Are we still in the morning hour?

The PRESIDENT pro tempore. Yes. The Senator may proceed for 3 minutes.



## A DEFEAT FOR HONOR

Mr. GOLDWATER. Mr. President, in last night's infamous session in New York, the United Nations ended whatever small usefulness it ever had in the cause of world peace and became an instrument of and a sounding board for international communism.

I do not believe there is any longer any reason for us to deny the actual meaning of an action which expelled an honorable charter member of the United Nations for no other reason than that the action was demanded by a powerful, Communist outsider.

My only regret, when I heard the news last night, was that my country had not joined the representatives of Taiwan in walking out on a session so farsical that it defies description. And if we felt we had to be recorded on the final vote, we could have easily asked for a live pair with some powerful voting equal like Sierra Leone, or Togo, or Zambia.

Mr. President, it is my understanding that a meeting will be held today by some Senators who believe the time has come for cutting down our financial contribution to the United Nations. I, for one, do not want to cut down our contribution; I want to cut it out entirely. I do not want to see the United States demeaned in one vote after another by being given equal voice with countries which are not as big as some of our counties, but which hold membership in the United Nations primarily because of their Communist and leftist leanings. I have heard it said that the admission of Red China was inevitable and that that was the reason why our government ended a long quarter century policy of opposition in advancing the ill-fated two-China plan. Now, in acknowledging that this prediction was correct, I should like to say that it is now inevitable that the United Nations will become more and more of an instrument to defeat or frustrate the strategic interests of the United States and other freedom-loving members of the family of nations.

And this being the case, I suggest that the time has come for us to stop acquiescing in our own trouble. In other words, the time has come to recognize the United Nations for the anti-American, anti-freedom organization that it has become. The time has come for us to cut off all financial help, withdraw as a member, and ask the United Nations to find a headquarters location outside the United States that is more in keeping with the philosophy of the majority of voting members, someplace like Moscow or Peking.

Mr. President, what happened in the United Nations last night has been described as a defeat for Taiwan and an embarrassment for the United States. I reject both contentions in the belief that what happened last night was a defeat for honor and decency in the family of nations and a victory for expediency, dictatorship, and oppression.

It it were not so tragic, the action taken last night would be downright ludicrous. We found a majority of the General Assembly deciding that it was not an important question to expel a charter member of the organization which has lived up to every one of the

requirements of the organization and in contravention of the charter upon which the United Nations was founded. And this action was taken at the insistence of a government which stands condemned by the United Nations itself as an aggressor against peace in the Korean war.

I repeat, I believe the United States made a mistake when it deserted a principle on which it has stood in opposing the admission of Red China for more than two decades. In moving the admission of Red China—regardless of whether that motion was coupled with an attempt to retain Assembly membership for Taiwan—we sacrificed principle for expediency. We went on record as favoring the admission of a bandit nation which has had a long history of violating every precept of peace as outlined by the U.N. Charter. In other words, when we agreed to go along with the admission of the bandit nation, under any circumstances, we in effect agreed to play by rules laid down by the bandit rather than by responsible members of the United Nations. It would have been far better for the United States to have stood by the position of honor and responsibility upon which it has based its longtime opposition to admission of Red China. Then, if we were defeated, we could at least have maintained principle and exerted our strongest efforts on behalf of a position which was patently honorable and correct.

Mr. President, I would urge every Member of this body and every citizen of the United States of America to read the nation-by-nation tally on this important question of expulsion for a charter member. Only in this way can it be understood how our position has been watered down by a steady process of addition and attrition. You will find the United States being given one vote against along with countries like Saudi Arabia, the Upper Volta, Gabon, and Malta. You will find the United States being outvoted by tiny, seldom-heard of regimes such as Kuwait, Kenya, Ethiopia, and Botswana.

It might be well for other members of the United Nations to look closely at how easy it now becomes to expel any member who happens to be standing in the way of a major communist objective. More went on last night than the ouster of Taiwan, the seating of Red China, and the setting of a dangerous precedent. What happened in the United Nations last night was the death of honor in the family of responsible members. It is time for the United States to get out and stop subsidizing an organization which has only negative value in a divided world. Perhaps the Communist nations which were so intent on booting out a dues-paying member and insulting the major financial contributor to the U.N. will be willing to take up the financial slack.

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

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

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## ORDER FOR RECOGNITION OF SENATOR HARRIS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Oklahoma (Mr. HARRIS) be recognized for not to exceed 15 minutes.

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

Is there further morning business?

## CHINA IN THE UNITED NATIONS

Mr. PERCY. Mr. President, the overwhelming United Nations vote to admit mainland China and expel Nationalist China shows that the world will no longer tolerate the absence of the 750 million people of mainland China from the U.N. I myself felt that mainland China should be seated without expelling Nationalist China, which has always been a charter-abiding member of the U.N. Moreover, the expulsion of any member sets a dangerous precedent and runs counter to the generally accepted view that the United Nations should be universal.

I would oppose, however, any effort to reduce the U.S. contribution to the United Nations now that Nationalist China has been expelled. I feel it would be a very dangerous precedent, every time a nation lost a vote, even though it be a very important vote, for that nation to take the attitude that it then would retaliate by reducing its contribution to the United Nations. The U.N. is in a very precarious financial position today as it is. This kind of action would really put the United Nations into a shambles, and I cannot imagine that, at this stage of world history, we would want to contribute in any way toward weakening the United Nations. Every effort should be made to strengthen it by encouraging other countries to increase their contributions.

It would be wrong, however, for the United States at this time, having lost a vote, to reduce its contribution to the United Nations.

## ENROLLED BILL AND JOINT RESOLUTION SIGNED

The President pro tempore announced that on today, October 26, 1971, he signed the following enrolled bill and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

H.R. 9844. An act to authorize certain construction at military installations, and for other purposes; and

H.J. Res. 923. Joint Resolution to assure that every needy schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

## REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Activities and Status of Civil Defense in the United States," Department of the Army, dated October 26, 1971 (with an accompanying report); to the Committee on Government Operations.

## REPORT ON MATTERS CONTAINED IN THE HELIUM ACT

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on matters contained in the Helium Act, for the fiscal year 1971 (with an accompanying report); to the Committee on Interior and Insular Affairs.

## REPORT ON FUNDS CONTRIBUTED FOR ADVANCEMENT OF THE INDIAN RACE

A letter from the Deputy Assistant Secretary of the Interior, reporting, pursuant to law, a report on donations received and allocations made from the fund "14X8563 Funds Contributed for Advancement of Indian Race, Bureau of Indian Affairs", during the fiscal year ended June 30, 1971; to the Committee on Interior and Insular Affairs.

## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Commerce:

"ASSEMBLY JOINT RESOLUTION No. 49

"Relative to a national wildlife refuge for South San Francisco Bay

"Whereas, The establishment of a national wildlife refuge for the southern portion of the San Francisco Bay to preserve open space and recreational values in the natural environment of the bay for benefits to man and to protect endangered species and a wildlife habitat of national significance from the increasing threat of urbanization has been endorsed, after extensive studies, by the Bureau of Sport Fisheries and Wildlife of the Department of the Interior, and resolutions in support of such action have been adopted by 24 governmental agencies of the San Francisco Bay area; and

"Whereas, House and Senate bills to establish the refuge have been introduced during 1971 in the 92nd Congress, and are presently in committee, and hearings will be held on the question of the proposed refuge after June 1, 1971; and

"Whereas, The proposed refuge area of open water, sloughs, tidal shallows, flats, marshes, saltponds, and upland meadows is a natural habitat for more than 100 species of land birds and, as a vital part of the Pacific Flyway, is host to thousands of migratory wild birds making the long fall flight from the Arctic to Baja California and South America; and

"Whereas, The South San Francisco Bay region provides the habitat and resting areas for several species of bird and animal life which are on the verge of extinction, and prompt acquisition of land for a national wildlife refuge is essential in view of the continuing pollution and destruction of the natural environment of the region by rapidly expanding urban development; and

"Whereas, The proposed national refuge, carefully managed for the protection of wildlife, would also provide the people of the San Francisco Bay area and of the nation with access to the bay and its wildlife for observation and enjoyment, offering opportunity for picnicking, photography, fishing, and other recreational activities compatible with the primary purpose of the refuge, and would enable students of all ages from elementary school to college to use the refuge as an out-

door laboratory for the study of biology, ecology, history, and sociology; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to establish a national wildlife refuge for the southern portion of the San Francisco Bay; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, to the House Committee on Merchant Marine and Fisheries, to the Senate Committee on Commerce, and to each Senator and Representative from California in the Congress of the United States."

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MILLER:

S. 2740. A bill to authorize the hiring of employees of detective agencies for other than investigative services. Referred to the Committee on the Judiciary.

By Mr. CANNON (for himself and Mr. STEVENS):

S. 2741. A bill to amend the act of September 7, 1957, authorizing aircraft loan guarantees, in order to expand the program pursuant to such act. Referred to the Committee on Commerce.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2742. A bill to convey certain federally owned land to the Twenty-nine Palms Park and Recreation District. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2743. A bill to establish a working capital fund for the Bureau of Land Management of the Department of the Interior, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

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

S. 2744. A bill to provide better in-service education and training programs for members of the Armed Forces of the United States, to provide additional education and training opportunities for veterans, to provide better job training and job placement for veterans, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. FANNIN:

S. 2745. A bill for the relief of Alicia De Jesus Coto-Melgar. Referred to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MILLER:

S. 2740. A bill to authorize the hiring of employees of detective agencies for other than investigative services. Referred to the Committee on the Judiciary.

Mr. MILLER. Mr. President, I introduce for printing and appropriate reference a bill to authorize the hiring of employees of detective agencies for other than investigative services. This is basically the same bill that was passed by the Senate on October 17, 1963, and which I cosponsored in 1966. I also introduced this bill in the 91st Congress.

My bill would amend section 3108 of

title 5, United States Code. This section was originally enacted as part of the act of March 3, 1893 (27 Stat. 591), and, in effect, prohibits the Federal Government or the District of Columbia from employing for any purposes employees of organizations which engage in investigative work.

Section 3108 now reads as follows:

An individual employed by the Pinkerton Detective Agency, or similar organization, may not be employed by the Government of the United States or the government of the District of Columbia.

Over a period of many years, the Comptroller General has uniformly held that this provision is a prohibition against the employment in Government service of employees of detective agencies and is applicable to contracts with detective agencies as firms or corporations as well as the contracts with, or appointments of, individual employees of such agencies. Thus, whereas firms or organizations which furnish only protective services may be employed by the Government, organizations which do both protective and investigative work may not be employed, even to supply protective services. The statute, therefore, results in discrimination against organizations which provide both types of services and is detrimental to the interest of the Government, since it serves to eliminate from competitive bidding numerous major detective organizations which would otherwise respond to Government invitations to bid on contracts for the furnishing of supplementary guard service. Undoubtedly, this causes an increase in the cost to the Government of contract guard services.

The purpose of my bill is to amend this restrictive legislation—which was originally adopted over 75 years ago—by repealing the prohibition so far as the use of employees of detective agencies to perform other than investigative work is concerned. The original enactment arose out of public and congressional concern resulting from the practice, once prevalent in private industry—especially steel and railroads—of employing certain detective agencies to recruit and furnish armed guards who were allegedly used as labor spies and strikebreakers in labor disputes, giving rise to bloodshed, loss of life, and destruction of property. Labor-management relations today are fully regulated by Federal and State statutes, and there is no longer any justification for the continuance of this discriminatory and costly prohibition.

Mr. President, I want to make it entirely clear that the bill I am introducing today is aimed specifically at a particular problem, that is, the fact that organizations which provide detective services may not provide protective or guard services for the Federal Government. My bill merely changes the so-called anti-Pinkerton provision to provide that no employee of a detective agency shall be employed in any Government service or by any officer of the District of Columbia for the purpose of providing investigative services. Thus while it would permit the Government to hire employees of detective agencies to perform protective services, it would continue the prohibition on



the hiring of such employees to perform investigative services. This limits the bill to exactly the situation that needs correcting.

Mr. President, I urge early adoption of this bill.

By Mr. CANNON (for himself and Mr. STEVENS):

S. 2741. A bill to amend the act of September 7, 1957, authorizing aircraft loan guarantees, in order to expand the program pursuant to such act. Referred to the Committee on Commerce.

Mr. CANNON. Mr. President, I introduce today for myself and for the senior Senator from Alaska a bill to broaden and extend the Government Guarantee of Equipment Act of 1957.

Mr. President, this act which is due to expire next year, was passed some 14 years ago to assist the local service airlines of the United States in purchasing aircraft needed to provide the public service required of them in serving the Nation's many small towns and communities.

Since 1957 the local service airlines assisted by this act have made great strides in modernizing their fleets and reequipping to meet the growing demands for local air service to the communities these carriers serve.

The result has been better, faster, more comfortable and more economical air transportation for millions of citizens who live in our rural areas and small towns. In the past this act has enabled many airlines to purchase, for the first time, new jet aircraft comparable to the equipment serving the largest cities in the United States. Much of this equipment could not have been purchased without the Government guaranteed loans made possible by the act of 1957.

For example, the United States has guaranteed a total of 23 separate loans for \$58.2 million in assisting the local service, Alaska and Hawaiian carriers to purchase 81 new aircraft.

Mr. President, since the program was initiated there has not been a single default—the United States has not incurred any losses in backing up the credit of the Nation's certificated local service carriers. In recent years because of unrealistic limitations of law and burdens of administrative procedures, the act has not been utilized like it might have been. At the present time only one guaranteed loan is outstanding, a \$1.2 million guarantee for Alaska Airlines.

Mr. President, while this act has been helpful and useful it now needs to be broadened and extended if it is to efficiently meet today's needs of the local service airlines and the communities who depend upon their service. Hopefully, this bill will have that effect. In addition to modernizing the program, my legislation will extend for another 5 years the provisions of the basic act.

The first change which I propose is to increase the limitation on loan guarantees from \$10,000,000 per carrier to \$30,000,000. With present jet aircraft costing between \$4,000,000 and \$8,000,000 per plane, the \$10,000,000 limit in present law is quite inadequate in light of the present financing needs of our local serv-

ice air carriers. The second change I propose would allow the airlines to refinance equipment they are now operating under terms of the guaranteed loan act. This refinancing provision is an attempt to ease the burden of extremely high interest rates these lines currently face absent the guarantee. Since these interest rates are reflected in the costs and therefore the subsidy requirements of the local service airlines; it is entirely appropriate that the Government, through the guarantee of equipment loans, assist in this refinancing if it will have the effect of lowering interest costs. This, hopefully, will reduce the carriers' needs for Federal subsidy to operate the public service routes on which they cannot make a profit.

Finally, I suggest certain other administrative changes which will make the administration of the act less burdensome and time consuming and which will encourage its broader use by the local service airlines.

While the changes I suggest will be helpful in meeting the current needs of local service air carriers the enactment of these provisions should not lead to increased costs to the United States.

Mr. President, this legislation is a matter of some importance and consequence to our responsibility to maintain a balanced national transportation system which includes fast and convenient air service to rural and smalltown America.

Therefore, I am confident that the Subcommittee on Aviation, which I chair, will be able to hold hearings on this matter soon. At that time we will explore in some detail the current needs of the local service carriers.

I am not absolutely committed to all of the provisions of this legislation. Rather, I view it as a working paper from which we will begin a study of the best way to continue to meet the requirements for local air service in the United States.

During the hearings I am hopeful that we will have a full discussion of this bill and all alternatives which may be advanced from other interests. From that process we will be able to report the best possible legislation to meet the needs for continued local air service in the United States.

By Mr. JACKSON (for himself and Mr. ALLOTT) by request):

S. 2742. A bill to convey certain federally owned land to the Twenty-nine Palms Park and Recreation District. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, I send to the desk for appropriate reference a bill to convey certain federally owned land to Twenty-nine Palms Park and Recreation District.

This legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the draft proposal be presented in full in the RECORD at this point in my remarks.

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

UNITED STATES DEPARTMENT  
OF THE INTERIOR,  
Washington, D.C., June 10, 1971.

HON. SPIRO T. AGNEW,  
President, United States Senate,  
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To convey certain federally owned land to the Twenty-nine Palms Park and Recreation District."

We recommend that the bill be referred to the appropriate committee for consideration and that it be enacted.

This bill provides for the conveyance of one acre, more or less, to the Twenty-nine Palms Park and Recreation District. This parcel was originally set aside as a cemetery for Indians of the Twenty-nine Palms Band.

In 1911, under the authority of the Act of January 12, 1891 (26 Stat. 712), the United States purchased the property by warranty deed from the Southern Pacific Railroad Company. The deed showed \$5.00 as the purchase price, but the source of funds used to pay this sum is not known.

The cemetery contains remains of the ancestors of the Twenty-nine Palms members having Chemehuevi blood; however, there are no markers, mounds, or depressions. There have been no burials in recent years nor are any members of the Twenty-nine Palms Band buried there. It is presently unused land and is considered excess to the needs of the band and the United States Government. Furthermore, the band is most anxious that the cemetery character of the property be preserved.

The Twenty-nine Palms Band of Mission Indians does not live in the area, nor does it have the means to maintain the cemetery plot, therefore, the band is in favor of having the cemetery conveyed to the Twenty-nine Palms Park and Recreation District. This district is a political subdivision of the local government and has agreed to assume the responsibility for this cemetery. After the plot is conveyed to the Twenty-nine Palms Park and Recreation District, it plans to remove a stone house from private land and reconstruct the building on this site to be used as an Indian museum to preserve Indian artifacts. The site itself would be of historical interest to the general public and would be carefully preserved.

The appraised value of the cemetery site is \$500. Even though the district is not in a position to expend any funds to purchase the site, it will beautify the property and preserve its historical significance if the land is conveyed to it.

Consideration has been given to turning the parcel over to General Services Administration for disposal, but this is not feasible in view of the Indians' firm desire to have this sacred burial ground of their ancestors protected from any adverse use. Therefore, in order to respect the wishes of the band and to protect this cemetery site with its historical significance, we strongly urge that this legislation be enacted.

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

Sincerely yours,  
HARRISON LOESCH,  
Assistant Secretary of the Interior.

By Mr. JACKSON (for himself and Mr. ALLOTT) by request):

S. 2743. A bill to establish a working capital fund for the Bureau of Land Management of the Department of the Interior, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the ranking minority member of

the Committee on Interior and Insular Affairs (Mr. ALLOTT) and myself, I send to the desk for appropriate reference a bill to establish a working capital fund for the Bureau of Land Management of the Department of the Interior, and for other purposes.

This legislation was submitted and recommended by the Assistant Secretary of the Interior and I ask unanimous consent that the executive communication accompanying the draft proposal be set forth in the RECORD at this point in my remarks.

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

U.S. DEPARTMENT OF THE INTERIOR,  
Washington, D.C., June 25, 1971.

HON. SPIRO T. AGNEW,  
President of the Senate,  
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To establish a working capital fund for the Bureau of Land Management of the Department of the Interior, and for other purposes."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The Bureau of Land Management, like many government agencies whose operations involve long-range or unexpected commitments of funds, has long felt the need for a more stable and flexible source of working capital than is possible through annual appropriations. This proposed bill, patterned after the Act of August 3, 1956, as amended (16 U.S.C. 579b) which provided for a working capital fund for the United States Forest Service, would provide a more efficient method of financing and accounting for the various programs and service operations of the Bureau of Land Management: including grazing, forestry, outdoor recreation, wildlife habitat development, range improvement, cadastral survey, watershed treatment, lease and sale of land and mineral resources, weed control, construction, and maintenance of buildings and roads, and other conservation and environmental protection activities.

These programs affect more than 450 million acres of public lands—approximately 20% of the total area of the United States.

These programs require a variety of special supplies and equipment such as fire-fighting equipment, grass seed, tree seedlings, survey markers, pulaskis, rations, and fire retardants, which are not readily available and therefore must be purchased in advance, stored in convenient locations until needed and replenished when used.

Substantial economies can be achieved if purchases and repairs of such equipment can be accumulated to take advantage of quantity for seasonal purchasing. A working capital fund would also greatly simplify book-keeping and contractual arrangements with suppliers, which when funding is based on annual appropriations not available for obligation beyond the end of the fiscal year, is rather complicated.

The \$3 million authorized in the bill will provide the initial capital to establish the fund. The initial capital is necessary to acquire the assets for "sale" to activities financed by annual appropriations. The working capital fund will be self sustaining. The small administrative cost of the fund will be recovered from the benefiting activities. The savings generated by the fund will more than offset the administrative costs.

The Office of Management and Budget has advised that this proposal is in accord with the President's program.

Sincerely yours,

HARRISON LOESCH,  
Assistant Secretary of the Interior.

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

S. 2744. A bill to provide better in-service education and training programs for members of the Armed Forces of the United States, to provide additional education and training opportunities for veterans, to provide better job training and job placement for veterans, and for other purposes. Referred to the Committee on Veterans' Affairs.

Mr. MUSKIE. Mr. President, today I am introducing for myself and Senator CRANSTON a bill entitled "Servicemen's and Veterans' Education, Training and Job Assistance Act of 1971." This act changes fundamentally the basic concepts of this Nation's responsibility to those who enter our military forces. It would guarantee effective job training and educational opportunity to all American servicemen and women while in the service and to recent veterans.

During the past few years this country has become increasingly troubled by the plight of returning Vietnam veterans. The unemployment rate for the 322,000 Vietnam-era veterans out of work, 80 percent higher than the unconscionable national rate, is disturbing to all Americans. The Nation has been shocked to learn that large numbers of our servicemen returning home and remaining abroad are victims of drug addiction and abuse.

Regardless of differing views on the Vietnam war, all Americans must be united in our concern with the problems of our returning veterans. What American would disagree with the statement of President Franklin Roosevelt in announcing the first GI bill in 1944:

We must make provision now to help our returning servicemen . . . bridge the gap from war to peace activity.

The members of the armed forces have been compelled to make greater economic sacrifice and every other kind of sacrifice than the rest of us, and are entitled to definite action to help take care of their special problems.

The goal of helping the returning veteran established by President Roosevelt in 1944 should still be a goal in 1971. Unfortunately, we are moving away from—rather than approaching—it. We have failed our veterans because the administration has not developed new programs to handle the new and old problems facing the serviceman today. Instead, the administration has produced a series of belated actions in an attempt to bolster outmoded and largely ineffective existing programs.

The plight of our returning veterans and the certainty that these kinds of problems will continue demand that we abandon stagnant approaches. We must fundamentally revise our programs for veterans to meet truly the goal established in 1944 to help this Nation's servicemen bridge the gap from war to peace activities. We owe nothing less to those who volunteer or are called to serve.

#### I. THE SCOPE OF THE PROBLEM

A few statistics reveal the alarming problems faced by Vietnam veterans:

Although the national unemployment rate is 6 percent, the unemployment rate for veterans from ages 20 to 29 is 8.4

percent; for those under age 20, 14.6 percent; and for minority group veterans from ages 20 to 24, an estimated 20.9 percent. During August 1971, there were 322,000 unemployed veterans, a 50-percent increase in unemployment in one year.

A recently published Department of Defense study shows that present training programs are not helping those who need assistance most. The study indicates that those who have served in the most dangerous combat jobs—infantry, armor, artillery—and those who have served in Vietnam have a higher unemployment rate than other servicemen.

Only 26 percent of veterans eligible for educational benefits upon discharge are taking advantage of this opportunity, compared with 50 percent after World War II, and 41 to 45 percent after the Korean war. Also, veterans who most need educational assistance to obtain a high school diploma are receiving the least assistance. Although 15.5 percent of our Vietnam-era veterans have not completed high school, less than 10 percent of them are using any GI bill education benefits.

The marvelous medical care provided in Vietnam has resulted in a lower death rate than in any other war in recent U.S. history. It has also resulted in more seriously wounded returning veterans needing extensive medical assistance, prosthetic devices and rehabilitative training. While veterans with service-connected injuries are given priority in the VA hospital system, their numbers have produced overcrowding and intolerable delays for veterans needing medical care.

The administration responded to this tragic situation by requesting funds for the present fiscal year which did not even cover inflationary increases in the cost of medical care. Congress refused to accept this grossly inadequate request and appropriated an additional \$200,000,000 for VA hospitals and expressly insisted that the average daily patient level be maintained at 85,000. Tragically, \$72,000,000 of this increase was slashed in the President's cost-cutting program and the remainder has not been released.

By September 30, 1971, the average daily patient level had shrunk to less than 80,000—the equivalent of closing eleven 500-bed hospitals—in direct violation of the congressional directive. Cost-cutting procedures in these areas are intolerable and inhumane. The medical needs of veterans cannot be sacrificed.

Recent surveys have estimated that between 10 to 15 percent of all American troops in Vietnam are taking hard drugs. Senate investigators have learned that this epidemic exists in many major military installations outside Vietnam as well. Senate hearings have disclosed that there are 80,000 to 90,000 recently discharged veterans in the United States who are addicted to heroin and other narcotics. Present programs scarcely begin to deal with this crisis. We cannot avoid it by claiming—as the administration seems prepared to do—that the problem is overstated because tests which are so easily faked by heroin addicts seem to indicate a smaller percentage of heroin being used.



Even the elementary but extremely important task of handling routine inquiries and applications for benefits and informing veterans of their rights under the various veterans' programs is inadequate. Despite the implementation of various "outreach" and other programs designed to expedite communication between veterans and the VA, the operation is overwhelmed by the refusal of the administration to seek adequate funding. Since 1969, the average workload of VA division offices has increased by 25 percent, while the employment in these offices has increased by only 3½ percent. A new direct-dialing telephone system has been introduced to give veterans better communication with VA offices, but an indicator at the Boston office has reported about 900 "busy signals" daily because there are not enough employees to answer the phones. Almost every VA office has reported inordinate backlogs in the handling of routine applications.

#### II. THE ADMINISTRATION'S RESPONSE

The response of the present administration to these problems has been totally inadequate. Today's veteran is met by over 40 different programs administered by the Department of Defense, the Veterans' Administration, the Department of Labor, the Department of Health, Education, and Welfare, and 50 State employment services. The discharged serviceman receives instruction and information from most of these organizations, but in many cases receives no real assistance. The administration has made little effort to simplify the bureaucratic maze which faces the average veteran.

On October 15, 1970, the administration, recognizing the serious employment problem of veterans, announced a jobs for veterans program and formed yet another Presidential committee to encourage employers—including the Federal Government—to hire veterans. This committee, operating without any real power, has launched an advertising campaign and obtained vague promises from employers to hire veterans.

While its purposes are commendable, the committee does not do the job. For example, 3 weeks after a recent VA-sponsored "Job Mart" in Washington, D.C., where some 1,300 veterans were given job interviews with 50 employers claiming to have 3,000 jobs available, only 67 veterans had actually received job offers. Moreover, no sooner had the administration stated that it would make every effort to bring veterans into Federal jobs, than it announced that, as part of its new economic program, Federal employment would be reduced. Quickly forgotten were all previous promises of hiring veterans.

It was only in June of this year that the administration began to make serious efforts to deal with the narcotics problem in the Armed Forces. Compulsory tests for servicemen returning from Vietnam to identify users of heroin were initiated and an expansion of narcotic treatment facilities was ostensibly accelerated.

These belated administration programs to find jobs for veterans and to deal with the narcotics epidemic are

commendable to the extent they have some effect. But these programs must be classified in the all too familiar category of "too little, too late." They are aimed primarily at providing assistance to servicemen once they are leaving the military or have already been discharged. Dealing with servicemen's problems after discharge is dealing only with the tip of the iceberg. Surely the time has come to go beyond the addition of just a few new patches to the current tattered patchwork of programs and benefits.

#### III. A WIDER ROLE FOR THE ARMED FORCES

The Armed Forces must recognize their responsibility to train and to educate to the fullest extent possible servicemen and women who need these most basic societal skills. While the Armed Forces obviously must concentrate first on their military mission, experience has shown that a portion of every serviceman's time in a noncombat situation can be made available for comprehensive education and job-training programs before a serviceman is released. That time should be used by the Defense Department to insure that all Americans who serve their country in uniform be given in return the tools needed for a productive and decent civilian life.

Expanding the role of the Defense Department would not only assist the servicemen—it would serve to increase the popularity and desirability of service in the Armed Forces. During the past fiscal year, the Defense Department spent \$18 million in a recruiting campaign designed to show military life as a frolic—a vacation in Europe. Yet one report estimates this \$18 million attracted only an estimated 2,500 recruits because, as anyone who has served knows, military life is anything but a vacation.

If military service were advertised as a time of opportunity—a time to receive needed education, training and job assistance—the attractiveness of a tour of duty would surely increase. This will help us approach the goal of lower draft calls during times of peace.

During times of crisis when manpower needs are high, our draft laws do not place an equal burden on all of our young people. Some young men must serve while others continue their lives without interruption. If we make military service a time of opportunity—as well as a time of danger and sacrifice—then the uneven burden of the draft can begin to be equalized.

Just as we must offer more education and training to those who serve our country, we must offer them programs at a time in the serviceman's career when they are useful. This Nation's present programs are geared primarily at assisting a veteran after he has been released from military service. Admittedly, some recognition of a governmental responsibility to equip members of the Armed Forces to face the civilian world occurred under the Johnson administration through the organization of Project Transition. This program was designed to counsel and train servicemen in selected skills. However, the low rate of success of Project Transition is revealed not only by unemployment statistics but

also by the fact that less than 10 percent of separating servicemen have received training under its auspices.

Yet, just a few relevant facts indicate why effective assistance before release from active duty is needed:

Of those enlisted personnel separated from service during fiscal year 1970, 15.5 percent did not have a high school diploma and 77 percent had less than 1 year of college work. If these servicemen must wait to begin their education until after their discharge, they will lose more valuable time in becoming full and productive members of society.

Over 50 percent of our servicemen serve in military jobs where conversion to civilian occupations based in skills learned in the military is not possible. Delaying vocational training until after military service causes a drain on society and a hardship for the affected veteran. There is no better time to help provide a serviceman with the skills needed to enter the civilian world than while that serviceman is still in the military.

#### IV. THE CHARTER OF ECONOMIC OPPORTUNITY

In recognition of the obligations I believe the Government owes our men in uniform, and I and Senator CRANSTON are proposing that Congress enact a Charter of Economic Opportunity for servicemen and veterans. This charter would guarantee that each serviceman would be entitled to receive, during his duty hours and at Government expense, the following:

The opportunity to obtain a high school diploma or any certificate equivalent to such a diploma;

If the serviceman has a high school diploma, the opportunity for refresher or preparatory courses making the transition to college far easier;

Training for a civilian job; and

Assistance in securing a job after discharge.

Enactment of the Charter of Economic Opportunity will provide an incentive for entering military service and substantially eliminate many of the problems of present and future veterans. There is no reason why our defense establishment, which rightly prides itself as the finest trainer of fighting men, cannot also train men for peace. The talents which have been turned to destruction can be redirected toward creating innovative programs for educating young men and women quickly and effectively. Military service should be recognized as a reciprocal obligation in which young people give service and are, in turn, provided services. Post-discharge programs will then be a continuation and completion of what began in the service. They would not be burdened with the problems of starting out from scratch.

Simply enacting a Charter of Economic Opportunity will not, of course, completely solve our present or future problems. A series of additional steps must be taken as well:

The legislation will provide for the creation of a new Deputy Assistant Secretary of Defense appointed by the President and confirmed by the Senate who will be charged with insuring that the guarantees in the charter are implemented. The legislation will also require that,

within 30 days after the Deputy Assistant Secretary takes office, an advisory committee of education and training experts appointed by the President be established to begin organizing the program immediately. The Deputy Assistant Secretary should report to Congress, within 60 days after the committee is organized, on the specific steps and the funding necessary to implement the charter.

The bill will provide for the creation of a new line organization in the Defense Department, to report to the Deputy Assistant Secretary and to be responsible for administering all charter programs such as counseling, training, education, or job placement. In this way, fixed and central responsibility and efficient administration will be secured.

The legislation will provide specific directions and guidelines as to how the Congress intends the charter to be implemented and maintained under careful civilian control. To this end, the following 10 requirements will be prescribed:

First. The legislation will require that trained counselors be provided so that each serviceman will receive assistance from the day he begins active duty. At present, only 50 percent of those separating from service receive any counseling at all during their entire military tour of duty—and most of this advice and assistance is of little practical use. The Deputy Assistant Secretary will be required, as part of his initial report to Congress, to specify how many counselors will be needed and what costs will be involved.

Second. Since many members of the Armed Forces will be capable of finding employment immediately upon their release without either intensive training or education, these men should be provided with an opportunity—prior to discharge—to refresh and improve any skills which became rusty during their years in the Armed Forces. The legislation will require that refresher and preparatory education programs be expanded and that the educational institutions close to military installations be utilized. This type of training is currently authorized under the VA-administered PREP program, but the extent to which servicemen are given the opportunity to participate in the program seemingly varies according to the dictates of individual post commanders. The program should be made a direct responsibility of the Department of Defense—and expanded so that servicemen have an absolute right to such training before discharge.

Third. Since the military has virtually no job placement program, the Defense Department must encourage base recruitment by employers who can guarantee job opportunities and provide servicemen with information before discharge about public employment services in areas where these men expect to reside. Federal, city, and State governments and other public and private employers should be offered assistance in scheduling periodic visits to military bases in order that as many servicemen as possible can be channeled into promising careers before their tours of duty have ended.

Fourth. The legislation will provide authorization and funding for military re-

cruitment activities. As part of this program, the Defense Department will be given responsibility for compiling job opportunities for servicemen and veterans, to expand the information available on job opportunities and to eliminate needless duplication. The information being compiled by the Department and all job placement activities should be coordinated with the activities of the Veterans' Administration and the nationwide job bank administered by the Department of Labor and State employment agencies. The entire responsibility for soliciting potential employers, collecting job information and assisting servicemen in securing employment will be placed with the new Deputy Assistant Secretary and his organization.

Fifth. To implement the guarantee of a high school diploma or some equivalent in the charter, the Defense Department will identify through the counseling program those servicemen needing such education and provide the necessary facilities and programs. Obviously, many servicemen will be unable to complete their high school education within their 2 years of military service. Moreover, many veterans who have already been discharged do not have a high school education and are virtually unemployable in today's economy. In order to insure a high school diploma for those now in service and those who have been discharged, the legislation will provide that the Defense Department use existing programs and establish regional academies in areas where such programs do not exist, to which any present serviceman or discharged veteran can go to obtain a high school diploma. Existing classroom and other facilities on military installations will be utilized for the purpose to the extent possible. The new regional academies will be run by qualified educators employed by or under contract to the Department of Defense, with curriculums established after consultation with the civilian advisory committee and the Office of Education. Tuition, room, and board will be provided by the Government at these academies or at other comparable civilian facilities. The Deputy Assistant Secretary and the advisory committee will be required in its initial report to advise the Congress whether, and to the extent to which, new facilities will have to be established and present facilities converted to use as regional academies.

Sixth. To implement the guarantee for job training while in military service, the Defense Department, under the direction of the new Deputy Assistant Secretary, will be required to coordinate its activities with the Department of Labor and with Federal, State, and local government employment services in order to compile full predictive analyses of the types of job skills for which there will be a demand in the civilian economy during the next decade. Other agencies of the Federal Government will provide the Defense Department with estimates of their manpower needs. This information will be used by the counseling service as a guide for channeling servicemen into job opportunities.

The new Deputy Assistant Secretary, working with the Office of Education, the

Department of Labor, and the VA, will plan for training operations to be established on the various bases. The vocational training programs could be run directly by the military, by specific companies, by consortiums of companies, or by training experts under contract.

Seventh. This type of in-service training, however, will not suffice for every serviceman. Many will be ready to return to civilian life and obtain a decent job. But others will not. Furthermore, over 322,000 veterans are now unemployed. Accordingly, the bill authorizes for vocational training what is authorized for education: When adequate training programs do not exist or where these programs cannot rapidly absorb veterans, the Defense Department will be authorized to establish vocational training centers. Centers established by the Department for carrying out its responsibilities under the charter will be open both to servicemen and to veterans of the Vietnam era who were discharged before such programs were established. Again, costs of transportation, room and board, and minimum subsistence will be borne by the Government. The only distinction between the servicemen and the veterans who receive training at Defense Department vocational training centers will be that the latter will not be required to participate in any day-to-day military activities.

Eighth. Training at vocational training centers, however, does not guarantee a job. As an incentive to employers to hire veterans and provide needed on-the-job training, current job-training programs being administered by the Department of Labor will be revised so that anyone who has successfully completed a Defense Department training center program will receive an employability rating from the center. An employer hiring a veteran or serviceman who has participated in a Defense Department sponsored program can use this rating to receive a subsidy of up to 50 percent of the veteran's wages—up to set dollar amounts—for a period of either 3 months, 6 months, or 9 months, depending upon how far short of the minimum job qualifications the veteran, after training, is considered to be. The subsidy will be available not only for established apprenticeship programs but for all skilled and semiskilled occupations. This subsidy will serve to encourage employers to hire veterans and to persuade individuals to undertake preliminary job training. An employer hiring a veteran with a training subsidy, however, must assure that the job is not a temporary one that ends with the subsidy.

Ninth. At present many servicemen return from Vietnam and are immediately discharged. They are cast back to the civilian world with little or no assistance and no chance to even become acquainted with available reorientation assistance. These veterans—more than any others—are in need of immediate advice and assistance. In order to fulfill the obligations of the charter to these servicemen, no one should be returned to the United States and immediately discharged. The bill therefore requires that each serviceman be returned to the United States at least 30 days before the



expiration of his service. Special centers can then be established to provide the returning serviceman with all necessary information.

Tenth. One of the first responsibilities of the Deputy Assistant Secretary and his advisory committee under the proposed legislation will be to report to the Congress on the expected costs of implementing the charter. But, as was the case with veterans' programs for World War II and the Korean war, the economic return to society of these types of programs will be many times greater than the amount of the original investment. Furthermore, some of the appropriations for the charter should replace existing funding of other agencies for educational, job training, and welfare benefits.

#### V. REVISION OF THE GI BILL, EDUCATION PROGRAMS

Although once implemented, the Charter of Economic Opportunity will reduce the demand for postdischarge employment and educational assistance, the existing programs must nevertheless be retained to fill the remaining gaps. For example, current VA counseling and assistance programs for veterans should be retained, as should VA/Department of Labor job programs. And for a variety of reasons, many veterans pursuing a high school diploma or vocational training may opt for the present program.

There will undoubtedly continue to be a great demand for the educational assistance provided by the current GI bill. The charter will not be a substitute for the college education that millions of veterans have received under the GI bill. At the same time, the current GI bill must be altered to make it more equitable and more responsive to the growing needs of individual veterans. While educational benefits under the GI bill have increased by 59 percent since 1950, average tuition costs have increased by 200 percent. Even more important, however, is the fact that costs vary widely among colleges, even among the various State-supported institutions. At LSU and Texas Tech, for example, costs—tuition and room and board—are at least \$500 per year less than at such State-supported schools as Minnesota, Ohio State, and Purdue. Benefits under the current GI bill, however, are the same for all veterans regardless of the college or other institution they attend. The only variable in computing today's benefits is the number of the veterans' dependants, with no consideration given to the costs of obtaining an education at a particular college or the amount a veteran is able to contribute.

I will, therefore, propose new legislation designed to change the method of computing educational benefits under the GI bill. Every veteran entering school after passage of this bill will be entitled to a minimum benefit set at the amount of tuition and fees charged by the State university in his State or \$500 per year, whichever is greater. For many veterans this amount will provide more than enough incentive to return to school. However, other veterans will, of course, not be able to attend even a State university—or a high school or vocational

education facility, as the case may be—if only tuition is provided. Accordingly, the legislation will provide that additional funds for room and board and other necessary benefits will be provided to veterans, on the basis of need, in addition to the minimum payment. At present, all major colleges and universities are utilizing the services of the College Scholarship Service to assess appropriate financial grants to students. The VA should be required to consult with the College Scholarship Services—and perhaps utilize its services on a contract basis—to assist it in determining each veteran's entitlement to additional educational benefits.

#### VI. DRUG ADDICTION

In recent years drug addiction and abuse among the country's servicemen has been a growing problem. Between 10 and 15 percent of our servicemen in Vietnam are estimated to be using heroin and other hard drugs as are large numbers of servicemen in Germany, Korea, and elsewhere. When these men return home, they bring their drug problems with them. An estimated 25 percent of the drug addicts in this country are veterans who first used drugs while in the service. Many of these drug-using veterans received less than honorable discharges because of their use of drugs. Under current law, such discharges often make them ineligible for treatment in Veterans' Administration hospitals. Without such treatment and rehabilitation, these drug-dependent veterans will be a burden and a possible menace to society.

The Nixon administration has only belatedly recognized the serious nature of this drug epidemic. It is astonishing that the administration waited so long to take action. It must have known that arrests of servicemen for the use or possession of heroin increased by 400 percent from 1969 to 1970.

What steps have been taken? First, the administration began to test servicemen about to return from Vietnam for heroin use. When these tests indicate heroin use, the serviceman is not released from service until he has been detoxified over a short period of time. At first this period was 10 days—obviously inadequate—but now some servicemen are being referred to VA hospitals for more extended treatment. So far only 150 have been referred, a tiny fraction of the total addicts being discharged.

Second, the Department of Defense has announced that voluntary requests for treatment or the heroin addiction tests may not be used as a basis for court martial or for an other than honorable discharge.

Third, when an addict is discharged, the administration relies upon voluntary participation in VA programs. Recently, the VA increased the number of its hospitals equipped to serve drug addicts from five to 32 facilities with a combined total capacity of 6,000 patients. It is apparent that these new facilities cannot begin to provide for the estimated 80,000 to 90,000 veterans presently in need of drug addiction treatment. While speaking broadly about its grand design to establish these "VA rehabilitation centers," the administration demonstrates its lack

of real concern for this problem by quietly seeking to close down major facilities of the National Institute of Mental Health which are already equipped and staffed to treat drug addicts and which now serve many veterans.

Moreover, the administration has tolerated steps which assure that new VA facilities will not operate at capacity. For example, treatment is presently provided only to veterans who volunteer for it, thus assuring that most of the 32 new centers will have vacant beds. By accepting only voluntary cases, the VA has kept its hospitalized drug patient load to 6,335 for the first 9 months of 1971. While this has effectively prevented overcrowding of VA drug centers, empty beds hardly represent an all-out attack on drug addiction among veterans.

Finally, the administration proposes to provide assistance to veterans with other than honorable discharges who are now ineligible for treatment by having the Department of Defense, on request by a veteran, review his records on a case-by-case basis to change his discharge if the discharge was drug related. This would then make the veteran eligible for VA treatment.

What is needed is a more enlightened and committed approach to this problem. It is not enough to simply set up a new office to coordinate programs, as the administration did in establishing the Special Action Office for Drug Abuse, and then develop some piecemeal solutions.

Senators CRANSTON, HUGHES, and JAVITS and other Members of Congress are to be commended for placing the problem, and solutions of the kind required, before the Congress and the American public. Senator CRANSTON in particular has introduced legislation designed primarily to: first, make veterans with other than honorable discharges eligible for VA treatment, second, provide funds for community drug programs which veterans can attend, third, increase drug vocational rehabilitation programs, fourth, establish an outreach program to advise veterans of these programs, and fifth, provide an incentive by specifying that other than honorable discharges will be converted to honorable if the veteran stays off drugs for 1 year.

Senator CRANSTON's proposals contain many of the elements needed to deal with military drug problems, and his bill deserves support. In addition, the following proposals should be added to an effective drug use program:

Each serviceman must be given an effective and realistic education on the addictive capacity of various available drugs and the dangers of such addiction. Many servicemen would not knowingly acquire a heroin habit in Vietnam, which costs very little to support there, if they knew that that same habit may cost \$100 per day when they return home. Although the Defense Department began an education program in 1968, the facts indicate that this program is not working. In September 1970, a survey of troops in Vietnam indicated that 60.8 percent of those asked wanted more information on drugs.

To be effective, an education program should employ ex-addicts to participate in small group discussions rather than

large, pre-packaged lectures. Drug users must be identified and treatment in the service—along with the nonpunitive nature of that treatment—must be emphasized. Confidentiality must be imposed upon the medical records of servicemen seeking treatment, a proposal which the administration has not accepted. If outsiders can secure these records, very few men will willingly seek treatment even if there is no chance for court-martial punishment.

VA drug addiction treatment must be made available to all veterans regardless of whether their discharge disqualifies them for other veteran benefits. The administration's case-by-case approach is time consuming and depends upon the addict to initiate an application and then wait several months for a decision. Assistance should be available without regard to the nature of the discharge.

To facilitate treatment, the number of VA rehabilitation centers should be expanded much more rapidly and to a greater extent than is now proposed by the administration.

The VA should be authorized—indeed, directed—to accept involuntary commitments from the State and Federal courts of veterans who are addicts. The availability of VA facilities for such commitments will afford many veterans an opportunity for quality treatment and rehabilitation they otherwise would not have and would help ease the pressure on the woefully inadequate civilian institutions and programs that are grappling with the enormous problems of drug addiction.

To fill the gap between the maximum capacity of VA drug treatment centers and the number of veterans who will require treatment—particularly during the period when new VA facilities are being established—large numbers of community-based programs now in existence should be utilized to treat drug-dependent veterans by contract to VA. Existing NIMH community centers should be utilized wherever possible. Community-based programs should receive a Federal allotment per veteran, and the veteran should have the choice of the program in which to participate, with the allotment following his choice. The veteran could then select the program most suitable to his own needs, with the advice of his counselor, and community-based programs would be given added incentive to structure programs which would fill those needs.

#### VIII. CONCLUSION

For too long we have deluded ourselves that the problems of veterans were being met. We have believed that by a piecemeal addition of new benefits we were truly dealing with the basic problems. But, as with so many other governmental efforts, the result has been to treat symptoms and not causes. Band-aids rather than surgery have been the prescription.

The plight of the returning Vietnam serviceman must be dealt with now—not only in fairness to that serviceman but to preserve the stability and morale of the Armed Forces. If our military does not respond to the needs of young people, it will continue to show the horrible strains and tensions which have recently become an unfortunate part of military life.

When men can view service not as a dead end but as an opportunity along with an obligation, a truly effective fighting force can be created.

Mr. President, I ask that at the conclusion of my remarks a brief explanation of my veterans' proposal be printed in the CONGRESSIONAL RECORD.

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

#### OUTLINE OF MUSKIE VETERANS' PROPOSAL

Approaching veterans' problems by concentrating on traditional post-discharge veterans' programs can only result in help to them that is "too little, too late". A new approach that provides assistance before discharge from active duty is needed. In FY 1970, 15.5% of all enlisted personnel leaving the military did not have a high school diploma, and 77% had less than one year of college education. Over 50% of all servicemen serve in military jobs not convertible to civilian occupations.

The Muskie legislation therefore creates a Charter of Economic Opportunity for servicemen and veterans. This Charter guarantees that each serviceman during his duty hours, and each Vietnam era veteran would be entitled to receive, at government expense, the following:

- (a) A high school diploma or any certificate equivalent to such a diploma
- (b) If the serviceman has a high school diploma, the opportunity for refresher or preparatory courses which will make the transition to college far easier;
- (c) Training for a civilian job; and
- (d) Assistance in securing a job after discharge.

The legislation provides for the creation of a new Deputy Assistant Secretary of Defense appointed by the President and confirmed by the Senate who is charged with ensuring that the guarantees in the Charter are implemented. The Deputy Assistant Secretary reports to Congress on the specific steps necessary to implement the Charter. The legislation provides for the creation of a new line organization in the Department of Defense (DOD) to report to the Deputy Assistant Secretary and be responsible for administering all Charter programs.

The legislation provides specific directions and guidelines as to how Congress intends the Charter to be implemented. The following directions are included:

- A. To require that trained counselors be provided every serviceman from the day he enters active duty.
- B. To provide refresher courses for those who enter the service with skills. Many service personnel do not require intensive training or education to be employable after discharge.
- C. To provide for on-the-base recruitment by civilian employers and other measures assisting enlisted men to obtain jobs after their discharge.

D. To implement the guarantee of a high school diploma, the legislation requires the DOD to use existing educational institutions or to establish regional academies which any serviceman or veteran can attend to study for a high school diploma.

E. To implement the guarantee for job training, the legislation directs the DOD to use existing vocational training facilities or to establish regional academies which any serviceman or veteran could attend to obtain vocational training. The Defense Department must compile employment opportunity information and establish on-base training operations. Incentives are offered to employers to hire serviceman or veterans who completed a job-training program.

F. To require the Defense Department to return every serviceman to the U.S. at least 30 days prior to discharge in order to provide adequate re-orientation assistance.

#### ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1032

At the request of Mr. MANSFIELD, for Mr. HART, the Senator from New Mexico (Mr. ANDERSON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Wisconsin (Mr. NELSON), and the Senator from Rhode Island (Mr. PASTORE), were added as cosponsors of S. 1032, a bill to promote and protect the free flow of interstate commerce without unreasonable damage to the environment; to assure that activities which affect interstate commerce will not unreasonably injure environmental rights; to provide a right of action for relief for protection of the environment from unreasonable infringement by activities which affect interstate commerce and to establish the right of all citizens to the protection, preservation, and enhancement of the environment.

S. 1528

At the request of Mr. HART, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 1528, the Wholesome Fish and Fishery Products Act of 1971.

S. 1784

At the request of Mr. PACKWOOD, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of S. 1784, relating to mineral resources in lands comprising the Three Sisters Wilderness, Oregon.

S. 2571

At the request of Mr. MCGOVERN, the Senator from New Jersey (Mr. WILLIAMS), the Senator from Oklahoma (Mr. HARRIS), the Senator from Texas (Mr. BENTSEN), and the Senator from California (Mr. TUNNEY), were added as cosponsors of S. 2571, the Rural Development and Population Dispersion Act of 1971.

S. 2719

At the request of Mr. PERCY, the Senator from Kansas (Mr. PEARSON) was added as a cosponsor of S. 2719, the Alcoholic Drivers Safety Act of 1971.

#### SENATE JOINT RESOLUTION 67

At the request of Mr. HART, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of Senate Joint Resolution 67, to authorize the President to issue a proclamation designating the last full calendar week in April of each year as "National Secretaries Week."

#### SENATE CONCURRENT RESOLUTION 45—SUBMISSION OF A CONCURRENT RESOLUTION PROVIDING FOR UNITED NATIONS CHARTER REVIEW

(Referred to the Committee on Foreign Relations.)

Mr. CRANSTON. Mr. President, the seating of the Peoples Republic of China in the United Nations is long overdue. Since the most populous nation on earth has now been offered membership, a major step toward universality of representation has at last been taken and an injustice lasting 22 years has been rectified. The United Nations could not pretend to tackle the world's problems as



long as its membership did not include the government of the 800 million people on the Chinese mainland who comprise one-fifth of the world's population.

The right and realistic solution has at last been reached. I regret, however, that the price for the admission of Peking has been the loss of United Nations representation for the government of Taiwan. As a result of last night's vote, the government of the 14 million people on Taiwan now is not represented in the world body. I hope that some means can be found to restore Taiwan representation.

While the U.S. Delegation was unable to prevent the expulsion of the Nationalist government from the United Nations, President Nixon did accomplish half of what he set out to achieve by gaining admission for the People's Republic. I believe it would be unwise to retaliate by threatening to withhold funds or otherwise reduce our participation in the United Nations, as some people have suggested, because the President did not get the second half of his package. I strongly oppose a further weakening of the United Nations by arbitrarily cutting our contributions to its budget. We need a strong United Nations now more than ever. Unilateral actions in response to decisions that go against us are totally inconsistent with the purposes of the United Nations and the principles which the United States has historically upheld.

The United Nations, now beginning its 27th year of existence, is suffering a crisis of confidence that has been building for a long time. In growing financial difficulties for years, the organization is increasingly handicapped by the unwillingness of its members to abide by its resolutions and recommendations. Yet at this moment we are on the threshold of an era when a strong and viable international forum is needed even more than it was in 1945 when the United Nations was born.

The first international agreement controlling the means of delivery of nuclear weapons is apparently about to be initiated by SALT. It must surely be followed by more comprehensive arms control and disarmament measures affecting all nations, not just the United States and the Soviet Union. Other political settlements involving major portions of the globe, are long overdue. New economic realities have changed the pattern of trade and development in recent years as multinational enterprises become increasingly important in the world economy. The growth of new technologies brings with it increasing problems for the continued health of the world environment, requiring international cooperation on a wide scale if worldwide pollution of the seas, the air, and the earth are to be controlled. For these and many other pressing reasons it is past time to take steps to restore the United Nations to the stature it deserves.

The United Nations is still mankind's best hope for world peace under law. But the U.N. in 1971 contains many structural and procedural weaknesses that were not apparent to many, nor deemed important by most, in 1945. Because of these weaknesses, nations that should be turning first to the United Nations to resolve ma-

for conflicts are instead often the first to turn away from it.

Article 109 of the United Nations Charter provides means for convening a Charter Review Conference to examine inadequacies in the organization and to provide remedies for them.

Many supporters of the organization have despaired of ever reaching agreement on the major changes in the charter that are needed to restore to the United Nations the authority and status it requires. They recommended many worthwhile formulas, short of charter revision, for meeting many shortcomings. I share their awareness of the size of the effort needed. I believe, however, that nothing less than a major charter revision will in the long run provide more than temporary remedies.

Among the most pressing problems now facing the organization are the following:

**Voting:** The membership has grown from 51 member states in 1945 to 130 today. A one-nation one-vote procedure in the General Assembly has systematically weakened the effectiveness of that body as each new member has been added. The larger powers have become increasingly reluctant to submit critical issues to the Assembly for resolution, or to accept its decisions, fearful that blocs of small countries may use the existing voting formula to gain advantages out of all proportion to their populations.

To remedy this loss of confidence, a radical change in voting procedures is in order. One formula that has been suggested, and which I believe assigns a fair weighting to large countries and small ones alike, is one based partially but not wholly on population: under this formula, member states with populations of up to 5 million would have 1 vote each; larger states would have proportionally larger numbers of votes, but in no case more than 30, for countries with populations of 150 million or greater. Under such a formulation, the United States, with 200 million population, would have more votes than, for example, Ghana, with 9 million or Honduras with 2½ million, but we would have just as many votes as India, China, or the Soviet Union.

**Financing:** A better formula for determining the size of financial assessments is needed as is an ironclad obligation by all member states to contribute to the cost of operating the organization. The United Nations remains in a grave financial crisis as a legacy of the refusal of some member states to pay for peacekeeping operations. Some countries have also refused to pay their share of contributions to retire U.N. bonds. It is neither fair nor, in my opinion, does it make sense, for any member state to be asked to pay more than a reasonable share of the costs of operating the U.N., but it makes much less sense for any member to decide that it should reduce its allocation and further weaken the organization because it disagrees with a particular aspect of United Nations policy.

The financial deficit is not overwhelming. The recently published report of the United Nations Association points out

that the \$189 million needed to retire the United Nations bonds and restore the organization to financial solvency is \$70 million less than it costs to run the New York City Fire Department for a year, and \$400 million less than it costs to run the New York Police Department.

Compared to the billions of dollars spent on armaments each year, the sum is small indeed. In 1970, an estimated \$204 billion was spent by all countries on armaments—over one thousand times the cost of restoring the United Nations to fiscal solvency or meeting its annual budget of about \$200 million. The United States arms budget is nearly \$80 billion this year. That amounts to over \$200 million every day.

A fair and practicable formulation for determining assessments of United Nations members must be found, and I am of the opinion that again a weighted formula based in part on population and in part on economic vitality is a reasonable and workable approach. The cost of placing the U.N. on a sound financial footing is far less than the cost of letting it fail would ever be.

**Peacekeeping forces:** The creation of effective peacekeeping forces is long overdue. Under the present charter, the United States should lead the way in earmarking forces for U.N. peacekeeping missions, and providing logistical support for U.N. peacekeeping forces. Much machinery for effective U.N. peacekeeping operations is provided for in the charter but commitment by the major member nations to make the machinery work has been lacking. A drastic change in the attitudes of the great powers toward peacekeeping is called for, and the United States should lead the way. Serious consideration must also be given, within the United Nations, to the various proposals that have been made for charter revisions that would expand and strengthen the ability of the United Nations to keep the peace.

**International Court of Justice:** A change in the attitudes of the parties to the statute of the court is essential to strengthen the prospects for the international settlement of disputes. I strongly support the recommendations of Senators HUMPHREY, and JAVITS, and others, in the direction of modifying, and perhaps withdrawing, the Connally reservation, which has since 1946 crippled the court by providing such a ready escape valve to nations wishing to apply their own self-judging formulas before submitting to the rulings of the court. Even without withdrawing the Connally reservation, however, the United States could adopt a far more accommodating attitude toward the court and make acceptance of its jurisdiction the rule rather than the exception in many instances. There are many other ways to strengthen the court. We must get behind them for we need the rule of law in our world just as much as we need it in the streets of our cities.

There are many other procedural and institutional reforms that should also be implemented to increase significantly the effectiveness of the U.N. to restore international confidence in the organization and faith in its ability to better meet the challenges it will face in the future.

To this end, I am introducing today a resolution which reaffirms the historic role of the United States in providing world leadership in working for the modernization and reform of the United Nations; calls on the President to initiate high-level studies in the executive branch to determine what changes should be made in the charter of the United Nations, and to report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House the results of these studies before June 30, 1972; and which calls on the Government to take the lead in calling for a conference to review the United Nations Charter in accordance with article 109 of the charter, not later than 1974.

A comparable resolution has been introduced in the House by Representative HUNGATE and 66 cosponsors. I invite Senators to join me in cosponsoring this resolution.

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

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

S. CON. RES. 45  
LIST OF SPONSORS

Mr. Cranston (for himself, Mr. Allott, Mr. Bayh, Mr. Byrd (W. Va.), Mr. Case, Mr. Church, Mr. Eagleton, Mr. Gravel, Mr. Harris, Mr. Hartke, Mr. Hatfield, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Mondale, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pell, Mr. Proxmire, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, Mr. Taft, Mr. Tunney, and Mr. Williams.

*Resolved by the Senate (the House of Representatives concurring).*

Whereas the United Nations General Assembly voted on December 11, 1970, to request the Secretary General to "invite Member States to communicate to him, before July 1, 1972, their views and suggestions on the review of the Charter of the United Nations" (General Assembly Resolution 2697 (XXV)): Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—*

(1) The United States should continue in its historic role of providing world leadership in working for modernization and reform of the United Nations, and toward the establishment and preservation of a civilized family of nations in accordance with the highest aspirations of mankind.

(2) The President is hereby requested to initiate high-level studies in the executive branch of the Government to determine what changes should be made in the Charter of the United Nations, to promote a just and lasting peace through the development of the rule of law, including protection of individual rights and liberties as well as the field of war prevention. The President is further requested to report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives before June 30, 1972, the results of such studies.

(3) The Government of the United States should take the lead in calling for a conference to review the United Nations Charter in accordance with article 109 of the Charter, not later than 1974.

Mr. ALLOTT. Mr. President, it is a pleasure to join with the distinguished senior Senator from California as a cosponsor of his Senate concurrent resolu-

tion which calls upon the President to make thorough, urgent, and high-level studies preparatory to recommending reform of the United Nations Charter.

Mr. President, these are difficult days for the United Nations and for its many friends around the world. We who have been deeply devoted to the cause of the United Nations are deeply disturbed by these difficulties.

The events of Monday evening at the United Nations—the expelling of a member of that body for no good reason—make it clear that the time has come for a sober look at the entire operation of the United Nations. Clearly a majority of the United Nations members are—to put it delicately—casual in their approach to due process and rudimentary fair play. But the distressing events of Monday night—events which may have consequences here in the Senate before long—are just additional evidence of what we have known for many years: the United Nations needs reform.

I have long felt that there are three facets of the United Nations that might be improved by reform. These areas are financial support, membership criteria, and voting procedures.

The debate about membership for the Peoples Republic of China and for Nationalist China dramatized the confusion that surrounds the question of criteria governing United Nations membership.

In addition, it is not surprising that voting procedures arrived at a quarter of a century ago, when the United Nations was in the planning stage and prospective members numbered fewer than half today's total membership, should be in need of some reassessment, and, perhaps, reform.

Mr. President, the best friends of the United Nations are those who are most anxious to see it strengthened by reform. They realize that the United Nations, like any growing, vital, vibrant institution, must adapt to changed circumstances. And no one can doubt that there have been staggeringly complex and far-reaching changes in the circumstances of international politics since the end of the Second World War.

Mr. President, it is in a spirit of concern for the United Nations that I join as cosponsor of this timely resolution.

SENATE RESOLUTION 187—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF HEARINGS ON ORGANIZED CRIME

(Referred to the Committee on Rules and Administration.)

Mr. McCLELLAN. Mr. President, I submit a resolution and ask that it be referred to the Rules Committee. It calls for the approval of the printing of 1,600 additional copies of part 4 of the recently concluded organized crime hearings. This number of additional copies has already been approved by the Senate for the first three volumes. The ranking minority member of the subcommittee has been notified of this resolution and has approved it.

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

The resolution is as follows:

SENATE RESOLUTION 187

*Resolved*, That there be printed for the use of the Committee on Government Operations one thousand six hundred additional copies of part 4 of the hearings before its Permanent Subcommittee on Investigations during the Ninety-second Congress, first session, entitled "Organized Crime."

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 181

At the request of Mr. CHILES, the Senator from Michigan (Mr. HART), and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of Senate Resolution 181, expressing the sense of the Senate concerning the availability of appropriated funds for the food stamp program, and for other purposes.

FOREIGN ASSISTANCE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 482

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

Mr. SCOTT submitted an amendment, intended to be proposed by him, to the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

REVENUE ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 483 THROUGH 530

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

Mr. HARTKE submitted 48 amendments, intended to be proposed by him, to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

AMENDMENT NO. 531

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

WAITING PERIOD FOR DISABILITY BENEFITS

Mr. HARTKE. Mr. President, this amendment reduces from 6 to 3 months the waiting period for disability benefits.

It also eliminates the requirement that the disability must have lasted or be expected to last at least 12 months, or result in death.

The 6-month waiting period works a severe hardship on the disabled.

By financing benefits sooner, additional workers would become eligible sooner for rehabilitation programs financed by social security trust funds. Rehabilitation is more successful if begun sooner.

NOTICE OF HEARING ON THE NOMINATION OF MR. HENRY M. RAMIREZ

Mr. PERCY. Mr. President, the Committee on Government Operations will hold a public hearing on the nomination of Mr. Henry M. Ramirez to be Chairman, Cabinet Committee on Opportunities for Spanish-Speaking People on Tuesday, November 9, at 10 a.m., in room 3302, New Senate Office Building. Persons interested in this nomination should contact the committee staff on extension 54751.



#### NOTICE OF HEARING ON FEDERAL CREDIT UNIONS

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking, Housing, and Urban Affairs will hold a hearing on the bill, S. 2679, to extend the period within which certain Federal credit unions must obtain insurance of member accounts in accordance with title II of the Federal Credit Union Act.

The hearing will be held on Monday, November 8, 1971, and will begin at 10 a.m., in room 5302, New Senate Office Building.

#### NOTICE OF HEARINGS ON SURFACE TRANSPORTATION ACT

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. MAGNUSON), I announce that the Surface Transportation Subcommittee has scheduled public hearings for November 4 and 5 and S. 2362, the Surface Transportation Act of 1971. Hearings will commence at 10 a.m. in room 5110, New Senate Office Building. Any person who wishes to testify should notify the committee staff, telephone 225-9351.

#### NOTICE OF HEARINGS ON GAS PIPELINE SAFETY BILLS

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. MAGNUSON), I announce that the Surface Transportation Subcommittee has scheduled public hearings for November 9, 1971, on S. 980, S. 1910, and H.R. 5065, gas pipeline safety bills. Hearings will commence at 10 a.m. in room 1114, New Senate Office Building. Any person who wishes to testify should notify the committee staff, telephone 225-9351.

#### ADDITIONAL STATEMENTS

##### THE CHARLES FAHY READING ROOM

Mr. RIBICOFF. Mr. President, following the dedication of the new facilities of the Georgetown Law Center, a very special occasion marked the dedication of the Charles Fahy Reading Room. There, on September 18, 1971, former Chief Justice Earl Warren delivered a moving address which was both a tribute to Senior Circuit Judge Fahy and a demonstration of the significant role played by a great lawyer in the development of many important facets of our public law. Judge Fahy's career has been an inspiration to scores of dedicated lawyers who have served our Government and will shine through the future as a standard for all to follow.

After Judge Fahy retired from his post as legal adviser to the Department of State, he became associated in Washington in the practice of law with one of my predecessors, former U.S. Senator John A. Danaher, who, himself, was later appointed a U.S. circuit judge for the District of Columbia Circuit. In passing, I may note with satisfaction that Judge Danaher and I have been firm friends

over a long period, for he and I were fellow practitioners at the Hartford County Bar.

I ask unanimous consent that Chief Justice Warren's speech be printed in the RECORD.

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

##### ADDRESS DELIVERED BY HON. EARL WARREN

I am very happy to play a role in these ceremonies associated with the new facilities of the Georgetown Law Center. The Center brings to these splendid new quarters both a rich heritage and a bright promise. Others have spoken of that heritage and that promise during this weekend. My charge, which I welcome, is to speak of them in a special way.

Sometimes it is easier, for me at least, to measure an institution's past by what I know of its alumni in particular than by what I know of the institution in general. And sometimes it is easier, for me at least, to gauge the future of an institution by how it regards the qualities of its former graduates than by what it proposes be the qualities of its future graduates.

On that test, this Law School does itself a singular honor by honoring Judge Charles Fahy today. And the Law School does me an honor by giving me the chance to say in public some of the things I have said so often about Charles Fahy in private for many years. I know that Charles, notwithstanding his commitment to the First Amendment, would attempt to censor the remarks I am about to make about him if he had jurisdiction. But I consider that your invitation to me clothes me with unreviewable discretion in that respect.

Having made this brave start, I confess that it is hard to know where to begin. Simply identifying the positions that Judge Fahy has held amounts to the recitation of a litany so long as almost to exhaust my time. But let me do it anyway, just so we can remind ourselves what a remarkable career of public service this man has had.

First of all, of course, there was a condition precedent to this career. That is to say, he was born. More specifically, he was born in Rome, Georgia, of Irish-Jewish parentage. One can only speculate about how a Southern Catholic boyhood around the turn of the century influenced the development of his character. What one knows is that to this day he retains a warm affection and strong family ties to the region of his birth.

And there was, I venture to say, a second condition precedent that I should like to note at the outset—an extraordinarily warm and rewarding marriage to his lovely wife of some 42 years, Agnes; a marriage blessed by four children—Father Thomas, Anne, and Sister Charles Mary, all with us today, joined by Anne's husband, Rourke Sheehan [and their children], and Mary Agnes, who lives with her husband and family in the West and was unable to make the long journey.

But, back to my chronicle. After attending the University of Notre Dame and securing his law degree here at Georgetown, Charles' public career began with military service in the Naval Air Force during the First World War.

After an interlude of private practice here and in Santa Fe, he returned to Washington in the early days of the New Deal. And now my litany begins: First Assistant Solicitor of the Department of Interior, 1933; member and then chairman of the Petroleum Administrative Board, 1933-1934; General Counsel of the National Labor Relations Board, 1935-1940; member of the President's Naval and Air Base Commission to London, 1941; Solicitor General of the United States, 1941-1945; Legal Advisor and Director of the Legal Division of the Military Government of

Germany, 1945-1946; Advisor to the American Delegation to the San Francisco Conference, 1945; member of the Legal Committee of the United Nations General Assembly, 1946; Legal Advisor to the State Department, 1946-1947; alternate United States representative to the United Nations General Assembly in 1947 and 1949; Chairman of President Truman's Committee on Equality of Treatment and Opportunities in the Armed Forces, 1948; and, finally, Judge of the United States Court of Appeals beginning in 1949.

For such a young man—Judge Fahy is, you know, even younger than I—he has gotten around a good deal.

But these raw data are only suggestive of the man. It is one thing, for example, to say that he served in the Naval Air Force during World War I. It is another to know that he was awarded the Navy Cross for gallantry. It is one thing to note the bare fact that he was General Counsel of the National Labor Relations Board between 1935 and 1940.

It is quite another to reflect upon the critical character of that period for that Board, for the Supreme Court, and for the Nation. The National Industrial Recovery Act had been gutted by the Court's decision in *Schechter*.<sup>1</sup> Large elements of the Administration's legislative assault on the massive economic and social ills of the time were under the most serious constitutional cloud. If *Schechter* were not restricted, but were instead read expansively in respect of the Congress' power under the Commerce Clause, the emerging constitutional crisis could hardly have been turned aside. And the principal judicial test was to come by way of the Labor Board cases that began working their way up through the lower judiciary.

I venture to say that the management of that litigation—the selection of cases, the making of a record, the framing of arguments—was one of the most important jobs of lawyering in this century. And Charles Fahy, as General Counsel of the Board, together with others of great talent such as Judge Warren Madden, then Chairman of the Board; Mr. Justice Stanley Reed, then Solicitor General; and Judge Charles Wyzanski, then a member of the Solicitor General's office, held the responsibility for that management.

As you all know, the country was well served. With Judge Fahy participating in the arguments a group of thoughtfully selected cases were presented to the Supreme Court in the 1936 Term.

The resulting opinions, often referred to collectively as *Jones & Laughlin*,<sup>2</sup> ratified the validity of the Wagner Act. Moreover, as Judge Fahy and his colleagues had hoped and urged, the Court acted on the basis of a reading of the Commerce Clause that permitted the Act to be given its full and intended reach. The President, the Congress, and the country then knew that the Administration's legislative reform program was secure. It must have been a very proud moment in Judge Fahy's life.

Given the time, I could speak about each of these biographical entries in much the same way. For example, if one reads off the list of his offices, as I did a few minutes ago, it might seem that Judge Fahy's participation on President Truman's Commission investigating segregation in the Armed Forces was but a footnote in the march of events in the Judge's life. But try to remember what the situation was in 1948. It required a full measure of courage and determination for that Commission to recommend, and for the President to adopt, a program bottomed on the proposition that racial segregation was intolerable and had to be eradicated.

But I wish to speak or a few minutes about the Judge's work on the bench, and so I must

Footnotes at end of article.

sacrifice some of the other things I would like to say.

Still, the Office of Solicitor General is too important to the operation of the Supreme Court, and Judge Fahy was far too important a figure in the history of that Office, for me to pass over his years there without comment. I regret that I was not on the Court at that time, so that I must rely on hearsay evidence. However, since it is the hearsay evidence of my fellow Justices, I take the liberty of waiving that particular rule of evidence.

I begin by saying that the most important attribute of a Solicitor General, in my view, is absolute candor, absolute integrity. The Solicitor General, of course, is not a judge. He is the attorney for the Government. Accordingly, he is entitled to make whatever reasonable arguments are available in support of the Government's position. But the position should be at least arguably reasonable, and the argument should not be made to appear to carry more weight than they can bear. Moreover, and perhaps more importantly, the relevant facts must be exposed, damaging or not, and whether or not the opposing party is counseled well enough to expose them on his own behalf.

Happily for the Court, this view of the responsibilities of the Solicitor General's Office is part of the established tradition of that Office. However, there are degrees of excellence, and by all accounts the manner in which Judge Fahy carried out that tradition marks him as among the most outstanding occupants of the office since it was established.

Moreover, this is the common evaluation no matter what characteristic of the Office is stressed. I think I can best summarize the consensus by noting that Mr. Chief Justice Stone is reported to have observed that the country would be well served if Charles Fahy were appointed permanent Solicitor General.

But as it turns out, Mr. Chief Justice Stone, who rarely erred, was wrong that time. For if Charles had been a permanent Solicitor General, he would never have become a judge. And we could ill have afforded that.

In preparation for this address, I have re-read some of Judge Fahy's most significant opinions. That experience has confirmed, as I knew would be the case, that there is much too rich a vein there for me to mine in oral remarks on an occasion such as this. I should like to dwell, for example, on his dissenting opinion in *Thompson v. District of Columbia*, subsequently sustained unanimously by the Supreme Court,<sup>3</sup> which broke down segregation in the District of Columbia restaurants prior to our decision in *Brown v. Board of Education*. Or his opinion in *Jeffers v. United States*, again sustained by the Supreme Court,<sup>4</sup> restricting the artificial use of the "standing" doctrine to avoid determination of search and seizure questions. Or his dissenting opinion in *Stewart v. United States*, again sustained by the Supreme Court,<sup>5</sup> according full play to the Fifth Amendment privilege against self-incrimination with respect to a defendant's failure to testify at his trial. Or his dissenting opinion in *Green v. United States*, again sustained by the Supreme Court,<sup>6</sup> based on the principle that a person convicted of a lesser charge could not thereafter be convicted of first degree murder on the theory that he had waived his protection against double jeopardy by his successful appeal. Or, if prudence did not forbid, his dissenting opinion in the security clearance case of *Cafeteria Workers v. McElroy*, where I am sorry to say both he and I turned up on the losing side as the case was finally decided by the Supreme Court.<sup>7</sup> And on and on runs the list of his contributions.

But let me just single out for a moment an aspect of his judicial career that is of special interest to me. It has to do with the admissibility of confessions. And I think that in an important way the story begins when

Judge Fahy was practicing law in the District of Columbia after World War I and was persuaded to undertake the defense of a murder charge against a young Chinese native by the name of Mr. Wan. The central legal issue turned upon the admissibility of Wan's confession. Wan had been held incommunicado for a week by the police in a hotel room, having been denied permission even to see his own brother. Though ill, he was subjected to constant questioning.

Finally, he confessed after having been taken to the scene of the crime and interrogated for a whole night without any opportunity for sleep. Charles' attack on that confession was unavailing in the lower courts, and Wan was sentenced to death. But he fared differently in the Supreme Court. During the course of the argument, Mr. Justice Holmes is reported to have inquired for a confirmation of the facts respecting the interrogation, and then after the response to have leaned back and observe quite audibly, "That's enough for me." And it was enough for the entire Court (which reversed unanimously in an opinion by Mr. Justice Brandeis on the ground that the confession had been involuntary as a matter of law.<sup>8</sup> Bear in mind that this was in 1924. Much of the involuntary confession law that was announced many years later seems to me to have been simply a rediscovery of the principles announced by the Court in the *Wan* decision.

I now skip to a point in time almost forty years later—Judge Fahy's opinion for the majority of an *en banc* Court of Appeals in *Killough v. United States*.<sup>9</sup> The basic approach of Judge Fahy toward confessions obtained without benefit of an effective warning respecting the right of counsel and the privilege against self-incrimination had been foreshadowed in decisions such as his dissenting opinion in *Goldsmith v. United States*.<sup>10</sup>

Judge Fahy stated his views fully in his *Killough* opinion. While he wrote in terms of the McNabb-Mallory rule, based upon Rule 5(a) of the Federal Rules of Criminal Procedure, he accurately identified the constitutional principles that were to come into play two years later in the Supreme Court's decision in *Escobedo* and then later in *Miranda*<sup>11</sup>—the privilege against self-incrimination and the right to assistance of counsel. And so his work as a jurist bore the fruit of decades of thought that began when, as a young man, he was called upon to come to the assistance of Mr. Wan.

These, then, are some of Judge Fahy's works. But his measure as a Judge cannot really be taken simply by examining his opinions. Nor am I quite sure how it can be taken. I know that he is a great judge. But I do not pretend to be able to say with assurance precisely what qualities have produced that greatness. He has, of course, the essential qualities of intellectual capacity, balanced judgment, diligence, and care. But so do others. What, then is the added dimension that is so plainly there?

Perhaps there is no more to do than to note its presence. But I venture a thought or two. Judge Fahy's vision of the role of law is not that of a technician adjusting and balancing competing political, economic and social interests. He does not, to put it differently, regard the law as ethically neutral, or the search for truth as foredoomed.

His vision, rather, is essentially that of a moralist. He believes that there is such a thing as moral good and moral evil; that in the political order they are manifested as social justice and social injustice; and that in a perfect political order the law would be an instrument of rooting out the one and securing the other. He recognizes, of course, that we do not live in a perfect order, and, moreover, that the power of a judge is rightly cabined by institutional restrictions. Still, within those restrictions he

is moved by his conception of justice as a controlling reality, and not simply as the label that one places on the outcome of a decision in order to conform to society's expectations. If I may refer once again to Judge Fahy's dual natural inheritance, that is the vision of a St. Thomas More and a St. Thomas Aquinas, and of a Brandeis and a Cardozo.

I do not know of anyone more widely loved and admired than Charles Fahy. He has done great honor to this institution, and it is, therefore, fitting that the institution today do honor to him. And this gentle, strong, and wise man has so graced the federal judiciary that I am gratified to be able to pay tribute to him today on behalf of his colleagues at the bench and bar. Surely the students of this school, in using this fine new reading area, will draw inspiration from the man to whom it is dedicated.

#### FOOTNOTES

- <sup>1</sup> *Schechter v. United States*, 295 U.S. 495 (1935).
- <sup>2</sup> *Labor Board v. Jones & Laughlin*, 301 U.S. 1 (1937); *Labor Board v. Fruehauf Co.*, 301 U.S. 49 (1937); *Labor Board v. Marks Clothing Co.*, 301 U.S. 58 (1937); *Associated Press v. Labor Board*, 301 U.S. 103 (1937); *Washington Coach Co. v. Labor Board*, 301 U.S. 142 (1937).
- <sup>3</sup> 203 F. 2d 579 (1953), *rev'd* 346 U.S. 100 (1953).
- <sup>4</sup> 187 F. 2d 498 (1950), *aff'd*, 342 U.S. 48 (1951).
- <sup>5</sup> 275 F. 2d 617 (1960), *rev'd*, 366 U.S. 1 (1961).
- <sup>6</sup> 236 F. 2d 708 (1956), *rev'd*, 355 U.S. 184 (1957).
- <sup>7</sup> 284 F. 2d 173 (1960), *aff'd*, 367 U.S. 886 (1961).
- <sup>8</sup> *Wan v. United States*, 266 U.S. 1 (1924).
- <sup>9</sup> 315 F. 2d 241 (1962).
- <sup>10</sup> 277 F. 2d 335 (1960).
- <sup>11</sup> *Escobedo v. Illinois*, 378 U.S. 478 (1964); *Miranda v. Arizona* 384 U.S. 436 (1966).

#### ARMS EDGE A U.S. "MUST"

Mr. YOUNG. Mr. President, a most cogent, thought-provoking editorial entitled, "Arms Edge a U.S. Must," appeared in the Bismarck Tribune, published in Bismarck, N. Dak., on October 19.

Russia's headlong plunge into more sophisticated weapons and increasing spending for more over-all military might cannot help but be of deep concern to all of us. It should be apparent to everyone now that they are determined to be the number one military power in the world. The editor cites the most authoritative sources in the world on comparative military strength of the various countries.

I share his concern. If we continue to give decreasing priority to the national defense of this country, we could well become a second-rate power to Russia very soon and suffer all of the consequent indignities, to say nothing of the adverse effects it would have on our entire economy.

I do not believe we need to have the biggest military force in the world, but I share the editor's concern that we have the most modern equipment possible and an overall military strength and that will not permit the United States to become a second-rate power to Russia.

My own feeling is that equally important to maintaining our military superiority is that we quit this business of trying to police the entire world with the



resultant involvement in unnecessary wars.

Mr. President, I ask unanimous consent that this very thought-provoking and timely editorial be printed in the RECORD.

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

#### ARMS EDGE A U.S. "MUST"

If another Cuban missile crisis or its equivalent were to occur in this decade it could very well be the United States that would have to back down.

The authoritative Jane's Fighting Ships reports that Russia is now a first-class seapower, equalling if not surpassing the United States with its aging fleet. That well-known gadfly, Adm. Hyman Rickover, complains that for the first time a world leader, the United States, is deliberately adopting a posture of weakness.

The International Institute for Strategic Studies reveals that the U.S.S.R. now exceeds the United States in intercontinental ballistic missiles, military manpower and defense spending (15 to 20 per cent of its gross national product compared to a 4 per cent for the United States; China spends 12 per cent).

Other quarters point to a growing anti-technology spirit in America by the defeat of the supersonic transport and opposition to a space shuttle, as well as congressional resistance to funding advanced weaponry, such as the B-1 bomber.

Aviation Week & Space Technology magazine has begun a special five-part series "detailing the growing nature of the Soviet Union's techno-military threat."

For the past decade, says editor Robert Hotz, we have basked in our Cuban missile triumph in which Russia retreated in the face of the superior strategic power of the United States. We have been further soothed by the success of great technological plunges that produced the Minuteman and Polaris missile forces and the Apollo manned moon landing.

But during the last half of the 1960s, he says, U.S. technological effort diminished substantially, "primarily because of the insatiable financial demands of the war in Southeast Asia but also because of some incredible top-level management decisions by Defense Secretary Robert McNamara and his 'whiz kids'."

The Asia war, says Hotz, required only peripheral new technology while it squandered national funds on expandable equipment.

The insatiable demands, if not the squandering, continue.

The question is not whether the United States should or should not spend \$493 million in Laos this year (plus millions more in South Vietnam and Cambodia) in an attempt to stop communism in Southeast Asia, or whether it can afford to. Congress has decided that it should and can.

The question is whether the United States can afford not to spend every other dollar necessary to ensure that it maintains, or regains, its technological and strategic military superiority over all rivals.

The completely non-Communist Southeast Asia would have been of little help to President Kennedy in 1962 when Nikita Khrushchev challenged the United States right at its front door.

#### THE EQUAL RIGHTS AMENDMENT

Mr. MUSKIE. Mr. President, the recent passage by the House of Representatives of the equal rights amendment should be followed by immediate approval in the Senate of the same constitutional amendment without modification.

The commemoration of the passage of the 19th amendment to the Constitution, marked on August 26 last, was the occasion for widespread comment from concerned citizens everywhere regarding the unfinished business of equal rights for women. The triumph of August, 1920, it was noted, had been limited by the courts to the granting only of the right to vote and to hold office. Such equality has not meant equality for women in many other respects. In 1923, Senator Charles Curtis of Kansas introduced a resolution which would have added another amendment guaranteeing full equality of rights under the law for both men and women. This amendment, known as the equal rights amendment, has yet to be adopted despite the long history of efforts by a great number of men and women to add it to our Constitution.

Some have questioned the need for the equal rights amendment. But I do not believe the objections to it are convincing. The 14th amendment, as it is presently interpreted by the Courts, has been a sufficient Constitutional guarantee of equal rights for women. And various proposed modifications of the ERA have not been helpful to the cause of equal opportunities for women. Arguments in favor of modifications, particularly those which would qualify its universal applications are, in my view, not valid. They would seriously weaken the amendment and divert the Congress from speedy adoption of the resolution that simply states that:

Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

A nonpartisan organization, Women United, formed to promote the passage of the equal rights amendment, has provided excellent reasons to oppose any crippling modifications of the ERA. It seems to me that the arguments presented by Women United are very persuasive and I am responding to their organization by reaffirming my support of the amendment without modification.

Last week, the Senate postponed consideration of the equal rights amendment until January of next year. After waiting so many years for congressional enactment of this constitutional amendment, this delay can only be disappointing to the supporters of equal rights for women. However, I believe the delay will be in the interests of those who back the ERA. Any consideration of that amendment at the end of the session would certainly lead to a filibuster. However, consideration at the beginning of the second session of the Congress will avoid the problem of a filibuster and substantially expand the chances of Senate passage of the amendment.

As I have traveled throughout the country in the last several months, I have noted a steadily increasing interest in the question of bringing about full equality between men and women in the economic, social, and cultural mores of our country. The widespread concern about the equal rights amendment and its passage is an expression of a much broader demand for a change in the status of women. This demand has been

expressed in many ways. An initial response, which would remedy inequities in specific laws but would not be a substitute for the ERA, would be the prompt passage of the Women's Equality Act of 1971, which is presently before the Congress.

I am stressing the importance of the equal rights amendment in the movement to bring about equality of opportunity for both men and women because I believe that it is fundamental to the full use of all our human resources. While its passage, as well as that of the Women's Equality Act, is essential, they must be accompanied by a full and complete program of implementation by the administration. While one would hope for the immediate passage of both the ERA and the Women's Equality Act, there still should be no delay in effective administration of legislation which now exists or in the development of an administration program which will be able to respond on a regular basis to the dynamic national needs for full equality.

#### A SALUTE TO GIRL SCOUTS

Mr. PACKWOOD. Mr. President, the second week in November is Youth Appreciation Week. I should like to take a few moments today to pay tribute to an organization of young people that is always deserving of our highest respect and appreciation—the Girl Scouts of the United States of America.

There are more than 3,000,000 of these girls across the Nation, and I do not think we can overemphasize the good that they do. They are not merely leaders of tomorrow. They already are constructive forces in their communities, setting precedents in leadership more of their elders would do well to follow. They are working in ghettos, migrant labor camps, and in poor rural areas. They are teaching remedial reading, setting up recreation programs, helping underprivileged children and their families to know that there is personal concern for their welfare within the community. Today's Girl Scout is constantly seeking new areas of need where her willing hands and heart can be of service.

From October 31 through November 6, Girl Scouts will be observing Scouting's Person to Person Week in towns and cities across the Nation.

Their goal is to make all Americans more fully aware of what young people are doing to serve their communities and the Nation. They want to show that community support of Girl Scouting is a reciprocal arrangement; that service is, indeed, a way of life in Scouting. Every Scout is being urged to recruit a non-Scout to attend troop meetings, and to participate in special events scheduled for Person to Person Week. Adults will be encouraged to show their concern for the young people of their communities by offering their services as troop leaders or assistant leaders, or in other volunteer capacities which lend support to local Girl Scout activities.

Mr. President, I should like to ask that each one of us here today encourage Girl Scouts in any way he can. Many of the young people who lose themselves in

the world of drugs and self-destructive activities lack opportunities to discover worthwhile alternatives.

Scouting seeks alternatives. Its emphasis on outdoor life and nature lore, the skills it teaches, and the opportunities for service it presents, are all mind-expanding activities in the very best sense.

Mr. President, may I take a moment more to pay special tribute to the 25,000 Girl Scouts in my own home State. We have four councils: the Columbia River, Santiam, Western Rivers, and the Winema. Their achievements in improving the quality of our environment are of special pride to me, but they are equally involved in other noteworthy community services ranging from drug abuse prevention to reading to the blind.

The beauty of youth today is that they are not afraid to get involved. They are willing to challenge the old and established to make it better; but, most of all, they are not afraid to reach out and smile. They do indeed deserve our highest praise and encouragement both during the Girl Scouts Person to Person Week and Youth Appreciation Week.

#### ASSISTANCE TO FARMERS BY SENATOR MOSS IN ANTITOBACCO DRIVE

Mr. METCALF. Mr. President, we are well aware of the significant efforts of the Senator from Utah (Mr. Moss) in the area of consumer health and safety. He sponsored the Child Health and Toy Safety Act of 1969, under whose provisions 150 toys have been banned and 60 have been redesigned to remove the electrical thermal and mechanical hazards which imperil our children. He sponsored the Poison Prevention Packaging Act which will save many children's lives and eliminate the anguish and suffering of large numbers who are accidentally poisoned each year.

But of all his efforts, Senator Moss is perhaps best known for his work in the area of cigarettes. He has pushed strenuously for adequate labeling and appropriate advertising restrictions. He has brought about continuous monitoring of cigarette advertising by the Federal Trade Commission. As a result there may some day be hardships for tobacco farmers and workers, but Senator Moss has prepared legislation which attempts to deal with that problem too.

Last week, the Louisville Courier Journal reported on his activities to help the tobacco farmer. I believe that this is a most constructive approach, and I urge Senators to read about it. I ask unanimous consent that the article be printed in the RECORD.

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

[From the Louisville Courier-Journal and Times, Oct. 10, 1971]

**TO PROPOSE TAR TAX—UTAH'S MOSS MAPS ANTITOBACCO DRIVE, OFFERS TO HELP THE FARMERS "ADJUST"**

(By Leonard Pardue)

WASHINGTON.—When U.S. Sen. Frank Moss of Utah casts his eye over the federal budget, he sees a \$60 million contradiction.

On the one hand, he notes, the government spends \$60 million a year in some way

boosting the sale of tobacco, mainly through export subsidies and credits.

On the other hand, it forbids cigarette advertising on radio and television, and requires health warnings to be displayed on cigarette packages and in cigarette advertising in newspapers and magazines.

In a few days, Moss, a foe of cigarette smoking, plans to introduce legislation that he thinks will remove the contradiction and get the federal government right with itself on the smoking-and-health question.

Moss's package of remedies is wrapped chiefly in the view that the federal government should discourage cigarette smoking and tobacco growing, instead of encouraging it, as he believes some federal programs do now.

His proposals will include:

A new "tar tax" on cigarettes that would seek to discourage cigarette smoking by making it more expensive. It would particularly penalize the purchase of hightar cigarettes: The tax would range from 8 to 30 cents a pack, depending on the tar content of the cigarette. (Tar is regarded as a likely cause of such diseases as lung cancer and emphysema.)

An end to federal subsidies for tobacco exports.

A halt to federal price supports and production controls for tobacco, a system that now guarantees farmers a good price for their crop in return for curbs on the amount they can grow. Moss would phase out supports and controls by 1975.

An end to free federal tobacco inspection and grading services, which cost \$4 million a year and which are provided a fee basis for nearly all other crops.

Creation of a federal Commission on Tobacco Adjustment Assistance to recommend ways to aid those who will be hard hit by halting export subsidies and ending price supports. The commission also would seek ways "to eliminate or substantially reduce the use of cigarettes, cigars and other tobacco products. . . ."

If Moss's proposals seem uncompromising, so does his sometimes evangelical rhetoric. (He is a member of the Church of Jesus Christ of The Latter Day Saints, which opposes the use of tobacco and alcoholic beverages.)

In a speech last month, he said that the opponents of a ban on televised cigarette commercials were motivated by "greed" and that tobacco interests waged a "vicious battle" against the ban.

Now he is warming up for another fray. The federal government's duty is "to use every persuasive device that it can to discourage the use of tobacco," Moss said in an interview last week.

"The diseases caused by smoking have really become epidemic. This is costing us millions of dollars in production, setting aside the personal discomfort and anguish and early death" suffered by those who contract the diseases.

Moss acknowledged that eliminating the price-support and production-control system could lead to chaotic conditions for farmers, but he said, "I think we ought to do it."

Eliminating the support-and-control system "would free us from what I call the schizophrenic thrust of government—the split-personality policy of encouraging and discouraging the use of tobacco," he said.

Besides, Moss said, "changes are going to come rather slowly. Consumption is not going to drop off the face of the earth. There isn't going to be any large unemployment created."

In part to guard against charges that he is callous to the problems his plan would create for farmers, Moss has proposed that the proceeds from the "tar tax" be reserved to aid farmers and others who would be hurt economically by a decline in the consumption of cigarettes.

He envisions the adjustment-assistance commission recommending (and Congress later approving) such things as income supplements and retraining programs for those in need of aid.

Moss, who was a leader in the successful fight to ban cigarette advertising from television and radio, admits the prospects for approval of his package are not bright.

"They can always conjure up the little farmer," he said of tobacco-state members of Congress. "There are a lot of emotional type of arguments there."

Also, the agriculture committees of the House and Senate traditionally are friendly to tobacco interests, and those committees would have to approve a large portion of the legislation Moss advocates.

Tobacco companies, too, have an "enormous economic stake" in continued cigarette production, Moss said. "They grasp at every kind of straw they can find that might in some way dispute this evidence (of the adverse affects of smoking) that continues to pile up," he asserted.

Nonetheless, he is hopeful that at least two portions of his bill will be favorably received—the "tar tax" and the adjustment assistance commission.

The commission proposal in itself would have no negative impact, Moss said, and thus might appeal to tobacco state congressmen.

Moss carefully refrains from appearing to advocate a ban on cigarette sales.

"I don't believe we should ever go to an absolute ban on a substance unless it's immediately lethal. It's not only impractical and unlikely to work, but more damaging, it clashes with our tradition of freedom and openness," Moss said.

And, he said, if ban opponents "can ever wave that flag at you, telling you that you're a blue-nosed prohibitionist, that's a hell of a weapon," he said.

#### A PLAN TO REPATRIATE FOREIGN-HELD U.S. DOLLARS

Mr. CRANSTON. Mr. President, recently Mr. Martin Stone, of Los Angeles, chairman of the board of Monogram Industries, made an interesting proposal to help to restore the stability of the dollar and, at the same time, provide a tremendous source of new capital for the American economy.

Mr. Stone proposes that the \$50 billion in American dollars now being held by various foreign governments, banks, and individuals be used by them to purchase American investments in foreign countries with long-term, lease-back provisions.

The advantages of these sales would be numerous, according to Mr. Stone. American businessmen would gain a new source of capital funds while still retaining their overseas operations. Foreign countries would lessen internal political problems created by the so-called American economic imperialism of U.S. investments. In addition, of course, they would find a use for their U.S. dollars which now, with the suspension in convertibility to gold, have less attraction.

Obviously, many complex problems are involved in this idea. Nevertheless, the idea should be explored by the administration and by Congress.

For that reason, I ask unanimous consent that Mr. Stone's proposal, originally published in the Los Angeles Times of September 11, be printed in the RECORD.

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



#### A PLAN TO GET THOSE DOLLARS BACK

One of the major problems that has brought about the present international money crisis and continues to restrict America's policy options with reference to that crisis is the \$50 billion held by foreign governments and foreign citizens against which we have only \$10 billion of gold reserves. It is this vast supply of excess dollars which has caused severe distortions in a number of the important world currencies and eventually led to the necessity for restructuring our existing exchange rate pattern.

These dollar holdings arose primarily because the United States government and its citizens over the last ten years have spent far more abroad than was spent by foreigners in this country. Contrary to popular opinion, this situation did not arise because of a flood of cheap foreign-made imports. In fact, our exports exceeded our imports during the last ten years by more than \$30 billion. Nor was it caused by foreign investments of American firms even though such foreign investments are huge. Actually, in the last ten years the United States has received income on its foreign investments in excess of the amounts spent on new foreign investment.

The primary reason for our huge international payments deficits was our military purchases abroad, both to support the Vietnam war and to support our troops in Europe and other places in the world. It was these expenditures that caused us to become internationally insolvent. Military expenditures and military aid reduced our international reserve position by more than \$45 billion in the past ten years.

However, with our Vietnam commitment hopefully coming to an early end and the prospect for major troop reductions in Europe and the rest of the world, we should be able to put our international financial house in order without drastic trade restrictions and impediments if we could find a way to eliminate the \$50 billion pool of floating dollars that must somehow be redeemed.

At the present time the value of U.S. foreign assets is approximately \$160 billion. These are largely fixed assets consisting of plant and equipment. A program could be developed that would encourage the use of excess dollars held by foreign governments and citizens for the purchase of assets owned by U.S. companies in those countries. As part of the transaction, such assets would then be leased back to the American companies by their foreign owners.

The American government could encourage the repatriation of these funds by exempting them from taxation, in whole or in part, either in the form of income taxes on any gain realized on such sales or in connection with taxes on the return of the funds to the domestic parent companies in the United States.

The advantages of such a plan are many:

1—To the foreign governments, it would reduce the problem created by American investments in their countries and would give them an opportunity to invest their surplus dollar funds in investments producing a reasonable rate of return (the leasebacks).

2—The dollar would be tremendously strengthened by eliminating the floating pool of excess dollars.

3—The American companies would receive an infusion of badly needed working capital funds at a time when there is still something of a long-term liquidity shortage in the United States. (The infusion would be less than the full \$50 billion since some portion of the funds are already invested in American securities and businesses.)

4—The billions of dollars added to the money supply available to American industry would act as an extremely strong factor in reducing long-term interest rates in the United States.

5—It would represent a tremendous shot in the arm for the American economy since a vast amount of additional investment dollars would be added to the economy. This would probably result in a substantial step-up in the rate of new plant and machine tool investment in the United States.

A plan such as this would not eliminate the necessity of an adjustment in international currency exchange rates to reflect more realistic current values, but it would quickly restore us to a condition of international solvency and provide us with more flexibility in establishing our foreign and domestic fiscal and monetary policies.

#### THE FEDERAL BUREAUCRACY AND INDIVIDUAL FREEDOM

Mr. GOLDWATER. Mr. President, to my knowledge, the first time that any American newspaper ever devoted its entire front page to an editorial was the case of the Arizona Republic on Sunday, October 24. Mr. Eugene Pulliam, the publisher of that newspaper, and also newspapers in Indiana, took over the front page of his newspaper to discuss with his readers what he feels is a serious threat to America. I join him in this feeling, and I have addressed myself to it on many occasions throughout the years I have been in national politics. This threat, to me, constitutes a greater threat than any other external one facing the United States today, and it can be corrected only when the Congress makes up its mind that correction is needed.

The President has pointed the way in his reorganization outline, and I am hopeful that Congress will shortly see fit to take action on these proposals. What Mr. Pulliam speaks about when he mentions bureaucracy is not an un-American or an unpatriotic attitude on the part of those people who constitute bureaucracies, but merely the natural tendency of anyone who is left for a long time in a job to feel that the only way to do that job is the way that person feels it should be done.

Our Federal bureaucracy is so constituted today, and so strongly so, that the President does not have control of the administrative branch of Government. I have heard Senators on the floor of the Senate bemoan the fact that the legislative branch has lost its strength, or rather, I should say, has given the strength of the legislative branch to the administrative branch, but let me remind Senators that every time that we vote additional funds for a bureaucracy to spend or additional laws for them to interpret and operate in their own way, we are adding to the threat posed by this entrenched political force within the boundaries of our National Government.

This editorial, in just the few short days it has been published, has caused a sensational furor across the State of Arizona, and while there have been a handful of complaints against it, the overwhelming sentiment is one of approval at its having been written and one of concern at what Mr. Pulliam outlines. So that Senators and others who read the CONGRESSIONAL RECORD might have the benefit of the words of wisdom written by Mr. Pulliam, I ask unanimous consent that the entire editorial be printed in the RECORD.

Mr. FANNIN. Mr. President, Eugene C. Pulliam is one of the great publishers in America today. His newspapers include the Arizona Republic, the Phoenix Gazette, the Indianapolis News, the Indianapolis Star.

For 9 years he served as a director of the Associated Press. He has won the Peter Zenger Award from the University of Arizona, the Wells Key Award of Sigma Delta Chi, and awards from the William Allen White Foundation and Freedoms Foundation.

Gene Pulliam has the deep respect of those in the news profession.

He is a man who has observed American life and politics for many years.

In the Sunday edition of the Arizona Republic, Gene Pulliam presented a full-page editorial voicing some of his fears concerning our Government today.

Mr. President, I believe that the editorial gives valuable food for thought for all of us in Congress. I join my colleague from Arizona in asking unanimous consent that the editorial be printed in the RECORD.

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

#### WILL THE FEDERAL BUREAUCRACY DESTROY INDIVIDUAL FREEDOM IN AMERICA?

The most serious threat to freedom in America today—including freedom of the press—comes from a Federal bureaucracy which seems determined to gain control over every facet of American life.

This is not a partisan issue. As a matter of fact, there are now three great parties in America—the Democratic party, the Republican party and the Federal bureaucracy. Of the three, the Federal bureaucracy is the strongest and most powerful because it is the best organized and is protected from political reprisal by civil service.

When a new administration comes in, less than 10 percent of the bureaucrats go out; the other 90 percent keep their jobs regardless of which party is in power.

The U.S. State Department is probably the most bureaucrat-infested agency in the entire government. A small coterie of career men who are protected and immune from discipline by civil service constantly harass and embarrass whoever is secretary of state. They did it to Dean Rusk and are doing it now to Secretary Rogers. Secretary Foster Dulles had some very terrible experiences with this group. These State Department parasites don't want any secretary to succeed. They want to run the State Department in their image. They never want to get tough with any nation, whether friend or foe. They just want to be personally popular in all capitals of the world, no matter what their actions do to the prestige of our foreign policy. It's a hell of a way to run a State Department but that is the way it is being run now. If President Nixon is re-elected, he should ask Congress for the right to abolish civil service in the State Department and clean house from the first under secretary to the brocaded janitors.

Entrenched behind the safety of civil service tenure, the bureaucrats always proclaim that they are acting in the public interest and proceed to issue decree after decree, having the full force and effect of law, whereas not 20 per cent of the bureaucratic rules and regulations and orders are ever voted on by the Congress.

There are thousands of honest and dedicated men and women in the government civil service but their leaders and department heads make life unbearable for anyone who dares speak out against the arrogant plan for government by bureaucratic decree.

## PRESIDENT STYMIED

The American people don't realize just how terrifically strong this bureaucracy is. At the present time there are 2,911,000 Federal employees; when President Nixon came to office, out of 4,000 and some employees in the Office of Economic Opportunity he could only change 16! Think of it. The President of the United States was absolutely overwhelmed, to the tune of 4,000 to 16.

Another instance of the arrogant determination of the bureaucracy developed recently in the Interior Department. The United States government has a treaty with the Navajo nation. The treaty is just as binding as any treaty we have with Canada or Mexico, yet the bureaucrats in the Interior Department paid no attention whatever to its stipulations. President Nixon promised the Indians he would do something about it. When he tried to do so this summer, the Bureau of Indian Affairs paid no more attention to the President of the United States than they had to the chief of the Navajo Indians. The bureaucrats in the Bureau of Indian Affairs are determined to run all matters pertaining to Indians in this country—regardless of treaties, presidents or the welfare of the Indians themselves.

Bureaucrats seldom get mixed up in financial scandals. They are not interested in money; they are interested only in power, and the American people have permitted them to take over, often without legislation.

Robert Finch, one of President Nixon's closest friends, was literally driven out of the Department of Health, Education and Welfare because the career bureaucrats in HEW just weren't about to let anyone else run that department, which is one of the largest and most important and spends more money than any other department except Defense. And things haven't changed one iota since Finch left.

Just how far they will go in expressing contempt for the people to whom they are supposed to be responsible is suggested by protest demonstrations in defiance of the President staged by employees of this department.

Senator Barry Goldwater observes that "several hundred employees of the Department of HEW—none of whom was elected by the people who pay them—could hold a mass meeting to protest policy decisions reached by the White House and by the Secretary of HEW."

The bureaucracy dominates the Federal Trade Commission, the Food and Drug Administration and countless other agencies. Prof. Yale Brozen of the University of Chicago recently called attention to the fact that because of these regulatory bodies free enterprise in this country is only half alive. He cited as evidence government's control of the mail, of water supplies, schools, airlines, railroads, highways, banks, farms, utilities and insurance companies.

## JOB DESTROYERS

Government regulation has driven the railroads to the point of near extinction, hampered the small businessman with a network of controls, created problems in our cities with ill-conceived programs which have caused a net loss of at least half-a-million units of low cost housing since the 1930s. Yet the same bureaucrats and regulators who have created these problems now say they are going to cure them—and that for this purpose they must have still more authority over our lives.

The regulators talk a great deal about unemployment, and the need for still more government power to cure it. Yet Prof. Brozen has shown at length that government wage regulation has caused unemployment, pricing youthful and other marginal workers out of the labor market. Federal wage minimums have caused a doubling of unemployment levels among minority youth

since 1954—from 16.5 per cent to well over 30 per cent.

In their effort to control everything, the regulators are trying to dictate virtually every phase of the business process—from the content of peanut butter and breakfast cereals to the packaging of soap flakes and the advertising of tooth paste. The Federal Trade Commission has recently decided it has the right to halt "special" sales in stores and back its decrees with a \$5,000 fine.

In a similar move, attorneys for the Equal Employment Opportunity Commission have argued that businessmen cannot relocate if this would deprive minority workers of employment—claiming such relocation would violate the 1964 Civil Rights Act. Examination of the act shows it contains no such sweeping provision, and that this interpretation is purely something dreamed up by the bureaucrats to extend their own arbitrary power over business.

Members of Congress are helping the bureaucrats by holding hearings, spending government money by the millions to prove we probably shouldn't be eating cranberries at the wrong time and that cyclamates might poison your neighbor's dog. Think of the time, effort and money that have been wasted on just those two things alone, which accomplished nothing whatever.

Perhaps the clearest example of the way in which the regulators achieve the opposite of what they say they are going to may be seen in the current controversy over pollution. In one case regulatory fever brought the closing of a plant in Northern California which was not in violation of pollution standards and whose termination meant the loss of 800 jobs. A similar story was written in Marietta, Ohio, where Federal pollution standards if enforced would require the closing of a key industrial plant and the loss of 625 jobs. In the most serious case of all, senseless regulation threatened the closing of a Connecticut plant where some 40 per cent of the nation's supply of penicillin is produced.

## TIPPING THEIR HAND

The arrogance of the bureaucrats was blatantly emphasized when they proposed a special tax break for themselves. These bureaucrats already enjoy job pay increases more frequently than most Americans and they have all sorts of benefits and special privileges which put them in a class apart from and above the average citizen. The plan now being studied to give them special tax exemption is the last straw. Special exemptions from Federal taxes on the top \$3,000 of salaries paid to bureaucrats in the highest of three civil service classifications are proposed. These salaries range from \$28,000 to \$38,000 a year. A diminishing scale of tax breaks is provided for the lower classes. All bureaucrats will get a tax break if this plan is accepted, while we know of no other group of Americans who are going to receive any such tax breaks.

As their control over our economic life has grown, the bureaucrats and regulators have shown their intentions more and more openly. In a wide variety of cases they are advancing the idea of "social engineering"—the notion that government "experts" should take children away from their parents, break the ties of family life, and mold American youngsters into the image of the bureaucrats themselves. In the dispute over "busing," for example, we have seen Federal regulators disrupting the life of local communities, ordering children transported to schools far from their homes, overriding the wishes of parents and city officials.

The motive behind this is spelled out clearly by spokesmen who say "disadvantaged" children have to be taken away from the influence of their parents and placed increasingly under the influence of the bureaucratic experts. "It is important," says one spokesman, "to replace this family en-

vironment as much as possible by an educational environment—by starting school at an early age, and by having a school which begins very early in the day and ends very late."

Busing is opposed by 76 per cent of the American people, including black, white and yellow. It has become a national headache and a national scandal. This never would have happened had it not been for the zealots among the career people in HEW, who are determined to demonstrate their power.

How far the problem of bureaucracy and dictatorial control of American economic life can be carried is suggested by the case of Ralph Nader. Here is a man without any official authority or credentials of any kind, forcing American industry into submission, threatening Federal prosecution if industry doesn't agree with his plans, bullying his way toward being the supreme dictator of all industrial production in this country. I want to quote here from a speech made by Thomas R. Shepard Jr., publisher of Look Magazine, regarding Nader's program and objectives.

Mr. Shepard says, "I have heard many businessmen dismiss Ralph Nader and his associates as well-meaning fellows who sincerely want to help the American consumer by improving business methods. Forget it. Mr. Nader isn't interested at all in seeing American industry clean house. What he wants is the house—from cellar to attic. His goal is a top-to-bottom takeover of industry by the government, with Mr. Nader, himself, I would guess, in charge of the appropriate commission.

"Find it hard to believe? Then listen to this Associated Press report of a speech he made last September, and I quote: 'consumer advocate Ralph Nader has proposed that corporations that abuse the public interest should be transferred to public trusteeship and their officers sent to jail.'"

Among the proposals Nader favors are having "publicly elected" members imposed on corporation boards of directors to serve the "public interest" as defined by Nader, abolishing corporate trade secrets on the grounds that "a corporation doesn't have the right of privacy" and making all corporate tax returns public on the same grounds.

Still more incredible are Nader's proposals that corporate executives be suspended from their jobs through "sanctions" he wants to impose and that entire companies be driven out of business if they don't live up to what he calls a "social cost test."

## NADER'S FINANCES

Who has appointed this man to play God over American business? Who has given him and the bureaucrats who are helping him the right to destroy the investment and effort of thousands of Americans who have entered into the voluntary associations of corporate endeavor? Who has commissioned them to dictate, suspend, or bankrupt organizations in which the resources and energies of countless American citizens have been invested?

Unbelievably enough, many of his assaults on our business system are financed by elements in the business community itself. He receives a good deal of money from foundations—including the prestigious Carnegie Foundation. He is also supported by the Philip M. Stern family fund, the Norman Fund, the Jerome Levy foundation, and Gordon Sherman of the Midas muffler company, among others.

Even so, Nader never would have gotten to first base with his crusades if he had not had the help of the bureaucrats.

Recently Professor C. Northcote Parkinson, noted for his numerous laws governing human behavior, predicted that, if the present trend toward government employment continues, everyone in Britain will be working for the government by the year



2195. Following this prediction by Dr. Parkinson the Morgan Guaranty Trust Company of New York prophesied that if this trend in America goes on, every American will be working for the government by the year 2000.

The significance of all this for the American press should be apparent. The collectivists and regulators like to say they are in favor of freedom of expression, and that the controls they have placed over our economic lives will not endanger other aspects of our liberty like the free press and freedom of speech.

The argument they use is that "human rights" can be separated from "property rights," and that economic controls do not mean political controls. The whole record of what has been happening in this country shows such an argument to be false. Those of us in the newspaper business have long argued, and correctly, that the rest of the nation cannot remain free unless the press is free.

By the same token, it is impossible to have a society and economy supervised in every detail by Washington regulators and at the same time expect the press to be free.

The mission of the American press always has been to keep this country free and never before has there been a time when the American press should give first priority, regardless of other considerations, to the job of keeping a free press functioning in this country. The networks are having a very serious battle with the bureaucracy. They cannot fight their own fight because they have one hand tied behind them by bureaucratic controls. We do have an obligation to fight their battle for them because the networks have the same basic right of free expression as we do. The right of free expression is the fundamental right of liberty and we should remember always that America is the greatest country only because America is free.

The bureaucrats have been able to bully and blackmail television into accepting all kinds of unfair regulations. They attempted the same thing with the press. They realize their goal cannot be accomplished until they have control of the press, and now they are using the FCC to do that very thing. They are also using the office of the Attorney General, frequently without his knowledge or consent, to send out threats, directives and regulations unsanctioned by Congress, but with the full force and effect of law nonetheless.

Take two or three of the most recent cases. In 1968 Congress, after two years of debate, passed Senator Carl Hayden's falling newspaper bill. President Nixon signed that bill. Yet two months ago, the same crowd in the Attorney General's office who were there when they made such a terrific fight against the bill and were holdover Civil Service employees—most of them Socialists at heart who believe in statism and state control—sent out letters to a group of 50 newspapers, demanding all kinds of reports and statements under threat of being hauled before the Senate anti-trust division for violation of the anti-trust laws.

That law was passed by Congress. It hasn't been repealed. It hasn't been violated. And yet these bureaucratic lawyers in the Attorney General's office go right ahead and cause unmitigated annoyance and expense to the newspaper industry, their one object being to get the newspapers to agree to some form of government regulation. Well, thank God, most of the newspapers ignored the Justice Department.

#### FCC DECREES

Then the FCC gets into the act again by issuing a decree, without the consent of Congress, simply on its own volition, telling the networks they must devote so much time to this and so much time to that and so much time to public broadcasts which are put out

by the NEA, hardly a source of unbiased information. And what do the television people do? They must comply or else. Now the FCC had no authority to make such a decision and thank God one judge told the FCC to go jump into the lake until it got authority from Congress to issue such a decree. But that didn't stop the bureaucrats. The Justice Department has jumped onto the agreement which was made by the New York Times and the Chicago Daily News wire services. The cost of the wire tolls was increased and the two companies decided to split a day and night wire in order to save money.

The irony of this situation is that in April of 1970 the Federal Communications Commission told the two wire services that they would have to do just exactly what they are doing if they wanted to use the services of the AT&T, and the Commission itself proposed that the two services share the wire with another user simply as an economical manner in which to serve their clients. And the New York Times and the Chicago Daily News entered into an agreement positively dictated and approved by the FCC.

Now along comes the Justice Department and says, "You can't do this. It is a violation of the anti-trust laws."

Let's take the case of tobacco. The FCC, without the consent of Congress—which it later obtained—told the television stations they could not advertise cigarettes. Yet the very same government which the FCC represents is spending \$660,000,000 a year to promote, encourage and carry on the sale of tobacco. This order of the FCC is clearly unconstitutional unless the United States government absolutely prohibits the growing and sale and manufacture of tobacco and its products.

From the other direction, the U.S. government is subsidizing programs over the Public Broadcasting Service network which are often slanted to the radical side. The nature of this bias came to light in an "educational" TV attack on the FBI which was cancelled from its regular broadcast slot after J. Edgar Hoover protested. The Corporation for Public Broadcasting will receive an estimated \$35 million from the taxpayers this year, some \$9.2 million going to PBS. Why should bureaucrats force the taxpayer to underwrite one-sided propaganda?

A related case involving abuse of the regulatory power of the Federal Communications Commission is the interpretation that has been given the so-called "fairness doctrine." A memorandum prepared by the Reuther brothers in 1961 urged that this doctrine, which is supposed to insure balanced programming, be used as a device for attacking conservative broadcasters, most of whom appear on a local and not a network basis. Over the past 10 years the "fairness doctrine" has repeatedly been invoked against broadcasters and station owners whose views are different from those of the collectivists, but has not been invoked against network figures whose views are more in keeping with the Reuther memorandum outlook.

#### PRESS IS NEXT

Two years ago a member of the Federal Communications Commission urged that this dictatorial formula be used against newspapers as well. In an August 1969 speech in Dallas, Tex., Kenneth Cox of the FCC said that "Congress could constitutionally apply counterparts of our equal time and rights of reply obligations to most newspapers, since they move in, or clearly affect, interstate commerce, and since the public interest in their providing their readers with both sides of important questions is clear."

Give these bureaucrats the right of regulation over the American press and you have lost America to bureaucratic statism.

This country was founded as a republic with a representative government, but has

degenerated into a democracy run by organized minorities, the strongest of which is the Federal bureaucracy. Never in the history of man has a democracy survived more than 200 years, and ours will not survive unless we make it a representative government and abolish the power of the Federal bureaucrats.

Most democracies have been destroyed by centralized bureaucracies—or at least by the rule of organized minorities. The newspapers of this country owe it to America and to the world to make sure that representative government survives in this country—that freedom of the press and the right of free expression are never destroyed by a bureaucracy or any minority group. If we prove here that representative government can work, then freedom will spread to all corners of the world in time.

The United States spends billions of dollars every year to oppose Russia's determination to impose its autocratic rule of complete domination on other countries and to control individual freedom, industrial production, education and everything that approaches freedom of speech and freedom of expression. Here in America the bureaucrats are forcing the United States, step by step, to accept a system of government that will destroy free enterprise, local control of our educational system and, most important of all, the right of free expression, the fundamental right of liberty. If the bureaucrats succeed, freedom as we know it in America will be lost—maybe forever.

#### THE PERILS OF BRINKMANSHIP

Mr. PERCY. Mr. President, I invite the attention of Senators to an excellent editorial in the Chicago Tribune of October 21 on the international monetary and trade situation.

The Tribune editorial poses this question: Are we tottering on the brink of a round of retaliatory economic measures that will hurt all countries?

On October 20 we learned that Denmark, long a leading free trade advocate, had found it necessary to impose a 10-percent import surcharge to protect its balance of payments. Analysts indicate that the Danish move is in large part the result of a severe domestic inflation and was not intended as retaliation against the United States, a fact Denmark's representatives have made clear to U.S. officials in Washington. But Denmark's protective move was necessitated by an impending balance-of-payments crisis, and this was exacerbated by the changes in world currency values, and trade flows, that have occurred since August 15, U.S. exports to Denmark were \$227.6 million in 1970. A drop in our exports because they will be 10 percent more expensive will translate directly into lost American jobs. This is a small but significant example. It shows how unemployment can be exported and how we, too, can be hurt even though U.S. exports are a small part of U.S. GNP.

Likewise, news reports on October 20 indicated that France had asked its common market partners to impose an import surcharge.

On October 21 we learned that the representatives of the group of ten major monetary powers ended their 3 days of meetings in Paris with no solution—indeed, without having even conducted serious negotiations.

The next meeting of the group of 10 will not be until November. In the mean-

time the crisis seems to deepen. As the Chicago Tribune points out:

The longer the stalemate goes on, the worse Europe's troubles are likely to become and the more likely its recession is to become a world recession. That, lest we forget, is what happened in the 1930's.

It is imperative that the current international issues be resolved, exchange rates stabilized, and the surcharge removed at the earliest possible time.

There seem to be several major issues at contention. Most important seems to be the issue of gold. The French argue that the United States should raise the price of gold, and will not discuss upvaluing the franc until we do. United States negotiators seem reluctant even to consider such a change, even though many economists have recommended it, and influential Members of Congress have expressed support for it.

Another major issue is the nature of the trade changes the United States must have before removing the import surcharge. We appear to not yet have specified to our trade partners what it is we want. This is a necessary prerequisite to settlement, and should be intensively considered.

As each day goes by we come closer to a very serious international economic crisis that would profoundly affect the U.S. relationships with its oldest and best international allies. I trust that these allies will promptly take whatever steps are necessary, and which they must realize are fair and reasonable to meet the critical situation faced by the United States. Many leading figures in foreign countries have told me that the actions taken by President Nixon on August 15 were long overdue and were proper and right under the circumstances. Necessary adjustments to these new conditions should be made promptly.

I ask unanimous consent that the Chicago Tribune editorial be printed in the RECORD.

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

#### THE PERILS OF BRINKMANSHIP

There is no longer much doubt that Europe, Canada and Japan are experiencing a business slump and that the measures President Nixon has taken to restrict American imports have aggravated their problems. The question is whether this will strengthen our bargaining position or lead to retaliation.

Logically, perhaps, it should do the former. Foreign trade is vastly more important to the economies of other industrial countries than it is to ours; after all, only about 4 per cent of our output is destined for export, compared with 25 per cent of Germany's. You might think they would all be willing to make substantial monetary and trade concessions in order to appease us, as Japan has done.

But logic doesn't always govern international affairs [as the United Nations has amply demonstrated]. And as the stalemate continues, the signs of retaliation grow. Denmark has responded to the Nixon moves by announcing that it will slap on a 10 per cent tariff surcharge of its own. France, in turn, has called upon its Common Market colleagues to impose a 15 per cent customs barrier against imports from the United States.

Are they bluffing, hoping that the United States will modify its demands? Maybe so, to some extent. This is part of the poker game of diplomacy. The trouble is that while the

statesmen may be bluffing, the economic statistics are not. The longer the stalemate goes on, the worse Europe's troubles are likely to become and the more likely its recession is to become a world recession. That, lest we forget, is what happened in the 1930s.

Mr. Nixon probably had no choice but to do what he did, given the threatening monetary crisis that built up during the summer. But there is a dangerous feeling on the part of some industries and some unions that protectionism enables us to hold off foreign competition while allowing inflation to resume at home, thus presumably providing the best of both worlds. It would be a shame to be so blinded by this misconception as to miss realizing that the real solution is almost in our grasp.

Europe's recent troubles have been marked by accelerating inflation. Prices have risen faster thruout Western Europe this year than they have in the United States, thanks to the Nixon administration's success in holding inflation for the first seven months of 1971 down to 4.4 per cent.

And conforming to the usual pattern, rising prices have brought rising unemployment in Europe—especially in Britain and Sweden.

Which brings us back to logic. Our real trump card is not the power to threaten, twist arms and cajole. It is the power to keep our rate of inflation below that of our competitors. If we can do this, the balance of world trade will gradually shift back in our favor without surcharges, quotas or other gimmicks. It would be a shame to bring on a worldwide recession thru our efforts to blast our way out of what has, in fact, been a relatively minor recession at home.

#### IMPORTATION OF RHODESIAN CHROME ORE

Mr. McGEE. Mr. President, the edition of the New York Times of October 15 contains an article assessing the impact of a vote 2 weeks ago by the Senate to permit the importation of Rhodesian chrome ore despite a United Nations embargo on that country.

The article entitled "Rhodesia Sees Hand Bolstered by U.S. Senate Move on Chrome," and written by Paul Hofmann, explores the detrimental impact our action could have on the delicate negotiations now being held between Great Britain and the Rhodesian Government.

The Senate amendment removing the President's authority to ban importation of Rhodesian chrome has yet to be considered by a Senate-House conference committee on the military procurement bill. It would be my hope that close scrutiny be given to this article prior to the convening of the conference committee.

I ask unanimous consent that Mr. Hofmann's article be printed in the RECORD.

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

#### RHODESIA SEES HAND BOLSTERED BY U.S. SENATE MOVE ON CHROME

(By Paul Hofmann)

SALISBURY, RHODESIA.—The vote last week by the United States Senate to permit the importation of Rhodesian chrome despite a United Nations embargo is felt here to have strengthened the hand of Prime Minister Ian D. Smith in the present delicate stage of his contacts with the British Government.

Liberal foreign residents say that Rhodesia is now at a crossroads—either her white leaders may promise London, in general terms, to bring about African majority rule in 30 years or so in return for recognition, or the country may drift completely into the orbit

of South Africa and adopt ever more stringent apartheid patterns.

Blacks outnumber the 250,000 whites in this former British colony 20 to 1.

#### DEVELOPMENTS EXPECTED

Spokesmen for the white Government declare that the moves on Rhodesian matters in the United States Congress "are symptomatic—they show increasing sympathy for us." The officials appear convinced that Mr. Smith stands to gain even if American importers are not able to buy chrome ore directly from Rhodesia soon.

The Senate amendment removing the President's authority to ban importation of Rhodesian chrome will be considered in the next few weeks by Senate-House conferees when the military procurement bill goes to conference.

Neither Mr. Smith nor any other official will discuss the negotiations with London, aimed at settling the dispute over Rhodesia's unilateral declaration of independence.

The rebellion by Rhodesia's white rulers will be six years old on November 11. Important—perhaps decisive—developments are expected here around that date.

The House of Commons in London is due to debate on or about the anniversary whether Britain should continue her trade blockade against Rhodesia. It is thought here that Lord Goodman, the jurist who has been conducting the negotiations for London, will arrive in Salisbury soon on his fourth visit this year. If he reaches preliminary agreement with Mr. Smith, a trip to Rhodesia by the British Foreign Secretary, Sir Alec Douglas-Home, next month is considered likely.

Many British or British-descended settlers undoubtedly would like peace with the old country, but they stress that Rhodesia isn't really in a hurry. The white leadership insists that production is booming at an annual growth rate of 4.3 per cent.

True, the economic sanctions imposed by the United Nations five years ago have gravely depleted Rhodesia's foreign currency reserves and forced the country to curtail imports. However, visitors find to their surprise that there seem to be no significant shortages of consumer goods. Rhodesians proudly point out that the siege mentality spurred the country to develop many new industries, including the manufacture of "trendy" clothes.

#### IMMIGRANTS KEEP COMING

An American expert who recently visited Rhodesian mines reported; "They have new computers and other sophisticated equipment. They don't even bother taking off the United States labels."

Oil and other vital supplies are reaching here by way of South Africa and Mozambique, the Portuguese possession adjoining Rhodesia. Rhodesian chrome ore, an important earner of foreign currency, is exported by circuitous channels and some of it is believed to end up in the United States at sizable markups.

Rhodesia keeps wooing—and getting—white immigrants while unemployment among the masses of unskilled Africans is high.

Black guerrilla activity has been going on for years in parts of the country, but the militant black Rhodesians who are exiled in neighboring Zambia are reported to be deeply split along tribal lines.

#### THE ART OF FREEDOM—ADDRESS BY SENATOR HANSEN

Mr. JORDAN of Idaho. Mr. President, on October 20, 1971, Members in attendance at the Senate Prayer Breakfast were privileged to hear a most excellent dissertation on the "Art of Freedom" by the distinguished Senator from Wyoming. Senator HANSEN points out that liberty is fragile, that it does not stand alone as



an absolute right because freedom cannot be achieved without responsibilities and obligations.

In order that others may share this worthwhile and well researched statement, I ask unanimous consent that it be printed in the RECORD.

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

#### THE ART OF FREEDOM

"Where the spirit of the Lord is, there is liberty."

These words of the Apostle Paul have a special relevance for us today: they touch upon one of the most vital issues of our time—the place of liberty, of freedom, of liberation.

No word has been more often and more loudly invoked in our troubled century than liberty. The heritage of 1776 has become the slogan and rallying cry of half the world.

Unfortunately, in many cases, the appeal to liberty has become a mask for license.

"O liberty," cried Madame Roland as she mounted the scaffold of the guillotine:

"How many crimes are committed in thy name."

The history of the nations since that time tends only to confirm that judgment. It has become increasingly clear that liberty in and of itself, apart from responsibility, apart from some sense of purpose, direction, and constraint, too easily degenerates into anarchy, the seed-bed of tyranny.

We see this in every realm of life: The political and social, the economic, and the moral.

What is called for, then, is a context for liberty, which gives meaning to freedom, which asks "free for what?" as well as ". . . from what?"

This is precisely what is suggested in the text from St. Paul.

He is speaking of that liberty which belongs to the Christian, his freedom from the Jewish law and its innumerable obligations, the freedom of faith in the risen Christ whose spirit is a real and present help, counselor, and guide.

Where that spirit is to be found, there, he declares, is true liberty.

"What is liberty," asked Edmund Burke, "without wisdom, and without virtue? It is the greatest of all possible evils; for it is folly, vice, and madness, without tuition or restraint."

In short, it is liberty in the absence of "the spirit of the Lord."

With good reason, Otto Kahn, speaking in 1918, could declare that "liberty has been wounded in the house of its friends"—and never more deeply wounded, we might add, than in our own troubled times.

In another place, St. Paul speaks of "the glorious liberty of the children of God," a liberty which he carefully defines in the context of the Christian community—its responsibilities and obligations.

"Use not liberty," he counsels, "for an occasion to the flesh." And, again, use not your liberty "as a cloak of maliciousness."

And, yet again, "take heed lest by any means this liberty of yours become a stumbling block to them that are weak."

Clearly, Paul—who has gloried in "our liberty which we have in Christ Jesus", a freedom from forms of bondage, all things that would enslave the conscience—is profoundly aware of how liberty may be abused.

He therefore summons men and women to use their freedom in Christ with compassion, prudence, and restraint.

Here is liberty deeply rooted and wisely directed by the power of the spirit; here is liberty, indeed.

A contemporary writer, W. A. Peterson, has spoken of "the art of freedom" as that which "makes life on earth worth while."

In portraying freedom as an art, he does

not neglect its status as a gift—the gift of God to all who will accept it.

Every art is characterized by some form of discipline—whether painting or music or drama—some demand made upon the person, which he must meet if he is to exercise that art freely and creatively.

So, too, with liberty—a deeply personal art which is the birthright of every child of God.

Indeed, we can think of it as invitation to be creative, especially mindful of the innumerable forms of the arts—to paint, to sing, to carve, to write, to build, according to the heart's desire, to express our own unique creativity.

Freedom is the right to be yourself, to make mistakes, to fail, and to try again, conscious that no failure is final.

Under the liberty of the children of God, we are always given yet another chance; there is always ground for hope and renewal—in men and in institutions.

In the light of that same Godward vision, freedom is ours here and now: What we do with it is up to us. We are free to aim at the highest goals and noblest aspirations, or not—as we will.

Freedom is an open door, beckoning us to new opportunities, but *we* must walk through it.

It is a ladder, but *we* must climb it. True freedom lacks any element of coercion.

Contrary to much misunderstanding in the modern world, freedom does *not* mean that you can do whatever you please.

It *does* mean that nothing can hold men back from striving to realize their finest ideals and aspirations.

Freedom—for Paul and, indeed, throughout the scriptures—is a gift, an art, and a blessing—a blessing because it is an opportunity to dedicate our lives to the service of others.

If freedom is more than an empty concept, the fruits of freedom must derive from and depend upon the thoughts, ideas, and ideals of men and women. You and I must give freedom its incarnation in our own daily lives and in the world of public affairs.

Freedom is a wide horizon gleaming with promise: It is the key to an inspiring future.

In truth, the only shackles we must break are *within*, the interior shackles with which we often bind ourselves—shackles of fear, of prejudice, and of self-interest. We practice the art of freedom when, breaking those shackles, we make the most of all that freedom offers.

Freedom so conceived is the gracious gift of God, available for our acceptance and reverent use.

It is the foundation of American Democracy and, indeed, of all human community for it witnesses to the creative power of God in man.

We who are gathered here for this prayer breakfast are particularly aware of the blessing and burden which comes with the gift of freedom.

May our common prayer be for greater liberty and wiser use—that liberty which comes as the inescapable companion of the spirit whose guiding presence we seek both for ourselves and for our nation.

So may we say, with the author of the Epistle of James:

"Who so looketh into the perfect law of liberty, and continueth therein . . . shall be blessed."

#### ANNOUNCEMENT OF POSITION ON VOTES

Mr. MILLER. Mr. President, on October 19 and 20, 1971, because I was unavoidably absent from the Senate due to a death in my family, I missed several record votes. I would like to make my position known at this time. If present I would have voted as follows:

No. 261 leg.—Vote on amendment No. 450 to S. 215 to require that the delegates to a constitutional convention approve proposed amendments by a two-thirds majority—"aye";

No. 262 leg.—Final passage of S. 215, a bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States—"aye";

No. 263 leg.—Final passage of S. 748, a bill to authorize payment and appropriations of the second and third installments of the United States contributions to the Fund for Special Operations of the Inter-American Development Bank—"nay";

No. 263 leg.—Final passage of S. 2010, a bill to provide for increased participation by the United States in the International Development Association—"nay."

Mr. President, I ask that the permanent RECORD reflect my position on these votes.

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

#### SUCCESS OF THE ORGANIZED CRIME PROGRAM AND THE ORGANIZED CRIME CONTROL ACT OF 1970 AND TITLE III OF THE 1968 CRIME CONTROL ACT

Mr. McCLELLAN. Mr. President, on January 15, 1969, along with the Senator from North Carolina (Mr. ERVIN) and the Senator from Nebraska (Mr. HRUSKA), I introduced S. 30, the Organized Crime Control Act of 1970. Support for this measure was later obtained from the administration and after nearly a year long difficult legislative battle the bill became Public Law 91-452 on October 15, 1970.

Attorney General Mitchell made a significant address before the Associated Press Managing Editors Association Convention in Philadelphia on Wednesday of last week, just about a year since the enactment of S. 30. It was a report on the status of the Federal effort now being made against organized crime and the key role now being played in that effort by both S. 30 and title III on wiretapping of the 1968 Crime Act, which I also sponsored. I note that S. 30 passed the Senate by a record vote of 73 to 1 and that a motion to strike title III from the 1968 act failed to carry by a vote of 68 to 12. The wisdom of the Senate in these two votes is now being indicated in practice.

Mr. President, it is seldom that an individual is privileged to see successful results mature so quickly from his efforts to strengthen the hand of law enforcement in dealing with the forces of crime and corruption. I am heartened by the Attorney General's report. I commend it to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

#### THE WAR ON ORGANIZED CRIME AND CORRUPTION

(An address by John N. Mitchell, Attorney General of the United States)

Today I want to talk to you about organized crime and its handmaiden, official corruption. More especially, I want to talk about

what President Nixon's Administration has done about it.

Let me set a framework for my remarks by discussing the relationship between organized crime and official corruption, on the one hand, and society as a whole, on the other.

Some opponents of the Nixon Administration have said that our firm enforcement against crime is going at the problem from the wrong end. They say we will always have crime until we clean up the environment that breeds it—poverty, the ghettos, urban blight.

I will not pursue this issue today, except to say that the problem is being tackled from both ends by the Nixon Administration, including the Department of Justice. Our Civil Rights Division and our Community Relations Service have made remarkable progress in furthering the rights and opportunities of minorities. Our Land and Natural Resources Division is taking vigorous action against polluters and is working to improve the quality of our environment.

At the same time, I'm sure you'll agree that Justice is that department primarily responsible for approaching the crime problem at the enforcement end. And the point I wish to make is that a substantial part of Federal crime is represented by organized racketeering and official corruption, and that these have nothing to do with the controversy I just mentioned.

Unlike street crime, they cannot be said to derive from poverty or prejudice. The kings of the underworld live in wealth, and have for generations. The wealth of their political accomplices is determined by the price at which they are willing to sell themselves.

So the sympathetic picture of the Jean Valjean whom hunger drove to steal a loaf of bread does not apply to these criminals. They do not lack the basic advantages of life. All they lack is principle. And I therefore have small patience with those who fault Justice for taking a hard line on crooks.

There is, however, one very definite relationship between organized crime and the people of our inner cities. These people are the main victims of the racketeers—the bookmakers and the numbers men, the narcotics traffickers and the loan sharks. These people are also the main victims of corrupt officials—those who use public funds to line their own pockets rather than to clean up the city—those who take bribes to look the other way while the gangsters prey on the public. After the 1967 ghetto riots in Newark, the New Jersey grand jury reported that one of their causes was "the all-pervasive atmosphere of corruption." Minority leaders, including some representing the most militant groups, have declared that stopping the racketeers and grafters is one of the key steps in cleaning up the inner cities.

Thus my second point is that in tackling Federal crime from the enforcement end, we are at the same time tackling it from the end of social betterment. As Richard Nixon said in 1968, "Organized crime is the tapeworm of the American society." In liquidating the problems of the inner cities, one of the key steps is to liquidate organized crime and corruption. In many of the most blighted American cities, a successful attack on official corruption will open the way to elect public officials—often from the ranks of the minorities themselves—who are dedicated to solving problems rather than to feathering their own nests.

In this connection it is significant that the old Jersey City machine which produced the officials convicted of betraying their public trust has been thrown into political disarray. Exposure of corruption has cost it large segments of traditional support, and it is fighting an uphill battle against the reform candidate in the forthcoming mayoralty election.

So to those who say that crime must be

fought through social improvement, my answer is that the war against organized crime and corruption is doing just that. I'm proud to say that in my belief, the Federal crack-down on racketeers and grafters is not only an enforcement duty, it is a social crusade.

In fact, it has been my observation that newspaper editors are often the first to agree with this concept. You are critically aware of the toll which corruption can take in your home towns. The eyes of the press are just as important to the public safety as the eyes of law enforcers, and sometimes they are even more effective.

The press is frequently the first to suspect corruption, and it may have to crusade long and loudly before a change in the government will bring the wrongdoers to justice. To give only one example, for years New Jersey newspapers cried corruption before a new State Administration and a new Federal Administration came in and prosecuted.

Others of you have also gone through this kind of experience. And while you are thoroughly familiar with the facts in your own city, I hope that in the next few minutes I may be able to give you a better picture of the war against racketeering and corruption across the nation.

As early as 1967 a national crime commission warned that organized crime "is dedicated to subverting not only American institutions, but the very decency and integrity that are the most cherished attributes of a free society." An Attorney General called organized crime "nothing less than a guerrilla warfare against society." Yet his successor called it a "tiny part" of the crime picture in the United States, and refused to use the weapon of court-authorized wiretapping that Congress provided in 1968 to help fight it.

When Richard Nixon became President in January 1969 he launched an all-out war on organized crime.

He immediately sanctioned the use of court-authorized wiretapping to penetrate the illegal and secret operations of the racketeers.

He asked for and received from Congress added funds that permitted a substantial increase in investigators and in U.S. Attorneys' staffs.

He asked for and got from Congress an Organized Crime Control Act which, among other things, facilitated the protection and immunity of witnesses and broadened the Federal Government's jurisdiction in illegal gambling cases.

He established the National Council on Organized Crime, consisting of the heads of all appropriate Federal departments, to focus the capabilities of those departments on racket investigation.

Along with this National Council, the strike force program was greatly expanded and placed on a permanent footing. Today, in 17 major cities where we know organized crime is operating, we have established a strike force team which applies the various skills and enforcement jurisdictions of the appropriate Federal agencies, such as the FBI, the Bureau of Narcotics and Dangerous Drugs, the Internal Revenue Service, and others. Through this method, information from the various intelligence agencies is centralized in an efficient, inclusive system. We plan to establish still more strike forces in the future, and not long ago we set up an 18th strike force in Washington, D.C., to work against efforts of organized crime to infiltrate legitimate business around the country.

So we had more funds, bigger staff, better legal weapons, and above all, concerned and active leadership. What have been the results in nearly three years? First, what about wiretapping—has it been effective?

In the 1969 and 1970 calendar years the Federal Government installed 202 court-authorized wiretaps which resulted in 752 arrests—nearly four per tap.

The year 1971 to date is included in a report on FBI wiretaps alone, showing that in less than three years, approximately 350 court-authorized wiretaps resulted in more than 1,500 arrests. Due to the long time lag before many courts can hear these cases, we have no true correlation as yet between wiretaps and convictions, but to date more than 170 convictions have resulted from the FBI wiretaps alone. In many cases these are the leaders of the underworld "families" in various cities, so the effect on organized crime is far more devastating than the figures reveal.

Last January the organized crime boss of New Jersey and 45 co-defendants pled guilty to Federal gambling conspiracy charges when they heard their voices played back to them on the wiretap tapes.

Last February, as a result of careful infiltration of drug trafficking operations in a number of organized crime families, and evidence from 12 court-authorized wiretaps, Bureau of Narcotics and Dangerous Drugs made simultaneous raids in seven cities. Known as Operation Flanker, this was the largest action on record against organized crime heroin traffickers, and has so far brought 162 arrests.

Last June a major illegal bookmaking operation in Miami was broken up with the conviction of its leaders on Federal wiretap evidence. One of them admitted with regard to wiretapping: "You can't work without a telephone . . . Federal wiretaps are going to put us all out of business."

Next, what about the new legal weapons in the Organized Crime Control Act of 1970—such as protection of witnesses and new anti-gambling weapons?

In 1965 Attorney General Nicholas Katzenbach testified that the Federal effort against organized crime had lost 25 informants within four years through murder, threats or bribery. Today, largely through provisions in the Organized Crime Control Act, I can report that we have assisted approximately 100 key witnesses whose testimony has been vital in bringing organized criminals to justice. We have relocated many of them in new jobs under assumed names, and not one of these has been lost.

I might add that the business community, working with us through the United States Chamber of Commerce, has been extremely cooperative in providing jobs that are the key to relocating witnesses and their families under new identities.

The same success has resulted from the 1970 provision further extending Federal jurisdiction in illegal gambling cases. Two weeks after the law was passed the FBI had gathered enough evidence to smash a series of major gambling operations in Newark and here in Philadelphia. Since then FBI agents have arrested more than 1,000 gambling figures under this new legislation. One underworld leader is said to have retired recently with the complaint that because of the new laws the heyday of illegal gambling is over.

So it is obvious that these new enforcement weapons, executed under new leadership, have made deep inroads into the criminal community. The number of organized crime and gambling figures convicted as a result of FBI investigations was 281 during fiscal 1968, but by fiscal 1971 this annual figure had jumped to 631. The total who were convicted through the 1969, '70 and '71 fiscal years from FBI investigations is more than 1,400. Also, 2,100 more organized crime defendants are in various stages of prosecution as a result of FBI investigations in this same period.

Further, the rate of convictions in fiscal 1972 is already running well ahead of last year's rate. I should add that the FBI figures do not include, of course, the results of arrests by a number of other Federal agencies, such as the Secret Service and the Internal Revenue Service.



Even so, the FBI figures are impressive when it is noted that in 1967 the national crime commission estimated that there were "5,000 or more members of organized crime's core group." I do not say that we have convicted or indicated 3,500 of this 5,000, because many of those brought under prosecution would not be classified as actual "members of organized crime's core groups." But I do believe these figures give some gauge of the type of damage being dealt to the crime syndicates.

Even more revealing is the condition of the organization's top leaders. Our Criminal Division reports that convictions of high echelon figures in organized crime syndicates have increased from 23 in fiscal 1968 to 61 in fiscal 1971, with a total of 123 in the past three fiscal years.

In New York City, where there are five organized crime "families", four of the five bosses or acting bosses have either been indicted or convicted, and so have the heads of the two existing subfactions.

In Chicago, nine out of the 13 top gangland leaders have been brought under the processes of justice, and for months the top spot has gone begging. One explanation is that the three possible contenders feel that the job is a sure ticket to the penitentiary.

In New England, the top leadership is practically decimated. Of nine leaders who have been identified, two are on death row and three—including the boss—are in prison.

Here in Philadelphia, the boss is in jail and the acting boss is under indictment.

These are some of the most telling examples, but they are by no means the only ones. If it is true that organized crime operates like a business, let me ask you how many of your businesses could operate profitably for very long with vacant desks where, say, your publisher, your editor and your advertising manager ought to be?

From the evidence we have, we are rocking the foundations of the criminal empire, and we are doing our best to put it completely out of business. And the sooner the remaining criminal bosses get the message and get out of the rackets, the better it will be for them and for the country.

Finally, I would like to point out that we are attacking the gangsters on still another front—the officials that they have corrupted in order to carry on their evil business. In a little less than three years the Department of Justice has obtained indictments or convictions of more than 170 state and local officials or former officials on Federal charges or on state charges based on Federal information. This figure includes only those offenses connected with organized crime, or those charges that appear to link the defendant with organized crime. The figure does not include charges of income tax evasion in cases where we suspect the income was derived from organized crime sources. Altogether, these 170 or so individuals represent officials of 21 cities, 12 counties, and five states. They range from positions of judgeships to state elective officers, from mayors to councilmen, from law enforcement officers to purchasing agents.

I take no pleasure in recounting for you this catalog of accused or convicted betrayers of the public trust. Such corruption of public officials must sicken every American who honors his birthright. Nor do I exempt Federal officialdom from the light of examination, for there have also been a number of Federal employees, including a few elected and appointed officials, brought under prosecution in the same period.

But beyond the shocking aspect of this spectacle, it serves to display clearly the power that organized crime has held in American life. When organized crime can, through bribery and graft, wreak this kind of havoc in the machinery of American Government, then it can hardly be dismissed as a "tiny part" of crime. On the contrary, it turns out to be the most dangerous part of all.

All this is not in any way to disparage the overwhelming majority of honest American public officials who keep faith with President Grover Cleveland's well-known definition: "A public office is a public trust." It is only in contrast to these dedicated officials that the corruption of the others is so disappointing.

But to those others who are caught in the web of corruption, but have so far escaped detection, I am bound to say that if their crimes are Federal crimes the Department of Justice is doing its best to identify them and put them out of business. We now have the legal weapons, the funds, the dedicated manpower, and the equally dedicated leadership to do it.

Therefore, let me give an answer to those who have said that we will never eliminate the tapeworm of organized crime, that it is too deeply imbedded in American society, and that therefore the solution is to legalize the vices on which the tapeworm feeds—off-track gambling, use of narcotics, prostitution.

The answer of the Nixon Administration is that this proposal is an insult to the American people.

Our answer is that Americans do not have to capitulate to those who prey on society's weaknesses, just because past enforcement efforts were inadequate.

Our answer is that, for the first time, we have mounted an all-out, comprehensive drive on organized crime, and we are obtaining outstanding results.

Our answer is that legalization of vice does not assure freedom from gangland control.

Our answer is that even if it did, Americans are made of stronger stuff than to accept vice as a hallmark of their culture.

And our answer is that, far from allowing its vitality to be sapped by the tapeworm of organized crime, America can rid itself of this tapeworm and in the process can gain a new level of vitality, confidence, and achievement.

#### A STRENGTHENED ROLE FOR THE U.S. TARIFF COMMISSION UNDER CHAIRMAN BEDELL

Mr. PERCY. Mr. President, the U.S. Tariff Commission has recently come under the Chairmanship of Mrs. Catherine May Bedell, a former U.S. Representative from Washington's Fourth District, who served with great distinction in the House until 1968 as a member of the Committee on Agriculture. In a speech to the Third Western Agricultural International Trade Conference in Los Angeles on September 28, Chairman Bedell discussed her conception of the role of the Commission in the 1970s, with particular application to agriculture.

The role of the Tariff Commission is of very great importance to me and to the Congress. Both Congress and the President tend to forget that the Tariff Commission exists as an arm of the Congress. Though it has certain statutory functions that are performed as part of the administration of trade and tariff laws by the executive, the Commission was created as an independent factfinding body in 1916 to inform Congress on trade and tariff matters, conduct special studies, and give advice.

It is reassuring to me, as I know it is to other Members of Congress, that the Commission's new chairman understands the unique relationship of confidentiality and trust that must be maintained between the Commission and Congress and is determined to strengthen it by building the staff and the capabilities of the

Commission to enable it to fulfill better its important functions.

I note with considerable interest and approval that Chairman Bedell proposes to establish Commission offices in Brussels and Tokyo. In the past the Commission had such offices in foreign commercial centers, but they were subsequently closed. Offices in these two key locations would be of immense value to the factfinding functions of the Commission which must make investigations that require obtaining data from foreign sources.

One of the greatest concerns of the State of Illinois is its export position, particularly as to agricultural products, in which Illinois leads the Nation. One of the events that will affect the Nation's agricultural exporters most is Britain's membership in the EEC. American agriculture rightly feels a great deal of apprehension about this problem, and a strengthened Tariff Commission's ability to study and advise on this problem is to be welcomed. In Chairman Bedell's words:

A revitalized and strengthened Tariff Commission will mean more and better information on a more timely basis so government and industry will have the information on which to act.

I ask unanimous consent that Mrs. Bedell's speech be printed in the RECORD.

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

#### THE TARIFF COMMISSION IN THE SEVENTIES: IMPLICATIONS FOR AMERICAN AGRICULTURE (By Hon. Catherine Bedell)

It's a pleasure to be with you today and talk about the Tariff Commission and the implications of its work for American agriculture. When the President appointed me as Chairman of the United States Tariff Commission, I knew I was taking office at a most exciting time for that agency. Public interest in the problems of international trade were at an all-time high.

Then came the President's August 15th announcement of major changes in his domestic and international economic program. As a result, the historic role of the Tariff Commission as a bipartisan factfinding agency in the field of international trade assumes greater importance than ever before.

The stakes are high in this fast moving age of ours, and only sound decisions can thus avert disaster whereby our country could be consigned to the role of a second class economic power. And that, gentlemen, is a very real threat!

We at the Tariff Commission are keenly aware that we must provide the facts on which the President and the Congress can make the major economic decisions of this decade. If our work is to be effective we must look ahead, we must be thorough, and we must be responsive.

Here timing of our efforts will be most important. So often the "economy" as we speak of it is like an iceberg. Only a portion of it shows as it slowly floats through its life cycle at sea. Few citizens know or understand what is below the surface or what influences its course of behavior.

We do know what happened when the "unsinkable Titanic" threw caution to the winds in favor of speed. Had the Captain had all the facts before him, disaster might have been averted. Economic efforts, as in the case of the Titanic, are often delayed, for the first shudder of impact may give no clue to the nature or severity of impending catastrophe.

Immediately on being asked by President Nixon to serve as commissioner and Chairman, I began to do my homework. As I studied, I became aware of the wide powers and responsibilities that have been vested by Congress in this prestigious agency. I also became aware of the fact that a great many people are unaware, as I was, of exactly what the Tariff Commission does. This realization became apparent when such searching questions would pop up in a conversation as:

"What does the Trade Commission do?"; "How do you set a tariff?"; or even, "How do you spell tariff? Is it with two 'r's, or two 'f's?";

As a result, I thought it might be best to start my comments by placing things in historical perspective—then tell you something of our aspirations—and finally, the implications for American agriculture.

Down through American history political arguments have swirled about the tariff as an issue. Although the Republican Party had stood for high protective tariffs, the movement for some orderly system of establishing tariff rates and removing them from politics received its real impetus during the administration of President William Howard Taft.

In spite of the opposition of more conservative elements within the Republican Party, considerable public agitation for an independent Tariff Commission continued into the administration of President Woodrow Wilson. As it became clear that the economic effects of the European war would transform the industrial and commercial world, it also became apparent that more information would be needed as a guide to future policies in tariff affairs.

On September 8, 1916, legislation was passed authorizing a six member bipartisan Tariff Commission. The Commission was to report directly to the President and Congress. Its main objective as an investigative body was to collect and analyze information on commodities entering into international trade—particularly competitive production costs and the effects of imports on domestic production.

The original Commission consisted of men possessing wide experience and first rate ability. It was unique in that all were of independent judgment and had an objective approach to tariff questions. The staff also was of unusually high caliber. As so, a high standard of performance was set from the Commission's establishment fifty-five years ago.

New legislation in 1922 expanded the Tariff Commission's work four different ways.

1. The President could adjust, either up or down, individual tariff rates but only after completion of a Tariff Commission investigation.

2. It provided for investigations into unfair methods of competition as a means of safeguarding American industry.

3. The Commission was empowered to investigate any discrimination of any foreign country against U.S. commerce.

4. It was also empowered to investigate the cost of production and international competition.

These provisions, slightly modified by the Tariff Act of 1930, form the basis for much of the Commission's work today.

The Commission is also directed or authorized to conduct investigations under provisions of the Trade Expansion Act of 1962, the Antidumping Act of 1921 and the Agricultural Adjustment Act, with which many of you are familiar.

It also undertakes research and special studies relating to significant aspects of the commercial policy and international trade of the United States. These studies may be requested by the Congress, the President, or undertaken on the initiation of the Commission itself.

As I continued to do my homework, I noted with interest that a criticism often heard from within industry and government, that the work of the Commission has not been as responsive or as timely as it could have been, dates back to the 1920's.

For example, the first Chairman, Dr. Frank Taussig, felt that at that point in time the Commission had lapsed into pedantic procedures which required unreasonable detail and pretended to achieve the impossible, thereby delaying its reports. Some of this criticism may have been justified, and the problem of timeliness is still with us today. We must keep in mind, however, that objective fact-finding takes time. In many instances, the depth of study and quality of work are in itself a function of time.

In the past decade the Commission has faced lean times with declining budget support and resulting cuts in personnel, but I'm happy to report that this has started to change within the past few years. This change may be late, but it comes at a fortunate time. Our balance of payments situation has become a crisis, which necessitated President Nixon's dramatic and far reaching pronouncements of August 15th. Now, after a decade of talking about the problem, we must do something about it.

As domestic industries and their employees have begun to feel the impact of foreign competition, and possible injury, the work load of the Commission has directly reflected their growing concern.

For instance, under Section 301 of the Trade Expansion Act of 1962, the President is authorized to take measures to prevent segments of the U.S. economy from being adversely affected by trade concessions.

Under these provisions the President may increase duties or impose other import restrictions. He may authorize assistance to firms or workers. He may also take a combination of actions. The Tariff Commission must determine that (as a result, in major part, of trade agreement concessions) an article is being imported in such increased quantities as to cause, or threaten to cause, serious injury to an industry or firm, or the unemployment or underemployment of a group of workers.

This past fiscal year, the Commission completed 86 of these investigations. This is an increase of 67 over fiscal year 1970. We've currently received 30 additional investigations, where, according to the Act, we must look for injury within narrow criteria.

The case load and time frame within which we must make our findings has unfortunately forced delay in other studies and research. Despite this burden, deadlines have been met largely because of the dedication of our staff, working under an investigatory workload that has more than tripled in the past year.

And now, the Tariff Commission is embarking upon one of the most important assignments given to us by two of our major "clients"—the President and the Congress.

At their request we have started work on five significant studies that will require over two years and thousands of man hours of work by Tariff Commission experts—studies that you will recognize as having tremendous implication for some of the most crucial trade decisions the United States must make in the era of the seventies.

These studies include a multi-faceted approach to analyzing the competitiveness of American industry in the world of today.

Of prime importance is a study of the implications of multi-national firms on world trade and investment. Also underway is a study on tariff and nontariff barriers among principal trading nations, a study of the nature and extent of tariff concessions granted in U.S. trade agreements, and a study of the customs valuation procedures of U.S. and foreign countries.

The Commission is also in the process of

finishing two self-initiated research projects. One deals with the probable effects if this country and other major trading nations adopt preferential tariff reductions affecting products of less developed countries, and the other, of particular interest to this audience, has involved extensive research on restraints in agricultural trade.

While we are several months away from any conclusions, I thought you'd appreciate hearing something about the agriculture restraints study and some of the more sophisticated techniques being employed.

Approximately 30 countries or regional trading blocs, accounting for about 90 percent of our agricultural exports and nearly 80 percent of the country's agricultural imports, are being studied to determine the policies and programs which significantly affect their position as our market outlets or sources of supply. This review will seek to identify restrictive measures employed by our leading foreign markets (including the European Economic Community, Japan, the United Kingdom and other members of the European Free Trade Association) that affect our agricultural exports. Also included for study are our major competitors in world markets such as Argentina, Australia, and Canada, to ascertain the impact of measures affecting our competitive position.

A unique aspect of this study is the development of an economic model by the University of Wisconsin for the quantitative measurement of the impact of agricultural restraints on our agricultural exports. The first group of commodities being considered includes wheat, feed grains and beef, which represented about 39 percent of the value of U.S. agricultural exports in the period from 1967 to 1969.

For example, the model will provide an estimate on what effects a levy on feed grains of 30 percent by the EEC, and 20 percent by EFTA would have on total trade in feed grains, and indirectly, trade in wheat and beef.

Similarly, the model is intended to provide estimates of the simultaneous effects on trade when several restraints are operating concurrently, as, for example, the U.S. acreage allotment on wheat, the EEC variable levy on feed grain imports, and an Australian subsidy on beef.

When the results of the study are ready early next year, the model may provide an effective and sophisticated tool for estimating the impact of various barriers on trade. Perhaps this technique can be applied later to citrus fruit and other western commodities.

Now, these studies, coupled with the investigation load, have provided motivation to the Tariff Commissioners in another area. With the encouragement of the President and the Congress, we're spending a lot of time on a reevaluation of the day-to-day administrative operations of the Commission itself. What needs to be done?

First, our initial preoccupation will be the rebuilding and strengthening of the Commission staff. It must be adequate in number to enable the Commission to assume the role assigned to it by the Congress. We must attract more experts from all fields. From the ranks of our young people entering the work force, we must recruit the most creative minds from the legal and economics professions. Those who are chosen must possess a high degree of intellectual curiosity and be interested in international trade.

Second, the Commission must not be content to look inward. There's more to its work than an analysis of imports, and there's a wealth of information to be gathered abroad that we must pursue aggressively. In its early years, the Commission maintained offices in Paris and Berlin. These were later closed and one was maintained in Brussels, but it too was closed. We've requested funds in the Fiscal Year 1973 for offices in Brussels and



Tokyo and hopefully they will be authorized.

Third, the Commission must develop further sophistication in its work. While it may appear to some that it is slow in moving into the field of automatic data processing, it must not run pell mell into computerization and jeopardize the meaningfulness of its data. We must find the most effective and accurate ways of utilizing these new techniques to greatest advantage while at the same time developing the finest data bank possible in support of our research.

Our goal is still that set by the Commission's first Chairman, who put it rather succinctly when he said, "We will proceed with care and method that we shall be accurate, painstaking, discriminating. We shall refrain from guess, rumor, exaggeration, vague and untested general statements. We will proceed in a scientific way if we gather all the information we can, sift it with care, present it clearly, and apply it intelligently."

I know that over the years there have been those who question the need for an independent agency such as the Tariff Commission. They question why our work couldn't be done just as well by a Congressional committee or an Executive agency, and yet I wonder how they would propose to assure that one essential ingredient—objectivity. There are other reasons.

First, a commission can develop a staff of high expertise. As an independent, bipartisan, fact-finding agency it is less liable to change with the violent vicissitudes of party politics. It is also less affected by the bias and prejudice of partisan controversy, and last but not least it provides continuity. Executive agencies change—so does the Congress!

Second, over the years the Tariff Commission has earned the trust of industry, as no other body has, because it has respected and preserved the confidentiality of the information supplied it by business concerns and associations.

Finally, and probably least known, are the Tariff Commission's sweeping compulsory powers that authorize it to subpoena witnesses and papers in the conduct of its investigations. While these powers are seldom used, some individuals familiar with the Commission's work feel that they should be utilized to bolster and buttress the effectiveness and quality of its work.

Since hindsight is 20-20, it is interesting to speculate as to where we would be today if the Commission had been encouraged to fulfill one of its most important statutory roles and had pursued advance research studies on its own initiative. Would we have had instructive and believable information that would be applicable and useful in the light of today's situation?

Certainly, if we knew in advance the potential impact of Britain's entry into the Common Market on agricultural exports it would be helpful. We might not be able to eliminate some of the resulting headaches but we might at least hope to cope with them.

Needless to say, as we look ahead we should watch the rapidly growing expertise of Eastern Europe, not to mention the whole new and mind boggling thought of future trade with Red China.

What does all this mean to you in agribusiness where the health of American agriculture depends on exports and imports?

First, good solid economic facts are the basis for sound trade policy decisions. A revitalized and strengthened Tariff Commission will mean more and better information on a more timely basis so government and industry will have the information on which to act. You in agribusiness will be able to proceed in a more scientific manner.

Second, the Commission will hopefully develop new and more sophisticated means at getting at this information that will be of benefit to government, industry and labor.

Speaking now for myself, it is my hope that in the seventies the expertise of the Commission staff will be upgraded and enhanced. I want the reputation these people have enjoyed in the past for objectivity and unbiased research to be utilized more fully for the benefit of industry and agriculture. I believe that as our store of information is further developed, as our numbers grow, as new tools such as computers are utilized and field work is expanded, that trade problems will be anticipated and solutions developed before the horse leaves the barn.

I want for the Commission in the seventies a group of generalists, together with specialists who are renowned in economics, respected in the field of international trade, highly imaginative and knowledgeable in the commercial policy of our trading partners.

A staff such as I visualize will, I believe, bring added lustre to our Government and furnish you in agriculture and industry with an important tool you will utilize for the mutual benefit of the private and public sector of our economy.

#### THE GROWING POWER OF JAPAN

Mr. GOLDWATER. Mr. President, in recent weeks one of the most fascinating indoor sports, not only in Washington but throughout the entire world, has been the guessing game aimed at figuring out President Nixon's moves in the field of foreign affairs. We hear much talk about "a peace offensive" involving projected trips to both Peking and Moscow. Some commentators would like us to believe that the President is playing Red China off against the Soviet Union in a complicated three-way power play while others believe the President is being used by certain cliques in both Peking and Moscow to further their internal designs.

In fact, you can get almost as many theories as there are foreign policy experts and the strange thing is, there may be some elements of truth in many projected explanations for the sudden and dramatic moves which have been announced by the White House in recent weeks.

My own feeling is that President Nixon's latest moves in the field of foreign affairs are being dictated in large part by new factors which are arising throughout the world and which afford an alert President an enormous opportunity for furthering the cause of world peace.

One aspect of the changing world scene, I believe, is the enormous and growing power of the Japanese. I agree with the theory which today envisions a realignment of world order involving five, rather than two or three, super powers. I believe we are on the threshold of a new world order in which the United States and the Soviet Union will be forced to share their world leadership with Communist China, Japan and the 10-Nation European Community.

In recent weeks I have mentioned some facets of this emerging world order and have been surprised at the reaction of many of the people with whom I have spoken. For example, many are quite surprised to hear that I believe Japan is destined to become one of the world's greatest military powers within the next two to three decades. I have pointed out repeatedly that Japan now has the independence and the economic and tech-

nological base upon which to build a truly awesome military system.

We have only to look around us and see what the Japanese have been able to do in the commercial sense to see the potential about which I am concerned. The Japanese are making better and cheaper electronics products than many producers in this country and Europe. They are turning out automobiles which are better and cheaper than the models made by many other countries. They are steadily enlarging their range of production in all areas of commercial endeavor and there is no reason to think that, when the time is ripe, they will hesitate to put together one of the world's most modern military systems—one that might easily be far better than our own and far better than the systems maintained by the Soviet Union and Red China.

It will serve no useful purpose for Americans to pretend such a thing could not happen. We know from past experience that the Japanese suffer seriously from territorial limitations and is only fair to assume that as its power grows this nation will look for ways and means to extend her boundaries. We also know from past experience that there is a strong strain of militarism that runs through some segments of the Japanese population, and it is only natural to assume that this strain will become more pronounced as the Japanese begin to feel the importance of their growing power and the problems which may later confront it from a nuclear Red China.

In this whole situation, I feel that Indochina will play an important part as the future unfolds. For example, if most of Asia should fall under the domination of Communist China then the chances of Japan emerging as a military power and of the Soviet calling for an armed confrontation with China will be vastly increased. All too often we make the mistake of thinking of the war in Vietnam as strictly a provincial conflict involving only a small part of Southeast Asia. Actually the stakes are far reaching and of enormous importance to the future peace of the world.

In conclusion, Mr. President, I believe all these factors are considerations which have entered into President Nixon's decisions to visit Peking and go to the summit with the Soviet leaders in Moscow.

World events are moving with a rapidity which is quite breathtaking. I feel that our President recognizes this situation more keenly than any of the rest of us, and I think the American people should be grateful that we have in the White House a man who is farsighted enough to see the probable direction of future events and who has the courage to try and meet them in a way that will prove to be in the best interests of the United States.

#### FEDERATION OF AMERICAN SCIENTISTS ENDORSES TRUTH IN ADVERTISING ACT

Mr. McGOVERN. Mr. President, the Truth in Advertising Act of 1971, which I have introduced with the Senator from

Utah (Mr. Moss) and a number of other Senators, has the simple objective of requiring advertisers to make available for public inspection any documentation supporting advertising claims they may make. The proposed legislation differs from the present practice of the Federal Trade Commission, which is asking for advertising documentation on an industry-by-industry basis. For one thing, the advocates of the FTC's partial approach seem to believe that Government can protect the individual better than the individual can protect himself.

I expect that next April, after the FTC has been given a decent period to test its method, the Senate will proceed to the consideration of the bill.

In that regard, Senators may be interested to know that the Federation of American Scientists has endorsed the Truth in Advertising Act. Many advertising claims are based on supposed scientific tests and American scientists quite rightly would want to see their own standing protected through the fair use of these tests in advertising.

Mr. President, I ask unanimous consent that a letter from Dr. Jeremy J. Stone, director of the Federation of American Scientists, to me be printed in the RECORD.

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

FEDERATION OF AMERICAN SCIENTISTS,  
Washington, D.C., September 13, 1971.

Hon. GEORGE MCGOVERN,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR MCGOVERN: We have a special interest in supporting S. 1461, the Truth in Advertising Act of 1971, requiring advertisers to furnish documentation of claims on request. As you are well aware, most of the claims that are susceptible to documentation claim the support of "scientific tests" or the support of "scientists" or "doctors," etc. False, undocumented claims of this kind misuse science and, the credibility of advertising being so low, these claims tend to undermine the credibility of science.

We see no difficulty in asking advertisers to present documentation on request, so long as the costs of reproduction and mailing, etc., of the documentation are borne by those requesting it. We believe that media advertisers would find this documentation useful since it protects the media from distributing unsubstantiated claims that may turn out to be false—claims for which the media bears moral, if not legal, responsibility. We do not think that the media should have to add to each advertisement the fact that the Truth in Advertising Act provides for such documentation. But we think the press should give wide publicity to the Act when it passes—the consumer groups can further spread the word.

With these understandings, we support and welcome S. 1461 and will do whatever we can to assure its passage.

Respectfully,

JEREMY J. STONE,  
Director.

#### EMERGENCY STRIKE LEGISLATION IS NEEDED NOW

Mr. GRIFFIN. Mr. President, I wish it were not necessary to continue reminding the Senate about a very serious problem that still awaits action by Congress.

I refer to work stoppages which have choked off normal trading through our

seaports and are strangling our trade relations with other nations.

On February 3, 1971, I introduced S. 560 on behalf of the administration. This bill would significantly increase administrative options to deal with strikes which imperil the national health or safety in the transportation industries.

This is the same legislation which I first introduced in February 1970. With the exception of subcommittee hearings there has been no action in the Senate. Meanwhile the situation is getting worse.

On the west coast, the President has found it necessary to invoke the Taft-Hartley Act to deal with a dock strike. But there is no assurance that the strike will not resume after the 80-day cooling-off period.

At the gulf and east coast ports, dock strikes continue unabated while our customers overseas are being forced to look to other countries for the goods and services they require. In the meantime U.S. farmers continue to suffer from depressed prices.

Several Cabinet officers have been calling attention to the seriousness of this situation. During the past few weeks, Secretary of Agriculture Clifford M. Hardin has made five public statements deploring the seriousness of the situation.

Last week, for example, Secretary Hardin pointed out that prolonged work stoppage at the east and gulf coast ports could depress farm prices as much as 25 cents per bushel for soybeans and 10 cents per bushel for corn during the months October through December.

Mr. President, I ask unanimous consent that the five statements to which I have referred be printed in the RECORD.

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

#### SECRETARY HARDIN SAYS PROLONGED DOCK STRIKE COULD CUT FARM INCOME

WASHINGTON, October 22.—A prolonged work stoppage at East and Gulf Coast ports could depress farm prices as much as 25 cents per bushel for soybeans and 10 cents per bushel for corn during the months of October through December, Secretary of Agriculture Clifford M. Hardin said today.

"This means that soybean growers could lose \$125 million in income, and corn growers could lose as much as \$120 million," Secretary Hardin said. "There would be a further loss of income for livestock farmers, fruit and vegetable growers, tobacco growers and other farmers."

Farmers ordinarily market about 500 million bushels of soybeans and more than a billion bushels of corn during October, November and December, the Secretary pointed out. Ordinarily, he said, export markets would take about 80 million bushels of soybeans and 105 million bushels of corn during this period, and about 80 percent of these soybean exports and 75 percent of these corn exports ordinarily move through East and Gulf Coast ports that are now closed.

"Last year, during October and November alone, the flow of agricultural exports through this same group of East and Gulf Coast ports that are now closed totalled about \$70 million per week," Secretary Hardin said. "While the strike continues, the stoppage of this flow of crops backs clear up to the farm gate. This backup not only results in depressed prices and loss of income for farmers; it also seriously disrupts established export markets that are so vitally important to our balance of trade and our agricultural economy."

The Secretary said that for months bills to deal more effectively with strikes in the transportation industry have been before the Congress—H.R. 3596 and S. 560, The Emergency Public Interest Protection Act.

"President Nixon supports these bills," he said. "In testimony on September 28, before the Sub-committee on Labor of the Senate Committee on Labor and Public Welfare, the U.S. Department of Agriculture strongly endorsed S. 560. 'The threat of grain prices being further depressed, resulting in further loss of farm income, clearly shows the urgent need for legislation of this kind.'"

#### HARDIN LAUDS U.S. FARMERS; CRITICIZES INFLATIONARY WAGE DEMANDS

WASHINGTON, October 5.—Secretary of Agriculture Clifford M. Hardin today paid tribute to the "bounty of food" being produced by the Nation's farmers and said farmers are being hurt by the demands of some labor leaders who would prolong inflation.

"Inflation that is triggered by unrestrained use of power pushes farm costs higher and higher and grasps farmers tight in a cost-price squeeze. The farmer's business suffers; and his family living suffers," Mr. Hardin said.

Speaking at the International Day of Bread observance in the patio of the U.S. Department of Agriculture, Secretary Hardin said that farmers are hurt because "costs of getting farm products to their important foreign outlets are increased. This makes farm products less competitive, loses sales for farmers, harms our national balance of payments, and hurts our nation."

Mr. Hardin criticized the dock strikes and the "lack of statesmanship on the part of some labor leaders."

Noting that farmers can feel proud of their bountiful harvest, Mr. Hardin said: "Yet, this is also a sad day. A sad day for farmers."

"We are at this moment engaged in a great national effort to halt inflation and strengthen the nation's economy. It is an historical time as we de-escalate a long war with its inflationary excesses and return to a peacetime without inflation so that we can build our nation at home."

"Yet we meet here while the testimony of a prominent labor leader reverberates across the land demanding that labor should get what its leaders want, seemingly regardless of whether it is inflationary—and seemingly without regard for what it does to the rest of society."

"We also meet at a time when the ports of the nation are closed tight. The greatest trading nation in the world is on its knees, its overseas market outlets idled to a standstill . . .

" . . . while the docks are tied up, farm products are backing up clear to the farm gate. Many markets, as a result, are demoralized. Just when we have a bountiful harvest to move, it isn't moving . . . this nation and the nation's farmers, deserve better on this Day of Bread."

The tradition of a "Day of Bread" was revived in Germany in 1953 to epitomize the spirit of the harvest season. The observance spread to other countries on the continent. The "Day of Bread" on October 5 is a part of Harvest Festival Week October 3-9.

#### HARDIN BLAMES STRIKE FOR DEPRESSING FARM PRICES

WASHINGTON, Oct. 1.—Secretary of Agriculture Clifford M. Hardin today issued the following statement (1) charging that transportation tie-ups are depressing farm prices and (2) announcing new steps to strengthen the farm economy:

"The longshoremen's strike on East and Gulf ports, which started today, is a painful blow to the nation's farmers.

"The production from nearly one out of four harvested acres in this country ordinarily



ly goes into overseas commerce. Any disruption of the flow of farm products to our large foreign outlets directly depresses prices to our American farmers.

"Farmers, faced with a threat to the nation's food supplies in the form of southern corn leaf blight, and burdened with heavy costs, this year have produced a record harvest for the nation and for world markets. Now spokesmen for the contending parties in the longshoremen's strike have plunged an economic sword into the hearts of farmers by closing the outlet to world markets. As this happens, the nation's farmers are caused to suffer from depressed prices.

"The dock strike on the West Coast has shut off movement of grain, fresh fruit and vegetables for two months. Wheat has backed up from elevators to the farm; some has had to be piled on the ground. Japan, and other foreign customers, have taken their business elsewhere.

"In the Midwest, a 30-day elevator strike in Chicago has substantially hampered the movement of grain from Chicago for one month. In addition, the mere anticipation of a strike at East and Gulf Coast ports has already dealt a severe economic blow to farmers and has already resulted in substantial drops in current market prices of grain. Elevators have held up on buying the new crop because they didn't know whether they would be able to ship it.

"Due to these various impediments to the orderly movement of this record crop, the price of corn has dropped below 90¢ in some areas.

"The longshoremen's strike is in direct opposition to the several steps that this Administration has taken to strengthen farm prices without jeopardizing the long-run prospects for growth in markets.

"The heavy participation in this year's set-aside program by farmers, has made approximately 4.7 billion bushels of corn eligible for loan compared with only 2.1 billion bushels of the large crop two years ago.

"The large supply of corn eligible this year, and the recent drawdown in grain and soybean stocks on farms and elevators, will permit heavy loan activity. The farm facility loan program, which was liberalized this year, has helped farmers acquire 286 million bushels of additional grain storage capacity since 1969. This increased capacity will enable those farmers to more readily take advantage of loan programs.

"The sale of CCC storage bins to farmers this year has added 16,000 structures and almost 68 million bushels of capacity to on-farm storage.

"To further encourage farmers to plan an orderly marketing program for this large corn crop, the Department of Agriculture announced on Sept. 17 that farmers may re-seal their 1969, 1970 and 1971 crop corn until May 31, 1973.

"These actions reduce the supply of 1971 crop corn available to the market from 5.3 billion bushels to an estimated 4.5 billion bushels—which is 244 million bushels below the estimated demand for 1971-72 marketing year. As this occurs, market prices will need to move up enough to convince farmers to redeem from loan enough corn to meet the demand.

"We also plan to provide a feed grain program in 1972 that will permit farmers to reduce their stocks further. This action in 1972 will help increase farm income in two ways: by increasing program payments and by bolstering feed grain prices.

"This action can result in increased feed grain usage during the 1971-73 period and will remove any burdensome supply of feed grains so that farm prices of feed grains may be more buoyant.

"But meantime, these actions cannot help farmers fully as long as the suffocating noose of the dock strike is drawn tight around farm outlets to foreign markets."

#### STATEMENT OF SECRETARY OF AGRICULTURE HARDIN

WASHINGTON, Sept. 29.—Secretary of Agriculture Clifford M. Hardin at noon today issued the following statement on the effect on farm prices of dock work stoppages:

"U.S. farmers are losing business every day and are continuing to suffer a tragic loss in income from prices that are depressed because their products can't move to market.

"Right now, wheat that ordinarily would be moving to Japan is piling up in elevators and spoiling on the ground because of the West Coast dock strike. Perishable fresh fruit and vegetables can't wait for the strike to end, and this business will be completely lost.

"As these products pile up, it adds to the burden of supplies that seek an outlet here at home—and this depresses U.S. farm prices. Further, the transportation tie-up forces foreign buyers to look elsewhere for their supplies—which causes an immediate loss in our sales and sets up trade relationships between foreign buyers and new sources of supply that will be hard to break.

"Right now there is the threat of a strike on Gulf ports. That would be even more of a catastrophe for the nation's farmers. Even now, the mere threat of a strike is hurting. Elevators are reluctant to buy the new crop because they don't know when they can ship the commodities—and they know that if the ports are tied up prices on the supplies they hold will drop lower.

"This is particularly hard on farm prices and the nation's farmers right at a time when they have record harvests to move to market.

"It would be a disaster to the nation's farmers if Gulf Coast ports were to be tied up for any length of time. A previous Gulf Coast strike in 1969 turned around an upward trend in farm exports; export totals dropped \$570 million under the previous year. Soybeans, feed grains, wheat, cotton, meat and meat products all lost substantial sales.

"President Nixon said on Saturday that 'we cannot tolerate a continuation of this pattern of delay and slow progress toward an ultimate settlement' of the West Coast longshoremen's strike. 'The times is overdue for the parties involved to live up to their responsibilities to the American people.'

"I join the President in asking that the participants in this strike on the West Coast, and the one threatened on Gulf ports, listen to the appeals of their fellow Americans to move food and farm products at this critical time. At this moment, we are engaged in a national effort to control inflation, restore our competitiveness in international trade, and improve our balance of payments. It is a time for all of us to look up to this challenge and respond to it."

#### DOCK STRIKE DOING IRREPARABLE DAMAGE TO FARMERS, HARDIN SAID

WASHINGTON, Aug. 16—"The West Coast dock strike is doing irreparable damage to U.S. farmers," Secretary of Agriculture Clifford M. Hardin said today. "Farmers are losing valuable cash markets for exports every day. Foreign buyers are turning to other sources, and it will be hard for us to win them back," Secretary Hardin said.

"This strike is running rough shod over farmers," the Secretary declared. "It is high time that the principal parties in this strike think about farmers for a change—and worry how farmers are going to keep up their income and meet their mounting costs," Secretary Hardin said.

"If this West Coast dock strike drags on through the rest of the month there will be \$215 million worth of farm products that would have moved through West Coast ports in July and August, which didn't," Secretary Hardin said. "About \$40 million of that will be in fresh fruits and vegetables—these are perishable products that can't wait for a

strike to end, and 90 percent of that business will be lost."

Secretary Hardin said: "Wheat farmers are getting hit; our wheat is sitting there all tied up while our competitors are walking off with our markets. Livestock farmers are also losing sales."

Japan is our largest export customer and it depends heavily on Pacific Coast ports for its imports. "Already the Japanese are developing new sources of supply through investments in less developed countries because they can't depend on our farm products moving when they need them," Hardin said.

"I'm getting mighty tired of seeing American farmers left holding the sack time and again because of work stoppages that prevent farm products from flowing to market," the Secretary said. "We are working as hard as we can to build up foreign markets for farm products so that we can ease up on acreage controls in this country and help farmers do a little better.

"This year we have managed to set a new record on farm exports of \$7.8 billion. This is \$1 billion higher than a year ago. And the increase is in cash. It is one of the bright spots in our national export picture. It is made possible mainly because our farmers are so productive and efficient," Secretary Hardin said.

"If we don't stop putting roadblocks in the way of farmers producing a crop and moving it to market when its ready, then agriculture will be in worse trouble," Secretary Hardin declared.

#### THE STRATEGIC STORABLE AGRICULTURAL FOOD COMMODITIES ACT OF 1971

Mr. HARTKE. Mr. President, I wish to lend my voice in strong support of the Strategic Storable Agricultural Food Commodities Act of 1971, which has been revised and reintroduced by Senators HUMPHREY and MONDALE.

While a strategic food reserve should have been established long ago for the purpose of protecting our ever fluctuating markets, the need for such a reserve now seems more compelling than ever considering the experience of the past two crop seasons.

In 1970, due to circumstances over which our farmers had no control, the national corn crop fell some 400 million bushels short of expectations.

This year, the corn farmers of the United States were asked and encouraged to put out a large acreage of corn in order to assure the country of an ample supply of corn and the resultant end products of meat, milk, and eggs.

Our farmers responded to this challenge, as they always have, and now find themselves in the midst of a bumper corn crop so large that they are literally facing economic ruin.

Estimates of the 1971 U.S. corn crop range from 5.065 to 5.345 billion bushels. When we add to this an anticipated carryover of 700 million bushels from 1970 along with expected imports of 1 million bushels, we arrive with a total estimated supply for the 1971 marketing year in excess of 6 billion bushels. Considering that utilization last year totaled 4.4 billion bushels, we can expect a supply of more than 1.6 billion bushels of corn in excess of the amounts used in the past year.

Even the lowest estimates which exclude anticipated exports finds the United States producing 500 million bushels

more corn than we will consume in the next 12 months.

All of this means that there is going to be a huge food reserve this year and next. It also means that our farmers are going to be left with a devastating crop-producing price blight. Already prices have dropped to levels that will bankrupt many farmers unless steps are taken immediately to correct the situation.

In surveying bids for No. 2 new crop corn, we cannot find bids anywhere of even \$1 per bushel. Presently, prices range from 90 to 95 cents per bushel at the elevators and the harvest pressure would not climax for another week or two. What the prices may be then no one knows.

Throughout the entire Midwest we find corn farmers dismayed and outraged over this big drop in corn prices. To a man they seem to place the blame for this situation upon the Department of Agriculture's new farm program which relaxed planting restrictions on corn during the current producing year. As we all know, the Department set the program for an increased acreage this year, fearful that with blight or a drought there might be another shortage. Now, in the midst of a record crop, these farmers are being asked to pay for the miscalculations of the Department of Agriculture.

The implications of these miscalculations are indeed far reaching. Not only may we expect hundreds of corn producers to put their farms up for sale this winter, we may also look forward, if present low prices of corn continue, to a tremendous overproduction of end products which, of course, means that hog, cattle, and poultry producers will suffer in price likewise.

Mr. President, this is an extremely frustrating and critical situation. Surely there is something dreadfully wrong with a system that penalizes the good farmers of America for success and hard work to the extent that many will face bankruptcy.

I have reviewed the new feed grain program announced early last week by the Secretary of Agriculture and I regret to say that it offers few assurances of an adequate income for farmers in 1972. Nor does it relieve the low price and income situation for the 1971 crop.

In view of these deficiencies and the need for something drastic and dramatic to reverse the present calamitous situation, I believe it is imperative that we consider and enact the new "Strategic Storable Agricultural Food Commodities Act of 1971," which establishes reserve inventories of wheat, feed grains, soybeans, dairy, and poultry products.

This legislation, by authorizing the Secretary of Agriculture to maintain reserve inventories of not more than 300 million bushels of wheat, 30 million tons of feed grains, and 100 million bushels of soybeans, would serve to stabilize our market and eliminate the kind of artificially induced surplus which is currently depressing the prices and incomes of corn farmers.

Moreover, by requiring definite guidelines for acquisition and eventual distribution of reserves, the bill would serve to protect producers of food commodities against unfair losses of income resulting

from the establishment of a reserve supply by stabilizing family-farm income near a level of full parity.

Aside from being responsive to the price and market problems of farmers, however, there are other benefits which would accrue from this legislation.

Perhaps the most important of these benefits is the protection a strategic reserve would offer to our consumers and our export customers.

With so many of our people living in urban areas, and with our volume of consumption being so large, even a 10-percent reduction in a corn crop can have disastrous consequences for both our domestic and foreign markets. In spite of his sophistication and technological know-how, this country's farmer still finds himself at the mercy of forces over which he has little or no control. Both weather and disease may, at a moment's notice, decimate his crops and confront us with severe food shortages. The corn blight scare last year was, I think, most instructive. When we produce so much grain, then the conditions are right for those diseases that feed upon grain. The strategic reserve, as authorized by S. 2729, would serve to protect our consumers against future crop losses.

Finally, by authorizing the use of reserves to meet famine or other urgent or extraordinary relief requirements outside the United States, this legislation would serve well the cause of world peace and understanding.

Let us not forget that we are teetering on a precarious balance with world food production. To many of us who receive more than adequate diets, the idea that others are either hungry or undernourished is difficult to comprehend. However, malnutrition is not an isolated phenomenon. It is widespread today. It is not overstating the case to suggest that our food reserves may prove to be the crucial margin of difference for that 70 percent of the world's population now living in those developing countries where food shortages are both frequent and severe.

It is for these reasons, Mr. President, that I lend my support to the Strategic Storable Agricultural Food Commodities Act of 1971. In giving this legislation our prompt and favorable consideration, we will not only have served to protect the vital interests of our Nation's farmers and consumers, we will also have demonstrated a genuine concern for that portion of the world's population which we now help feed.

#### McGRAW-HILL ON THE NEED FOR INVESTMENT STIMULATION

Mr. PERCY. Mr. President, McGraw-Hill's publications for business have won a wide reputation for accuracy and scholarship, and I think it is appropriate that McGraw-Hill's management has chosen to notify Congress and the public that its own analysis of America's competitive position in the world economy demands new growth of business investment.

In a statement published in the Washington Post and the New York Times on October 21, McGraw-Hill pointed out that—

Much of our plant and equipment is simply too old. From 1960 to 1969, the U.S. devoted only 13% of its Gross National Product to private investment in the facilities modern business requires. In the same period, Japan was putting 27% of its output into such investment, West Germany 20%, France, 18%.

This year the plans of business for new plants and equipment are not encouraging:

Far from stepping up investment to meet the threat of overseas competition, U.S. industry will actually be putting less new equipment in place this year than last.

Appropriately, therefore, McGraw-Hill supports revisions and modernization of U.S. depreciation and the investment tax credit:

Both moves are sound. Both deserve fast ratification.

Mr. President, I commend McGraw-Hill's statement entitled "American Industry is Losing the Lead" to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

#### AMERICAN INDUSTRY IS LOSING THE LEAD

American industry is losing the lead—it must be encouraged to step up plant improvement, if it is to stay competitive and boost the real income of labor.

The American people and their leaders have been accustomed for generations—and particularly since World War II—to think of their country as the most prosperous and "most efficient" on earth. And they have correctly believed that American efficiency is a major reason for American prosperity.

But all of us must face up to a shocking new fact: our prosperous American way of life is in jeopardy because our efficiency is no longer what it should be.

By prosperity, we mean dependable dollars in the average man's purse and a rising standard of living for all. And by efficiency, we mean the ability of U.S. industry to produce and sell competitively—not only in markets abroad, but also right down at the corner store. We are losing ground in the trading world, and many American companies are finding it difficult, in some cases impossible, to compete with foreign producers in our own country.

These symptoms of a change for the worse in our competitive position are spreading, and if we don't do something about the situation, all of us are in for real trouble.

#### LAGGING INVESTMENT

We can begin by giving immediate attention to the declining quality of our industrial plants, machinery, and equipment. It's as basic as that. Much of our plant and equipment is simply too old. From 1960 to 1969, the U.S. devoted only 13% of its Gross National Product to private investment in the facilities modern business requires. In the same period, Japan was putting 27% of its output into such investment, West Germany, 20%, France, 18%.

It's pretty clear that the nations making these heavy investments got their money's worth in efficiency. The U.S. trailed behind. In the '60s Japan scored an annual increase of 11% in efficiency, as measured by productivity or output-per-manhour. The Netherlands rang up 8.3% per year, West Germany, 6%, France, 4.7%. But the U.S. gained a scant 3.3% per year.

As foreign competitors closed the gap in productivity, U.S. producers lost ground in both overseas and domestic markets. Imports shot up, while our exports lost steam. In 1964, the U.S. exported \$7 billion more in



merchandise than it imported. But in 1971, we will import more than we export—for the first time in the Twentieth Century.

#### IT AFFECTS US ALL

Obviously this is not good for business. It also is not good for anyone who depends for his job or his personal prosperity on the efficiency of American industry. And that is just about everybody.

It would be simplistic to blame this state of affairs on our lagging industrial investment alone. The inflexibilities of the international payments system had a lot to do with it. And the continuing impact of inflation on U.S. costs, especially wage costs, was probably even more important.

The fact remains, however, that U.S. industry has lost its accustomed competitive advantage, not only in foreign markets but right on its own home grounds. And the slow pace of investment in new plants and equipment has been a major cause of the trouble.

#### LESS NEW EQUIPMENT THIS YEAR

All this is disturbing enough, but the situation becomes more alarming when business' plans for new plant and equipment investments this year are considered. *Far from stepping up investment to meet the threat of overseas competition, U.S. industry actually will be putting less new equipment in place this year than last.*

In manufacturing, where the competition is toughest, the reduction in new plants and equipment is greatest.

These are frightening facts for a nation that depends on capital investment to maintain the highest wages and the highest living standards in the world. We simply must find ways to generate a permanent upward shift in our level of capital investment. This is the only way American manufacturers can keep overseas competitors from taking away more and more of their markets. It is the only way American labor can achieve its goals: maximum employment and increases in real income.

The Nixon Administration has analyzed the problem correctly and has taken two major steps to stimulate an upturn in capital investment. Earlier this year, the Treasury adopted new rules for accelerated depreciation which permit a company that invests in new plant or equipment to write off the cost in a much shorter time than under the old rules. Then, in his emergency statement to the country on August 15, the President proposed an investment tax credit similar to the one that had been repealed in 1969.

Both moves are sound. Both deserve fast ratification by Congress.

The Tax Bill that passed the House last week contains a modified version of the investment tax credit that the President requested and an endorsement of most of the new depreciation rules. Now it is before the Senate Finance Committee.

#### ARITHMETIC, NOT POLITICS

The House bill has drawn fire from some individuals who call it a "raid on the Treasury" and from others who call it a "give-away to business." It would be a great misfortune if Congress should let the attacks make a political issue out of what should be simple arithmetic.

The new depreciation rules are not a tax reduction for business; they are simply a postponement that will allow capital funds to be put to use sooner. They provide for a stretch-out in payments, but the corporate taxpayer will pay the same amount as under previous rules.

The investment credit is a tax reduction, an urgently needed one. Two things should be noted: the House Tax Bill also includes tax reductions for individuals, and it still leaves U.S. industry carrying by far the heaviest burden of direct income taxation borne by the industry of any nation in the world.

Congress should restore the investment tax

credit promptly—and ratify the new depreciation rules. But neither the Administration nor Congress can afford to stop there. One of the most urgent priorities of the federal government in the years ahead must be to devise even more effective ways to help American industry equip itself for the challenge it faces. The future well-being of the nation depends upon it.

#### BISHOPS ENDORSE AMNESTY

Mr. McGOVERN. Mr. President, it is highly significant that Roman Catholic bishops in the United States have determined by a 2-to-1 margin both that conscientious objection is a valid position for Catholics and that the Government should consider granting amnesty to those who have been punished as selective conscientious objectors to the war in Vietnam.

A statement endorsed by two-thirds of America's Roman Catholic bishops reads, in part:

In the light of the gospel and from an analysis of the church's teachings on conscience, it is clear that a Catholic can be a conscientious objector to war in general or to a particular war because of religious training and belief.

This position deserves both attention and action. I ask unanimous consent that an article describing the bishops' action, published in last Friday's Washington Post, be printed in the RECORD.

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

#### CATHOLIC BISHOPS ENDORSE CONSCIENTIOUS OBJECTORS

(By Betty Medsger)

America's Roman Catholic bishops have declared that conscientious objection to war is a valid position for Catholics.

In a mail vote, more than two-thirds of the 290 bishops approved a document endorsing conscientious objectors. They have debated the issue for two years and twice they rejected an appeal to take the stance.

The bishops also urged government officials to consider granting amnesty to those who have been imprisoned as selective conscientious objectors.

"Now it's clear that a man who says 'I won't go' is just as good a Catholic as one who takes up colors," said Msgr. Marvin Bordon, director of the department of international affairs of the bishops' U.S. Catholic Conference.

Immediate practical application of the six-page document is that it should help young men who try to convince their Selective Service board that their refusal to serve in the armed forces is based on Catholic Church teachings.

"In the light of the gospel and from an analysis of the church's teaching on conscience," said the document, "it is clear that a Catholic can be a conscientious objector to war in general or to a particular war because of religious training and belief."

The release of the bishops' vote here yesterday was accompanied by a call from their chief executive, Bishop Joseph L. Bernardin, for the establishment of a presidential commission to "determine methods of making a selective conscientious objector provision work properly in a modified Selective Service Act."

Suggesting that such a commission should include moralists, lawyers and civil servants, Bishop Bernardin "offered the assistance of the conference in such an endeavor."

The strongest opponent of the endorsement of conscientious objection was the Most Rev. Robert E. Lucey, retired arch-

bishop of San Antonio and friend of former President Lyndon Johnson.

Archbishop Lucey, who conducted a steady mail campaign against the proposal, said in an interview that "people want to be conscientious objectors because they are afraid to die. And they're afraid to die because they're living in sin . . ."

Noting that "when survival of the wider community has been threatened by external force, the church has traditionally upheld the obligation of Christians to serve in military defense forces," the bishops' document said. It also noted:

" . . . the common good is also served by the conscientious choice of those who renounce violence and war, choosing the means of nonviolence instead . . ."

#### MYTH AND REALITY: PROBLEMS OF HEALTH CARE—WE HAVE NO SHORTAGE OF DOCTORS, NOR ARE INSURERS GETTING FAT

Mr. HANSEN. Mr. President, the House Committee on Ways and Means began hearings this week on national health insurance. There will be landmark hearings on an area of legislation that will probably affect everyone's pocketbook as well as the delivery of health care in this country for decades to come.

It is important that the very real problems in the health care field be recognized as problems. It is equally important that we do not create additional problems by dealing in myths and hearsay.

Health, Education, and Welfare Secretary Elliot Richardson was the leadoff witness this week before the Ways and Means Committee hearings. Earlier this year Secretary Richardson wrote, for the New York Times, an excellent article entitled "Myth and Reality: Problems of Health Care."

I believe the article is an important contribution, because it seeks to separate myths from reality. This is what the Congress must do if it is to face the problems and come up with realistic solutions.

Mr. President, I urge Senators to take a moment to read Secretary Richardson's excellent remarks. I ask unanimous consent that they be printed in the RECORD.

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

#### MYTH AND REALITY: PROBLEMS OF HEALTH CARE—WE HAVE NO SHORTAGE OF DOCTORS NOR ARE INSURERS GETTING FAT

(By Elliot L. Richardson)

WASHINGTON.—Social issues are often shrouded in myth and misconception. As an example, for too long it was popularly believed that fathers of welfare families irresponsibly abandoned their wives and children to live carefree, devil-may-care lives financed by the public's largesse. But careful analyses by social scientists revealed that, in fact, able-bodied men on welfare were often forced by the system to leave their families.

Health care in the United States is a current example of a vast social issue encrusted with a layer of invention and illusion. We all know there is something wrong with the current health care system, and it is commonly held that too few doctors, greedy insurance companies, and an apathetic government are at fault. But are these the real problems? Does such conventional "wisdom" mislead us to propose inadequate solutions to complex problems? Let us examine some of the nation's health myths in order to see the Ad-

ministration's health proposals in light of the true problems behind them.

Myth: The United States is the only major industrial nation in the world that does not have a national health service or a program of nationalized health insurance. This claim was made last month on the floor of Congress, and the idea is widely shared, even among some health "experts." Those who hold this view seem to have in mind the British and Eastern European model in which health services are paid for out of general tax revenues. But the British model is not the typical Western European model. In fact, continental health-insurance schemes are predominantly financed by employer-employee contributions and operate within the framework of national standards. This is basically the route the President has proposed that we travel—national health insurance, not nationalized health insurance.

Myth: There is a gross shortage of doctors in America. In fact, we have one of the highest ratios of doctors per capita in the world—and the number of physicians is growing at a rate faster than the population. The basic problem is maldistribution. There are too few doctors in the ghettos, in rural America and in the primary care disciplines, such as general practice and pediatrics, while there is no real shortage of doctors in suburban practices or in certain specialties like surgery. To meet this paradox of scarcity amid plenty, the Administration has proposed incentives to bring doctors to the areas and types of practice where they are most needed.

Myth: It is better doctoring that is making us a healthier nation. In fact, infant mortality rates have declined and longevity has increased due largely to better nutrition and sanitation, higher income, and improved education. For example, when we replaced the horse and buggy, the death rate of infants and children fell because of an accompanying decline in fatal diarrhea caused by animal filth. In recognition of these interrelationships, the Administration has proposed efforts to clean our environment, provide a basic income for poor families, provide adequate nutrition, and make education available to more people. In truth, the Administration is concerned about health and not only medical care. That is one reason why we feel that very expensive federally financed health insurance schemes may, in fact, preempt too large a share of Federal tax revenues for medical care, when a more balanced approach would better achieve health goals.

Myth: Insurance companies are getting fat on health insurance. In reality, these companies on the average have retained less than 6 per cent of premiums for administrative overhead and profit on group health insurance. The Administration's choice to build upon the present strengths of our system was based on a desire to reform, not dismantle, our health care institutions. We see no need to create another mammoth bureaucracy in response to the misconception that we are making the rich richer.

An Old Saying: "An ounce of prevention is worth a pound of cure." Not all ancient wisdom is myth. Prevention is a more satisfactory solution than cure. It can be demonstrated that significant improvements in our health status will come about more through prevention of accidents and chronic disease than through improvements in curative medicine. The President's proposed health education, accident prevention, and biomedical research programs are targeted at those areas of prevention where we can hope to have the greatest success.

With our health program we have attempted to eschew the simple, grant solution, which often turns out to be both expensive and misdirected. A hallmark of a responsible government is the ability to distinguish between sound reasoning and chimeras.

## THE SATURDAY NIGHT SPECIAL AND OTHER HARDWARE

Mr. KENNEDY. Mr. President, because I share with the chairman of the Juvenile Delinquency Subcommittee and other Members of this Senate the need for effectively stringent firearms control, I believe the "Saturday Night Special and Other Hardware" deserves special attention.

Robert Sherrill, who is the Washington correspondent of the Nation, presented a very detailed account of the gun control issue in the October 10 edition of the New York Times Magazine.

Mr. Sherrill has astutely revealed what may happen if legislation is enacted to ban so-called cheap handguns, without also placing adequate controls on all handguns.

As he points out, the results of recent gun hearings in the Senate suggest there is more interest in identifying "safe" handguns than in defining any redeeming "social" value of any handgun. Thus, it would be extremely risky to enact legislation that only bans these so-called inexpensive weapons. According to Mr. Sherrill—

If Congress agrees on this special reform, then—that absurd little piece of deadly gadgetry will indeed be standardized off the market—respectability will have been stamped upon the handgun traffic in America, for after that all guns sold on the open market will be federally certified as "safe" and "reliable."

"Safe and reliable" for whom? Certainly not for an intended target. It can hardly console the wife of a distraught husband that he used a "safe" and "reliable" pistol on her during an angry rampage. Or, the 14-year-old who curiously toyed with his father's unloaded .38 and killed his 6-year-old brother with a pistol approved for use by the Treasury Department.

The issue is not whether different firearms can be identified as safe or dependable. But rather, the issue is to determine who are the few in our society who need firearms for police or other security work. By definition all guns are dangerous. But we can minimize the danger if we minimize the number of guns in the hands of those who fail to demonstrate a valid need for them.

Mr. President, I ask unanimous consent that "The Saturday Night Special and Other Hardware" be printed in the RECORD.

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

### THE SATURDAY NIGHT SPECIAL AND OTHER HARDWARE

(By Robert Sherrill)

WASHINGTON.—Gun buffs who favor unfettered ownership of firearms consider Mayor Lindsay to be something of a crank because he accuses the Federal Government of "total permissiveness regarding gun traffic nationally." He's just sore, they say, because this year he has had to attend the funerals of eight New York policemen who were killed with handguns, most of them bought outside the city. But after all, that's only eight of 31,500 men on the force.

The gun buffs also believe that Mayor Roman Gribbs of Detroit, where pistols and

revolvers account for two-thirds of the murders, is the victim of an irrational emotionalism. Simply because his city's murder count for 1971 passed 500 on Sept. 11 (once again assuring Detroit the title of murder capital of America), they ask, was that any reason for Gribbs to declare, "We can stand no more!" and demand a statewide ban on all privately owned pistols and revolvers? Indeed, subsequent events have proved the gun buffs right and Mayor Gribbs wrong: Detroit has already stood a dozen more murders, and the sky hasn't fallen.

Still, even gun lovers should be able to understand why some public officials are upset. The traffic in pocket and belt armaments in this country does seem to be a bit out of control. Nobody knows how many handguns are loose in this land. The "experts"—of whom there are really none—put the number anywhere from 30 million to 60 million. If New York has its share, and who can doubt it, that means there are more than a million pistols and revolvers in the city, virtually all of them held illegally. For New York policemen, it's a losing proposition. While they hope to seize 10,000 handguns in 1971, the year is also expected to see an estimated 80,000 arriving in town.

A thriving underground interstate traffic exists. Eight out of ten handguns in places like Boston and New York come from other areas. Just to show how easily it can be done, two New York detectives flew recently to Kentucky, which offers gunmen all the conveniences, including no waiting period for purchases. They struck up a friendship with an ex-convict (they needed someone with local identification) who happily accompanied them to two gun shops and a pawn shop in Newport and Covington to buy some beautiful hardware: a .38 Smith & Wesson Special with a 4-inch barrel and .32 Brazilian Rossi with a 2-inch barrel. The detectives were back in New York the same day. Though it's a violation of Federal law for an ex-convict to buy a handgun, the detectives' Kentucky contact went even further than that, he promised that when they came back he would help them get forged identifications of their own so they wouldn't have to depend on his.

But even with Kentucky I.D.'s, that's doing it the hard way. There are plenty of people around New York who will be happy to go shopping out of state for you. Albert A. Seedman, the city's Chief of Detectives, says one of his men bought a 9-mm. Lugar and ammunition from a candy-store proprietor in the Bronx the other day. The candy dealer said that if the detective wanted any other firearms—including a machine gun for \$350—he should place his order quickly; the candy man was leaving for a shopping spree in South Carolina a few days later.

A significant number of the guns in underworld commerce are stolen—by the crate from piers and warehouses or singly in burglaries. In some New York neighborhoods, one can place his gun order at the pool hall. Half of all the nation's gun transactions are believed to be carried out on the street, and New York is said to follow that pattern. In some neighborhoods the market is glutted, or at least the police assume it to be glutted because, says Seedman, "We just assume that certain people all have guns. Like members of the mob who hang out in areas such as Bath Beach. Or if you go to Bedford-Stuyvesant or Harlem, it's assumed that certain people all carry guns." He backs his assumptions with statistics: Five years ago most New York murders were committed with knives; today most are with handguns.

The police in every major city report that at the bottom of the underworld heap, among the pettiest of the petty thugs, a communal system exists: Several disadvantaged criminals living in the same neighborhood share a gun. Chicago has a unique



type of helping hand for the needy crook—a "rent-a-gun" arrangement by which, one police official explained, "a convict gets out of prison and can't buy a gun, so he rents one until he can make his first heist and then he buys the gun outright."

The Federal Government has traditionally shown a strange tolerance, even indifference, toward what goes on in handgun traffic. No Federal agency keeps accurate track of how many guns are manufactured or who buys them; no agency attempts to keep a record of the movement of guns from owner to owner. Agents of the Treasury Department's Alcohol, Tobacco and Firearms Division are supposed to have some idea of what goes on in the firearms industry, but they keep records like Keystone cops, and they haven't the foggiest idea where all the guns have gone and are going. The U.S. Department of Commerce, which pretends to oversee manufacturing, has no figures for gun production later than 1967.

The record-keeping of most major police departments is just about as sloppy. But the best guessers seem to agree that the ownership of guns used for crime is increasing twice as fast as the ownership of sporting guns; and gun crimes seem to be increasing twice as fast as other crimes. Each year pistols and revolvers are used to carry out more than 100,000 robberies (some "experts" say more than 200,000) and more than 8,000 murders.

Prosecutors and judges are apparently as indifferent as Treasury agents to what's going on. Two times out of three, a person caught packing a rod in the nation's capital will not spend a day in jail. The police guess there are between 500,000 and a million handguns around Detroit, most of them unregistered, but only 1,200 persons were prosecuted for illegal possession in that city last year, and most of them got light punishment. New York is supposed to be a tough place to be caught carrying an unregistered gun, but Police Commissioner Patrick Murphy contends that, "because the American people have listened too long to the gun nuts, the judges don't deal with gun cases as a terribly serious problem, and the prosecution of the Sullivan Law has been sad." That's one explanation. Another comes from Edmund G. Brown, the former Governor of California and chairman of the National Commission on the Reform of Federal Criminal Laws. Asked about judicial tolerance of gun-law violations, Brown replied: "Well, there are some judges that are superannuated and senile and mentally ill and alcoholics, and they should be removed—but don't get me started on that."

This kind of a gloomy survey of uncontrolled gun-running, gun-happy criminals and gun-dumb officials occurs rather regularly in Washington. It happened again recently, bringing most of the above-named characters to town, and some of them will be back before the year is out to complete the annual tragicomedy of writing gun legislation. This year it is all the more entertaining because there is a plot within a plot, a political plot within the gun plot.

Senator Birch Bayh is chairman of the Senate juvenile delinquency subcommittee, which for the last dozen years has been handling most of the gun bills. Because of the several political assassinations and because of normal opposition from the National Rifle Association—whose million members constitute the most powerful grassroots lobby in America—the issue of gun controls is highly emotional, and any politician who gets deeply involved in it is guaranteed plenty of headlines. Bayh, who would like to become the Democratic Presidential nominee next year but usually scores no more than 1 percent on any Democratic public preferential poll, needs plenty of headlines if he is to stay in the running. So on Sept. 13 he opened hearings on his bill

to prohibit the manufacture and sale of the "Saturday Night Special" handgun.

Now, if you will bear in mind that at the time Bayh opened his hearings—in fact, until the second day of the hearings—he had not even introduced his bill, you will see the political plot begin to thicken. For it happens that Senator Edward Kennedy, a member of Bayh's subcommittee and also a contender for the Democratic Presidential nomination, had, as long ago as Feb. 17, introduced his own bill, a bill that would do everything Bayh's would do and more (it would also require the registering and licensing of all guns and owners). Why wasn't Kennedy's bill being considered at the hearings, since he had beaten Bayh to the punch by seven months? That's the question Kennedy was reportedly asking privately, and he was pretty angry about it.

But just when Bayh thought he had out-finessed all rivals for publicity, he ran up against Mayor Lindsay. Naturally, no gun-control hearing would be complete without some message from the New York cops, so Bayh asked Commissioner Murphy to testify. Murphy at first said he was occupied with other things. Then he called back and said he might be willing to come down, but only if Mayor Lindsay were permitted to be the chief spokesman. By this time Bayh was in Europe, and when his staff got him on the telephone with the Murphy ultimatum, his response is said to have melted the trans-Atlantic wires. Lindsay, who recently switched to the Democratic party, is assumed to be a dark dark-horse candidate for something, and Bayh's crowd figured he wanted to come in and steal the spotlight.

Which is exactly what Lindsay did by staging a table-thumping confrontation with Senator Roman Hruska of Nebraska, the subcommittee's resident gun man, and by belittling Bayh's legislation as inadequate and even dangerous.

"Recently," said Lindsay (with all the TV cameras on him and none on Bayh), "a good deal of attention has focused on possible controls on the so-called 'Saturday Night Special'—cheap guns costing as little as \$1 to manufacture and usually selling for \$5 to \$15. Saturday Night Specials constitute the most outrageous element of the handgun trade, and Federal legislation against Saturday Night Specials alone would certainly be an improvement. But Saturday Night Specials are only the tip of the iceberg—the most visible part of the illegal handgun trade, but actually a small part of the problem. In New York City, 75 per cent of the illegal firearms seized by our police were not Saturday Night Specials."

"Outlawing cheap guns may give the public a sense that meaningful action on handguns had been taken. But that clearly is a dangerous deception. To ignore the literally millions of better handguns now available would be to ignore the essence of the problem itself . . . nothing less than national action against all handguns will suffice."

Commissioner Murphy chimed in, saying that the Specials are "by no means the most significant part of the gun problem." He added: "I strongly urge against limiting the focus of new Federal legislation only to Saturday Night Specials. Most of the guns we seized are quality weapons manufactured by reputable foreign and domestic companies."

Much the same thing had been said—with little publicity—by Lloyd Cutler, former executive director of the National Commission on the Causes and Prevention of Violence. He called Bayh's bill "a step worth taking, but a very small step," deficient in that "it would only prohibit such sales by federally licensed dealers. It would do nothing to stop private resales and transfers of similar handguns already at large or to force their redemption and surrender to the Government. It would do nothing to control the production, sale and possession of the millions of other handguns which are more expensive and more lethal

than the Saturday Night Special, but are equally lacking in redeeming social value."

These might seem strangely ungrateful responses to legislation that would at least banish from gun stores the weapon whose price makes it the most accessible. If it is ingratitude, it is compounded by being directed not only at Bayh but at some of the most faithful gun-control advocates in Congress, men like Kennedy and Representative John M. Murphy of New York City, both of whom have been riding the Saturday Night Special issue for months.

But in fact Lindsay, Murphy and Cutler have good instincts. There is something queer going on behind the Saturday Night Special legislation, and its advocates may be walking into a trap. The best evidence of that comes from the fact that some of the most vicious opponents of gun-control laws are actually encouraging this legislation.

Is it a change of heart? Is it true benevolence? On that question we raise the curtain on the gun plot. Enter, from the right, the weapon itself.

The genre has been around since before Frankie shot Johnny. Its predecessors were the little nickle-plated whatsiz that ladies of the evening carried in their handbags to ward off nonpaying drunks and the single-shot derringers riverboat gamblers carried up their sleeves. Over the years it has picked up a multitude of nicknames—"Murder Special," "Suicide Special," "7-to-11." The present nickname, though it sounds antique, has been around only since the early nineteen-sixties, and its place of birth was—fittingly—Detroit.

Mischievous Detroiters who could not buy guns near home would simply tool down to Toledo, less than an hour away, where guns were sold out of candy stores, flower shops, filling stations—anywhere. Since a great many of these purchases were made to satisfy the passions of Saturday night, Detroit lawmen began to refer to the weapons as Saturday Night Specials. Thus was the language enriched.

But like many folk terms, "Saturday Night Special" does not have a fixed meaning. It can be just about any handgun that is cheap, easy to get and preferably—but not necessarily—easy to conceal. Originally a gun didn't have to be poorly made to qualify as a Saturday Night Special. Originally, it could be, say, a Spanish surplus military .38 that reached these shores 20 years ago and passed through 20 pawnshops and 20 pool-halls before being sold on a street corner by a Harlem junkie who needed \$5 for a fix. Before the passage of the 1968 Gun Control Act, many thousands of military-surplus weapons were imported each year. Some critics dismissed them as "junk guns," but in fact many were well made and highly serviceable. Many models were inexpensive and compact, and they rated as Saturday Night Specials. But the 1968 act cut off that supply by specifically outlawing military-surplus guns. It also cut off the brand-new but rickety, foreign-made \$3.50-and-up handguns (most of them small enough to hide in your hand). It did so by requiring that imported guns must be of certain dimensions—that pistols, for instance, must be at least 6 inches long and 4 inches high—must have certain safety features and in other respects pass as "sporting weapons."

But there was a gaping loophole in the law. It did not embargo the importation of foreign gun parts other than frames, so several American companies have started importing enough parts to assemble more than a million cheesy pistols this year. Another group of gun industrialists started producing cheapies from American parts. And still another group started importing guns that legitimately qualify as "sporting models" under the 1968 act; once they get the pistols past customs, they saw off the barrels and market them as "belly guns"—that's where

you carry them and that's where you shoot the other fellow, by standing up against him.

Together, these entrepreneurs are expected—according to the Treasury Department, which can be trusted only somewhat here—to put more than two million handguns on the market this year, selling for \$10 to \$25 and offering no safety features, no engineering quality, almost no accuracy. Most are .22 and .25 caliber, though a few are .32's. The police say that these weapons and their predecessors will be responsible for a significant percentage of the nation's murders, assaults and holdups. It is this type of gun that has taken over the title Saturday Night Special, and it is this gun that Congress is going after.

To hear the manufacturers of these little items talk about their market, one might conclude that the Special is no more deadly than a scarecrow. Harry Friedman is the president of Arms Corporation of America in Nashville, Tenn., which turns out about 35,000 Mark-059 pistols each year, many of which he gets rid of through his own retail store. He says: "I find that most people buy guns for their wives, for the table beside their beds. Not to shoot, just to make their wives feel good, to feel like they've got protection. I had a gentleman call me yesterday who said, 'I want one of those inexpensive guns to give to my wife to make some noise, to make her feel like she's got protection.' She doesn't know how to shoot it. She takes it out once and shoots it to see if she can do it, and that's the last time the gun is fired.

"The American people are entitled to this market. If you are a \$1.60-an-hour working man and your wife is scared and you can't afford a \$95 Colt, you may want ours for \$16.95. Your wife will never use it. How many women get raped, percentage-wise? How many houses get broken into?"

Anyone who wanted to take up crime seriously would be stupid to buy a Saturday Night Special, says Friedman. "These guns are not accurate. A holdup man would have to be right next to a man to hit him. We'd be better off if every holdup man in America owned one of these guns instead of a good .38. If you want an accurate gun, don't buy this one. If you want a gun to give to your wife to make noise or a gun to stick in your tackle box for killing snakes on fishing trips, O.K., this one is O.K."

The Saturday Night Special is not quite so innocuous as Friedman makes it sound. Indeed, it can be a wicked little job, as one of the \$3.50 versions demonstrated the other day when it was used to kill a Detroit cop. Lieut. Paul E. Murphy of the New York Police Department, a lifelong gun lover whose marksmanship was sufficiently developed to win him the department's second-highest medal, the Combat Award, says: "The .25 and the .22 are very underestimated weapons. It's a small bullet, but it has a tremendous velocity. If you shot one of those weapons at 125th Street, you could kill somebody in Jersey. Most people say, 'What can happen with a .22?' We had a policeman killed with one. The bullet went in his eye and around his skull three times—just cored his brain like you core an apple."

Any bullet that travels faster than 300 feet a second is capable of penetrating flesh and bone. Under ideal conditions, .22 bullets travel at 900 to 1,400 feet a second. Even though the Saturday Night Specials are so poorly constructed that a bullet fired from one lacks something in velocity, there is still sufficient energy left in the bullet to kill. Moreover, the .22 bullet has a special deadliness. Lieut. Charles V. Rorke, who runs the ballistics office at the New York Police Academy, explains: "When the larger-caliber bullet hits the body, it tends to go right through. If a person is shot in the shoulder with a .38 bullet, that ordinarily wouldn't be a lethal wound. It might tear half his shoulder off, but the wound would probably be restricted

to the shoulder. The .22 caliber, because it is small but travels at great velocity, is easily deflected. You have a big bullet's velocity with a pellet that is very unstable. So the .22 might hit the shoulder and then rip off in another direction, maybe dropping into the chest area and doing some fatal damage there."

William L. Cahalan, the Prosecuting Attorney in Wayne County, which includes Detroit, says there is still another danger in the Saturday Night Special. "They are more deadly than the well-manufactured gun because they do not expel the bullet through the barrel in a true line," he says. "Rather, after four or five shots, the rifling is worn out, and this causes the bullet to come tumbling out of the barrel. It creates what doctors call a 'keyhole' wound—several perforations, and much more difficult to treat."

And there is always the possibility that the Saturday Night Special will be as dangerous to the shooter as to the target. Sometimes the bullets in the cylinder are so close together that two will fire at once. Sometimes a stuck bullet will cause the pistol to explode. More common than two bullets firing is no bullet firing; the hammer and firing pin are often so far out of alignment that they don't discharge the bullet—which makes it sometimes the safest gun on the market.

In the production of a high-class handgun—a Smith & Wesson, for instance—the finest ordnance steel is used; all parts are heat-treated to give them great strength; there are more than 1,000 inspection operations on each gun, and every one is test fired. For a Saturday Night Special, the opposite is true. Hold one over a bunsen burner and it will start melting in 10 seconds; it's pot metal. The guns are reported to be thrown together with virtually no assembly-line inspection, and rarely are they test fired.

It is, in short, quite easy to make an elaborate case against the Special, proving that it is very often both a menace and a gyp. But neither characteristic explains why the National Rifle Association, which never in the past favored outlawing any gun, favors outlawing the Saturday Night Special. Neither characteristic explains why Senator Hruska, as devoted a champion of *laissez-faire* gun ownership as there is in Congress, also wants to banish it. Equally mysterious is the seeming about-face of the Nixon Administration. It has been steadfastly against an extension of gun controls, yet it is for suppressing the Special.

Cynics, who are numerous in this debate, believe that the supposed change of heart is only a subterfuge for protecting one favored element of the gun industry from competition by the Special while increasing the supply of good foreign guns, which have been denied to the shooting fraternity since the adoption of the Gun Control Act of 1968. The diverse gun world—arms and ammunition manufacturers, gunsmiths, hunters, collectors, shooting clubs, criminals—has many interests, not all of them overlapping. But the cynics contend that the scheme now being proposed is a step toward satisfying some of the more selfish interests. It is constructed very cleverly, they say, around two arguments: the need for fair play in international trade and the need for consumer protection.

The background for the consumer argument is plain enough. The trade argument goes like this: Under the General Agreement for Tariffs and Trade (GATT), the United States is forbidden to discriminate against foreign products. If the manufacture of certain guns is allowed in this country, the importation of similar guns is supposed to be allowed. But the Gun Control Act of 1968 prohibits the importation of any gun that fails to meet the "sporting test," while American-made guns that would fail this test are flooding the domestic market.

Treasury officials say these violations of GATT are damaging U.S. trade relations. "Why, the embargo on Italian guns has turned some areas of that country into a poverty-stricken Appalachia," one official told me. "Communities that depended on gun exports to the U.S. have become ghost towns. Be sure to mention that in your story. You might even want to make it your lead. And of course, Italian officials are very unhappy. They put an embargo on Florida oranges, and when we complain they say, 'Well, if you won't let us send Italian guns you can't ship us Florida oranges.' And the same economic devastation is seen in Spain and Germany and elsewhere because of the discriminatory features of the gun-control act."

Testifying before the Bayh subcommittee, Assistant Secretary of the Treasury Eugene Rossides said the U.S. had received formal protests from seven foreign countries because of the gun embargo's violation of GATT.

Italy dumped \$2.4-million worth of handguns into this country in 1968, and these exports slumped to \$200,000 by 1970. For Spain, the decline was from \$1.6-million to \$200,000; for West Germany it was from \$6.6-million to \$3.3-million; for Brazil, from \$2.3-million to \$600,000; for Belgium, from \$3.5-million to \$1.4-million.

But the "poverty" resulting from this decline apparently is no more than a Treasury Department hallucination. Martha Carbone, the State Department officer concerned with special trade agreements, says: "The embassies would be the only ones with data on that. They've never given it to us. The embassies of Italy and Spain have been the ones that have mentioned it." Did they just mention it, or did they scream about it? "Well, we've been talking about it, shall we say?"

Asked about the Treasury's description of the economic chaos in Italy, an official of the Italian Embassy said: "It is true that Italy was damaged a little by the gun embargo, but it is not true that Brescia and its province—the center of our gun manufacturing—is 'ghostlike.' There are too many really important things in GATT to worry about guns right now.

"Where did you hear that we had ghost towns?"

The Treasury Department.

"Oh, Well, then, you should be a gentleman and write it that way."

Officials at the Brazilian Embassy were equally ignorant of any economic slump caused by the gun embargo, and at the German Embassy an official said: "I have no knowledge of unemployment caused by the gun-control act. We have very vehemently opposed the law, of course, but we have no unemployment. We have so little unemployment in Germany that we even employ quite a lot of foreign labor."

Actually, according to John Sipes, director of the State Department's Office of Munitions Control, the great majority of the guns imported before the 1968 embargo were military-surplus weapons, so the foreign industry could hardly be affected much. "We weren't importing many new guns," he says. "The foreign manufacturers may have lost a few mail-order sales to gun nuts in this country, but as far as volume sales, it did not come from new manufacture. I'd say at least 75 per cent was military surplus."

Nevertheless, Treasury officials proceeded with their little farce. They would rescue U.S. trade from the shoals of gun discrimination; they would create an atmosphere of international fair play by establishing standards that would apply to domestic manufacture as well as to foreign imports. And as a fillip to their heroism, they set forth to do all this in such a way as to protect the U.S. consumer from defective merchandise—which, in a consumer-oriented era, they recognized as being a much more sensitive point than the question of whether it was intelligent to manufacture the product at all.



So with \$135,000 in tax money, the Treasury hired the H. P. White Laboratory of Bel Air, Md., to test 150 guns representing 58 different models from seven foreign countries and the United States to determine if objective tests for safety and reliability could be set up.

Significantly, although the press and the general public were refused information about what was going on at White Labs, the N.R.A., the gun lobby, was kept abreast of it all, and when the tests were about half finished—they ended in August—N.R.A. officials were permitted to take pictures and look over the records of the experiment. One official at White Labs explained that "in order not to offend the shooting community too badly, they [Treasury officials] sort of solicited the N.R.A.'s participation in this, so they went overboard to divulge information to them."

To nobody's surprise, D. R. Dunn, manager of White Labs, concluded that an adequate test for reliability and safety had been put together. The most important part of the test was 5,000 rounds of test firing for each pistol.

That is one hell of a lot of testing, so it was also to nobody's surprise that Dunn reported only 6 of the 58 models passed. To expect a Saturday Night Special to survive a test like that would be to expect a trade miracle. None occurred. Of the nearly two dozen .22-caliber pistols tested, only one survived, and it was not one of those costing less than \$20. It cost \$71.58. None of the .25-caliber models came through the test.

That, at least, was the official report paid for by the Treasury. But, interestingly, there had been unofficial reports seeping out of the laboratories that much cheaper guns were doing quite well. When the tests were 85 per cent completed, an official of White Labs told me that although the N.R.A.'s magazine, *American Rifleman*, had carried an article implying that "a small, imported, low-grade handgun is either unsafe or unreliable, I can cite within our test data here a small imported low-grade handgun that whistled through everything we could throw at it. The weapon cost \$40. And I can cite a very expensive U.S. prestige weapon that failed after 15 or 16 rounds. You can make a gun of papiermâché, and if it passes this test, then in our opinion it is a very safe weapon. It makes no difference whether it costs 25 cents or \$2,500, whether it has a very respected seal on the side of it or whether it was made up in somebody's backyard. The testing would seem to say to us that the failure cannot be related to cost, origin, type or whatever. But within that trend, there are some shadings."

The N.R.A., the Administration and Hruska and his gaggle of gun lovers are all pushing the White Labs test as the heart of whatever legislation is written to outlaw the Saturday Night Special. With luck, they can persuade Bayh and others to accept the test as an amendment. Bayh has said he is open to such a suggestion. Representative Murphy has already written the test into his legislation. If Congress agrees on this reform, then the Special, that absurd little piece of deadly gadgetry, will indeed be standardized off the market.

And at that point the trap will be sprung. Respectability will have been stamped upon the handgun traffic in America, for after that all guns sold on the open market will be federally certified as "safe" and "reliable."

If that happens, any further significant extension of the Gun Control Act of 1968 will be extremely difficult, if not impossible, to accomplish. Even under the best of conditions, Congress hesitates to oppose the gun lobby, and any reform movement within Congress would be at a tremendous psychological disadvantage if the lobby could argue that only "safe" and "reliable" guns were being sold.

If the performance standards are applied

to imports without discrimination, it will also mean—if GATT is to be satisfied—that the floodgates will again be lifted on the foreign military-surplus weapons (both handguns and rifles) specifically prohibited by the 1968 act. If U.S. military models are available commercially, their foreign counterparts should be, too. At least that is the opinion of Senator Hruska, who hopes devoutly that this will be the case. The N.R.A.'s position on military-surplus imports is not yet clear, but Jack Basil, its legislative director, speaks kindly of them: "We would be in favor of getting rid of unsafe guns. We're for it, the gun manufacturers are for it, everybody's for it. People play on emotions too much when dealing with gun safety. At the time of President Kennedy's assassination, they were yelling about the Italian rifle Oswald used. They were being melodramatic about guns, rather than judging them from technical standpoints. Same thing is true about the way they judged foreign military-surplus guns. Before the 1968 law, a lot of people were saying the U.S. was the dumping ground of cast-off guns. They were using emotional phrases like that. Actually, some of the foreign military-surplus imports also seems to be favored by some members of the Administration, including Associate Deputy Attorney General Donald Santarelli, who in 1969 told the Senate that he believed it was "unfair to exclude the good with the bad." He also said he thought some foreign surplus military weapons were very good.

Indeed they are. Good and sometimes inexpensive. Often as inexpensive as Saturday Night Specials. Many of the more than one million of these goodies that were imported in the last year before the embargo are still on the market, and their bargains shine from the advertisements in any gun magazine: A British Enfield Mark 1, a .38 that, the ad says, was "designed for rapid, close-quarter defense work," only \$19.95; a .450 Webley & Scott by the famous British maker with a 2¼-inch barrel that fits in the pocket nicely, only \$30; the same kind of Luger used by the Luftwaffe during World War II, \$36; the P-38, sidearm for the German Army in World War II, only \$19; a French M-35-S, built much like a Browning automatic, \$23.

Many of these guns will probably pass the performance test, which means that, so long as the supply of military-surplus imports holds out, the aspiring hoodlum can go into business with a life-time gun for well under \$40, perhaps half that amount. Of course, he will have to pay more for the heavier caliber ammunition, but offsetting that extra expense will be the comfort of knowing that he will no longer be faced with the embarrassing misfirings that so often marred the performance of the Saturday Night Specials.

Even if the adoption of the performance test cuts the importation and domestic production of handguns in half, though, Kennedy and Bayh may sign almost nostalgically for the return of the Saturday Night Special, for, say what you will about it, it does have one virtue: it falls apart fast. Fire a hundred rounds from some of the species and there's a good chance it won't be good for anything but a paperweight thereafter. Not so, the finely crafted \$100 rod. There are Colts and Smith & Wessons that have fired many thousands of rounds over many years, and though they are outwardly battered, they are just as deadly efficient as ever.

The same is true of many of the foreign military-surplus handguns imported before the 1968 act. As Sipes, the State Department munitions expert, observed: "This surplus military stuff never dies, you know. Nobody ever buries these damn things. They keep moving around, passed along from owner to owner, for years and years."

Most of the 30 million handguns in this country are the quality jobs, and they will still be around and will still be just as dangerous 50 years from now unless they are bought up (or confiscated) and melted.

You don't hear many Federal politicians pushing that kind of remedy. They fear the National Rifle Association. The late Senator Thomas Dodd of Connecticut, who carried on the gun-control fight for a decade, lost in his first bid for re-election after passage of the 1968 act. Another leader in the control crusade, Senator Joseph Tydings of Maryland, was also defeated in 1970. Leonard S. Blonides, a former Maryland legislator who pushed gun-control legislation and who is vice president of the National Council for a Responsible Firearms Policy, is under indictment on two counts of bribery, one of conspiracy and two of malfeasance in office. His friends feel he was framed by the gun lobby—and the lobby, eager to be considered omnipotent in matters of vengeance, encourages the idea, just as it encourages the idea that it knocked off Dodd and Tydings, which is a considerable exaggeration; both men had plenty of other troubles.

The toughest gun-control advocate in Congress is Representative Abner Mikva of Chicago, who stops short of advocating confiscation but does have legislation that would prohibit the manufacture, transportation, sale or transfer of handguns for any purpose but police or military work or competitive target shooting, with the proviso in the last case that the guns be kept locked at the target range. His bill also allows the Federal Government to buy, at a fair market price, any handgun a citizen turns in.

Representative Emanuel Celler of New York, chairman of the House Judiciary Committee, must think well of Mikva's bill, in principle, since he incorporated some of its provisions into his own bill. But there are more than 160 other gun bills stacked up in Celler's committee awaiting action—some for expanding gun controls, most of them for repealing the 1968 act—and Celler doesn't seem eager to open that can of worms. He has yet to set a hearing on any of the bills.

"The real problem in getting attention here," says Mikva, "is that Celler and others sympathetic to tightening gun controls think any effort will be futile. I think I could talk from now to doomsday that Tydings wasn't knocked off by the lobby, but a lot of Congressmen would continue to think he was. My colleagues say they can't afford to sponsor my bill. I guess I've talked to 50 or 60 who say they would like to see stronger controls, but they say they can't get involved. I have no—I repeat, no—rural sponsors, though I can tell you that at least two dozen rural legislators say they would like stronger laws."

"I ran into the same thing in the Illinois Legislature. I started out in 1965 with 110 co-sponsors of a bill to register handguns, and by the time the Illinois Rifle Association got through, all but 38 had withdrawn their names. The lobby even came in advocating that we repeal the 'Capone Law'—our anti-machine-gun law. They were putting out brochures saying, 'The Russians know how to use machine guns, but American citizens don't. Americans are helpless.'"

"There's nobody even second to the N.R.A. as a lobby. They are working down there at the precinct level. You can't beat something with nothing—and those of us who want tough controls have virtually nothing. There's no organization on our side. You can't take on the gun lobby with good will. That's where the next set of tragedies will work."

The Nixon Administration will not support more gun controls. Attorney General John Mitchell has said so. Richard W. Velde, associate administrator of the Law Enforcement Assistance Administration, says that those who want more controls must have forgotten

that, after all, "the use of firearms is but a small segment of the over-all crime problem."

But the most serious handicap faced by anyone who tries to legislate total handgun control is not the irrational passion of the gun nuts and it is not the waffling of Federal politicians and bureaucrats. The most serious handicaps, oddly enough, are thrown up by the police and the "nice" people of America.

Carl Perian, who was Dodd's chief of staff before going with Congressman Murphy, may have a point. "After 17 years with the juvenile delinquency subcommittee," he says, "I have concluded that a great number of police officers enjoy the Wild West aspect of being a cop. We went to the Watts riots, right in the middle of it. The cops had bushel baskets full of guns they had taken off rioters and looters. But the precinct captain was very upset because we were investigating the gun traffic. He said that just because the rioters had hundreds of guns was no reason to prevent people from owning guns."

Police Chief Jerry Wilson of Washington recently told newsmen that he didn't think that Iowans should be strapped with a tight Federal gun law just because the District of Columbia's underworld is heavy with armament. Milwaukee's police chief came out in opposition to gun registration and licensing. The Minneapolis Deputy Police Chief, Gordon Johnson, is against gun controls and says his feeling is shared by a majority of policemen in his area. Commissioner John Nichols of Detroit, though confronted with the most anarchistic gun situation in the nation, says he supports the outlawing of private handguns in theory but considers such a plan no more practical than the 18th Amendment's prohibition of liquor. Virtually all small-city police chiefs refused to support Mikva's or Murphy's bills.

Top police officials in Chicago, Cleveland, Oakland and New York proclaim a passionate desire to see handguns restricted to police use. But more often than not, the tough talk ends in compromise. Nobody has seemed more earnest in advocating total control than New York's Commissioner Murphy, but he says he would be willing to see guns left in the hands of "some businessmen and merchants." His chief of detectives, Seedman, says: "If I were the owner of a jewelry store, I'd like to have a handgun on the premises." And the New York police ballistics expert, Rorke, says it would be "unreasonable" to ask sportsmen to leave their guns locked up at the firing range.

Those who take Rorke's position argue that people who buy guns for lawful reasons, sportsmen and the like, hardly ever go astray. "Of the 20,000 registered guns in this city," says Rorke, "no more than five or six have ever been used in a crime." This is the most dangerous argument, that firearms can safely be allowed in the hands of sporting fellows and decent citizens. You hear it stated, or see it implied, everywhere.

When former Governor Brown spoke on behalf of all laws that would take handguns out of circulation, he pointed out that "most murder in real life comes from a compound of anger, passion, intoxication and accident—mixed in varying portions." The prototype who emerges from that is the low-class, squabbling drunk. It's not hard to get agreement that guns should be kept from such people. But until the happy day of gun confiscation arrives, "nice" people should be allowed to maintain a gentlemanly arsenal. Right? Brown must think so, too, because he keeps a handgun in his home.

Congressman Murphy, in pushing his Saturday Night Special bill, said: "These gun nuts think their weapons are extensions of their penises." That colorful remark conjures up the kind of psychotic that most people would agree should be kept away from

guns. But of course no one would think it applied even remotely to the Chief Justice of the Supreme Court, Warren Burger, who answered his doorbell the other night to confront two reporters with a loaded six-shooter.

If "nice" people were easy to spot, it might work out. But the police blotters have proved many thousands of times that so long as there is this notion that "nice" people should have guns and "bad" people shouldn't, the "bad" people will wind up with more than their share anyway.

And Bayh and Kennedy and Murphy and their allies are likely to learn that attempts to pacify the nation by discriminating against bad guns will work no better. It is easy to work up almost total agreement on outlawing the shabby Saturday Night Special. But it wasn't a shabby little Special that Sirhan Sirhan used to blow the back of Bobby Kennedy's head off. It was a well-constructed Iver Johnson .22—a product, like the Kennedys, of Massachusetts.

#### THE LEGAL MISHMASH

Laws relating to the buying and keeping of handguns are a mishmash, and except in a dozen states (notably the Northeastern bloc—New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Pennsylvania) where the standards are high, they are mostly mish.

In those areas of the country where handguns equate with *machismo*—places like Louisiana, Arizona, Nevada, Texas, Mississippi—control laws are nonexistent or scarce or largely ignored. In Texas, for instance, there is no required waiting period before purchasing a gun, no required permit or registration of guns, no license needed for carrying weapons either openly or concealed, no license needed for carrying a gun in a vehicle.

In New York, handguns are controlled by all those restrictions, but the law's enforcement is undermined by the "easy-buy" states. Merchandise sold out there has a way of getting to the big city via what Mayor Lindsay calls the "wide-open national handgun commerce."—R.S.

#### PEACE CORPS IN NEPAL

Mr. PERCY. Mr. President, when I was in Nepal in August, I had the opportunity to visit with many members of the Peace Corps serving in that country as I have done in dozens of countries over the past 10 years. I was most favorably impressed with their technical contributions to the Government and people of Nepal, and by their enthusiasm and determination to work constructively with the Nepolese.

Duane Karen, a fine young volunteer from Wisconsin, for example, was prepared to walk for 9 days to get to the village where he was to work, but by flying together to an interior airport he was able to reduce this to only two walking days away from the village. I had confidence that this fine young man was prepared to make the sacrifices necessary to achieve credibility in his village.

After observing a number of Peace Corps projects in Nepal, I came away with much respect for their projects in education, agriculture, community development, and forestry.

Peace Corps volunteers have now begun serving as field technicians working side by side with representatives of the Government of Nepal and UNICEF in a cooperative effort to supply the rural villages and bazaar towns of Nepal's

middle hill regions with convenient, sanitary water for domestic consumption. The need for water supply delivery systems in Nepal is acute; of the 28,000 rural or village communities in Nepal, only 4,000 have elementary water supply systems, few of which are adequate or safe. It is not uncommon for a woman to walk for a half hour to a water source, wait another half hour for her turn, and then walk the half hour home loaded down with several gallons of polluted water.

The contaminated drinking water thus obtained contributes to a high infant mortality rate and the occurrence of disease in the population. The work efficiency of adults is seriously lowered by the prevalence of amoebic and bacillary dysentery, and the water supply carries other intestinal parasites and infectious diseases such as cholera, typhoid, and hepatitis.

Another new Peace Corps program will help alleviate the problem of protein deficiency in Nepal by helping farmers to build and maintain private fish ponds.

In the area of education, Peace Corps volunteers are contributing their skills to the modernization of Nepali teaching methods. The objective of the STEP—science teaching enrichment program—program developed in 1966 by a volunteer and his Nepali coworker is to modernize science education at the secondary level. It is administered by Nepal with advisory and financial support from US AID, UNESCO, and UNICEF. The central focus of STEP is on the Nepali teacher and his role in teaching the creative skills of observation, conceptualization, generalization, and problem-solving. Since there is a lack of trained teachers to implement the STEP program, Peace Corps volunteers are augmenting the teaching force and introducing innovation and ingenuity within the framework of the prescribed syllabus and curriculum. In addition, science teachers in Nepal are invariably requested to teach mathematics and Peace Corps volunteers are sought to lend fresh impetus to math instruction by making mathematics relevant to the student and his environment.

Under the program for Revision and Improvement of Mathematics Education—PRIME—a few Peace Corps volunteers who have been teaching in the field are working with two Nepali math teacher educators to develop teaching materials and teacher manuals and to train Nepali math teachers to participate in the PRIME program.

In the area of agriculture extension, volunteers serve as junior technical assistants to Nepali Agriculture Development Officers in selected districts throughout Nepal. As of October 1, about 65 volunteers were serving in this program, primarily in Terai, but also in several hill villages. The volunteers provide technical assistance to farmers, thereby assisting the Nepali Government toward its goal of increasing agricultural production by 16 percent in the 1970-75 period. They assist farmers in improving seed, implements and irrigation facilities as well as contributing toward the development and systemization of transport and communication facilities essential to the development of agriculture. In high



priority districts designated as Intensive Agriculture Districts, a new group of volunteers will help farmers increase their production of rice, wheat, and corn.

Since India is moving toward self-sufficiency in small grain production, Nepal will lose some of her Indian market and therefore will have to develop grain varieties with better milling quality in order to compete in the international market.

Other Peace Corps volunteers with specialized skills are working in other significant assignments. Four volunteers with degrees in forestry are working with the Nepali Government and the United Nations Development program in developing Nepal's natural resources both for marketing purposes and conservation. Two volunteers with degrees in geology are involved in groundwater surveys with the objective of developing irrigation projects. Two recently arrived volunteers with graduate degrees are teaching courses at Tribhuvan University in Kathmandu, and two volunteers will soon begin work at Nepal's new Center for Economic Development and Administration. One of these volunteers will conduct seminars in business administration and one will help set up the center's documentation library.

The relationship between the country director Mr. Mike Furst, as well as his wife, Shirley, and the peace corps volunteers in Nepal is one of great respect and admiration, as is the relationship between them and our very able career Ambassador Carole Laise. The firm working relationship also between our American officials and the officials of the Nepalese Government contributes greatly to the success of our program in this strategically located and important country.

#### THE QUALITY OF THE ENVIRONMENT

Mr. McGOVERN. Mr. President, the quality of our environment is of constant concern to the average American. The rampant disregard for the preservation of our most valued natural resource, pure water, has reached crisis proportions and must be dealt with on a crisis basis.

Representative BELLA S. ABZUG, who has a great capacity for shedding light on a difficult problem, has written a splendid article entitled "A Bold Program for Clean Water," which was published in the October issue of the *Progressive*. I commend it highly to Senators who are interested in and concerned with the conservation of our natural resources. I ask unanimous consent that it be printed in the *RECORD*.

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

#### A BOLD PROGRAM FOR CLEAN WATER (By BELLA S. ABZUG)

Our Nation's waters—our most precious natural resource—are rapidly being transformed into a vast, rancid sewer. Scarcely an uncontaminated body of water remains in the United States. A constant torrent of waste, mostly untreated, pours into our waterways from farms, factories, and cities. And despite Administration claims of prog-

ress, the situation is getting worse. Present Government programs are hopelessly inadequate.

Most of us assume that the sewage we flush down our plumbing pipes is being properly treated by some unknown, unseen plant at the other end. In fact, however, much of the human waste produced by Americans is dumped into our waterways with little or no treatment. More than 400 million gallons of such waste are dumped into the Hudson River every day after some chlorine has been added to kill the odor; samples taken there recently showed the intestinal bacteria concentration to be 170 times the "safe" limit set by the Environmental Protection Agency (EPA). Similar horror stories can be told about almost every other major American waterway. The Cuyahoga River in Cleveland is notorious for being so loaded with industrial wastes and oil that it is actually combustible. The EPA has warned that touching or being splashed by water from the Potomac River is a health hazard.

In the case of many lakes, the damage is already almost irreversible. Lake Erie, once the source of a thriving fishing industry, is now considered "dead," even if nothing but clean water entered the lake from this day on, it would take centuries to restore the lake to health. Even the oceans are poisoned. Swordfish has disappeared from our tables; what will be next?

In every part of our country, industry has used our waterways as cheap dumping grounds in which to unload its waste. Some 12,000 potentially toxic chemicals are in industrial use today. Little information is available to the public on the dangers posed by these chemicals when they are improperly dispersed.

In a recent survey, one out of every three samples of drinking water taken by the Department of Health, Education, and Welfare's Bureau of Water Hygiene was found to be unsafe.

We do have a choice about all this. We can continue on our reckless way, or we can take steps—and they must be giant steps—to arrest the deterioration and to begin the job of cleaning up. It will not be cheap. We must recognize that our efforts up to now have been almost completely ineffective. A recent study by the General Accounting Office concluded that the \$2 billion spent since 1956 on pollution control has merely slowed the deterioration of water quality.

We cannot do the job by patching up old programs. A comprehensive and tough new approach is needed.

The House Committee on Public Works, of which I am a member, is presently in the process of formulating new water pollution legislation. I have introduced a bill, H.R. 10366, which could make an effective start towards cleaning up our waters.

Water sewage treatment facilities are an essential means of pollution control. My bill authorizes \$5 billion a year for construction of these facilities—more than any other bill pending and a minimum to begin to do an effective job. It also provides for reimbursement for local and state governments which have prefunded the construction of plants which meet grant requirements under present law but for which Federal money has not been available. These plants were constructed in anticipation of Federal funding, and it would certainly be unfair to finance plants in these states which have failed to meet their responsibilities for sewage treatment without reimbursing those which have.

Operated by local governments, these facilities treat residential and industrial sewage before it enters open waters. With full treatment, such plants have the capability of purifying sewage to the quality of drinking water. The waste from localities which do not have such facilities either goes into individual septic tanks (which often leak into the surrounding soil and waterways) or

directly—and without treatment—into nearby bodies of water. The facilities which do exist are often overworked, or simply are not equipped to handle the new chemicals which appear as waste. Many of the existing treatment facilities treat waste only on a "primary" basis, which has been described by one official as "pulling the dead cats out of the water."

Merely by running a pipe to such facilities, industry is provided with a free and legitimate avenue for disposing of its waste. It does not, in such instances, have to concern itself with the problem of disposal. Obviously, this situation offers no incentive to industry to seek new means of disposing of its wastes or of reducing the volume of pollutants it discharges.

Instituting a system of user charges, however, would do much to remedy this state of affairs. Under this policy, proposed in my bill, industries would pay for the use of treatment facilities, in proportion to the volume and strength of the waste products they discharge. This would provide a significant incentive for businesses to seek new production processes which would create less waste, to rely more on recycling of waste products, and to develop more effective in-plant controls. Taxpayers would no longer have to carry the burden of cleaning up after industry.

In the few areas where user charges have been tried, they have been quite successful. Faced with a user charge of \$1,400 a month, a Missouri packing plant altered its production processes and reduced its waste to a point where the charge dropped to \$225. In Otsego, Michigan, a plant that had been discharging 1,500 pounds of effluents per day and overloading the local treatment center found ways to reduce the outflow to less than 500 pounds daily after users charges were instituted.

A user charge system, then, would go a long way towards reducing the pollution caused by industrial waste discharges. However, big industry is not the only villain of this piece. The Federal Government itself is among the worst polluters. In 1968, the Department of Defense alone was responsible for more than 335 million gallons of human waste per day, of which approximately twenty-five to thirty-five per cent was inadequately treated (i.e., given less than secondary treatment). The Navy contaminates our harbors and estuaries with waste from more than 700 U.S.-based vessels, of which only three have any sewage treatment facilities at all.

Many other pollution problems complicate the control picture. Water ecosystems are destroyed by thermal pollution resulting from use of waterways to dissipate the heat generated by nuclear power plants and industrial processes. Many chemical wastes require special and expensive treatment; in some cases, industries simply sink the more toxic of these wastes into deep wells. Relatively small concentrations of certain materials, especially metal compounds and pesticide residues, are concentrated in the bodies of water organisms and further concentrated in the bodies of predators of these species. This process has resulted in the dangerously high levels of mercury in ocean fish which have already done great damage to the fishing industry and have led to the near extinction of several species of sea birds through DDT poisoning.

Much pollution also originates in "non-point" sources such as agriculture and mining. Acid wastes and poisonous metal compounds from mines, fertilizers and pesticides from farmlands, mud from eroded hillsides—vast quantities of these and other pollutants are washed into waterways by rain. Phosphates from fertilizers cause "eutrophication" of water bodies, depleting their oxygen supply to the point where only "trash fish" and algae can survive. A complex ecological system is reduced to a simple and degraded

one; when the process has gone far enough, the body of water can be considered "dead."

It has been estimated that more than half of the water pollution in some areas of the United States is caused by such non-point pollution. Stricter regulation of agricultural, lumbering, and mining practices will be necessary to begin to cope with this problem.

Of course, the construction of more and better sewage treatment plants will be of little help if industry chooses not to use them and builds or relocates its facilities in areas which lack such plants. H.R. 10366 would require states to set minimum quality levels for all navigable waters, and maximum levels for plant effluents, in accordance with Federal guidelines. These guidelines require a provision excluding all materials designated "toxic" by the EPA from waterways and urge the establishment of programs for the recycling of waste. The states would have to submit to the EPA detailed plans for implementing and enforcing these standards, including compliance schedules and timetables for restoring our waters to a safely usable state for drinking, recreation, fish propagation, and for the countless other uses we make of this valuable asset.

Raising standards is only part of the answer, for even the weak standards which presently exist have not been vigorously enforced. Existing law gives Federal and state agencies far too much discretion as to how and when to enforce the law. Civil penalties have been levied too sparingly, and even the most blatant violators have rarely been brought to court.

H.R. 10366 would greatly strengthen the enforcement powers of the Environmental Protection Agency. It would raise maximum fines and introduce minimum fines for the first time. Violators would no longer be given six months to comply with the law, but would have to do so immediately. The cumbersome procedure of enforcement conferences would be eliminated. Criminal charges could be brought against willful violators of state standards. In addition, H.R. 10366 would permit individual citizens to take the EPA to court if it failed to enforce the standards set under the law. Citizens would also be empowered to bring suit directly against polluters, and to receive a portion of any fine levied by the courts.

H.R. 10366 is only one of more than 150 water pollution bills pending before the House Committee on Public Works. The Committee has conducted extensive hearings over recent months to define the extent of the problem and to consider a wide range of proposed solutions. This fall the Committee will go into executive session to develop a totally new water pollution bill. It will consider whether or not it has the political power to report out a strong and complete bill, a bill which would effectively begin the job of protecting and cleaning up our nation's waters.

Similarly, the Senate Public Works Committee is developing legislation. Both House and Senate should have completed their work by late September and the bill should reach the floor by mid-October.

Without strong and concerted citizen pressure, it will be impossible to pass effective legislation or to get it enforced. Without sustained work by environmental groups, we would not have even the rather weak legislation that now exists. It is important for citizens to organize and express themselves in relation to the legislative work now in process. Major polluters have a large economic stake in avoiding and delaying expensive pollution control efforts; they form a powerful lobby.

Only in the face of strong, united citizen pressure will the committees report out and Congress approve a bill that carries any hope of effectiveness.

The answer to pollution problems cannot be purely legislative. The political reality at

this time is that Congress cannot specify the many detailed water quality standards, effluent limitations, and other specific measures required to put legislation into effect. Any bill we can get passed will leave much discretion on setting standards and their enforcement to the Administrator of the Environmental Protection Agency. We are trying to pass a bill which will tighten up enforcement procedures. But for effective enforcement, the efforts of environmentally minded groups and citizens will be necessary. They will need to use the citizen suit procedures; to identify and publicize problems; and to create a climate of opinion within which the Administration will have to enforce the legislation. Each of us can play a part.

#### PSEUDOSCHOLARSHIP

Mr. EAGLETON. Mr. President, last week the distinguished Senator from Massachusetts (Mr. BROOKE) called our attention to a polemic entitled "The News Twisters," written by Edith Efron, which purports to be authentic, highly professional research into network news practices. It turns out that this research is more than a little suspect. In fact, in an editorial published on October 15, the St. Louis Post-Dispatch, one of the Nation's great newspapers, described the book as "pseudoscholarship masquerading as valid research."

Ben H. Bagdikian, the noted author of "The Information Machines," characterized the work as "dishonest, inaccurate, unscientific and pretentious." Maury Green, reviewing the book for the Los Angeles Times, writes:

Even a kangaroo court would demand better evidence.

And Edwin Diamond, on WTOP-TV, deplored "this kind of malice in wonderland."

I ask unanimous consent that the St. Louis Dispatch editorial and the reviews by Ben H. Bagdikian, Maury Green, and Edwin Diamond be printed in the RECORD.

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

[From the St. Louis (Mo.) Post-Dispatch, Oct. 15, 1971]

#### HECKLING THE NETWORKS

The deliberately "explosive" thesis that the three television networks are polluting the mainstream of political information in the United States is advanced in a new book titled "The News Twisters." That the initials of the title spell TNT is admittedly a contrivance designed to jar the supposedly mesmerized TV viewer into an awareness that the networks' news coverage—as shown by a study of their treatment of the 1968 presidential campaign—is "strongly biased in favor of the Democrat-liberal-left axis of opinion, and strongly biased against the Republican-conservative-right axis of opinion."

Offered with the questionable claims that its findings are based on a simple but heretofore unavailable method of measuring political bias and buttressed by massive documentation, the study is touted by its author, Edith Efron, a staff writer for TV Guide, as a manual for detecting what the author views as slanted news and as a means of "correcting" the TV networks in time to prevent them from poisoning the public with their left-wing ideology during the 1972 presidential campaign.

Contrary to the grandiose claims of its author and promoters, the book is simply not what it purports to be. The author, despite her alleged discovery of truth, has no "simple analytical method for ascertaining" bias; she and her coworkers, by applying their own simplistic rules to the analysis of an extremely complex set of issues, have merely "proved" network news bias by finding that it does not conform to their own subjective notions of fairness. (To report that "hecklers threw rocks, eggs and tomatoes at George Wallace" is showing bias against Wallace because the throwers were called "hecklers" instead of "hoodlums.") The alleged voluminous documentation of bias consists merely of a sequential listing of the author's conclusions, with virtually no supporting texts from broadcasts.

Although the networks may be faulted at times for the shallowness and brevity of their political coverage, this book does not even make that case. It is pseudo-scholarship masquerading as valid research. The fact that publication of the book was subsidized by a far-right foundation tells as much as one needs to know about its validity. Yet no doubt Republican campaign orators like Vice President Agnew will use it in the 1972 campaign to heckle the networks and create the sort of news credibility gap on which those who wish to manipulate the news thrive.

[From the Washington Post, Oct. 11, 1971]

#### THE NEWS TWISTERS

(By Edith Efron)

This book is dishonest, inaccurate, unscientific and pretentious. Furthermore, it's not very good. Ordinarily it would be worth attention only as a demonstration on how to doctor evidence. But it deserves examination because it is undoubtedly destined to enter political literature as holy text for those who wish to prove at any price that Spiro Agnew is right.

There are lots of things wrong with network news but the networks couldn't have hired a more effective worker to make criticism look silly.

Edith Efron, a member of the staff of TV Guide, set out to measure bias in prime-time network newscasts. She uses the method of—pardon the expression—objectivity; that is, description without personal judgment. True objectivity is possible in measuring fenceposts: everyone agrees what an inch is and anyone can check someone else's measurement with a standard yardstick.

Writing, including journalism, is something else. If a dozen honest people had to cut down six hours of possible material to 22 minutes they would come out with dozen different selections. The same word can strike different people in different ways. Where objective measurement of bias has been tried, it has been effective to the extent that the method has been sensible, applied honestly and used modestly, characteristics that do not shine forth from this book.

The author recorded all network newscasts between 7 and 7:30 p.m. during the height of the 1968 political campaign, September 6 to November 4 (for some reason, no weekend interview shows). She transcribed 300,000 words from the three major presidential slates and 10 subjects. With each she looked for what she calls orientation toward Republican-conservative-right axis or Democratic-liberal-left axis. She counted words and made charts and conclusions.

Some of her conclusions:

"The networks actively slanted their opinion coverage against U.S. policy on the Vietnam war."

"... network coverage tends to be strongly biased in favor of Democratic-liberal-left axis opinion . . ."

"All three networks clearly tried to defeat Mr. Nixon in his campaign for the Presidency



of the United States . . . The opinion-selectivity of all three networks resulted in: 1) a portrayal of Mr. Humphrey as a quasi-saint, 2) a portrayal of Mr. Nixon as corruption incarnate."

" . . . the networks were favoring the radicals."

Bias against U.S. war policy? All major candidates agree against existing—that is, Lyndon Johnson's—war policy, so accurate reporting of what they said would result in a preponderance of criticism against existing policy.

In this, as in other things, Miss Efron displays a talent for dizzying contradictions. "It is worth noting," she notes, "that all three networks virtually ignored the pure 'hawk' or conservative or 'victory' position." Seven lines later she calmly discloses that she did not include attacks on government war policy by Barry Goldwater and Curtis LeMay because "they charged the government with fighting a 'no-war war.'"

She prints a number of bar graphs analyzing her word counts. The trouble is that the graphs show the opposite of some of her conclusions. Networks biased in favor of liberals? On page 40 she has a graph labeled, "The number of words spoken for and against liberals on the three networks combined—ABC, 77 for, 112 against; CBS, 0 for, 120 against; NBC, 101 for, 474 against." By my calculation that makes network words 20 per cent for liberals and 80 per cent against liberals. By Miss Efron's it comes out network bias in favor of liberals.

The pro-Humphrey bias? One of the more intriguing studies in human emotion will be a look at Hubert Humphrey's face when he reads on Page 50 that in the 1968 campaign the media treated him as a quasi saint." But that would be unscientific. On page 128 the author writes, "Where candidate Humphrey is concerned, the networks are split," and she says ABC was split, NBC is against Humphrey, and CBS split with its reporters for Humphrey and their quotation of others against.

On page 179 she says, "the networks were favoring the radicals." On page 46 she has a bar graph showing no network words in favor of radicals and 281 against. But on page 158 she says, "To all intents and purposes, network news behaves as if the New Left scarcely exists. The networks in effect are 'censoring' the New Left's identity." But on pages 43 and 44 there are bar graphs showing that on the subject of "Demonstrators" and "Black Militants" the network wordage was 13,260.

Crucial to the book's technique is how the author classified the broadcast words. We see her word counts, for or against certain subjects. And we see her paraphrase of "bias" on the newscast. But if you look at the actual broadcast words there is a strange relationship to her interpretations of them.

On page 330 Miss Efron says that the CBS newscast of Sept. 30 is an "editorial" in which a "reporter supports demonstrators." According to CBS, the actual broadcast transcript says that Humphrey "has not, however, figured out how to handle the demonstrators. When the hecklers wish, they can dominate his campaign appearances, and that frustrates and angers Humphrey and his staff. To that extent, at least, the hecklers have the upper hand." That's what the author calls, "reporter supports demonstrators."

She lists as an anti-Nixon "editorial" a message she paraphrases as "says Nixon is over confident; suggests he is a liar." The CBS script: "Nixon says he is warning his staff against over confidence, but he himself hardly looks worried."

Miss Efron has a remedy for the alleged bias: have the Federal Communications Commission label the politics of each network so that the political philosophy will be known "candidly and openly." She quotes copiously from William F. Buckley Jr. and his National Review and her book jacket con-

tains an enthusiastic blurb from him, identifying him as an editor and television commentator. She also acknowledges her thanks to "the Board of Directors of The Historical Research Foundation, whose confidence in me, whose financial generosity, made the entire undertaking possible."

If one looks up the foundation objectively, he finds that the same year Miss Efron got her grant it gave to right-wing causes: Foundation for Economic Research, Arlington House, and Louis Budenz. A trustee of The Historical Research Foundation? William F. Buckley Jr. How's that for "candidly and openly" stating editorial philosophy?

[From the Los Angeles (Calif.) Times, Oct. 8, 1971]

AUTHOR TAKES TV NEWSMEN TO TASK  
(By Maury Green)

In the first episode of this exciting new series, the heroine, Edith Efron of TV Guide and points to the right, gallops to the rescue of beleaguered Vice President Spiro Agnew. She reaches the wagon train just in time to drive off the attacking Indians, disguised as TV newsmen, before they can close in for the kill.

Think of the dramatic possibilities in the format!

In the next episode Miss Efron, as Sitting Bull's squaw, sends a band of renegade Indians to extricate Gen. Custer from the Little Big Horn. In another, playing the Duchess of Wellington, she tips Napoleon to her husband's battle plan for Waterloo.

This can change history. It already changes TV news beyond recognition. Miss Efron's new book, "The News Twisters," put out by Nash Publishing in Los Angeles, is at first glance the most damning, most massively documented indictment of slanting and bias in TV news ever published.

Miss Efron lumps all network newsmen together as an "ill-educated and intellectually pretentious" mob of "outright liars" hell bent on discrediting anyone who does not conform to their own perverse "radical chic" brand of liberalism.

She accuses them of deliberately slanting TV coverage of the 1968 presidential campaign against Richard M. Nixon.

She finds statistical documentation of the same kind of bias against American policy in Vietnam, against the entire white middle class, and in favor of black militants.

Her evidence on these and other cardinal sins is taken from a transcript of almost every word uttered on the ABC, CBS and NBC evening news broadcasts during the seven weeks of the 1968 campaign (Sept. 16 to election eve, Nov. 4)—some 300,000 words in all.

ANTI-NIXON WORDS 10 TO 1

Miss Efron finds, for example, that the three networks broadcast a total of 17,027 words against Nixon and only 1,620 words in his favor—an anti-Nixon ratio of better than 10 to 1.

In contrast they used 8,458 words against Nixon's opponent, Hubert H. Humphrey, and 8,407 words for him—roughly an even balance.

The result, she says, was a portrait of Humphrey as a "quasi-saint," Nixon as "corruption incarnate."

By similar statistical analysis she discovers that network TV news pointed a "crude racist cartoon" of America, encouraged the "actively criminal elements of the black power movement," and totally failed to let the public know that the radical New Left consists mostly of Marxist-Maoist-Marcusian revolutionaries whose aim is "class murder and dictatorship."

That's at first glance. At second glance "The News Twisters" becomes transparent. It's a \$3 bill passed off as intellectual currency.

Miss Efron never identifies those TV "liars"

by name, although you'd think she'd be tacking up "wanted" posters nationwide. Of course, if she named them she'd probably get hit by an avalanche of libel suits.

You'll have to take her on faith regarding those massive statistics; she doesn't disclose which words she evaluated as pro or con. Unless you fine-comb the 300,000-word transcript, which is not included in the book, the source of her figures remains a secret. (If you're rich enough, you can buy the transcript for the cost of reproduction.)

Repeatedly Miss Efron's own anti-TV bias peeps through the pages. It shows most clearly when her own statistics fail to support her own preconceived theory.

For example, she finds it damning that ABC and NBC were anti-George Wallace. But when her analysis turns up CBS as pro-Wallace, that "appears to mean nothing." Her argument that TV is anti-white middle class is derived, by Byzantine logic, from statistics indicating that TV is 2 to 1 in favor of that segment of society.

WORDS ALONE NOT INDICATORS

She completely ignores approximately nine-tenths of TV communication, which is not by words alone the only aspect she examines) but by picture and vocal intonation—factors which can completely reverse word meanings.

Even a kangaroo court would demand better evidence.

But the Historical Research Foundation, which paid for her study, obviously did not. This New York outfit was founded by the late Alfred Kohlberg, a close associate of the late Sen. Joseph McCarthy, who crusaded on even shodder evidence than Miss Efron's.

Miss Efron actually reveals symptoms of political schizophrenia. She urges that the FCC's Fairness Doctrine "be fought for militantly," coupling this with a statement excusing the bombing of broadcasting facilities on the ground that the "monopolistic practices of the networks are serving as provocateur."

In short, it'll serve them right if they're blown up!

This is a classic example of the Marxist-Maoist-Marcusian dogma which I would have thought Miss Efron would abhor. J. Edgar Hoover really ought to investigate this woman.

In short, it'll serve them right if they're episode of the book's TV version. Instead of the wagon train rescue, we'll open on a nice, quiet domestic scene showing Caesar's wife sharpening the knife for Brutus.

[From WTOP-TV 9 Sept. 22, 1971]

EDWIN DIAMOND COMMENTARY No. 105

What do you say about a brand new book that's dead wrong? Generally, you try not to give it any attention on the theory that any comment will boost sales . . . something like a movie being banned in Boston.

But the book, "The News Twisters," by TV Guide Editor Efron, has to be seen to be disbelieved. "The News Twister" is really bad news, and you have to wonder at the academics, on the left and on the right, who endorsed this pseudo-scientific attack on the three television networks.

The networks can defend themselves. That's not MY job. I want to defend myself . . . and the other members of the audience . . . whose common sense is assaulted by Miss Efron's mumbo jumbo.

First of all, her method consists of tape recording all the words of the networks tv news programs during the nineteen sixty-eight presidential race. To look at the words without the accompanying pictures is, simply, a distortion. Pictures on tv fill out the story. Second . . . and this is the whole shaky premise. . . . Miss Efron classifies all items of tv news in two ways: they are either for or against a man or a position. Everything in her world is partisan: there

are no facts, no neutral statements, no straight accounts. She cites an ABC story of how student demonstrators interrupted a speech by Senator Muskie—and calls this an example of anti-war opinion by ABC. Incredibly, Miss Ephron also calls this "anti-Muskie" opinion, and uses it to build the scientific looking charts in her book.

We've met Miss Ephron before; she's Lewis Carroll's Queen of Hearts, making up the rules of the game as she goes along. TV needs—and gets close inspection. But not this kind of malice in wondelrand.

#### CHUCK HUGHES, DETROIT LION

Mr. GRIFFIN. Mr. President, these are sad days for everyone who knew and admired the talented wide receiver for the Detroit Lions, Chuck Hughes.

This past Sunday, as the Lions were threatening to defeat the Chicago Bears with a last-minute touchdown drive, Chuck Hughes collapsed on the 15-yard line, having suffered a fatal heart attack.

Not a big man by National Football League standards—he was 6 feet tall and weighed 180 pounds—Chuck Hughes represented everything that make pro football the Nation's leading fall past-time—spirit, determination, teammanship, and the skill.

I know that the Lions will miss his services. I know that all who knew him will miss him.

Mrs. Griffin joins me in extending our sympathy to his family.

I ask unanimous consent that a news-story from the Washington Post of October 25, 1971, concerning the tragedy be printed in the RECORD.

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

#### HUGHES SUFFERS RUPTURED BLOOD VESSEL; LIONS' RECEIVER DIES

DETROIT, October 24.—Wide receiver Chuck Hughes of the Detroit Lions died of a ruptured vessel in the aorta today following a National Football League game with the Chicago Bears, Henry Ford Hospital reported.

Hughes, 28, collapsed as he returned to the Lions' huddle minutes before the end of the game. Artificial respiration and heart massage were applied as he lay on the field.

Hughes was taken from the field on a stretcher and rushed to the hospital, where he was pronounced dead about an hour after the game.

An autopsy will be performed Monday morning, doctors said.

Hughes' wife, Sharon, was among first arrivals at the hospital. Members of the Lions' team began arriving shortly thereafter.

Hughes, the backup man to Larry Walton, replaced Walton in the fourth quarter when Walton suffered an injury.

He caught a 32-yard pass with 1:38 to play in Chicago's 28-23 victory and was pinched severely between two Chicago defenders. He remained in the game for three subsequent incomplete passes and was just trotting back to the huddle with 62 seconds left when he collapsed on the Chicago 15-yard line with nobody near him.

"We gave him mouth-to-mouth (resuscitation) and cardiac massage," said Dr. Richard A. Thompson. "He never regained consciousness," said the Lions' team physician. "We thought we had him when we got it (his heart) going again, but . . ." and Dr. Thompson was unable to continue. A team of doctors also tried to revive Hughes at the hospital.

Several Detroit players cried openly when Hughes' death was announced.

Hughes was seemingly all right just before his collapse. Lyall Smith, public relations director for the Lions, said that quarterback Greg Landry and other members of the team told him in essence that "they all came back to huddle and everything seemed all right" on the previous play.

It was pro football's first game-related death since December 1965, when Mack Lee Hill died following surgery for a knee injury, and Hughes was believed to be the first player to suffer a fatal heart attack in an AFL game.

Hill, a fullback with the Kansas City Chiefs, had suffered torn knee ligaments in a Sunday game against Buffalo. He underwent the operation two days later and died of what a Chiefs spokesman described as a "sudden and massive embolism (blood clot) after surgery."

The 6-foot, 180-pound Hughes was drafted by the Philadelphia Eagles from Texas-El Paso in 1967. He was used as a reserve for three years by the Eagles before the Lions acquired him for a draft choice before the 1970 season.

He saw limited action last year, catching a career-high total of eight passes for 162 yards.

Hughes, one of 13 children, was a native of Philadelphia, but made his home in Sheridan, Tex., where he worked in a bank during the off-season. At Texas-El Paso, he made the All-Texas first team two years and captained the club as a senior.

#### THE UNITED NATIONS ON CHINA

Mr. KENNEDY. Mr. President, regardless of our individual positions on the issue of China's representation in the United Nations, I hope that in these difficult days for Taiwan, voices of reason and moderation will prevail in the United States and that America will be spared the hate and bitterness of yet another era of appalling inquisitions and reprisals over "Who Lost China?" To me, two immensely important points stand out in the wake of last night's vote:

First, the vote, however tragic for Taiwan, is not the end of the road for Chiang Kai-shek and his government. The deep and longstanding relations between the United States and Taiwan remain unimpaired. There is no weakening of the strong American defense commitment to Taiwan. Nor does the vote even mean the permanent end of representation in the United Nations for the people of Taiwan. Inevitably in the months and years to come, Taiwan and mainland China will resolve their mutual hostilities and antagonisms, and I am confident that when that day arrives, the people of Taiwan will again be represented in the United Nations, in accord with whatever status the island finally acquires.

Second, in spite of the shock at the departure from the United Nations of a friend of the United States so loyal and trusted as Taiwan, I hope that the administration and the American people will not focus exclusively on the negative side of the vote. Instead, I hope that we will see the new and extraordinary opportunities that now exist with Peking as a member of the world community. For the first time in nearly a quarter of a century, all the major powers of the world are represented in the United Nations. Vast new horizons for international cooperation are now opening, especially in areas like arms control. It would be a tragedy far greater than the

loss of Taiwan for the United States to fail to embrace these opportunities.

#### EXPULSION OF NATIONALIST CHINA FROM UNITED NATIONS

Mr. FANNIN. Mr. President, the vote by the United Nations to expel Nationalist China is shocking. It is an unjust act and a development which could damage hopes of maintaining relative peace in Asia after the Vietnam conflict is settled. The U.N. has expelled a legally constituted and constructive member. The U.N. has accepted and given powerful position to a belligerent Communist government which is hostile to principles the U.N. supposedly stands for.

The U.N. has floundered for years as an ineffective organization when the chips were down.

Enemies of the United States have participated in the world organization simply as a means of undermining our position in the world.

Monday night's vote only goes to emphasize the need for a complete reevaluation of our participation in the United Nations and our monetary contribution to that organization.

Certainly America's contribution should not be any larger than that of any other major nation such as the Soviet Union or the new member, Red China.

President Nixon has been trying to lay the groundwork for better world communications. Our Government's decision to accept mainland China into the United Nations was in keeping with this concept.

Instead of expanding and strengthening the United Nations, the U.N. vote Monday night was a serious blow to world cooperation and understanding.

A government representing 14 million persons on Taiwan has been told that, for no reason whatsoever, it is no longer welcome in the family of nations. This could happen to any other nation. The smaller the nation, the more easily it could fall victim to the whims of the U.N. delegates.

There is speculation that many delegates voted against Taiwan simply because they wanted to spite the United States. It was a case of smaller and less powerful nations taking delight in tormenting the leading power in the world.

Mr. President, if this is the case, then the United Nations is in even worse condition than I had feared.

There is talk in this Nation of a trend toward protectionism and isolationism.

It is no wonder that we have such a trend when faced with the actions such as that which took place Monday night.

#### COALITION FOR RURAL AMERICA ENDORSES TAX CREDIT FOR RURAL JOB DEVELOPMENT

Mr. PEARSON. Mr. President, one of the more potentially significant recent developments on the American political scene was the establishment last month of the Coalition for Rural America. This new organization was brought into being because of the growing conviction of the



need to move ahead with programs for rural development and balanced national growth, and because of the widespread recognition that the interests and needs of the total American rural community are not being adequately represented in the American political process.

Mr. Norbert Tieman, former Governor of Nebraska, is the president of the organization. Mr. Edward Breathitt, former Governor of Kentucky, is chairman of the board. The composition of the board, both in terms of the stature of the individual members and the range of their interests and philosophies, is an indication of the strength of the rural development movement, and a reflection of the growing recognition that we simply must do a better job of guiding the patterns of economic growth and population distribution.

Mr. President, on October 15, Mr. Mark Freeman, executive director of the Coalition for Rural America, testified before the Senate Finance Committee to generally advise the members of the committee of the coalition and its objectives and to specifically endorse the adoption of special tax credits to encourage job creating industrial and commercial enterprises in rural areas. Mr. President, I wish to call this excellent testimony to the attention of the Senate and ask unanimous consent that Mr. Freeman's statement be printed in the RECORD.

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

STATEMENT OF MARK H. FREEMAN

Mr. Chairman, members of the Committee, as Executive Director of the Coalition for Rural America it is my pleasure to appear this morning in support of Senator Pearson's amendment which, by providing increased incentives for rural investment, will be an important step toward truly balanced growth for this country. I speak on behalf of, and bring you greetings from, our Chairman, Governor Breathitt, Governor Tiemann, our President, and Governor Winthrop Rockefeller, our Executive Vice President.

The Coalition is newly formed and has come into existence to deal with a problem of long standing in our country. As Governor Breathitt put it:

"Through a complete lack of any governmental policy we have permitted rural America to deteriorate like a rusting hand plow languishing in a fallen down barn, while the social and economic problems once scattered across the thousands of square miles of our great land have become compacted into urban ghettos where they have become both more evident and more volatile.

"As former Secretary of Agriculture Freeman says, this process couldn't have occurred in a more insidiously efficient way if we had planned it in our national policy councils.

"Governor Tiemann and I have been chosen to lead the Coalition for Rural America. In directing the activities of the coalition, we will be guided by these principles:

"We are strongly in support of a structure of agriculture that includes prosperous family farms and an economically viable marketing and processing system based in rural areas.

"In building rural America, our aim is to see that development is consistent with the preservation and enhancement of a quality environment.

"We are concerned, not just with the aggregate development of the rural economy, but with eliminating the causes and ameliorating the effects of rural poverty, through

such measures as welfare reform and public service employment.

"We are committed to the principle of equal concern for, and equal involvement of, all the people of rural America, without discrimination on any basis.

"Admittedly these are broad purposes that take in a lot of territory. But the need clearly exists. The people who live in rural America need a voice, and we hope to give it to them. Certainly there are a number of fine farm organizations now existing, and we support their basic aims. We will work closely with them. But the fact is that the vast majority of the people now living in Countryside U.S.A. are not farmers, and they have no one to speak for them.

"Since the depression we have heard talk about rural development, but something seems wrong. Somehow there has been only talk and not much action.

"In the past ten years we have heard a lot of talk about balanced national growth—a balance between rural and urban America. Again, we have just heard talk. There are about 200 federal assistance programs designed in whole or in part to help rural America, and somehow they are not having an economic impact that would promote balanced growth."

Balanced growth for the United States is hardly a controversial objective. It is accepted on both sides of the aisle as something that is desirable and which should be encouraged. But what does it really mean and how can it be accomplished? These are questions that have never really been adequately answered, by either government or the private sector, and the search for these answers is one of the principal reasons the Coalition has been formed.

Certain facts are obvious and have been so for a number of years. Seventy-five percent of our population is urbanized, living on only 2% of our land, and each year 600,000 more rural Americans migrate to the cities. Experts predict that by the turn of the century at least one-half of our population of 300 million will live in three giant urban strips. But these are merely statistics—given the fact that massive urbanization is occurring at an accelerated rate, what is the net effect on the quality of our lives?

To those directly involved with the problems of our cities, it has become increasingly apparent that one of the root problems is the tide of rural migration. The inner city of today is a monument to the collapse of our rural society, and the massive social problems we now face in our cities will never be solved until the tide is stemmed. Our deteriorating environment can also be traced, in part, to the decline of rural America. With increasing urbanization, our nation has lost sight of those basic natural resources upon which it was built.

For rural America, the impact of urbanization has been equally severe. It is important at this point to state what the Coalition means by "rural America"—this is the part of the population that lives outside the major metropolitan areas, the people living in the towns, villages and small cities of this country, as well as on the farms and ranches. Interestingly, less than one-fifth of the rural population now resides on farms, and only 800,000 farmers account for 90% of our agricultural production.

The Coalition is alarmed at the shocking statistics of rural America where the economic base of rural America, for both farmers and non-farmers, is being destroyed by the present patterns of urbanization: one-half of our citizens living in poverty, 14 million people live in rural areas, and 60% of the nation's inadequate housing is found outside the major metropolitan areas; thirty thousand rural communities lack adequate water systems and more than 45,000 have no sewer systems at all; the infant mortality

rate in rural areas exceeds the national average by 20%, and for non-white rural infants it is almost twice as high.

This, then, is the imbalance in our development: concentrated urbanization, not only at the expense of rural life but also at the expense of our metropolitan areas. This is an important point—the problems of rural America are really the problems of the entire country. The Coalition does not think of itself, or Senator Pearson's amendment, as representing a special interest. The days when city and country folk battled each other for their share of the federal pie are over. Our problems are totally inter-related and equally complex, and they cannot be resolved in isolation. As the President said in his 1970 State of the Union message:

"What rural America needs most is a new kind of assistance. It needs to be dealt with not as a separate nation but as part of an overall growth policy for America."

With this in mind, the Coalition has developed certain legislative objectives described by Governor Tiemann as:

"The direct infusion of dollars into the rural economic system—the investment or job tax credit, non-agricultural credit, and the regional approach toward public works assistance.

"Our reasoning is simple enough. Our organization is composed of a number of former governors. Through sometimes brutal experience, they have learned what works to stimulate economic development.

"The indications are that the older approaches may be the best ones."

It would appear that many of the 200 Federal Assistance programs established all, or in part for rural people were established on the basis of guesstimates that this or that program might be a good idea, with no planning beforehand to determine whether they would accomplish anything worthwhile. The basis for this criticism comes from a report done for the Economic Development Administration by the Center for Political Research. This two-volume report has not had much circulation, and that is a shame, because it is the first attempt that I know of to determine which Federal programs truly influence rural economic development, and which ones do not. The report states that even with substantial modifications of priorities, funding levels and administrative processes, the capabilities of most federal assistance programs to alter—and particularly reverse—geographic patterns of economic development is extremely limited.

The report concludes that broad economic forces in the private sector are the major determinants of economic trends and decisions, and that many programs are not designed, administered or funded to achieve a significant impact on economic development.

It is heartening that there are a number of Bills now pending, including Senator Pearson's amendment, which go right to the heart of the problem, and the concepts embodied in these Bills are endorsed by the Coalition. One such Bill is S. 2223 which would provide for nonfarm rural credit.

An investment tax credit of the type proposed by Senator Pearson is a powerful economic tool. It can be used quickly and is relatively simple to administer. Since it relies on the initiative of the private sector, it has the potential to be more effective than direct Federal spending. The leverage gained from such an incentive can be tremendous. For example, under Senator Pearson's Amendment, if new rural investment is stimulated and takes advantage of the investment tax credit, every dollar lost to, or in effect spent by, the Federal Treasury will be matched by seven dollars invested by the private sector in rural America. It also has the advantage of encouraging rural industrial development without destroying the tax base of rural communities—when tax incentives are left to the state or local communities alone, those

who can least afford the loss of revenues are often those who have to make the biggest concessions to attract industry.

The advantages of the investment tax credit proposed by this amendment, however, are contingent solely upon the extent to which this credit is focused, by this Committee and the Internal Revenue Service, on the real problem. Like any other tax break, it can be abused by use inconsistent with its underlying purpose. To insure that this does not happen, the amendment would have to be administered pursuant to criteria which clearly delineates the types of industries the credit would be available to and the types of nonmetropolitan areas where investment would qualify.

One important criterion is already contained in the amendment, which requires that "the new employment opportunities in the rural area which will be assisted by such property will not result in a decrease in employment in any other area." As I noted earlier, we are not involved in a battle between urban and rural areas for industrial investments; it is rather an attempt to re-order the development of the nation for the benefit of all areas. Therefore, a criterion which prevents the credit from being used to relocate industries from our beleaguered inner cities to rural areas is absolutely essential. But even if relocation is effectively prohibited, it would also seem essential to limit the credit to those industries which will fit the pattern of economic restructuring most suited for that particular area. The Public Works and Economic Development Act of 1965 contains such a criterion in its "excess capacity" provision, Section 702, which prohibits assistance to those industries where the demand is not sufficient to employ the efficient capacity of existing enterprises. A difficult criterion to administer, certainly, but at the least it is a recognition of the directions which the implementation of the public policy should take.

The Public Works and Economic Development Act of 1965 also contains the criteria as to the types of areas that should qualify for assistance, and we think that they should be equally applicable to the Pearson amendment:

- (1) the rate of unemployment or underemployment is substantially above the national rate;
- (2) the median level of family incomes is significantly below the national median;
- (3) the level of housing, health, and educational facilities is substantially below the national level;
- (4) the economy of the area has traditionally been dominated by only one or two industries, which are in a state of long-term decline;
- (5) the rate of outmigration of labor or capital or both is substantial;
- (6) the area is adversely affected by changing industrial technology;
- (7) the area is adversely affected by changes in national defense facilities or production; and
- (8) indices of regional production indicate a growth rate substantially below the national average.

We think these criteria are implicit in the amendment and its underlying purpose. We ask only that they be made explicit in the Committee's Report and, hopefully, in the IRS regulations implementing the new law should it be passed.

In conclusion, I want to reemphasize that the amendment proposed by Senator Pearson, if adopted and administered as described above, will eventually have a substantial impact on rural America. We recognize, however, that a tax incentive alone is not enough, but it will serve as a precedent for the adoption of other vitally needed legislation and indicate Congressional approval for a new and long overdue change in direction for U.S. economic development policies.

#### A NEW DEPARTMENT OF HUMAN RESOURCES, OR A DEPARTMENT OF EDUCATION

Mr. PERCY. Mr. President, the proposed Department of Human Resources that would be established by S. 1432 is one of the most important of the President's executive reorganization proposals. One of the major elements of controversy relating to the proposed department is the role of education. National education organizations have argued strongly for a separate Department of Education. The proposed Human Resources Department on the other hand would integrate all the programs relating to child development, including education, into one operating unit under strong secretarial management.

The arguments for a Department of Human Resources have been stated in an article entitled "Why a Department of Human Resources Is Needed Now," written by John K. Meagher, appearing in the September issue of the Phi Delta Kappan, the publication of the national education fraternity, Phi Delta Kappa. Mr. Meagher, then an official of the Department of Health, Education, and Welfare, and now legislative counsel to Dr. Jerome H. Jaffe, Special Consultant to the President for Narcotics and Dangerous Drugs, also presents arguments against creating a Department of Education.

I ask unanimous consent that Mr. Meagher's article be printed in the RECORD.

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

#### WHY A DEPARTMENT OF HUMAN RESOURCES IS NEEDED NOW

(By John K. Meagher)

"We sometimes seem to have forgotten that government is not in business to deal with subjects on a chart but to achieve real objectives for real human beings."—President Nixon, March 25, 1970, Message to Congress.

The frequently uttered resolution, "Next week we've got to get organized," can no longer be a source of humor when the subject is the executive branch of the government. As former HEW Secretary John Gardner said recently in testimony before the Senate Government Operations Committee, "The people of the United States are deeply troubled about the great institutions, corporate and governmental, that dominate their lives. A people that no longer believes in the effectiveness of its institutions of government are a people in deep trouble." It was in recognition of this problem that President Nixon, on March 25, 1971, proposed a comprehensive reorganization of the executive branch.

The President's plan involves the merging of seven existing cabinet departments and several agencies into four new cabinet-level departments which reflect the basic concerns of government: natural resources, community development, human resources, and economic affairs.

The need for changes in organization of the executive branch is clear when its growth is considered. In the past 20 years the number of cabinet-level departments has increased from 9 to 12, the major independent agencies from 27 to 41, and the domestic programs from about 150 to 1,400. In addition, the number of federal employees has increased by 30% and the federal budget has risen from \$42 billion to well over \$200 billion.

All this growth in budgets, programs, and personnel has been the result of an enlarged mission for the federal government. New responsibilities have come from congressional mandates and new programs have been developed to handle them. The great domestic legislation of the 1960's—much of it in the areas of health, education, and welfare—brought a patchwork quilt of programs and attendant bureaucracies, many of which, although related, were housed in different departments. Often similar programs have competed for clients, as in the case of a southwestern city. There a large and modern skills training center for vocational education was constructed with HEW funds while, at about the same time, a private corporation operating under a Department of Labor contract to train workers constructed a similar center three blocks away. Although an extreme example, this serves to illustrate the problems which can, and unfortunately do, exist because of haphazard organizational structures.

To eliminate this kind of overlap and duplication, the President's Reorganization Plan would bring together like programs which relate to the basic and important purposes of government. While all the proposed departments are of interest, the one of primary concern to the education community and the Department of HEW is the proposed department of human resources (DHR). Accordingly, it will be discussed in depth here.

The mission of DHR would be to promote the well-being and development of individuals and families. Real individuals. Real families. Unfortunately, under the existing organizational maze, it is difficult for anyone in the federal executive to deal with the individual citizen or family in a comprehensive, sensible fashion. No cabinet secretary, no Office of Management and Budget official, no White House aide, has the tools at his disposal to formulate and carry out sensible "people" policy, because the elements which must be utilized are fragmented among various departments. For example, while HEW has the basic income security programs—public assistance and social security—Agriculture has the food stamp and commodity distribution programs and Labor has the unemployment insurance program. As Joseph Califano, former special assistant to President Johnson, recently testified: "Coordination is no substitute for getting the boxes in the right place, for giving to the President one man with enough authority to be held responsible for a major purpose of government." In the new proposed department, the secretary for the first time would be able to control many more of the federal programs enacted to assist individuals and families.

#### PROGRAM COMPONENTS OF DHR

In order to accomplish its mission, the new DHR would contain all of the present DHEW except the National Institute of Occupational Safety and Health, which would go to the new department of economic affairs, and the Office of Education's Public Library Construction Program, which would be transferred to the new department of community development.

In addition, the DHR would contain from other departments:

- School lunch, meat, poultry and egg inspection, and food stamps and commodity programs from Agriculture;
- Manpower Administration and Women's Bureau from Labor;
- Health and migrant programs from OEO;
- The Railroad Retirement Board;
- College housing construction programs from Housing and Urban Development; and
- Flammable fabric regulation from Commerce.

In FY '72 outlay figures, the total budget of DHR would be nearly \$81 billion and the number of employees over 120,000.



Many observers of government cringe at figures depicting the size of the presently constituted DHEW and express horror at the prospect of an even larger new DHR. They think that DHEW is unmanageable and accordingly assume the same will be true of the larger new department.

Bigness in itself does not make anything unmanageable. Otherwise, most of the major corporations of the United States would be considered as such. The key, of course, to managing anything is effective leadership, delineation of authority and purpose, and rational organization. These elements are the cornerstone of the President's proposal for the new department of human resources.

One of the difficulties in running DHEW today is that its secretary does not have the direct control and sole responsibility for the resources that are needed to do the job. The problems arise from what isn't under his jurisdiction, not from what is. That problem is resolved by the DHR organization by consolidating the programs listed above.

Under the existing organization, over 20 high-level officials report directly to the secretary. This does not include his personal staff and others with whom he is in contact. In the new DHR only nine officials will report directly to the secretary and six of these will make up a management team of key staff advisers and line managers. These officials will have clearly delineated responsibilities in broad functional areas. This change should free the secretary from many of the problems he encounters today while at the same time insuring better management of the department's programs under the line administrators for health, human development, and income security.

#### A DEPARTMENT OF EDUCATION

Some thoughtful individuals and groups concerned about the bigness of DHEW and the new DHR have suggested dividing the existing department into smaller units. There have been from time to time proposals for a separate department of health. This year Senator Ribicoff has introduced S. 1485, which would establish a department of education. Phi Delta Kappans are no doubt interested in a department of education and many probably feel that education deserves the kind of recognition only cabinet status can offer.

No one questions the importance of education and the fact that it will play an even more vital role in the years ahead. What is questioned in every city and town in America every day by educators, by parents, and by students themselves is whether the product of our system is as good as it should be. For a long period the schools, teachers, and principals were blamed when a youngster encountered difficulties. Recently, we have learned there are many reasons for underachievement and other academic problems. We know that it does little good, for example, to provide additional instruction to a poor child if he is so hungry or in such poor health that he cannot benefit from expanded educational opportunities. The child's problems must be approached on a comprehensive basis if he is to overcome his learning difficulties.

To do this, it is necessary that all the programs of the federal government which are involved in the comprehensive approach be closely coordinated and focused, and this is greatly simplified when they are located together in one department. Separating education from the health and other programs relating to the nutrition of the student is not sensible. Only by involving education with the other vital elements in the human development process will the products of our system measure up to our expectations. In the new department of human resources, education, manpower, and social services programs would be placed together under a single administration.

It is certain that, in the future, education and educators will be called on to help in solving problems much broader than those concerned with the classic three R's. One cogent example is the problem of drug abuse. Part of the solution lies with treatment and rehabilitation involving the National Institute of Mental Health and the Vocational Rehabilitation Administration; but many leading experts feel that ultimately the battle will be won or lost in the schools of America. The Office of Education does now and must continue to play a major role in the solution of what is a serious social problem. But to deal with this problem effectively, the programs that OE sponsors must be accurate and up to date; they must be targeted on what we have found to be the needs of drug users and the corresponding attractiveness of drugs. Obviously, this kind of education requires the closest coordination with the other organizations dealing with drug abuse, so that their research results and practical knowledge can be tapped. A separate department of education would make this coordination more difficult, especially since conflicts could require White House or OMB mediation, rather than being handled at the departmental level.

This is only one example of the links that a department of human resources will make possible. The proposal places manpower training and early childhood programs with education in the same organization and thus forces a focus on significant nonschool educational systems. It is our feeling that all sorts of programs will benefit from this interchange.

Finally, let me deal with the "status" argument. A separate department of education, it is said, would have higher visibility and prestige. The education profession would then receive more respect and education a larger share of the federal resources. One of the consequences of such a move would be increasing the difficulty of managing the executive branch. As new cabinet-level officers are created, the effectiveness of each as an advocate for his program is diminished, both because there are then more voices clamoring for the President's ear and because the secretary now is less the broad-range advisor that a President needs. This is hardly a desirable goal.

The resources devoted to education have increased significantly over the last 10 years, both in relative and absolute terms. The total federal budget, in terms of outlays, has grown from \$106 billion to \$229 billion, a rate of 12% a year. Total federal outlays for education have increased from \$2.76 billion to \$13.54 billion, a rate of 39% a year, and an overall increase from 2.6% to 5.9% of the total federal budget. This includes outlays in areas such as research at academic institutions, Veterans Administration payments, health and scientific manpower training, and other educational activities not directly funded by the Office of Education. The budget of the Office of Education itself has grown from \$543 million in 1962 to a projected \$4.83 billion in 1972, an annual rate of growth of almost 79%. During the first two years of the Nixon Administration, while federal funds expended increased at the annual rate of 3.5%, Office of Education expenditures increased 8.5% and overall education expenditures 12% annually. Education, in sum, has been and is receiving an increasingly larger share of the pie; it is not at all clear how having a separate department would further enlarge this share.

The legislation dealing with education that has been proposed by the President represents a reasoned and comprehensive group of additions to present federal responsibilities. The national foundation for higher education and the national institute of education will provide the knowledge base and the discretionary authority to promote reform and innovation in the system. Emergency school aid will target on finally elimi-

nating racial segregation from our schools. Education special revenue sharing will greatly simplify our grant-in-aid programs, making this assistance to states and localities more flexible, so that the units of government closest to the people can set their own priorities in accordance with local need. And the department of human resources proposal will consolidate federal programs dealing with individuals and families and thus allow a comprehensive approach to dealing with their problems and promoting their well-being.

#### THE REVENUE ACT OF 1971

Mr. HOLLINGS. Mr. President, the Revenue Act of 1971 is pending business before the Senate Finance Committee and shortly will be before the entire Senate. My concern is that we redirect the thrust of the President's tax proposal by creating more jobs now and by stimulating the demand for goods and services that will result in the fullest possible use of our productive capacity.

In order to create more consumer demand, it is my intention to propose as an amendment to the President's tax proposal, three-pronged tax relief for the benefit of low-income individuals and middle-income taxpayers.

First, I propose a direct payment to each poverty household in the form of sales tax relief based upon the amount of sales taxes paid in the purchase of food.

Second, I propose property tax relief to every poor household to reimburse it for State and local property taxes paid either as a homeowner or as a renter.

Third, I propose tax relief to American families in the form of partial reimbursements for the cost of providing for a child's trade school or higher education.

In addition to tax relief, we must create more jobs, now, and they must be meaningful, permanent jobs. On June 3, 1971, I introduced S. 1986, a bill to create a national program in marine science and resource development. In hearings on this bill, Floyd E. Smith, president, International Association of Machinists and Aerospace Workers, AFL-CIO, testified that this program could easily harness the special talents possessed by the armada of unemployed scientists, researchers, engineers, and technicians. Mark Morton, vice president of General Electric, testified that 800,000 jobs would be created by the oceans program. These are productive jobs that can do some real good, not make-work public service jobs that provide little by way of fulfillment and planning for our Nation's future. Separately from my tax relief proposal, it is my intention to press for early consideration of S. 1986.

I would like to discuss how each aspect of my plan would work.

The first aspect of this plan would provide food sales tax relief to every household whose income is at or below the poverty level as determined annually by the Bureau of the Census. The impact of sales taxes is far greater on those in poverty, since a great percentage of their income is used to provide food and shelter. Indeed, in 1965, sales taxes took a 6.1-percent bite out of family incomes that were less than \$2,000, whereas a family of over \$15,000 pays approximately 1 percent in all sales tax.

A State and/or local sales tax is levied on all food purchased for consumption off the premises in 30 States, including Alaska, where the tax is solely local. Sales taxes on food, therefore, cost those poor persons who live in three-fifths of the States between 2 and 6 percent of their limited funds for food. The food sales tax eats into their ability to purchase an adequate diet. Food stamp program families in New York, who are informed by the Department of Agriculture that they need \$108 to purchase the barest nutritional minimum, find instead that they can buy as little as \$100 worth of food. The State and local government pockets the remaining \$8, which was intended to alleviate human malnutrition.

Against this background, it is reasonable and just for the Federal Government to assume the responsibility for guaranteeing that the poor have enough purchasing power—in stamps or money—to afford the food they must have to subsist. This should be after, and not merely before, taxation by other levels of government. Any attempt to eliminate hunger before taxes must fail by definition.

At the same time, State and local governments are hard pressed. They ought not to be deprived of such a valuable source of revenue. The food sales tax relief proposal would eliminate fiscal dependence on the poor, without impairing State and local tax receipts. To this extent, the relief contained in this proposal would represent indirect revenue sharing.

The sales tax relief would be in the form of an annual Federal payment equivalent to the State and local sales taxes on food consumed at home by members of poor households. Beginning taxable year 1971, an application would be filed by each family at or below the poverty level. The Internal Revenue Service would first determine the combined State and local sales tax rates effective in the household's area of residence, assuming a 4 percent rate in the four States having no sales tax. This 4-percent rate for no-tax jurisdictions is based on the fact that the rate in 23 States falls between 4 and 6 percent, while the rate in the 23 other States with a tax lies between 2 and 4 percent. The IRS would multiply the tax rate by the cost of the U.S. Department of Agriculture low-cost food plan for that household's composition. The resulting amount would be sent to the household by check.

The low-cost food plan, \$138 per month for a family of four, is the most reliable measure of food expenditure because of the administrative difficulties involved in requiring poor persons to retain all of their receipts for food purchases. The Department of Agriculture labels this plan "a reasonable measure of basic money needs for a good diet." It counsels rejecting any lower level of food spending as not conducive to nutritional well-being. Moreover, there are differences in the plan based on the sex and age composition of the family. Accordingly, the application would set forth the household's address, income, and the sex and age of each household member, including a notation as to whether a member was expecting a child or nursing an infant

during the year. The relief under this and other two proposals would not constitute income for Federal income tax purposes, or for determining eligibility or assistance level in connection with any federally subsidized benefit program.

As an example of the result this sales tax payment would have, a family of four living in Detroit, Mich., would receive \$66. Because the tax bite is greater in Jackson, Miss., the same family would get approximately \$100. A young couple anticipating a child would be entitled to \$75 in New York City while the same family in Butte, Mont., would receive \$43. The relief for a household of eight persons, including six children, would amount to \$112 throughout South Carolina.

For those poor persons not actually subjected to food sales taxes, the relief would be a modest, but vital, boost for their food budgets. In California, which does not impose a tax on food, the relief contemplated would be \$84. Assuming that every eligible household applies, we would be turning an additional \$420 million of direct tax relief back into the economy. This is based on an average tax rate of 4 percent and 25.5 million recipient poor persons.

The second aspect of my plan would provide property tax relief to every household whose income is at or below the Census Bureau's poverty level. As with the sales tax relief, it would take the form of an annual payment through the Internal Revenue Service. The payment would be equal to the State and local property taxes actually paid by homeowner households. We all know that persons who rent pay property taxes indirectly. Consequently, for those who pay rent the relief would be 20 percent of their annual payments. In operation, this proposal would mean that a household of four paying \$80 in rent per month—\$960 per year—would receive a \$192 payment.

The property tax is universal. It accounts for more than one-fourth of all revenues raised by State and local governments from their own sources. But its impact is inequitable, falling hardest upon the poor. Families with over \$15,000 in total annual income require only 1.4 percent of their income to meet property taxes. Families whose income is less than \$2,000 are compelled to spend an average of 8.5 percent of their meager incomes on property taxes, while 3.1 million low-income nonfarm homeowners pay over 10 percent of their income for this purpose.

To offset the regressive nature of the property tax, particularly where the low-income elderly are concerned, five States—California, Kansas, Minnesota, Vermont, and Wisconsin—have adopted so-called circuit-breaker statutes. These statutes provide a variety of income tax credits or rebates for elderly homeowners, and in some instances renters, whose incomes fall below fixed levels. In no case, however, is full relief granted.

In other attempts to protect impoverished homeowners from property loss due to nonpayment of taxes, seven States have homestead exemptions and 16 States have a modified homestead exemption tailored to veterans, frequently

limited to the disabled. However, none of these methods of relief is free of discriminating characteristics.

The Advisory Commission on Intergovernmental Relations advocates the circuit-breaker approach as introducing a badly needed element of modern economic realism and social justice into the administration of the property tax. There is no reason for not extending such relief to a widow with a household of children or an unemployed father with a family since they, too, are forced to carry extraordinary residential tax loads in relation to their income.

The 20-percent figure assigned in connection with rent was selected to guarantee all renters relatively complete relief. At the same time calculation of the relief would be administratively simple. The Wisconsin circuit-breaker law assumes that 25 percent of the rental payment goes for property taxes, while the other four States apply the 20-percent factor.

Assuming that all eligible households apply, this form of tax relief would total approximately \$1.25 billion. This projects an average rent for a family of four of \$80 per month, or slightly over \$190 in annual relief per family.

Written into my proposed legislation is a phase out provision whereby the relief payment for sales and property taxes would be reduced by 50 cents for every \$1 in income over the poverty level.

The third aspect of my plan provides relief to families trying to provide higher education for their children. A tax credit would be given for part of the expenses paid by the taxpayer for his dependents' school tuition, books, and equipment. The credit would be calculated on a sliding scale with a \$325 maximum. Should the credit exceed the tax liability, a positive payment would be received by the taxpayer. Room and board expenses are excluded and scholarship assistance would be deducted.

The sliding scale favors those whose children attend low tuition schools. Credit is given for a maximum of \$1,500 as follows: 75 percent of the first \$200, 25 percent of the next \$300, and only 10 percent of the remainder. The maximum credit would be \$325.

The credit also favors those in the lower tax brackets by providing for a reduction in the credit by \$1 for each \$100 of income over \$25,000.

To illustrate, a family earning \$4,000 and spending \$300 to put a child through a trade school or a public institution, would receive a \$175 credit. Since this family would not pay income tax, it would receive a payment in this amount. A family which earns \$15,000 and pays \$1,200 toward a child's higher education, would receive a credit of \$295.

A similar provision has passed the Senate on two separate occasions. The most recent was in December 1969, when the distinguished Senator from Connecticut, Senator RIBICOFF, sponsored it as an amendment to the Tax Reform Act. Regrettably it was deleted in conference.

The cost of that proposal was estimated to be \$1.8 billion. To that provision, I have added the positive payment



where the credit exceeds the tax. The inclusion of these low-income families should have only a slight impact on the cost.

We must recognize the heavy financial burden borne by families in providing this vital education for their children. This burden falls particularly hard on low- and middle-income families. It is appropriate for the Federal Government to provide some measure of relief, and in doing so we will also provide an incentive for more students to extend their education beyond high school.

This, Mr. President, is my plan. It goes to the heart of the problem and provides direct stimulus to our ailing economy. It represents positive methods of putting revenue in the hands of consumers who can use it and who will spend it. We can be certain that amounts paid out by the Government will be turned back into the economy through the purchase of consumer goods. This, I maintain, is the road to recovery.

In addition, the revenue effects of my plan are entirely in keeping with what the President has suggested is appropriate. My plan, even if added on top of H.R. 10947, would, over the next 3 years still not cost the Treasury much more than the President has already indicated he wants to have deducted for the tax liability of businesses and individuals. Back in January, he announced changes in the calculation of depreciation that would save business \$11.7 billion through 1973 and \$40 billion by the end of the decade. In August, he proposed another \$17 billion in tax savings for a total of approximately \$29 billion over the next 3 years. The House Ways and Means Committee has reduced this overall package to under \$27 billion, including the depreciation changes already implemented by regulation.

My plan, at the outside, assuming 100 percent participation by every eligible family, which highly is doubtful where the poor are concerned, would add \$3.7 billion in tax relief. A more realistic cost estimate would be in the neighborhood of \$2.5. This, when added to the House's cost, would approximately equal the cost approved, indeed ardently desired, by the President.

My plan thus makes fiscal as well as human and economic sense. I urge its adoption.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

#### FOREIGN ASSISTANCE ACT OF 1971

The PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

A bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the

Committee on Foreign Relations with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Foreign Assistance Act of 1971".

#### PART I—ECONOMIC ASSISTANCE DEVELOPMENT LOAN FUND

SEC. 101. Title I of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Development Loan Fund, is amended as follows:

(1) In section 202(a), relating to authorization—

(A) strike out "\$685,000,000 for the fiscal year 1967, \$450,000,000 for the fiscal year 1968, \$350,000,000 for the fiscal year 1969, \$350,000,000 for the fiscal year 1971" and insert in lieu thereof "\$320,000,000 for each of the fiscal years 1972 and 1973";

(B) beginning with the word "That", immediately after "Provided,"; strike out through "Provided further,"; and

(C) strike out "for each of the fiscal years ending June 30, 1970, and June 30, 1971" and insert in lieu thereof "for each of the fiscal years ending June 30, 1972, and June 30, 1973".

(2) In section 203, relating to fiscal provisions, strike out "1970 and for the fiscal year 1971" and insert in lieu thereof "1972 and for the fiscal year 1973".

(3) (A) Section 209, relating to multilateral and regional programs, is amended—

(i) by striking out subsection (a) and inserting in lieu thereof the following: "(a) The Congress recognizes that the planning and administration of development assistance by, or under the sponsorship of the United Nations, multilateral lending institutions, and other multilateral organizations contribute to the efficiency and effectiveness of that assistance through participation of other donors in the development effort, improved coordination of policies and programs, pooling of knowledge, avoidance of duplication of facilities and manpower, and greater encouragement of self-help performance. It is the sense of Congress that an increasing proportion of United States assistance to the developing countries should be channeled through multilateral organizations and that the United States Government should undertake such measures as may be necessary to help increase the competency and capacity of such organizations."; and

(ii) by inserting at the end thereof the following new subsections:

"(c) Notwithstanding any other provision of law, the President shall reduce the amounts and numbers of loans made by the United States directly to individual foreign countries with the objective of phasing out the bilateral loan program by not later than June 30, 1975.

"(d) In furtherance of the provisions of subsection (a) of this section, any funds appropriated under this part I may be transferred by the President to the International Development Association, the International Bank for Reconstruction and Development, the International Finance Corporation, the Asian Development Bank or other multilateral lending institutions or other multilateral organizations in which the United States participates for the purpose of providing funds to enable any such institution or organization to make loans to foreign countries. Any such transfer shall be made—

"(1) only if the institution or organization agrees that, in making loans out of funds so transferred, it will emphasize and take into account those matters emphasized and taken into account by the President under sections 201 (b) and (f), 207, and 208 of this Act;

"(2) without regard to any other provision of this title; and

"(3) upon such other terms and conditions as the President may determine."

(B) Subsection (b) of such section 209 is amended by striking out "REGIONAL PROGRAMS.—"

(C) Section 205 of such Act is repealed.

(D) Effective July 1, 1975, section 619 of such Act is amended by inserting after "this Act" the following "(other than title I of chapter 2 of such part)".

#### TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

SEC. 102. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to technical cooperation and development grants, is amended as follows:

(1) In section 212, relating to authorization, strike out "\$183,500,000 for the fiscal year 1970, and \$183,500,000 for the fiscal year 1971" and insert in lieu thereof "\$208,270,000 for each of the fiscal years 1972 and 1973".

(2) In section 214(c), relating to authorization for American schools and hospitals abroad, strike out "for the fiscal year 1970, \$25,900,000, and for the fiscal year 1971, \$12,900,000" and insert in lieu thereof "for each of fiscal years 1972 and 1973, \$30,000,000".

(3) At the end of such title II, add the following new section:

"SEC. 220A. SUEZ CANAL.—The President is authorized to furnish financial assistance, on such terms and conditions as he may determine, for assisting in the reopening of the Suez Canal after agreement has been reached by the parties involved, which agreement provides for the use of the Canal by the ships of all nations, including Israel, on a nondiscriminating basis. For the purpose of carrying out this section, there are authorized to be appropriated not to exceed \$10,000,000 in Egyptian pounds now owned by the United States and determined by the President to be excess to the normal requirements of departments and agencies of the United States. Amounts appropriated under this section are authorized to remain available until expended."

#### HOUSING GUARANTIES

SEC. 103. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to housing guaranties, is amended as follows:

(1) In section 221, relating to worldwide housing guaranties, strike out "\$130,000,000" and insert in lieu thereof "\$180,000,000".

(2) In section 223(i), relating to general provisions, strike out "June 30, 1972" and insert in lieu thereof "June 30, 1974".

#### INTERNATIONAL DRUG CONTROL ASSISTANCE

SEC. 104. (a) Chapter 2 of the Foreign Assistance Act of 1961, relating to development assistance, is amended by inserting after title III the following new title:

#### "TITLE IIIA—INTERNATIONAL DRUG CONTROL ASSISTANCE

"SEC. 225. AUTHORITY.—(a) The President is authorized to furnish assistance to any foreign country, on such terms and conditions he determines necessary, in order to encourage and enable that country to control or eliminate the production, processing, or distribution of drugs within or across its boundaries.

"(b) The President is authorized to furnish assistance to any international organization, such as the United Nations Special Fund for Drug Abuse Control, involved in efforts to control or eliminate the production, processing, or distribution of drugs.

"(c) Of the funds provided to carry out the provisions of this Act, not less than \$25,000,000 shall be available each fiscal year only to carry out the provisions of this title.

"(d) For purposes of this section, 'drug' means any matter which is included within the definition of controlled substance under title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970."

(b) Section 620 of such Act, relating to prohibitions against furnishing assistance, is amended by adding at the end thereof the following new subsection:

"(v) (1) The President shall determine annually, before furnishing any military, economic, and other assistance to a foreign country under this or any other law, whether such country has undertaken appropriate measures to prevent drugs, partially or completely processed or produced in or transported through such country, from unlawfully entering the United States or from being unlawfully supplied to citizens of the United States.

"(2) Except as otherwise provided under paragraph (3) of this subsection, if the President determines that a foreign country has not undertaken appropriate measures to prevent any such drugs from unlawfully entering the United States or being unlawfully supplied to United States citizens, he shall immediately cease to furnish all military, economic, and other assistance to such country authorized under this or any other law. The President is urged also to seek, through the United Nations or any other international organization, the imposition of international economic sanctions against such country.

"(3) If the President finds that a foreign country referred to under paragraph (2) of this subsection has undertaken, after his determination, appropriate measures to prevent such drugs from unlawfully entering the United States or being unlawfully supplied to United States citizens or finds that the overriding national interest requires that military, economic, or other assistance be furnished to such country, the provisions of such paragraph shall not apply to that country unless the provisions of such paragraph would apply further to that country as a result of a further determination.

"(4) The President shall utilize such agencies and facilities of the United States Government as he may deem appropriate to assist foreign countries in their efforts to prevent the unlawful entry of drugs into the United States or from being unlawfully supplied to United States citizens.

"(5) No provisions of this or any other law shall be construed to authorize the President to waive the provisions of this subsection.

"(6) For purposes of this subsection—

"(A) 'drug' means any matter which is included within the definition of controlled substance under title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970; and

"(B) 'foreign assistance' means any tangible or intangible item provided by the United States Government (by means of gift, loan, sale, credit sale, guaranty, or any other means) under this or any other law to a foreign country, including, but not limited to, any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies owned by the United States Government of any foreign country."

#### OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 105. Title IV of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Overseas Private Investment Corporation, is amended as follows:

(1) In the first proviso of section 238(c), relating to definitions, strike out "required by law to be".

(2) At the end of section 239, relating to general provisions and powers, add the following new subsection:

"(g) Except for the provisions of this title, no other provision of this or any other Act shall be construed to prohibit the operation in a particular country of the programs authorized by this title, if the President determines that the operation of such program in a particular country is important to the national interest."

(3) Section 240(h), relating to agricultural credit and self-help community development projects, is amended by striking out "June

30, 1972" and inserting in lieu thereof "June 30, 1973".

#### ALLIANCE FOR PROGRESS

SEC. 106. Section 252(a) of the Foreign Assistance Act of 1961, relating to authorization for the Alliance for Progress, is amended—

(1) by striking out "for the fiscal year 1970, \$482,250,000, and for the fiscal year 1971, \$428,250,000" and inserting in lieu thereof "for each of the fiscal years 1972 and 1973, \$309,400,000"; and

(2) by striking out "\$90,750,000" and inserting in lieu thereof "\$109,650,000".

#### PROGRAMS RELATING TO POPULATION GROWTH

SEC. 107. Section 292 of the Foreign Assistance Act of 1961, relating to authorization, is amended to read as follows:

"SEC. 292. AUTHORIZATION.—To carry out the purposes of this title, there is authorized to be appropriated to the President \$125,000,000 for each of the fiscal years 1972 and 1973, which amounts are authorized to remain available until expended. Other funds provided to carry out the provisions of this part I shall also be available to carry out the purposes of this title and, notwithstanding any other provision of this Act, funds used for such purposes may be used on a loan or grant basis. The President shall not exercise any special authority granted to him under section 610(a) or 614(a) of this Act to transfer any amount appropriated under this paragraph to, and to consolidate such amount with, any funds made available under any other provision of this Act."

#### INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 108. Section 302 of the Foreign Assistance Act of 1961, relating to authorization, is amended as follows:

(1) In subsection (a), strike out "for the fiscal year 1970, \$122,620,000, and for the fiscal year 1971, \$122,620,000" and insert in lieu thereof "for each of the fiscal years 1972 and 1973, \$139,000,000".

(2) Subsection (b) (2) is amended—  
(A) by striking out "for use in the fiscal year 1970, \$7,530,000, and for use in the fiscal year 1971, \$7,530,000" and inserting in lieu thereof "for use in each of the fiscal years 1972 and 1973, \$15,000,000"; and

(B) by adding at the end thereof the following new sentence: "The President shall not exercise any special authority granted to him under section 610(a) or 614(a) of this Act to transfer any amount appropriated under this paragraph to, and to consolidate such amount with, any funds made available under any other provision of this Act."

(3) In subsection (e), strike out "\$1,000,000 for the fiscal year 1970 and \$1,000,000 for the fiscal year 1971" and insert in lieu thereof "\$1,000,000 for each of the fiscal years 1972 and 1973".

(4) At the end of such section 302, add the following new subsection:

"(f) There are authorized to be appropriated to the President for each of the fiscal years 1972 and 1973, in addition to other amounts available for such purposes, \$1,000,000 in Egyptian pounds owned by the United States and determined by the President to be excess to the requirements of departments and agencies of the United States, for the purpose of providing technical and vocational training and other assistance to Arab refugees. Amounts appropriated under this subsection are authorized to remain available until expended."

#### CONTINGENCY FUND

SEC. 109. Section 451(a) of the Foreign Assistance Act of 1961, relating to the contingency fund, is amended by striking out "for the fiscal year 1970 not to exceed \$15,000,000, and for the fiscal year 1971 not to exceed \$30,000,000" and inserting in lieu thereof "for each of the fiscal years 1972 and 1973 not to exceed \$30,000,000".

#### REFUGEE RELIEF ASSISTANCE

SEC. 110. Part I of the Foreign Assistance Act of 1961, relating to economic assistance, is amended by adding at the end thereof the following new chapter:

#### "CHAPTER 8—REFUGEE RELIEF ASSISTANCE

"SEC. 481. REFUGEE RELIEF ASSISTANCE.—There is authorized to be appropriated to the President for the fiscal year 1972, in addition to funds otherwise available for such purpose, not to exceed \$250,000,000, to remain available until expended, for use by the President in providing assistance for the relief and rehabilitation of refugees from East Pakistan and for humanitarian relief in East Pakistan. Such assistance shall be distributed, to the maximum extent practicable, under the auspices of and by international institutions and relief agencies or United States voluntary agencies."

#### PART II—MILITARY ASSISTANCE

##### GENERAL MILITARY ASSISTANCE

SEC. 201. Part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(1) In section 504(a), relating to authorization, strike out "\$350,000,000 for the fiscal year 1970, and \$350,000,000 for the fiscal year 1971" and insert in lieu thereof "\$565,000,000 for the fiscal year 1972".

(2) Section 505, relating to conditions of eligibility, is amended—

(A) by striking out of subsection (b) (2) the word "and" and inserting in lieu thereof "or"; and

(B) by striking out subsection (e).

(3) In section 506(a), relating to special authority, strike out—

(A) "1970 and the fiscal year 1971" and insert in lieu thereof "1972"; and

(B) "each of the fiscal years 1970 and 1971" and insert in lieu thereof "the fiscal year 1972".

(4) Section 507(a), relating to restrictions on military aid to Latin America, is amended to read as follows: "(a) Except as otherwise provided in this section, the value of defense articles furnished by the United States Government under this Act to Latin American countries shall not exceed \$10,000,000. Not to exceed \$25,000,000 in value of defense articles may be furnished under this part on a cost-sharing basis to an inter-American military force under the control of the Organization of American States."

(5) At the end of chapter 2 of such part II, add the following new sections:

"SEC. 511. MILITARY ASSISTANCE ADVISORY GROUPS AND MISSIONS.—(a) It is the sense of Congress that the need for large United States military assistance advisory groups and military aid missions in foreign countries has diminished substantially during the last few years. In the words of the Peterson Task Force Report on International Development, 'The United States now can reduce its supervision and advice to a minimum, thus encouraging progress toward self-reliance. United States military missions and advisory groups should be consolidated with other elements in our overseas missions as soon as possible.'

"(b) In accordance with the provisions of subsection (a) of this section, the total number of United States military personnel assigned and detailed, as of September 30, 1971, to United States military assistance advisory groups, military missions, and other organizations of the United States performing activities similar to such groups and missions, shall be reduced by at least 25 percent by September 30, 1972.

"SEC. 512. MILITARY ASSISTANCE AUTHORIZATIONS FOR THAILAND, LAOS, AND SOUTH VIETNAM.—After June 30, 1972, no military assistance shall be furnished by the United States to Thailand, Laos, or South Vietnam directly or through any other foreign country unless that assistance is authorized



under this Act or the Foreign Military Sales Act.

"SEC. 513. LIMITATIONS ON AVAILABILITY OF FUNDS FOR MILITARY OPERATIONS.—(a) No funds authorized or appropriated under any provision of law shall be made available by any means by any officer, employee, or agency of the United States Government for the purpose of financing any military operations by foreign forces in Laos, South Vietnam, North Vietnam, Thailand, Cambodia, or Burma outside the borders of the country of the government or person receiving such funds unless Congress has specifically authorized or specifically authorizes the making of funds available for such purpose and designates the area where military operations financed by such funds may be undertaken outside such borders.

"(b) Upon requesting Congress to make any such authorization, the President shall provide to Congress a copy of any agreement proposed to be entered into with any such government or person and the complete details of the proposed military operation. Upon such authorization by Congress, the President shall provide a copy of any such agreement and thereafter of all plans and details of such operation.

"SEC. 514. SPECIAL FOREIGN COUNTRY ACCOUNTS.—(a) Except as otherwise provided by subsection (b) or (c) of this section, no defense article may be given, and no grant of military assistance may be made, under this or any other law to a foreign country unless the country agrees—

"(1) to deposit in a special account established by the United States Government the following amounts of currency of that country:

"(A) in the case of any excess defense article to be given to that country, an amount equal to 25 per centum of the fair value of the article, as determined by the Secretary of State, at the time the agreement to give the article to the country is made; and

"(B) in the case of a grant of military assistance to be made to that country, an amount equal to 25 per centum of each such grant; and

"(2) to allow the United States Government to use such amounts from that special account as may be determined, from time to time, by the President to be necessary to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961.

"(b) The President may waive any amount of currency of a foreign country required to be deposited under subsection (a) (1) of this section if he determines that the United States Government will be able to pay all of its official costs payable in the currency of that country enumerated under subsection (a) (2) of this section without the deposit of such amount and without having to expend United States dollars to purchase currency of that country to pay such costs.

"(c) The provisions of this section shall not apply in any case in which an excess defense article is given, or a grant of military assistance is made, to a foreign country under an agreement with that country which allows the United States Government to operate a military or other similar base in that country in exchange for that article or grant.

"(d) Section 1415 of the Supplemental Appropriation Act, 1953 (31 U.S.C. 724), shall not be applicable to the provisions of this section."

#### SECURITY SUPPORTING ASSISTANCE

SEC. 202. (a) At the end of such part II, add the following new chapter:

#### "CHAPTER 4—SECURITY SUPPORTING ASSISTANCE

"SEC. 531. GENERAL AUTHORITY.—The President is authorized to furnish assistance to friendly countries, organizations, and bodies eligible to receive assistance under this Act on such terms and conditions as he may determine, in order to support or promote economic or political stability. The authority of this chapter shall not be used to furnish assistance to more than twelve countries in any fiscal year.

"SEC. 532. AUTHORIZATION.—There are authorized to be appropriated to the President not to exceed \$614,400,000 to carry out the purposes of this chapter for the fiscal year 1972 and not to exceed \$85,000,000 for such purposes for that fiscal year for Israel only. Where commodities are furnished on a grant basis under this chapter under arrangements which will result in the accrual of proceeds to the Government of Vietnam from the sale thereof, arrangements should be made to assure that such proceeds will not be budgeted by the Government of Vietnam for economic assistance projects or programs unless the President or his representative has given prior written approval. Amounts appropriated under this section are authorized to remain available until expended. None of the funds authorized by this section shall be made available to the Government of Vietnam unless, beginning in January 1971, and quarterly thereafter, the President of the United States shall determine that the accommodation rate of exchange, and the rate of exchange for United States Government purchases of piasters for goods and services, between said Government and the United States is fair to both countries.

"SEC. 533. UNITED STATES REFUND CLAIMS.—It is the sense of the Congress that the President should seek the agreement of the Government of Vietnam to the establishment and maintenance of a separate special account of United States dollars, which account shall be available solely for withdrawals by the United States, at such times and in such amounts as the President may determine, in satisfaction of United States dollar refund claims against the Government of Vietnam arising out of operations conducted under this Act. Such account should be established in an amount not less than \$10,000,000 and maintained thereafter at a level sufficient to cover United States refund claims as they arise."

(b) Chapter 4 of part I of the Foreign Assistance Act of 1961 is hereby repealed. All references to such chapter or any sections thereof made prior to the date of the enactment of this Act shall hereafter be deemed to be references to chapter 4 of part II of the Foreign Assistance Act of 1961, as added by subsection (a) of this section, or to appropriate sections thereof. All references to part I of the Foreign Assistance Act of 1961 made prior to the date of enactment of this Act shall hereafter be deemed to be references also to chapter 4 of part II, and all references to part II of such Act shall be deemed not to include chapter 4 of such part II.

#### PART III—GENERAL AND ADMINISTRATIVE PROVISIONS

##### PROHIBITIONS AGAINST FURNISHING ASSISTANCE

SEC. 301. Section 620 of the Foreign Assistance Act of 1961, relating to prohibitions against furnishing assistance, is further amended by adding after subsection (v), as added by section 104(b) of this Act, the following new subsections:

"(w) No assistance shall be furnished under this Act, and no sales shall be made under the Foreign Military Sales Act, to Greece. This restriction may be waived when the President finds that overriding requirements of the national security of the United States justify such a waiver and promptly

reports such finding to the Congress in writing, together with his reasons for such finding. Notwithstanding the preceding sentence, in no event shall the aggregate amount of (1) assistance furnished to Greece under this Act, and (2) sales made to Greece under the Foreign Military Sales Act, in any fiscal year, exceed the aggregate amount expended for such assistance and such sales for the fiscal year 1971.

"(x) (1) All military, economic, or other assistance, all sales of defense articles and services (whether for cash or by credit, guaranty, or any other means), all sales of agricultural commodities (whether for cash, credit, or by other means), and all licenses with respect to the transportation of arms, ammunitions, and implements of war (including technical data relating thereto) to the Government of Pakistan under this or any other law shall be suspended on the date of enactment of this subsection.

"(2) The provisions of this subsection shall cease to apply when the President reports to the Congress that the Government of Pakistan is cooperating fully in allowing the situation in East Pakistan to return to reasonable stability and that refugees from East Pakistan in India have been allowed, to the extent feasible, to return to their homes and to reclaim their lands and properties.

"(3) Nothing in this subsection shall apply to the provision of food and other humanitarian assistance which is coordinated, distributed, or monitored under international auspices."

##### AUTHORIZATION OF ADMINISTRATIVE EXPENSES

SEC. 302. Section 637(a) of the Foreign Assistance Act of 1961, relating to authorization of administrative expenses of the agency administering part I, is amended by striking out "for the fiscal year 1970, \$51,125,000, and for the fiscal year 1971, \$51,125,000" and inserting in lieu thereof "for each of the fiscal years 1972 and 1973, \$51,800,000".

##### MISCELLANEOUS PROVISIONS

SEC. 303. (a) (1) Section 652 of chapter 3 of part III of the Foreign Assistance Act of 1961, relating to miscellaneous provisions, is amended to read as follows:

"SEC. 652. LIMITATION UPON EXERCISE OF SPECIAL AUTHORITIES.—The President shall not exercise any special authority granted to him under section 506(a), 610(a), or 614(a) of this Act unless the President, at least ten days prior to the date he intends to exercise any such authority, notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this Act under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority."

(2) The last sentence of section 506(a) of such Act, relating to special authority, is repealed.

(3) The last sentence of section 634(d) of such Act, relating to reports and information, is amended by striking out "614(a)."

(b) Such chapter 3 is amended by adding at the end thereof the following new sections:

"SEC. 653. CHANGE IN ALLOCATION OF FOREIGN ASSISTANCE.—(a) Not later than thirty days after the enactment of any law appropriating funds to carry out any provision of this Act (other than section 451 or 637), the President shall notify the Congress of each foreign country and international organization to which the United States Government intends to provide any portion of the funds under such law and of the amount of funds under that law, by category of assistance, that the United States Government intends to provide to each. Notwithstanding any other provision of law, the United States Government shall not provide to any foreign

country or international organization any funds under that law which is in excess of 10 per centum of the amount of each category of assistance which the President notified the Congress that the United States Government intended to provide that country or organization under that law, unless the President (1) determines that it is vital to the security of the United States that such country or organization receive funds in excess of the amount included in such notification for that country or organization, and (2) reports to Congress, at least ten days prior to the date on which such excess funds are to be provided to that country or organization, each such determination, including the name of the country or organization to receive funds in excess of such per centum, the amount of funds in excess of that per centum which are to be provided, and the justification for providing the additional assistance.

"(b) The provisions of this section shall not apply in the case of any law making continuing appropriations and may not be waived under the provisions of section 614(a) of this Act.

"SEC. 654. PRESIDENTIAL FINDINGS AND DETERMINATIONS.—(a) In any case in which the President is required to make a report to the Congress, or to any committee or officer of either House of Congress, concerning any finding or determination under any provision of this Act, the Foreign Military Sales Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, that finding or determination shall be reduced to writing and signed by the President.

"(b) No action shall be taken pursuant to any such finding or determination prior to the date on which that finding or determination has been reduced to writing and signed by the President.

"(c) Each such finding or determination shall be published in the Federal Register as soon as practicable after it has been reduced to writing and signed by the President. In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a determination or finding has been made by the President, including the name and section of the Act under which it was made, shall be published.

"(d) No committee or officer of either House of Congress shall be denied any requested information relating to any finding or determination which the President is required to report to the Congress, or to any committee or officer of either House of Congress, under any provision of this Act, the Foreign Military Sales Act, the Foreign Assistance and Related Programs Appropriations Act for each fiscal year, even though such report has not yet been transmitted to the appropriate committee or officer of either House of Congress.

"SEC. 655. LIMITATION UPON ASSISTANCE TO OR FOR CAMBODIA.—(a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other Act may be obligated or expended in any amount in excess of \$250,000,000 for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Cambodia during the fiscal year ending June 30, 1972.

"(b) In computing the \$250,000,000 limitation on obligation and expenditure authority under subsection (a) of this section in fiscal year 1972, there shall be included in the computation the value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia in such fiscal year by gift, donation, loan, lease, or otherwise. For the purpose of this subsection, 'value' means the fair market value of any goods, supplies, materials, or equipment pro-

vided to, for, or on behalf of Cambodia but in no case less than 33½ per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

"(c) No funds may be obligated or expended for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Cambodia in any fiscal year beginning after June 30, 1972, unless such funds have been specifically authorized by law enacted after the date of enactment of this Act. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated or expended for any such purpose during such fiscal year.

"(d) The provisions of subsections (a) and (c) of this section shall not apply with respect to the obligation or expenditure of funds to carry out combat air operations over Cambodia.

"(e) After the date of enactment of this Act, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Cambodia for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

"(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1971, a written report showing the total amount of funds expended in, for, or on behalf of Cambodia during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount expended, describing the different purposes for which such funds were expended and the total amount expended for such purpose, except that in the case of the first two quarters of the fiscal year beginning July 1, 1971, a single report may be submitted for both such quarters and such report may be computed on the basis of the most accurate estimates the President is able to make taking into consideration all information available to him.

"(g) Enactment of this section shall not be construed as a commitment by the United States to Cambodia for its defense."

LIMITATIONS ON UNITED STATES PERSONNEL AND PERSONNEL ASSISTED BY UNITED STATES IN CAMBODIA

SEC. 304. Chapter 3 of part III of the Foreign Assistance Act of 1961, relating to miscellaneous provisions, is further amended by adding after section 655, as added by section 303(b) of this Act, the following new section:

"SEC. 656. LIMITATIONS ON UNITED STATES PERSONNEL AND PERSONNEL ASSISTED BY UNITED STATES IN CAMBODIA.—The total number of civilian officers and employees of executive agencies of the United States Government who are citizens of the United States and of members of the Armed Forces of the United States (excluding such members while actually engaged in air operations in or over Cambodia which originate outside Cambodia) present in Cambodia at any one time shall not exceed two hundred. The United States shall not, at any time, pay in whole or in part, directly or indirectly, the compensation or allowances of more than fifty individuals in Cambodia who are citizens of countries other than Cambodia or the United States. For purposes of this section, 'executive agency of the United States Government' means any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment within the executive branch of the United States Government."

ANNUAL FOREIGN ASSISTANCE REPORT

SEC. 305. (a) Chapter 3 of part III of the Foreign Assistance Act of 1961, relating to miscellaneous provisions, is further amended

by adding after section 656, as added by section 304 of this Act, the following new section:

"SEC. 657. ANNUAL FOREIGN ASSISTANCE REPORT.—(a) In order that the Congress and the American people may be better and more currently informed regarding the volume and cost of assistance extended by the United States Government to foreign countries and international organizations, and in order that the Congress and the American people may be better informed regarding the sale of arms to foreign countries and international organizations by private industry of the United States, not later than December 31 of each year the President shall transmit to the Congress an annual report, for the fiscal year ending prior to the fiscal year in which the report is transmitted, showing—

"(1) the aggregate dollar value of all foreign assistance provided by the United States Government by any means to all foreign countries and international organizations, and the aggregate dollar value of such assistance by category provided by the United States Government to each such country and organization, during that fiscal year;

"(2) the total amounts of foreign currency paid by each foreign country or international organization to the United States Government in such fiscal year, what each payment was made for, whether any portion of such payment was returned by the United States Government to the country or organization from which the payment was obtained or whether any such portion was transferred by the United States Government to another foreign country or international organization, and, if so returned or transferred, the kind of assistance obtained by that country or organization with those foreign currencies and the dollar value of such kind of assistance;

"(3) the aggregate dollar value of all arms, ammunitions, and other implements of war, and the aggregate dollar value of each category of such arms, ammunitions, and implements of war, exported under any export license, to all foreign countries and international organizations, and to each such country and organization, during that fiscal year; and

"(4) such other matters relating to foreign assistance provided by the United States Government as the President considers appropriate, including explanations of the information required under clauses (1)–(3) of this subsection.

"(b) All information contained in any report transmitted under this section shall be public information. However, in the case of any item of information to be included in any such report that the President, on an extraordinary basis, determines is clearly detrimental to the security of the United States, he shall explain in a supplemental report why publication of each specific item would be detrimental to the security of the United States. A supplement to any report shall be transmitted to the Congress at the same time that the report is transmitted.

"(c) If the Congress is not in session at the time a report or supplement is transmitted to the Congress, the Secretary of the Senate and the Clerk of the House of Representatives shall accept the report or supplement on behalf of their respective Houses of Congress and present the report or supplement to the two Houses immediately upon their convening.

"(d) For purposes of this section—

"(1) 'foreign assistance' means any tangible or intangible item provided by the United States Government under this or any other law to a foreign country or international organization, including, but not limited to, any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dol-



lars, and any currencies owned by the United States Government of any foreign country;

"(2) 'provided by the United States Government' includes, but is not limited to, foreign assistance provided by means of gift, loan, sale, credit sale, or guaranty; and

"(3) 'value' means value at the time of transfer except that in no case shall any commodity or article of equipment or material be considered to have a value less than one-third of the amount the United States Government paid at the time the commodity or article was acquired by the United States Government."

(b) Section 644(m) of such Act is amended by striking out—

"(m) 'Value' means—"

and inserting in lieu thereof—

"(m) 'Value' means, other than in section 657 of this Act—"

(c) Subsection (a) of section 634 of such Act is repealed.

(d) The provision of this section shall apply with respect to any fiscal year commencing on or after July 1, 1971.

#### LIMITATION ON USE OF FUNDS

SEC. 306. Chapter 3 of part III of the Foreign Assistance Act of 1961, relating to miscellaneous provisions, is further amended by adding after section 657, as added by section 305(a) of this Act, the following new section:

"SEC. 658. LIMITATION ON USE OF FUNDS.—(a) Except as otherwise provided in this section, none of the funds appropriated to carry out the provisions of this Act or the Foreign Military Sales Act shall be obligated or expended until the Comptroller General of the United States certifies to the Congress that all funds previously appropriated and thereafter impounded during the fiscal year 1971 for highway construction, low-rent public housing, Model Cities, water and sewer grants, urban renewal, regional economic development, farm credit, and mass transportation have been released for obligation and expenditure.

"(b) The provisions of this section shall not apply—

"(1) to funds being withheld in accordance with specific requirements of law; and

"(2) to appropriations obligated or expended prior to January 1, 1972."

#### PART IV—MISCELLANEOUS PROVISIONS

##### FOREIGN MILITARY SALES

SEC. 401. The Foreign Military Sales Act is amended as follows:

(1) In section 31(a), relating to authorization, strike out "\$250,000,000 for each of the fiscal years 1970 and 1971" and insert in lieu thereof "\$459,000,000 for the fiscal year 1972".

(2) In section 31(b), relating to aggregate ceiling on foreign military sales credits, strike out "\$340,000,000 for each of the fiscal years 1970 and 1971" and insert in lieu thereof "\$523,800,000 for the fiscal year 1972".

(3) In section 33(a), relating to regional ceilings on foreign military sales, strike out "\$75,000,000" and insert in lieu thereof "\$100,000,000".

(4) Section 33(c), relating to regional ceilings on foreign military sales, is repealed.

##### EXCESS DEFENSE ARTICLES

SEC. 402. Section 8 of the Act of January 12, 1971, entitled "An Act to amend the Foreign Military Sales Act, and for other purposes" (84 Stat. 2053), is amended—

(1) by striking out the first and second sentences of subsection (a) and inserting in lieu thereof the following: "Subject to the provisions of subsection (b), the value of any excess defense article granted to a foreign country or international organization by any department, agency, or independent establishment of the United States Government (other than the Agency for International Development) shall be considered to be an expenditure made from funds appro-

riated under the Foreign Assistance Act of 1961 for military assistance. Unless such department, agency, or establishment certifies to the Comptroller General of the United States that the excess defense article it is ordering is not to be transferred by any means to a foreign country or international organization, when an order is placed for a defense article whose stock status is excess at the time ordered, a sum equal to the value thereof shall (1) be reserved and transferred to a suspense account, (2) remain in the suspense account until the excess defense article is either delivered to a foreign country or international organization or the order therefor is cancelled and (3) be transferred from the suspense account to (A) the general fund of the Treasury upon delivery of such article, or (B) to the military assistance appropriation for the current fiscal year upon cancellation of the other."

(2) by striking out, in subsection (b), "\$100,000,000" and inserting in lieu thereof "\$150,000,000"; and

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

"(e) Except for excess defense articles granted under part II of the Foreign Assistance Act of 1961, the provisions of this section shall not apply to any excess defense article granted to South Vietnam prior to July 1, 1972."

##### INTERPARLIAMENTARY UNION

SEC. 403. The first section of the Act of June 28, 1935, entitled "An Act to authorize participation by the United States in the Interparliamentary Union" (22 U.S.C. 276), is amended as follows:

(1) Strike out "\$53,550" and insert in lieu thereof "\$102,000".

(2) Strike out "\$26,650" and insert in lieu thereof "\$57,000".

(3) Strike out "\$26,900" and insert in lieu thereof "\$45,000".

##### INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

SEC. 404. Part IV of the Foreign Assistance Act of 1969 is amended as follows:

(1) Strike out the title of such part and insert in lieu thereof the following:

##### "PART IV—THE INTER-AMERICAN FOUNDATION ACT"

(2) The caption of section 401 and subsection (a) of such section of that part are amended to read as follows: "INTER-AMERICAN FOUNDATION.—(a) There is created as an agency of the United States of America a body corporate to be known as the Inter-American Foundation (hereinafter in this section referred to as the 'Foundation')."

(3) Section 401 of such part is amended by striking out "Institute" wherever it appears and inserting in lieu thereof "Foundation".

(4) Section 401(e)(4) of such part is amended to read as follows:

"(4) shall determine and prescribe the manner in which its obligations shall be incurred and its expenses, including expenses for representation (not to exceed \$10,000 in any fiscal year), allowed and paid;"

(5) Section 401(1) is amended to read as follows:

"(1) (1) The chief executive officer of the Foundation shall be a President who shall be appointed by the Board of Directors on such terms as the Board may determine. The President shall receive compensation at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(2) Experts and consultants, or organizations thereof, may be employed as authorized by section 3109 of title 5, United States Code."

##### ANNUAL AUTHORIZATIONS FOR STATE DEPARTMENT AND USIA

SEC. 405. (a) It is the purpose of this section to enable the Congress generally, and

the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives in particular, to carry out the purposes and intent of the Legislative Reorganization Acts of 1946 and 1970, with respect to—

(1) the analysis, appraisal, and evaluation of the application, administration, and execution of the laws relating to the Department of State and the United States Information Agency and of matters relating to the foreign relations of the United States; and

(2) providing annual authorizations of appropriations for that Department and Agency.

(b) Section 15 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2680) is amended to read as follows:

"SEC. 15. (a) Notwithstanding any other provision of law, no appropriation shall be made to the Department of State under any law for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation hereafter enacted by the Congress.

"(b) The Department of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to all activities and responsibilities of all departments, agencies, and independent establishments of the United States Government conducted outside the United States or its territories or possessions. Any such department, agency, or independent establishment shall furnish any information requested by either such committee relating to any such activity or responsibility."

(c) The last sentence of section 13 of such Act (22 U.S.C. 2684) is repealed.

(d) Section 701 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476) is amended to read as follows:

##### "PRIOR AUTHORIZATIONS BY CONGRESS

"SEC. 701. Notwithstanding any other provision of law, no appropriation shall be made to the Secretary of State, or to any Government agency authorized to administer the provisions of this Act, under any law for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation hereafter enacted by the Congress."

##### WITHDRAWAL OF UNITED STATES FORCES FROM INDOCHINA

SEC. 406. (a) The Congress hereby finds that the repeal of the joint resolution entitled "Joint Resolution to promote the maintenance of international peace and security in Southeast Asia", approved August 10, 1964 (Public Law 88-408), known as the Gulf of Tonkin Resolution, has left the Government of the United States without congressional authority for continued participation in the war in Indochina. Therefore, in order to bring an end to the involvement of the armed forces of the United States in the hostilities in Indochina, to secure the safe return of United States' prisoners of war held by North Vietnam and its allies, and to help bring about a political settlement of the war in Indochina, it is the sense of the Congress that it should be the policy of the United States to provide for the expeditious withdrawal from Indochina of all United States armed forces.

(b) On and after the date of enactment of this Act, in order to carry out the policy of withdrawal of all United States armed forces from Indochina, funds authorized for use by such forces by this or any other Act may be used only for the purpose of withdrawal of all such forces from Indochina and may not be used for the purpose of engaging such forces in hostilities in North or South Vietnam, Cambodia, or Laos, except for actions neces-

sary to protect those forces against imminent danger as they are withdrawn.

TERMINATION OF UNITED STATES MILITARY OPERATIONS IN INDOCHINA

SEC. 407. It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces not later than six months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

- (1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, such date to be not later than six months after the date of enactment of this Act.
- (2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.
- (3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

LIMITATION OF UNITED STATES ACTIVITIES IN CAMBODIA

SEC. 408. Section 7(a) of the Special Foreign Assistance Act of 1971 (84 Stat. 1943) is amended by striking out "Cambodian military forces" and inserting in lieu thereof "military, paramilitary, police, or other security or intelligence forces".

RESTRICTIONS RELATING TO FOREIGN TROOPS

SEC. 409. Section 401(a) of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended, is amended—

- (1) by inserting in the second sentence of paragraph (1), after "to or for the use of the Armed Forces of the United States", the following: "or of any department, agency, or independent establishment of the United States"; and
- (2) by inserting in the introductory matter preceding clause (A) of paragraph (2) of such section, after "Armed Forces of the United States", the following: "or of any department, agency, or independent establishment of the United States".

REPEAL OF FORMOSA RESOLUTION

SEC. 410. The joint resolution entitled "Joint Resolution authorizing the President to employ the Armed Forces of the United States for protecting the security of Formosa, the Pescadores, and related positions and territories of that area", approved January 29, 1955 (69 Stat. 7; Public Law 84-4), is repealed effective upon the date of adjournment sine die of the first session of the Ninety-second Congress.

USE OF FOREIGN CURRENCIES

SEC. 411. (a) Section 502(b) of the Mutual Security Act of 1954 is amended to read as follows:

"(b) Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, or any other provision of law, local currencies owned by the United States, which are in excess of the amounts reserved under section 612(a)

of the Foreign Assistance Act of 1961, and which are determined by the Secretary of the Treasury to be excess to the normal requirements of the United States, shall be made available to appropriate committees of the Congress engaged in carrying out their duties under section 136 of the Legislative Reorganization Act of 1946, and to the Joint Committee on Atomic Energy and the Joint Economic Committee and the Select Committees on Small Business of the Senate and House of Representatives for their local currency expenses. Any such excess local currencies shall not be made available (1) to defray subsistence expenses or fees of witnesses appearing before any such committee in the United States, or (2) in amounts greater than the equivalent of \$100 a day for each person, exclusive of the actual cost of transportation."

(b) The amendment made by this section is effective March 1, 1972.

The PRESIDENT pro tempore. What is the pleasure of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the committee amendment in the nature of a substitute be agreed to and that the text of the bill as thus amended be treated as original text for the purpose of further amendment.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that Mr. Carl Marcy, Mr. Norvill Jones, and Mr. Robert Dockery, of the staff of the Committee on Foreign Relations, be permitted to remain on the floor during rollcall votes on the foreign aid bill.

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

Mr. FULBRIGHT. Mr. President, it is with great reluctance that I present this foreign aid bill to the Senate. There is much in it, in the form of policy changes, that I can support with enthusiasm. But, on the money amounts involved, I find myself in disagreement with the majority of my colleagues on the committee. I cannot support their recommendation for a total of \$3.2 billion in foreign aid when we face a \$30 billion—or more—Federal deficit for this fiscal year, an unprecedented balance-of-payments gap, mounting unmet domestic needs, all on top of a sick economy. A majority of my colleagues, however, believe that an aid program of this magnitude is in the national interest.

The committee has recommended a number of broad and far-reaching policy changes in this bill, changes designed both to restore a greater congressional role in foreign policy and to reform the foreign aid program. These are some of the more significant provisions in the bill:

It authorizes a total of \$3.2 billion in

foreign aid in the 1972 fiscal year: \$1.5 billion in economic assistance and \$1.7 billion in military and related aid.

It authorizes \$1.2 billion in economic aid for the 1973 fiscal year.

It contains the Cooper-Church amendment which prohibits use of funds for U.S. forces in Indochina for any purpose other than withdrawal.

It contains the Mansfield amendment which declares a national policy for withdrawing all U.S. forces from Indochina within 6 months, subject to the release of prisoners of war.

It ties release of foreign aid and military sales funds to prior release of funds for domestic programs which have been impounded.

It provides for periodic authorization of appropriations for the Department of State and the U.S. Information Agency.

It provides for funding of military aid to South Vietnam, Thailand, and Laos from the regular military assistance program beginning July 1, 1972.

It imposes a ceiling of \$250 million on obligations and expenditures for Cambodia in fiscal year 1972 and puts a ceiling of 200 on the number of American civilian and military government personnel in Cambodia.

It calls for shifting more of our economic aid to a multilateral basis and requires a phasing-out of the bilateral loan program by June 30, 1975.

It authorizes \$250 million in fiscal year 1972 for refugee relief programs in India and Pakistan.

It requires the President to submit to Congress a country-by-country list of foreign aid allocations within 30 days after passage of the appropriation bill and permits a maximum 10-percent increase in aid in each category and country by transfer of funds from other countries or programs without advance notice to Congress.

It requires advance notice to Congress before use by the President of the transfer, waiver, and other special authority available to him under the Foreign Assistance Act.

It requires a 25-percent cutback within the next year in the number of U.S. military personnel assigned abroad to military advisory missions or similar activities.

It provides for a cutoff in aid to countries which do not take adequate steps to control the international drug traffic.

It requires 25 percent payment in foreign currency for U.S. military grant aid.

It suspends all assistance and military sales to Pakistan, except humanitarian relief.

It prohibits further foreign assistance or military sales to Greece with provision for a partial Presidential waiver.

These and the other provisions are explained in detail in the committee report, which I believe is a thorough and excellent report, and I will not burden the Senate by repeating that information.

SHIFT TO MULTILATERAL BASIS

Two years ago, the Foreign Relations Committee's last report to the Senate on a bilateral foreign aid bill put the basic problem about foreign aid policy this way:



All members of the committee are acutely aware that the richest Nation in the world has an obligation to help close the widening gap between the "haves" and the "have nots" of the world. The issue is not "Should we provide aid?" It is "How?" and "How much?" The first question must be answered before the second can be approached sensibly—and the old answers of the past to "How?" are outmoded and discredited. The future of foreign aid is bleak indeed until a new program can be developed which will command greater respect and support, both with the public and the Congress, than the current program commands.

A majority of the Committee on Foreign Relations have for years urged that the U.S. development aid program be put on a multilateral basis and that the United States encourage both the growth of the multilateral institutions and increased support for them from other nations. The international lending and development agencies have an institutional status which places them above disputes of national interest which now afflict both donor and recipient alike in our bilateral arrangements. In addition, the international development agencies can attach stringent economic conditions to their loans and grants without being accused of intervention.

There is another reason for shifting from bilateral to multilateral aid. That is the potential value of foreign aid as an instrument for easing hostilities between the United States and the Communist world and for helping to build a peaceful and cooperative international community. Foreign aid was forged as an instrument in the cold war and has, in large measure, remained as such. We should now seek agreement with the Soviet Union, in particular, for cooperation on world development problems where we have common interests. I hope that the President will pursue this subject on his coming trip to the Soviet Union. With Communist China as a member of the United Nations, the potential of that organization to be a more effective leader in international development will be enhanced. Hopefully, China will wish to participate in the Asian Development Bank and, perhaps, other development institutions. Cooperation, like conflict, tends to feed upon itself.

We should make every effort to define and nurture the community of interest which we and the Soviet Union share and which we and China share, in assisting the poor nations of the world.

Although the President has stated his support for channeling "... an increasing share of its development assistance through multilateral institutions, as rapidly as practicable," neither the size of the bilateral aid request nor future planning seem to reflect that policy. Indeed, in reply to a request for information about the outlook over the next few years for a change in the mix between bilateral and multilateral aid, the committee was told by the Department of State that—

... we do not foresee ... in the near term a drastic cutback in the proportion of our aid administered on a bilateral basis.

In an effort to insure that our bilateral aid program is internationalized more

rapidly, the committee adopted a provision requiring a phaseout of the development loan program over the next 4 years and, in the interim, provided authority for loan funds to be transferred for administration through the multilateral institutions. Hopefully, this step will encourage other countries to increase their support for the multilateral approach to aid.

I believe that a substantial majority of the members of the committee have answered the question of "how" quite clearly. But until there are positive steps toward implementing the shift in policy recommended by the committee, there can be no clear-cut answer to the question of "how much?" The amounts recommended by the majority of the committee are for a transitional program and, in my view, and that of a substantial majority of the committee members, much too generous for the circumstances and the times.

#### COMPARISON OF RELATIVE EFFORTS

In recent years executive branch officials have argued that, compared with other rich nations, the United States development aid effort is quite low. It is said that we rank 11th out of the 16 major aid donors, and that our share of the total aid given has dropped significantly. On the face of it, this looks like we are, indeed, slackers. But no nation approaches the United States in the overall contribution we make to the security and the economic well-being of both the rich and the poor nations of the world. The figures cited to prove we are not generous enough refer only to development aid, as defied by the Development Assistant Committee of the OECD, measured as a percentage of GNP.

In the first place, GNP is a distorted and grossly inaccurate measure of a nation's real resources and productive capacity. The tens of billions spent annually in the United States on liquor, tobacco, cosmetics, stock brokerage fees, the enormous amounts for space exploration and research, Government payrolls, and horse racing, for example, do not add, in my opinion, to our capacity to give finite resources to other countries. Much of what goes into our GNP reflects only the serious distortion of our own priorities, not an added increment to our real economic wealth, or our capacity to service the needs of foreign countries. On the other side of the coin, the use of GNP to measure the economic well-being of poorer countries makes them appear to be poorer than they really are. In a nation with a subsistence economy, it is quite possible that a large portion of its production, in terms of food, clothing, and shelter, may not be reflected in the GNP figures. Perhaps GNP may be the best measure of relative national wealth available, but it is a poor measure at best. And any use of it to show comparative efforts in foreign aid should be taken with a grain of salt.

Also, the distorted measurement of aid effort by GNP does not take into account the some \$5 billion in military aid planned to be given other countries this year, hundreds of millions in humanitarian relief, and other aid outflows which we, but not other nations, will

incur. It also does not take into account the tremendous burden that American taxpayers have assumed under treaty obligations to protect the security of 43 nations around the world. The estimated costs of maintaining forces to meet the NATO commitment alone start at \$14 billion annually and go up from there. NATO countries, as a group, spent some 4.1 percent of their GNP on defense last year, while we spent 8.6 percent. Yet, for example, the United States continues to foot the military aid bill for Greece and Turkey, both members of NATO. Japan, now so very prosperous, spends less than 1 percent of GNP on defense, but is certainly not noted for her generosity in giving development aid to the poor nations.

And so it goes. Throughout the world, the United States provides the defense umbrella which frees vast resources of the other rich nations, a goodly part of which would otherwise be spent for military purposes. This subsidy enables these nations to achieve, with relative ease, more rational priorities for use of their budget resources, a feat we in the United States have been unable to accomplish because of our huge military expenditures. It is only fitting that these nations should give a greater proportion of their resources in the form of aid to the developing nations.

#### SIZE AND DIRECTION OF THE AID PROGRAM

Mr. President, judging from the amounts contained in this bill—amounts totaling more than \$3.2 billion—it is "business as usual" for foreign aid, despite the state of our economy, the Government's fiscal dilemma, and our domestic needs. This bill would authorize \$1.3 billion, more than the amount appropriated for these programs in the 1970 fiscal year. And it is more than \$1 billion above the 1971 appropriations, if we exclude the supplemental appropriations for last year.

The distortion of the aid program for military purposes continues. Of the amounts approved by the committee, \$1.7 billion is for military and related aid and \$1.2 billion is for economic aid, not counting the special authorization for Pakistan relief. This compares with the 1970 program when \$1 billion was for economic aid and \$815 million went for military purposes, less than half the current request.

And the money in this bill for military aid represents only about one-third of the total military aid planned to be distributed by the United States around the world in this year. At the same time the President seeks to assure the American people that the United States is winding down its military involvement abroad. Yet, in the last year the executive branch has adopted a new client state in Cambodia, reversed a long-standing ban on arms to Indonesia, doubled our aid to Korea, waived the congressional ceiling on arms to Latin America and Africa, and the list goes on.

In fiscal year 1970 Congress appropriated \$420 million for military aid and credit sales. This year the President asked for \$1.2 billion for these two programs—three times the amount Congress provided only 2 years ago. What does this

vast increase in military aid signify? Does it mean that U.S. policy is now to carry on a Pax Americana by proxy, with arms as the carrot for encouraging foreign cooperation.

Is the policy to seek to accomplish the same objectives as the previous administration, only through greater use of subsidized foreign forces? Or has there been a genuine change in the way this administration looks at the world and our role in it? I do not know the answer to these questions. But at least some of the answers are suggested by the military aid aspects of this bill.

The \$3.2 billion in this bill is just a small portion of the down payment of the total price of the foreign aid program, just the tip of the foreign aid iceberg. The total price tag on all foreign aid and related programs proposed for fiscal 1972 is actually \$9.5 billion. And if the cost of all these and other aid programs is projected over the next 5 years, the grand total comes to approximately \$51 billion.

This estimate was made by the committee staff, after the administration refused to provide the committee with the facts and figures on its own 5-year estimates. I believe the staff's projections, based on current aid costs represent a reasonable and very probably a conservative estimate of what the foreign aid price tag is likely to be over the next 5 years based on the current trends.

#### NATIONAL PRIORITIES

Senators will recall that last spring, the White House announced that some \$12 billion in funds appropriated by Congress for domestic purposes would be withheld because of the general economic situation and the expectations for enactment of the President's revenue sharing proposal. Most of these funds are still impounded and there is no indication when they will be released. It is difficult to reconcile the fact that these funds remain impounded at a time when the administration is requesting \$3.5 billion in foreign aid. The committee adopted an amendment to this bill requiring that the President release by December 31 all funds impounded for domestic projects or be faced with a cutoff of the authority to obligate foreign aid funds.

The committee adopted this provision with a view to focusing attention on two fundamental issues: first, our national priorities, in terms of domestic against foreign needs; and second, the principle of separation of powers, the President's refusal to spend funds appropriated by the Congress. In effect, this provision says to the President, "If you continue to impound funds appropriated by the Congress for domestic programs, then Congress will restrict your authority to spend money with respect to those programs to which, apparently, you have given a higher priority." In addition, the provision speaks to the American public and says, "You will be assured of getting funds for your domestic programs before any additional foreign aid funds can be obligated for similar programs abroad."

Mr. President, the funds impounded by the President represent the hopes and aspirations of millions of citizens of this

country. In order to get these funds appropriated, governors, mayors and other local officials lobbied long and hard, first to get the programs authorized and then to get the appropriations. After careful and thorough hearings by our respective committees, they persuaded Congress that their needs were valid. Congress appropriated the money and the mayors and other officials went home believing they had done a good job; that their time had been well spent; and that the funds they needed would be forthcoming. They had gone to their elected representatives; they had presented their case; they had made this case in an open forum before all of the country, and they had won.

Then came the announcement from the White House, which said, in effect:

Consistent with the President's economic game plan, he has decided that the additional funds recently appropriated by the Congress for domestic programs shall not be obligated at this time.

I may say that the appropriations were, of course, signed by the President and he is obligated under his oath of office to execute the law of the United States.

Contrast this with what happens concerning funds for similar projects abroad: A planning official from country X goes to the AID Mission Director and says that he needs X amount for slum clearance and housing in his country's capital city. AID officials are convinced that the project should be given priority and the recommendation is submitted to Washington, where AID officials approve the project and the funds are obligated. For the planning official in country X, the "system" works perfectly. Neither he nor his advisers have had to plead for an authorization for these projects from Congress. Nor have they had to test their mettle before an Appropriations Committee—but, still, they get their slum clearance funds. From their standpoint, the President of the United States has his priorities in the proper order.

And, for military aid, the system is even more generous. A recent news story revealed, for example, that last year Lebanon, much to its Government's embarrassment, was given \$5 million in U.S. military aid which it had never requested.

The article stated:

For a time, the unexpected announcement of the gift threatened U.S.-Lebanon relations.

I wonder how many U.S. mayors have ever received an unasked-for bonanza for their city from the Federal Government.

I also direct the attention of my colleagues to section 102(2) of the bill which authorizes \$30 million for American schools and hospitals abroad. This money will probably end up funding some 20 to 30 projects out of the 40 or so submitted to Congress. With perhaps one of two exceptions, testimony has not been received by committees on these projects, but, as in the past, the sponsors of these projects, in the majority of cases, will wind up with the money they asked for. Who among us could get, with such ease, funds for a school or hospital project in his own State? And even if you or I did make it through the congressional gauntlet, with

a project for our State, the President would probably impound the funds.

But there is no talk of the President impounding any appreciable portion of the funds for overseas programs. All we have heard about this 10 percent cut in economic aid announced by the President in August are the exclusions from its coverage. When, how, and even if the order will be implemented remains to be seen. There is no evidence that the funds destined for Brazil, Greece, Turkey, Korea, or Taiwan will be impounded in significant amount, if at all.

#### COOPER-CHURCH AND MANSFIELD AMENDMENTS

Now let me say a few words about the Cooper-Church and the Mansfield amendments, which the committee approved by votes of 11 to 5 and 12 to 4, respectively. The repeal of the Gulf of Tonkin Resolution left the President without any congressional sanction for engaging our forces in combat other than for self-protection during the withdrawal process. There is no national policy for Indochina to which Congress has given its approval. The Cooper-Church and the Mansfield amendments together declare a national policy for Indochina.

The Mansfield amendment says that U.S. military operations must be terminated at the earliest practicable date and that all U.S. forces must be withdrawn within 6 months, contingent on the release of all U.S. prisoners of war. The Cooper-Church amendment ensures that funds for military purposes in Indochina can be used only to effectuate the withdrawal of our forces and to protect them from "imminent danger" while they are being withdrawn. The Mansfield amendment sets the time frame for withdrawal of the Cooper-Church amendment restricts spending to that objective.

Perhaps the war will continue indefinitely after United States forces leave. No one can foresee the final military or political outcome in the area. But a majority of the members of the committee believe that the continued presence of our forces works to prevent the operation of natural political factors that might result in a settlement between the parties and assures the continued imprisonment of captured Americans. The best way to get American prisoners home, other than through a negotiated settlement, and, indeed, the best way to obtain a negotiated settlement is to get a date for withdrawal and bring all of our troops, airmen, and sailors home. That is the purpose of these amendments.

#### ACCESS TO INFORMATION

Mr. President, I have done my best to encourage members of the committee, and Members of this body generally, to reassert themselves in order to restore the Senate's proper constitutional role in foreign policy. Three months ago in an effort to obtain planning data on military aid, the committee, by a vote of 15 to 0, invoked a statutory provision designed to insure congressional access to information about the conduct of the foreign aid program. Funds for the program at issue would be cut off if the information were not provided. But the statute contained an escape clause which



enabled the President to avoid the fund cutoff by claiming executive privilege. He did so, directing both the Secretaries of State and Defense—

... not to make available to the Congress any internal working documents which would disclose tentative planning data on future years of the military assistance program ...

During the markup of the foreign aid bill I offered an amendment to eliminate the language giving the President the authority to avoid the fund cutoff if the information requested were not supplied. Much to my disappointment the amendment was defeated by a vote of 9 to 7.

"Talk is cheap," the old saying goes. While Senators may complain at length about the need to redress the balance between the President and Congress, and restore the Senate's role in the conduct of our relations with foreign countries, all too often when the showdown comes Senators' votes do not match their rhetoric. Until Senators act as the Founding Fathers intended Senators to act, there is little hope for Congress to play a truly effective role again.

#### CONCLUSION

Mr. President, in conclusion, I point out that a majority of the Foreign Relations Committee believes that continuation of the foreign aid program at this level is in the national interest. But there is general agreement that the program as constituted must be drastically reshaped if it is to continue to command the congressional support in the future. For the last several years Congress has allowed it to continue more by sufferance and a lack of appealing alternatives than by true support. In view of the dearth of enthusiasm for the existing program, the Government's fiscal crisis, and the state of our economy and our society, it is remarkable that there is a foreign aid bill at all this year. Under the circumstances, the amounts the committee has recommended are, indeed, generous and the policy changes it recommends long overdue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PERCY. 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. PERCY. Mr. President, I should like to address a few questions to the distinguished chairman of the Foreign Relations Committee. I have just had an opportunity to study briefly the report of the committee in connection with the Foreign Assistance Act of 1971, and I am particularly interested in the section dealing with the suspension of assistance to Pakistan and the \$250 million established as a fund to aid refugees.

With respect to the latter question, the newspapers have been filled with stories of the continuing exodus of refugees from East Pakistan. When I was there a few months ago, it was perfectly evident that people are still continuing to flee East Pakistan for the refugee camps in India. We have established an amount of relief

assistance for food for East Pakistan and an amount for India. However, the conditions are quite fluid. It may be that the figures given to me at that time by Dr. Malik and General Tikka Khan of East Pakistan might be wrong, in that they would not need as much food relief for East Pakistan because of the large exodus of the population from the country. However, this is authorizing legislation.

Is it the purpose and intention of AID to adjust these amounts to what the current situation would be and would it be possible for the amount established for India to be increased if it were apparent, say, that instead of 8 million refugees, as there were in August, there might be 10, 11, or 12 million refugees in India, which required larger funds for that country?

Mr. FULBRIGHT. First, Mr. President, may I call attention to the language of the report dealing with the situation in Pakistan and India and ask unanimous consent that the appropriate portions be printed at this point in the RECORD.

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

#### SUSPENSION OF ASSISTANCE TO PAKISTAN

The new subsection 620(x) suspends all military, economic and other assistance to the Government of Pakistan, including sales of military equipment and sales of agricultural commodities. The adoption of this provision demonstrates the Committee's deep concern over the repressive actions taken by the Government of Pakistan against the people of East Pakistan. It is the Committee's view that, in the current savage civil war between the western and eastern wings of Pakistan, the United States should be benevolently neutral, giving aid to neither side.

This suspension does not apply to the provision of food and other humanitarian assistance when such assistance is coordinated, distributed, or monitored under international auspices. The Committee, in authorizing \$250,000,000 for refugee relief, adopted language designed to stress the role of the international agencies and U.S. voluntary agencies in the relief effort. That language states that relief assistance "... shall be distributed to the maximum extent practicable, under the auspices of and by international institutions and relief agencies or United States voluntary agencies."

The Committee expects that "humanitarian relief" will be construed with a rule of reason with relieving human suffering as the objective. But under no circumstances is the language to be used to justify resumption of normal foreign aid activities under the guise of "humanitarian relief." Neither should articles, such as trucks or boats, provided for relief purposes be allowed to be diverted for military purposes.

The prohibition approved by the Committee is considerably more strict than that contained in the bill as passed by the House of Representatives. It prohibits providing military services as well as articles, guaranty of credit sales of military items as well as direct credit, and it suspends all outstanding licenses relating to export of military materials to Pakistan.

Under this provision no new loan agreements can be made, and disbursements under existing loan agreements can be made only pursuant to outstanding irrevocable letters of credit. Technical assistance contracts shall be terminated according to the termination provisions of the contracts. Title I sales programs under P.L. 480 shall be terminated, to the extent legally possible, except for those providing for famine or disaster relief directly for the people of East

Pakistan. Other humanitarian relief under P.L. 480, Title II, could also be continued. It is expected that the A.I.D. mission staff would be withdrawn except for the personnel absolutely essential to winding up A.I.D. programs in an orderly fashion. The term "other assistance" is intended to prohibit any official U.S. action to suspend or postpone repayment of debts, including interest, owned by Pakistan to the United States, operation of Peace Corps programs, the making of Export-Import Bank loans, operation of programs by the Overseas Private Investment Corporation, as well as any other indirect aid to that government. The provision is not intended to affect funds made available for U.S. contributions to the Indus Basin Project.

Assistance and sales could be resumed after the President reports to Congress that the "Government of Pakistan is cooperating fully in allowing the situation in East Pakistan to return to reasonable stability and that refugees from East Pakistan in India have been allowed, to the extent possible, to return to their homes and to reclaim their lands and properties."

#### SECTION 110—RELIEF FOR PAKISTANI REFUGEES

This section adds a new section 481 to the Foreign Assistance Act which authorizes \$250,000,000, requested by the President, for use in providing for the relief of refugees from East Pakistan in India and for humanitarian relief in East Pakistan. These funds will be in addition to those available for humanitarian and relief assistance under Public Law 480.

The Committee is greatly concerned over the tragedy taking place in East Pakistan. The Agency for International Development estimated that, as of October 14, more than nine and one-half million East Pakistanis had fled their homes to take refuge in India. And the flow continues. Famine threatens many millions of Bengalis who remain in East Pakistan. The United States has a very strong interest in helping in every way possible to avert war and massive human suffering in that area.

The Committee has been advised that the United Nations is leading and coordinating humanitarian relief efforts in both India and East Pakistan. The Agency for International Development estimates that the total costs of providing food, water, clothing, shelter, medicine, and skeletal public services for the refugees in India will cost about \$95 million per one million refugees for the first year. This totals over \$900 million for first-year costs for the existing refugee load.

According to the latest information available to the Committee, total refugee aid to India from all sources amounts to about \$210 million, of which the United States has contributed \$89.2 million. It is estimated that the costs thus far exceed \$350 million, most of which has been borne by the Indian government. United States grant funds for refugees in India are contributed as part of the international relief effort which is being coordinated by the UN High Commissioner for Refugees (UNHCR). These funds are made available through the Office of Refugee and Migration Affairs, Department of State. Some of the grant funds are being allocated directly to the Government of India and some to the UN High Commissioner for Refugees (UNHCR) or directly to other international voluntary agencies, depending upon priority needs of the refugee situation and capabilities and plans of the various organizations involved. P.L. 480 food assistance is made available through A.I.D. channels.

The relief requirements in East Pakistan are difficult to estimate. A United Nations team has estimated that there will be a food-grain shortfall in East Pakistan of 1.8 million tons. In addition, edible oils and high protein foods will be needed to supplement grain requirements. According to A.I.D., total U.S.

humanitarian relief for East Pakistan since March 25 comes to \$82.3 million in dollars and food aid, and U.S.-owned local currency. Assistance from other nations totals \$37.5 million.

In East Pakistan the monitoring of the receipt and distribution of foodstuffs and other relief assistance is being carried out by a special UN Relief Supervisory Team set up by the Secretary General. Primary distribution of foodstuffs is being made by the Food Department of the Government of East Pakistan under the supervision of that Team.

In authorizing \$250 million for relief activities the Committee expects that Executive Branch officials will exert every effort to get other countries, including the Soviet Union and other Communist nations, to pay a fair share of the costs of this tragedy. The Executive Branch estimates that countries other than the United States have, thus far, contributed \$159 million in goods and services for the refugee relief effort. The Committee does not intend that the United States, in any way, assume primary responsibility for the refugee problem. This is an international disaster and the responsibility must be shared by the entire world community under the leadership of the United Nations.

The Committee adopted the following amendment to stress its concern that government-to-government channels be minimized in the distribution of relief and to forestall the possible buildup within the Agency for International Development of a large operating arm to carry out disaster relief programs:

"Such assistance shall be distributed, to the maximum extent practicable, under the auspices of and by international institutions and relief agencies or United States voluntary agencies."

The Committee does not wish to have the U.S.-Pakistani relief effort used by A.I.D. as a foot in the door to build up an operating disaster relief agency, as A.I.D.'s normal activities are curtailed by the shift of our aid to a multilateral basis. The Committee believes that the international organizations and the voluntary agencies provide the most effective organizational framework for distribution of U.S. relief in disaster situations.

Printed below are two tables providing information on the United States relief assistance furnished to date in both Indian and East Pakistan:

#### South Asia relief assistance

(Contributions reported as of Oct. 19, 1971)

##### Refugee Relief in India:

U.S. Government Assistance... \$89,157,000  
(Of which Dollar Assistance was \$35,500,000; and Food Assistance was \$53,657,000)

Assistance from	Other	
Sources	-----	121,068,766
(U.S. contributions as 42% of total)		

##### East Pakistan Relief:

U.S. Government Assistance... 92,300,000  
(Of which Dollar Assistance<sup>1</sup> was \$9,000,000; Food Assistance,<sup>2</sup> \$69,800,000; and Local Currency Assistance, \$13,500,000)

Assistance from	Other	
Sources	-----	\$37,510,146
(U.S. contributions as 71% of total)		

<sup>1</sup> Excludes \$4.7 million for cyclone rehabilitation projects which is available for current expenditure.

<sup>2</sup> Excludes \$18.3 million food for cyclone relief authorized earlier but being delivered currently, and also excludes \$38.9 million of previously authorized normal PL 480 food which is also being delivered this fiscal year.

Source: A.I.D.

#### SOUTH ASIA RELIEF ASSISTANCE (As of Oct. 19, 1971) (In millions of dollars)

	Allocation of international assistance between India and Pakistan			
	Total assistance from sources	Percent share	U.S. assistance only	Percent share
India.....	210.2	62	89.2	44
Pakistan.....	129.8	38	93.3	56
Total..	340.0	100	182.5	100

#### U.S. SHARE OF TOTAL INTERNATIONAL RELIEF ASSISTANCE

	Total	Percent share
United States.....	181.5	53
Other donors.....	158.5	47
Total.....	340.0	100

Source: A.I.D.

Mr. FULBRIGHT. Mr. President, this authorization will give the executive branch the authority to use any or all of the funds for the relief of refugees in India if that is where it is needed. It is not required that any certain amount be used in either India or Pakistan. It is designed for the relief of those refugees, wherever they may be. As the Senator has said, from the newspapers, we read that they are continuing to go into India. If India is where they are, that is where the money will be used.

Mr. PERCY. Can the distinguished chairman of the committee tell us a little more about the distribution of food in East Pakistan? As I understand, there are United Nations observers there now. Is every reasonable precaution being taken to be certain that the food reaches the refugees or the malnourished people of East Pakistan and is not distributed in such a way that it simply will enable the army to increase its control over East Pakistan and enable it to reward its friends and punish its enemies by giving or withholding food?

Mr. FULBRIGHT. The Senator has asked a question that I am not sure anybody can answer very well, except those who are in there. Although we had considerable testimony, I do not believe that testimony is very reliable as to just how efficient the operation is.

On page 43 of the report, it is stated that:

The Committee expects that "humanitarian relief" will be construed with a rule of reason with relieving human suffering as the objective. But under no circumstances is the language to be used to justify resumption of normal foreign aid activities under the guise of "humanitarian relief." Neither should articles, such as trucks or boats, provided for relief purposes be allowed to be diverted for military purposes.

That is the policy of the committee. But when the Senator asks me, is this policy actually being observed in East Pakistan, that is a very difficult question for us to answer. Shortly after the civil war in East Pakistan began we requested information from our Consul General in Dacca. We had considerable difficulty with the Department of State in infor-

mation we could get on what had actually taken place and was taking place.

As I am sure the Senator knows, we have been in a rather ambivalent position with regard to the Government of Pakistan. Our own Government has felt compelled, for reasons with which I am not too sympathetic, to continue the arms aid, for example, and not to do anything to offend the Government of Pakistan.

So when the Senator asks whether I am sure relief is really going down to the people who need it, I can only say that is the policy, the intention; that is what we have required and are doing as far as we can. But this is an area of considerable chaos and confusion. We have been told the distribution facilities have been greatly disrupted because of the war, and there have been great difficulties in achieving what the Senator has mentioned.

My own feeling is that one or two of the reasons—there may be more—for the hazardous conditions include fear, of course, of the Pakistan military activities, and also the difficulties of distribution that have been encountered in East Pakistan. I imagine the distribution of food, at least, in India, is on a little bit more orderly basis.

I call to the attention of the Senator that the committee adopted this amendment "to stress its concern that government-to-government channels be minimized in the distribution of relief and to forestall the possible buildup within the Agency for International Development of a large operating arm to carry out disaster relief programs":

Such assistance shall be distributed, to the maximum extent practicable, under the auspices of and by international institutions and relief agencies or United States voluntary agencies.

This was an effort to avoid what the Senator is asking about, the intervention of the Government or the diversion of this food or material, clothing, and so on, to activities other than caring for the refugees themselves.

There is a very considerable limit to what a committee can do or what Congress can do, other than state the policy that this is the way it ought to be. I think the committee has done what it can to say this is the way it ought to be. But in the situation as it exists in Pakistan today, it is a very difficult thing to say that the policy we recommend is being carried out.

Mr. PERCY. I thank the distinguished chairman.

My last question pertains to page 43 of the report, under the title "Suspension of Assistance to Pakistan."

It is perfectly clear that subsection 620 acts to suspend all military, economic, and other assistance to the Government of Pakistan, including sales of military equipment and sales of agricultural commodities.

On page 44, the provisions under which assistance and sales can be resumed are clearly enumerated. But there is a good deal of leeway for interpretation as to what we mean by cooperation and what we mean by facilitating the return of reasonable stability and the return of refugees to East Pakistan.



My question pertains to the \$1.5 million that is still in the pipeline of commercial sales of spare parts. What effect does this position have on those spare parts? This is not aid; these are commercial sales, the licenses for which have been approved, and they are now in the pipeline, but are as yet, as I understand it, undelivered to Pakistan. Does it have any effect upon those?

Mr. FULBRIGHT. When enacted, the bill would suspend all outstanding licenses. If what the Senator has referred to has already been delivered before the bill becomes law, I do not suppose it would have any effect.

Mr. PERCY. But an undelivered or unfilled license that is outstanding, this would tend to cancel that?

Mr. FULBRIGHT. It is intended to suspend licenses.

Mr. PERCY. And our Government should take all action that it can, then, to suspend those licenses?

Mr. FULBRIGHT. Upon enactment of the law, that is correct. But we have had this interim, here, as the Senator knows, of shipments that have continued under existing licenses, and of course there is no prohibition of that.

It is a very difficult matter, as the Senator knows. I would say in general we have tried to take the position that you cannot be neutral in these matters of humanitarian concern. But we hope the Pakistanis will arrive at some form of settlement—there have been many discussions about how this should be done—I do not mean officially—but it has been suggested by members of the committee and others that a degree of autonomy may lead to a settlement of this controversy.

Complete independence, of course, is utterly unacceptable to the government of Pakistan. Now, whether there is a possibility of some adjustment within the concept of autonomy and yet not separation, I do not know.

The bill is very specific on the matter of suspending licenses. On page 40, the bill states:

All licenses with respect to the transportation of arms, ammunitions, and implements of war (including technical data relating thereto) to the Government of Pakistan under this or any other law shall be suspended on the date of enactment of this subsection.

That is pretty clear.

Mr. PERCY. Yes.

Mr. FULBRIGHT. But when the Senator says the ones now in process, if it is delivered, and so on, before this measure becomes law, of course it will not be affected.

Mr. PERCY. Mr. President, I commend the committee for the conclusion that they have reached, and I fully support this aspect of the bill.

I would like to point out that there has been gross exaggeration by the Indian press, and I am sorry that this has not been clarified by the Indian Government, as to the nature of shipments that have been made by the United States to Pakistan. There is apparently a general impression in India that we are sending massive shipments of foreign aid in the form of tanks, planes, guns, et cetera, and this is simply not true.

We suspended such shipments. There was a one-time relief from this, but the amount of shipments in those areas of spare parts has been miniscule compared to the general impression that has been created.

It is for that reason that I took the position months ago that I thought we ought to stop, cease, and desist from all military shipments of any kind, that the amount was so small in relationship to the impressions created around the world, particularly in India, that damage was being done to our relationships, that somehow the impression was given that we were taking sides in this case and Pakistan should understand the necessity of our action.

So I fully support what is proposed here. I hope that it will hasten whatever action is required by the Pakistan Government to make conditions such that the refugees can return.

I have visited some of the refugee return camps in East Bengal, and there is very little activity. There are 29 camps established, but there are virtually no people in those camps, and the flood continues to go the other way. Of the hundreds of people I talked to in the seven different refugee camps I visited in India, none had the slightest intention of returning until they had an absolute guarantee that they would have a safe and secure position and the assurance that their property that has been seized would be returned to them.

So we are faced with a terrible situation. I am delighted that Mrs. Gandhi has shown confidence that there will not be precipitate action by either her government or the Pakistan Government, and has demonstrated that confidence by continuing her journey to Europe and to this country.

But I know the pressures upon the Governments of Pakistan and India to take precipitate action. I have never seen as many hawks as I saw in a month's travel in India during my trip.

I think both Governments are showing restraint, and I hope that both Governments will take whatever action is required to right this condition. Certainly, our clearly earmarking our assistance as humanitarian food assistance to help relieve the pressure of refugees leaving East Pakistan, because of a lack of food, and assisting India in the backbreaking job it has, will be helpful. This task has imposed costs ranging up to almost a billion dollars on India's already very hard-pressed economy, and this could be the straw that could break the camel's back. We simply cannot permit that condition to occur.

Certainly, we must use our good offices in every way possible, as I am sure we are, to find a way to relieve the tension in that area and have these refugees in a frame of mind that would induce them to return to their homes. That requires a changed political climate and a cessation of the repressive measures that have been used in East Pakistan by the Pakistan Army.

I commend the committee for the position it has taken in this very difficult area.

Mr. FULBRIGHT. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistance legislative clerk proceeded to call the roll.

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

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

#### RECESS

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, but not to extend later than 2 p.m.

The motion was agreed to; and (at 12:56 p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1:59 p.m. when called to order by the Presiding Officer (Mr. BYRD of Virginia).

#### QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistance legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 137) to provide for the conveyance of certain public lands in Wyoming to the occupants of the land.

The message also announced that the House had passed a bill (H.R. 10670) to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes, in which it requested the concurrence of the Senate.

#### HOUSE BILL REFERRED

The bill (H.R. 10670) to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes, was read twice by its title and referred to the Committee on Armed Services.

#### QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I renew my suggestion concerning the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

LET US NOT RETALIATE AGAINST  
THE U.N.

Mr. CHURCH. Mr. President, I hope that the United Nations decision admitting China to the seats in the General Assembly and Security Council formerly occupied by Taiwan, will not leave the American people, this Senate, or the Government excessively dismayed. I personally would have preferred to see Taiwan remain in the United Nations, and I believe the United States, in view of our long and intimate alliance with Taiwan, had an obligation to support the Chinese Nationalists. But our failure to prevail is not a tragedy of surpassing magnitude. The "two Chinas" issue has been troubling the world too long, and as with many problems of long duration, the corrosive effects of its perpetuation could well have proved worse than this unfavorable resolution.

For these reasons—and others—one must commend the Nixon administration for its repudiation of all proposals that the United States reduce drastically its contribution to the United Nations just because Nationalist China has been expelled. The United States has long and quite properly condemned the refusal of France and the Soviet Union to contribute to the cost of United Nations peacekeeping operations of which they have disapproved. The principle at stake is one which is essential to the successful functioning of any political institution: that to some degree the members of the body must subordinate their own preference to the decisions of the corporate whole. Our loyalty to the United Nations is neither shown nor tested when the Organization does what we want it to do; it can only be shown by our civilized acceptance of a decision we opposed.

Still another factor to be kept in mind is the possibility that the People's Republic would not have accepted a "two Chinas" solution. Premier Chou En-lai has been unequivocal in his opposition to any form of dual representation for China in the United Nations.

If we had carried the vote, it probably would not have led to the "two Chinas" we desired, but rather to an empty China seat on the Security Council while Taiwan remained in the General Assembly. Such an outcome would have represented a long step backward from the goal of universalization, which, in the long run, can help make the U.N. more effective in its role as keeper of the peace.

## MESSAGES FROM THE PRESIDENT

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

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. WEICKER) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are

printed at the end of Senate proceedings.)

## CALL OF THE ROLL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 265 Leg.]

Alken	Griffin	Saxbe
Bible	Hollings	Scott
Byrd, Va.	Hughes	Stennis
Byrd, W. Va.	Mansfield	Weicker
Church	McClellan	
Fulbright	Montoya	

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Allen	Fannin	Mondale
Allott	Gambrell	Muskie
Anderson	Goldwater	Nelson
Baker	Gravel	Pastore
Bayh	Gurney	Pearson
Beall	Hansen	Percy
Bellmon	Hart	Proxmire
Bennett	Hartke	Ribicoff
Boggs	Hatfield	Roth
Brock	Hruska	Schweiker
Buckley	Inouye	Smith
Burdick	Jackson	Sparkman
Cannon	Jordan, N.C.	Spong
Case	Jordan, Idaho	Stafford
Chiles	Kennedy	Stevens
Cook	Long	Stevenson
Cotton	Magnuson	Symington
Cranston	Mathias	Taft
Dominick	McGee	Talmadge
Eagleton	McGovern	Tower
Eastland	Metcalf	Williams
Ellender	Miller	Young

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from California (Mr. TUNNEY), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOPER), the Senator from Nebraska (Mr. CURTIS), the Senator from Kansas (Mr. DOLE), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. JAVITS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from South Carolina (Mr. THURMOND), are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER. A quorum is present.

## FOREIGN ASSISTANCE ACT OF 1971

The Senate resumed consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. MANSFIELD. Mr. President, we have had the opening statement on the pending legislation. It is my understanding that there are no amendments at the desk, and I suggest to my colleagues that if they do have amendments, they offer them as expeditiously as possible, so that we may get on with the bill and dispose of it, and then turn to other business.

I make this statement at this time only because of the fact that we have been waiting in abeyance, so to speak, for some action to be taken; and if no action is taken, it would be the intent of the majority leader, at least, to move to third reading.

Mr. SAXBE. Mr. President, I move that the pending bill be recommitted to the Committee on Foreign Relations, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SAXBE. Mr. President, I make this motion not facetiously, but in view of the action of the United Nations last night. I feel that we should have a period of not less than a week and perhaps 2 weeks to digest that action, to allow it to sink in, to the country and also to the Members of this body. I believe that to proceed at this time would result in angry words on some of the amendments. A number of amendments are to be brought up, some in hot blood, I am sure; and there is also the fact that we have a new ball game, it seems to me. We have a new ball game when it comes to considering our friends in the U.N. and the community of nations, and we have a new ball game in our relationships with the world.

This bill, of some \$3.2 billion, is a continuation of a policy that was established after World War II, when the world was in chaos and it was essential that we assist numbers of nations to reconstitute their governments and their economies, when it was necessary to reestablish governments that had completely fallen into chaos as a result of their losses in World War II, both economic and physical, or that had surrendered their ability to govern and had not the time to pull themselves together.

First there was the Marshall plan, which was a great success. Then, as we began to doctor the numerous ills of the world wherever they were found, we felt that our resources were unlimited and that we could redesign and perfect governments wherever they existed. We eagerly accepted the multiplicity of governments, say, in Africa: Any country, no matter how small or how weak its claim to sovereignty, we were willing to set up—and not just to set them up, but to make them our equal in the United Nations. Then, whenever any great plan came along for world health, disaster relief, the relief of children, or many other worthy causes, we were the first to pick up the check. We not only picked up the check; we fought for it and we got it really good. We find that, in the U.N. today, the cost to this Government is not the cost of being a member in the U.N. It is the cost of the fringe benefits—



this check that we pick up at our insistence. I think this amounts to about six times the cost of our contributing membership to the U.N.; and, unlike most other countries, we pay it and have paid it. We have done this with the view that we were going to better ourselves throughout the world by showing our altruism, by showing our capacity to appreciate the misery that existed all over the world and how we were going to do away with it. Well, we found that we could not do away with misery. We found that many of the instances were not something we could overcome by pouring money in, but we found that it was a result of the failure of the people themselves to want to change their type of government. We did pour in money, however, and we felt that by doing this we would make friends of these people and that we would obligate them to duplicate in some way the democracy that we have enjoyed in this country.

Again, we found that this did not follow. Democracy exists in very few of these countries. Democracy, as we know it, is limited almost entirely to the Western nations—those referred to as the Western nations. And even of these, when it came to the test in the U.N., we found that almost every one of them turned against us, not in our desire to keep mainland China out but, rather, our desire to give representation to a country—Taiwan—that has most democracy, even though we would not consider it as satisfactory to us, than practically all the countries that voted against it. The most embarrassing and the most humiliating part of it—it was an embarrassing and humiliating experience—was the fact that they would not even give it the status of an important question.

In other words, at any time a majority dislikes one of the collection of nations in the U.N., they can, by a majority, expel it. I can foresee instances in which perhaps the countries of Africa and the countries of South America could get their heads together and say, "Look, go along with us or we'll vote you out." It is not likely, because no other country has the money or the inclination to pour into it. But do you not see how it opens the door for continued and wholesale blackmail by saying, "Nothing is an important question that we say is not an important question"? So there is no two-thirds vote; there is a simple majority vote.

Of the countries that voted in that rollcall—or did not vote, by abstaining—42 get some kind of relief from the bill we are considering today. Of the countries which abstained, 12 get some kind of funds from this bill. In other words, 54 of the countries in the United Nations receive some benefits under this bill.

I cannot help believe that it would be wise to put this matter off for a reasonable time. As I have said to those who have inquired on the floor, if Senators want instructions to bring it back in a week or 2 weeks, I have no objection, if offered as a separate amendment and so considered. But I think that to proceed at this time is to invite an avalanche of speeches which are now being written someplace and which will be brought in

and delivered with great heat, probably starting tomorrow. Unless this bill is sent back to the committee, we are going to regret the heat of the debate.

All the world have their eyes on the Senate today, to see what our reaction is to the outrage, as some have called it. I think it would be wise if we did this. I also feel that it would permit the severity of this debate in the U.N. to sink in across the world.

If Senators witnessed on television last night the affair in the U.N., they saw a lynching party, with the shouting and the dancing, the slapping of each other on the back, the heaping of abuse upon this country, one nation after nation taking the stand and telling what great exploiters of the world we were—colonialism and imperialism. It was a regular lynching party.

Then, when they won, they did not take it in good grace but, rather, again took the rostrum to tell how they had clobbered the United States. I am sure they are going back to their countries now reveling in the fact that they have clobbered the United States.

Those of us who feel that, however ill-advised our actions have been in the world, we nevertheless have been altruistic and have been well intentioned, were greatly disappointed to find that the people to whom we have given most have turned against us, not just in the vote but also in their actions, in the way they voted, and the emotionalism to which they succumbed. It was not a great deliberative body. It looked more like a state legislature on adjournment night. This is not the degree of propriety that we expect from a great assembly of nations.

I think, therefore, that the motion I offer is well put, is well considered. Time is not of essence in this matter. I think we should have a reaction from our President. I think we should give him time to make his statement, and he will. I think we should hear from our Ambassador to the United Nations, who all agree did a great job. He did everything he could to pull things together. He spoke this morning, as some of us saw, of the bad faith that was exhibited to him by direct statements of people who said one thing and did another.

Therefore, I am not going to worry this question. I put it to the Senate, and I hope that it will be accepted as I have put it.

Mr. ELLENDER. Mr. President, will the Senator yield for a question?

Mr. SAXBE. I yield.

Mr. ELLENDER. What would the Senator expect the Foreign Relations Committee to do in respect to what took place in New York last night and this morning in dealing with Formosa?

Mr. SAXBE. I know many things that I hope will not happen, and one is that I hope we will not say that we are going to take our football and go home. I think that is one of the dangers we face today—the emotionalism of a response, to say, "Well, we got licked. Therefore, we don't want to play anymore." I do not want that.

Mr. ELLENDER. I thought the Senator stated that the reason why he wanted to recommit the bill was to prevent emo-

tional debate. Does he believe that if we send this bill back to the Foreign Relations Committee, that it is going to stop debate on the floor of the Senate on the issue in which we were involved in New York?

Mr. SAXBE. In reply to the Senator's question, I think it will delay debate for a few days. It will give us the time to cool off a little. It will give us the time to be more objective when the bill is considered.

Mr. ELLENDER. Does not the Senator agree that since this is a foreign aid bill, we should deal with that subject more or less exclusively? That is the way the Foreign Aid bill has been handled in the past. I express the hope the Senator's motion will not be agreed to.

As the Senator knows, we are trying to adjourn sine die in a few weeks, and one of the main stumbling blocks is the foreign aid bill and the authorization for it. I express the hope that we can go along with at least the money part of the bill so that the Appropriations Committee can report back to the Senate and pass all the appropriation bills. As the Senator knows we have four more appropriation bills left and one of them is the foreign aid bill. Without authorizations, the Senate Committee on Appropriations will be stymied and will not be able to move forward unless the pending bill is passed at an early date.

Mr. SAXBE. I am well aware that the Senator from Louisiana has done a tremendous job in trying to keep up to date with appropriation bills. We are in better shape than we have been for some time. I am also well aware that he is embarrassed in this effort by delays in some authorization bills. But, I think, in this particular instance, a few days' delay, as we proceed with something else in the meantime, would not deprive the Senator from being able to complete the job he wants to do within the time he has established.

Mr. MANSFIELD. Mr. President, will the Senator from Ohio yield there?

Mr. SAXBE. I yield.

Mr. MANSFIELD. Mr. President, I invite the attention of the Senate to the fact that we have very little business on the calendar to take up and that if this bill is returned to the committee even for a week, it will mean we will not get it for several days and that will not make us look very good. If the Senate desires to adjourn sine die between the middle of next month and the first of December at the latest, the effect of sending this bill back to committee would make it difficult for us to meet that date. It will be hard enough to make that adjournment period, if we can make it, and the joint leadership has always recognized that. Therefore, I hope it would not be on the basis of being emotional that we would return this bill to committee. We are all grown men and women. Certainly we can weigh and calculate and assess and do things as mature people. I would therefore hope, regardless of our feelings—and so far as I am concerned, I do not intend to vote for the bill anyway, but that is nothing new with me—that we could get on with the bill; because if we do not, we will have an interregnum because there

are two bills on the calendar that are available for consideration, and neither of the Senators most interested wants them brought up. I think it is about time the Senate stayed in session and faced up to its responsibilities on a daily basis and not slough off its responsibilities on measures because of emotionalism.

Mr. SAXBE. In answer to the majority leader's statement—and I appreciate his forthrightness—that is the choice we are going to make, to send the bill back to committee, or to defeat it; because I am with the Senator, I do not intend to vote for the bill at the present time and I believe there are many others who feel exactly the same way.

Send the bill back and let it soak a week and then have a more objective vote, because if we vote on this in the next 2 or 3 days, it will be defeated.

Mr. MANSFIELD. If the Senator from Ohio will yield right there, I do not intend to vote for this bill under any circumstances. My vote against it has nothing to do with the vote in the United Nations last night.

Mr. SAXBE. Mr. President, I yield the floor.

Several Senators addressed the Chair. The PRESIDING OFFICER (Mr. WECKER). The Chair has previously recognized the distinguished Senator from Pennsylvania (Mr. SCOTT).

Mr. FULBRIGHT. Mr. President, I want to ask a question of the Senator from Ohio.

Mr. SCOTT. I will be glad to yield to the Senator from Arkansas to ask a question of the Senator from Ohio.

Mr. FULBRIGHT. I want to ask the Senator from Pennsylvania, is he going to talk about something else?

Mr. SCOTT. No; on this subject.

Mr. FULBRIGHT. Mr. President, for the record, on the question of expulsion, Taiwan cannot be expelled by a majority. Article 18 of the U.N. Charter requires two-thirds vote for expulsion. The question last night was not one of expulsion but was with reference to credentials as to who represents China. We must not get too emotional about this. The question of who represents China is largely our responsibility, going back to the 1940's and what we did in the late 1940's under President Truman and Mr. Acheson.

As usual, I think that mistakes finally catch up with us. But I want to set the record straight here, that the question of expulsion does require a two-thirds vote under the U.N. Charter. Yesterday the expulsion of Taiwan was not the question; it was purely one of credentials and who is the real representative of China.

It is very interesting that neither Chiang Kai-shek nor Mao Tse-tung ever have announced that there are two countries. Chiang Kai-shek has always said there is only one China and that he represents it. Of course Mao Tse-tung says the same thing, that he represents China.

We have always said it is one country, too. We have always supported Chiang Kai-shek on the idea of one country, not two, and we have always said that Chiang Kai-shek represented China. So I think that the Senator inadvertently overstated the case.

I support the President's policy, and I hope that the Chinese find a way to accommodate some kind of system, such as the Russians have with regard to the Ukraine and Byelorussia. But that is another question.

I do not think we should consider that this is a denigration by all these people against the United States. I think that the Senator misconstrues the action.

This matter has been before the United Nations for a long time. Many of our people have recognized that it is an anachronism to say that Chiang Kai-shek represented the whole nation of China, the whole ball of wax. He obviously was not representative of it. That is a long story, but to say that we were clobbered leaves the implication that there is a feeling of distaste and disrespect and so on against the United States. I do not interpret it that way at all.

I think there is a way in which, after many years, mistakes of judgment catch up with us, as has happened in this case over the question of who is the real, practical representative of the Chinese people. History, the Pentagon Papers, and recent information, all come out in support of what has happened. Others have not turned against us in that sense—no more than the way in which we used to like to tweak the lion's tail of Great Britain, when Great Britain was a powerful country, or when the mayor of Chicago took such delight, every time there was an election, in condemning King George. We remember he said he was going to hit him in the snoot. That did not mean that the people of Chicago or the United States had no respect for England or that the people of the world did not. Or, if you want to use the President's analogy—when the Redskins beat the Cowboys—they were supposed to be the big dog and every one was delighted when the Redskins knocked them down a peg or two.

I do not believe it is a serious reflection upon the integrity of the position of the United States. On the contrary, I think this is together with the President's move to go to Peking and to go to Moscow, the beginning of a change in policy—I certainly hope so, and I certainly approve of it—of trying to get back into a normal relationship with the rest of the world. Up to now it has been diverted, I believe, because of some fundamental mistakes going back to the late 1940's and the Truman administration and then the Eisenhower administration.

I do not see why we should be so offended. When the United Nations was first formed, it had 53 members. It was said at that time that we controlled 40 votes, and that it was a tool of ours. Anything we wanted we got through except when the veto was used. If it had not been for the veto, we could have run it in any way we wanted. The Senator knows what I mean. However, now that it has about 127 members, no one runs the U.N., as was demonstrated last night. We do not and neither do the Russians nor any other country. It is a big, unwieldy body.

I do not think what happened should be held against the United Nations as an institution. It was the individual members who voted against us, many of whom

we have been giving large sums. Many of these countries will get additional aid under the pending bill.

I think their action shows a sense of ingratitude. I suppose they do not think so. I ask unanimous consent to have printed in the RECORD a list that has been compiled by the staff and the vote last night in the U.N.

There being no objection, the list and who voted were ordered to be printed in the RECORD, as follows:

*Aid recipients who voted in favor of the Albanian resolution and the amount proposed (all types) for each in fiscal year 1972*

[In millions]	
1. Afghanistan	\$11.8
2. Botswana	1.6
3. Burma	.5
4. Burundi	.1
5. Cameroon	.5
6. Ceylon	23.4
7. Chile	14.1
8. Ecuador	25.5
9. Equatorial Guinea	—
10. Ethiopia	31.8
11. Ghana	36.9
12. Guinea	7.7
13. Guyana	5.8
14. Iceland	.9
15. India	419.7
16. Iran	8.4
17. Iraq	.1
18. Israel	156.1
19. Kenya	4.3
20. Laos	178.0
21. Malaysia	11.0
22. Mali	1.4
23. Mauritania	.7
24. Mexico	.1
25. Morocco	145.1
26. Nepal	4.3
27. Nigeria	34.3
28. Pakistan	225.5
29. Peru	34.3
30. Portugal	5.0
31. Rwanda	.3
32. Senegal	3.1
33. Sierra Leone	2.2
34. Singapore	9.4
35. Somalia	.5
36. Southern Yemen	—
37. Sudan	.1
38. Syria	.1
39. Tanzania	7.8
40. Togo	.9
41. Trinidad-Tobago	.1
42. Tunisia	132.7
43. Turkey	242.5
44. Uganda	5.3
45. Yemen	.7
46. Zambia	.1
Total	1,494.7

<sup>1</sup> Does not include classified data.

*Aid recipients who abstained on the Albanian resolution and the amount proposed for each in fiscal year 1972*

[In millions]	
1. Argentina	\$15.8
2. Colombia	110.2
3. Cyprus	.3
4. Greece	117.8
5. Indonesia	267.0
6. Jamaica	14.1
7. Jordan	133.8
8. Lebanon	3.5
9. Mauritius	1.6
10. Panama	29.5
11. Spain	80.6
12. Thailand	139.4
Total	813.6

Grand total I and II

2,308.1

<sup>1</sup> Does not include classified data.



[From the New York Times, Oct. 26, 1971]

U.N. ROLLCALLS ON CHINA

UNITED NATIONS, N.Y., October 25.—Following are two roll-call votes taken in the General Assembly tonight on seating Communist China and expelling Nationalist China:

ON TWO-THIRDS REQUIREMENT

Resolution declaring the expulsion of Nationalist China an "important matter" and thus requiring a two-thirds vote rather than a simple majority for passage.

*In favor*—55

Argentina, Australia, Bahrain, Barbados, Bolivia, Brazil, Cambodia, Cent. Afr. Republic, Chad, China, Colombia, Congo (Kinsh.), Costa Rica, Dahomey, Dominican Republic, El Salvador, Fiji, Gabon, Gambia.

Ghana, Greece, Guatemala, Haiti, Honduras, Indonesia, Israel, Ivory Coast, Jamaica, Japan, Jordan, Lebanon, Lesotho.

Liberia, Luxembourg, Madagascar, Malawi, Mauritius, Mexico.

New Zealand, Nicaragua, Niger, Panama, Paraguay, Philippines, Portugal, Rwanda, Saudi Arabia, South Africa, Spain, Swaziland, Thailand, United States, Upper Volta, Uruguay, Venezuela.

*Opposed*—59

Afghanistan, Albania, Algeria, Bhutan, Britain, Bulgaria, Burma, Burundi, Byelorussia, Cameroon, Canada, Ceylon, Chile, Congo (Brazza), Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Equatorial Guinea.

Ethiopia, Finland, France, Guinea, Guyana, Hungary, Iceland, India, Iraq, Ireland, Kenya, Kuwait, Libya, Malaysia, Mali, Mauritania, Mongolia, Nepal, Nigeria.

Norway, Pakistan, Peru, Poland, Rumania, Sierra Leone, Singapore, Somalia, So. Yemen, Soviet Union, Sudan, Sweden, Syria, Tanzania, Trinidad/Tobago, Uganda, Ukraine, Yemen, Yugoslavia, Zambia.

*Abstentions*—15

Austria, Belgium, Botswana, Cyprus, Iran, Italy, Laos, Malta, Morocco, Netherlands, Qatar, Senegal, Togo, Tunisia, Turkey.

*Absent*

Maldives, Oman.

ON SEATING PEKING

Resolution to seat Communist China and expel Nationalist China.

*In favor*—76

Afghanistan, Albania, Algeria, Australia, Belgium, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussia, Cameroon, Canada, Ceylon, Chile, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Eq. Guinea, Ethiopia, Finland, France, Ghana, Guinea.

Guyana, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Kenya, Kuwait, Laos, Libya, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, Nigeria, Norway, Pakistan, Congo (Brazza), Peru.

Poland, Portugal, Rumania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Soviet Union, Sudan, Sweden, Syria, Tanzania, Togo, Trinidad-Tobago, Tunisia, Turkey, Uganda, Ukraine, Britain, Yemen, Yugoslavia, Zambia.

*Opposed*—35

Australia, Bolivia, Brazil, Cambodia, Cent. Afr. Republic, Congo (Kinsh.), Costa Rica, Dahomey, Dominican Rep., El Salvador, Gabon.

Gambia, Guatemala, Haiti, Honduras, Ivory Coast, Japan, Lesotho, Liberia, Madagascar, Malawi, Malta, New Zealand.

Nicaragua, Niger, Paraguay, Philippines, Saudi Arabia, South Africa, Swaziland, United States, Upper Volta, Uruguay, Venezuela.

*Abstentions*—17

Argentina, Bahrain, Barbados, Colombia, Cyprus, Fiji, Greece, Indonesia, Jamaica, Jordan, Lebanon, Luxembourg, Mauritius, Panama, Qatar, Spain, Thailand.

*Absent*—3

China, Maldives, Oman.

Mr. FULBRIGHT. Mr. President, I take issue with the Senator who says this is a great rebuff to the United States of America. I do not think it is at all. I think it is one of the signs of our returning to a more powerful relationship with the other nations of the world. I support the President and his overtures to the People's Republic of China, and my guess is that this action will make it easier for the President to do whatever he can when he goes to Peking than it would be otherwise.

I ask the Senate not to turn its back on the committee. There is a lot in the bill that I would like to see cut. I did vote in the committee to cut back on many of the authorizations in the bill. I think they are too large. The committee worked hard on the bill. I would like to see the bill cut. I hope that the Senate will make substantial cuts in it. I did all I could in the committee to cut it, but the committee thought otherwise.

I do not see any point in sending the bill back to the committee. I do not see any substantial change that could be made there. If there is going to be a change, it has got to be made by the Senate.

The decisive votes in the committee on the amounts contained in the bill were 9 to 7. That is the way it was. That is the way the majority voted in the committee. I would hope that the Senate would take some of these things into consideration.

I think it is quite proper to look at the various countries who voted against us and say, "Look at country X. We have been giving hundreds of millions of dollars to that country and they do not have the gratitude to support us in our position." I am sympathetic with that. However, I do not say that the United Nations should be abandoned. The United Nations did not vote. The members voted. And 46 of them, as the Senator points out, are recipients of various amounts of aid. I hope that we will not recommit the bill.

Mr. SAXBE. Mr. President, if the Senator will yield, I do not disagree with the Senator when he is talking about a return to reason by recognizing mainland China. I think that in this case we have been living in the dark. And I think we all recognize that Taiwan is a country with 14 million people living on an island off mainland China with approximately 2 million people running the island and that the people in mainland China are represented by the People's Republic of China and that they should be represented in the U.N.

There was not an escape hatch there for mainland China to continue as a representative of the Taiwanese Government. Our Ambassador was concerned that they could vote on this question of the expulsion by refusing to accept the parliamentary device which, one would think, would permit Taiwan to be kicked out of the back door and to run around to the front door with their hats in their hands and come back in. However, that is not going to happen at the present time because of the attitude of mainland

China that this is a subject province of mainland China.

Let me say that what bothers me is that mainland China might say, "All right; here is a province in rebellion on this island. It is not the affair of the United Nations. This is a province that belongs to us. These are Chinese people. We are the Government of China, and therefore we are going to take care of this unusual situation and we are going to give them 90 days to line up or we will blow them off the face of the earth."

That could be the next step. I do not think it will be. I am just mentioning the matter. Taiwan has no recognition in the United Nations. The United Nations by their actions have said, "This is a part of China. This is their internal government." We have neither the stomach nor the capacity in this Nation to interfere, and I doubt if one of the nations who voted against us would help us if we had.

So, we have a situation where 14 million people in a successful and enterprising country with a goal of democracy—and I certainly do not want to tell the Members here assembled that they have a pure democracy on Taiwan, but I think they have a hope of democracy and of increasing that capacity—are going to be left as a subject province of mainland China. I think that if they take the stand they have indicated and come to the front door with their hats in their hands, they are not going to get in. We have done these people a grave injustice, and we do not have the capacity to act after our misfortunes in Vietnam and misadventures elsewhere and with the current attitude toward the military in this country and with our second-rate military which we had allowed to decline. We would be powerless to intervene.

This worries me. We can talk about this being just another event in the community of nations, that it is like a football game that we lose and we can just change our clothes and go to work.

I do not think it is that. I think that the United Nations has suffered a death blow, and I am afraid that these are self-inflicted wounds because we have allowed every two-bit nation that comes along to have an equal vote. We have put ourselves at the mercy of people in a country containing no more population than we have in one of our counties to come in and by their vote throw out another country.

This is a serious thing. The bill we are considering has to do with this matter.

Mr. FULBRIGHT. Mr. President, we have always insisted that this is only one country. We have never denied it. We have affirmatively said so for 25 years. We have said that this is a province of China and a part of China. The Senator overnight wants to change our approach.

Mr. SAXBE. That is a thing we can try to work out.

Mr. SCOTT. Mr. President, with great respect to my colleagues, may I implore them to permit me to enter into the dialog.

Mr. President, up until about 2 o'clock today, I would have hoped that we could find a way for deferment of the pending business for at least a few days or a week. However, I am advised not only by the

majority leader that we do not have sufficient work before us, but also by the administration which is very much concerned that we not, by postponing the pending bill, delay the oncoming tax legislation or delay something which means a great deal to this Nation—the ratification of the Okinawa Treaty.

The distinguished majority leader and I both have the same problem of getting on with business. I was of the opinion that a few days' delay, a short delay, would be useful and prior to 2 o'clock today I so expressed myself. I am very much in sympathy with the points made by the distinguished senior Senator from Ohio with respect to the gross and crass ingratitude of a number of nations to have chosen this opportunity to deliver a kick in the pants to the United States, which is, I am afraid, the major sport prevailing on the U.N. playing field. We seem to be the football; they seem to be the team. I regret this and deplore it very much indeed.

As I indicated earlier to a number of my colleagues, I wish it were possible that I could seek to secure an extension of time but I have stated what the majority leader tells me and what the administration tells me is the risk in postponing this legislation. There will be 8 or 10 amendments offered that I know of. So I would hope if the motion to recommit does not carry we will have some of these amendments ready tomorrow at the latest.

I agree with the chairman of the committee that referring the bill to the committee without a date certain would not serve the purpose we have in mind because all that would be required would be for the chairman to call a meeting of the committee and report the bill out again. If it were allowed to follow in the committee, and the bill has many good provisions, it could not be enacted this year.

So this is a reversal of my opinion of 2 hours ago, but I have tried to maintain a reputation of candor here. Lacking that statement, I could well be accused of misleading some of my colleagues. It is because of events that have occurred since 2 o'clock that I am compelled to do this. I believe we can get somewhere with this bill. It is going to be difficult, especially in view of the way a number of Senators feel with respect to the United Nations. I would like to see us enact the bill. I think we can work out our problems, adjustments, and revisions.

A friend of mine has called attention to a letter from Dr. Samuel Johnson to James Boswell, written in 1775, in which he said, "Life cannot subsist in society but by reciprocal concessions." I hope we will get reciprocal concessions and come out with a reasonably good bill.

Therefore, as much as I regret it, I would have to be against the motion to recommit which is without a date.

Mr. President, I yield the floor.

Mr. AIKEN. Mr. President, the bill before us is not a perfect bill by any means. There are several provisions in it I strenuously object to and which I will try to correct as far as lies within my small power to do so. But there is absolutely nothing at all to be gained by re-

committing this bill at this time. We have worked on it since early last summer. We finally got the bill out because some of us voted for it even though it contained provisions we did not like. But let us not be afraid to face the music now. If we have amendments to offer, offer them and vote them up or down. If at the end of the discussion and offering of amendments we do not favor the bill, vote against it. If we think there is a chance to reach some arrangement with the House and come out with a fairly respectable bill, we can vote for it.

I think the United Nations did a terrible wrong yesterday in voting to turn a small country, and not too small a country, over to a big country.

I have always felt that the country of Taiwan should be called Formosa. It is inhabited by Formosans, 12 million of them and possibly 3 million Chinese. What right have the countries of Western Europe and others who voted against it yesterday to say that this small country of some 15 million people—and some member countries of the United Nations do not even have 50,000 people—can be given to the big country of China obviously to get even with the United States. That is the way it looks from the vote of yesterday.

If this is to be the fate of the small nations of the world, if they are to be used for the purpose of being pawns to make deals with this country or that country, then we are a long way from a self-governing world at this time.

I was delighted to see that most of the important countries of Latin America, with only two or three exceptions, voted against the proposal to pawn Formosa. I think that shows us plainly where perhaps we should be more considerate and understanding than we have been up to this time.

By slapping down this bill or sending it to committee for weeks or months, and Lord knows how much longer, we will be doing more harm to small countries and friendly countries of the world than we would be doing good for ourselves or anyone else.

I know the United States must protect its economy, and other nations have been peeved because we have tried to protect our economy that has slipped away from us to the point where it has put us in serious trouble.

Those countries that we have considered friendly, to which we have sent millions of our own sons to defend and fight for them in two major wars ought not to be very proud of what they have done. I think it is safe to say although the governments of these countries hoped to embarrass us by their action, the people of those countries will regret the actions they have taken.

I say let us get on with the bill; let us use our best collective judgment. I know that the aid program is growing more and more unpopular. I think under the circumstances that the proposal to extend more aid under multilateral arrangements with other countries has received a severe setback by the vote in the United Nations yesterday. We will have to act more bilaterally from here on.

However, I do say this. We have the courage and the good judgment to face this issue now. Let us show we have that courage and judgment and if Western Europe means what they seemed to mean yesterday, it means they want us to get our troops out from over there. Keeping nearly 300,000 troops in Europe has been costing us billions of dollars a year. Let us get them home, maybe not next week, but as fast as we can, and let Western Europe stand on its own feet.

I am against the motion to recommit this bill.

Mr. STEVENS. Mr. President, in reviewing this bill and considering the motion of the Senator from Ohio, I have come across something very interesting which I did not realize was included in this bill. I would like to ask the chairman of the committee, in view of the action taken yesterday, whether or not it is wise to repeal the Formosa resolution, as proposed in section 410. I understand this is the sole authority the President has at the present time to take any action to protect Taiwan.

The situation presently exists, as the Senator from Ohio pointed out, where the world community in the United Nations feels that mainland China is really China. If the fears the Senator from Ohio had expressed could possibly come into play, it would seem to me this is not the time to be repealing the Formosa resolution right on the heels of the recent action by the United Nations.

I noted with interest the remarks in the report which specifically mentions that the use of armed forces in such a situation—that is, a direct attack on Taiwan—would require specific authorization by the Congress.

In New York, in 1 day, the United Nations took steps which led to the China which I consider to be the true China being expelled. Yet, at the same time, lying on my desk is a bill with a proposal—that the administration has not had a chance to review since then. I reviewed the bill that passed the House and if I am not mistaken, that section was not incorporated into the House bill. Am I correct that it was not in the House bill?

Mr. FULBRIGHT. No; it was not. A similar resolution, Calendar No. 361; is on the calendar, a joint resolution by Senators CHURCH and MATHIAS. It was added to this bill. The administration was requested to give its viewpoint about this repeal, and it responded by saying that it has no objection to the repeal of the Formosa resolution.

It will be seen, on page 61 of the report, that the repeal of this resolution does not have any effect on the Mutual Defense Treaty of 1954, which we do not touch, and which, I assume, the administration would rely upon in case of any need.

I did not imagine the Senator from Alaska would object on the ground that before taking action under the Mutual Defense Treaty, Congress should authorize it. This is one of the things many Members of Congress have been concerned about. I certainly have been. I do not know what the Senator thinks would be gained by not repealing the resolution. This has been under consideration for



a long time. As I have said, the administration has no objection to the repeal of it.

Mr. STEVENS. I share the chairman's opinion as a general matter. However, in terms of timing, has the administration been approached with regard to that section in view of the change in circumstances that has taken place in the last 2 days? As I understand the provision, before any action could be taken to protect Taiwan, and if this section were approved, Congress would, in fact, have to authorize it. If I am incorrect, I would appreciate being corrected, as this is a strange area for me.

Perhaps the Senator from Ohio has a point. Perhaps the whole bill ought to be examined in terms of what has happened in the United Nations, with respect to who are and who are not our friends, and in terms of planning to be the Santa Claus of the world for another 25 years.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. CHURCH. As I am one of the sponsors of the particular provision of the bill to which the Senator alludes, I would like to explain that nothing in the repeal of the Formosa resolution would impair the formal obligation of the United States to come to the defense of Taiwan, as it is set out in the Mutual Defense Treaty between the two countries. Our only purpose in repealing the Formosa resolution is to reclaim the constitutional role of the Congress. The formal treaty is very specific. It was ratified by the Senate. It provides that, in the case of an attack on Taiwan, the United States will respond "in accordance with its constitutional processes," which we take to mean the participation of the Congress, in fulfilling its constitutional role in determining, under the circumstances, whether or not the United States goes to war.

The Formosa resolution was passed at a time when it was the habit of the Congress to delegate unrestricted war-making authority to the President—*carte blanche* authority to use the Armed Forces of the United States whenever and wherever he might choose.

Last year, we repealed the Gulf of Tonkin resolution, having had a very bitter experience with that particular kind of unlimited delegation of congressional authority; and in this bill we take another step, repealing the Formosa resolution, but we do not impair or undermine or weaken the formal obligation of the United States to Taiwan as set forth in the Mutual Defense Treaty. That remains intact.

The intention of the committee, let me stress, was not directed against Taiwan at all, but was directed toward reasserting the proper congressional role in future decisions relating to war and peace. I just want to emphasize that, because I think we ought not to assume that this provision has been placed in the bill as an aspersion against Taiwan or against the treaty by which we are formally committed to the defense of Taiwan.

Mr. STEVENS. I appreciate the expla-

nation. I find the explanation on page 61 of the report very interesting with regard to the situation as it exists now. I share the opinions that have been expressed with regard to Congress taking action to resume its constitutional role with respect to war powers. I think the war powers resolution is very clear in that sense and I hope to be able to support it. The statement in the report states:

In addition, this repeal would clear away a legislative obstacle to a new China policy.

That statement was made, and the section was inserted in the bill before the action of the United Nations. I would think that the administration would want an opportunity to consider it. We are asked to consider taking action on this provision which does not simply repeal that legislation, but is to be effective as of the date of the adjournment of the First Session of this Congress.

Instead of sending the bill back to the committee—and I can understand why the chairman of the committee does not want the bill to be recommitted—we ought to have time to consider amendments that are bound to come forward while this bill is on the floor. I would ask the Senator from Ohio, if we are going to repeal the Formosa resolution, why does it not become effective when the bill does? Why does it relate to the last day of the first session of this Congress? We previously provided an effective date as of the enactment of the act when we repealed the Gulf of Tonkin resolution. Why do we provide for it to become effective in this case in the future? Are we saying to mainland China, "After the first of the year, go to it, boys"? I do not understand it.

It is my understanding that even with a mutual defense treaty, the President would have to come to Congress to protect Taiwan, if this amendment is adopted. Under current circumstances, I could not support that, although I support the return of the war powers to Congress. It seems to me circumstances have changed considerably in the last 2 days.

Mr. CHURCH. The Senator, of course, is free to vote for or against this provision, but he should not act under any misapprehension as to the reason why the committee included it in the bill. Its purpose was to repeal another instance where Congress had delegated to the President its own war power. I think, if the time should come when the United States must face up to a war over Formosa, that this is a decision Congress should make. I think the Constitution properly vested that authority in Congress, whether it relates to Taiwan or any other country.

Mr. STEVENS. I agree, but Congress may not be here on November 30, or whatever date we adjourn. We will have no way to let the President take action in the event of catastrophe. It seems to me we are walking off, and saying, "There it is; it is the end of the time for Taiwan."

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. FULBRIGHT. I would like to read the executive branch's position on this issue. It is contained in the report accompanying the repeal of the Formosa resolution.

I ask unanimous consent that the bulk of the report be inserted in the RECORD, for the information of the Senate. I will however read the pertinent comments of the executive branch.

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

#### REPEAL FORMOSA RESOLUTION

##### COMMITTEE ACTION

Senate Joint Resolution 48 was introduced by Senator Church (for himself and Senator Mathias) on February 23, 1971, and was referred to the Department of State for comment on February 26, 1971. The following Senators cosponsored the resolution: Mr. Inouye, Mr. Packwood, Mr. McGovern, Mr. Moss, Mr. Hughes, Mr. Hart, Mr. Eagleton, Mr. Pell, Mr. Case, Mr. Cranston, Mr. Stevenson, and Mr. Gravel. Comments on the resolution were received from the Department of State on May 18, 1971.

On June 24, 25, 28 and 29 and July 20 public hearings were held by the committee on the resolution as well as other legislative proposals dealing with U.S. policy toward China. The committee met in executive session on July 21 and by a voice vote ordered Senate Joint Resolution 48 reported favorably to the Senate without amendment.

##### BACKGROUND

Following its defeat in 1949 on the mainland of China, the Nationalist Government, led by Chiang Kai-shek, fled to Taiwan where it established its regime in the autumn of that year. At that time the Nationalists controlled, in addition to Taiwan and the Pescadores, a number of small islands immediately adjacent to the Fukien coast. Those islands included Quemoy, Matsu, and the Tachen group.

On January 5, 1950, President Truman stated that the United States would not:

"Pursue a course which will lead to involvement in the civil conflict in China."

Secretary of State Acheson reiterated, in more specific terms, that:

"The President says, we are not going to use our forces in connection with the present situation in Formosa. We are not going to attempt to seize the island. We are not going to get involved militarily in any way on the island of Formosa. So far as I know, no responsible person in the Government, no military man has ever believed that we should involve our forces in the island."

Accordingly, the U.S. policy was then clear that we would not intervene to protect the Chiang Kai-shek regime.

Following the eruption of war in Korea, however, the United States abruptly reversed its stance. On June 25, 1950, President Truman announced that the occupation of Taiwan by Communist forces must be prevented. He therefore ordered the intervention of the 7th Fleet in the Taiwan Strait, ostensibly to prevent an invasion of the mainland by the Nationalists as well as deterring the more plausible threat, a conquest of Taiwan by the Communists.

After President Eisenhower terminated the restrictions concerning a Nationalist invasion of the mainland (popularly referred to as the "unleashing" of Chiang Kai-shek) in February of 1953, there was a substantial increase in U.S. military assistance to the Nationalists. The military deployments of the Communists opposite Taiwan attracted much concern, especially when, in September 1954, the Communist government initiated artillery fire on Quemoy. Military activity around

the offshore islands and the Taiwan Strait intensified in the succeeding months and the U.S. 7th Fleet evacuated the Nationalist troops from Ichang, one of the Tachen islands.

The revival of military hostilities between the Communists and the Nationalists occurred in the context of an emerging U.S. sponsored treaty structure designed to "contain" China. The ANZUS Pact, a security treaty with Japan, and the mutual defense treaty with the Philippines became effective in 1952. The mutual defense treaty with the Republic of Korea, signed in late 1953, came into force in the fall of 1954. On September 8, 1954, the SEATO Treaty was signed. On December 2, 1954, the Mutual Defense Treaty with the Republic of China was signed.

At the time President Eisenhower requested the authority provided by the Formosa Resolution, the Mutual Defense Treaty with the Republic of China had been signed but had not been ratified by the Senate. The Formosa Resolution was designed to give the President free rein to commit the Armed Forces of the United States to assist the Chinese Nationalists. The resolution typified the inclination of Congress, at that time, to delegate to the President its war powers. The President's authority, under the resolution, extended to "the securing and protection of such related positions and territories of that area now in friendly hands." Thus, he was empowered to take action in the event of an attack on Quemoy or Matsu, so long as he judged such an attack to be preliminary to an attack on Taiwan itself.

The Formosa Resolution did not contain a specific date by which the President's authority would expire. It instead provided that:

"This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress." (See appendix for full text)

The crisis which precipitated passage of the Formosa Resolution has long since passed. Since 1964, artillery activity in the area has been limited to ritualistic exchanges of shells containing propaganda leaflets. Despite the developments of the past 16 years and radically changed conditions, the President has not made the report contemplated by the last paragraph of the Formosa Resolution.

#### EXECUTIVE BRANCH POSITION

However, Assistant Secretary of State David Abshire transmitted executive branch comments on Senate Joint Resolution 48 in a letter dated May 18, 1971, which is included in the appendix to this report. He stated that:

"While we neither advocate nor oppose congressional action, we believe that the specific crisis situation to which the Formosa Resolution was directed has passed. We would not look upon the resolution as legal or constitutional authority for either contingency planning or the actual conduct of our foreign relations. Our defense commitment to the Republic of China is set forth in our Mutual Defense Treaty which entered into force shortly after the Formosa Resolution was adopted. Repeal of the resolution would not affect our commitment to the defense of the treaty area or our ability to meet that commitment."

#### PURPOSE

Senate Joint Resolution 48 would revoke the power of the President unilaterally to employ the Armed Forces of the United States to protect Taiwan and the Pescadores and, in connection therewith, the offshore islands referred to in the Formosa Resolution. It would not affect the validity of the

Mutual Defense Treaty of 1954 between the United States and the Republic of China. Under that treaty, however, any action taken by the United States in the event of an armed attack directed against Taiwan or the Pescadores must be taken "in accordance with its constitutional processes. Hence use of U.S. Armed Forces in such a situation would require specific authorization by the Congress. Senate Joint Resolution 48 would restore the constitutional balance of authority with regard to the use of Armed Forces in this area.

In addition, Senate Joint Resolution 48 would clear away a legislative obstacle to a new China policy. The Formosa Resolution reflects a perception of China at variance with the view of that country and the situation in the Taiwan Strait which has prevailed for so many years. Senate Joint Resolution 48 would constitute a timely recognition of the changed conditions in this region. It is also consistent with the administration's objective of normalizing relations with the People's Republic of China, which was fully endorsed by the Senate by the adoption of Senate Concurrent Resolution 38.

#### APPENDIX

##### FORMOSA RESOLUTION

A joint resolution authorizing the President to employ the Armed Forces of the United States for protecting the security of Formosa, the Pescadores and related positions and territories of that area

Whereas the primary purpose of the United States, in its relations with all other nations, is to develop and sustain a just and enduring peace for all; and

Whereas certain territories in the West Pacific under the jurisdiction of the Republic of China are now under armed attack, and threats and declarations have been and are being made by the Chinese Communists that such armed attack is in aid of and in preparation for armed attack on Formosa and the Pescadores.

Whereas such armed attack if continued would gravely endanger the peace and security of the West Pacific Area and particularly of Formosa and the Pescadores; and

Whereas the secure possession by friendly governments of the Western Pacific Island chain, of which Formosa is a part, is essential to the vital interests of the United States and all friendly nations in or bordering upon the Pacific Ocean; and

Whereas the President of the United States on January 6, 1955, submitted to the Senate for its advice and consent to ratification a Mutual Defense Treaty between the United States of America and the Republic of China, which recognizes that an armed attack in the West Pacific area directed against territories, therein described, in the region of Formosa and the Pescadores, would be dangerous to the peace and safety of the parties to the treaty: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.

This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress.

DEPARTMENT OF STATE,  
Washington, D.C., May 18, 1971.

Hon. J. W. FULBRIGHT,  
Chairman, Committee on Foreign Relations,  
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of February 26 requesting coordinated executive branch comments on Senate Joint Resolution 48, "To repeal authorization for the employment of Armed Forces for the protection of Formosa and the Pescadores," introduced by Senator Church.

As Senator Church noted on February 23 when he introduced the joint resolution, the administration addressed the question of the possible repeal of the Formosa Resolution in a letter to you dated March 12, 1970, commenting on the provisions of Senate Joint Resolution 166. There has been no change in the position of the administration toward repeal of the Formosa Resolution as set forth in that letter. While we neither advocate nor oppose congressional action, we believe that the specific crisis situation to which the Formosa Resolution was directed has passed. We would not look upon the resolution as legal or constitutional authority for either contingency planning or the actual conduct of our foreign relations. Our defense commitment to the Republic of China is set forth in our Mutual Defense Treaty which entered into force shortly after the Formosa Resolution was adopted. Repeal of the resolution would not affect our commitment to the defense of the treaty area or our ability to meet that commitment.

In response to a further inquiry last year from the committee we stated that it would not be possible to predict in advance just what actions might be necessary in the event of a new crisis in the Taiwan Strait. We continue to believe, as we noted in our letter to you of April 14, 1970, that the relevant consideration, so far as our treaty commitment is concerned, would be whether hostile actions amounted to an armed attack directed against Taiwan or the Pescadores. In the event that it was determined that our treaty commitment was involved there would probably be a wide range of actions that would be considered depending on the precise circumstances of the situation.

In any case, should a situation arise calling into play our treaty commitments or otherwise seriously and immediately affecting vital U.S. interests in the Taiwan area we would wish to see Congress at that time fulfill its proper role under the Constitution in the decisionmaking process. We would keep the appropriate committees and the congressional leadership fully informed and would cooperate to the maximum in Congress' fulfillment of its responsibilities.

The Department has been informed by the Office of Management and Budget that from the standpoint of the administration's program there is no objection to the submission of this report.

Sincerely yours,

DAVID M. ABSHIRE,  
Assistant Secretary for Congressional  
Relations.

Mr. FULBRIGHT. The part that I want to read appears on page 3, as follows:

While we neither advocate nor oppose congressional action, we believe that the specific crisis situation to which the Formosa Resolution was directed has passed. We would not look upon the resolution as legal or constitutional authority for either contingency planning or the actual conduct of our foreign relations. Our defense commitment to the Republic of China is set forth in our Mutual Defense Treaty which entered into force shortly after the Formosa Resolution was adopted. Repeal of the resolution would not affect our commitment to the de-



fense of the treaty area or our ability to meet that commitment.

I do not know how much more explicit you could be than that, insofar as the attitude of the administration goes.

Mr. STEVENS. I might answer the chairman again by reading from the report:

It would not affect the validity of the Mutual Defense Treaty of 1954 between the United States and the Republic of China. Under that treaty, however, any action taken by the United States in the event of an armed attack directed against Taiwan or the Pescadores must be taken in accordance with its constitutional processes." Hence, use of U.S. Armed Forces in such a situation would require specific authorization by the Congress. The repeal of the Formosa Resolution would restore the constitutional balance of authority with regard to the use of Armed Forces in this area.

I agree with that objective. I am questioning the timing in regard to the action just taken in the United Nations; that is all. I do think it is something the administration ought to reconsider, and that the Senate ought to consider whether we should adjourn and, effective on our adjournment, leave Taiwan without any protection unless we are called back into session by the President for some constitutional authority to protect Taiwan.

Several Senators addressed the Chair.

Mr. STEVENS. I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I think the argument of the Senator from Alaska is a very facetious argument. After all, Congress can be called back any time. The chairman of the Committee on Foreign Relations and the senior Senator from Idaho have both indicated the administration's attitude vis-a-vis the Formosa resolution. They have both stated there is a treaty of mutual security which becomes operative under certain conditions, to which I am sure all 100 Senators agree.

So I would hope we would not raise this kind of a herring across the path of the measure we are discussing. I would hope we would get on with this business which is confronting us, and not look for ways to avoid facing up to a situation, emotional or otherwise. As I have said before, we are all mature people in this body. We should not be swayed too much by emotion. We all know what we are going to do.

If we delay this measure, it means we will delay the possibility of getting out by the 1st of December at the latest. As far as the Senator from Montana is concerned, he does not care one whit, but as far as the Senate is concerned, I think we ought to face up to our business and vote on it on the basis of the report issued by the committee.

Several Senators addressed the Chair.

Mr. STEVENS. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. ALLOTT. Mr. President, will the Senator yield to me?

Mr. STEVENS. I yield.

Mr. ALLOTT. The Senator from Alaska has the floor, does he not?

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. ALLOTT. Mr. President, I would

like to say to the majority leader that whether I agree with the arguments of the Senator from Alaska or not, which I happen to, I would not call his remarks facetious, and I do not think it is quite fair to the Senator to call them facetious, because "facetious" implies he is approaching this matter in a very light or even jocular vein, which he is not.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ALLOTT. I do not have the floor.

Mr. MANSFIELD. If the Senator from Alaska will yield, the Senator from Colorado has misinterpreted my remarks entirely, because what the Senator from Alaska has done is raise an argument when there is no argument to raise, because the mutual security treaty takes care of the factor which he had in mind.

Mr. ALLOTT. Mr. President, I disagree with the majority leader entirely.

I wonder how many times the Senate, the Congress of the United States, and this Government can walk down this road and make the same mistake. I would like to call the attention of the Senate to the fact that in December of 1949, the then Secretary of State issued a white paper in which he drew a line between Japan and the Philippines, saying, in effect, that we had no interest in anything west of that area.

In January of the following year, 1950, President Truman made a statement endorsing that paper and saying the same thing. It was immediately after that that we became involved in the Korean war. The Communists took us at our word, that we were drawing a line and saying we had no interest in anything west of that line. They took us at our word, and we had I do not know how many thousands of casualties we suffered in Korea—not as many as in Vietnam, but we had a great many casualties there. It was a so-called United Nations war, but we all know who supplied the troops, who supplied the means of war, and who supplied the effort.

Are we never going to learn, for heaven's sake, not to make the same mistake that was made before the Korean war? This is what we are doing. The Senator from Alaska is entirely right. He is entirely right and he is entirely serious in voicing his concern about the effect of the withdrawal of the resolution at this particular time, immediately following the action of the United Nations yesterday.

I am not one of those who oppose retaining in the Congress the powers the Constitution gave us. I just hope people will stick with the Constitution all the time, instead of moving away from it part of the time and coming back at other times. I do feel if we are going to become involved in a war, Congress should declare war.

But to repeal this resolution at this time, to my mind—and maybe I am wrong, but there are Senators besides those on the Foreign Relations Committee who study foreign affairs—is an invitation to the Red Chinese—and for my money they are still red, even though they are a member of the United Nations; they are still red, they still have to prove to the world at large, even as a member of the United Nations, that they

can live within the family of nations under international law and assume the same responsibilities that other nations in this world assume in this respect.

So I do not denigrate, downgrade, nor in any way try to diminish the argument of the Senator from Alaska. I believe that it is a very wise one. I do not want to see this country ever again drawing lines. We made the same mistake in Cuba when we said we would not attack nor invade that country.

Let us not start down this long line of telling other people in the world what we are going to do and what we are not going to do, because the logical answer to the passage of this particular section would be renewed warfare on Quemoy, Matsu, and the Pescadores within the next year. And make no mistake, the determination of the Red Chinese to take advantage of anything they can with respect to the domination of Taiwan has not diminished one bit. To keep this provision in here, and to include it in the bill, invites trouble, and I hope my friends in the Senate will remember that I said this at this time.

I thank my friend from Alaska. I was going to raise the same question. I think he is entirely right and entirely proper in raising it.

Mr. STEVENS. I thank the Senator from Colorado. I would most respectfully say to the majority leader that, having served in China in World War II, I am most concerned about the future of Nationalist China as it resides on Taiwan. I cannot understand why we would not want to reexamine the proposal to repeal the Formosa resolution. I intend to support the Senator from Ohio, and I would also want to consider, if we continue to debate this resolution in the event his motion fails, whether I should offer an amendment to delete that section, because I think it ought to be reconsidered. I do not see any reason for this action to be taken so quickly after the recent action of the United Nations.

While I do not disagree at all with the end result, it seems to me that the matter of timing ought to be given serious consideration, and that the question raised by the Senator from Colorado about drawing lines in regard to what we are going to do without further action by Congress is absolutely correct.

Mr. SAXBE. Mr. President, I offer this motion for more than one reason. I have given a couple of reasons, but another is that I think we have to do something short of defeating a foreign aid bill to show the world that "Uncle Sucker" is dead.

I am afraid that we are going to have a tremendous vote against this bill at the present time, because we are disillusioned and because it is a Christmas tree, with something for everybody.

In the committee, everybody who had a project hung it on there. It is like a pork barrel bill of public works. This fellow wants a computer over there, this fellow wants school help, this fellow wants this for the peanut crop, and this fellow wants this. Everybody gets in there, and they all go along, and then we pass the bill. It is a pretty high price to pay. We have a Christmas tree here, and I

think that if we do not send it back to the committee, we are going to defeat it. It is obvious that I do not have very widespread support. One Senator has spoken.

Mr. FULBRIGHT. Mr. President, will the Senator yield on that point?

Mr. SAXBE. I will yield in a moment.

Until we call the attention of the world to the fact that we do not have unlimited funds, that we have serious domestic problems where this money could be used, we are going to have one bill after another with one trinket after another for this Senator, for that Senator, for this country, for somebody in the State Department who has an ax to grind, for somebody in this Department who wants to do something in a foreign country, until we get \$3.2 billion. That is overkill, if I ever heard of it. The money would not be going to where it is specifically needed and doing the good works it might do to help a friend or to eliminate misery some place but, rather, to demonstrate somebody's clout, that they can get this out of a foreign aid bill.

There are schools in the State of Ohio that are closing, because they do not have any funds. At the same time, we are sending money to open a school someplace else. We have villages by the hundreds in my State that have no sewer and water facilities; yet, we take this money and build sewer and water facilities someplace else.

My motion is based upon what happened yesterday. But there are other good reasons for it.

Mr. FULBRIGHT. Mr. President, will the Senator yield on that?

Mr. SAXBE. At this time, I am going to turn the floor back to the chairman of the committee; but before I do, I ask that my motion be withdrawn.

The PRESIDING OFFICER. Does the Senator from Ohio request unanimous consent to have his motion withdrawn?

Mr. SAXBE. I ask unanimous consent.

The PRESIDING OFFICER. Without objection, the motion is withdrawn.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

Mr. MANSFIELD. Mr. President, first, may I express my thanks to the distinguished senior Senator from Ohio for the action he has just taken.

Second, it is my understanding that no amendments are at the desk.

Third, it is my understanding that the distinguished minority leader indicated that several amendments would be available tomorrow.

So, I would say that, on the basis of what has happened this afternoon—and the hour is getting a little late—with no possibility, evidently, of any amendments or motions being made at this time, there will be no votes this afternoon on any amendments. But I would hope that those Senators who feel inclined to do so, as many Senators seem to, would use this time to give expression to their feelings, so that tomorrow we could come in and get started with the consideration of amendments to the pending business.

Mr. FULBRIGHT. Mr. President, I

agree with what the Senator from Ohio said a moment ago. I also am glad the Senator has withdrawn his motion.

The point I want to make is that we did not have the votes in the committee to do what he suggests. Efforts were made in the committee to do just what the Senator is complaining about, and the votes were not there. To get the action he wants, it has to be done by the Senate as a whole.

I very much share the Senator's views about the matters he mentioned. Several efforts were made to change those items, and we did not have the votes. I see no prospect of changing it by sending it back. It has to be done on the floor. I would welcome the Senator from Ohio offering amendments to effect what he was just talking about.

#### ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

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

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

(Subsequently, this order was changed to provide for the Senate to meet at 11 a.m. tomorrow.)

#### ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW—ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately upon the conclusion of the remarks by the distinguished Senator from Oklahoma (Mr. HARRIS), there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes; and that at the conclusion of the period for the transaction of routine morning business, the Chair lay before the Senate the unfinished business.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. FULBRIGHT. A moment ago, the majority leader requested that the Senate convene at 10 a.m. tomorrow. I am committed to start hearings with the administration on the Okinawa Treaty in the morning, in which the administration and the Senate are very much interested. I feel almost compelled to be there at least at the beginning. This has been set for a long time.

I wonder whether some other time for convening could be set. It would be very embarrassing for me not to be at the opening of the hearings on the Okinawa Treaty with the Secretary of State.

Mr. BYRD of West Virginia. Is it the Senator's intention to begin the hearings at 10 o'clock?

Mr. FULBRIGHT. Ten o'clock. They have been set for 2 or 3 weeks, and it is a matter of great importance to the administration. I was not thinking of that, but was thinking of the debate, when the majority leader asked that the Senate

convene at 10 a.m. I hope very much that that is not done, because I want to be here if anything is offered.

Mr. BYRD of West Virginia. Could the Senator be here by 10:45? The reason I ask the question is that an order has been entered under which the Senator from Oklahoma (Mr. HARRIS) will be recognized for not to exceed 15 minutes, and I was just in the process of requesting that there then be a period for the transaction of routine morning business, for not to exceed 30 minutes, which would make it about 10:45 when the Senate resumes its consideration of the unfinished business tomorrow.

Mr. FULBRIGHT. The Senator understands that it would be embarrassing for me to get up in the middle of the Secretary of State's opening statement on the Okinawa Treaty. This matter has received great attention, and it is of first importance.

If no amendments are pending, it may be that someone else could carry on until we got through with the Secretary of State. But I would not feel it proper for me to get up and leave in the middle of the Secretary of State's statement.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, in view of what the distinguished chairman of the Committee on Foreign Relations has just said, that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

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

Mr. BYRD of West Virginia. Mr. President, I now renew my request with respect to the transaction of routine morning business on tomorrow.

The PRESIDING OFFICER. Without objection it is so ordered.

#### QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11 a.m. tomorrow. After the two leaders have been recognized under the standing order, the distinguished senior Senator from Oklahoma (Mr. HARRIS) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of the period for the transaction of routine morning business, the Chair will lay before the Senate the unfinished business, Calendar No. 402,



H.R. 9910, a bill to amend the Foreign Assistance Act of 1961.

The distinguished minority leader indicated a few minutes ago that several Senators have amendments which will be ready for action by tomorrow, hopefully.

So, it is anticipated that tomorrow will be a day of action, a day in which there will be rollcall votes.

ADJOURNMENT TO 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 13 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, October 27, 1971, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate October 22, 1971 (under authority of the order of October 20, 1971):

SUPREME COURT OF THE UNITED STATES

Lewis F. Powell, Jr., of Virginia, to be an Associate Justice of the Supreme Court of the United States, vice Hugo L. Black.

William H. Rehnquist, of Arizona, to be an Associate Justice of the Supreme Court of the United States, vice John Marshall Harlan.

Executive nominations received by the Senate October 26, 1971:

U.S. ARMY

The Army National Guard of the United States officer named herein for appointment as a Reserve commissioned officer of the Army, under provisions of title 10, United States Code, section 593 (a) and 3392:

To be major general

Brig. Gen. Ferd L. Davis, SSAN xxx-xx-xxxx  
Adjutant General's Corps.

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of captain in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Barreca, Joseph P., Jr. James, Stephen H.  
Bason, William M. Johnson, Bennett L.  
Beach, Thomas B. Kendra, Stephen J.  
Beeby, James L. Knapp, Robert W.  
Cassidy, Walter J. Lansinger, Donald T.  
Coil, Edmonston F. Lobpreis, Ervin L.  
Collier, James C. Loew, Albert G., Jr.  
Comer, Ralph D. Mazzarella, Italo C.  
Cremona, Frederick J. Meredith, Robert C.  
Davis, John W. Metz, George E.  
Defebvre, Bruce K., Jr. Mukomela, Arthur E.  
Early, Calvin B. Myers, Joseph S.  
Easterling, James F. Poley, Richard W.  
Elliot, William A. Proulx, Ronald A.  
Evans, Fred S. Reed, Ernest C., Jr.  
Fresh, James W. Seeley, Richard J.  
German, Roy E. Steffenson, John L.  
Gragg, Donald M. Steyn, Rolf W.  
Hauler, Donald R. Storz, William J., Jr.  
Herbert, James E. Van Peenen, Peter F.  
Hopping, Donald W. Wilson, Wayne R., Jr.  
Inman, Charles E. York, Lowell T.  
Jacobs, Edmund P.

SUPPLY CORPS

Barrett, Charles W. Callman, Wayman G., Jr.  
Baungard, Perry E. Carpenter, Charles F., Sr.  
Bennett, William W.  
Boyce, Thomas A.

Carpenter, Dan M.  
Carpenter, Norman E.  
Carson, Donald E.  
Cuson, Charles E.  
Dickey, William H.  
Dreese, Richard N.  
Dunlevy, John H.  
Edsall, Van T.  
Flores, Joseph L.  
Foster, Robert W.  
Frost, Shirley D.  
Gallagher, Robert F.  
Galves, Richard M.  
Gillespie, James A., Jr.  
Giordano, Andrew A.  
Gudbranson, Larry G.  
Hamilton, Oliver W., Jr.  
Hendershot, Theodore R.  
Hennessy, William J.  
Hill, Robert E.  
Hurt, Richard O.

Jackson, Arthur D.  
Kerwath, Richard C. F.  
Kohl, Jacob D.  
Landfair, Robert W.  
Lazarus, Steven  
Mayer, William H.  
McGillivray, Duncan P.  
McMahan, Paul T.  
Morrison, Quinn B.  
Phleger, Charles P.  
Postak, John N.  
Postich, George  
Sandrock, John E.  
Schriner, James A.  
Spears, Laurence  
Stevens, Robert J.  
Thompson, Gerald J.  
Umstead, Walter W., Jr.  
Wadsworth, Ben A., Jr.  
Waller, Edmund M., Jr.

CHAPLAIN CORPS

Auel, Carl A. Johns, Harry D.  
Bevan, Leroy A. Laboon, John F., Jr.  
Carr, John F. Linzey, Stanford E., Jr.  
Dillard, Donald H. Miller, Harry R.  
Goad, John T. Morrill, Giles D.

CIVIL ENGINEER CORPS

Armatrout, Merritt F. Raber, Robert R.  
Bannister, William H. Saravia, Benjamin L.  
Biederman, Jack C. Sutherland, Andrew G.  
Dixon, Olin L., III Sutley, Robert M.  
Doyle, Thomas J. Taylor, James T.  
Gates, Paul R. Williams, Edward J., Jr.  
Green, Lawrence J. Wilson, William L.  
Mooney, Malcolm T.  
Myers, Clayman C., Jr.

JUDGE ADVOCATE GENERAL'S CORPS

Bridges, Kenneth K. Newton, Robert B.  
Evans, Laverne E. McHugh, James J.  
Fruchterman, Richard O'Donnell, John H., Jr.  
Haight, Gardiner M. Rogers, Richard J.  
Higgins, Clinton K., Jr. Salomon, Ferdinand L.

DENTAL CORPS

Allensworth, Thomas Koutrakos, John M., Jr.  
Barrow, Paul E. Lommel, Tennyson J.  
Billotte, Alfred C. Longton, Robert W.  
Brault, Alfred O. Loo, Wallace D.  
Chutter, Reinald J. Mainous, Elgene G.  
Collier, Richard D. Muller, Henry, III  
Cotton, William R. Russell, John R.  
Evans, Charles G. Sand, Ralph E.  
Fulcher, Clyde L. Scott, James F.  
Gaston, Robert A. Strauss, Philip W.  
Hall, Ollie V., Jr. Tugwell, Howard S.  
Hayes, Daniel E. Ulrey, Richard D.  
Kaneshiro, Kenneth K. Vessey, Robert A.  
Keene, Harris J. Watkins, Eugene A., Sr.  
Kelly, William P. Williams, John E., Jr.

MEDICAL SERVICE CORPS

Asche, Clifton A. Kirsch, Jean P.  
Becker, David E. Mateik, Edward D.  
Bower, Harold R. McConville, William E.  
Browne, Weldon G., Jr. Reed, Robert F.  
Dowling, James H. Sanders, James M.  
Greene, William J., Jr. Schindele, Rodger F.  
Harris, Albert C. Summerour, Thomas J.  
Hughes, Robert G.

NURSE CORPS

Gagnon, Eva M. Nielubowicz, Mary J.  
Heimberger, Peggy S. Redgate, Janet M.  
McKay, Bernadette A. Stone, Charlotte R.  
Miller, Jean L.

The following-named officers of the U.S. Naval Reserve for temporary promotion to the grade of captain in the Chaplain Corps, subject to qualification therefor as provided by law:

Foelber, Robert E. Taylor, Gerard W.  
Lionberger, Paul H. Thompson, John E.  
Shaw, Charles A.

Cmdr. Lois E. Harden for permanent promotion to the grade of captain in the Supply Corps, subject to qualification therefor as provided by law.

The following-named officers of the U.S. Navy for temporary promotion to the grade of commander in the line, subject to qualification therefor as provided by law:

Ace, Robert Frederick  
Ackart, Leon Eddy  
Adkins, James Newton, Jr.  
Aiello, Robert Jack  
Ainsworth, Gerald Irving  
Akers, Max Neil  
Albrecht, Carl John  
Alexander, Hershel David  
Alexander, Edward Eugene, Jr.  
Alligood, Bruce Tyndall, Jr.  
Allman, John Iverson, III  
Alvarez, Radul  
Ambrogio, John Francis, Jr.  
Amendt, Lester Dale  
Anderson, George Edwin  
Apap, Antonio  
Artim, Ronald Nicholas  
Ashley, Wallace Tuttle  
Atkins, Thomas Maurer  
Atwell, Marion Allen  
Ayles, David Richard  
Babb, Richard Lee  
Baker, Eldon Stover  
Baker, Jack  
Baldwin, Edwin McClean  
Ball, Ronald Fredric  
Banta, Clifton Edward, III  
Barnes, Fletcher James, III  
Barnhart, Don Henry  
Barrier, Lee Ellsworth  
Barringer, Larry Edward  
Barron, Douglas Wayne  
Bartels, Harlan Bruce  
Bass, William Hardie, III  
Bassett, Charles Howard, Jr.  
Bassin, Paul Howard  
Beam, James Carlin  
Beasley, Edwin Lee  
Beedle, Leland S., Jr.  
Belcher, Job Oscar, Jr.  
Bennett, David Gray  
Benton, Chestley Melvin  
Berg, Roger Lee  
Bernard, Eugene Charles  
Bertelsen, Ralph Ivan  
Besecker, John Albert  
Blatt, Russel Neal  
Bledsoe, Paul Ishamel  
Bleyinat, Edward Louis  
Blish, Donald Eugene  
Bloch, William Carl  
Boecker, Donald Vaux  
Bolinger, Charles William  
Bondi, Joseph Ronald  
Borden, Edward Lee  
Bott, Melvin Carl  
Bouchrad, Joseph Samuel  
Boyle, Ronald Anthony  
Brandt, Robert Thomas  
Breidenstein, John Frederick  
Brennock, Robert Francis  
Brickner, John Smith  
Brightman, James Morris  
Brooks, Thomas Aloysius  
Brown, John William  
Brown, Michael Jack  
Brown, Peter James  
Brown, Thomas William  
Brubaker, William Fredrick  
Brune, Charles Marvin  
Buchberger, Harold Francis  
Bullard, Lewis Duane  
Bunting, Keith McAllister  
Burns, Charles Edwin  
Butcher, Bradley Alwin  
Butterfield, John Alden  
Buxton, Donald George  
Caggiano, Robert Richard  
Calhoun, John Franklin  
Calkins, Delos Samuel, Jr.  
Calvert, John Frederick  
Calvin, Donald Ural  
Carden, Orelan Ralph, Jr.

Carleton, Reid Paul  
 Carlson, William Clifford  
 Caron, Gerald Clark, Jr.  
 Carretta, Albert Aloysius, Jr.  
 Carroll, Thomas Davis  
 Carson, Richard Lew  
 Cartwright, Jackson Eugene  
 Carver, Gerald Jones  
 Casagrande, Raymond John  
 Cater, Michael Charles  
 Cavness, Jim Henry  
 Chadwick, Wayne Louis  
 Chaires, Charles Allen  
 Chilcoat, John David  
 Childs, Johnny Harrold  
 Christensen, Robert  
 Clinton, John Charles  
 Clune, Edward Michael  
 Coats, Barry Wingo  
 Cockrell, Wilbur William  
 Coldwell, Thomas  
 Cole, Gerald Lee  
 Colley, Michael Christian  
 Collins, James Edward  
 Collins, John Fletcher  
 Collins, Richard Frank  
 Collins, William David  
 Comer, Robert Franklin  
 Compton, William Hopson  
 Connor, Ronald Lowell Franklin  
 Cordova, Richard Nathaniel  
 Cornelius, Harold Ward  
 Cosby, Millard Albert  
 Cox, David Ronald  
 Crews, Nelson Ray  
 Culhane, William Patterson  
 Cullen, Charles William  
 Curtin, James Michael  
 Cuseo, Michael Angelo, Jr.  
 Davis, Chester Clark  
 Davis, John David  
 Dawson, James Floyd  
 Dawson, William Henry  
 Daybert, William Knoepffel  
 Dellwo, Richard Edward  
 Dennis, Everett Jackson  
 Dennison, Terry Arden  
 Derr, Allen Joseph  
 Desko, Daniel Arthur  
 Dipalma, Robert Francis  
 Disney, Donald Gilbert  
 Doe, Ralph Farrington  
 Doherty, Joseph Franklin  
 Dombrowski, Henry Richard  
 Donovan, Francis Raymond  
 Dorsey, Edward Bradley  
 Doss, Marion Turner, Jr.  
 Dothard, John Jennings  
 Dougherty, William Adam, Jr.  
 Drees, Marvin John  
 Dreessen, Francis McCleary  
 Dressler, Joseph Anthony  
 Duben, Edward Martin  
 Duff, Karl Melton  
 Dunbar, Douglas Paul, Jr.  
 Duncan, William Edward  
 Dundon, Alan Michael  
 Durham, James Louis  
 Eastman, David Ray  
 Eastman, Leonard Corbett  
 Eaton, James Willard, Jr.  
 Edgemond, John William, III  
 Edson, Phillip Norman  
 Edwards, Marion Richard  
 Eglin, James Meikle  
 Elkel, Harvey Andrew  
 Eller, Alvin Lee  
 Ellis, Herbert Aloysius, Jr.  
 Emery, William Frederick  
 Entwistle, Thomas William, Jr.  
 Erhardt, Francis Joseph, Jr.  
 Erner, Eugene Joseph  
 Evans, Gordon Evan  
 Evans, Rowland Grayson  
 Farrar, Bobby Clark  
 Farrell, Edmund Francis  
 Feeney, John Stanton, Jr.  
 Felderman, John Laverne  
 Fenick, Joseph Daniel, Jr.  
 Ferguson, John Kirk  
 Ferro, James Lewis  
 Fesler, Robert John  
 Field, Blake Edward  
 Finch, Charles Curtis  
 Fisher, James Ronald  
 Fiske, Charles Matthew  
 Fleishman, Anthony Thomas  
 Fleming, James Joseph  
 Flickinger, Dean Franklin  
 Flow, James Wright  
 Floyd, Francis Marshall  
 Flynn, Gerrish Cecil  
 Fondren, George  
 Ford, Frank Richard, Jr.  
 Foreman, Merlin Lee Robert  
 Forsgren, Dean Herbert  
 Fosko, Paul David  
 Foss, Donald Minot  
 Foulk, William Henry  
 Franklin, John Scott  
 Franks, Vernon Mitchell  
 Freakes, William  
 Frederick, Keith James  
 Fredericks, Harold Arthur  
 Fuller, Robert Harold  
 Gallo, Salvatore Frank  
 Gattis, Harold Vondon  
 Gaudry, Byron Aloiseius  
 Gay, Warren Lewis  
 Gentry, Kerry Ford  
 George, Hugo Calvin  
 Geraldson, Elmer Lee  
 Gerould, Donald Edward  
 Gibson, Ronald Clark  
 Gies, Leo Charles  
 Gilchrist, James Leon  
 Glossner, Locke Harel  
 Godbey, Thomas Neal  
 Gold, Edward Frank  
 Goldenstein, Gordon Richard  
 Gosebrink, Fred John  
 Goss, James Eugene  
 Grafel, Lynn Harrison  
 Gram, Emil Glenn  
 Green, Frank Clifford, Jr.  
 Grow, Robert Lee  
 Gustafson, Earl Frederick  
 Haag, Ernest Vernon  
 Hahn, Dwight Emerald  
 Haines, Donald Albert  
 Halloran, William Renwick, Jr.  
 Halm, Terrence William  
 Halye, Lawrence Alston  
 Hamilton, Jackie Dale  
 Hancock, Richard James, Jr.  
 Hanna, Donald Vincent  
 Harbrecht, Raymond John  
 Harley, John Key  
 Harris, Albert Geocovia  
 Harris, Jess Marvin, III  
 Harris, Richard Albert  
 Harrison, Joe Pat  
 Harshberger, Robert Lee  
 Hartman, Phillip Gerard  
 Hastings, Ralph Lincoln  
 Hawkins, Clyde Dalton  
 Haynes, Jerry Ray  
 Hayter, Roscoe, Jr.  
 Heck, Alger Roscoe  
 Heckathorn, Clair Eugene  
 Henderson, Noel Barry  
 Henderson, Arnold Herbert  
 Herold, Lance  
 Herrick, Austin, Wallace  
 Heuberger, Nathan Albert  
 Hill, Eugene Lester  
 Hill, Martin George  
 Hines, Rubert, Jr.  
 Hoel, Jack Ira  
 Hoff, Michael George  
 Hoffman, John Melville  
 Hokeness, Sylvan Paul  
 Holland, Wylan Righton  
 Hollister, Floyd Hill  
 Holmberg, Bruce Alden  
 Holt, Fred Certain  
 Holt, William Colliver  
 Hooks, Edward French  
 Horne, Ronald Gene  
 Howard, William Stamps, III  
 Huddleston, Charles Raymond, Jr.  
 Hughes, Robert Lee  
 Huntington, Stuart Laurie  
 Hutchinson, Joseph Dwight  
 Ig, Raymond Paul  
 Immerman, Arthur Leslie  
 Irvin, Robert Milton  
 Isherwood, Raymond Thomas  
 Ivey, Clarence Gresham, Jr.  
 Jackson, Milton, Jr.  
 Jackson, Morse Robert  
 Jacobs, Selby Weaver  
 Jaeger, James Walter  
 Jarrell, Jerry Dean  
 Jenkins, George Joseph, Jr.  
 Johnson, Curtis Wayne  
 Johnson, David Henry  
 Johnson, Kenneth Wilfred  
 Johnson, Ronald Lloyd  
 Jones, Arden William F., Jr.  
 Jones, Benjamin William  
 Jones, Daniel Pryor, Jr.  
 Jones, Harold Lee  
 Jones, William Dean  
 Kaufman, William Clayton  
 Keasler, Walter Harold  
 Keith, Frederick William, Jr.  
 Keith, Robert Taylor Scott, Jr.  
 Kelly, Harold William  
 Kennedy, Peter Paul  
 Kennedy, Philip Joseph  
 Kenney, James Alexander  
 Kersh, John McKay  
 Kessler, John Charles  
 Keyes, James Lyman  
 Kihune, Robert Kalani Uichi  
 King, Larry Norman  
 Kirk, Edward Redman  
 Kirkconnell, William Bayliss  
 Kirkman, Roger James  
 Kistler, George Keith  
 Kletter, David Martin  
 Klinedinst, Paul Richard, Jr.  
 Klinkerman, Robert Dale  
 Knapp, Norman Edward, Jr.  
 Knight, Walter Edwin  
 Kober, Harry Patrick, Jr.  
 Koch, William Anthony  
 Kolb, John Robert  
 Konkel, Harry Wagner  
 Kosoff, Tracy Monroe  
 Krehmeyer, James Alfred  
 Kryway, John Terrance  
 Kuehn, Gordon Norman  
 Kuhn, Joseph Lee  
 Lachance, George Modeste, Jr.  
 Lamb, Ellis Russell, Jr.  
 Landaker, John Albert, Jr.  
 Landrum, Raymond Garnett  
 Lane, John Weston, Jr.  
 Langdon, Stewart Douglas  
 Langston, Nicholas Denning  
 Laskaris, Gus Constantinos, Jr.  
 Lauf, Joseph Walter  
 Lavinder, Carlton Leslie, Jr.  
 Leach, Richard Daniel  
 Lee, Bobby Clyde  
 Lee, John Jackson  
 Leech, Joseph William  
 Lehmberg, George Russell, Jr.  
 Leisy, Ned Bruce  
 Less, Anthony Albert  
 Lewis, David Edwin  
 Lewis, Marwood Dean  
 Lewis, Tom Arthur  
 Leygraaf, Gerard Joseph  
 Lineback, Harry Winburn  
 Lisle, George Frenger  
 Lloyd, George Marvin  
 Loftus, Stephen Francis  
 Long, Carl Herbert, Jr.  
 Loonam, Walter Leo, Jr.  
 Lowe, Larry Taylor  
 Lubbers, Gary Wendel  
 Luders, Ernest Celestino  
 Ludwig, Ronald Emil  
 Lukenas, Leo Allen  
 Lynch, Dale William  
 Lyon, Hylan Benton, Jr.  
 MacKenzie, Franklin Forsthove  
 MacLedd, Wallace Francis, Jr.  
 MacNeill, Donald William  
 Maddox, Rex Ari  
 Magee, Francis Hugh



Magee, James Alexander  
 Maier, Peter Tillou  
 Major, James Arthur  
 Maloy, Larry Lee  
 Mamele, Clayton Carl  
 Markey, Alden Cyril  
 Maroldy, Thomas Michael  
 Marovich, Michael  
 Marr, William Thomas  
 Martin, Richard Herman  
 Mater, Bernard Everardus  
 Mattingly, Thomas Kenneth, II  
 May, Wesley  
 Mazzola, Vincent Steven  
 McBride, Joseph William, Jr.  
 McBrien, Jack Warren  
 McCandless, John Edward  
 McCandless, Bruce, II  
 McCarthy, Kenneth Ray  
 McCauley, Victor  
 McCroskey, Bobby Ray  
 McCullough, David Underwood  
 McCullough, Martin Lientz  
 McDaniel, Robert Sherman  
 McDonald, Michael Farold  
 McFerren, Robert Wilmer  
 McGhee, Kenneth Buren  
 McGruther, Gordon Thomas  
 McGuire, Michael Lee  
 McInvale, Joe Billy  
 McLane, Michael John  
 McLaughlin, Bruce Campbell  
 McLaurin, Kenneth Eugene  
 McMahan, Bernard Francis, Jr.  
 McMichael, John Coleman, Jr.  
 McNulla, James Edward, III  
 McVadon, Eric Alton, Jr.  
 Meenan, Robert Leon  
 Meese, Richard Ellsworth  
 Megonigle, Carl Earl  
 Meyer, Dale Allen  
 Meyer, Donald Christian  
 Meyer, Frank William  
 Midgarden, Peter Neil  
 Midvedt, Harold Leonard  
 Miller, Charles Louis  
 Miller, Edward Arthur  
 Miller, George William, Jr.  
 Miller, Robert Dewayne  
 Miltenberger, James Russell  
 Milwee, William Ivon, Jr.  
 Monroe, Phillip Alvah  
 Montag, Charles Frederick  
 Moore, James Albert  
 Moore, Rufus Beverly  
 Morris, Clyde Cecil  
 Moss, Robert Lee  
 Mott, George Edward, III  
 Moynihan, John Joseph  
 Mueller, William Alfred  
 Mullaly, Raymond Kenneth  
 Mulloy, Charles Sullivan  
 Munch, Charles Herbert  
 Murphy, Chester Arthur  
 Murphy, Norbert Patrick  
 Murray, Gordon Lawrence, Jr.  
 Murray, Joseph Walter  
 Nahlovsky, Richard Earl  
 Nakagawa, Gordon Ross  
 Narro, Arthur Thomas  
 Nash, Norman Bert  
 Nazak, Robert Michael  
 Nelson, Henry Eugene  
 Nelson, Richard Melvin  
 Nesbit, Arthur MacLean  
 Newcomb, David Arthur  
 Newton, George Berryman, Jr.  
 Neyman, George Purviance, III  
 Nichols, John Bennett, III  
 Nicolls, Robert Patrick  
 Niedbala, Joseph Thomas, Jr.  
 Nolan, Thomas Edward  
 Nutting, Roger Marvin  
 Oakey, Eugene Snyder  
 Obeirne, Frank, Jr.  
 O'Brien, Walter Harvey  
 O'Leary, John Patrick, Jr.  
 Oleson, Charles Andrew  
 Oliver, Earl Lee  
 O'Neill, Cornelius Thomas  
 Osberg, John Walfred, III  
 Osborne, Robert Bell  
 Ostrander, William Edward  
 Owen, Robert Stephen  
 Owens, Ramon Ronald  
 Pape, Jerry Lee  
 Parker, Richard Stanley  
 Pate, Zachariah Taylor, Jr.  
 Patrick, Meredith Willis  
 Pauole, Alvin Hawaii  
 Pearce, Michael Alton  
 Pease, Charles Curtis  
 Peden, Joe Dean  
 Pender, Thomas  
 Perkins, Robert Starnes, Jr.  
 Peters, Frank Joe, Jr.  
 Peters, John David  
 Peterson, Robert Anthony  
 Phelps, George Thomas  
 Phillips, Clifford Roy  
 Phillips, Robert Earl  
 Pidgeon, Robert Huntley  
 Pierce, George Eagleton  
 Pigg, Bobby Joe  
 Pinson, Peter Clyde  
 Pirotte, James Henry  
 Pittenger, Richard Fay  
 Pizinger, Donald Dean  
 Polski, Paul Arthur  
 Poore, James Stanley  
 Port, Joseph Clinton  
 Porter, Donald Henry  
 Porter, Gene Huntley  
 Porter, Oliver Howard  
 Powell, Richard Allen  
 Pratt, John Lee  
 Pressly, James Moffatt  
 Preston, Craig Andrew  
 Proctor, Robert Remington  
 Pruitt, Arnold William  
 Purnell, Clement Irvine  
 Pye, Reginald Cecil, Jr.  
 Pyle, Ronald William  
 Quay, Thomas Willoughby  
 Rager, Richard Ronald  
 Rasmussen, John David  
 Ratto, Lawrence John  
 Redford, Maury English, Jr.  
 Reeve, William Francis  
 Rehder, William August  
 Reich, William Fredrick  
 Reilly, Robert Kevin  
 Reimann, Robert Theodore  
 Reister, Walter Alvin  
 Render, Ronald William  
 Rentle, Norman LeRoy  
 Rentz, William Oliphant Kendr  
 Retz, Michael Joseph  
 Reuscher, David Lloyd  
 Rice, William Lynwood  
 Richardson, Daniel Charles  
 Riley, Roy G.  
 Riley, William Ernest  
 Riordan, William Patrick  
 Ripple, James Ellsworth, Jr.  
 Robbins, Phillip Dale  
 Roberson, Arleigh Edward  
 Roberts, James Harold  
 Robins, Harry Blaine, Jr.  
 Rogers, Gerald Winston  
 Rohrbough, John Davis  
 Ross, Norman Albert  
 Rothhauff, Thomas Benedict  
 Rowley, Cornelius Malcolm  
 Rumney, Robert Earl  
 Runzo, Melvin Arthur  
 Ruona, Keith Vernon  
 Ruppert, Noel Laurenston  
 Russell, Cleveland Hannon  
 Russell, Harold Berton  
 Sachse, Clark David  
 Salmon, Walter William, Jr.  
 Schaffer, Ruben Wayne  
 Schluntz, Frank Reuel  
 Schoenfeld, Jay Kenneth  
 Schoocraft, James Loomis  
 Schoonover, Richard Thales  
 Schramm, William George  
 Schulz, Russell King  
 Schulz, William John  
 Scott, Milton Myrion  
 Seidel, Melvin Leroy  
 Sendek, Joseph Michael  
 Sharp, Grant Alexander  
 Shattuck, George Wendell  
 Shawkey, Dallas Walton  
 Sheppard, Donald David  
 Shriver, Robert Ambrose  
 Sillery, Charles Doayne  
 Simmons, James Leon  
 Simone, Thomas Joseph  
 Skezas, George Christ  
 Skinner, George Ross  
 Skrukud, Clare Evon  
 Slaven, Robert Knowles, Jr.  
 Slye, Richard Earl  
 Smith, Bradley George  
 Smith, Charles Jacob  
 Smith, Clyde Arnold  
 Smith, Donald Duane  
 Smith, Nepier Vrabel  
 Smith, Peter Taylor  
 Sommer, Henry Joseph, Jr.  
 Sorensen, Richard Sheidon  
 Sorna, Ronald Edward  
 Soules, Charles Webster  
 Spencer, Thomas James  
 Stark, William Robert  
 Starrin, Roy Edward  
 Staudenmayer, Frederick G.  
 Stein, Edwin Francis, Jr.  
 Stoker, Laron L.  
 Stokes, Carl Julian, Jr.  
 Storey, Edward Leo  
 Street, Robert William  
 Strohsahl, George Henry, Jr.  
 Strole, Dennis Silver  
 Strunk, David William  
 Stubbs, David William  
 Stubbs, George Richard  
 Stumcke, Frederick Bradley, Jr.  
 Sturm, Paul Morrison  
 Sullivan, Gerald Francis  
 Susag, Gary Robert  
 Sutton, Charles Rudolph  
 Swain, Donald Derk  
 Swor, Jerry Glenn  
 Szczecinski, Joseph Lawrence  
 Szczypinski, Walter S., Jr.  
 Taft, Denis James  
 Tambini, Anthony Louis, II  
 Tarquin, Donald Charles  
 Taylor, Jimmie Wilkes  
 Taylor, Thomas Paul  
 Teague, Robert Arson  
 Tenefrancia, Ambrose James, Jr.  
 Terry, Bert Dixon  
 Terry, Ross Randle  
 Thomas, Kinnison Henry  
 Thompson, Glynn Murphy  
 Thurston, John Kindred  
 Tilger, Billy Ralph  
 Tingle, Adrian Artomus  
 Tomcavage, Norman Jerry  
 Toney, Robert Lee  
 Tribes, Carl John, Jr.  
 Trout, Michael Duane  
 Troutman, Darrell Clinton  
 Turlay, William Evert  
 Usalis, Jerome Thomas  
 Vaiana, James George  
 Vaught, Clarence Thomas  
 Veenstra, Robert Murlin  
 Venable, Robert Luther  
 Vick, John Clifton  
 Victor, Alfred Erwin  
 Vold, Almer Charles  
 Wagner, William Francis  
 Wangle, Eugene Einar  
 Ward, James Jackson  
 Ward, Sibley Logan, III  
 Warner, Lloyd  
 Waters, Ronald Lee  
 Waymire, Donald Marion  
 Wegert, Sidney Julius  
 Weigand, James Gary  
 West, Ralph Whitaker, Jr.  
 Westbrook, Dale Allen  
 Westerman, William Robert  
 Wettestead, Norman Charles  
 Wheatley, Gary Francis

Wheeler, George Clifton  
 White, Ervin Eugene  
 White, Robert Sherman  
 Whitmer, Benjamin Franklin  
 Wicklund, Richard John  
 Williams, Willis Terrell  
 Wilson, Richard James  
 Wingo, Robert Freeman  
 Wold, Robert Michael  
 Woodbury, David Edward  
 Woodworth, Benjamin Bohlken  
 Wren, Gregory Secord  
 Wright, Robert Herring, III  
 Wuorenmaa, John Paul  
 Wyatt, Richard Lee  
 Yaeger, Ernest Franklin  
 Young, Arthur Edmund, Jr.  
 Young, Robert Allan  
 Young, Sol  
 Zeller, Raymond Guy  
 Zorbach, Anthony Joseph  
 Zucker, Channing Morse

The following-named officers of the Reserve of the U.S. Navy for temporary promotion to the grade of commander in the line, subject to qualification therefor as provided by law:

Hardman, William Morgan  
 Hart, Robert Netherland, III  
 Hedden, Forrest Farley  
 McCalla, Thomas Richard  
 Strobel, Carl William  
 Tarbox, Thomas N.  
 Taylor, Richard Louis  
 Woodhouse, James Everett

The following-named Regular officers of the line of the U.S. Navy, for temporary promotion to the grade of commander, pursuant to title 10, United States Code, section 5787, subject to qualification therefor as provided by law:

Cullen, Richard Columbus  
 Jones, Jenus B.

Katz, Alfred Charles  
 Long, David Elbert  
 McKee, Richard Grant  
 Mixon, Tracy Roland  
 Nielsen, Emanuel Kevin  
 Shaw, Frederick Albert  
 Specher, Herbert Edgar, Jr.  
 Taylor, Bruce Andrew, Jr.  
 White, Robert  
 Youngberg, Guy Milton

The following-named women officers of the U.S. Navy for permanent promotion to the grade of commander in the line, subject to qualification therefor as provided by law:

Burch, Mary Jean  
 Higgins, Maria Salter  
 Jackson, Virginia Elliott  
 McIlraith, Margaret Ann  
 Steenburg, Anna Lea

## EXTENSIONS OF REMARKS

### WELFARE LEGISLATION

#### HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES  
 Tuesday, October 26, 1971

Mr. BYRD of Virginia. Mr. President, the Northern Virginia Daily of October 21 contains an interesting editorial analyzing the welfare legislation supported by the administration.

The editorial refers to this proposal as "revolutionary and expensive," a description applied to it by Secretary of Health, Education, and Welfare Richardson.

I believe this is an accurate description, and I believe that the proposal has many flaws. I hope that Congress will not take action on the proposal this year.

I ask unanimous consent that the editorial, "A Needed Analysis," be printed in the Extensions of Remarks.

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

#### A NEEDED ANALYSIS

Speaking on the floor of the Senate yesterday, Senator Harry F. Byrd Jr. had some important comments regarding the Administration's welfare reform proposals. The senator's remarks are extremely pertinent to the question of whether or not this nation wishes to go all the way down the road to welfare statism, proceeding to the ultimate point at which handouts to millions of able-to-work recipients will be an intolerable fiscal burden for the nation.

Classifying the Administration's present reform proposals as "welfare expansion" rather than "welfare reform," Sen. Byrd said he cannot support this "revolutionary and expensive" program for these basic reasons:

"One, it lacks adequate work incentives.  
 "Two, I doubt the wisdom of writing into law the principle of a guaranteed annual income.

"Three, the annual cost of the new program would be at least \$5 billion greater than the present program.

"Four, the number of welfare recipients would be increased from 12 million persons in 1970 to 25 million persons.

"Five, Richard P. Nathan, Deputy Under Secretary of Welfare, says the government would need to hire an unprecedented 80,000 new federal employees to administer the program."

According to the Department of Health, Education and Welfare's own figures the cost

of Federal welfare in 1962 was \$2.7 billion. The cost in the current fiscal year of 1971-72 is projected to be \$14.2 billion. If the Administration's proposed reform program is adopted, HEW Secretary Richardson has estimated that welfare costs for the Federal government in 1973 would be \$19.7 billion, an increase of \$5.5 billion in one year.

Does this recommended program provide the kind of welfare reform that we need and that we can afford to live with?

Sen. Byrd thinks not, and we agree. He put it to his fellow senators this way yesterday:

"I feel that the government has an obligation to our fellow-citizens who are physically or mentally unable to earn a living. But the 'revolutionary and expensive' proposal of Secretary Richardson goes far beyond that. It does not have adequate work incentives, nor does it have adequate provisions to keep off the welfare rolls able-bodied citizens who should be seeking jobs instead of hand-outs."

The senator reminded the nation that, "When President Nixon was a candidate for President in 1968, he stated again and again that he wanted to reverse the trend to the welfare state. How does one reverse the trend . . . by doubling the number of people on welfare?"

Yes, how?

### AMERICAN MINING CONGRESS SERVES AMERICA'S PEOPLE

#### HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES  
 Tuesday, October 26, 1971

Mr. BARING. Mr. Speaker, the State of Nevada, which I represent in the House of Representatives, was host last week to a convention of one of this Nation's most important and largest industries—the American Mining Congress.

I was privileged to attend as a speaker for the informative seminar on public lands along with several of our colleagues in both the House and the Senate who attended and spoke before other mining meetings at the convention.

The site of the convention for 15,000 mining men was our Nevada city of Las Vegas and, needless to say, Las Vegas offered a warm western welcome to this traditional American industry whose history is well marked with development in our Silver State—Nevada.

The theme of the week-long series of seminars and speakers centered on man's duty for the search for improving his existence while at the same time offering concrete proposals to secure the proper balance between man's needs and uses of America's natural resources and the preservation of those resources.

Mr. Speaker, the publisher of the Las Vegas Sun newspaper, Mr. Hank Greenspun, took time and space to record his thoughts about the history and men of the American mining industry.

I include the following article, "Where I Stand," by Hank Greenspun, in the October 14, 1971, issue of the Las Vegas Sun, in the RECORD for the benefit of our colleagues:

#### WHERE I STAND (By Hank Greenspun)

The earth is jealous of her bounties and yields only to those who have the strength and the will to contest for her riches.

The American Mining Congress is made up of such men.

It is fitting that the foremost mining men and the major exhibitors of the tools they need in their work are holding their annual convention in Nevada.

As history shows, Nevada earned the title of "Battleborn State" because the wealth of her mines is credited with saving the Union during the Civil War.

But wealth wasn't the only contribution made by the pioneer engineers who challenged earth for her treasure during the mining booms of the late 19th and 20th Centuries in Nevada.

Many of the innovations in mining methods which were necessary to work the rich deposits of the Comstock Lode are still in use around the world today, with modern refinements, of course.

Square set mining, which allowed the stripping away of huge blocks of ore were first used on the Comstock, as were steam powered drills, huge pumps for dewatering deep mine shafts, and various kinds of hoists and milling processes.

Many of the techniques have changed of course, but miners today aren't much different than they were a hundred years ago. They still are men of courage and confidence. Without these two ingredients, much of the earth's wealth would have remained in her bosom.

Instead, the fruits of the earth have been used to build cities, to fuel industry which has provided food, clothing and shelter for millions, and to build our nation into a world power.

The earth of Nevada has been good to