SENATE—*Thursday, November 4, 1971*

The Senate met at 12 meridian 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:

God of grace and God of glory, to whom a thousand years are but as 1 day, we pray that we may live in the light of past wisdom with faith in Thee to labor for the new world yet to come. Looking backward, may the past warn us by its failures, instruct us by its successes, inspire us by its sacrifices. Looking forward, may we behold the ultimate world of justice, peace, and righteousness. Looking upward, may we find in Thee the source of our strength and the power for achievement. Make this body one in purpose and in dedication to the people's welfare, that it may speak where they would speak, act where they would act, and in all things great and small do that which is pleasing in Thy sight.

We pray in the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, November 3, 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.

EXECUTIVE SESSION

Mr. MANSFIELD. I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, under "New Reports."

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

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE DIPLOMATIC AND FOREIGN SERVICE

The assistant legislative clerk proceeded to read sundry nominations in the diplomatic and Foreign Service, which had been placed on the Secretary's desk.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc; and, without objection, the President will be immediately notified of the confirmation of these nominations.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

AMENDMENT TO THE NATIONAL HOUSING ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 416, S. 2781.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 2781, to amend section 404(g) of the National Housing Act.

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

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

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

SECTION 1. Section 404(g) of the National Housing Act is amended by striking out "1¾" and substituting in lieu thereof "1⅗".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–420), explaining the purposes of the measure.

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

PURPOSE OF LEGISLATION

The purpose of this amendment is to prevent an unintended call for prepaid premiums to the Federal Savings and Loan Insurance Corporation by member savings and loan associations. Unless amended, the present law, that is section 404(g) of the National Housing Act, would require savings and loan associations to divert up to $400 million of housing funds into payment of prepaid insurance premiums.

BACKGROUND

Present law requires that if the ratio of the Federal Savings and Loan Insurance Corporation reserves to insured savings falls below 1.75 by December 31, of a given year, member savings and loan associations are required to commence prepaid insurance premiums equal to 2 percent of their savings growth during the year. It was not anticipated that FSLIC reserves would fall to 1.75 until 1973 or 1974—by which time the Congress would have worked out a more permanent and stable method of maintaining an adequate FSLIC financial structure. There has been, however, an extraordinary increase in insured savings in 1971 (which has been extremely helpful in stimulating home building) and the reserve ratio may drop to 1.75 or slightly below by December 31, 1971. The reserve ratio decline is solely the function of the increase in savings and does not reflect a reduction of dollar reserves.

By changing the 1.75 in existing law to 1.60, the triggering of the prepaid premiums can be postponed for a year, giving Congress enough time to review this matter and time to devise a permanent system for generating FSLIC reserves. This amendment would leave the FSLIC reserves at a very adequate level—substantially above the 1.25 reserves existing for the Federal Deposit Insurance Corporation.

No objection has been expressed to this amendment, the effect of which is simply to prevent an unanticipated diversion of several hundred million dollars of housing funds from prepaid premiums which are not necessary.

The committee recommends favorable consideration of this bill by the Senate.

PROGRAM FOR THE REMAINDER OF THIS SESSION

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is anticipated that the next order of business at the conclusion of the morning hour today will be S. 1977, a bill to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes. This will be followed by H.R. 5060, an act to amend the Fish and Wildlife Act of 1956, and so forth.

That will conclude the business for today.

It is the intention of the joint leadership at that time to lay before the Senate S. 986, the so-called warranties bill, which will be taken up tomorrow. Whether that bill can be completed tomorrow remains to be seen. If not, my guess is that Monday will be the time when it is finally disposed of, if then.

Following that, the Senate will take up the agreement with Japan concerning the Ryukyu Islands and the Daito Islands.

Mr. President, I ask unanimous consent that on Tuesday next, November 9, 1971, when the Senate convenes, the treaty be made the pending business.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, following the disposal of the Japanese treaty, it is anticipated that the tax package requested by the administration will be available and, at about the same time, the phase II package will be ready for consideration by the Senate.

After that, of course, we have other

legislation, but we cannot lose sight of the two Supreme Court nominations which should be reported to the Senate, I would hope, by the end of next week.

There are also four appropriation bills, sundry conference reports, a foreign aid bill, and perhaps the equal opportunities bill, so-called, an act to further promote equal opportunities for American workers.

Then, of course, there is the Voter Registration Act, which was ordered reported by the Committee on Post Office and Civil Service yesterday or the day before.

All of these matters, Mr. President, may or may not be brought up at this session, but I believe the Senate should be placed on notice and should understand that the joint leadership—and I emphasize the word "joint"—is trying to do its very best to complete legislation which is before the Senate and hopes there will be no further requests for slowdowns or postponements, because if we are going to meet the goal of sine die adjournment by December 1, 1971, it will be quite difficult anyway, and will take a collective effort on the part of the entire Senate to do so.

I would hope, therefore, that Senators who, for personal reasons, do not want to consider a certain piece of legislation on a certain day, or cannot be in Washington on a certain day, will just take their chances, as the joint leadership has itself done down through the years.

The joint leadership has never asked for anything to be held up when either the distinguished Senator from Pennsylvania (Mr. SCOTT) or the Senator from Montana now speaking were absent. We do not intend to do so. We will take our chances and I would ask that all other Senators take the same kind of chance the joint leadership does in the interest of expediting the legislation, in the interest of the Senate as a whole, collectively, and in the interest of, maybe, making it possible finally to achieve a sine die adjournment by December 1, 1971.

Mr. BYRD of West Virginia. Mr. President, will the distinguished majority leader yield?

The PRESIDENT pro tempore. Does the minority side wish to be heard?

Mr. PACKWOOD. Mr. President, I yield time to the distinguished majority whip.

Mr. BYRD of West Virginia. I thank the distinguished Senator.

Mr. President, including Saturdays, 16 days remain, with the exception of Sundays and this coming Saturday, prior to Thanksgiving Day.

I would ask the distinguished majority leader this question: Will there not be such an amount of work, once the President's economic package comes to the floor—phases I and II—and considering the two nominations to the Supreme Court, the Defense appropriation bill, the District of Columbia appropriation bill, and the supplemental appropriation bill—will there not be such a workload as to make it absolutely necessary, excepting this coming Saturday, to be in session the remaining two Saturdays prior to Thanksgiving Day, if we hope to get out sine die by Thanksgiving Day or no later than December 1, 1971?

Mr. MANSFIELD. Yes, indeed. I am glad the distinguished majority whip, the Senator from West Virginia (Mr. BYRD), has brought that out, because he has reminded me of an agreement which we have had among the joint leadership that while we will not meet this Saturday, because the calendar will be pretty well cleared up, beginning next Saturday and every Saturday from there on out, as long as we are in session, if it is not too long, we will meet, because we do have the two Supreme Court nominations and we do have the four appropriation bills which have yet to be initially considered by the Senate and we are waiting for the House to act on them.

We also have the President's tax program and the President's phase II program, all vitally important, as well as the other pieces of legislation which have been discussed this morning.

I repeat that I would hope that all Senators would work together to the end that we can, if possible, adjourn sine die around the first of December. To do that is going to take some accommodation on the part of all Senators. I anticipate that that accommodation will be forthcoming.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The Senator from Idaho is recognized.

BACK TO THE DRAWING BOARD ON FOREIGN AID

Mr. CHURCH. Mr. President, there can be no doubt that the 41-to-27 vote against foreign aid last Friday is one of the boldest actions the Senate has taken in years.

Yet, as one who strongly supported the vote against foreign aid as it is presently administered, I must say that the response I have so far received has been most gratifying. The people of this country, in their good commonsense, know that it is time for a new look at foreign aid, and they support the action we took.

An excellent example of the press reaction to the vote is contained in an editorial which appeared Tuesday in Newsday, published on Long Island.

The editorial noted:

It was about time the Senate took a hard look at the U.S. foreign aid program, which is based on policies and practices conceived during the chillier moments of the Cold War and frozen rigid ever since. The bills have come down every year reflecting the bureaucratic schizophrenia of a policy that seeks simultaneously the preservation of the status quo and economic and social change.

Mr. President, I commend the editorial to the Senate and ask unanimous consent that it be printed at this point in the RECORD.

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

BACK TO THE DRAWING BOARD

The U.S. Senate shocked the President, much of the world and itself Friday when it voted to kill the $3.5 billion foreign aid authorization bill. The shock may well prove to sting less than it invigorates.

It was about time the Senate took a hard look at the U.S. foreign aid program, which is based on policies and practices conceived during the chillier moments of the Cold War and frozen rigid ever since. The bills have come down every year reflecting the bureaucratic schizophrenia of a policy that seeks simultaneously the preservation of the status quo and economic and social change. The authorization bill defeated Friday, for example, was 55 per cent devoted to the cause of the status quo. For that's the percentage of the money involved that would have gone to military aid. Sen. Frank Church (D-Idaho), who was in the forefront of the opposition, called the program "a grotesque money tree" that would have furnished "aid and comfort to repressive governments all over the world."

We agree with Church and we hope he was right when he said: "Last night's vote finally got the message across. Now that we have the administration's attention, perhaps we can go back to the drawing board." A major rethinking of the entire program is overdue.

For too long, the program has been viewed in narrow terms that saw virtue and opportunity in any nation promised to resist communism, regardless of the use to which funds were put. In many cases, America gained promises of support from militaristic leaders at the expense of deep hostility from the people themselves. This kind of short-sighted bilateral "diplomacy" could well be replaced through international development agencies designed to provide assistance to the needy, period.

NEW APPROACH NEEDED

Now that the Senate has demonstrated its unwillingness to approve discredited old policies, the administration and Congress have a rare chance to use some of the insights available in a bookcase-full of recent studies aimed at improving efforts to help the developing countries of the world. There is, for example, an assessment of 20 years of development aid produced by the World Bank-sponsored Commission on International Development in consultation with 70 governments. And President Nixon has the results of "a new U.S. approach to aid for the 1970s" worked out by his Presidential Task Force on International Development.

These reports, and there are many more, suggest ways of reorganizing and revitalizing foreign aid. There is a chance to make a new beginning, to address the world once again in the spirit of enlightened self-interest so well expressed by John F. Kennedy in his inaugural address.

Said Kennedy: "To those peoples in the huts and villages of half the globe struggling to break the bonds of mass misery, we pledge our best efforts to help themselves, for what ever period is required—not because the Communists may be doing it, not because we seek their votes, but because it is right. If a free society cannot help the many who are poor, it cannot save the few who are rich."

QUORUM CALL

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

The PRESIDING OFFICER (Mr. GAMBRELL). The clerk will call the roll.

The second assistant 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.

Is there further morning business?

MILITARY CONSTRUCTION APPROPRIATIONS, 1972—APPOINTMENT OF ADDITIONAL CONFEREES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the senior Senator from Louisiana (Mr. ELLENDER), the chairman of the Appropriations Committee, and the senior Senator from North Dakota (Mr. YOUNG), the ranking minority member of the Appropriations Committee, be appointed as conferees on H.R. 11418, the military construction appropriation bill.

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

UNANIMOUS-CONSENT AGREEMENT—AUTHORITY FOR SECRETARY OF SENATE TO MAKE CHANGES IN ENGROSSMENT OF H.R. 11423

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, in the engrossment of the Senate amendment to H.R. 11423, the Secretary of the Senate, in section 4, line 5, be authorized to strike the word "four" and insert "five", and that the title be changed from January 31, 1972, to November 30, 1971.

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MANSFIELD (for Mr. LONG), from the Committee on Finance, without amendment:

H.R. 1680. An act to extend for an additional temporary period the existing suspension of duties on certain classifications of yarn of silk (Rept. No. 92-425).

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. HANSEN:

S. 2810. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation; and

S. 2811. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. NELSON (for himself, Mr. MCINTYRE, and Mr. METCALF):

S. 2812. A bill to amend the Federal Food, Drug, and Cosmetic Act, as amended, to provide for the establishment of a national drug testing and evaluation center; to provide for a Federal Drug Compendium which lists all prescription drugs by their generic names and which provides reliable, complete, and readily accessible prescribing information; to provide for a formulary of the United States; to provide for quality control for drugs paid for with Federal funds; to provide for the registration of drugs; to provide for the certification of certain drugs other than insulin and antibiotics; to provide for the regulation of sample drugs; and for other purposes. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HANSEN:

S. 2810. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation; and

S. 2811. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes. Referred to the Committee on Veterans' Affairs.

Mr. HANSEN. Mr. President, on November 8, the Senate Committee on Veterans' Affairs will consider legislation to update veterans' pensions for veterans and their survivors.

Today, I introduce two bills, dealing with veterans' pensions in order that they might be printed and available for consideration by the committee.

This action is intended to provide the committee with alternatives which it may consider in meeting the need of this Nation's veterans and their survivors.

By Mr. NELSON (for himself, Mr. MCINTYRE, and Mr. METCALF):

S. 2812. A bill to amend the Federal Food, Drug, and Cosmetic Act, as amended, to provide for the establishment of a national drug testing and evaluation center; to provide for a Federal Drug Compendium which lists all prescription drugs by their generic names and which provides reliable, complete, and readily accessible prescribing information; to provide for a formulary of the United States; to provide for quality control for drugs paid for with Federal funds; to provide for the registration of drugs; to provide for the certification of certain drugs other than insulin and antibiotics; to provide for the regulation of sample drugs; and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. NELSON. Mr. President, the Senate Small Business Committee's Monopoly Subcommittee initiated its study of the drug industry on May 15, 1967. During the 4½ years of hearings a number of serious problems have been delineated which urgently require legislative action to protect the health and pocketbooks of the American people.

To this end I am today introducing for appropriate reference an omnibus bill to amend the Federal Food, Drug, and Cosmetic Act. Although several of the components of this bill have been introduced separately in previous years, new and important provisions are included to insure, first, that the prescriber has ready access to complete and objective information about drugs to enable him to prescribe in a rational manner; second, that the consumer will be assured of the best drugs available, properly tested for safety and efficacy at the lowest cost possible—the result of rational prescribing; and third, that the manufacturers will advertise their products only for the conditions of use for which the drug was approved.

Significant provisions of the bill are as follows:

TITLE I: NATIONAL DRUG TESTING AND EVALUATION CENTER

Title I provides for the establishment of a National Drug Testing and Evaluation Center which shall be operated as a part of the Food and Drug Administration subject to the supervision and control of the Secretary of Health, Education, and Welfare.

The Secretary shall be responsible for conducting all tests or investigations on new drugs submitted to him for approval in order to determine whether such new drugs should be approved for commercial distribution and shall be responsible for conducting tests or investigations on drugs which have been approved to determine whether approval of such drugs should be withdrawn or conditioned.

Although the center will do some testing itself, the Secretary will be authorized to contract out such studies to qualified individuals, organizations or institutions and it shall be his responsibility to insure that the testing or investigations of any drug is conducted by experts qualified by scientific training and experience to investigate the safety and effectiveness of drugs.

Although the FDA is charged with the grave responsibility of assuring that the drugs permitted to be marketed are both safe and efficacious, the decisions they make are based upon the evidence submitted to them by the very companies which seek to market the drug. As the law reads at present, the FDA determines the safety and efficacy of a drug solely on the basis of information supplied by the drug company making the application.

The dangers involved in the dependence on drug firms to perform, direct, or arrange for the testing of drugs in which they have a financial interest is obvious. Since drug firms are anxious to get new drugs on the market and to increase their sales volume, there is an inevitable tendency—no matter how conscientious the firm—to emphasize the positive features and deemphasize the negative. Many of the people they engage to do their testing are equally anxious to secure additional contracts for drug testing. FDA has found that the accuracy and objectivity of some of these drug testers leaves much to be desired.

A physician who turns in unfavorable reports on the drugs he is testing may

not have his contract renewed. In case after case, some firms have been guilty of misrepresenting, distorting, and even withholding information developed in their testing of drugs which might in any way retard or prevent an approval to market. Injury and death have resulted from such actions.

The subcommittee's hearing record shows that in the testing of the drug, Dornwal, manufactured by Wallace and Tiernan, the company "knowingly and willfully concealed material information and submitted false and fictitious statements in writing and orally to the FDA."

Unfortunately, some people died as a result of taking this drug, as noted in a letter dated June 5, 1961, to the Attorney General of the United States from Dr. Herbert Ley, then Director of the FDA's Bureau of Medicine. The letter charged that the company "knowingly and willfully concealed material facts from the FDA, to wit, medical evidence that Dornwal was the causative agent of a severe and often fatal blood dyscrasia—disorder—in man." The firm was prosecuted for a criminal violation of the law, did not contest the charge, and was found guilty.

Flexin, a product of McNeill Laboratories, a subsidiary of Johnson and Johnson, is another example of willfully concealing information in the application to FDA and according to FDA resulted in 50 cases of liver damage including 11 deaths.

The Upjohn Co. had in its files studies done in 1959 and 1960 which showed that the fixed combination Panalba was not as effective as its ingredients given separately. Neither the tetracycline nor the novobiocin absorb or produce as high blood levels when given in combination as when given individually. Besides, the novobiocin which has very serious potential adverse reactions was an unnecessary ingredient. This information was never called to the attention of the FDA or the medical profession, and was only discovered by an FDA inspector in Upjohn's files on March 7, 1969. Panalba, which has been removed from the market, was heavily advertised and became one of the most frequently prescribed drugs in this country. Material supplied by the FDA indicates that thousands of persons who took this drug suffered from adverse reactions, including deaths.

FDA records indicate that the approval of Serc relied upon studies conducted by six individuals, four of whom held options to purchase shares of the drug firm's stock.[1]

Former FDA Commissioners Goddard and Ley have expressed their dissatisfaction with the way in which drugs are being tested.

In a speech before the Pharmaceutical Manufacturers Association in 1966, Dr. James L. Goddard, then Commissioner of the Food and Drug Administration said:

> I have been shocked at the materials that come in. . . . In addition to the problem of quality, there is the problem of dishonesty in the Investigational New Drug stage. . . . I will admit there are gray areas in the IND situation.
>
> But the conscious withholding of unfavorable animal or clinical data is not a gray-area matter.
>
> The deliberate choice of clinical investigators known to be more concerned about industry friendships than in developing good data is not a gray-area matter.
>
> The planting in journals of articles that begin to commercialize what is still an Investigational New Drug is not a gray-area matter.
>
> These actions run counter to the law and the ethics governing the drug industry.

Dr. Herbert Ley, who succeeded Dr. Goddard as FDA Commissioner, stated 2 years later that—

> We have not yet seen the degree of improvement in the quality of clinical data from drug testing which we must have.

In a speech before the Educational Conference of the Food and Drug Law Institute in December 1968 Dr. Ley claimed that out of 406 drug marketing applications received by the FDA in 1967, only 59 were approved.

He said:

> More than half suffered from deficiencies in clinical studies and inadequacies in efficacy data and many were so low in quality as to be not approvable.

Dr. Ley amplified his views before the Senate Small Business Committee's Monopoly Subcommittee on May 27, 1969:

> The major problem in industry submissions to FDA is still the poor quality of both the basic data and the summaries. The most important single step that industry can take to speed up the processing of new drug applications by FDA—and to improve the chance for new drug approval—would be to ensure that the data presented in support of efficacy is true to the statutory requirement of well-controlled studies.

Dr. John Jennings, Assistant to the FDA Commissioner for Medical Affairs, on September 16, 1970, stated:

> The primary cause of the much touted delay in FDA decision-making is beyond all question the poor quality of the data, particularly that of the clinical investigations, submitted to us. Although this has improved over recent years, some sponsors still do not accept that a few well-conducted studies are much more persuasive than a mass of poorly documented case studies or even carefully documented random clinical reports.

The frequent use of potent drugs to treat disease requires better methods and more safeguards. It is clear that the prevention of dangerous drug reactions begins with the evaluation of the drug. Yet the FDA's Dr. Francis Kelsey admitted "that the job of scrutinizing the work of 16,000 researchers is overwhelming if not impossible." [2]

It is equally clear that there is imperative and urgent need for a better system for the testing of drugs prior to their approval for marketing. Steps must be taken to reduce the possibility of bias to a minimum. Testing of drugs should be done by specialists who have no direct relationship with the manufacturer, who cannot benefit financially from the results, who are not motivated even subconsciously by the desire to get anything but the truth. We must remove the responsibility for testing drugs from the applicant who has a financial interest in the drug. This responsibility must be placed with an evaluating group which has no interest at all in whether or not the drug gets into the market other than the interest of the public.

This title of the bill includes two new features worthy of comment.

One is a provision that affirmative action on the part of the FDA is required before manufacturers may proceed to test new drugs in human beings.

In the United States, affirmative action by the FDA is not required before manufacturers are authorized to begin clinical tests. An investigator could begin clinical trials in humans as soon as he had mailed his notice. Dr. Jennings notes that—

> Frequently enough to cause real concern, we have found that animal data were not adequate to support the type of studies that had been undertaken in human beings.

The FDA now requires a 30-day delay before beginning clinical trials after the receipt of notice of claimed exemption—IND. This is to give the FDA a chance to review the proposed use of the drug in humans and to determine whether there are adequate animal safety data to warrant extension into human studies.

Although this is a step in the right direction—because the FDA will have an opportunity to examine the preclinical data—it is not enough. As long as the FDA lacks the resources to handle its investigational drug workload, one cannot be certain that complete and thorough drug safety reviews will be made of investigational new drug applications in the 30-day period. To protect the public affirmative approval is required.

The provision that requires the FDA to make public the methodology, results and conclusions of all tests and investigations of any new drug will subject the work of investigators to the scrutiny of their peers in many disciplines. The inevitable result will be more careful work on the part of investigators and better drugs for all of us. The most significant provision from the standpoint of rational drug prescribing and usage is that the Secretary shall refuse to approve a new drug application unless the tests or investigations conducted pursuant to this act show "that the safety or effectiveness of such drug is significantly greater than the safety or effectiveness of any other drug or drugs, or combination of drugs, which have received application approval under this section and which are used for the same purpose or purposes as the new drug."

According to an editorial written by Dr. James Goddard and Dr. Paul Stolley in the Annals of Internal Medicine,[3] there are about 5,000 prescription drugs and

[1] Examiners Report of March 18, 1970, Docket FDA-D-111 NDA #14-241.

[2] Biomedical News, January 1971.

[3] Vol. 73, #3 September 1970.

21,000 drug products on the market in this country as a result of a system that allows multiple trade-names for the same generic product. Many of the drugs are essentially the same in that they produce the same desirable and undesirable effects with no difference in the benefit to risk ratio. I ask unanimous consent that this editorial be inserted in the RECORD at the end of my statement.

It is my judgment that the enactment of this provision would go a long way in helping to achieve the objectives of rational drug prescribing and usage. Dr. Walter Modell, one of the great pharmacologists in this country stated:

Certainly all possible improvements should be introduced into medicine and this can only take place if experimentation with drugs at all levels continues unimpeded. All manner of research for better drugs should be pursued and the pace even accelerated. Occasionally, molecular manipulation does bring about a significant advance, usually a far more substantial change is needed for a real improvement. But simply because a drug is new, it is not necessarily better than those already available, safer or even just as good. Often, it is even less effective and sometimes more hazardous than the parent drug. But they also do harm by their very existence in the drug market. I take the stand that as a general principle everything that adds to the difficulty in dealing with and understanding drugs also makes drugs more dangerous. Thus, the excessive number of needless drugs constitutes a present danger. We can make the useful drugs both less dangerous and more efficient by weeding out the useless, the ineffective and the duplicates, and by so doing, make it possible for the physician to learn in depth about the potent drugs he will prescribe for his patients. We must add only those new drugs that really add something more than their mere presence.[4]

The Department of Health, Education, and Welfare's Task Force on Prescription Drugs found that:

Since important new chemical entities represent only a fraction—perhaps 10 to 25 percent—of all new products introduced each year, and the remainder consist merely of minor modifications or combination products, then the Task Force finds that much of the drug industry's research and development activities would appear to provide only minor contributions to medical progress.

We likewise find that to the extent the industry directs a share of its research program to duplicative, noncontributory products, there is a waste of skilled research manpower and research facilities, a waste of clinical facilities needed to test the products, a further confusing proliferation of drug products which are promoted to physicians, and a further burden on the patient or taxpayer who, in the long run, must pay the costs.[5]

It is very likely, therefore, that this provision would encourage the channeling of the drug industry's research into more productive and useful areas.

[4] *Drug Industry Antitrust Act;* Hearings, Subcommittee on Antitrust and Monopoly; Committee on the Judiciary, 87th Cong., 1st Sess.; Part I, AMA and Medical Authorities, p. 320.

[5] Task Force on Prescription Drugs: Subcommittee on Monopoly, Senate Small Business Committee; Committee Print, Aug. 30, 1968, p. 12.

TITLE II: PUBLICATION OF A DRUG COMPENDIUM

This title provides for the publication of a single source of authoritative information on drugs which the doctor prescribes for his patients.

If there is a single glaring issue which has emerged from the many months of study of the competitive problems in the drug industry by the Small Business Committee's Monopoly Subcommittee, it is the fact that there is a vast proliferation of publications which contain prescribing information. Yet there is no single authoritative source now published to which a doctor can turn containing the essential information on all drugs manufactured and used for America's health care.

There are many good sources of information on drugs. The Council on Drugs of the American Medical Association has recently published a fine volume of drug evaluations.

Another excellent source—the "Medical Letter"—has a distinguished board of reviewers which reviews drugs. Even prices are reviewed. Yet the publication is limited, and only about 35,000 of the Nation's 250,000 doctors subscribe to it. It does excellent work.

The "Physician's Desk Reference" seems to be the most widely used volume, but its shortcomings are apparent when one examines it closely. It is a superficial publication of advertisements, paid for by the bigger brand name companies whose drugs are listed under several categories.

The cost of the advertisements was around $115 per column inch a couple of years ago, and this tends to preclude many good but small companies from entering into nationwide competition.

There is a definite need to publish a true compendium—a blue book of drug information—by an independent group in conjunction with governmental, industrial, and scientific organizations.

This bill provides for an all-inclusive volume which would list all prescription drugs under their generic names together with reliable, complete and readily accessible prescribing information. It would include brand names, suppliers, and a price information supplement, all of which would be periodically updated to provide for continuity and information on new drugs, new information, new evidence of side effects or misprescribing. It could show who provided the research and who developed the drug.

Free distribution would be provided to physicians, hospitals, pharmacists, and others who need this kind of important information.

It has been suggested that an official compendium is unnecessary; that a comprehensive prescribing guide has already been published by the AMA, entitled "AMA Drug Evaluations." Such a suggestion ignores some fundamental differences between a compendium and a prescribing guide. Both are useful but they serve different purposes.

A drug compendium is simply a compilation in outline form of all the essential facts about each available drug, including a list of suppliers and the prices at which comparable products are sold. It makes no prescribing judgments itself but provides the information needed by prescribers to make these judgments.

The AMA's Drug Evaluation—and others like it—serves a different purpose. It offers advice to the prescriber; it represents the collective judgments of experts about the relative merits of different products. Not all products are described and many are not described completely. In addition, the lists of suppliers are incomplete and no relative price information is given.

I have no doubt that many prescribers are finding the advice offered in the AMA Drug Evaluations to be of value. But this book by no means fits the description of a drug compendium and is not a substitute for it.

The Task Force on Prescription Drugs which was established by then Secretary of Health, Education, and Welfare, John Gardner, recognized the need for both a prescribing guide and a compendium:

Several foreign drug programs—notably those in Great Britain, Australia, and New Zealand—provide all physicians with prescribing guidelines prepared by panels of independent medical experts. Such publications—frequently updated to meet changing conditions—have been widely accepted by the medical profession in those countries.

In consideration of these factors, in view of the unfilled informational needs evident in this country, and as a major contribution to improving the quality of health care, the Task Force recommends that the Department of Health, Education, and Welfare should establish or support a publication providing objective, up-to-date information and guidelines on drug therapy, based on the expert advice of the medical community.

Finally, we affirm our interim recommendation that the Secretary of Health, Education and Welfare should be authorized to publish and distribute a drug compendium listing all lawfully available prescription drugs, including such information as available dosage forms, clinical effects, indications, and contraindications for use, and methods of administration, together with price information on each listed product.

Each company which manufactures a prescription drug is now required by law to include a sheet of information about the drugs in each container it ships. This package insert rarely finds its way to the doctor. Usually it is discarded by the pharmacist.

Even if the package insert did get to the doctor, few of the Nation's practicing physicians would have time to digest all of its contents, and of course no price information is included in it.

This title authorizes the Secretary of Health, Education, and Welfare, upon the publication of a compendium, to waive the requirement of the package insert thus saving the industry about $6 million per year. Former FDA Commissioner James Goddard estimated that the replacement of the insert by a compendium would cost the industry about the same amount of money.

TITLE III: ESTABLISHMENT OF THE FORMULARY OF THE UNITED STATES

This title provides for the establishment of the Formulary of the United

States which would be sent to every physician in the country, and which shall contain "an alphabetically arranged listing, by established name, of those drugs which the Formulary Committee finds are necessary for good medical practice. The Formulary Committee shall exclude from the formulary any drugs which the Formulary Committee determines are not necessary for proper patient care, taking into account other drugs that are available from the Formulary."

The formulary will also list drugs by class and discuss the relative merits and dangers of each drug in each class as an aid to rational drug therapy.

The purpose of the formulary is to assist in rational use of drugs and for rational purchase of drugs directly by the agencies of the Federal Government and for purposes of reimbursement under all programs of the U.S. Government or where Federal funds are used—whether domestically or overseas.

HEW's Task Force on Prescription Drugs defines rational prescribing as "the right drug for the right patient, in right amounts at the right time."

According to the Task Force:

Rational prescribing is obviously the result of judgments on many points—the safety and efficacy of the drug for the clinical problem at hand, the advantages or disadvantages of alternative forms of therapy, the most appropriate dosage form, the length and intensity of treatment, the possible side effects or adverse reactions, and the possibility of drug interaction.

To these may be added judgments concerning relative costs.

Rational prescribing is clearly a major goal for the welfare of patients . . .

It has been estimated that there are about 21,000 drug products on the market, and the plight of the physician in prescribing is described by the Task Force as follows:

Upon entering private practice, the average physician, knowingly or unknowingly, becomes the key figure in drug marketing strategy.

He must choose from a very large number of competitive and often duplicative products.

He must deal with a very large amount of advice, biased or unbiased, from detail men, advertisements, and other forms or promotion.

Substantial efforts are made on his behalf by the drug industry and others to prevent any interference with his right to prescribe as he sees fit.

Finally, it is assumed that he has the training, experience, and time to weigh the claims and available evidence, and thus to make the proper selections.

Everything, of course, hinges on the validity of this final assumption.

We find that few practicing physicians seem inclined to voice any questions of their competency in this field. We have noted, however, that the ability of an individual physician to make sound judgments under these quite confusing conditions is now a matter of serious concern to leading clinicians, scientists, and medical educators. A distinguished pharmacologist, for example, has stated that lack of knowledge and sophistication in the proper use of drugs is perhaps the greatest deficiency of the average physician today. Other medical leaders have pointed to the wide discrepancy in the prescribing habits of the average physician as compared to the prescribing methods recommended by panels of medical experts. Still others have commented on the continued use by the average physician of products which have been found unnecessary or unacceptable by specially qualified therapeutics committees in hospitals and clinics.

We note that the most widely used source of prescribing information is essentially a compilation of the most widely advertised drugs.

The responsibility for these and other deficiencies has been placed on various factors:

Inadequate training in the clinical application of drug knowledge during the undergraduate medical curriculum.

Inadequate source of objective information on both drug properties and drug costs.

Widespread reliance by prescribers for their continuing education upon the promotional materials distributed by drug manufacturers.

The exceedingly rapid rate of introduction and obsolescence of prescription drug specialties.

The limited time available to practicing physicians to examine, evaluate, and maintain currency with the claims for both old drugs and newly marketed products.

The constant insistence on the idea that the average physician, without guidance from expert colleagues, does in fact possess the necessary ability to make scientifically sound judgments in this complicated field.[6]

The formulary of the United States can play a very important educational function by listing in each therapeutic category those drugs which are considered the most useful by experts in various fields.

In addition, millions of dollars will be saved by the U.S. Government by purchasing drugs on a more rational basis. Hearings by the Monopoly Subcommittee of our Small Business Committee have indicated that millions of dollars were being spent on drugs which have been found by panels of specially qualified medical experts to be ineffective, unnecessary or unacceptable.

For example, the National Academy of Sciences/National Research Council found that Darvon in its "32 milligrams dose has often been found indistinguishable from placebo." Yet the Defense Department and the Veterans' Administration in 1968 and 1969 paid $678,000 for this ineffective dosage form.

The NAS/NRC has also found that Darvon "in doses of 65 milligrams to 100 milligram has usually, but not always, proved superior to placebo in reasonably sensitive human analgesic assays." Expert testimony before the subcommittee on November 24, 1970, held that there is no "particular reason to use it—Darvon—routinely in preference to aspirin, acetaminophen, or codeine or some combination of codeine with one of the others."

Yet, the Defense Department alone spent $4.4 million for Darvon in 1968 and 1969.

The Veterans' Administration purchased the tranquilizer meprobamate from Denmark for $1.55 for 500 tablets. VA at the same time was purchasing Meprospan, the sustained release form of meprobamate, from Carter-Wallace for $34.25 for 500 tablets, or 2,300 percent as much as plain meprobamate. Neither the USP nor the National Formulary recognize the use of long-acting preparations as good medical practice, and the NAS/NRC panel of experts told the subcommittee that "most of these oral preparations of this type are not doing what they purport to do," and that their use can be dangerous.

The Defense Department spent about $3 million in 1968 and 1969 on demethylchlor-tetracycline—Declomycin—oxytetracycline—Terramycin—and chlortetracycline—Aureomycin. If the Department heeded the advice of the medical experts and used the drug of choice of this family of antibiotics, that is, plain tetracycline, $2.3 million would have been saved.

The Department of Defense bought $133,584 of Equagestic, a combination of aspirin and meprobamate. The NAS/NRS report says that—

This combination may be no more effective as an analgesic than the amount of aspirin present.

The comparable total for aspirin would have been $2,721, or a saving of $130,863.

Both the VA and the DOD spent $683,632 for Peritrate, a drug used for angina pectoris, which, according to expert testimony, is "not effective compared to a placebo." It may be mentioned also that the American public spent $22 million in 1968 and $19.5 million in 1969 for this drug.

These are only a few examples of the large number of ineffective and unnecessary drugs being bought and used by the Federal Government in many of its programs. A selective, medically determined formulary would save the Government, and the public, considerable funds and would promote rationality in drug use.

TITLE IV: DRUG REGISTRATION AND INSPECTION OF DRUG PLANTS PRIOR TO PRODUCTION

This title provides for, first, the registration of drugs, and, second, inspection of drug plants prior to production.

It has been estimated that there are on the market about 21,000 prescription drug products and 100,000 to 200,000 proprietary medicines. The Food and Drug Administration does not have an accurate count of these drugs, and does not know who produces what. Yet the FDA has been given the responsibility for regulating drugs, particularly the safety and efficacy of new drugs.

Knowledge of which particular drugs are being produced or marketed by a manufacturer would substantially assist in the enforcement of Federal laws requiring that such drugs be pure, safe, effective, and properly labeled. Information on the discontinuance of a particular drug could serve to alleviate the burden of reviewing drugs which are no longer on the market.

Information on the type and number of different drug products being processed by drug establishments would per-

[6] Task Force on Prescription Drugs: Final Report; U.S. Department of Health, Education and Welfare; Feb. 7, 1969, p. 26.

mit more effective regulation by permitting agencies to identify establishments needing greater or lesser surveillance depending on the nature of their production activities.

The FDC law now provides that every drug establishment be inspected at least every 2 years. It is possible for a drug firm to be producing drugs for quite some time before its plant is inspected. This title is designed to protect the public against poorly manufactured drugs by requiring an inspection before an establishment starts manufacturing drugs and at least once every year thereafter.

TITLE V: DRUG CERTIFICATION

This title gives the Secretary of Health, Education, and Welfare the authority to require batch-by-batch certification of certain drugs whenever he finds it is necessary to do so to protect the public. Present law requires batch-by-batch certification only of antibiotics and insulin.

TITLE VI: LABELING AND CONTROL OF SAMPLE DRUGS

This title provides for the labeling and control of sample drugs as well as a prohibition of the distribution of sample drugs except in response to a prior written request of a licensed practitioner specifically requesting such sample drugs.

Drug firms invest millions of dollars in flooding doctors with samples of their products, hoping to get the physician in the habit of prescribing their product.

TITLE VII: LABELING DRUG CONTAINERS

This title provides that all labels on drug containers carry the established—official, generic—name of the drug, in the case of a drug containing only one active ingredient, and in the case of a drug containing more than one active ingredient, a list of the active ingredients of the mixture. Labeling would be omitted, however, if the prescriber so indicated.

Drugs now are sold on the market under a multiplicity of trade names. In most cases, there is a proliferation of copyrighted trade names imposed on the same drug, leading to confusion, chaos, and in some cases to discomfort and severe illness. In fact, many drugs have so many different trade names as to make it virtually impossible for the physician to know them all—or even a fraction of them.

During the hearings of the Senate Small Business Committee's Monopoly Subcommittee, expert witnesses testified that the established—generic—name provides the most precise and universal information about a drug.

A dramatic example of the kind of tragedy that results was illustrated by the testimony of Dr. Helen Taussig, the world famous physician and developer of the famous "blue baby" operation, who deplored the confusing drug-naming system.

Dr. Taussig had first identified the tranquilizer thalidomide as the culprit drug causing phocomelia—children born with incompletely formed limbs. Her action prevented the sale of the drug in this country, but not before the testing stage of the drug had caused some birth defects.

Dr. Taussig stated that even after the drug had been identified and removed from the world market, it was still sold under 50 to 100 different trade names making it impossible for doctors to know what they were prescribing.

Since the use of trade names may thus result in the continued availability of a drug that has been withdrawn from the market, Dr. Taussig said she was strongly in support of any measure requiring the generic name on the drug labels.

Dr. John Adriani, former chairman of the Council on Drugs of the AMA and Dr. Edward R. Annis, past AMA president, both were in support of generic labeling.

Other provisions included in this title are as follows:

First. The Secretary shall designate a useful official name at the time a drug is approved for marketing.

Second. No drug salesman shall make any oral representation about a drug until he has placed before the physician or pharmacist an FDA approved document containing such information about such drug as the Secretary may by regulations require.

These two items are essential to insure that the prescribers get complete and accurate information.

Third. Drug advertisements must be approved by the Secretary prior to publication in any newspaper, magazine, or used on radio, TV or any other advertising media.

Fourth. No drug may be exported from this country unless it has met the requirements for use in this country.

I ask unanimous consent that a summary of the bill, together with an article entitled "A Relative Efficacy System for New Drugs," be printed in the RECORD.

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

SUMMARY OF BILL

Title I—sets up a National Drug Testing and Evaluation Center which will be responsible for the testing of all drugs, both prescription and over-the-counter, that are now or will be marketed in the United States. The FDA must give approval prior to testing drugs on human beings, and the results and conclusions of all tests will be made public. In order for a new drug to be approved, it must be demonstrated that the new drug is safer or more effective than a drug already on the market. As it has been the manufacturer's responsibility in the past to bear the expense of a drug's testing, he will continue to bear the expense. However, there will be channels open for appeal if the manufacturer is dissatisfied with the testing procedure.

Title II—provides for the publication of a compendium which will list all drugs available in the United States by both generic and brand names. Such a compendium would include, for each drug, the drug's purpose, side effects, dosages available, cost, as well as other relevant information. As such a compendium could eliminate the need for inserts with full prescribing information now required, the cost of the compendium would be borne by the drug industry. Supplements will be issued from time to time to keep the compendium as up to date as possible, and it is also provided that all drug labeling and advertising must conform with the information found in the compendium.

Title III—establishes a committee which will compile a formulary of drugs necessary for good medical practice, for purposes of direct procurement by the Federal Government and reimbursement for all Government financed programs, indicating the best drug available for each generic type, in order to assist the physician in his prescribing of medication.

Title IV—would assure that all drugs produced and packaged in the United States would be inspected and approved so as to protect the public health. Furthermore, every drug would be labeled in such a way as to identify its source and generic type, to facilitate the tracking down of defective drug batches. In addition, all drugs will have instructions for safe use printed on their package.

Title V—gives the Secretary of Health, Education and Welfare the authority to require batch-by-batch certification of all drugs—when needed—which will include provisions prescribing standards and identity of strength, quality and purity, tests and methods to determine compliance with such standards, and other measures necessary for the public good.

Title VI—prohibits the distribution of sample drugs without the written request of the physician. Furthermore, the sale of sample drugs, either directly or indirectly, is prohibited.

Title VII—is a general section providing that (1) potentially dangerous drugs will be labeled with the appropriate warning; (2) labeling of drugs will be required so that all active ingredients will be clearly labeled; (3) no drug salesman shall make any oral presentation regarding any drug until he has placed before the physician or pharmacist an FDA approved document about the drug; and (4) the Secretary of HEW shall approve all advertising in advance that appears in either the electronic media, or in any publication or advertising circular, for any drug. The Secretary will approve only advertising which does not mislead or misrepresent the product, either in text or layout.

A "RELATIVE EFFICACY" SYSTEM FOR NEW DRUGS

(By Paul D. Stolley, M.D., M.P.H., and James L. Goddard, M.D., M.P.H.)

A new system for approving the placement of new drugs on the market, a "relative efficacy" system, is proposed. The system would insure that new drugs be not only as safe as drugs already marketed for similar indications, but would also require that they be more efficacious. Such a requirement should encourage pharmaceutical manufacturers to direct their research towards the development of safe and more efficacious drugs.

There are approximately 5,000 prescription drugs and 21,000 "drug products" marketed in the United States as a result of a system that allows multiple trade-names for the same generic product. The 1962 Amendment to the Food and Drug Act requires that the drug manufacturer prove his drug to be "safe and effective" before placing it on the market. However, "effective" is not clearly defined. A result of this liberal system of drug approval is the myriad of congeners introduced enabling several manufacturers to capture a portion of the market once a prototype drug is proved successful. The thiazide diuretics are an example of a group of drugs that have a large and confusing number of similar entries on the market. The drugs within this group are all essentially the same—that is, they produce the same desirable and undesirable effects with no difference in the therapeutic ratio or mode of action. Eventually one is forced to ask how many thiazide diuretics are necessary for the good practice of medicine.

In Norway, where approximately 1,200 prescription drug entities are marketed, the number of new drugs allowed on the market is limited by means of a "relative efficacy" system (1). According to this system a new drug must be shown, before it is released, to be *as safe as and more efficacious* than any drug presently on the market for the same indication. A panel of experts broadly representative of the medical profession judges the proposed entries. The panel evaluates the pharmacologic data, the clinical trials conducted, and all other pertinent research. If the panel is convinced the drug is a valuable new addition to the physicians' armamentarium, the drug is approved for introduction to the Norwegian market.

The multitude of prescription drugs on the American market, with their exotic nomenclature, was recently reviewed by the National Research Council of the National Academy of Sciences in the *Drug Efficacy Study* (2). Under contract to the Food and Drug Administration distinguished panels of experts reviewed the drugs marketed from 1938 through 1962. Using uniform criteria the panels placed the drugs into categories labeled "effective," "probably effective," "possibly effective," "ineffective," and "ineffective as a fixed combination." A significant number were found to be "ineffective" for certain therapeutic claims of the manufacturer. Many of the panelists commented on the poor quality of research and documentation submitted by the manufacturers in support of the therapeutic claims.

At present the FDA does not have the authority to restrict the marketing of new drugs to only those drugs proved to be as safe as and more efficacious than other drugs on the market for similar indications. We propose that Congress enact legislation to give the FDA authority to institute a policy of "relative efficacy" for approving drugs. Panels of experts, including practicing physicians, similar in make-up to the panels that convened for the *Drug Efficacy Study* should be established to review the research and clinical trials of drugs and to recommend whether or not the drugs should be marketed.

Experience with antibiotics, steroids, and tranquilizers has demonstrated that adverse reactions may not become apparent until after a few years of use, and initial therapeutic claims must often be modified on the basis of accumulated clinical and epidemiologic experience. We therefore propose that new drugs be approved only on a conditional basis, with provisions made for periodic reassessment.

The "relative efficacy" system of drug approval would limit the number of drugs marketed, ensure their high quality, and encourage pharmaceutical houses to concentrate their research efforts on the development of safer and more efficacious drugs.

Acknowledgements: Supported in part by research grant HS00110, the National Center for Health Services Research and Development, Public Health Service, U.S. Department of Health, Education, and Welfare, Washington, D.C.

Received May 7, 1970; accepted May 26, 1970.

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ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2509

At the request of Mr. GAMBRELL, his name was added as a cosponsor of S. 2509, to incorporate Pop Warner Little Scholars, Inc.

REVENUE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 602

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

Mr. PACKWOOD. Mr. President, the amendment that I am submitting today would eliminate the "Buy American" provision of the Revenue Act of 1971.

I have long felt that given a choice between protectionism and expansion of free trade, it is always in the best long-range interests of not only the United States, but the world as a whole, to chose free trade. Accordingly, I was extremely distressed to learn that the Finance Committee was retaining this discriminatory provision in the Revenue Act of 1971.

On the advice of the Joint Committee for Internal Revenue Taxation, I have learned that the fiscal effect of my amendment would be to further reduce revenues in the amount of $130 million. This is certainly a small price to pay to avert what gives every indication of becoming a full-scale trade war among the nations of the world.

I would be remiss, Mr. President, if I did not point out to this body that past history gives us every reason to believe that even this $130 million loss will be made up many times over as the world begins to rid itself of this growing protectionist psychology and freedom of commerce is allowed to blossom and grow.

We have a choice as to the future we will mold. We can follow the path indicated by the House of Representatives and, apparently, the Finance Committee; a path that will lead to continuing escalation of the protectionist war—a war which none can win, and in which all will lose.

Or, we can choose to adopt my amendment. By so doing, we will have proclaimed to the world that the Congress of the United States recognizes the inherent danger in protectionist moves and that we are willing to suffer a possible momentary hardship in favor of long-range benefits to be derived from additional freedom of worldwide commerce.

ADDITIONAL STATEMENTS

OUR FORGOTTEN AMERICANS

Mr. SAXBE. Mr. President, if we were to list the things of major concern to most Americans, that list would understandably and inevitably include the topics dominating our front pages daily: inflation, Vietnam, crime, unemployment, drug control, pollution, and all of the other cancers in our society.

But there remains a very real, very major problem which to me is as pressing as any of the above, perhaps more so. It is a problem we shall all have to face.

That is the problem of the forgotten American, the old American. He is that individual who helps make up the faceless army numbering nearly 20 million today. He marches to a distant, fading drum, and too often he marches alone. He is too old to work, too young to die, too proud to beg.

And we do him such an injustice. Although 84 percent of those over 65 are registered voters and three out of every four of them cast ballots in the 1970 off-year elections, they remain alone and poorly cared for. I sometime wonder if the majority of society really gives a damn. We can legislate standards for medicare, nursing homes, transportation facilities, social security, and the rest. We can even pass postal laws to hopefully help them get their checks a little faster each month.

Yet these problems, while grave, are secondary to one overriding concern which too often escapes Congress, the President, or any governing board from national to local government.

This is simply that our older citizens must be given the dignity, the respect, and the care and compassion they so truly deserve, and we cannot pass laws guaranteeing any of this.

I am pleased that President Nixon has demonstrated concern for the elderly. The President has set the week of November 28 to December 2 for the White House Conference on the Aging, the first such since the Eisenhower administration. From this conference will emanate many recommendations and many ideas, and this is good. But it is my hope that these recommendations and ideas, noble as they may be, will not get lost in the shuffle or simply turn into another volume gathering dust on somebody's bookshelf.

Dr. Arthur Flemming, Chairman of the White House Conference on Aging, seemed to set this in perspective when he recently declared:

> Without action, all you do is add to the frustration and if you do that, you do not accomplish anything at all. . .

As I listen to the numerous hearings before the Senate Special Committee on Aging, it becomes so very obvious that every problem our elderly face is but a reflection of the problems confronting our whole society—only magnified and intensified. Those over 65 are ill-equipped to handle the problems of medical costs, poor housing, and crime in the streets—to name only a few.

It is certainly no privilege to receive a monthly social security check, only to walk back to one's public housing apartment and be robbed and beaten up on the way. Yet, this type of occurrence is a way of life in much of our federally supplemented housing. The result is that those who live there in daily fear become what we have forced them to become—as colorless, nameless, faceless, and even lifeless as the structures they live in.

The solution is elusive. If I had a solution for the problems of the forgotten American, I would also have the solution for the basic ills of our Nation. But I do not. However, the answer is not just money. Money being poured into medicare and medicaid, into public housing, or long-term health facilities, is not the answer. Actually, it is much the opposite.

Ironically, our Federal and State governments will pay millions to subsidize institutions for the elderly, yet they pay little or nothing to keep the elderly in their own homes, living the type of life they are used to.

And this brings me back to my original point: Concern and interest on the part of all of us for the way of life we are forcing our elderly to live. Obviously, our planning in the past for those over 65 has been inadequate and it takes no genius to realize it.

But maybe with a little care, a little feeling, on the part of the Federal Government, State governments, architects, nursing home administrators, medical people—all of us—maybe we can start to polish just a little of the tarnish off the lives of those in their golden years.

PAKISTAN

Mr. MUSKIE. Mr. President, our country is greatly honored by the visit, beginning today, of Mrs. Indira Gandhi, Prime Minister of India. Mrs. Gandhi comes to the United States at a time when relations between our two countries have reached a low point. We all pray that her visit will lead to improved relations in the future.

At the heart of our frayed relations with India is the human tragedy taking place in East Pakistan—and the policy of continued support for Pakistan that our Government has insisted upon. This continued support for Pakistan comes at a time when the two great nations of the subcontinent have come dangerously close to armed conflict.

The plight of the East Pakistan refugees has also become an enormous burden, economically and politically, for India. To alleviate this burden, the Senate Foreign Relations Committee had recommended $250 million for assistance to the refugees as part of the foreign aid bill. That $250 million was not an adequate contribution to relief for the refugees or for needed emergency assistance to the Indian economy. But it represented a welcome beginning. With the vote last Friday, however, our effort to aid the refugees was set back.

I have said that the Senate defeat of the foreign aid bill has given us an opportunity for fundamental reform of our entire foreign assistance program. But there are a number of items in that defeated bill that should be revived immediately, if only on an interim basis, until Congress and the President can agree on a permanent foreign aid structure. Some of these essential items have to do with India and Pakistan—and the millions of East Pakistan refugees.

Mr. President, for 200 years, the Senate Chamber has witnessed pleas for the use of America's treasure and power to stop war and destruction and senseless slaughter, and to ease pain and hunger and sickness. But few causes have had as great a claim to our attention as the current situation in East Bengal.

By now, all of us know the historic source of the conflict between east and west in Pakistan. All of us know how cultural and linguistic differences, coupled with the west's political domination of the east, produced the animosity which exploded into civil war last March. And all of us know at least something about the election which was the immediate cause for conflict: how the east's Awami League won a clear majority of seats in the National Assembly; how the government of Yahya Khan refused to accept that outcome; how the east stood firm; and how, on March 26, the Pakistani Army began the brutal purge which still goes on today in East Bengal.

What is happening there in countless streets and towns—in Tripura and Assam, in Kushtia and Dacca—is a suspension of the moral laws which have set a standard for the conduct of human beings since the beginning of civilization.

I could describe the atrocities in detail—how American tanks, planes and guns have been used to help level unprotected cities and to kill an estimated 200,000 unarmed civilians, and how 9½ million people fled their burning homes to find a better chance for life across the Indian border. I could retell the stories of murder and rape and torture and looting. But we have all read the accounts ourselves, and we have all been moved in our own way. I think all of us recognize how many millions of personal tragedies have taken place in East Bengal. The question now is what can we do to prevent a million more.

Three steps are vital: First, we must provide without delay the $250 million of refugee relief contained in the foreign assistance bill. We should also consider additional steps to increase our relief effort as soon as possible. Second, we should terminate our own development assistance to Pakistan and support multilateral efforts to stop all such assistance until the situation in East Pakistan is normalized. At the same time, we should encourage multilateral efforts to bring humanitarian relief to the people of East Pakistan who are suffering because of the economic dislocations caused by the actions of the West Pakistan Army. But we should not condone any continued economic assistance which is being used by the West Pakistan Government to support its stranglehold over the East. Third, we should revoke all remaining licenses for the export of military equipment to Pakistan and insure that no new licenses are granted until a satisfactory political settlement has been reached.

I call upon President Nixon to give assurances to Prime Minister Gandhi during her visit to the United States that all these steps will be fully supported by the administration.

There are 9 million refugees—13 percent of Pakistan's population—in 1,000 camps in India. As many as 30,000 more cross the border every day. Sixty-eight thousand refugees have died of cholera. Thirty-five thousand more lie stricken. Two million children face blindness, retardation, and death from malnutrition and vitamin A deficiencies., And the list of human horror goes on and on.

The Indian Government has responded heroically—with an efficiency and concern that is truly remarkable, given the impossible burden of caring for nine million hungry, sick, and homeless people. India pays two-thirds of the $1 million a day it costs to provide each refugee with 15c worth of food and medical care. But how long can that nation maintain its effort with about 200,000 people pouring into the camps each week? How long can its economy continue to divert the funds which should have been used to create growth and jobs for its own people? How many Indians will die next year to save the lives of their Bengali neighbors this year?

That is why we must move as quickly as possible to restore the $250 million of relief assistance contained in the foreign aid bill. And we must consider additional steps to aid India—to bring relief to the refugees and to the burdened Indian economy; to bring strength to the Indian democracy; and to help bring a greater chance for peace to Asia. If for any reason it is not possible to make such assistance part of an interim foreign aid bill, or if there is difficulty in deciding on an interim measure, I would support a separate authorization for this emergency relief assistance. I hope President Nixon would also support a separate measure if necessary—and will say so to Mrs. Gandhi during the next 2 days.

We should also terminate our own economic assistance to Pakistan and support multilateral efforts to stop all such assistance until the situation in East Pakistan is returned to normal. At the same time, we should encourage multilateral efforts to bring humanitarian relief to the people of East Pakistan who are suffering because of the economic dislocations caused by the actions of the West Pakistan Army. The economic prospects in East Bengal are bleak under the best of circumstances. Seventy-eight million people are living in an area no bigger than Florida—1,600 to the square mile. And while the East is by far the largest producer in Pakistan, and has a majority of the population, the latest Federal budget allocates $6 out of every $10 to the West. The difference in per capita income between East and West has risen from 32 percent in 1959 to 61 percent in 1969 and 1970. And only one-third of all external assistance goes to the Bengali people. In short, each year Pakistan undergoes a transfer of $2.6 billion in resources from East to West.

Today, as the civil war goes on, imports to the East have been cut off. Millions of acres of fertile land have been abandoned. Much of the vital jute crop lies rotting in fields. And more than 300,000 tons of imported grain sit confiscated in the clogged ports of Chittagong and Chalna, waiting for the transport facilities which instead carry soldiers to the battlegrounds of East Bengal.

Our economic aid to Pakistan has prolonged the oppression of the people of East Pakistan. It has sustained the West while millions in the East struggle for survival. And the longer this conflict continues, the larger the exodus to India will be.

There are those who say that we should not withhold our aid to impose a political solution on a civil conflict. It is true that American assistance should never be used as a lever for political control. But neither should it be used as an instrument of death. Our aid is given to build life—and when it is employed to fuel the forces of destruction and genocide, then it is our duty to withhold it. At the same time, it is our duty to resume our support whenever we can be certain that it will be used for humanitarian purposes—when, for example, it is provided through multilateral organizations.

And there are those who say that we must continue aid to maintain influence with the Pakistani Government. There is only one way to do that—by joining with a world of nations, by creating a solid alliance of countries, to tell the government of Yahya Kahn to stop the killing now. And that is why we must withhold economic development aid from Pakistan.

Finally, we must cut off all military assistance to Pakistan—by revoking all remaining licenses for the export of military equipment and insuring that no new licenses are granted until a satisfactory political settlement has been reached. It is our weapons and our planes and tanks that have enforced repression in the East. The administration admits that. We cannot take those weapons back, or retrieve the lives which they took. But we must not let another weapon reach the hands of a Pakistani soldier.

On April 12, a State Department spokesman assured us that we would not. He issued the following statement: "There is no—repeat—no military equipment in the pipeline and none has been delivered." But that was not true. On June 22, the State Department verified reports that two ships had left New York with more military hardware for Pakistan.

And in September, Senator CHURCH revealed that $35 million in U.S. military supplies are still scheduled for the government of Yahya Khan.

We could talk about the politics of truth in government. But an admission of untruth would give no consolation to the Bengali citizens who may become the next victims of our weapons. The administration has explained that the deliveries were already "licensed" and so they did not constitute "new" military aid—as if old weapons make death less final than the new. And then the administration explained that bullets were not considered "lethal items," a distinction which so slanders the victims of our power as to provide its own rebuttal.

We are talking here about human life, about people who live in fear and who daily see their loved ones killed. It simply does not matter that the vehicle of death is already licensed or classified nonlethal. What matters is the chance of millions of people for a decent life—or for any life at all. That is why we must help India care for the refugees and cut off economic and military aid to West Pakistan. And that is why we must act at once.

And we must also act because of what that says about ourselves as a nation. For too long, the goals of our foreign policy have submerged concern for human life under tactical, economic, and diplomatic considerations. And whether we like the realization or not, both the policymakers in Washington and the American people have reinforced this formalistic approach to international affairs, as if the nations of the world were colored spaces on a board game, as if their people were only wooden blocks to be moved and sacrificed with each additional roll of the dice.

But we have also thought of ourselves as a decent people. And we have talked about a commitment to compassion and humanity in our relations with the rest of the world. We know, when we speak rationally in Chambers like this, that it is right to make that commitment a reality.

So I believe that our leaders have a responsibility, not only to the people of Pakistan, but to the American people as well—a responsibility to put concern of human life back into our equation for foreign policy. We must never again make a foreign policy decision that does not emphasize the preservation of human life. Our country was built on a belief in the worth of every woman and man. And those who built it would have wanted us to make our decisions with that in mind.

And I think it is important that we do so for another reason—to bring a badly needed respectability back to our Government and to its actions in international affairs. To often in the past two decades, Government officials have treated foreign policy the way President Nixon treats the Pakistani crisis today—in secrecy, with deception and half-truths, with clarifications and restatements and ambiguity and sometimes even silence. Too often, our Government has been thought of by millions of our citizens as the jailer of the truth. Each time a high official plays politics with truth, each time some distorted sense of purpose leads the Government to deceive, we reinforce the view that every foreign policy is stained by such deception, even those policies which truly are open and worthwhile. And we all know, that especially in foreign affairs, this Nation can make no progress without the faith and trust of its people.

So what we do in Pakistan is important for a number of reasons. It is important because it can give a new respectability to our actions in matters of foreign affairs. It is important because it can renew our concern for human beings and human life abroad. And it is vitally important—immediately important—because there are people half a world away who suffer as we speak. They are the reason we must act today.

Mr. President, at times like these, when the world receives another wound, when all of us are stunned and saddened by the things human beings are capable of doing to each other—at times like these, I wish that we could find a magic way to win a permanent peace. But we have no such magic, only our strengths and frailties, only the eyes to see what is wrong, and the hands to make some wrong things right. And now we must do the right thing for the people of East Bengal and for ourselves.

NOMINATIONS TO THE SUPREME COURT

Mr. MATHIAS. Mr. President, the Senate is now engaged in one of its most solemn responsibilities as it joins with the President in the act of making appointments to the Supreme Court of the United States. The act of appointment consists of two distinguishable phases: nomination and confirmation. There is no requirement, however, that these acts need be performed in isolation, or without reference to their obvious and necessary interaction.

An interesting and timely study of the role of the President and the Senate respectively has been written by Stanley Mazaroff, Esq., of Baltimore, Md. I ask unanimous consent that it be printed in the RECORD.

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

ROLE OF THE PRESIDENT AND SENATE

James Madison's notes of the Constitutional Convention are beyond question the best evidence we have of what the framers of our Constitution intended its provisions to mean.[3] A perusal of the proposals, debates, committee recommendations and votes recorded in Madison's notes which pertain to the selection of Supreme Court judges reveals that there is no constitutional basis for many of the common assumptions on what the correlative responsibilities of the Senate and the President were intended to be.

Clearly refuted is the theory that the Senate's role is merely a perfunctory one and that the appointment of Justices is essentially an executive prerogative. Madison's notes show this interpretation to be wrong in the extreme. The debates also show that there is no constitutional foundation to support the Motion that Senators are not to exercise their own subjective judgment in passing upon a nominee, that Senators are to repress their philosophical preferences in favor of the President's, or that the President's nominee should be considered presumptively qualified.

The delegates at the Constitutional Convention consistently adhered to the view that the paramount responsibility in the appointment of Supreme Court judges would be borne by the Senate. Senate participation was at all times considered by the farmers to be *the* essential element in the selection process. That the President was accorded any role at all in the process was the product of an eleventh hour concession, a concession that Professor Max Farrand attributes to the delegates growing tired.[5]

The President clearly was given the ex-

Footnotes at end of article.

clusive right to nominate. However, Madison's record suggests that it was the Senate, in exercising its authority to "advise and consent", that was intended by the farmers to do the actual appointing.

When the main work of the Constitutional Convention began on May 29, 1789, Governor Randolph introduced the Virginia Plan in which there was a resolution calling for a supreme tribunal "to be chosen by the National Legislature."[6] On June 13, at the conclusion of the first round of debates on the resolution, the delegates, led by Charles Pinkney of South Carolina, Roger Sherman of Connecticut and James Madison, agreed unanimously to amend the provision and to vest this appointment authority in "the second branch of the National Legislature."[7] From this point until practically the very end of the Convention, the prevailing view remained that the selection of Supreme Court Judges was to be exclusively a function of the Senate.

In contrast, at no time did the Convention favor vesting the power exclusively in the Executive. Not that this wasn't suggested. Indeed it was, by James Wilson of Pennsylvania at the beginning of the debates on June 5[8]; as part of the New Jersey Plan introduced by William Patterson on June 15[9]; and again by Wilson in the form of a motion on July 18.[10] But the idea never carried very much currency, most probably because, as John Rutledge of South Carolina put it, "[T]he people will think we are leaning too much toward Monarchy."[11]

Wilson's motion of July 18 carries for the purpose of this discussion special significance. Wilson moved to strike from the provision dealing with who should appoint Supreme Court members the words "second branch of the National Legislature" and to insert the words "National executive."[11] Governor Morris, one of Wilson's fellow delegates from Pennsylvania, seconded the motion. Luther Martin of Maryland, Roger Sherman of Connecticut, George Mason and Edmund Randolph of Virginia and Gunning Bedford of Delaware all spoke in opposition to Wilson's motion. Other than the two who sponsored the motion, only Nathaniel Ghorum of Massachusetts expressed a preference for it.[12] And when the vote was taken, the motion was defeated six delegations to two.[13]

Thus, when the Convention was presented with a clear choice between depositing the authority to appoint Supreme Court judges in the Senate or in the President, the delegates opted heavily in favor of the Senate.

There was in the Constitutional Convention a spirit of compromise. We remember it best through the scheme of congressional representation it produced. This determination to assuage both sides of a controversy was not without its impact on the manner in which Supreme Court judges were to be appointed. While the delegates were in the process of rejecting executive control in favor of legislative control of this appointment power, a third position employing the advice and consent concept found in some State Constitutions began to gain foothold.

This method of selection first was introduced on June 5 by Alexander Hamilton.[14] At the time it captured no more serious attention, and probably less chuckles, than Benjamin Franklin's sardonic proposal to allow the organized bar to appoint the judges on the ground that they would surely appoint the best among them in order to get rid of him and divide his practice.[15]

When Ghorum and Morris moved on July 18 "That the Judges be nominated and appointed by the Executive, by and with the advice and consent of the Senate."[16] it was apparent that this position had gained additional support. It came primarily from those such as Ghorum and Morris who initially favored vesting the authority solely in the President. After that proposition was soundly defeated, they naturally switched to the position that would give the President some share of authority. Other supporters, such as Madison, moved toward the center from the side favoring Senate control. However, enough supporters of exclusive Senate control held their ground to prevent the proposal from obtaining a majority (the vote was four delegations to four), and consequently the provision granting the power soley to the Senate was left standing.[17]

By the end of the debate on July 18, it was clear that those who favored Senate control had prevailed. The proposal for exclusive executive control had been defeated and abandoned by its supporters in favor of joint responsibility. Some measure of Senate participation in the appointment process thus had been assured. And complete Senate control appeared probable.

The activities of the Convention three days later reconfirmed the will of the Convention to provide the Senate with a firm hand in the appointment process. On July 21, there began a consideration of a motion made earlier by Madison that "the judges should be nominated by the Executive, and such nomination should become appointment if not disagreed to within (certain unnumbered days) by two-thirds of the second branch."[18] When Elbridge Gerry of Massachusetts objected to the concept of requiring two-thirds of the Senate to reject a nominee, Madison amended his motion to let a majority reject a nominee.[19] Madison's motion, as George Mason objectionably noted, obviously would have made the Senate's share of authority strictly second rate.[20]

The Senate, in effect, would have been empowered only to negate a nomination; Senate approval would not have been required. The great, gray unknowns would have been carried to the bench on the crest of Senate lassitude, not support. Moreover, under Madison's motion, even if fifty percent of the Senate strenously opposed a nomination, the nominee would nevertheless take his seat. It is no surprise that the Convention would have no part of this. And Madison's proposal was defeated six degelations to three,[21] the motion obtaining less support than the advice and consent motion that narrowly failed three days earlier.

Support for exclusive Senate control of the appointment of Supreme Court members was approved twice more after the defeat of Madison's motion. First, by six delegations to three at the close of the Convention on July 21,[22] this date marking the end of the Convention's general debate on the matter. And again, on August 6, by the Committee of Detail, to which all the Resolutions that had been passed by the Convention had been referred for the purpose of arranging them in the form of a constitution.[23] In that two of the five committee members, Wilson and Ghorum, were originally the most assertive critics of vesting this authority in the Senate, and in that this Committee took the liberty of changing the substance of many other resolutions, it was of no small moment that this Committee decided to keep in tact the resolution vesting the authority solely in the Senate.

After the Committee of Detail submitted its report, the Convention proceeded to pass on each of its recommendations. However, it did not reach the one dealing with the selection of Supreme Court judges. On the last day of August, the Convention, becoming restless to bring the entire Convention to a close, referred the matter, along with all other resolutions not yet finally adopted, to a Committee of Eleven, composed of one representative from each delegation.[24]

On September 4, the Committee of Eleven reported to the Convention. Its report represented the first time that the Convention or any committee thereof did not endorse vesting the selection of high court judges solely in the Senate. The Committee recommended that "the President . . . shall nominate and by and with the advice and consent of the Senate shall appoint . . . judges of the Supreme Court."[25]

If we had no hard evidence of what the Committee intended in fashioning this scheme, it would nevertheless seem certain that its members would not have turned their backs on the previously expressed will of their delegations. They could hardly have ignored the fact that the last manifestation of Convention intent was a vote of six delegations to three favoring exclusive Senate selection. Or that the only time that the Convention considered a proposal involving advice and consent, the matter divided the Convention, four delegations favoring exclusive Senate control and four favoring "advice and consent." Given the fact that most differences were being resolved through compromise, it is reasonable to assume that the Committee of Eleven intended their proposal to represent a compromise between these two positions.

Such a compromise well might be reflected in the fact that the Committee did not reiterate the earlier proposal "that the judges be nominated and appointed by the Executive, by and with the advice and consent of the Senate," which had been favored by only half the Convention. Instead, the Committee rearranged the phraseology and placed the "Senate" immediately before the verbs "shall appoint."

Fortunately, what was intended by the recommendation of the Committee of Eleven need not be left to conjecture. On September 5, two days after the Committee's proposal, Wilson who from the start had strongly opposed giving this authority to the Senate, rose and denounced that part of the Report that gave the Senate, according to Wilson, "the virtual appointment to offices; among others the offices of the judiciary department." The President "cannot even appoint a tide-waiter without the Senate," Wilson objected.[26]

After Wilson concluded, Governor Morris took the floor to defend the Committee's Report. Morris' views deserve special respect. From the start he had demonstrated a keen interest in the subject. He along with Ghorum were the sponsors of the advice and consent proposal from which the recommendation of the Committee of Eleven derived. Most significantly, he was a member of this Committee, and thus he knew what the Committee intended. His words represent the best evidence of what the Committee contemplated, indeed what the scheme found in our Constitution means.

Morris sought to convince Wilson that the Committee's report took some of the Senate's power away. He noted that prior to the Committee's Report, the Senate "had the *appointment* without any agency whatever of the President."[27] And succinctly he stated the way the Committee's recommendation changed this, and what in fact, the proposal before the Convention was intended to mean:

"They [the Senate] are now *to appoint* Judges nominated to them by the President."[28]

Morris' interpretation was the only one offered in explanation of the Committee's proposal. It also constituted the last observation on this subject in the Convention. On the following day, September 7, the Convention unanimously agreed to adopt the proposal of the Committee of Eleven.[29] One week later the work of the Convention was brought to an end.

FOOTNOTES

[3] Madison's notes are found in Farrand, *The Records of the Federal Convention of 1787* (1937 Revised Edition in Four Volumes), hereinafter referred to as Farrand.

[5] Farrand, *The Framing of the Constitution of the United States* p. 171 (1913).

[6] Farrand, Volume I, p. 21.
[7] Id at 233–237.
[8] Id at 119.
[9] Id at 244.
[10] Farrand, Volume II p. 41.
[11] Farrand, Volume I p. 119.
[12] Farrand, Volume II pp. 41–44
[13] Id at 44.
[14] Farrand, Volume I p. 128 (Pierce's Notes).
[15] Id at 120.
[16] Farrand, Volume II p. 44.
[17] Ibid.
[18] Id at 80
[19] Id at 82
[20] Id at 82, 83
[21] Id at 83.
[22] Ibid.
[23] Id at 183.
[24] Id at 481.
[25] Id at 498.
[26] Id at 522, 523.
[27] Id at 523.
[28] Ibid.
[29] Id at 539.

BRIGHAM YOUNG UNIVERSITY—A FINE EXAMPLE OF WORK FOR COMMUNITY SCHOOLS

Mr. CHURCH. Mr. President, Brigham Young University is one of the most outstanding higher education institutions in our Nation. Its dedication to the concept of educational opportunity is unquestioned. Its fine record in education speaks for itself.

It is for these reasons that I was pleased to learn recently of the commitment of BYU to the community school concept. BYU is working, through the Brigham Young University Regional Center for Community School Development, to disseminate information and aid in the implementation of the community schools in the States of Utah, Wyoming, Nevada, and my own State of Idaho.

BYU is to be commended for its excellent work in this exciting and rapidly developing area.

The community school concept is an exciting one, Mr. President. Its promise is great. That is why I have introduced S. 2689, the Community School Center Development Act, which would provide aid for the expansion of such programs.

Mr. President, I ask unanimous consent that a letter I received recently from Israel C. Heaton, director of the BYU Center for Community School Development, and the text of the publication he provided me, entitled "Let Us Open the Schools for All People of All Ages at All Times," be printed in the RECORD.

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

BRIGHAM YOUNG UNIVERSITY,
October 20, 1971.

Senator FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: We are very excited about the bill relative to community education which you have introduced in the Senate. The introduction of this bill is most timely and appropriate. No doubt the fourteen community education centers already established by the Mott Foundation will all be anxious to assist in any way they can upon your request.

The Brigham Young University Regional Center for Community School Development was established by the Mott Foundation in 1968. This Center is responsible for the dissemination and implementation of the Community School concept and the training of community education leaders throughout Utah, Idaho, Wyoming and Nevada.

My associate, Dr. Keith Rogers, and I just presented a two-day workshop at Idaho State University where we had the opportunity to work with twenty public school superintendents and principals in Eastern Idaho. We have also held community education workshops in Idaho Falls and Boise. At the present time there are pilot Community School programs in Boise (Dist. No. 1), Blaine County (Dist. No. 61), Bonneville County (Dist. No. 93), Idaho Falls (Dist. No. 91), Pocatello (Dist. No. 25), and Rexburg (Dist. No. 321). It appears that the implementation of new programs in Idaho will be very slow because of the financial situation there. We are hopeful that we can establish a Community Education Center at Idaho State University which will be working cooperatively with this Center at BYU. We have limited matching funds provided through the Mott Foundation for this purpose. Preliminary negotiations are underway.

As you probably know, Utah is completely dedicated to the Community School concept and is moving ahead as rapidly as limited funds will permit. Your bill will hopefully provide new impetus to the Community School movement throughout the country.

Twenty-five thousand copies of the enclosed booklet have been distributed throughout the country. We would be happy to make additional copies available upon request.

Sincerely,

ISRAEL C. HEATON,
Director, Regional Center for Community School Development.

Enclosure.

LET'S OPEN THE SCHOOLS . . .

Family Togetherness for ALL PEOPLE of ALL AGES at ALL TIMES,—Families come to the lighted Community School together for fun, recreation, learning and growth.

Strengthen Families.—There can be something exciting for every person, no matter what his age.

Raise Living Standards.—New skills can mean more money in the pay envelope. Vocational classes offer many kinds of training.

Improve Home Management.—Know-how in cooking, sewing, shopping, as well as making and sticking to a family budget, can be learned at the Community School.

Resolve Social Issues.—Community problems can be met at a local level involving citizens in improving their own neighborhoods. Drugs, alcohol, disease, prejudice and other social ills can be analyzed and dealt with.

A Great Place for Teenagers.—A teen club in a Community School, along with other social, recreational and learning activities, can give a teen-ager a place in society so he will not feel alone, friendless, and even homeless.

Reduce Juvenile Delinquency.—Give the kids something interesting and exciting to do with their spare time, then juvenile crime and vandalism can go down.

Reading Becomes Enjoyable.—Reading problems can be diagnosed and corrective steps taken. Reading for enjoyment and information in school libraries can also be made available.

Enriching Experiences.—Both parent and child can be involved in activities before, during and after school, which gives them both a running start in the regular school day.

Neutral Ground for Community Team Work.—A good Community School provides the neutral ground for community serving groups to work together.

The Community Classroom.—The community becomes the classroom when the student gets actual on-the-job experience. A community school involves business groups, chambers of commerce, etc., in making these programs possible.

Increase Tolerance and Understanding.—A Community School provides opportunities for people of all ages, races and ethnic origins to meet and gain respect for one another.

Sub-Cultures are Valued.—The many subcultures in American society can be accepted and valued in a good Community School. The foreign born can prepare themselves for citizenship.

Involve Senior Citizens.—Senior citizens can learn, have a feeling of belonging and express their creativity and talent in a Community School.

The Lighted School Becomes a Symbol.—A Community School unlocks the doors before, during and after the regular school day so that the entire Community can benefit. The schools belong to all the people, not merely the youth. A Community School is better utilized at all times so that where there was darkness, there is now light.

SCHOOLS INVOLVE THE PEOPLE WHO OWN THEM

A Summary of Community Education

A Community School:

Extends its services around the clock and throughout the year.

Includes all people of all ages within the community as members of its Student body.

Is for the whole family. It builds individual and family strength.

Uses all the resources of the school and community.

Sets the environment for the community to get to know itself and its difficulties.

Provides programs and counseling which can make a big impact on unemployment.

Furnishes supervised recreational, educational, social, vocational, and avocational opportunities.

Provides a forum for the discussion of social problems.

Furnishes facilities for health services.

Serves as a catalyst for family, neighborhood and community economic planning.

Provides initial leadership in planning and carrying out constructive community projects.

Promotes democratic thinking and action.

Constructs its curriculum and activities creatively and is less reliant upon traditional education patterns.

Is genuinely life-centered as a social institution.

Develops a sense of unity and solidarity in its neighborhood. Oneness of purpose overcomes community problems.

Initiates programs of usefulness for persons of all backgrounds, classes, and creeds.

The community is the classroom.

The facilities of community education are community school coordinators and directors.

REAL LEADERSHIP AND PROGRESS IN FIGHT AGAINST CRIME

Mr. HRUSKA. Mr. President, Richard M. Nixon has done more than any recent President of the United States to reduce the amount and effectiveness of criminal activity in this country.

While crime incidents grew at an alarming pace during the late 1960's, the latest figures for 1970 indicate that the rate of crime increase slowed for the first time in many years. This rate has dropped another 4 percent during the first half of 1971. This indicates that the changed emphasis on strong law en-

forcement instituted by this administration is beginning to have the desired effect. While the task of bringing order and justice to America is not complete, and the total absence of crime is an unattainable dream, heartening progress to redeem the Republican pledges of 1968 has been made.

Critics who would have us believe that the President has not made tremendous strides to alleviate this most important domestic problem are wrong. Those who contend that the situation is no better in 1971 than it was in 1968 are wrong. Prognosticators of doom who would overlook the fact that in 22 major cities crime actually dropped in 1970 are wrong.

A quick glance at the record will show the extent of action in this field by President Nixon and this administration:

Federal funding for State and local law enforcement programs has increased from $63 million in fiscal year 1969 to $698.9 million in fiscal year 1972;

The strength of the Department of Justice, the chief Federal law enforcement branch, has been greatly expanded;

Emphasis on ending organized crime is paying off with the more than doubling of the number of strike forces, and the indictment of more than 2,000 and the conviction of more than 650 organized crime figures in fiscal year 1971;

Under administration leadership, Congress passed in 1970 the largest package of anticrime legislation in recent memory, including the Organized Crime Control Act, the Omnibus Crime Control Act, the Comprehensive Drug Abuse Prevention and Control Act, and the District of Columbia Omnibus Crime Act;

The FBI manpower and jurisdiction have been strengthened and expanded so that it is better equipped to assist the Department of Justice in apprehending those suspected of criminal activity;

A 66-percent increase in the arrests for drug abuse infractions has been accomplished in the past 2 years by the newly beefed-up Bureau of Narcotics and Dangerous Drugs;

Negotiations have been initiated with foreign nations to end the international traffic in narcotics; and

Civil disorders have been brought to a minimum and long cool summers have taken the place of long hot summers, which had become the rule during the 1960's.

Crime is a national problem, but the authority of the Federal Government is not national in scope. The President can set the tone for the country, but he cannot enforce it; Governors, sheriffs, mayors, and other local law enforcement officials who have direct control over the better than 90 percent of crime that is not Federal in character must complete the crime reduction task. President Nixon has spoken out on this problem with great frequency since he has entered the White House. He has directed the Attorney General and other officials to do all that can be done in Washington to end crime rate spirals. The response from the rest of the Nation has been heartening and statistics are beginning to reflect this determination and this effort.

In the one city where the Federal Government has direct responsibility for safety and law enforcement, Washington, D.C., the results are most encouraging. Crime rates fell month by month throughout 1970 from corresponding periods in previous years and in the first quarter of 1971 there were actually 17 percent fewer crimes in the District of Columbia than in the same quarter of 1970. That is tremendous progress and demonstrates what can be done when every effort is turned against crime. What has been accomplished in the Nation's Capital can be duplicated across the country if citizens and officials alike follow the example of the President and the Federal community.

The critics, the naysayers, are wrong. This President, this administration, is doing something to reduce crime; and as a result, crime rates are dropping for the first time in years.

CONGRESSIONAL INITIATIVE

In 1968 I had the privilege of serving as the vice chairman of the Platform Committee at the Republican National Convention. Our group spent many hours considering the problem of crime in America and finally came up with this statement concerning our views on this issue:

> Lawlessness is crumbling the foundations of American society.
>
> Republicans believe that respect for the law is the cornerstone of a free and well-ordered society. We pledge vigorous and even-handed administration of justice and enforcement of the law. We must re-establish the principle that men are accountable for what they do, that criminals are responsible for their crimes, that while the youth's environment may help to explain the man's crime, it does not excuse that crime.

More than a dozen very specific pledges were listed following this general statement. These pledges are being fulfilled. In the future the results of this commitment to order and justice under law will be impressive testimony to the President's dedication and leadership in this field.

The Senate and House during the 91st Congress did their part to provide the President and the Attorney General with the tools necessary to wage this fight. During 1970 alone five vital bills were approved which add up to the most significant anticrime legislation in this Nation in over a decade.

The Organized Crime Control Act of 1970—Public Law 91–452.—Among other things this law creates special grand juries to prove organized crime activities; authorizes immunity for witnesses who assist in investigations, and provides civil contempt for those who refuse to cooperate; makes it a crime to use money from organized crime to establish a legitimate business in interstate commerce; extends FBI jurisdiction to cover bombings and arson on college campuses and at every institution receiving Federal assistance; provides the death penalty for anyone convicted of a fatal bombing; establishes Federal control over interstate and foreign commerce in explosives; makes it a Federal crime to participate in a conspiracy to obstruct the enforcement of State or local gambling laws; and permits Federal courts to impose additional sentences of up to 25 years on certain dangerous special offenders—those involved in organized crimes.

The Comprehensive Drug Abuse Prevention and Control Act of 1970.—Public Law 91–513.—This act contains a consolidation and modernization of all previously existing drug-control laws. It creates a flexible system of scheduling dangerous substances according to potential for abuse, with provision for administrative rescheduling which has already been exercised by the Attorney General in the case of amphetamines. It completely modernizes penalties for drug offenses, making punishments tailored to the offense and the offender. There are no minimum mandatories except for the professional trafficker. There are increased powers for law enforcement such as "no-knock" warrants and greater arrest powers. And there are more extensive and efficient registration and recordkeeping requirements for those who legally handle drugs.

The Omnibus Crime Control Act of 1970—Public Law 91–644.—Numerous changes in the Federal law-enforcement assistance administration were made by this law, including the addition of part E to insure that massive Federal funds were made available to the States to modernize and upgrade correctional institutions and techniques. In addition, minimum sentences were provided for anyone who commits a crime with a firearm; authorized the United States to appeal certain types of criminal cases; provided additional protections for the President and Members of Congress; and altered the Wiretap Commission to permit a study of the effects of this law-enforcement technique.

The District of Columbia Omnibus Crime Act—Public Law 91–358.—This law totally reorganized the court system for the District of Columbia, created a District of Columbia public defender, altered the structure of the District of Columbia bail agency, and made numerous substantive changes in the local criminal law, including the authorization of "no knock" searches and "preventive detention."

The Omnibus Judgeships Act—Public Law 91–272.—More than 60 additional U.S. district judges across the Nation were created by this law. These new judges will greatly assist Federal courts in rendering prompt and effective justice to those people brought within its jurisdiction.

Mr. President, the Nixon administration, stepping into a near vacuum of inactivity prior to 1969, has fashioned meaningful programs to deal with crime. Notable strides have been made in such essential areas as the fight against organized crime and the traffic in narcotics and dangerous drugs.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

But as important as they are, Federal enforcement efforts comprise only a small percentage of the Nation's total law enforcement machinery.

To expand assistance to State and local governments, which have the main re-

sponsibility for law enforcement and criminal justice programs, is another Nixon goal.

The major responsibility for anticrime efforts has always rested at the State and local level. But there is a legitimate Federal role: First, leadership to attain unified programs; second, financial resources that will help State and local governments improve every aspect of their law enforcement systems.

In the past 3 years, the program of the Law Enforcement Assistance Administration—LEAA—has grown enormously, from $63 million in fiscal 1969 to $698.4 million in fiscal 1972. Virtually all of the funds go directly to criminal justice agencies in the States and localities.

DEPARTMENT OF JUSTICE

At the Federal level, the Government's main enforcement arm is the Department of Justice. Its overall strength has been enhanced significantly.

In 1968, the Department's appropriation was $437.5 million, and it had 34,800 employees. By fiscal 1972, the budget had grown to nearly $1.6 billion, with an authorized staffing level of more than 46,000 positions.

President Nixon created a National Council on Organized Crime, which developed and put into operation strategies to smash one of the Nation's gravest crime problems.

The Department of Justice placed substantial new emphasis on organized crime strike forces, and by mid-1971, 18 strike forces were in operation compared to seven in 1968.

The results of the Department's emphasis on organized crime activities have been quickly apparent.

In fiscal 1971, there were 2,122 persons indicted in organized crime cases and 679 convicted, compared to 1,166 indictments and 520 convictions in fiscal 1968.

Of additional significance are the statistics on high-echelon members of organized crime. In fiscal 1971, 106 high-echelon members were indicted and 61 were convicted, compared to 38 indicted and 23 convicted in fiscal 1968.

In the 18-month period ending July 1, 1971, the Department indicted or obtained convictions against nearly half of the 25 heads of the Nation's organized crime groups.

FEDERAL BUREAU OF INVESTIGATION

The staff and activities of the Federal Bureau of Investigation also have increased significantly in the past 3 years.

Adequate manpower is a key to effective law-enforcement activities, and at the end of fiscal 1971 there were 8,548 FBI agents—compared to 6,699 in fiscal 1968.

In the same period, the overall FBI staff increased from 15,961 to 19,629 employees.

In fiscal 1971, convictions were obtained of 95 percent of the persons brought to trial in FBI cases. Of those 13,357 convicted, 83 percent were on guilty pleas.

The FBI located a record number of fugitives—33,863—and the fines, savings, and recoveries resulting from FBI investigations totaled a record $475 million.

BUREAU OF NARCOTICS AND DANGEROUS DRUGS

Enforcement activities were strengthened by the Bureau of Narcotics and Dangerous Drugs.

At the end of 1968, an average of 486 persons were being charged monthly with drug traffic offenses. By the end of 1970, the charges against drug traffickers had climbed to 808 a month—an increase of 66 percent.

In addition, important agreements were reached with several foreign nations to curb international traffic in drugs, and the Bureau stepped up its activities against illegal laboratories producing synthetic drugs. Nineteen such laboratories were closed down in a recent 10-month period.

OTHER ACTIVITIES

Through LEAA, the community relations service, and other Federal agencies, the Government has moved quietly but effectively to work for the prevention of civil disorders.

After a decade marred by riot after riot in major urban areas, there have been no major civil disorders in the past three summers in the cities.

When trouble began flaring at a number of colleges and universities, the Government again took quick action, and the President's Commission on Campus Unrest compiled its landmark study. In the past year, a new level of campus stability was evident.

When the problem of bombings—especially on college campuses—began to assume serious proportions, the Government moved in a decisive fashion, and the jurisdiction of the FBI to investigate bombing cases was substantially expanded.

The Federal role in improvement of State and local law enforcement systems has been a combination of providing leadership and financial resources.

The Government has placed great emphasis on being a catalyst for improvement and reform of every important aspect of the Nation's law enforcement and criminal justice system.

PRESIDENTIAL INITIATIVE

The President has taken a leading role in triggering this improvement process through calls for new action and new initiatives.

Under his leadership, the first national conference on the judiciary was held earlier this year. It brought together judges from throughout the Nation to give fresh impetus to programs to overhaul court systems—to speed trials and to eliminate backlogs of cases that exist in many parts of the Nation.

A national conference on corrections has been called by the President, and will be held later this year. It will be another step in the Government's efforts to improve the Nation's prisons and jails, and to improve rehabilitation of offenders. This is a key to reducing crime, for there are estimates that well over half of all crimes are committed by former inmates.

Under White House leadership, a number of conferences have been held for police chiefs and sheriffs, and topics have ranged from more effective ways to prevent and reduce street crime to new techniques to stop ambush slayings of policemen.

Since crimes by young people are rising faster than for any other age group, the important area of prevention and control of juvenile crime and delinquency has not been overlooked. Substantially larger sums of Federal funds are going into programs in this area, and for the first time in the Government's history all Federal juvenile crime and delinquency projects are now being conducted by a top-level interagency council.

Federal funds also have been a catalyst for improvement and reform.

Under the leadership of the Nixon administration, law enforcement assistance funds total some $1.5 billion in a 3-year period.

The LEAA program has created a unified anticrime program throughout the Nation, and thousands of projects are underway. No effort of such scope to fight crime and improve criminal justice has existed before in the Nation's history.

Most of LEAA's funds go to the States in block grants, and States and localities have substantial discretion in setting their own priorities for use of the funds. This added measure of responsibility—different from most Federal grant programs—is in keeping with the concept that law enforcement is basically a State and local responsibility.

LEAA BLOCK GRANTS

In fiscal 1971, block grant funds totaled $340 million. Their use shows that every important aspect of crime is being attacked across the Nation:

Police programs received $137 million, or 40 percent.

Corrections programs received $110 million, or 32 percent.

Courts programs received $36 million, or some 10 percent.

And in addition:

Crime prevention programs received $26 million.

Civil disorders and police-community relations received $18 million.

Organized crime programs received $12 million.

LEAA also awards large sums in direct discretionary grants for priority projects at the State and local level, finances a variety of research and development programs, finances college studies by policemen, and has been a leader in developing computerized information and identification systems for police and other criminal justice agencies.

The LEAA efforts are broad. The agency is not interested in only improving each component of the system separately. For the first time in history, all components—police, courts, and corrections—are working together to make the fragmented criminal justice system a true system that deals with crime and the offender at every level.

Large amounts of funds are flowing into urban areas with severe crime problems, and States are now required to make certain that cities with high crime rates receive adequate aid.

Under a recent reorganization of LEAA, new emphasis is being placed on programs to produce a quick, high impact against street crime, while at the

same time long-range improvement programs continue to be carried out.

SLOWING OF CRIME RATE

FBI reports show that the Nation's serious crime grew at an average of less than 12 percent a year for the past 2 years. In the previous 2-year period, crime grew at an average of more than 16 percent.

This is not a decrease in crime. But it is a slowing in the rate of increase. And that is significant.

Even more significant is the fact that 22 major cities actually reduced crime last year.

Further, for the first 3 months of this year, 60 major cities reported actual decreases in serious crimes.

One of those cities was Washington, D.C., which in the first quarter of this year had 17 percent fewer crimes than in a corresponding period a year earlier. The Nixon administration has placed a special emphasis on crime reduction in Washington, D.C., because it is the Federal City and because it should be a model for the Nation on how crime can be reduced.

The crime problem in the United States is decades old. It is a tough problem. Any tough problem calls for tough-minded approaches. But the Government's approach to fighting crime is not only tough but is realistic and enlightened. It is designed to protect people and prevent crime. It is designed to promptly apprehend offenders. It is designed to provide fair, speedy trials. It is designed to rehabilitate offenders who otherwise might claim uncounted victims.

Reducing crime nationally is not an easy job, and it is not inexpensive. It will require large-scale expenditures of funds by the Federal, State, and local governments. It will require an unmatched dedication by public officials at every level. And it will require the support and cooperation of the general public.

Crime may not begin to decline nationally tomorrow. But the rates will begin to decline—and perhaps much sooner than most would suspect. Crime already has dropped in 60 major cities. Others will follow.

A substantial begining has been made on an enormous problem. President Nixon and the Republican Party have done much to redeem their pledges on this issue during the 1968 campaign.

Effective law enforcement is a fact in 1971 while it was just a dream 3 years ago. More must be and will be done but the first important steps have been taken and their effect is already being felt.

Mr. President, I ask unanimous consent that an October 29, 1971, Wall Street Journal account entitled "The Federal Crackdown on Organized Gambling Produces Some Results" be printed at the conclusion of my remarks. In it, Liz Roman Gallese describes a comprehensive activity, and ways used to defeat it. Especial note should be taken of the important, vital role of wiretapping authorized by court order as a law enforcement tool.

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

[From the Wall Street Journal, Oct. 29, 1971]

THE FEDERAL CRACKDOWN ON ORGANIZED GAMBLING PRODUCES SOME RESULTS—NEW LAWS, "STRIKE FORCES" BRING MANY INDICTMENTS; BUT CRIME STILL FLOURISHES

(By Liz Roman Gallese)

DETROIT.—It started in the Anchor, a dingy basement bar here, one morning last May when a score of FBI agents and local policemen clattered down the cement steps, shouldered past gaping early-morning patrons and arrested six key figures in an alleged gambling ring.

Before the day was over, 100 other locations, mostly in Michigan, had been raided, and 151 persons had been arrested and indicted for gambling violations. It was the biggest federal gambling raid ever.

The raids haven't been as spectacular since then, but the new and massive federal crackdown on organized gambling is plainly making headway. Armed with increasing manpower and a pair of new laws, federal "strike forces" by midyear had netted 324 indictments against hundreds of individuals in cities including New York, Newark, Miami, Detroit, Omaha and Los Angeles. Among those apprehended are some alleged Mafia chieftains, including Sam "The Plumber" Cavalcante (convicted and imprisoned in New Jersey) and "Fat Louis" Ruggirello (indicted in Michigan).

Breaking up illegal gambling rings is a cornerstone of the Nixon administration's announced war on organized crime. Law-enforcement officials say gambling is the underworld's largest revenue producer, grossing over $20 billion annually. Attorney General John Mitchell says reducing this flow is especially important because the funds are used to bankroll such activitites as narcotics peddling, loan sharking and prostitution. In addition, gambling seems to flourish in exactly those areas that can least afford it—urban ghettoes.

TWO NEW LAWS

To make a federal crackdown possible, Congress in 1968 passed a law permitting courts to authorize wiretapping when other evidence indicates certain crimes, including gambling, are being committed. The law also makes wiretap recordings admissible evidence in certain trials. Then, in 1970, the Organized Crime Control Act gave federal agencies jurisdiction over any gambling operation employing five or more men and in operation for 30 days or grossing at least $2,000 on a single day.

Previously, the Federal Bureau of Investigation and Justice Department could step in only if a gambling ring operated across state lines, so gamblers often concentrated their efforts in a single state. "We had to knock out a lot of gambling cases because they involved only operations within one state," says Robert Morgenthau, U.S. Attorney in New York from 1961 to 1970.

Also, local enforcement of gambling laws has sometimes been spotty, in part, because shrinking city budgets and rising crime rates have spread police resources very thin and in part because of police corruption. In New York City a commission investigating such corruption has recently heard testimony that vast numbers of policemen received payoffs of up to $1,500 a month from gamblers.

Law enforcement officials say the need for wiretapping was great. One reason: Their other major source of information is informants, who are often willing to talk privately but unwilling to risk retribution by publicly testifying in court. Danel P. Holman, chief of the New York strike force, says "95% of the (gambling) cases (now being) prosecuted throughout the country couldn't have been prosecuted without court-authorized wiretaps."

A TAP IN MIAMI

The effectiveness of wiretap evidence is illustrated in the case of Martin Sklaroff, 39, and his father, Jesse, 61. The two men, using phone booths at Miami International Airport, were observed making calls all over the country—Atlanta, Baltimore, Cleveland, Detroit, Louisville, Newark and Philadelphia. They were apparently functioning as brokers, helping even out risks by taking bets on sporting events from some gambling rings and placing them with others.

FBI agents tapped the telephones in the airport booths and hid an agent with a movie camera in a huge packing crate nearby. When the case came to trial this summer in Miami federal district court, the jury watched the FBI's movies and listened to three hours of tape-recorded wiretaps. The evidence left the Sklaroffs defenseless—their lawyers called no witnesses and made only a brief argument to the jury claiming the two men didn't know they were breaking the law. They were convicted but say they plan to appeal.

Results like that explain why the chiefs of several strike forces (there are 18 now, up from seven, three years ago) say they're under pressure from Washington to step up their use of wiretapping. But they contend wiretapping is no shortcut. (Nor is it legal, contend many civil libertarians.) Before they can obtain court permission to wiretap, the FBI and Justice Department men often must spend months of old-fashioned police work digging up the evidence to justify the wiretap application. And if the suspects don't use a telephone, there's not much point to wiretapping anyway.

That was the case at Detroit's Anchor bar. The FBI had been tipped off that a major Michigan gambling ring was headquartered there, and early this year several agents moved into the basement next door. According to the Detroit News, which owns the building next to the bar, the wall between basement and bar contains an air vent, through which the FBI focused a camera, designed to pick up images in the dimly lit bar. For three months, the unblinking camera stared at everyone who wandered into its view while the agents listened to snatches of conversation.

One conversation they reported in pretrial proceedings in federal district court in Detroit occurred Jan. 18, the day after the favored Baltimore Colts defeated the Dallas Cowboys in football's Super Bowl. The speakers were concerned about having taken too many bets on Baltimore:

"Heavy on Baltimore for days—they gotta bet a favorite."

"I talked to Dixon yesterday. He's got both sides (bets on both teams). I'm asking him for Dallas money. You think I didn't go to four different spots looking for Dallas money?"

Then, a few days later, the FBI said it spotted Charles "Chickie" Sherman, an alleged leader of the gambling ring, and Detroit police lieutenant Gerald Willow in the Anchor. Sherman and Lt. Willow walked into a back room, allegedly so the policeman could be paid off, "While out of sight in the back room," the affidavit says, "Sherman was heard to count 'five, six, seven, eight . . .'" Then Sherman was reported to have told Lt. Willow about payoffs to another policeman who was supposed to distribute the money among his men. "Years ago, (he) used to pick up for four guys—then the (blank) didn't pay them for a year," Sherman allegedly said.

Sherman and Lt. Willow were among the 151 persons indicted in Detroit as a result of the May raids. The first of the indictments may come to trial later this year. Federal officials say the Michigan gambling ring had been taking in revenues of $40,000 a day. Sherman and Lt. Willow have pleaded not guilty.

A NEW ORLEANS CASE

Corruption sometimes extends beyond bribery of policy, authorities charge. In New Orleans, state district attorney Jim Garri-

son (the man who unsuccessfully prosecuted businessman Clay Shaw a few years ago for alleged involvement in President Kennedy's assassination) was charged by federal officials this summer with taking bribes from operators of pinball gambling machines. He has denied the charges.

According to a federal affidavit in U.S. district court in New Orleans, Pershing Gervais, once Mr. Garrison's chief investigator, admitted he had once been a conduit for bribes, from the pinball operators to Mr. Garrison. Federal officials then had a microphone on Mr. Gervais, and they said the following conversation ensued:

Mr. Garrison: "Well, then what, what, how much is in there (an envelope Gervais presented)?"

Mr. Gervais: "A thousand dollars."

Mr. Garrison: "Gee, that's great."

Another recording alleges that Mr. Garrison instructed Mr. Gervais how to treat those paying the money: "Treat these guys as friends, as business friends . . . And, uh, have them respect our world like we respect theirs . . . And it goes on forever like to you and me . . . And always face to face, never any other way."

Ralph Salerno, a former New York police officer who has studied organized crime, is one man who thinks the federal crackdown, for all its arrests and indictments, can't make much of a dent in illegal gambling. "What's being done," he says, "is a hard punch at a big canvas bag half full of water. The laws cause it to squish to the other side of the bag. You can't correct a social problem by prosecution." Mr. Salerno sees legalized gambling as "probably the only solution."

Mr. Salerno feels the federal drive's main result has been to increase the gamblers' operating costs. Strike-force officials say there's some indication that's true. Whether it's running a numbers game (a form of lottery popular in poorer neighborhoods) or sports gambling (prevalent in more well-to-do areas), gambling operations have several common attributes, including a "bank" and a system of "runners" and "drops." Runners carry betting record slips and payments; drops are the locations where runners leave their slips, to be picked up by another messenger for transportation to the bank, a central collection and payment point.

To foil federal investigators, gambling-ring leaders are relocating their drops far more often than they once did. In New York, FBI agents spent months watching a drop, which moved from an abandoned auto in a Brooklyn boatyard to a leather goods store to a car parked outside a Brooklyn gas station, before they could trace a runner to a gambling ring's suspected headquarters.

Once they located the suspected headquarters in a Brooklyn apartment, FBI men were able to tap a phone. Evidence from the tap led to the indictment of 31 men earlier this year, including Joseph Colombo, the alleged Mafia chieftain who was shot and wounded while leading an Italian-American rally in New York this summer.

A SCHEME THAT ALMOST WORKED

Another typical defense system existed in Boston, where, according to an FBI affidavit, a runner each afternoon picked up betting slips at the rear of an apartment building and drove into Boston's North End, a tightly knit Italian community where outsiders rarely pass unnoticed. "Even our Italian FBI men are almost immediately picked out in that neighborhood," says a federal crimefighter in Boston.

Furthermore, the runner never went to his bank. He never even left his car. Instead, he passed a brown paper sack containing betting slips to a pedestrian waiting on a corner; other gambling-ring members acted as lookouts on streets in the area. The FBI recently staged a raid just as the brown bag was being passed from car to pedestrian, but federal officials say they still aren't sure where the bank is located. There have been no indictments so far.

Since runners can be followed and phones can be tapped, an Omaha gambling ring found an almost foolproof alternative for transmitting needed information—a leased Western Union teletype. Unfortunately for them, the teletype was discovered when federal agents came across the machine while investigating a different case.

POP WARNER FOOTBALL FEDERAL CHARTER

Mr. GAMBRELL. Mr. President, it has recently been said that football has replaced baseball as America's favorite pastime. I, for one, cannot argue with that.

I have taken part in this game in all of its facets from the sandlot variety of the thirties to the Sunday TV quarterback style of the seventies. One of the football programs which has added a lot of new interest to the game is the Saturday morning variety provided for boys not old enough to participate in organized scholastic athletics. My son, Henry, started with the "Gray-Y" when he was in the fourth grade. Today, although only a freshman, he is playing with the varsity team at his high school. He loves the game and it has meant a great deal to him in fellowship, sportsmanship, self-confidence, and leadership.

Henry got his serious introduction to football in the Pop Warner League, sponsored by the Northside Youth Organization in Atlanta. He continues his respect and admiration for his coach, Dr. Earl Gunn, who taught him that success in football, and in other activities of life is dependent upon an individual's willingness "to pay the price." Our whole family benefited from his experience.

All of our States are not so fortunate as Georgia in having a Pop Warner football program. Even within those States which have Pop Warner teams, not every major city has the facilities, primarily financial, to promote a Pop Warner program.

Today, I am requesting permission to join with the distinguished senior Senator from Pennsylvania (Mr. SCOTT) in cosponsoring legislation which would grant a Federal charter to incorporate the nationwide Pop Warner Junior Football League under the title, "Pop Warner Little Scholars, Inc." The granting of such a charter by Congress would provide some of the financial assistance needed to expand and improve existing Pop Warner programs and to help create new ones.

Saturday morning football for prescholastic boys is a significant opportunity for the development of citizenship. As one who has gained from the experience, along with my own son, I am happy to support the proposed legislation.

DEATH OF WILLARD G. ROUSE

Mr. MATHIAS. Mr. President, the quality of a man must be primarily responsible for the mark he leaves on life. At the same time, human quality is more ephemeral than the mundane and material evidence of his work. Willard G. Rouse was a man of rare quality, and I cannot resist an attempt to capture here some of the essence of his spirit that made him the unusual person that he was.

The sunny outlook, the quick smile, and the ardent advocacy brought and kept people together as associates in an infinite variety of common causes. The love of people, paralleled by the love of nature, breathed humanity into the harsh world of finance and engineering where he was a master. His sense of humor and his rare enjoyment of fun made everyone work better for him and with him.

Deep beneath it all was a sense, probably the legacy of an Eastern Shore boyhood, of the basic things that made life good. To that was added a sense of decency which recognized that the good things of life could and should be shared fairly by all. Not the least of these things was the interest, warmth, enthusiasm, and love that he shared so freely with his family and his friends for whom he succeeded in making life better than it would ever have been without him.

Of only a few Americans can it be said that they changed the face of the Nation and made it better. Of perhaps even fewer can it be said that they had the ability to change the faces of their friends and made them smile. Few indeed can do both, but such a man was Willard G. Rouse.

I ask unanimous consent that an article published in the Baltimore Sun of October 2, 1971, be printed in the RECORD.

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

ROUSE FIRM EXECUTIVE DIES ON BUSINESS TRIP

Willard G. Rouse, vice chairman of the board of directors of the Rouse Company and a leader in Baltimore civic affairs, died unexpectedly yesterday after a heart attack while on a business trip to Toledo, Ohio.

Mr. Rouse, who was 61, retired as executive vice president of the Rouse Company in September, 1970, and then was elected vice chairman of the board. The company is a real estate development and mortgage banking firm.

He had continued to be active in the company, working on special projects and representing the firm at numerous meetings and seminars around the nation and in Europe.

FUNERAL TOMORROW

Funeral services will be held at 11 a.m. tomorrow at the Brown Memorial Presbyterian Church, 1316 Park avenue, followed by interment at a private ceremony at Easton, his home town.

Mr. Rouse joined the Rouse Company in 1954, leaving the Olin Mathieson Chemical Corporation, where he had been treasurer for three years. Prior to that he worked for the Equitable Life Assurance Society for 20 years.

He was elected executive vice president of the Rouse Company in 1962. Earlier this year, Mr. Rouse was appointed to the Urban Transportation Advisory Council by John A. Volpe, United States Secretary of Transportation.

John B. Connally, Secretary of the Treasury, also appointed Mr. Rouse to a three-year term as Maryland chairman of the U.S. Savings Bond Committee.

ON BOARD OF DIRECTORS

Mr. Rouse was a member of the board of directors of Handy and Harman Speciality Metals Group, Arlington Federal Savings & Loan Association in Baltimore, the Columbia Bank and Trust Company, of Columbia, Md.,

Howard Research & Development Corporation, and Rouse-Waters, Inc.

He was a trustee of Middlebury College of Middlebury, Vt., as well as a trustee of the Urban Land Institute, of Washington.

He was also serving as chairman of the Community Builders' Council at the time of his death.

Throughout his career Mr. Rouse was active in civic affairs. He was named "Man of the Year" in 1955 by the Advertising Club of Baltimore. He had headed the Red Cross-Community Chest joint fund drive. At the time of his death he was serving as president and chairman of a 39-member board of governors of the Chesapeake Bay Maritime Museum in St. Michaels, Md.

HELD BOY SCOUT POSTS

He had devoted long hours to the Boy Scouts, and was a member of the executive committee and one-time president of the Baltimore area Boy Scout Council. In addition he was a member of the board of directors of Sinai Hospital. He was also a former trustee of Brown Memorial Presbyterian Church.

At various other times he had been chairman of the Baltimore Eastern area of the American Red Cross, chairman of the Baltimore Youth Commission, and chairman of Governor Mandel's Job Corps Task Force.

In 1968 he was treasurer for the election campaign of Senator Charles McC. Mathias. At one point in 1970 he was mentioned as a possible Republican candidate for the Maryland gubernatorial nomination, but he denied having any intention of running.

Other former activities included the presidency of the Maryland chapter of the Arthritis and Rheumatism Foundation, and work as a trustee of the Baltimore Chamber of Commerce.

Mr. Rouse started working at the age of 18 as manager of a Baltimore investment banking firm's office in Easton. The firm was a casualty of the 1931 stock market crash, and in the same year he entered the insurance business, forming his own company.

On his retirement he recalled: "I am one of the few men still in business who have a history of working through the Depression. Most men my age got jobs after the crash."

SURVIVORS LISTED

Because of the times and pressure of work, Mr. Rouse, who was a graduate of Easton High School, was unable to complete college studies. But he was proud to earn his bachelor's degree from the Johns Hopkins University in 1965.

He is survived by his wife, the former Katherine Parker, of Baltimore; five children, Mrs. William Bone, of Columbia, Willard G. Rouse 3d, of Philadelphia, a stepson, Roth W. Tall, of Middlebury, Vt., Mrs. Claiborn Carr, of Seattle, and Ellen B. Rouse, of Baltimore; two brothers, John G. Rouse and James W. Rouse, president of the Rouse company, both of Baltimore; two sisters, Mrs. Herbert Balch, and Mrs. C. O'Donnell Pascault, both of Easton.

STRATEGIC ARMS RACE

Mr. CRANSTON. Mr. President, many of us have been concerned by the steady flow of articles, editorials, and commentary over the past few months which purport to show that the strategic arms balance between the United States and the Soviet Union is rapidly shifting to the detriment of U.S. security; that strategic deterrence is a dangerous and unreliable doctrine, that "sufficiency" in nuclear weapons may not be sufficient for national safety after all; that the Soviet Union, far from seeing safety in near equality in strategic weapons, may be moving instead for superiority, and seeking a position from which it could, in future years, launch a devastating first-strike nuclear attack on the United States from which we could not recover.

These assertions are another manifestation of the invocation of the "greater than expected threat" that has served the arms superiority enthusiasts so well when they have pressed the Congress for funds for costly and questionable new weapons programs like the ABM. Warnings of dire consequences if the United States allows its guard to fall are old stuff; but the potential damage these efforts may do to the prospects for meaningful results from the current round of SALT negotiations is great.

One of the basic documents used in the campaign of exaggeration and scare is the so-called supplemental statement of the Blue Ribbon Defense Panel. The parent panel, appointed by President Nixon to reevaluate U.S. defense programs and policies, produced a commendable study that was, in the main, innovative, and constructive.

A supplementary and unofficial study was also produced, however, and it is this supplementary study which the prophets of gloom and doom are now circulating and quoting widely. Because that supplementary panel report presents a number of conclusions which I find questionable or at least poorly supported, I was pleased to receive today some comments on the study submitted to me by the chairman of the Federation of American Scientists, Dr. Marvin L. Goldberger, himself an original member of the Blue Ribbon Defense Panel. I believe Senators will find the FAS comments most helpful in evaluating the supplemental statement of the Blue Ribbon Defense Panel.

I ask unanimous consent that the FAS comments and a letter to the federation from John M. Fisher, president of the American Security Council, be printed in the RECORD.

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

COMMENTS OF THE FEDERATION OF AMERICAN SCIENTISTS ON SUPPLEMENTAL STATEMENT TO REPORT OF BLUE RIBBON DEFENSE PANEL

In July 1969, the President appointed a "Blue Ribbon Defense Panel" which submitted a report on Defense Department reorganization a year later on July 1, 1970. The present Chairman of the Federation of American Scientists was a member of this Panel at the outset. During its deliberations, 7 of the 16 members of the Panel reserved the right to file a supplemental statement on areas *not* addressed by the full Committee. Their report on the "Shifting Balance of Strategic Power" has been widely circulated. Basically, it represents the view of those members of the Blue Ribbon Panel who became most concerned about the strategic balance during their survey of other matters.

Consistent with this measure of self-selection, the report admittedly accepts conservative assessments of the trends it discusses; indeed, it considers it "imprudent" if not "reckless" to do otherwise in a matter of such moment.

But at the heart of any discussion of the strategic balance is an assessment of the credibility of the U.S. deterrent and the feasibility of maintaining U.S. strategic superiority. The inexperienced appraisal of this matter by the concerned Panel members biases and overshadows all of its conclusions.

For example, concerning strategic superiority, the Panel summary asserts:

"Unless the American people wish to accept irrevocably the status of a second-rate power—with all of the probable consequences—the only viable national strategy is to regain and retain a clearly superior strategic capability."

Unfortunately, experienced observers of this matter—both civilian and military—have concluded that there is no meaningful way to "retain a clearly superior strategic capability" in an age of mutual deterrence. These persons include the President and the Chairman of the Joint Chiefs of Staff.

Admiral Moorer, Chairman of the Joint Chiefs of Staff, asserted on June 16, 1971:

"When you look at the realities of today, it is not practical to set a goal to achieve superiority of the type that we depicted in the many years gone by. So, what we are trying to do is to look at these realities and maintain a goal of sufficiency so that we have a viable deterrent."

Indeed, the Joint Chiefs as a whole are supporting the President's policy of strategic sufficiency rather than superiority. And they are arguing, as he had, that an effort to obtain "large advantage" would simply spark an arms race. A recent statement from the Joint Chiefs said:

"The distinction between strategic sufficiency and strategic superiority lies in the explicit recognition of the changed circumstances the U.S. faces with regard to strategic forces. The President made this point in his Report to the Congress, February 5, 1971. 'United States Foreign Policy For the 1970's.' He pointed out that the United States and the Soviet Union have now reached a point where small numerical advantages in strategic forces have little military relevance. Further, the attempt to obtain large advantages would spark an arms race which would, in the end, prove pointless.

"The term strategic superiority, in effect, was a reflection of the reality that, until the late 1960's, the U.S. possessed strategic forces that provided a clear margin of superiority. But, as the Soviet Union developed and deployed powerful strategic forces of its own, the balance changed. The reality of this changing balance led to the policy of strategic sufficiency."

The Supplemental Panel also was in error in judging it "reasonably conclusive" that the Soviets were seeking a first-strike capability.

"Our planners in the '60's assumed that if both superpowers had an adequate retaliatory capability neither would prepare for or risk a first strike. The evidence is now reasonably conclusive that the Soviet Union, rejecting this assumption, is deploying strategic weapons systems designed for a first-strike capability."

This error arises in part from the earlier misjudgment that clear superiority is feasible and meaningful, but also from a failure to appreciate the difficulties facing any surprise attack and from a double standard that more experienced observers have come to appreciate.

Given serious efforts to maintain the credibility of its deterrent, there is no problem in our maintaining the ability to destroy the Soviet Union—and even less problem in denying the Soviet leaders any confidence that the Soviet Union could survive a preemptive attack. Today, each Polaris submarine is being fitted with the ability to destroy 160 targets each with a bomb larger than that used in Hiroshima. A Soviet attack would have to destroy virtually every Polaris submarine on station (perhaps 30) highly simultaneously; upward of 95% of our 1,000 Minuteman missiles and the vast majority of several hundred bombers; and deal with the nuclear weapons based in Europe and those on nuclear carriers. And even this would leave scores of Soviet cities destroyed.

We know of no way in which the Polaris submarines could be destroyed in significant

numbers, much less all at once. And the problems of simultaneous attack on bombers and land-based missiles are extraordinarily difficult, if not—as many strategists believe—quite impossible on any basis which any enemy military or civilian leader would try.

The confidence that these forces could be destroyed to high percentages is another critical hurdle.

Finally, the Soviets do not now have an ABM system to destroy the missiles that are missed. And they are now negotiating with us to preclude such ABM's. More generally, it is not believed that such a high confidence system could be built by them or—as indicated on March 14, 1969 by President Nixon—by us.

It is implausabile to assume that the Soviets are seeking a first-strike capability simply because such a capability is so hard to achieve. But, in addition, there is another explanation for their actions. This explanation is simply that they are doing what many of our strategists want to do and what they call "damage limiting".

Our ABM program has gotten much stimulus from the support of those who wanted an anti-Soviet ABM of massive dimensions. Our MIRV program has similarly been stimulated by interest in attacking Soviet military targets to limit damage—if possible—after war has begun. We oppose these tendencies. But even President Nixon expressed an interest in having the option of attacking Soviet military targets rather than only the option of attacking cities in both of his State of the World messages.

The possible Soviet interest in putting our land-based missiles out of action if war begins would not necessarily be different from ours. They may want to strike what they can if war occurs. But neither side is likely to have high hopes. And the efforts to improve the land-based forces on each side so that each can attack the other are going forward comparably fast. The Soviet buildup in land-based missiles is being matched by U.S. advances in MIRV.

On each side there have been efforts to try to limit damage if war occurs. But on each side there is recognition that such efforts can spur the arms race. This is the meaning of the ABM discussions at the SALT talks. How much each side will try to get in terms of damage limiting and how much each will try to avoid stimulating the arms responses of the other is an open question. But it is far more plausible to consider Soviet activities in this context than in the context of a first-strike capability.

In short, it is not "reasonably conclusive" that the Soviets are trying to achieve a "first-strike" capability; instead, it is implausible. The United States ought not to make its strategy depend upon the judgment of Soviet intentions; it ought to have a secure deterrent in any case. But it is simply amateurish to conclude, as the Panel did, that the unlikely is likely. Prudence does not require misstatements.

AMERICAN SECURITY COUNCIL,
Washington, D.C., July 29, 1971.
FEDERATION OF AMERICAN SCIENTISTS,
Washington, D.C.

DEAR FELLOW AMERICAN: As you know, an intensive campaign is being waged to "reorder priorities" by reducing the national defense budget.

A formidable "Anti-Defense Disarmament Lobby" has been formed—led by Senators like Proxmire, McGovern, Fulbright, and Kennedy who are supported by a host of well-organized and well-financed advocates of unilateral disarmament.

Their one-sided anti-defense campaign has been remarkably effective.

The seriousness of this threat to our survival was made clear by the frank and startling report prepared by the distinguished civilian Blue Ribbon Defense Panel appointed by President Nixon.

In this report, released on March 12, 1971, the official Blue Ribbon Defense Panel pointed out that we face an "unprecedented national peril" because:

"The Soviet Union has been making a massive effort, out of all proportion to its own resources or any external threat, to acquire and extend strategic nuclear superiority over the U.S. Its record of feverish military preparation is unequaled since Hitler—determined upon conquest—structured his Wehrmacht for World War II."

With full access to the Pentagon's secrets, the Blue Ribbon Defense Panel found that the Soviet effort—together with U.S. cutbacks—had resulted in "a significant shifting of the strategic military balance against the United States in favor of the Soviet Union."

For example, the Panel pointed out that:

1. "The Soviet SS–9 ICBM force alone is capable of delivering a megatonnage of nuclear warheads greater than that of the entire U. S. force of ICBM's and SLBM's (7500 megatons in the SS–9's alone against only 1730 megatons in *all* U.S. ICBM's and submarine-launched ballistic missiles).

2. There is "convincing evidence that the Soviet Union seeks a pre-emptive first-strike capability."

The Blue Ribbon Defense Panel concluded that "it is not too much to say that for the 70's neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure."

The Blue Ribbon report is the strongest warning which has been published in a public document of the Executive Branch since warnings about Hitler's Wehrmacht!

"Yet," the Panel warned, "many of our most influential citizens respond to this unprecented national peril, not by a renewed determination to assure an adequate national defense, but rather by demands for further curtailment of defense measures which can only increase the peril."

Two of these high powered forces organized to *further* reduce our defenses in this time of crisis are:

1. *Members of Congress for Peace through Law*

A group supported by 28 Senators and 70 Congressmen who have organized to lobby for "reordering our priorities" and "general and complete disarmament" by taking funds from our defense budget for domestic programs. Its supporters include Senators Cranston, Hartke, Muskie, Hart, Javits, McGovern, and Proxmire.

2. *Coalition on National Priorities and Military Policy*

A combination of 36 organizations working together on a "Campaign to Cut Military Spending". The Coalition includes Americans for Democratic Action, National Council of Churches, New Democratic Coalition, SANE, and Women Strike for Peace.

Many groups such as these are spending millions of dollars to flood the country with the largest anti-defense propaganda campaign ever seen in the history of our country.

This unopposed anti-defense campaign has been so intense that the disarmers appear to represent the majority. Thus, many responsible leaders, according to the Panel, believe that it "is futile to seek adequate defense funding."

So, the Nixon Administration has felt it necessary to sharply cut back on defense and even to abandon the policy of military superiority followed (or at least claimed) by previous administrations.

Yet, a poll conducted by 207 newspapers last year showed that 85 percent of the participating readers were for military superiority! The Administration and the Congress have not heard from this majority because most Americans simply do not yet realize that the U.S. has fallen behind the U.S.S.R. in military strength.

Unless the facts in the Blue Ribbon report are widely known, the Anti-Defense Lobby, unrepresentative as it is, will continue to win the disarmament fight.

Thus, it is vital to our survival that every American learn about the facts in the Blue Ribbon Defense Panel Supplemental Statement.

The American Security Council does not have sufficient funds for this major public education program. We, therefore, ask your help to pay for a crash "Operation Alert" education campaign to make the information in the Blue Ribbon report available to the American people.

The Co-chairmen for Operation Alert are General Earle G. Wheeler, General Lyman C. Lemnitzer. Ambassador Durbrow and Ambassador Loy W. Henderson—two former Chairman of our Joint Chiefs of staff and two of our former top ambassadors.

We ask only three things:

1. That you immediately write to President Nixon urging that he adopt the recommendations of his own Blue Ribbon Defense Panel. (See the enclosed official summary.)

2. That you signify your support of the Blue Ribbon Panel report today by signing the enclosed "Declaration for Peace through Strength."

3. That you send as much as you can afford to help "Operation Alert" mount a full scale educational campaign including (a) hundreds of full page newspaper advertisements, (b) radio and TV programs, (c) a public opinion poll, (d) millions of letters like this to alert other Americans, (e) inviting hundreds of organizations to alert their own members, (f) distribution of the statement to opinion leaders across the country, and (g) briefings for press and other opinion leaders.

Here are some sample costs and target media:

A full page ad in the *New York Times*—$9,240.

A full page ad in the *Washington Evening Star*—$3,070.

A full page ad in the *Chicago Tribune*—$6,324.

A full page ad in the *Los Angeles Herald-Examiner*—$4,010.

A full page ad in the *National Observer*—$6,873.

A half hour over a Washington TV station—$1,250.

The full campaign to reach most Americans will cost a minimum of $450,000.

The first campaign target is to get *over 1,000,000* signers of the enclosed "Declaration for Peace through Strength".

The complete list of over one million signers and the 1971 poll results will be presented to President Nixon. We believe that he will act to carry out the recommendations of his own Blue Ribbon Defense Panel when he and the Congress are shown that most Americans are for Peace through *Strength*.

Military superiority is the best insurance *against* war and *for* peace. It is worth whatever it costs to remain both alive and free.

We must work together to win this one or nothing else will count for much. So, please sign and return to me the "Declaration for Peace through Strength" with your maximum contribution today.

Sincerely,

JOHN M. FISHER,
President.

NEED FOR PERMANENT TRANSPORTATION LABOR DISPUTE LEGISLATION

Mr. PACKWOOD. Mr. President, after 3 long months of paralysis along west coast docks, President Nixon agreed to

invoke the Taft-Hartley 80-day cooling-off period to bring the striking longshoremen back to their jobs. As a firm believer in the free collective bargaining process, I hesitated to urge this intervention, but the disastrous impact of this prolonged strike on Oregon's economy precluded all other alternatives.

We are now a third into the 80 days, a period which was designed to encourage employer and employees to intensify their negotiations and, it was hoped, reach an agreement satisfactory to both parties. If serious bargaining does not resume during the cooling-off period, the injunction will not have served its purpose, and will merely have postponed the effective period of the strike.

Regrettably, there are indications that this is exactly what is happening on the west coast, much to the disappointment and dismay of everyone concerned, not to mention the mounting damage which is being and will be inflicted on our economy by this blatant irresponsibility. An editorial published October 26 of Oregon Journal carries this message well. I ask unanimous consent that it and a pointed letter be printed at this point in the RECORD, to the editor on the same subject.

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

START THE DOCK NEGOTIATIONS

The 80-day cooling off period in a labor dispute which is provided for in the Taft-Hartley Act serves its purpose only if the contending parties use the time to settle their differences.

The fact that this is not being done in the West Coast dock strike raises the nagging worry that the waterfront may be shut down again when the present 80 days of renewed activity are up.

The docks had been shut tight for more than three months before President Nixon decided to use the T-H injunction in this dispute.

He had delayed acting for several days on the basis of information that the Pacific Maritime Association (PMA) and International Longshoremen and Warehousemen's Union (ILWU) were fairly close to agreement.

When he did act, work started but the talking in San Francisco, seat of negotiations for the coast-wide contract, stopped.

The PMA holds out an open invitation for bargaining to resume. Harry Bridges, ILWU president, has refused to meet with the employers. He talks of a renewed shutdown after the Christmas and New Year holidays. He hints of an alliance with the International Longshoremen's Association (ILA), which is now on strike on the East and Gulf coasts. He speaks of possible union action to defy some of the provisions of the Nixon administration wage-price control program.

Evidence continues to mount that the damage inflicted by labor disputes of this kind is not merely the immediate cost, which is brutally high to both sides and to innocent bystanders, but includes the loss of confidence over the future reliability of ocean shipping from these ports.

Japanese officials have recently confirmed the fears earlier expressed by spokesmen for the Pacific Northwest wheat industry that the market for wheat from this region in Japan so carefully and painstakingly built up over many years is in jeopardy. Wheat is moving now, but Japanese buyers have had to look elsewhere for some of their supplies. Uncertainty about the future here forces them to continue to look elsewhere.

The main hangup in the West Coast dock strike continues to be over the question of whether longshoremen or teamsters are to stuff and unstuff containers at certain locations. The employers cannot give in to longshore demands without facing a certain teamster strike.

This is clearly an issue that ought to be settled by outside arbitration. The price we pay for not having the means to settle matters of this kind fairly and intelligently is criminally high.

WHY NOT?

TO THE EDITOR: We have had threatened railroad strikes that were stopped by congressional laws to prevent national disaster. Why can't Congress pass laws to protect the nation from longshoremen's strikes to prevent our river and sea lanes from being tied up by an argument between two powerful labor unions that has nothing to do with the general public's right to have its labor services performed by man and machines applicable to the docks?

There is a need for labor laws that can be applied in a few days instead of a mere cooling-off period that was applied too late. The workmen are now dragging their feet.

FRED E. BURGESS.

Mr. PACKWOOD. Mr. President, it is today appropriate not only to publicize this irresponsibility, but also to point once more to the vital importance of enacting legislation to provide permanent procedures for the settlement of labor disputes in the transportation industry. This is a problem which is unrealistically relegated to the "back burner" until another transportation labor stoppage is threatened. A crisis upon us, we then surge into action, impose a settlement, and quickly put permanent legislation away again on the "back burner." The proverbial "Out of sight, out of mind," seems to hold remarkably true here.

We all know this is an unpopular subject, and that whatever our decision, many will be unhappy. But that is not, and never will be, an excuse for inaction, for burying our heads in the sand. I have been pleased that the Subcommittee on Labor has begun hearings on this urgent legislation, but I fear that we have still not brought it to the front burner, where it should stay until we face the issues, make some hard decisions, and provide the permanent procedures which are so desperately needed in this industry.

NATIONAL MIGRANT AND SEASONAL FARMWORKER HEARINGS CONDUCTED IN RIO GRANDE VALLEY OF TEXAS

Mr. STEVENSON. Mr. President, migrant and seasonal farmworkers gathered in South Texas last week to discuss their problems and present before a panel the details of their plight and their recommendations to alleviate the conditions they face.

The hearings were significant not only because it was the first attempt that I know of to call farmworkers from different areas of the Nation together, but also because it was the first time that an effort was made by farmworkers themselves to establish their own agenda, for airing their own problems, on their own terms.

An interim report was prepared by the panel that heard the farmworker testimony. As the report discusses the highlights of the farmworkers' meetings, I ask unanimous consent that the report be printed in the RECORD.

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

INTERIM REPORT

The two days of oral testimony presented to a panel composed of Texas State Senator Joe Bernal of San Antonio, Father Roberto Pena of the Catholic Diocese of Brownsville, Mercedes Mayor Adan Cantu, Damacio Cano of Mercedes, a member of President Nixon's National Advisory Council on O.E.O., Boren Chertkov, Counsel of the U.S. Senate Subcommittee on Migratory Labor and Joe Alaniz of Salt Lake City, Utah, confirmed the Panel's worst fears.

Witnesses from migrant and seasonal farmworker communities across the Nation discussed in vivid detail the extent to which the economic and political systems of our country have frustrated their aims and aspirations and have denied them justice and dignity.

So significant, immediate, and vital were the concerns of the workers, that although the Panel has not had an opportunity to carefully study all the position papers and written statements prepared by the witnesses, it is imperative that certain conclusions regarding priorities of the witnesses be immediately discussed and explored. Upon completion of a more careful study of all documents, a more complete Report will be filed.

Four major areas of concern surfaced as having a most high priority for action at the administrative, legislative, and judicial levels of local, State, and Federal government and in the private sector. Specifically:

I. Liberation through self-determination:

All through the hearings a persistent demand that farmworkers should have the power of self-determination was stated and restated. This self-determination should begin immediately by having migrants administering and staffing, and developing and implementing, the programs that affect them. Federal monies for programs such as the War on Poverty, housing, etc., are not reaching farmworkers; the program benefits are apparently going to other than those it is intended to most benefit.

II. Almost every witness emphasized the overwhelming impact of unemployment caused by mechanization in the fresh fruit and vegetable industry. From every part of the country came confirmations that farmworkers in large numbers are being displaced. Yet, except in the broadest of terms, concrete suggestions for overcoming the crisis were not forthcoming. The problems of great importance to farmworkers today (food, shelter, education, day care, wages, etc.), were matched by the possibility, increasingly real, that soon there will be no need for the migrant, and absolutely no significant effort is being made to meet this reality of people without jobs and livelihood.

Short term solutions to everyday problems of farmworkers seemed to be overshadowed by the reality that the desperate search for work conducted yearly by the farmworkers will become increasingly desperate and frustrating, and that fewer, rather than more, opportunities for jobs, justice and dignity exist for the farmworker.

III. Legislative proposals were made by most witnesses that varied from removing existing barriers to full coverage under various social and worker benefit legislation (wages, workmen's compensations and unemployment compensation), to enforcing present laws and enacting new laws and programs to provide economic opportunities to farmworkers.

IV. The very serious problems of the worker, illegally in the U.S. from Mexico, and com-

muting green card holders must be met and solved, according to every witness who testified. Depressed wages for farmworkers and other workers prevail; union and community organizing efforts toward self-determination are made difficult if not impossible; and an attitude of dislike and an unfortunate setting of brother against brother to the detriment of those on both sides of the border and to the benefit of the farmer and other employers who exploit that labor, are all created by the prevailing situation. Legislation recommended by witnesses included shifting responsibility for hiring illegals to employers, with provision for criminal prosecution of employer's; and that the border patrol should be sensitized to the bi-lingual, bi-cultural attributes of the border population.

CONCLUSION

The panel is aware that the rhetoric of a hearing and this Interim Report may again fail to arouse the conscience and attention of the Nation. Hearings, books, television documentaries and studies have occurred with little or no benefit accruing to farmworker.

Perhaps the most hopeful sign is that these historic hearings, in which farmworkers themselves set their own agenda and priorities, will bring us closer to the day when, through union and community organization with the goal of a fair share of political and economic power, farmworkers themselves will be able to control their own destinies so as to begin the process of liberation. It is to this end that the Panel sees the hope for meaningful implementation of solutions to the crisis which farmworkers face, and it is to this end that the Nation, both public and private sectors, must respond and lend support, if there is to be a greater tomorrow for the farmworker and the country.

BOOTH NEWSPAPERS SURVEY OF MICHIGAN ISSUES

Mr. GRIFFIN. Mr. President, a team of three reporters from Booth newspaper chain in Michigan recently surveyed people throughout the State to learn what is on their minds.

The report of Bud Vestal, Robert H. Longstaff, and John J. O'Conner who published in the Flint, Mich., Journal of Sunday, October 24, 1971.

Mr. President, I ask unanimous consent that the articles be printed in the RECORD.

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

THE PEOPLE SPEAK—WHAT BOTHERS MICHIGAN RESIDENTS? WELL, QUITE A LOT, IT SEEMS

What's bothering the people of Michigan and what do they think should be done about it? To get the answers to those questions, the Lansing bureau of The Journal sent three reporters into the field to talk with just plain citizens. After more than a week of interviewing and 1,200 miles of travel, the reporters—Bud Vestal, Robert H. Longstaff and John J. O'Conner—came up with the following report.

The times are troubled, and government is creating as many problems as it tries to solve.

Right or wrong, that's the opinion of a majority of Michigan citizens, according to interviews with scores of residents over the State in the last week. But most say their government is still the best in the world and appear willing to accept the existing process and make their views known at the polls.

The reporters asked just one question: "Tell us what's going right with the state and the country, and what's going wrong, in your opinion." No prompting by use of the words "taxes, schools, integration, crime" or any other: Just what's on your mind?"

The report is not a happy one, but it's believed to be true; each reporter traveled a different part of the state and each heard the same things. Here's how the citizens in Michigan look at the times they live in:

School busing to achieve racial integration is the hottest public issue and the biggest one in the larger cities. A big majority of whites is against busing; many blacks are not excited about it.

Next jobs, jobs, jobs. Even those who have good jobs worry about the economy. And in talking about the economy; most people interviewed approved of President Nixon's wage-price freeze, and some thought it should have come earlier and should last longer.

After these issues, school problems, generally, and crime seem about equally important in the public mind. Many worry about the quality of public education, and want less dependence on property taxes to finance it. Many are willing to give more money for policing against crime, particularly violence in the streets.

Michigan voters are critical of government, but more critical of the Legislature than the governor. A minority volunteers interest in a unicameral legislature. Few call themselves "Democrat" or "Republican." Many deplore "the politics, the deadlock, the bureaucracy" of government.

The war in Vietnam is fading as a political issue. Citizens are more aware of local and national events than of affairs at state government level.

And where did happiness go? You can walk the city streets for hours without seeing anyone smile. Even those with no money or school worries don't look or sound happy. Many, many Michigan residents are just plain worried about the times.

Busing isn't regarded as a racial issue. It's more a question of parents' worry over safety of their children, and the words most often used are to the effect that you pick your neighborhood, you have a right to send your children to school there. Here are some representative comments:

Mrs. Betty Florshinger, a Kalamazoo housewife: "I'm not happy with busing. The money could be put to a better use. The money could be spent on more teachers and more equipment—to benefit all the children. Because of busing, people are moving to the suburbs to get away from it."

Miss Becky Strumpfer of Richland: "Government gets a bad deal, and people aren't helping a bit . . . blacks are not getting as good an education. White schools have better facilities, and sometimes better teachers, too. If everyone gets an equal education—the same chance at it—then perhaps we wouldn't need busing."

"I don't like busing programs," said Mrs. Donald McCabe of Albion, a housewife and mother. "We don't have the problem of busing to integrate in Albion, but I would not favor it. You pick your neighborhood when you move, as we did from New York State a year ago. You do it with the school in mind, and you have a right to do that."

"I just came back from Vietnam where I was an Army intelligence officer, and my biggest problem was getting a job," said Charles T. Munson, 28, of Ann Arbor. "It took me more than three months to find one. From all I have heard since coming back, school busing is the biggest issue. I'm married and we have a 2-year-old daughter, so it's not a problem for us yet, but I would be against busing our children. I'm for the wage-price freeze, and for getting out of Vietnam—we're making a lot of millionaires over there."

The economic recession has many worried, but especially black citizens who are hit hardest: Here are some typical comments:

John Barnes of Grand Rapids, unemployed: "I'm dissatisfied with being laid off a whole year because of the slowdown. The wage-price freeze hasn't helped me any. It doesn't make sense to take people off work, run out of unemployment compensation and go on direct relief. I'd rather work than be on welfare."

William McLean of Nunica, a factory worker: "The economic slowdown because of President Nixon has hurt, and I got laid off. It's the same as when Eisenhower was president."

Harris Lattimore of Muskegon, factory worker: "Government should stay out (of the economy) and let labor and management settle it."

John Kadisek Jr., a Flint construction worker: "Lack of work is the biggest problem we've got: Solve it and you solve a lot of other problems. They should take some of the tax money and see to it a kid can get a job, even if it's part-time. If he has a job he has a feeling that he accomplishes something. It's good for a kid to know where he's going tomorrow morning at 8 or 9 o'clock, instead of just wandering the streets. Providing jobs would do a lot more than food stamps."

And one farmer is so discouraged by the economic situation he's giving up:

"I'm selling my farm to pay off my debts, and then I'm going on welfare," declared William Stagray who has 80 acres near Standish. "Agricultural prices are so low I can't make a go of it. The chain stores hold the prices down."

His wife, Joann, has a roadside produce stand, and said, "People with big cars, trailers and boats stop to buy vegetables and you'd be surprised how many pay with food stamps. Our neighbor across the road lives on $40 a month old age assistance; he's past 80, has no electricity or running water in his home, and he can't get food stamps. What kind of a system is that?"

A few persons interviewed criticized Nixon's wage-price freeze, but most believed it was necessary.

Said E. Schipper, a tobacco-candy jobber in Kalamazoo: "Nixon is going to have to carry through on the wage-price freeze. It's got to go longer than two or three months. There should be no exceptions if it's frozen. We need the freeze for a year or two to bring inflation under control. If taxes are going up all the time and wages are frozen, where is the average man going to get the money to meet the increase?"

"The wage-price freeze is a good thing, even though it held up my husband's pay raise," said Mrs. Ann Jacobs of Ypsilanti.

James Dalson, Grand Rapids service station owner: "Government should have a role in stabilizing prices. Fair trade prices should be re-established. The discount craze is resulting in poor products because manufacturers have no choice but to take something out or use inferior materials . . . price controls must be continued. Prices can't keep going up; they've got to stop. What good does it do to carry a bushel basket full of money with you?"

The public school is no longer sacred; the teacher no longer infallible.

Dallas Stadel of New Ionia said: "We need a merit evaluation to rate teachers—to make sure they produce or they don't get a raise. There are too many deadbeats teaching now. We must have standards for measuring teachers to weed out the bad teachers. I don't care how much pay a teacher gets as long as we get something in the end—a good education for the children."

Mrs. Edna Van Hyfte of Linwood, a receptionist, said: "I'd like better teachers; we should get rid of some who aren't doing a good job of teaching and haven't for too long."

And "Law and order" is still an issue too.

Hubert Townsend of Flint, a retired General Motors worker and UAW member, thumped the sidewalk with his cane for

emphasis when he said: "The Supreme Court has messed up the country—coddling crime and forcing integration. You can't walk the streets of the city at night. We should spend more tax money on the police force and to compensate the victims of crime. This country needs some real justice more thas anything else. Crime is our biggest problem."

Herman Schoo of Falmouth, retired: "People seem to have more of a permissive attitude, and the courts follow the attitudes of the people. I feel laws should be enforced, so the wrongdoer knows he will be punished. Like a pendulum, the permissive society may rebound to a repressive society."

Louis Gardner, Greenville factory worker: "There should be equal justice. The punishment should be the same for each crime, regardless of who the offender is."

Warren Brink of Muskegon, a maintenance man: "If a guy like me did anything wrong, I'd be in jail right away . . . the Supreme Court is what's wrong in this country.

And some think government itself is one of the bigger problems:

"This state is in a mess," said a salesman who refused to give his name because "I live on the same street as the governor in Traverse City."

He declared state government has too many employes, has "padded payrolls," and its departments "spend money like crazy toward the end of a fiscal year if they see a surplus coming. I know this because I used to sell supplies to the state." But he said he would support an increase in the state income tax "to finance schools" if property taxes were cut.

GOVERNMENT? EVERYBODY HAS DIFFERENT VIEW

There are almost as many views on government as there are voters in Michigan, and while many have the same attitude on public questions, the way they express it is seldom exactly the same.

Here, in the words of the citizens interviewed last week by members of the Journal's Lansing Bureau, is how the state of the state and of the country looks to the people: Here's what they have to say about the times they live in:

Mrs. Carol Ritchie, Reed City housewife: "We ought to start at the bottom of government and work up to get rid of the graft. There are too many people overpaid who we don't need. If we really knew what was going on, we'd be sick. And it's the middle-class person who pays for it.

"The economy scares me. Something has got to give somewhere, but I don't know where.

"There are too many loopholes in the wage-price freeze. They can't look at every little store in every little town. I've been paying more for some grocery items since the freeze went on.

"I guess an honest man can't be elected any more."

Miss Regina Davis, 21, of Detroit, said: "The hardest thing in Michigan today is the question of getting a job." She said that after high school she studied at college level to get a certificate as a nurse's aide, "and you would think that would be in demand, but all year I haven't been able to get a job."

"Schools are the big problem," declared A. W. Hitchcock of Fenton, a retired banker. "Property taxes have become almost confiscatory. I would almost like to see a unicameral legislature to end the stalling and deadlock, the politics in state government, and get some of things done with need to be done."

Miss Mable Bird of Flint, a retired secretary, said: "As to our government, I'm not a critical person. But one thing I don't approve of is providing everything for school children—pencils, books, everything. They would treat equipment better if they had to pay for some of it."

Arthur Romig, manager of the St. Johns Co-op Co., in St. Johns: "They got to do something about welfare. If people want to draw a check they've got to go to work for it. Money is pretty doggone tight. They're tearing the laws apart. We've had some Supreme Court members who should never have been in there." On grocery prices, despite the freeze: "I think it is creeping up a little bit, really."

Floyd (Matt) Matteson, Alma Chamber of Commerce executive: "I'm not objecting to paying, but I'm not in favor of a graduated income tax. Our welfare system trains people to stay on and not get off." Unicameral legislature? "I've been in Nebraska. I can't say they do any better, but there would perhaps be a few less people to pay." On the wage-price freeze: "Necessary but I hate to see it, once it starts will it ever go off?"

Martin Rausenberger, Alma realtor: "I've seen more fellows looking to get rid of their second home, and they'll get rid of the one in the city. The taxes are so high, they can't afford taxes on two homes." On rising health care costs: "You can't afford to go to a hospital today. It's just that simple."

Fred Osmer, Owosso grocer: "If they'd stick with it (the price freeze), I'd be happy. It was getting so that every shipment of groceries would be priced differently . . . the biggest problem for a small business is we don't have the contacts on the price freeze. We don't have the information, so we try to do the right thing."

John A. Rumbaugh, banker in St. Johns, "I think we have to have tax reform."

Charles J. McGee, retired Jackson fireman: "I think the price freeze is a good thing. I think it should have taken place two years sooner. No matter how much taxes they collect they'll spend it all, right from the Township on up. I know the fire department did the same thing—if they had the money left over they'd manage to spend it."

"I get disgusted with state government," asserted Russ Duerloo of Fremont, a radio announcer. "There are 19 Republicans and 19 Democrats sitting on each side of the fence (in the state Senate), and nothing happens. It's a bad example for the young people when legislators say, in effect. 'I'm going to do what I want and nothing else.'

"Labor is stepping out of line in trying to control the wage-price freeze. President Nixon should have a chance to accomplish all he can. Inflation was running away with us, and something had to be done. The freeze is a chance for cooling off things."

William McLean, Nunica factory worker: "Government should insure pension funds. Companies are folding around here, and the pension funds are gone. The workers don't have any retirement benefits."

Ivan Tessin, a Kalamazoo jewelry store owner, had only one complaint—busing of school children. "I have friends who have two children and live two blocks from a school. One of their children is bused clear to the south end of town, and the other to the north end. Those children spend two hours a day on buses. The family is getting ready to move out of town."

Eugene Miller of Lowell, an employe of a metal products firm in Grand Rapids: "I can't see throwing millions of dollars away on the moon. Let's put the money where it will do some good; do away with the space age. Put some money in housing for people who need it—but not a give away. I'm for the needy—the honest needy. Put some money in the ghettos to help people get on their feet. That's for help—not full support forever."

Franklin G. Fisk of Portage, a professor at Western Michigan University. "Government ought to be interested in a mass transit system. And to achieve a mass transit system, we may have to make it inconvenient to drive automobiles. Kalamazoo wants to encourage people to ride the buses. So what do they do? Build a parking ramp, so it's easier to park. In the Kalamazoo area, there is overlapping and duplication of the local layers of government. Right now, the taxes in Portage are lower, but I'm sure they are going to go up."

Payton Geasler of Big Rapids, an employee of Ferris State College: "The Legislature dragged its feet on getting the budget passed. If it had got with it, burned a little midnight oil, it would have beat the wage-price freeze, and we could have gotten our raise. Legislators should be worrying more about the people and less about themselves—such as voting extra stamps for their junk mail. They need to work at their job and quit working so hard at getting re-elected. I've got a job to do, so I'm at it eight hours a day, five days a week. Legislators make you a lot of promises at election time, so let them carry them out."

Neal Barber of North Muskegon, unemployed, recently returned from Vietnam and is unable to find a job in his chosen field of forestry: "The problem is communications; there's a communication gap. Sometimes, government doesn't tell the complete truth, or enlarges on it."

Pat Kelly of Muskegon Heights, a bartender: "The workingman doesn't have much to say about the running of government, yet we're the backbone of the nation. We need to get more involved in politics. It's something we should do, but we never seem to get around to it. Those who are active are the business types."

Mrs. Dorothy Cooper, a clerk in a Kalamazoo store: "I'm concerned about drug addicts and crime. Police are doing what they can, but it's not enough. Maybe there should be a bigger police force. Its not safe to walk down the street at night in Kalamazoo."

Miss Becky Strumpfer of Richland, near Kalamazoo, admitted to being a "bit of an idealist." She said:

"I think President Nixon is doing everything he promised. If people would stop critizing and look at what he's done, they'd see he's done a heck of a lot. . . . I'm not happy about government keeping big corporations in business, such as Lockheed."

Miss Darlean Eason of Kalamazoo a student: "We're spending money on the wrong things. We send people to the moon, but there are lots of people here with no homes, no jobs. We should spend the money differently. We should rip out the slums in the big cities and rebuild them."

"I don't want to commit myself at all in any way or respect," said Walter Saultz, Ypsilanti retiree, "but a lot of things could be improved and Social Security is one. Elderly people are not treated right—the payments are not high enough for the prices we have to pay to live."

Eleanor Goertz, 23-year-old literature student at the University of Michigan and a resident of Ann Arbor: "I honestly can't think of anything good in the nation. But in Michigan there's something—the movement to repeal the law against abortions, and the movement for no-fault insurance." She feels "we should do more to protect the environment."

Mrs. Rose Gomez, 23, Saginaw housewife, said: "Housing is the biggest problem I know of. It is scarce in this area. For the price you want to pay, you can't find a decent house. My husband and I just bought one and we had a hard time with it. And the prices you pay for food are terrible—three bags of groceries cost $20 and you still haven't got much."

"I don't think a person should criticize government unless he knows what it's about," said Clifton J. McQuade, a Saginaw office worker. "I think the governor and legisla-

tors are trying to do their best; I wouldn't lean on any of them. The public doesn't understand how complicated government is, and once you get in there (public office) it is not as easy as it looks. I don't know about a unicameral legislature—it's good to have check and balance, to have opposition to anything, although that can bring a stalemate sometimes.

THE FOREIGN AID BILL—ANNOUNCEMENT OF POSITION ON VOTES

Mr. MILLER. Mr. President, I would like the permanent RECORD to reflect my position, as set forth below, on the record votes in connection with consideration of H.R. 9910, the foreign assistance bill, while I was necessarily absent on October 28 and 29, 1971:

First. No. 270 Leg. Amendment No. 538 to delete section 410 of the bill calling for repeal of the so-called Formosa resolution—"yea";

Second. No. 274 Leg. Amendment increasing by $62 million assistance to Cambodia and deleting the section of the bill imposing a limitation upon assistance to or for that country—"yea";

Third. No. 275 Leg. Amendment No. 537, to eliminate, pending further study by the Congress, payment of $101.5 million in voluntary U.S. contributions to the U.N. Development Fund and to the world food program of the U.N. Food and Agriculture Organization—"nay";

Fourth. No. 276 Leg. Amendment No. 540 barring any assistance to countries which expropriate U.S. property and do not provide adequate compensation therefor—"yea";

Fifth. No. 278 Leg. Amendment to strike from the bill the requirement suspending foreign assistance and military sales to Greece—"yea";

Sixth. No. 279 Leg. Substitute amendment—to amendment No. 558—reducing from $250 million to $150 million the ceiling on funds to assist Cambodia—"nay";

Seventh. No. 280 Leg. Amendment No. 558 increasing from $250 to $341 million the ceiling on funds for assistance to Cambodia—"yea";

Eighth. No. 281 Leg. Amendment reducing from $445 to $285 million the authorizations for Economic Assistance Development Loan Fund—"yea";

Ninth. No. 282 Leg. Amendment No. 549 establishing a formula to regulate proportionate U.S. share in U.N. programs—"yea";

Tenth. No. 283 Leg. Amendment to reduce from $565 to $452 million funds for military grant aid—"nay"; and

Eleventh. No. 284 Leg. Final passage of H.R. 9910—"yea."

MRS. OLGA SHELDON, RECIPIENT OF DISTINGUISHED NEBRASKAN AWARD

Mr. HRUSKA. Mr. President, a number of years ago the Nebraska State Society, of Washington, adopted the gratifying practice of conferring an annual Distinguished Nebraskan Award upon one who has made an exemplary contribution to the State's progress or welfare.

In 8 years those awards went to these Nebraskans who have distinguished themselves in such diverse fields as sports business, and the military. The recipients included:

DISTINGUISHED NEBRASKAN AWARD RECIPIENTS

1963—Clair M. Roddewig, President, The Association of Western Railways.

1964—His Excellency, The Most Reverend Gerald T. Bergan, D.D., Archbishop of Omaha.

1965—Robert S. Devaney, Head Football Coach, University of Nebraska.

Bob Gibson, Pitcher, St. Louis Cardinals.

1966—Gen. Alfred M. Gruenther, USA (Ret.).

1967—V. J. Skutt, Chairman of the Board and Chief Executive Officer, Mutual of Omaha Insurance Company.

1968—Arjay Miller, Vice Chairman of the Board of Directors, Ford Motor Company.

1969—Edd H. Bailey, President, Union Pacific Railroad.

1970—Gen. Albert C. Wedemeyer, USA (Ret.).

It was the society's pleasure this year to add to its illustrious list of recipients a lady whose name is well known not only in Nebraska art circles but across the Nation.

Mrs. Olga Nielsen Sheldon is much more than a donor of the Sheldon Memorial Art Gallery at the University of Nebraska. She plays an active and vital role in the entire field of American art. Her contributions to the arts in this country through the years would, if they could be compiled concisely, make a most impressive record.

So that the commitment of this wonderful lady can be known to others as it is well known to Nebraskans, I ask unanimous consent to have printed in the RECORD the transcripts of the presentation of the Ninth Distinguished Nebraskan Award to Mrs. Sheldon.

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

DISTINGUISHED NEBRASKAN AWARD

WELCOME

(By Daniel E. Wherry, president of the Nebraska Society of Washington, D.C.)

Ladies and Gentlemen and distinguished guests, on behalf of the Board of Governors of the Nebraska Society of Washington, D.C., it is my pleasure to welcome you to the Ninth Annual Distinguished Nebraskan Award Dinner.

INVOCATION

(By the Reverend Robert F. Sims, pastor, Lutheran Church of the Redeemer, McLean, Va.)

"Dear God, Our Father, Accept we pray the deep and sincere feelings of thanksgiving and gratitude which move us to speak your name in this hour.

"You have provided us with an abundance of life far beyond that for which we could have asked or hoped. You have shared with us those good gifts which assure that today is worth living and tomorrow worthy of our anticipation.

"By your grace we are able to touch the canvas of life with the rich colors of joy and peace, and paint a portrait of purpose and meaning.

"We would ask in this moment, Oh God, a blessing upon this gathering. Many have travelled long distances to share in the warm glow of these few hours. Grant them safe journey as they return to their home state to continue the good work they have begun.

"Grant us your grace, that we might truly be your people in this day. Amen."

INTRODUCTION OF SECRETARY OF AGRICULTURE CLIFFORD M. HARDIN

(By Mr. Wherry)

It would not be appropriate to convene such a large and distinguished group of Nebraskans as this without some reference to one of our state's most successful products—The Big Red.

I am sure most of you have read about the game and our friends who came from Nebraska for this occasion probably saw the game.

But I might add one little sidelight which indicates the importance which football has assumed in our state.

As you know, the Cornhuskers are used to playing before a full stadium. President Varner just told me however that at the Utah State game Saturday, Coach Bob Devaney was disturbed to learn there was an empty seat up under the press box.

Devaney went up to find out why. He found a lady there who explained the seat had belonged to her husband who had passed away.

Devaney said he was sorry to hear about her loss, but he hated to see such a good seat go to waste. Didn't she have any friends or relatives who could have used his ticket?

No, she said, they are all at the funeral.

It is my pleasure now to introduce a gentleman who has been credited with many distinguished achievements for his adopted state of Nebraska and for his nation as well.

Not the least of these is the fact that he helped make Nebraska Number One by hiring Bob Devaney.

Our Honorable Secretary of Agriculture was born, appropriately enough, on a farm in Indiana. After graduating from Purdue University, he taught agricultural economics at two Big Ten schools—Wisconsin and Michigan State.

Then came the opportunity of a lifetime—the opportunity to move up to the Big Eight.

He served as Chancellor of the University of Nebraska from 1954 until he was sworn in as Secretary of Agriculture in January of 1969. During his 15 year tenure, he not only presided at the revitalization of our football program but he led the University during a period of growth and progress which has made it one of the outstanding institutions in the nation.

In nearly three years as Secretary of Agriculture, he has displayed the same excellent leadership in administering our national farm program during a very difficult period in our agricultural history.

It is a great pleasure to have him with us this evening to make our presentation of the Distinguished Nebraskan Award—the Honorable Clifford M. Hardin, Secretary of Agriculture.

RESPONSE

(By Dr. Durward B. Varner, president of the University of Nebraska)

Dan Wherry, Mr. Secretary, Mrs. Secretary, Mrs. Sheldon, Cliff and Martha, that would work as well, Senator and Mrs. Hruska, Senator Curtis, members of our Congressional Delegation and especially the late Charles Thone. I simply want to record as a constituent of his from the First District, he was late because he was over there voting like Congressmen are supposed to be doing. Charlie, congratulations to you. We're very proud of you.

This is a magnificent occasion and Dan I'm grateful to you for having included me and I must say that this is absolutely A-plus in every respect except one slight little miscue as I appraise the evening. I detected much to my chagrin and some horror that the invocation was given not by a Nebraskan and I just hope that the man up there can understand a North Carolina prayer. It seems to me we are a little careless on the eve of opening the Big 8 season and I wish you'd be a little more thoughtful about that.

Both as President of the University of Nebraska and as a friend and admirer of Mrs. Olga Sheldon, I was extremely pleased when asked to make a brief statement on this delightful and long overdue occasion.

As you all know, my primary responsibility is to sustain the good, eliminate the bad, and add to the virtues of the University of Nebraska as an institution of higher learning. Somewhere in my non-musical past I recall a song with the interesting title "Love Is a Many Splendored Thing." While I was never too familiar with that song, I was impressed with the creativity of the person who titled it. Love *is* a many splendored thing.

With but slight paraphrasing I can say that education, too, is a many splendored thing. Education is a product—a process—exceedingly difficult to define with precision, but all of us who spend our productive days and years in this never tranquil area recognize that education indeed has many dimensions.

It is a fine blending of those human relationships which develop and mature during the collegiate experience—the learning to live with a roommate, with fraternal associates, with fellow students, with professors, and with administrators.

It is a stage in the life process for acquiring maturity, for growing up, for learning to stand on one's own feet and making judgments in a sometimes confusing world.

It is the business of confronting and being confronted by ideas—many new, some strange, some good, some bad.

It is the process of acquiring personal discipline—liberated from parental supervision.

It is learning—learning from teachers and fellow students and books—learning lessons taught by those who preceded us, and learning from the interrelationships of many subjects and events. It is the development of a sense of loyalty, the identification with something to be for. Even the identification with a winning football team has been known to become a part of the learning process.

Education is all these things. But it is more.

It should involve an acquaintanceship with beauty, with quality, with value and with values. It is not inappropriate to add that the educational experience, if it is effective, should contribute to the spiritual growth in a very broad and a very real way.

To be educated one must have had many encounters with life and living and all that is involved with the human condition.

To be truly educated there must be an encounter with and a sensitivity to the unhurried beauty and the spiritual enrichment which so often can be identified only with the arts.

The Sheldon Memorial Art Gallery stands as testimony to this crucial dimension—this vital ingredient for effective education at the University of Nebraska. It is truly the crown jewel—artistically, architecturally and symbolically—on the campuses of the University of Nebraska. It speaks with a forceful eloquence to some of the unheralded commitments and values of the State of Nebraska and the University of Nebraska. It says that education is important. It underscores the fact that the arts are central to this educational process.

Situated in a state blessed with vast open space, with superb soil and water resources, in a state which can speak authoritatively about its sometimes masculine weather, in a land where the sunsets are truly majestic, where people are warm and friendly and genuine, there stands this architectural masterpiece as a new and vital resource for all Nebraska to experience and to enjoy.

In providing the funds which made the Sheldon Memorial Art Gallery possible, the Sheldon family has made a statement for all to hear. They have said in this action that as a family—pioneers in the agricultural heartland of the State and the nation—they are grateful to the State which made their success possible and to the University which has served as the cultural focal point for the larger community. But more than this, the Sheldon family has spoken to the central feature which we can never abandon, that *quality of life* is an essential dimension to satisfactory existence on this earth. It is precisely toward that quality to the life of the community and to the life of the University that the Sheldon Gallery contributes so much.

Tonight we honor you, Mrs. Sheldon, and properly. We honor you as a distinguished Nebraskan, as a patron of the arts, and as a delightful human being. We are saying to you that we thank you and that we are grateful to you and to your family for what you have made possible. In doing so we pay honor also to the concept, to the conviction that the arts in America represent an essential ingredient to life, to the quality of life, and to a true educational experience.

To you and to your family we are deeply and genuinely indebted, and tonight I speak with confidence when I say to you very simply and very openly that many generations of students whom you will never know will know you through what you have done to make their stay at the University of Nebraska more enriching than it otherwise could have been. They, like us, will always be grateful.

RESPONSE

(By Richard Smith, counsel and member of board of Nebraska Art Association)

As I understand it, my pleasant task here in Washington following President Varner and President Green (and no President I), is to express a simple note about the ordinary Nebraskan's appreciation for the great gifts which a thoughtful Sheldon family and Olga Sheldon have laid before us in Lincoln for all to see and come to appreciate.

I think I am qualified to speak for the ordinary Nebraskan and his or her reaction to the Sheldon Gallery now standing in our midst since May 1963. My first qualification is I am an ordinary person because I have never painted a picture, I am not an art critic, or art teacher—merely an art spectator. I only recently discovered a second reason why I am qualified to speak for the ordinary Nebraskan. I read in the paper the other day that another man named Richard Smith considered his name so ordinary and confusing that he decided to change it legally to Richard Kriegler. He said he spent $260 to get rid of the name and to get a distinguished name. He was quoted as saying: "It was definitely worth every penny."

In the beginning there was no Sheldon Art Gallery. But there was a gallery in an older building, with an astonishing start, a quite impressive collection, and enjoying a strong following. But to attract the public and show its collection desirably it needed a proper place, which it did not have.

And then it happened. These great gifts came from Frances and Bromley and Olga Sheldon. And beginning in 1963 with the opening of the Sheldon Art Gallery, Nebraskans acquired a new zest and altogether different awarenesses. Through the Sheldon Art Gallery we came immediately to appreciate an outstanding architect like Philip Johnson, who designed the structure. Incidentaly, the architect who designed this imposing building we are in tonight, Edward Durell Stone, is another architectural giant we had known for at least 5 years as the designer of the gracious, moated Stuhr Musuem at Grand Island. Also proving that great ideas can become reality in a young State like Nebraska.

Because of the Sheldon Art Gallery's impact we have now come to know, where before we didn't, the difference between Tony Smith and David Smith, and can distinguish them from a mere Smith. We can pick out a Nadelman from many rods away. Because of Olga Sheldon we have come to know Brancusi.

Often we left the steering wheel of a tractor, or loosened a grip on a hoe, or quit the kitchen detail, or latched the office door to get to the gallery because our youngsters at the University took us there, or, perhaps, we stumbled onto it while going to a football game, or went directly there to be refreshed.

Once inside this breathtaking, quiet, and incredibly beautiful marble hall, with soft curves and high reaches of pale beige travertine, we saw the new American art in its proper setting, and we came to know more intimately the strange, ringing-names like: Osver, Marca-Relli, Stumpfig, Kienbusch, Pousette-Dart, Tam, Wyeth, Gwathmey, Meigs, Ernest, Stamos, Hartley, Diebenkorn, Hultberg, Rauschenberg, Hans Hoffman, Edward Hopper, O'Keefe, Albers, Mark Tobey, Ferren, Knaths, Buchfield, Avery, Rattner, Shahn, Rothko, Gatch, Zerbe, De Kooning, Thon, Prestopino, Feininger, Kuhn, Marin, Pozzatti, Tomlin and a host of other names just as important, all these hanging in Lincoln in a gem of a building.

We saw what these artists painted, and how different they were, and how stylized, and fresh. And, there were dozens more of names we came to know and admire including older painters we saw, and were told about, like Blakelock, Duvenek, Eakins, Eilshemius, Glackens, Homer, Lawson, Maurer, Prendergast, Ryder, Sloan, Joseph Stella.

They say the people in Nebraska are overwrought about football, and the *National Observer* sitting out there at Silver Spring, Maryland recently joined in joshing Nebraskans. But the Saturday crowd of people descending on the stadium in Lincoln (looking the same as if they were a smash of people going to Soldiers Field in Cambridge, Massachusetts), go by, and into, and through the Sheldon Art Gallery, of all ages, in all sorts of attire, up to as many as 4,000 a day. While in Cambridge the football fans looked the same, more often than not they missed seeing whatever was hanging in the illustrious Fogg Museum at Harvard.

To Olga Sheldon and her family, the ordinary Nebraskans, who dreamed for a gallery to house a growing collection of American modern art, owe more to her and her family than they can ever express without a quickening pride.

Who is it that tries to set up a gallery to show the product of man's and woman's bursting imagination, that ever had enough funds to do it right? Many families have given and still give to this collection, but, it was Olga Sheldon who, after her family made the initial gift, has become, on her own part, a particularly dependable steward guiding and adding to the whole Sheldon gift, and bringing into being this unmatched structure, doing it right. Philip Johnson himself called it his hardest assignment, for, he said, "I can never charge the owner for faults blamed on lack of funds."

Whatever the gaps might have been in the program for the gallery that she foresaw, she was there to see that all helpful embellishments came to be: whether, for example, it was the addition of the sculpture garden, one of only three such developments in the United States today, or whether it was some other work of art that simply must be added to make the gallery one of the finest in the country.

When Smithsonian selected the Sheldon Art Gallery's director, Norman Geske, to choose and stage the United States portion of the Venice Biennale in 1969, we in Nebraska of course were honored. But, again, while we all helped in our own individual ways with money and expenditure of personal time, there was Olga Sheldon gently pushing, ably aiding, and fulfilling whatever

there was that needed the measure of success for that program.

Indeed, to the very latest significant touch just last year, specifically the addition of the largest one-gallery collection of Robert Henri, it was Olga who, with other stalwart art patrons, made it possible, thereby placing Henri in proper perspective in his native State, surrounded by a grand array of works by his own pupils and associates from the Pennsylvania Academy of Fine Arts, all exemplifying the medium-olden days of America's burgeoning younger artists.

Little wonder that other strong patrons like the Hall Trust, the Woods family, Mrs. Howard Wilson, Mary Ross, Bertha Schaeffer, the Abel family, and many others have continued their splendid conjunctive effort. With this enviable gallery setting, we Nebraskans look forward to a future which will encourage even more patrons and new support from all quarters, both public and private, not only for itself but for all galleries in the State.

From all of my fellow Nebraskans, we thank you, Olga, for your being here tonight on this memorable occasion of your selection as a distinguished citizen and your patience in listening to us as we try, never more sincerely and in our own humility, to tell you how much we appreciate your constancy, and your creative assistance at every turn, year by year, and your leadership and example to us all.

RESPONSE

(By Mrs. J. Taylor Greer, president of the Nebraska Art Association)

I know that Norman Geske, the Director of the Sheldon Gallery would be wishing to be here with us tonight to testify to all the Sheldons' fine example and long-range vision for our Nebraska Art Association. Norman is traveling the continent of Europe at this moment. We are an organization which gathers its members not only from Nebraska but states as far west and east as both our coasts.

We have been inspired by this beautiful marble building Olga has given us for the keeping and displaying of our treasure. With Mrs. Sheldon's unique understanding of everything that goes on behind the scenes in an art gallery, her continuing support of our daily operation coupled with her larger vision of directions and trends which the Nebraska Art Association attempts in trying to reach more people and acquainting them with contemporary American art, make her presence a vital experience for all of us. Her membership on our board is a strength for us as well. She is always urging us to try the new, to try the unproved and to try the exciting adventure. It is this vision that has helped us to strengthen the quality of art experience in our part of the country as well as to gain prestige and recognition for Nebraska. Thank you Olga Sheldon.

PRESENTATION BY SECRETARY HARDIN

Dan, Mrs. Sheldon, Senator and Mrs. Hruska, Senator Curtis, Members of the Nebraska Congressional Delegation and fellow Nebraskans. In the course of duties, past and present, I have had many opportunities to participate in awards ceremonies and they are always pleasant. But once in a while one comes along that's just so special that you kind of feel like you are being honored yourself just to participate in the ceremony. And tonight is one of those occasions.

But there have been many things that happened over the years since 1954 to the University that have been satisfying. Football has been mentioned. That was satisfying of course. I remember when we first went to Lincoln in '54. We made a trip across the State. I met many of you on that occasion and every place we went somebody would ask that awful question, "What does this new Chancellor think should be the role of football in the University environment?" Well, you know that's a hard question to answer. It takes about a half-hour. You've faced one, Woody.

But Dr. Lew Morrill, the then President at the University of Minnesota, and old-timer, told me that in that kind of situation you could do one of two things—punt or quote scripture. And he says there's a line in scripture that answers that situation quite aptly—the 12th Chapter of Daniel, the fourth verse, where you'll find the words, "But thou, O Daniel, shut up the words, and seal the book, even to the time of the end: many shall run to and fro, and knowledge shall be increased."

The football fame has been great but as President Varner and I both know so well, it can also be fleeting. But we hope it will last a while longer. There are two events that stand out above all others in the promotion of Nebraska and certainly the University. One of those was the Nebraska Center for Continuing Education. After a grant from the Kellogg Foundation, Nebraskans, 5,000 of them counting organizations as one, contributed in a period of 90 days a million and a quarter dollars to supply the matching money to build that structure. People from 89 of the 93 counties made contributions. I'll never forget the figures, and that building was built. This demonstrated to the faculty that Nebraskans cared about their institution and higher education. It also carried a message to the legislature which had been rather prudent in the use of their funds. Then came the Sheldon Gallery and the reason we're here tonight. Also lasting in its implications, the establishment of a facility and a program that generations yet unborn would benefit from.

I remember when we arrived on the campus, the very first week, John Selleck, who was our mentor, and who had been Chancellor for the year and stayed on as the Business Manager of the University, coaching us on what we had to know. He said you've got to know about the Nebraska Art Association. This is special. He told us that it had the second longest continuous annual art show in the United States beginning in the 1890's. He pointed out there had been money to buy art treasures during the Depression years when there wasn't money to pay professors and I learned more about that later.

Then he told us about Mr. and Mrs. Bromley Sheldon and Miss Frances Sheldon who had left her estate to build an art gallery on the campus. He told us about how Miss Sheldon had left the estate with her brother, Bromley Sheldon, to be made available whenever he chose or upon his death to build a gallery on the campus of the University. He said he knew it was to be on the campus and he didn't believe there was any further instructions except it was to be a beautiful building and that it was to have headquarters for the Nebraska Art Association.

Mr. Selleck said he thought there was about three-quarters of a million dollars and that this would build a nice building and move the art collection out of the attic of Morrill Hall. Then we became concerned about what Bromley Sheldon was doing with the estate and we did a little checking, Olga, which I'm sure you didn't know about. Our conclusion was he was adding to the value of the estate much faster than building costs were going up. So we relaxed.

Then as he began to put the estate in shape to transfer to the University, I remember Joe Shosnick's comment, "Never had he seen a group of investments and an estate in as orderly a shape as those that were turned over to the University from Bromley Sheldon." It was only after his death that we learned that he and Mrs. Sheldon had decided to make a part of his own estate available to supplement his sister's. And then we began to think in terms of two million dollars. From then on it was an experience of ascending delight.

By the time we had selected an architect and Mrs. Sheldon helped in this, and we were fortunately able to get Philip Johnson, we realized that there might be three million dollars. And then as we began to further liquidate the estate, always there was more money than we had anticipated. I don't remember the final figure, but we were able to build the beautiful structure that you all know and love, and to provide lavish headquarters for the Nebraska Art Association.

Carl and Mrs. Olson are here tonight. Carl Olson's firm built the building and I remember Carl near the end of construction saying, "I want to tell you about my men who have been working on the project, I've never seen anything like it. They know they are working on a historic building and they've actually put love into the construction of that art gallery." That was the kind of cooperation that we had from the beginning to the end. If I may paraphrase, the Sheldons have taken a giant step for Nebraskans, for the Midwest, and for the country. And not only as the program tells you so well have the Sheldons been generous in making their funds available, but Mrs. Sheldon has entered into the whole spirit of the enterprise. She's helped with the acquisitions. She's made her own acquisitions available to the collection. She's represented Nebraska across the country and abroad, at the Venice Biennale and many other places. These are some of the things that I remember that aren't in the printed statement in the program but certainly are part of the reason that Mrs. Sheldon is being honored here tonight by the Nebraska Society of Washington, D.C.

In the last two lines in the citation which I hope all of you will read in its entirety, it simply says, "The Nebraska Society of Washington, D.C., is proud to make Olga Nielson Sheldon a recipient of this Distinguished Nebraskan Award." But I think, Mrs. Sheldon, from the faces, the applause and the comments that have been made during the day and here this evening, you know that there is a lot more feeling than is expressed in those rather formal words. I think that I can say on behalf of all of us, we're happy to make this award also because you are so lovely and gracious and because you have given so much of yourself. So it is a great pleasure for me, if you'll rise, to present on behalf of the Society this plaque which reads: the Nebraska Society of Washington, D.C., Distinguished Nebraskan Award, Mrs. A. B. Sheldon, October 4, 1971.

BIOGRAPHY: OLGA NIELSEN SHELDON (MRS. A. BROMLEY SHELDON)

Olga Nielsen Sheldon well merits being named a Distinguished Citizen of Nebraska for her many contributions to the world of art, especially her role in the building of the Sheldon Memorial Art Gallery and its adjacent Sculpture Garden in Lincoln, and her personal involvement in all facets of art activity in the State. Indeed her recognition goes beyond the borders of Nebraska; she has achieved respect and honor throughout the United States.

Mrs. Sheldon's roots are deep in her native state. She was born in Lexington, one of nine children of the Peter Nielsens. She taught in a country school and worked in her father's business prior to her marriage to A. Bromley Sheldon. Mrs. Sheldon's family were natives of Vermont but came early to Nebraska, living in Weeping Water before moving west and establishing lumber yards in Lexington, Darr and Cozad. Mrs. Sheldon still lives in Lexington.

The Sheldon family's interest in art was probably sparked by Miss Frances Sheldon, Bromley's sister, a resident of Lincoln and

long time member of the Nebraska Art Association. At her death she left a major portion of her estate in trust for the creation of a gallery in which the collections of the University of Nebraska and the Nebraska Art Association could be housed. Bromley Sheldon made an additional gift for this purpose and, after his death in 1957, plans for the construction began. If Frances Sheldon was the inspiration for the Gallery, however, Olga Sheldon was the moving force which shaped the Sheldon dream into reality. Olga Sheldon served with the citizens' committee which selected Philip Johnson, the distinguished American architect, to design the structure. Her concern for the Gallery continued throughout the construction period, the planning and development of the Sculpture Garden which was completed in 1970, and continues unabated today.

She has made major contributions to the gallery's collections. Among the most notable of these are the Brancusi "Princess X" given in memory of her husband, and a recently acquired group of paintings by Robert Henri, an early Cozad resident and perhaps Nebraska's most famous son in the art world.

Mrs. Sheldon is a Life Trustee of the Nebraska Art Association and a Director of the Nebraska Arts Council. She is a member of the Trustee's Committee of the American Association of Museums and a Trustee of the American Federation of the Arts, and is included in Who's Who in American Art. She is a Trustee of the Nebraska Historical Society Foundation and a former Treasurer of the Dawson County Historical Society. She was cited last year by the American Institute of Architects for her distinguished role in the Sheldon Memorial Art Gallery and was awarded an Honorary Doctor of Humane Letters by the University of Nebraska.

Through observation, study experience and travel, Mrs. Sheldon has gained a full understanding of the objectives of a University Art Gallery, and with quiet enthusiasm she works effectively for the fulfillment of them. As the University wrote on the occasion of conferring the Honorary Degree, "The horizon of her interest in the affairs of art is as open and unrestricted as that of the Platte Valley where she was born and reared."

The Nebraska Society of Washington, D.C. is proud to make Olga Nielsen Sheldon a recipient of its Distinguished Nebraskan Award.

THE CANNIKIN TEST

Mr. STEVENSON. Mr. President, on yesterday morning's news I heard a story on the Cannikin underground H-bomb test which featured one Alaskan saying that he did not oppose the test because, in his words, "The Atomic Energy Commission knows what it is doing."

I would like to be able to believe, with that Alaskan citizen, that the AEC really does know what it is doing. But the evidence is mounting that such is just not the case. For some time the AEC insisted that there were no serious environmental issues raised by Cannikin, but now we know that a body of respected scientific opinion is deeply concerned over the test.

As long ago as December 2, 1970, nearly a year ago, Dr. Russell Train, Chairman of the President's Council on Environmental Quality, is known to have had grave reservations on the environmental impact of such a 5-megaton nuclear blast on Amchitka Island. Dr. Train made these reservations known in a memorandum to Under Secretary of State John Irwin II, and the Atomic Energy Commission surely should have been aware of his profound misgivings. Dr. Train's statement was made public on Tuesday, November 2, 1971, by a U.S. district court hearing an appeal from the Committee on Nuclear Responsibility to enjoin the Cannikin test.

Now, on the eve of Cannikin, two other incidents have come to light to cast doubt on the infallibility of the AEC. In one, the AEC minimized, then ignored, then washed its hands of the huge piles of uranium mill tailings which dot the Western United States, and which have been used as building material for schools and homes.

In the other, information readily available, but downgraded by the Commission, has indicated that the salt caves in Kansas, where the AEC was planning to bury highly radioactive waste, may be subject to water seepage which would make those wastes dangerous to animal and human life.

All three of these issues—Cannikin, the uranium mill tailings, and the disposition of the radioactive wastes in the salt caves—concern the environment. On all three the Commission has demonstrated a lack of knowledge of the facts and a lack of regard for the dangers its activities posed.

I ask unanimous consent to have printed in the RECORD, at the conclusion of these remarks, the text of Dr. Train's memorandum to the Under Secretary of State and an article published in the New York Times of Sunday, October 31, providing more information about the other two incidents. The promising note at the end of the article, concerning the new AEC Chairman, Dr. Schlesinger, is soured by Cannikin. I have my doubts that the Commission "knows what it is doing" in Alaska.

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

DEAR SIR: YOUR HOUSE IS BUILT ON RADIOACTIVE URANIUM WASTE

(By H. Peter Metzger)

(Suggested letter to owners of properties where radiation levels exceed the Surgeon General's guidelines.)

DEAR ———: An official report on our survey of your property for the presence of uranium mill tailings is enclosed.

You will note that our study has confirmed the presence of uranium tailings on your property and that the radiation exposure rate is higher than the level at which the U.S. Surgeon General feels corrective action is suggested.

We wish to point out to you, in all honesty, that there is little precise scientific information about the long-term health effect of low-level radiation, such as exists in your home. We strongly recommend, however, that you make every effort to lower the radiation exposure level in your home by removing the uranium tailings from your property.

GRAND JUNCTION, COLO.—The letter above is a draft of a warning that the Colorado State Department of Health will send sometime within the next few weeks to 5,000 homeowners in the city of Grand Junction. The danger comes from a gray-sand-like material, a waste product from a downtown uranium mill that is no longer operating, which was carted away in large quantities as a construction fill for foundations. Only recently have the people living over those foundations begun to learn the dimensions of the threat that rises from the earth beneath their feet.

In order to make comprehensible the doses of radiation that are involved, the health department has calculated that the lungs of the occupants in 10 per cent of those 5,000 houses are known to have ben exposed to the equivalent of more than 553 chest X-rays per year.

In May, Health Department letters went out to the Grand Junction city manager and the Chamber of Commerce recommending that real estate sales be restricted until it can be determined that the property is free of tailings, and in July, the Board of County Commissioners decreed that building permits would be granted only "with the provision that if tailings are present, they be removed prior to erection of buildings."

Another part of the state's letter to the homeowners says: "No public funds are presently available to pay the cost of tailings removed [from existing buildings]. We are exerting every effort to try to get Federal funds set aside for this purpose to relieve the burden this unfortunate situation has placed on Grand Junction residents." An engineering study, prepared for the Atomic Energy Commission (A.E.C.), concluded that the cost of removing the tailings from beneath the homes in Grand Junction would be very high. The A.E.C. determined in the case of one home valued at $32,000 that more than $15,000 worth of work would be required. And the 5,000 homes in Grand Junction are not the whole of the affair. Many homes in Durango, another uranium-mill town in Colorado, have already been shown to have been built on tailings. Preliminary measurements indicate that 14 more towns in the state could have the same problem and estimates for repairing all of the affected homes in Colorado run as high as $20-million.

Like Grand Junction and Durango, Salt Lake City, Utah, also has a large tailings pile inside its boundaries. Despite assurances from state officials there that no tailings were used for construction purposes anywhere in Utah, two years ago a newsman found many homes and other buildings built on the radioactive material. Thousands of other homes in the West may be similarly threatened. Wherever there is a big pile of fine, sandy uranium tailings that are free for the taking, it seems, people will find it and use it, before going out to buy ordinary sand. But those who do, get more than they bargained for.

The tailings are one of several kinds of radioactive waste left over from our country's quest for more raw material for atomic bombs. The gray sand is what remains after the rock-like ore is crushed at the mill and the uranium removed. Since plutonium, a man-made element produced in a nuclear reactor, is now the preferred fuel for nuclear weapons, the Government is no longer purchasing uranium from the mills. In fact, the A.E.C. has just announced that in 1974 it will begin selling uranium from its stockpile for industrial purposes. But private companies continue to mine and mill uranium for use, after enrichment, in nuclear-power reactors. This means that the piles of tailings are still growing, although much less uranium is correctly being produced than during the mining boom of the nineteen-fifties.

The mounds of radioactive sand—more than 90 million tons of it in all—are found at some 30 mills scattered over nine Western states: New Mexico, Wyoming, Colorado, Utah, Arizona, Oregon, Washington, South Dakota and Texas.

Piled outside the mills, the tailings were freely available for years and the Atomic Energy Commission declined to prevent people from carting them away. Even today there are ineffective controls. Only Colorado licenses tailings piles and restricts public ac-

cess to them, although New York Times correspondent Anthony Ripley has written about Grand Junction: ". . . anyone with a truck or car can drive past the single keep-out sign on the road to the city sewage treatment plant and drive onto the pile of tailings. There are no fences. There are no radiation signs." Similarly, I have driven onto Union Carbide's pile at Rifle, Colo.

In the first years of uranium production, only the dangers from the ore in the mines were recognized. The ore veins contain radium as well as uranium. Radium slowly decays into a radioactive gas called radon, which itself rapidly changes into a series of highly radioactive solid particles that remain suspended in the air called "radon daughters." When inhaled, the particles adhere to the inside of the lungs and are responsible for "mountain sickness," as the Germans called the disease a hundred years ago—just before it was recognized as lung cancer. A thousand European miners had already died of it before the A.E.C. began its massive uranium procurement program in 1948.

Predictably then, our miners suffered the same fate. As Dr. Brian MacMahon,* chairman of the advisory committee on this subject to the National Academy of Sciences, recently observed: "The epidemic of lung cancer now in progress among American uranium miners could readily have been—and indeed was—predicted on the basis of past experience in other parts of the world." So far, several hundred have died of the disease and more deaths are expected. In 1969, Charles C. Johnson Jr. of the Department of Health, Education and Welfare reported that "of the 6,000 men who have been uranium miners, an estimated 600 to 1,100 will be dead of lung cancer within the next 20 years because of radiation exposure on the job."

When the uranium is extracted from its ore, all the radium remains behind in the tailings. So with regard to the deadly radon daughters, the tailings are every bit as dangerous as the ore itself.

The tailings are safe as fill under roads and airport runways, which are in the open and have plenty of ventilation, but to build a home (or any other enclosure) over the radioactive material is another story, it is almost to duplicate the situation down in a uranium mine. The radium in the fill produces radon gas which seeps up through the cellar cement slab and collects inside the house. The radon is continuously changing into radon-daughter particles, which in the room remain suspended in the air, just as they do in the mines. As the occupants of the homes breathe, radon daughters accumulate in their lungs, greatly increasing the risk of lung cancer.

But this is not the only hazard. Radon daughters failing to get through the cellar slab still emit gamma rays, which also can penetrate concrete and are particularly strong near the floors, where young children spend much of their time. As with the miners, radiation damage takes decades to show itself in adults, but children, being far more susceptible to atomic radiation, are already beginning to exhibit disturbing symptoms.

The University of Colorado Medical Center in Denver was alerted this year by Dr. Robert M. Ross Jr., a pediatrician and past president of the Mesa County Medical Association, who reported that there seemed to be too many cancers and birth defects among his young patients in Grand Junction. The university applied to the A.E.C. for funds to study chromosomal breakage, an early barometer of radiation damage, among children in the radon homes. Last March, at a meeting with Gov. John Love and state medical and health people, A.E.C. technicians, minimizing the hazard of indoor radon, indicated that a chromosomal study in Grand Junction would have "no validity." A.E.C. Chairman Glenn Seaborg turned down the grant himself in a letter to Love, but the Governor obtained other funds and the study begins in July.

Dr. Herbert Lubs, one of the researchers, comments on his preliminary results: "There already appear to be too many chromosome breaks in cells from the [umbilical] cord-blood of the babies." He also pointed out that recent health records in Grand Junction suggest a higher incidence of mongolism in the newborn there. "It's almost three times what you'd expect," he said.

In drawing up the rules for the nuclear era, the A.E.C. has pretty much been able to define its own regulatory powers. From the beginning, it has concentrated on what it considers major radiation hazards, including the source of the fuel (uranium or thorium), the most intense byproducts of fission (like strontium 90) and "special nuclear material" (like plutonium). Under its regulations, radium—such as is contained in the tailings—has never been on the list of radioactive wastes that the agency controls, although its broad legal mandate to protect the public from unsafe radiation could be interpreted as covering this material. Moreover, the small amounts of uranium and thorium left in the tailings are below the level that the A.E.C. defines as "important" (0.05 per cent).

The tailings problem had two possible solutions at the start: A Bureau of Mines study showed that the radium could be removed with versenate, in a common leaching process. But the leaching would have to be done at the mill, during the refining process, to be economical. At this late date it would be too costly to haul the piles back to the mill for processing. The same goes for the alternative of transporting the tailings back to the uranium mines: The method would be economically feasible only during the milling of the ore, when trucks taking the ore to the mills could bring back the tailings to the mine on the return trip.

What the mills did in the first 10 years of the atomic energy program, it was discovered, was to discharge tailings and radioactive waste liquids into the nearest waterways. The A.E.C. belatedly asked the mills to keep the amount of radioactive material dumped into rivers and streams within permissible limits, but, rather than having to pay for the necessary safety measures, the commission did nothing to enforce its strictures.

The A.E.C. knew what a burden the tailings piles were to become because it had one of its own, in Monticello, Idaho. As a demonstration project, the agency flattened the pile, covered it with topsoil and grassed it over at a cost of more than $300,000; but even this ambitious project was temporary, described by the Federal Water Pollution Control Agency as only adequate for a period of 20 years or so.

Considering the cost, the states did not expect that the other piles would be so covered by the owners voluntarily—a job the A.E.C. once estimated would cost more than $10-million but which would probably cost five times that today. Moreover, since the best available treatment was good only for a short time, it became clear that perpetual maintenance would be required, because the piles would continue to be dangerously radioactive for an incredible 10,000 years. State officials were aware that unless responsibility for the tailings was assigned quickly, the contractors might try legal maneuvers to avoid the task themselves and the states would inherit the entire lot by default.

Through its mill-licensing program, the A.E.C. still had control over all the piles and could under law require the mills to cover them in the same manner as the Monticello pile. The agency promised the states in 1964 that no mill license would be permitted to terminate without a complete review of the tailings problem.

Then, in what was widely regarded as a complete about face two years later, the A.E.C. decided that when a mill owner's license terminated, further control of tailings was not required. Josph F. Hennessey, the A.E.C.'s chief legal counsel at the time, told a Senate subcommittee: "There is a limitation . . . [in the Atomic Energy Act] that exempts . . . any quantities of uranium . . . *considered unimportant by the commission* . . . so our *present posture* is that the concentration of uranium in these waste piles is [too low] to impose any restrictions." (Emphasis added.)

The effect of this action was to remove the uranium mill tailings from any control at all. With the support of the U.S. Public Health Service, the State of Colorado formally protested, but it did no good. The A.E.C., without outside consultation and without publishing any supportive data, concluded that the uranium tailings piles "present no hazard to the environment, either short term or long term."

And so, in 1966, some 90-million tons of radioactive sand were suddenly no longer the responsibility of the A.E.C. With the exception of Colorado, where state control took over immediately, the piles would just have to wait until they caused some real trouble before anyone else would step in with control measures. And by that time of course, it would be too late.

The A.E.C.'s summary of what was expected to be its final statement on the tailings problem said: "We find it difficult to conceive of any mechanism whereby the radioactive material which is now so widely dispersed could become so concentrated as to exceed current applicable standards for protection against radiation." The statement is remarkable because at the very moment just such concentrations were being created.

Here is how the problem came to general public attention: On a routine inspection early in 1966, Robert D. Siek of the Colorado Department of Health and Robert N. Snelling of the U.S. Public Health Service were in Grand Junction when they noticed trucks unloading fill into an excavation. What caught their eye was that the material was not ordinary sand: it was uranium tailings, which can be distinguished from sand by their finer grain and gray shade. After questioning the truck drivers, they determined that for a dozen years much of the sandy fill used in the area was uranium tailings, taken from the Climax Uranium Company mill in downtown Grand Junction.

The inspecting officials realized not only that uranium tailings beneath a home can duplicate conditions in a uranium mine, but that the problem could even be worse than it was for the miners: more people would be exposed for longer periods and the victims would be of all age groups, including those most sensitive to atomic radiation—young children and the unborn.

Looking back, it seems hard to understand how the A.E.C. could have permitted the whole thing to happen in the first place. The uranium miners' tragedy was unfolding and the danger of radiation-induced lung cancer was a much discussed subject in the mill towns of the West. It was common knowledge in the mill communities that tailings were routinely used for fill under homes, and local health officials were concerned.

In 1963, eight years before it was discovered that hundreds of homes in Durango, were built on the tailings, Dr. Arthur Warner, the county medical director, wrote to Dr. Donald I. Walker, then the A.E.C.'s regional director of the division of compliance. Dr. Warner reported that the Vanadium Corporation of America's tailings pile, towering 200 feet over the center of town, caused

* Not to be confused with the first chairman of the Congressional Joint Committee on Atomic Energy, Senator Brien McMahon, Democrat of Connecticut, who died on July 28, 1952.

"serious concern within this community." Dr. Warner asked the A.E.C. for information concerning the use of the tailings in the construction of small buildings. Today, Dr. Walker admits he did not reply in writing but instead mailed to Warner a copy of an A.E.C. letter on the subject that was supposedly sent in 1961 to the nine state health departments (which, as we shall see, have no record of it).

The next year, Page Edwards, manager of that Durango mill, also asked the A.E.C. for advice about the use of tailings for construction purposes. The A.E.C.'s reply was simply: "Tailings . . . are not subject to the A.E.C. licensing requirements."

By then there had been public discussions of "widespread use of tailings in construction materials, for sand traps on golf courses and for children's sandboxes," to quote one official's report of a Public Health Service meeting held in Cincinnati in 1964 which was attended by Dr. Walker and other A.E.C. representatives.

By the time health officials had identified the indoor radon problem, it became very difficult to get cooperation: in many ways the A.E.C. attempted to prevent the subject from becoming a public issue.

Since children are the most sensitive to radiation, it was important to measure radioactivity in the schools, most of which had been built in recent years. Siek and Snelling, along with Dr. Cecil Reinstein, the county health officer, met with the Superintendent of Schools in Grand Junction in 1966 to explain the problem and get permission to make measurements in the schools.

Siek remembers that the superintendent said he would have to consult with his "scientific adviser" in such matters, James Westbrook, who was a member of the school board and also an assistant manager of the A.E.C.'s Grand Junction operations office. Westbrook and another official arrived later and the health officers repeated their request to set out monitoring equipment: it was turned down.

Westbrook says now that he felt the technique proposed for measuring the radioactivity in the schools was inadequate. But even so, it could hardly have failed to give some idea of the extent of the problem. Today the Mesa County school board knows that 15 of its schools have been built on tailings and that in at least one classroom the airborne radioactivity exceeds the Federal limit permitted in uranium mines.

On an official level as well the A.E.C. hindered efforts to achieve a solution. In 1967, the Colorado State Department of Public Health and the Southwestern Radiological Health Laboratories requested funds from the U.S. Public Health Service for support to carry out surveys to define the extent and seriousness of the indoor radon problem. The A.E.C., officially this time, managed to review the grant request and, on its recommendation, the U.S. Public Health Service turned down the state's request. In its review letter, the A.E.C.'s advice was based on the assertion that the high levels of radon then found in the homes by the health department "can be expected from natural radioactivity. Therefore," its letter concluded, "a further sampling program . . . does not seem warranted."

In order to make that claim believable, the A.E.C. began a research project entitled, "Indoor Radon Daughters and Radiation Measurements in East Tennessee and Central Florida." It was known that naturally high levels of radium exist in the surface soils in central Florida and the agency expected to find there a duplication of the measurements made by the Colorado State Department of Health in Grand Junction. In this way the A.E.C. sought to put Colorado's problem in "proper perspective."

As it turned out, the highest level in Florida, as reported by the A.E.C., was only 1 per cent of the highest measurements made by Colorado authorities in Grand Junction. So the A.E.C. report was put quietly to sleep with the stamp on it: "Notice, this report is for internal use only. It may not be published."

At the end of 1969, the Colorado Health Department discovered 10 old homes in the town of Uravan that were built on radium diggings in the nineteen-twenties. Radon levels in seven of those homes actually exceeded the level allowed in uranium mines. Robert Catlin, an A.E.C. representative sent to Colorado to explain the indoor radon problem in February, 1970, said on Denver television that "the use of mine tailings for construction purposes . . . predates the atomic energy program." While his statement is true, the impression it creates is not; the 10 homes built before there was an A.E.C. can hardly be compared with the many thousands of homes built elsewhere on tailings freely removed from A.E.C.-licensed mills—a problem which by this time was known to the commission.

In a 1970 report entitled "A.E.C. Responsibilities Regarding the Mining and Milling of Uranium," major emphasis was placed on a commission claim that it had notified all the state health departments about the problem in time. The commission said that in early 1961 it had sent each department a letter discussing "the A.E.C.'s licensing authority over uranium mills and the health and safety considerations relative to the [selling or giving away] of sand tailings." A copy of the "1961 letter" was made a part of this document and given wide circulation. It said in part: ". . . the radium content of these tailings may be such as to warrant control by appropriate state authorities."

If the letter had in fact been sent, it might vindicate to some extent the A.E.C.'s complete silence on the dangers it had created in its quest for raw materials. But nobody could remember the letter. Not one of the radiation health officers of the nine states has a record of this correspondence.

In January, 1970, Colorado requested Federal help to determine the dangers of the radioactivity that had been measured in the Grand Junction homes. Six months later, the U.S. Surgeon General issued health guidelines for airborne radioactivity inside homes, establishing three categories based on radiation levels: (1) No action required, (2) remedial action suggested, and (3) remedial action indicated. The A.E.C. in a "staff analysis" pointed out that the Surgeon General's recommendations "are difficult to implement [because] they do not identify the remedial action contemplated."

Later in the year, an interagency steering committee, composed of representatives of the Colorado Department of Public Health, the U.S. Public Health Service, the A.E.C. and the newly created Environmental Protection Agency (E.P.A.), was formed to decide what the remedy was to be. On the recommendation of their own medical advisory group, they voted last month "to recommend complete removal of all tailings within 10 feet of a habitable structure." This was a typical position for public health people: If a danger is present, remove it; never choose a temporary solution if a permanent one exists.

Predictably, the A.E.C. voted against the motion, but Colorado was encouraged to see that the E.P.A. representatives supported the motion, for it was widely suspected that the agency would back the A.E.C. This was because most members of the E.P.A.'s office of radiation programs were former A.E.C. people whose functions had been transferred to the new agency as part of President Nixon's abortive effort to dilute the A.E.C.'s regulatory powers. But the suspicions of A.E.C. influence revived when Dr Paul Tompkins, director of the division, told The Rocky Mountain News that the vote did not represent E.P.A.'s real position. "We're not advocating that the tailings come out no matter how small the level or how expensive the cost," said Tompkins.

The battle lines are already drawn on the issue of who will pay the $20-million bill for the removal job. The A.E.C. still stands by the 1966 opinion of its legal counsel, Joseph F. Hennessey, that tailings are not under the agency's jurisdiction. Perhaps the most curious attitude is that of U.S. Representative Wayne N. Aspinall, Congressman from the Grand Junction area for more than 20 years and chairman of the subcommittee on raw materials of the Joint Committee on Atomic Energy. When it raised the question of financial responsibility last month. The Daily Sentinel of Grand Junction quoted the Congressman as saying: "The costs of removal are too great and government treasuries are too limited. The sooner we get this into our heads, the better off we'll be."

An opposing view was expressed by Glenn E. Keller Jr., the president of the State Board of Health: "I should think Mr. Aspinall's first responsibility shouldn't be to the A.E.C. but to the homeowners in Grand Junction. I submit that the Federal Government has exercised extreme irresponsibility in the situation and Mr. Aspinall is sticking his head in the sand when he disclaims that." Governor Love told a press conference later that month, "I feel the responsibility does rest with the Federal Government, more specifically the A.E.C."

The problems of Grand Junction bear importantly on a vital issue for our nation today: radioactive-waste disposal. We have been engaged in two nuclear efforts: the production of a vast atomic arsenal and the development of nuclear-reactor electric generating stations. Both produce prodigious quantities of nuclear waste, but the projected amount from the nuclear-reactor industry will dwarf that already produced from the weapons program.

Accordingly, a plan has been approved for permanent disposal of so-called "high-level" nuclear wastes from power plants—which are much more dangerous than the tailings—in salt beds 1,000 feet below the ground in Lyons, Kans., a momentous decision about which Dr. Alvin M. Weinberg, director of the A.E.C.'s Oak Ridge National Laboratory, said this year:

"Our decision to go to salt for permanent high-level disposal is one of the most far-reaching decisions we—or, for that matter, any technologists—have ever made. These wastes can be hazardous for up to a million years. We must therefore be as certain as one can possibly be of anything that the wastes, once sequestered in the salt, can, under no conceivable circumstances, come in contact with the biosphere."

Salt deposits are one of the earth's tightest geological formations. The mineral's compressed strength makes it, like concrete, an excellent container for radiation. Present plans call for lowering solidified, hot radioactive wastes, packed in 10-foot-long stainless-steel cylinders through a shaft to the floor of the mine. The cylinders will be covered with salt, which will eat through the steel and at the same time melt into a plastic-like substance that will eventually seal the wastes into their "graves."

In a hurry to get moving, the A.E.C. asked the Joint Committee on Atomic Energy in March to approve a $25-million appropriation to begin only three months later. So sure was the commission that Lyons was the right place that the director of the division of reactor development told the committee that further research "will no be particularly productive." But the agency did not have the free hand it had in Colorado 20 years ago. Democratic Gov. Robert B. Docking and Republican Congressman Joe Skubitz were openly opposed, but, more important, so was the Kansas Geological Survey.

The Kansas Geological Survey had been

very critical of the A.E.C.'s haste, pointing out that not enough is known about the underground water at the Lyons site. Water must be kept away from the salt beds during the million or so years of concern, for if any enters the cavern, it would prevent tight sealing of the radioactive wastes. Contaminated and heated by the radioactive material, the water might percolate into nearby mine shafts and underground water supplies, or rise as vapor through the main shaft and out the entrance of the salt cavern. While salt deposits are the least likely place to find a reserve of natural water, a problem may arise from hydraulic mining operations at an American Salt Company mine near the proposed dump. The company wrote to the A.E.C. about the problem last summer. A spokesman told The Denver Post that the latter "expressed concern about the presence of water" and that his company "had been injecting water into the formation for 50 years; as we remove the salt, the water replaces the salt."

An A.E.C. report on the problem revealed that tunnels of the American Salt Company's mine come as close as 500 yards to the A.E.C. proposed dump. Also, the report said: "In the course of drilling small holes . . . water started leaking into the mine [because] one of the many gas or oil bore holes in the area had been intercepted." Dr. William W. Hambleton, the director of the Kansas Geological Survey, remarked: "We felt the Lyons site increasingly looked like a leaky sieve. I think they [the A.E.C.] are realizing that too."

Although the A.E.C. has yet to concede the point, Representative Skubitz said this month that "the Lyons site is dead as a dodo for waste burial."

And so after 15 years and $100-million worth of studies and experiments, the A.E.C., within the short span of about seven months, has been persuaded to begin looking for another place. What had happened was simple enough; the A.E.C. plan was made public and was therefore subjected to outside criticism and open discussion. Flaws in the scheme were discovered and they could not be made to go away; something had to give.

So the problem has not been solved. David Lilienthal, the first chairman of the A.E.C. and a man who believes that somewhere along the way the agency strayed from its original aim of developing nuclear power, feels that waste has been badly neglected by the A.E.C. The reason, he says, is that it is just not as glamorous as other projects that the A.E.C. has gotten involved in, like the abortive scheme for a billion-and-a-half-dollar nuclear airplane. In a recent interview, Lilienthal said: "Can't we find some young people with new ideas to take care of the waste problem? A dozen first-rate people could solve the problem once and for all and get us down to the real business of supplying power for America's future."

A plausible alternative to salt-bed disposal has been put forth by scientists at the A.E.C.'s Lawrence Livermore Laboratory in California, who have proposed to store the waste in a cavern created by a nuclear explosion detonated 6,000 feet underground. Unlike the Kansas mine, which sits atop a water-bearing layer in the earth, this "Plowshare Method" would provide a far deeper cavern that would be well below available water-bearing rocks. Perhaps more important, the new method would avoid the hazards of the single-dump concept—the Kansas plan calls for transportation of hot wastes from all over the country to Lyons. Under the Plowshare plan, one cavern near each of three nuclear fuel-reprocessing plants could contain all the electric industry's nuclear waste until the turn of the century.

But the A.E.C. seems to remain committed to a salt-mine dump. Floyd Culler of the Oak Ridge National Laboratory, recently told the Joint Committee on Atomic Energy: "If we stop on the salt, then, by golly, we have got to start over on a 20-year program with gypsum beds, or basalt, or something else." Thus, the commission is searching for alternative sites to Lyons. Just as in the case of the mill tailings, economic considerations seem to be overriding sound technical judgment.

But new winds are beginning to blow through the A.E.C. The chairman who took over in August, Dr. James R. Schlesinger, has warned the atomic-energy industry that the commission's function will change. "From its inception," Schlesinger admitted in his first policy address this month, "the A.E.C. has fostered and protected the nuclear industry." In the future, he said, the commission's role would be a more limited one—"primarily to perform as a referee serving the public interest."

Even if Schlesinger succeeds in transforming the agency, though, the A.E.C. cannot avoid responsibility for past errors, like the tailing mess. At the very least, the commission should press for funds to remove the radioactive material from building foundations. While there does not seem to be any feasible method of disposing of the piles, the commission could seek legislation to guarantee that they will be flattened, covered and pushed away from streams—and the public kept out.

Schlesinger's concept of the commission does promise to reverse its course, for the better. Nothing less can assure the nation that its atomic managers will responsibly handle the deadly nuclear trash of the future.

If the Great Pyramid at Giza in Egypt had been a radioactive waste depository, if uranium tailings had been interred in the structure when it was built, about 15 per cent of the radium contained in those tailings would still be dangerous today. If that material were plutonium (the nastiest waste of them all), natural decay in almost 5,000 years would hardly have made a dent: 90 per cent of the radioactivity originally present would be with us now.

Our civilization in this nuclear age has a staggering responsibility to the future. The costs of coming generations of our mistakes are almost beyond the power to imagine. Our technologists must be nothing less than infallible. Accordingly, everything must be done to increase our chances of being right when we finally decide what to do. As a start, we can derive some humility from the fact that only five years ago our technologists could not conceive of how safety could turn into danger in Grand Junction, Colo.

POTENTIAL ENVIRONMENTAL HAZARDS ASSOCIATED WITH CANNIKIN

Earthquake Generation. The mechanism of an earthquake is still a matter of some speculation. In brief, the earth's crust is thought to be made up of numbers of rigid blocks generally of continental dimensions bounded by regions in which seismic activity is high. The blocks move relative to each other, but the cause of the motion is unknown. The scraping of one block against another leads to a concentration of energy in the form of elastic strain energy. The regions between blocks are characterized by fault or tears in the crust. An earthquake occurs when the strains in the crust build up to such an extent that the frictional forces along the faults are overcome. A large amount of strain energy is released and this produces the damage, though probably only a small fraction of the stored energy is tapped even in the great earthquakes.

Recent studies of both the Chilean earthquake of 1960 and the Alaskan earthquake of 1964 suggest that great earthquakes consist of a superposition of smaller quakes. The smaller quakes trigger each other like a line of falling dominoes, the combined effect being that of a great earthquake. The individual earthquakes making up a large earthquake have a magnitude of six to seven on a logarithmic scale. In the great earthquakes, having a magnitude intensity of eight, motion along the fault extends as far as a thousand kilometers. The energy released in the largest earthquakes is equivalent to several hundred megatons while the energy released in the postulated smaller component earthquakes is on the order of one to ten megatons.

Because of the vast energies involved in earthquakes, it had been thought until recently that man could not artificially produce an earthquake. Now there are three well-documented ways in which man is known to have triggered earthquakes.

A series of earthquakes were observed near Denver in a region that had previously been aseismic. The best interpretation of this phenomena is that waste fluids from the Rocky Mountain arsenal were pumped deep into the earth and lubricated a previously existing fault. Slippage along the fault was thus possible and strain that had previously accumulated in the adjacent rock over geologic time was liberated in the form of earthquakes.

A second example is found in the case of earthquakes associated with large lakes or reservoirs. As a result of loading of the earth's crust by these large bodies of water or by the modification of the groundwater flow or for some other reason not yet understood, substantial earthquakes have been associated with construction of large artificial lakes. A recent earthquake near Koyna Dam in India located in an area that is not normally seismic killed about 200 people. Similarly, many small earthquakes occurred when Lake Mead was filled.

A third example and one most relevant to Cannikin is the triggering of earthquakes by motion along known faults in Nevada by large underground nuclear explosions. Fault scarps over six feet in maximum height and several miles in length have resulted from fault movements initiated by underground explosions. The evidence is strong that natural strain energy stored in the earth has been released in the Nevada test site by the underground explosions.

An underground explosion can affect the strain field within the crust in a number of ways. The large amplitude surface waves generated by the underground explosion can dynamically overload near surface breaks or fractures within the crust and bring about a strain adjustment. The creation of a large cavity together with a latter collapse of the chimney produces permanent changes in the strain field. Observations in Nevada of the Benham event of about a megaton produced strain changes of sufficient magnitudes to trigger an earthquake along previously existing faults of a distance of about 15 kilometers. However, the strain field resulting from an underground explosion cannot be calculated with any precision because of the dependence of the field on the detailed geology which is largely unknown at any given location.

In addition to the direct effects of the blast on the strain field, the explosion will alter the pressure regime in the groundwater. The water pressure in the rocks interstices will increase due to the compaction of the ground around the cavity. This overpressure might be as large as 10 bars at a radius of 18 km. This increase in the fluid pressure will reduce the friction between fracture separated blocks. The effect would

be greatest on faults oriented parallel to the residual compressive stresses resulting from the test explosion. Thus, it is possible that the mechanism involved in the Denver earthquake would raise the probability of triggering a large earthquake.

All the earthquakes triggered by underground explosions in the various Nevada tests released substantially less energy than the explosion itself. If one could establish that this is a necessary condition then there would be no apprehension with regard to the Cannikin event. Unfortunately, this is not the case. The magnitude of the triggered earthquakes will depend on the state of strain in the crust in the general region at which the underground explosion is set off. Extrapolation from the Nevada experience is uncertain because of the fundamentally different geologic setting between Nevada and the Aleutians. Further, experience with Milrow does not provide a sure basis for extrapolation in the highly nonlinear phenomena involved in earthquake generation, there may be a threshold value of the strain that must be exceeded prior to initiation of a large earthquake. The suggested explanation of the Chilean and Alaskan earthquakes in terms of a succession of smaller earthquakes would support this interpretation. In this model a number of lock points stabilize a fault. Once one lock point is broken, sufficient energy may be released to break other lock points. If the stored strain energy is large, then the triggered earthquake could be of much greater magnitude than the triggering event. The underground explosion could serve as the first domino of the row of dominoes leading to a major earthquake. The major fault in the general region of Amchitka is thought to be some 40 km. beneath the test shot. The strain field will certainly be altered at this depth by the underground explosion. Observations on the Benham event showed strains exceeding tidal strains at 29 km.

Potential Effects of a Triggered Earthquake. The population density in the Aleutian area is very low so even a major earthquake would cause little damage and little loss of life as a result of the direct impact of the earthquake itself. This would not be true if the generated earthquake were so large as to extend towards mainland Alaska. While this is improbable since the largest known earthquakes have extended along the faults on the order of a thousand kilometers but not two thousand kilometers, there are uncertainties with regard to fault lengths associated with earthquakes.

The real danger from the triggering of a large earthquake by the nuclear explosion is in a tidal wave or tsunami. Tsunamis generated in the Eastern Aleutians by earthquakes have had damaging effects at great distance. For example, a tsunami in 1946 killed 159 people in Hawaii and was observed in Peru. The potential long-range effect emphasized by the fact that the Chilean earthquake of 1960 caused loss of life in Japan. The mechanism by which a tsunami is generated is still uncertain; tsunamis are probably due to movements of the sea floor associated with fault motion. Large earthquakes in the near vicinity of Amchitka have not caused destructive tsunamis in the past. However, as in the case of earthquakes it is not possible at this time to assess quantitatively the probability of a tsunami following the explosion.

Effects of Explosion on Groundwater Movement. The explosion resulting in a cavity followed by a collapse of the overlying rock forming a rubble chimney will affect the groundwater flow in several ways. The initial shock wave and accompanying water overpressure may open up new fractures which could alter rates of flow.

The formation of the chimney will probably lead to a saucer-like depression even though the true rubble chimney does not extend to the surface. Since the groundwater level almost reaches the surface the depression will fill with water.

The chimney itself will be relatively permeable to water movement and there will be a tendency for the warm water near the cavity to move upward through the rubble. In this way radioacting nuclides, principally tritium, can be mixed throughout the chimney. The time scale for such mixing is not known but could be as short as a few years or less.

Water in the chimney would move to the sea at a rate dependent on the hydraulic head, the permeability of existing aquifers and permeability of any new fractures opened up by the explosion. USGS calculations indicate a time for such movement might be as short as one to two years. These are short times and are inconsistent with estimates made by AEC that tritium will be discharged into the ocean only 145 years after the explosion. At that time the concentration of tritium in the groundwater is expected to be at a level close to the maximum permissible concentration for water. If the shorter times (5 to 10 years) postulated above are correct then the level of radioactivity in the groundwater entering the ocean would be in excess of ten thousand to one hundred thousand maximum permissible concentration for water.

Effects of Groundwater Release of Radioactivity into the Ocean. The waters adjacent to Amchitka hold rich fisheries. Pacific salmon that migrate through the area are important commercially. Japanese, Soviet and American fishermen take salmon, ocean perch and limited amounts of king crab.

The tritium released through groundwater motion will be diluted by the ocean currents. Even if the dilution is as great as a hundred thousand, there is the possibility of concentration of tritium well above background levels in various steps of the food chain. The detailed behavior of tritium in the food chain is uncertain though it is not generally thought to be concentrated. However, the possibility remains of fish being caught having higher than the background levels of radioactivity.

RUSSELL E. TRAIN, *Chairman.*

WILL UTILITIES LOBBY OFF THE LID?

Mr. METCALF. Mr. President, utilities are assiduously lobbying the Cost of Living Council in their efforts to be freed from the freeze on rate increase requests. As is usual in matters affecting utility corporations, the Government does not have the basic information upon which wise policy decisions can be reached.

Neither the Cost of Living Council, the Price Commission nor anyone else in Government even knows the amount and number of rate increase requests pending among the various commissions throughout the country. My own very rough estimate, based upon scattered trade magazine reports, is that about $4 billion in annual rate increases, by electric, telephone, gas, and pipeline companies, are now pending. Utilities usually ask commissions for a third or fourth more than they actually want and plan to get, in order to preserve the appearance of regulation. So if the freeze on utility rate increases goes off, we can expect rate increases totaling between $2.5 and $3 billion a year.

Such action would have a particularly undeserved inflationary effect in States with weak regulatory commissions. There the utilities already make excess profits. Yet many of them have filed for rate increases because the commissions usually go along with the requests.

The Government proceeds from a position of ignorance in evaluating rate increase requests because of its delay in collecting and publishing utility financial data. Data from 1970 utility reports will not be published until 1972 by the Federal Power Commission and the Federal Communications Commission.

I have obtained some 1970 data from the FPC, and because of its relevance to decisions to be made within the next few days shall include it in the RECORD at the conclusion of these remarks.

The table furnished me by the FPC, compiled from reports filed by electric utilities with the Commission, shows the return on common equity of the major companies.

The table suggests that residents of Florida, Indiana, Montana, Ohio, and Texas, to cite the most obvious examples, are long overdue for substantial rate decreases, they certainly should not be saddled with further increases. In addition, the freeze itself and lower cost of money will decrease utility revenue requirements. Many of the rate increase requests are based upon projections made during the exceedingly inflationary period before the freeze. Revenue requirements will be lower, to the extent that the freeze is successful, rate requests should be accordingly reduced.

There are 207 electric utilities which gross $1 million or more annually. Twenty-three of those companies are industrial utilities or generating companies which sell at wholesale, leaving 184 companies which serve residential consumers.

The average return on common stock equity for those 184 companies last year was 11.33 percent, according to my office mathematician.

Twenty-six of the 184 earned more than 15 percent on their common stock last year.

Yet even many of them have rate increases pending.

Obviously, freedom from freeze for electric utilities is not a national priority. More important, in my opinion, is action on S. 607 and H.R. 5488, the Utility Consumers' Information and Counsel Act. All the way from the ratepayer up to the Price Commission we need the disclosure and adversary proceedings which would be provided by that legislation, on which the Senate Subcommittee on Government Intergovernmental Relations conducted 2 days of hearings last month.

Mr. President, I ask unanimous consent to have printed in the RECORD the table entitled "Percent Return on Common Equity—Classes A and B Electric Utility Companies, 1969 and 1970," as provided to me by the FPC. The asterisks opposite some companies' names denote utilities which do not serve residential customers.

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

PERCENT RETURN ON COMMON EQUITY—CLASSES A AND B ELECTRIC UTILITY COMPANIES

State and company	1969 Return on common equity-percent	1969 Common equity-percent of total capitalization	1970 Return on common equity-percent	1970 Common equity-percent of total capitalization
Alabama:				
Alabama Power Co	13.6	34.6	12.1	34.4
Southern Electric Generating Co.[1]	12.2	33.6	13.5	33.8
Alaska: Alaska Electric Light & Power Co	8.1	55.2	9.0	50.1
Arizona:				
Arizona Public Service Co	10.0	31.5	10.1	32.3
Citizens Utilities Co.[2]	11.8	48.0	15.4	42.7
Tucson Gas & Electric Co	12.6	37.5	14.4	36.6
Arkansas:				
Arkansas-Missouri Power Co.[3]	12.3	29.2	10.7	27.5
Arkansas Power & Light Co.[3]	13.5	32.1	14.1	32.2
Arklahoma Corp.[1]	6.7	24.5	6.2	28.1
California:				
Pacific Gas & Electric Co	11.6	36.7	10.6	36.8
San Diego Gas & Electric Co	13.0	37.8	12.1	37.2
Southern California Edison Co.[3]	10.3	35.8	11.2	35.1
Colorado:				
Home Light & Power Co	8.9	59.5	10.3	61.4
Public Service Co. of Colorado	12.7	32.8	12.6	34.0
Western Colorado Power Co	5.5	65.9	5.5	67.1
Connecticut:				
Connecticut Light & Power Co	12.4	35.2	11.0	34.2
Connecticut Yankee Atomic Power Co.[1]	8.6	45.0	9.2	49.1
Hartford Electric Light Co	13.1	33.3	12.2	33.6
United Illuminating Co	13.0	34.3	12.0	33.8
Delaware: Delaware Power & Light Co	15.0	31.9	12.1	30.7
District of Columbia: Potomac Electric Power Co.[3]	8.1	32.6	9.0	30.6
Florida:				
Florida Power Corp	15.2	37.0	15.0	35.7
Florida Power & Light Co	11.9	41.6	11.9	41.9
Florida Public Utilities Co	13.2	31.8	16.7	32.9
Gulf Power Co	14.8	35.0	15.1	33.7
Tampa Electric Co	14.7	35.7	15.6	34.8
Georgia:				
Georgia Power Co	12.4	34.0	12.6	33.7
Savannah Electirc & Power Co	12.6	35.8	12.3	33.0
Hawaii:				
Hawaiian Electric Co., Inc	10.7	32.5	10.2	32.4
Hilo Electric Light Co., Ltd	7.6	49.0	10.1	45.7
Maui Electric Co., Ltd	9.5	50.9	10.3	54.7
Idaho: Idaho Power Co.[3]	10.4	35.9	11.5	36.6
Illinois:				
Central Illinois Light Co	12.0	39.5	13.7	37.1
Central Illinois Public Service Co	14.8	36.2	14.4	37.5
Commonwealth Edison Co	13.8	39.1	13.6	36.1
Electric Energy, Inc.[1 3]	3.7	7.0	5.5	7.4
Illinois Power Co	17.4	34.8	17.2	35.7
Mt. Carmel Public Utility Co	8.5	61.0	8.5	61.8
Sherrard Power System	7.3	87.7	6.2	88.3
South Beloit Water, Gas & Electric Co	4.6	100.0	6.0	100.0
Indiana:				
Alcoa Generating Co.[1]	1.9	100.0	1.5	100.0
Commonwealth Edison Co. of Indiana, Inc.[1]	7.7	39.0	7.7	39.7
Indiana & Michigan Electric Co.[3]	17.9	31.6	17.5	32.7
Indianapolis Power & Light Co	15.6	32.3	13.9	31.9
Northern Indiana Public Service Co	15.3	39.1	16.3	39.2
Public Service Co. of Indiana, Inc	14.0	40.4	14.4	39.6
Southern Indiana Gas & Electric Co	14.9	38.1	15.4	38.3
Iowa:				
Interstate Power Co.[3]	11.2	30.7	11.2	30.0
Iowa Electric Light & Power Co	10.5	33.8	11.3	31.0
Iowa-Illinois Gas & Electric Co.[3]	13.5	36.9	12.3	33.4
Iowa Power & Light Co	13.5	34.0	11.2	33.6
Iowa Public Service Co.[3]	12.0	43.4	11.5	41.1
Iowa Southern Utilities Co	14.6	50.4	14.4	52.3
Kansas:				
Central Kansas Power Co., Inc	10.9	48.0	11.8	48.4
Central Telephone & Utilities Corp.[3]	16.4	43.9	13.1	44.2
Kansas Gas & Electric Co	12.4	43.7	12.8	42.7
Kansas Power & Light Co	13.1	45.8	14.9	43.4
Kentucky:				
Kentucky Power Co	10.6	39.7	5.6	39.5
Kentucky Utilities Co.[3]	12.7	48.8	12.9	44.3
Louisville Gas & Electric Co	13.9	46.5	13.8	46.3
Union Light, Heat & Power Co	9.2	54.9	9.2	50.9
Louisiana:				
Central Louisiana Electric Co., Inc	15.5	30.5	15.4	30.6
Gulf States Utilities Co.[3]	14.0	33.0	14.4	32.8
Louisiana Power & Light Co	14.1	32.0	13.7	33.0
New Orleans Public Service Inc	8.9	34.5	10.1	35.1
Maine:				
Bangor Hydro-Electric Co	10.4	35.5	9.6	34.5
Central Maine Co	10.0	38.2	11.1	35.7
Maine Public Service Co	11.7	36.1	5.9	35.4
Rumford Falls Power Co.[1]	5.5	100.0	6.3	100.0
Maryland:				
Baltimore Gas & Electric Co	13.2	38.8	12.2	39.9
Conowingo Power Co	6.4	76.1	6.6	77.3
Delmarva Power & Light Co., of Md	8.0	50.4	7.2	49.1
Potomac Edison Co	14.3	29.1	13.0	30.9
Susquehanna Power Co.[1]	7.5	60.8	6.4	80.8
Massachusetts:				
Boston Edison Co	11.4	38.4	11.6	35.6
Boston Gas Co	5.6	51.0	5.6	45.6
Brockton Edison Co	9.2	37.5	10.3	35.3
Cambridge Electric Light Co	7.8	50.7	9.0	51.1
Canal Electric Co[1]	8.1	50.5	10.7	50.6
Cape & Vineyard Electric Co	9.4	50.0	7.9	51.0
Fall River Electric Light Co	7.7	54.5	8.3	54.6
Fitchburg Gas & Electric Light Co	8.9	56.3	8.7	44.6
Holyoke Power & Electric Co.[1]	4.7	56.9	11.3	57.8
Holyoke Water Power Co.[1]	6.7	46.1	7.7	47.7
Massachusetts Electric Co	8.1	41.3	9.9	38.4
Montaup Electric Co.[1]	6.9	54.0	6.7	49.5
New Bedford Gas & Edison Light Co	7.4	50.1	7.0	50.4
New England Power Co.[1 3]	11.9	32.3	9.3	30.4
Western Massachusetts Electric Co	9.8	43.3	9.1	41.4
Yankee Atomic Electric Co.[1]	5.5	77.1	5.4	80.6
Michigan:				
Alpena Power Co	7.9	84.2	8.8	85.5
Consumers Power Co	11.5	39.7	11.6	38.4
Detroit Edison	10.5	39.5	10.1	37.0
Edison Sault Electric Co	12.0	37.5	12.0	38.5
Michigan Power Co	6.1	47.2	8.0	47.3
Upper Peninsula Power Co.[1]	10.1	38.7	9.6	39.2
Minnesota:				
Minnesota Power & Light Co	13.3	36.6	13.5	37.7
Northern States Power Co.[3]	13.3	31.7	12.6	32.4
Mississippi:				
Mississippi Power Co	11.8	34.9	13.2	34.2
Mississippi Power & Light Co	15.2	34.4	14.9	32.8
Missouri:				
Empire District Electric Co	14.3	32.5	14.5	32.4
Kansas City Power & Light Co.[3]	11.7	38.4	11.3	36.5
Missouri Edison Co	6.4	63.3	5.9	67.7
Missouri Power & Light Co	10.6	34.9	10.5	34.6
Missouri Public Service Co	13.6	25.4	13.0	26.9
Missouri Utilities Co	8.1	35.4	7.4	37.4
St. Joseph Light & Power Co	11.2	37.6	10.7	35.3
Union Electric Co.[3]	11.9	34.2	13.4	33.7
Montana: Montana Power Co.[3]	16.1	46.6	17.5	47.3
Nevada:				
Nevada Power Co	12.8	36.8	12.2	37.1
Sierra Pacific Power Co.[3]	12.1	34.9	11.7	36.3
New Hampshire:				
Concord Electric Co	9.3	39.9	9.2	40.8
Connecticut Valley Electric Co., Inc	6.4	74.8	7.1	76.2
Exeter & Hampton Electric Co	12.3	32.7	12.9	33.9
Granite State Electric Co	9.9	100.0	11.2	100.0
Public Service Co. of New Hampshire [3]	13.0	29.8	15.3	30.7
New Jersey:				
Atlantic City Electric Co	14.8	32.6	13.1	32.9
Jersey Central Power & Light Co	10.9	39.4	12.8	39.9
New Jersey Power & Light Co	4.4	37.9	2.4	42.0
Public Service Electric & Gas Co	11.8	34.8	10.7	34.8
Rockland Electric Co	10.6	63.5	10.7	57.4
New Mexico:				
New Mexico Electric Service Co	12.4	35.1	13.3	39.2
Public Service Co. of New Mexico	12.4	37.3	12.7	37.0
New York				
Central Hudson Gas & Electric Corp	11.6	37.6	8.2	33.5
Consolidated Edison Co. of N.Y., Inc	7.9	31.3	7.4	31.3
Long Island Lighting Co	12.9	33.5	12.5	33.9
Long Sault, Inc.[1]	9.7	100.0	11.7	100.0
New York State Electric & Gas Corp	11.9	33.6	10.4	33.4
Niagara Mohawk Power Corp	9.9	31.4	9.4	32.0
Orange & Rockland Utilities, Inc	14.3	25.4	13.8	26.5
Rochester Gas & Electric Corp	12.3	32.8	11.1	31.6
North Carolina:				
Carolina Power & Light Co.[3]	11.7	36.1	10.1	36.6
Duke Power Co.[3]	12.6	34.4	11.2	31.0
Nantahala Power & Light Co	7.0	100.0	7.3	100.0
Yadkin, Inc	4.9	100.0	5.0	100.0
North Dakota:				
Montana-Dakota Utilities Co.[3]	31.0	37.5	13.3	38.2
Otter Tail Power Co.[3]	10.4	40.0	11.7	40.9
Ohio:				
Cincinnati Gas & Electric Co	16.4	40.8	15.8	36.5
Cleveland Electric Illuminating Co	14.7	51.5	14.5	45.0
Columbus & Southern Ohio Electric Co	12.1	36.1	12.1	31.9
Dayton Power & Light Co	14.7	37.4	12.5	36.6
Ohio Edison Co	15.2	45.6	14.9	42.4
Ohio Power Co	16.1	32.3	16.1	31.3
Ohio Valley Electric Corp.[1]	8.0	4.7	8.0	5.0
Toledo Edison Co	15.6	35.7	15.2	34.5
Oklahoma:				
Oklahoma Gas & Electric Co.[3]	16.5	33.2	17.4	33.7
Public Service Co. of Oklahoma	13.9	39.2	14.7	40.2
Oregon:				
California-Pacific Utilities Co.[3]	8.9	42.7	8.3	40.5
Pacific Power & Light Co.[3]	10.9	31.6	11.2	31.4
Portland General Electric Co	12.2	35.6	1.08	35.0

Footnotes at end of table.

State and company	1969 Return on common equity-percent	1969 Common equity-percent of total capitalization	1970 Return on common equity-percent	1970 Common equity-percent of total capitalization
Pennsylvania:				
Duquesne Light Co	15.1	31.7	13.7	31.7
Hershey Electric Co	8.8	50.2	6.5	39.2
Metropolitan Edison Co	9.0	36.0	7.5	43.1
Pennsylvania Electric Co.[3]	12.3	35.5	10.8	36.3
Pennsylvania Power Co	13.5	36.4	13.4	33.5
Pennsylvania Power & Light Co	12.2	32.7	10.0	31.8
Philadelphia Electric Co	10.5	37.9	9.5	36.4
Philadelphia Electric Power Co.[1]	12.2	28.4	11.1	35.0
Potomac Edison Co. of Pennsylvania	5.4	100.0	5.6	100.0
Safe Harbor Water Power Corp.[1]	6.6	54.6	7.6	57.1
UGI Corp	9.0	58.8	9.7	54.3
West Penn Power Co	15.4	30.8	15.2	32.5
Rhode Island:				
Blackstone Valley Electric Co	8.5	43.7	9.2	40.1
Narragansett Electric Co	9.8	37.5	10.9	37.0
Newport Electric Corp	11.2	39.2	10.9	35.1
South Carolina:				
Lockhart Power Co	5.9	100.0	5.6	100.0
South Carolina Electric Gas Co	14.8	31.7	14.1	31.8
South Dakota:				
Black Hills Power & Light Co.[3]	8.4	39.4	9.0	37.2
Northwestern Public Service Co	12.2	36.3	14.3	34.6
Tennessee:				
Kingsport Power Co	10.0	47.5	8.2	48.2
Tapoco, Inc.[1 3]	4.3	100.0	4.7	100.0
Texas:				
Central Power & Light Co	18.0	43.9	16.3	44.2
Community Public Service Co.[3]	13.9	33.1	14.1	33.6
Dallas Power & Light Co	13.2	37.0	15.1	37.4
El Paso Electric Co.[3]	17.2	39.3	17.0	40.8
Houston Lighting & Power Co	14.5	42.4	15.1	42.4
Southwestern Electric Power Co.[3]	15.6	37.9	16.1	39.1
Southwestern Electric Service Co	12.9	30.1	13.7	31.7
Southwestern Public Service Co.[3]	15.8	31.4	17.9	31.7
Texas Electric Service Co	16.8	39.8	17.3	38.6
Texas Power & Light Co	16.6	37.4	16.8	36.9
West Texas Utilities Co	15.5	45.3	16.4	44.5
Utah: Utah Power & Light Co.[3]	11.7	35.0	12.5	35.7
Vermont:				
Central Vermont Public Service Corp.[3]	10.4	29.6	7.3	32.8
Green Mountain Power Corp	12.0	31.0	10.6	32.0
Vermont Electric Power Co., Inc.[1]	4.1	15.1	6.5	12.5
Virginia:				
Delmarva Power & Light Co. of Va	8.4	55.1	7.1	55.5
Old Dominion Power Co	4.3	63.2	3.7	59.7
Potomac Edison Co. of Virginia	6.0	100.0	6.2	100.0
Virginia Electric & Power Co.[3]	12.4	37.0	13.5	34.7
Washington:				
Puget Sound Power & Light Co	9.4	31.7	9.4	31.1
Washington Water Power Co.[3]	11.1	32.1	10.4	33.0
West Virginia:				
Appalachian Power Co.[3]	17.3	31.8	19.4	31.4
Monongahela Power Co.[3]	15.6	30.2	13.6	32.2
Potomac Edison Co. of West Virginia	5.3	100.0	6.1	100.0
Wheeling Electric Co	8.3	39.7	9.9	40.1
Wisconsin:				
Consolidated Water Power Co	4.2	99.9	3.5	99.9
Lake Superior District Power Co.[3]	9.6	41.0	9.1	42.0
Madison Gas & Electric Co	9.2	48.2	8.6	44.0
Northern States Power Co	8.8	52.2	9.2	51.4
Superior Water, Light & Power Co	7.9	46.4	5.5	47.0
Wisconsin Electric Power Co	9.6	42.7	8.3	40.0
Wisconsin Michigan Power Co.[3]	7.9	50.2	7.2	51.4
Wisconsin Power & Light Co	12.9	38.4	12.2	36.0
Wisconsin Public Service Corp.[3]	10.9	32.8	11.3	30.5
Wisconsin River Power Co.[1]	5.5	60.9	5.5	61.7
Wyoming: Cheyenne Light, Fuel & Power Co.	8.8	55.8	10.0	57.0

[1] Does not serve residential customers.
[2] Also operates in other States.
[3] Also operates in adjoining States.

Note: In sec. VIII an overall rate of return was developed for electric operations only and the income statements of the companies were adjusted to achieve uniform accounting treatment of deferred taxes and investment tax credits, related to electric operations. Because of the complexities involved in determining return on equity applicable to electric operations only, the rates of return on equity shown in this section have been computed using the companies' overall equity and overall reported earnings based on the reported accounting treatment of deferred taxes and investment tax credits.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

OREGON DUNES NATIONAL RECREATION AREA

Mr. MANSFIELD. Mr. President, I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate under the previous order, the unfinished business S. 1977, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1977) to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 10, after line 9, insert a new section, as follows:

SEC. 14. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $12,700,000 for development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes and not to exceed $2,500,000 for acquisition of lands, waters, and interests therein.

So as to make the bill read:

S. 1977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for the public outdoor recreation use and enjoyment of certain ocean shorelines and dunes, forested areas, fresh water lakes, and recreational facilities in the State of Oregon by present and future generations, and the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Oregon Dunes National Recreation Area (hereinafter referred to as the "recreation area"). The boundaries of the recreation area shall be those shown on the map referred to in section 4 of this Act.

SEC. 2. The administration, protection, and development of the recreation area shall be by the Secretary of Agriculture (hereinafter called the "Secretary") in accordance with the laws, rules, and regulations applicable to national forests, in such manner as in his judgment will best contribute to attainment of the purposes set forth in section 1 of this Act.

SEC. 3. The area delineated as the "Inland Sector" on the map referenced in section 4 of this Act is hereby established as an inland buffer sector in order to promote such management and use of the lands, waters, and other properties within such sector as will best protect the values which contribute to the purposes set forth in section 1 of this Act.

SEC. 4. The boundaries of the recreation area and the inland sector shall be as shown on a map entitled "Proposed Oregon Dunes National Recreation Area" dated May 1971, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, and to which is attached and hereby made a part thereof a detailed description of metes and bounds of the exterior boundaries of the recreation area and of the inland sector. The Secretary may by publication of a revised map or description in the Federal Register correct clerical or typographical errors in said map or descriptions.

SEC. 5. All lands of the United States within the exterior boundary of the recreation area are hereby made a part of the recreation area for the purposes of this Act: *Provided,* That lands required for the purposes of the United States Coast Guard or the United States Corps of Engineers shall continue to be used by such agencies to the extent required for such purposes.

SEC. 6. The boundaries of the Siuslaw National Forest are hereby extended to include all of the lands not at present within such boundaries living within the recreation area as described in accordance with section 4 of this Act.

SEC. 7. Within the inland sector established by section 3 of this Act the Secretary may acquire the following classes of property only with the consent of the owner:

(a) improved property as hereinafter defined;

(b) property used for commercial or industrial purposes if such commercial or industrial purposes are the same such purposes for which the property was being used on December 31, 1970, or such commercial or industrial purposes have been certified by the Secretary or his designee as compatible with or furthering the purposes of this Act;

(c) timberlands under sustained yield management so long as the Secretary determines that such management is being conducted in accordance with standards for timber production, including but not limited to harvesting, reforestation, and debris cleanup, not less stringent than management standards imposed by the Secretary on comparable national forest lands: *Pro-*

vided, That the Secretary may acquire such lands or interests therein without the consent of the owner if he determines that such lands or interests are essential for recreation use or for access to or protection of recreation developments within the purposes of this Act. In any acquisition of such lands or interests the Secretary shall, to the extent practicable, minimize the impact of such acquisition on access to or the reasonable economic use for sustained yield forestry of adjoining lands not acquired; and

(d) property used on December 31, 1970, primarily for private, noncommercial recreational purposes if any improvements made to such property after said date are certified by the Secretary of Agriculture or his designee as compatible with the purposes of this Act.

SEC. 8. Within the boundaries of the recreation area lands, waters, and interests therein owned by or under the control of the State of Oregon or any political subdivision thereof may be acquired only with the consent of such State or political subdivision. No part of the Southern Pacific Railway right-of-way within the boundaries of the recreation area may be acquired without the consent of the railway. In any acquisition of improved property within the recreation area, the owner or owners (hereinafter in this section referred to as "owner") may, as a condition of such acquisition, retain the right of use and occupancy of such property for noncommercial residential purposes for a term of (1) not to exceed twenty-five years, or (2) for a term ending at the death of the owner, the death of the owner's spouse, or at the time all of the children of the owner or of the owner's spouse die before reaching twenty-one years of age or at the time the youngest such child reaches the age of twenty-one, whichever of all such events occur the latest. The owner shall elect at the time of conveyance the terms to be reserved. Where any such owner retains a right of use and occupancy as herein provided, such right may during its existence be conveyed or leased in whole, but not in part, for noncommercial residential purposes. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner. At any time subsequent to the acquisition of such property the Secretary may, with the consent of the owner of the retained right of use and occupancy, acquire such right, in which event he shall pay to such owner the fair market value of the remaining portion of such right. The term "improved property" wherever used in this Act shall mean a detached one-family dwelling the construction of which was begun before December 31, 1970, together with so much land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary finds necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling situated on such land. The amount of such land shall be at least three acres in area, or all of such lesser amount that may be held in the same ownership as the dwelling. Funds hereafter appropriated and available for the acquisition of lands and waters and interests therein in the national forest system pursuant to the Act of September 3, 1964 (78 Stat. 897, 903), shall be available for the acquisition of any lands, water, and interests therein within the boundaries of the recreation area.

SEC. 9. The Secretary shall permit hunting, fishing, and trapping on the land and waters under his jurisdiction within the recreation area in accordance with applicable laws of the United States and of the State of Oregon: *Provided,* That the Secretary, after consultation with the Oregon State Game Commission, may issue regulations designating zones where and establishing periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment.

SEC. 10. The lands within the recreation area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

SEC. 11. (a) The Secretary is authorized and directed, subject to applicable water quality standards now or hereafter established, to permit the investigation for, appropriation, storage, and withdrawal of ground water, surface water, and lake, stream, and river water from the recreation area and the conveyance thereof outside the boundaries of the recreation area for beneficial use in accordance with applicable laws of the United States and of the State of Oregon if permission therefor has been obtained from the State of Oregon before the effective date of this Act: *Provided,* That nothing herein shall prohibit or authorize the prohibition of the use of water from Tahkenitch or Siltcoo Lakes in accordance with permission granted by the State of Oregon prior to the effective date hereof in connection with certain industrial plants developed or being developed at or near Gardner, Oregon.

(b) The Secretary is authorized and directed, subject to applicable water quality standards now or hereafter established, to permit transportation and storage in pipelines within and through the recreation area of domestic and industrial wastes in accordance with applicable laws of the United States and of the State of Oregon if permission therefor has been obtained from the State of Oregon before the effective date of this Act.

(c) The Secretary is further authorized to grant such additional easements and rights, in terms up to perpetuity, as in his judgment would be appropriate and desirable for the effective use of the rights to water and the disposal of waste provided for herein and for other utility and private purposes if permission therefor has been obtained from the State of Oregon, subject to such reasonable conditions as are necessary for the protection of the scenic, scientific, historic, and recreational features of the recreation area.

SEC. 12. (a) The Secretary shall establish an advisory council for the Oregon Dunes National Recreation Area, and shall consult on a periodic and regular basis with such council with respect to matters relating to management and development of the recreation area. The members of the advisory council, who shall not exceed fifteen in number, shall serve for individual staggered terms of three years each and shall be appointed by the Secretary as follows:

(i) a member to represent each county in which a portion of the recreation area is located, each such appointee to be designated by the respective governing body of the county involved;

(ii) a member appointed to represent the State of Oregon, who shall be designated by the Governor of Oregon;

(iii) not to exceed eleven members appointed by the Secretary from among persons who, individually or through association with national or local organizations, have an interest in the administration of the recreation area; and

(iv) the Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment.

(b) The Secretary shall, in addition to his consultation with the advisory council, seek the views of other private groups and individuals with respect to administration of the recreation area.

(c) The members shall not receive any compensation for their services as members of the council, but they shall be reimbursed for travel expenses and shall be allowed, as appropriate, per diem or actual subsistence expenses.

SEC. 13. The Secretary shall cooperate with the State of Oregon or any political subdivision thereof in the administration of the recreation area and in the administration and protection of lands within or adjacent to the recreation area owned or controlled by the State or political subdivision thereof. Nothing in this Act shall deprive the State of Oregon or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within the recreation area consistent with the provisions of this Act, or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the recreation area.

SEC. 14. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $12,700,000 for development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes and not to exceed $2,500,000 for acquisition of lands, waters, and interests therein.

Mr. HATFIELD. Mr. President, proposals to save the beautiful dunes area along central Oregon's coast have been before the Congress for over 12 years. They have appeared in different forms as they have been debated over the years. In the legislation before this body today, I believe we have a bill, sponsored by my colleague, the junior Senator from Oregan and me, which resolves many of the conflicts of the past.

Briefly, this bill would establish the Oregon Dunes National Recreation Area, comprising 32,250 acres of magnificent shifting sand dunes, fresh water lakes, and forests, The area, about 40 miles long, would be administered by the U.S. Forest Service in cooperation with State and local governments. The Forest Service has given its assurance that it stands ready to assume the responsibility of administering the Oregon Dunes National Recreation Area in accordance with the provisions of the bill and with the national recreation area concept. Presently, 18,290 acres of the proposed recreation area are being administered by the Forest Service. It has had considerable experience in the administration of recreation areas and will move to accommodate the potential of the dunes area through the development of needed roads, recreation trails, parking facilities, beach developments, camping and picnic grounds, interpretive services, and sanitary facilities. Some portions within the area will remain undeveloped and roadless. Mining would be prohibited and an advisory council, including both local and national representation, would be created.

This bill is strongly and widely supported in Oregon. I chaired the hearings in the Senate Interior Committee last September on the legislation. All witnesses testified in support of it. Representative JOHN DELLENBACK, representing Oregon's Fourth Congressional District, has introduced identical legislation in the House, and hearings were held by the House Interior Committee last month.

Mr. President, it is becoming increas-

ingly important to preserve unique areas for the generations to come. The coastal area encompassed in this proposal is certainly deserving of preservation. I believe that the legislation being considered by the Senate today is a good first step in what must be a continuing effort to protect this unique area. My interest in the Oregon Dunes National Recreation Area will not wane after this bill is passed by the Senate or after it is signed into law.

Our Interior Committee has included language in our report on the bill to encourage land exchanges within the inland sector of the area to minimize the incidence of timber harvesting. I add my personal encouragement to the Forest Service to carry out this mandate and I will do whatever I can to assist in its implementation. Furthermore, as we have the opportunity to observe the administration of the legislation, I will watch particularly for evidence of disparities between our intent of providing the needed protection of the area and the actual day-to-day administration. Our legislative responsibilities do not end with passage of a bill.

Mr. President, before final passage of this bill, I want to call attention to the strong support given to this bill by the chairman of the Parks and Recreation Subcommitee, Senator BIBLE. Throughout the consideration of this bill, Senator BIBLE's support and assistance has been most helpful. In addition, the backup by Mr. Bernie Hartung, of the committee staff, has been appreciated by all of us who have worked for the bill.

I also want to thank the Senate leadership for calling the bill up at this time. I know of the desire by both sides of the aisle to move with dispatch, and I appreciate the courtesies shown to me in arranging for such expeditious consideration of this legislation.

Mr. President, I urge that the bill be passed.

Mr. PACKWOOD. Mr. President, I am pleased to join with my colleague, Senator HATFIELD, to speak today in behalf of the Oregon dunes bill, S. 1977.

Recently one of my friends from Corvallis, Oreg., Dave Smith, of the Oregon Division of the Izaak Walton League of America, Inc., said to me:

> My records disclose that we have favored this policy since introduction of a bill by Senator Richard Neuberger in 1959.

And so it has been. All of us in Oregon who share the common goal of protecting and preserving the wondrous Oregon dunes have literally volumes of literature on the subject dating back at least to 1959. And there have been many, many Oregonians down through these years who have shared this common goal, as is evidenced by this bill before the Senate today, and the companion bill in the House introduced by Congressman JOHN DELLENBACK.

Today, we are all agreed that the Oregon dunes must be saved or there will be nothing worth saving. The time has come to reach a consensus. With the support of Senator HATFIELD, and with the efforts of Congressman DELLENBACK, plus the support of a majority of those in the dunes area along the Oregon coast, I think we have a consnsus. I am pleased to be a part of it because so many have worked so long and so hard in the interest of preserving an area which is truly unique.

What we must do is to take a first step toward preserving this unique area. This legislation provides such a step. Some other steps may become necessary in order to keep in step with the times. But that is another subject for another time. My first concern is to get this legislation enacted into law while we still have the opportunity to save this precious area before it is permanently scarred.

Mr. President, it is the same story that is true of any natural and scenic landscape in this Nation that deserves preserving for the sake of posterity. Action must be taken while there is something left worth saving, for the sands of our land wash away quickly with the tide of modern civilization.

In that magnificent book, "Design with Nature," by Ian L. McHarg, we are given a chapter that discusses dunes. In vivid descriptions and gentle persuasion we begin to see the delicate nature of this natural phenomenon. In the chapter, "Sea and Survival," Mr. McHarg states:

> Let us accept the proposition that nature is process, that it is interacting, that it responds to laws, representing values and opportunities for human use with certain limitations and even prohibitions to certain of these.

Mr. President, it is time for us to accept that proposition. The Oregon dunes are a splendid example of nature in process. The dunes represent values and opportunities for human use, but with certain limitations and even prohibitions to certain of these.

Mr. President, at this point I would ask that the statement I have received from Mr. James A. Potter, president of the Oregon Division, Izaak Walton League of America, Inc., be included in the RECORD.

I also ask unanimous consent that a copy of a statement I received from Mr. Berl R. Oar, president, Oregon Wildlife Federation, Portland, Oreg., in support of the dunes bill be printed in the RECORD.

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

OREGON DIVISION,
IZAAK WALTON LEAGUE OF AMERICA, INC.,
September 8, 1971.

Senator MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: The Oregon Division, Izaak Walton League of America, Inc., desires to have our enclosed Oregon Dunes National Recreation Area resolution and this letter introduced and made part of the official record of the hearings on S. 1977, scheduled for September 14, 1971, before the Senate Interior and Insular Affairs Committee.

The above named resolution was overwhelmingly passed by the Oregon Division at their 1970 annual convention held in Portland, Oregon on April 26, 1970.

We are indeed pleased to see that the splendidly unique Oregon Dunes Area is being considered for a National Recreational Area for the benefit, health, and enjoyment of all present and future generations of Americans.

You have our complete support in this worthy and needed conservation effort.

Most Sincerely Yours,
JAMES A. POTTER,
President.

RESOLUTION: OREGON DUNES NATIONAL RECREATION AREA

Whereas, the Oregon Dunes are considered to be of national importance and are perhaps the finest example of seashore dunes on this continent; and

Whereas, the close proximity of the forest-sheltered fresh water lakes gives the area unique qualities for recreational enjoyment; and

Whereas, the creation of an Oregon Dunes National Recreation Area, as proposed in current legislation H.R. 778, is a significant and gratifying recognition of the high quality of Oregon's coastal scenic and recreational resources; and

Whereas, the proposed recreation area would have overall responsibility for management by one agency; and

Whereas, the proposed legislation provides for the acquisition of land adjacent to the lakes and dunes so as to protect the primary values from future degradation by undesirable types of commercial development; and

Whereas, the proposed legislation has gone far in meeting objections expressed with respect to the creation of a recreation area in that it provides for:

1. Local zoning to permit retention of many homes and business properties within the area.

2. Development and transportation of underground water and for the disposal of wastes.

3. Hunting and fishing may be carried on in such areas and under such regulations as the State Game Commission may prescribe after consultation with the Forest Service.

4. The protection of man-made developments and the natural resources of the area.

Now, therefore, be it resolved that the Oregon Division, Izaak Walton League of America, in convention assembled in Portland, Oregon, this 26th day of April, 1970, go on record as approving the creation of the recreation area is proposed in H.R. 778.

STATEMENT ON S. 1977, THE OREGON DUNES TO THE SENATE SUBCOMMITTEE ON PARKS AND RECREATION

Senators, the Oregon Wildlife Federation does hereby state our unqualified support of this legislation.

For more than ten years conservationists of Oregon have been asking for the designation of these unique sand dunes as a dedicated Recreation Area and to be managed in the public interest. We believe S–1977 will do this.

We agree to the boundaries as set forth in the "map" in the bill, deleting the residential property and protecting the rights of those property owners in the "Inland Sector." The continued management of the water resources of the dunes is authorized and the recreational uses are established for the entire 32,292 acres.

We sincerely believe the Department of Agriculture and the U.S. Forest Service can manage the Oregon Dunes as a multiple use Recreation Area under the conditions as set forth in S–1977. This legislation is long overdue.

Attached is a copy of our 1969 resolution stating our complete support of legislation to establish the Oregon Dunes Recreational Area.

Respectfully,
BERL R. OAR,
President,
Oregon Wildlife Federation.

RESOLUTION ON OREGON DUNES BY THE OREGON WILDLIFE FEDERATION

Whereas the conservation and multiple-use of our public lands and natural resources are of great concern to everyone, and,

Whereas the rare dune areas of Oregon's Coast have been used by the public for many recreational purposes for years, and,

Whereas Oregon's Congressman Dellenback has introduced national legislation (HR 778) to establish the Oregon Dunes National Recreational Area, to include all the major and scenic dunes for the public outdoor use and enjoyment by present and future generations, and,

Whereas the administration, development and protection of this thirty-three mile long, 30,530 acre area, will be under U.S. Forest Service and Secretary of Agriculture, and public recreation shall be promoted with proper multiple-use concepts;

Now therefore, be it resolved by the Oregon Wildlife Federation, in convention assembled this 22nd day of June, 1969, in Bend, Oregon, we urge full support of this legislation for continued Multiple-use of this area, and that all Senators and Congressmen of Oregon be notified of this resolution.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1977) was passed.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PACKWOOD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROHIBITION OF SHOOTING AT BIRDS AND ANIMALS FROM AIRCRAFT

Mr. MANSFIELD. Mr. President, I move that the Senate turn to the consideration of Calendar No. 417, H.R. 5060.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The bill was read by title as follows:

A bill (H.R. 5060) to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to and the Senate proceeded to consider the bill which had been reported from the Committee on Commerce with amendments on page 2, line 10, after the word "crops", insert "and each such person so operating under a license or permit shall report to the applicable issuing authority each calendar quarter the number and type of animals so taken"; in line 24, after the word "taken", strike out "and"; at the top of page 3, insert:

"(C) the number and type of animals taken by such person to whom a permit was issued; and

And, on page 3, at the beginning of line 3, strike out "(C)" and insert "(D)".

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The second assistant legislative clerk called the roll.

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

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

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business, under the order, is H.R. 5060.

Mr. MANSFIELD. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

Mr. STEVENS. Mr. President, I have filed supplemental views on this bill. I had intended to call up an amendment. Because of the considerations brought to my attention, because of the deliberations of the Fish and Game Commission in the State of Alaska, I am not going to do so, because we are going to continue discussing the matter in our Commerce Committee. But I would like the record to show and very clearly state that I have serious reservations about a bill which prohibits shooting animals solely from aircraft. We in our State prohibit shooting animals from aircraft, and the intent of the bill both in this body and in the House apparently seems to be that it would affect situations such as the so-called wolf men television program, and I think this is misleading.

We feel that the shooting of animals from any moving vehicle, whether it is a snow machine or snow buggy or dune buggy or truck or motor boat, or whatever it may be, ought to be prohibited, and that we should move in that direction. As a matter of fact, we do use aircraft and other vehicles for the control of predators. This bill would allow that.

This bill is being pushed at this time to convince the public, apparently, that situations such as occurred in the wolf man type of documentary, where aircraft are used to control predators, would be prohibited; and that is not so. A close reading of the bill discloses that would not be prohibited.

On the other hand, I would like to prohibit the taking of all animals by any person from any motor vehicle except under special circumstances where we would have the controls of not only State but Federal officials. Unfortunately, that is not possible at this time.

Therefore, I am not going to offer the amendment at this time. We intend to take it up in the committee.

I thank the majority leader for giving me notice so I could indicate why I did not offer the amendment which was submitted by me and explained in the supplementary views in the report of the Commerce Committee.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. MANSFIELD. May I say the Senator from Alaska has made a very strong case for his point of view, and I am delighted that he took time out of a very important committee meeting to come here at this time and give us the benefit of his important views on this matter, because of his expertise and first-hand knowledge.

Mr. STEVENS. I thank the Senator very much.

Mr. ALLOTT. Mr. President, I rise in support of the pending bill, H.R. 5060. This bill, subject to certain limited exceptions, would make it unlawful for anyone while airborne to shoot or attempt to shoot for the purpose of capturing or killing any bird, fish, or other animal; or to harass any bird, fish, or animal, or to knowingly participate in using an aircraft for such purposes.

The management of game and the formulation of hunting regulations is traditionally a State prerogative. I am normally very hesitant to see the Federal Government's jurisdiction extended into this area. However, Mr. President, blatant and outrageous improprieties call for strong action.

As the Senate committee report states on page 3:

This year the killing of over 500 eagles from helicopters in Wyoming and Colorado indicated the need to curb this practice.

I am a sportsman myself, but there is nothing sportsmanlike in any way in shooting animals or birds from an aircraft. I only regret that these reported incidents took place, in part, in my State.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

There being no objection, the committee amendments were agreed to en bloc.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5060) was read the third time and passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONSUMER PRODUCT WARRANTIES AND FEDERAL TRADE COMMISSION IMPROVEMENTS ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 396, S. 986. I do this so that it will be the pending business.

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

The legislative clerk read the bill by title, as follows:

A bill (S. 986) to provide minimum disclosure standards for written consumer product warranties against defect or malfunction; to define minimum Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Consumer Product Warranties and Federal Trade Commission Improvements Act of 1971".

TITLE I—CONSUMER PRODUCT WARRANTIES

DEFINITIONS

SEC. 101.—

(1) "Commission" means the Federal Trade Commission.

(2) The term "consumer product" means any tangible personal property, normally used for personal, family, or household purposes, including any such property intended to be attached to or installed in any real property without regard to whether it is so attached or installed. However, the provisions affecting consumer products in sections 102 and 103 of this title shall apply only to consumer products actually costing the purchaser more than $5 each.

(3) "Purchaser" or "consumer" means any person who is entitled by any warranty in writing or service contract in writing which is offered or given to enforce against the supplier the obligations of the warranty or service contract.

(4) "Reasonable and necessary maintenance" consists of those operations which the purchaser reasonably can be expected to perform or have performed to keep a consumer product operating in a predetermined manner and performing its intended function.

(5) The term "repair" may at the option of the warrantor include replacement with a new, identical or equivalent consumer product or component(s) thereof.

(6) The term "replacement" as used in section 104 of this title, in addition to furnishing a new, identical or equivalent consumer product (or component(s) thereof), shall include the refunding of the actual purchase price of the consumer product (1) if repair is not commercially practicable or (2) if the purchaser is willing to accept such refund in lieu of repair or replacement. In the event there is replacement of a consumer product, the replaced consumer product (free and clear of liens and encumbrances) shall be made available to the supplier.

(7) "Supplier" means any person (including any partnership, corporation, or association) engaged in the business of making a consumer product or service contract available to consumers, either directly or indirectly. Occasional sales of consumer products by persons not regularly engaged in the business of making such products available shall not make such persons "suppliers" within the meaning of this title.

(8) "Warrantor" means any supplier or other party who gives a warranty in writing.

(9) The term "warranty" includes guaranty, and to warrant is to guarantee.

(10) "Warranty in writing" or "written warranty" means a warranty in writing against defect or malfunction of a consumer product.

(a) "Full warranty" means a warranty in writing against defect or malfunction of a consumer product which incorporates the Federal standards for warranty set forth in section 104 of this title.

(b) "Limited warranty" means any warranty in writing against defect or malfunction of a consumer product subject to the provisions of this title which does not incorporate the Federal standards for warranty set forth in section 104 of this title.

(11) A "warranty in writing against defect or malfunction of a consumer product" means:

(i) any written affirmation of fact or written promise made at the time of sale by a supplier to a purchaser which relates to the nature of the material or workmanship and affirms or promises that such material or workmanship is defect-free or will meet a specified level of performance over a specified period of time, or

(ii) any undertaking in writing to refund, repair, replace, or take other remedial action with respect to the sale of a consumer product in the event that the product fails to meet the specifications set forth in the undertaking,

which written affirmation, promise, or undertaking becomes part of the basis of the bargain between the supplier and the purchaser.

(12) The term "without charge" means that the warrantor(s) cannot assess the purchaser for any costs the warrantor or his representatives incur in connection with the required repair or replacement of a consumer product warranted in writing. The term does not mean that the warrantor must necessarily compensate the purchaser for incidental expenses. However, if any incidental expenses are incurred because the repair or replacement is not made within a reasonable time or because the warrantor imposed an unreasonable duty upon the purchaser as a condition of security repair or replacement, then the purchaser shall be entitled to recover such reasonable incidental expenses in any action against the warrantor for breach of warranty under section 110(b) of this title.

DISCLOSURE REQUIREMENTS

SEC. 102. (a) In order to improve the adequacy of information available to consumers, prevent deception, and improve competition in the marketing of consumer products, any supplier warranting in writing a consumer product shall fully and conspicuously disclose in simple and readily understood language the terms and conditions of said warranty pursuant to any regulations issued by the Commission under procedures specified in section 109 of this title. Such regulations may require inclusion in the written warranty of information with respect to any of the following items among others:

(1) The clear identification of the name and address of the warrantor.

(2) Identity of the class or classes of persons to whom the warranty is extended.

(3) The products or parts covered.

(4) A statement of what the warrantor will do in the event of a defect or malfunction—at whose expense—and for what period of time.

(5) A statement of what the purchaser must do and expenses he must bear.

(6) Exceptions and exclusions from the terms of the warranty.

(7) The step-by-step procedure which the purchaser should take in order to obtain performance of any obligation under the warranty, including the identification of any class of persons authorized to perform the obligations set forth in the warranty.

(8) On what days and during what hours the warrantor will perform his obligations.

(9) The period of time within which, after notice of malfunction or defect, the warrantor will under normal circumstances repair, replace, or otherwise perform any obligations under the warranty.

(10) The availability of any informal dispute settlement procedure offered by the warrantor and a recital that the purchaser must resort to such procedure before pursuing any legal remedies in the courts.

(11) A recital that any purchaser who successfully pursues his legal remedies in court may recover the reasonable costs incurred, including reasonable attorneys' fees.

(b) The Commission is authorized to determine in accordance with section 109 of this title the manner and form in which information with respect to any written warranty shall be clearly and conspicuously presented or displayed when such information is contained in advertising, labeling, point-of-sale material, or other representations in writing. Nothing in this title shall be deemed to authorize the Commission to prescribe the duration of warranties given or to require that a product or any of its components be warranted. Further, except as provided in section 104, nothing in this title shall be deemed to authorize the Commission to prescribe the scope or substance of written warranties.

DESIGNATION OF WARRANTIES

SEC. 103. (a) Any supplier warranting in writing a consumer product shall clearly and conspicuously designate such warranty as provided herein unless exempted from doing so by the Commission pursuant to section 109 of this title:

(1) If the written warranty incorporates the Federal standards for warranty set forth in section 104 of this title, then it shall be conspicuously designated as "full (statement of duration)" warranty, guaranty, or word of similar meaning. A warrantor issuing a written warranty in compliance with Federal standards shall also attempt in good faith to cause the disclosure of the duration of the warranty period measured either by time or by some relevant measure of usage such as mileage to the purchaser prior to the time of purchase through advertising, by providing point-of-sale materials, or by other reasonable means.

(2) If the written warranty does not incorporate the Federal standards for warranty set forth in section 104 of this title, then it shall be designated in such manner so as to indicate clearly and conspicuously the limited scope of the coverage afforded.

(b) Written statements or representations such as expressions of general policy concerning customer satisfaction which are not subject to any specific limitations shall not be deemed to be warranties in writing for purposes of sections 102, 103, and 104 of this title but shall remain subject to the provisions of the Federal Trade Commission Act and section 110 of this title.

FEDERAL STANDARDS FOR WARRANTY

SEC. 104. (a) Any supplier warranting in writing a consumer product must undertake at a minimum the following duties in order to be deemed to have incorporated the Federal standards for warranty:

(1) to repair or replace any malfunctioning or defective warranted consumer product;

(2) within a reasonable time; and

(3) without charge.

In fulfilling the above duties the warrantor shall not impose any duty other than notification upon any purchaser as a condition of securing repair or replacement of any malfunctioning or defective consumer product unless the warrantor can demonstrate that such a duty is reasonable. In a determination by a court or the Commission of whether or not any such additional duty or duties are reasonable, the magnitude of the economic burden necessarily imposed upon the warrantor (including costs passed on to the purchaser) shall be weighed against the magnitude of the burdens of inconvenience and expense necessarily imposed upon the purchaser.

(b) The above duties extend from the warrantor to the purchaser.

(c) The performance of the duties enumerated in subsection (a) of this section shall not be required of the warrantor if he can show that damage while in the possession of the purchaser or unreasonable use (including failure to provide reasonable and necessary maintenance) caused any warranted consumer product to malfunction or become defective.

FULL AND LIMITED WARRANTING OF A CONSUMER PRODUCT

SEC. 105. Nothing in this title shall prohibit the selling of a consumer product which has both full and limited warranties if such warranties are clearly and conspicuously differentiated.

SERVICE CONTRACTS

SEC. 106. Nothing in this title shall be construed to prevent a supplier from selling a service contract to the purchaser in addition to or in lieu of a warranty in writing if such contract fully and conspicuously discloses in simple and readily understood language the terms and conditions. The Commission is authorized to determine in accordance with section 109 of this title the manner and form in which the terms and conditions of service contracts shall be clearly and conspicuously disclosed.

DESIGNATION OF REPRESENTATIVES

SEC. 107. Nothing in this title shall be construed to prevent any warrantor from making any reasonable and equitable arrangements for representatives to perform duties under a written warranty: *Provided,* That no such arrangements shall relieve the warrantor of his direct responsibilities to the purchaser or necessarily make the representative a cowarrantor.

LIMITATION ON DISCLAIMER OF IMPLIED WARRANTIES

SEC. 108. (a) There shall be no express disclaimer of implied warranties to a purchaser if any warranty in writing or service contract in writing of a consumer product is made by a supplier to a purchaser.

(b) For purposes of this title, implied warranties may be limited only as to duration and only to the duration of a warranty in writing of reasonable duration, if such limitation is conscionable and is set forth in clear and unmistakable language and prominently displayed on the face of the warranty.

FEDERAL TRADE COMMISSION

SEC. 109. In addition to the authority given in sections 102 and 106 of this title pertaining to disclosure, the Commission is authorized to establish rules pursuant to section 553, title 5, United States Code, upon a public record after an opportunity for an agency hearing structured so as to proceed as expeditiously as practicable, to determine when a warranty in writing does not have to be designated in accordance with section 103 of this title; to define in detail the disclosure requirements in paragraph (2) of subsection (a) of section 103; and to define in detail the duties set forth in subsection (a) of section 104 of this title and their applicability to warrantors of different categories of consumer products with "full" warranties.

PRIVATE REMEDIES

SEC. 110. (a) Congress hereby declares it to be its policy to encourage suppliers to establish procedures whereby consumer disputes are fairly and expeditiously settled through informal dispute settlement mechanisms. Such informal dispute settlement procedures should be created by suppliers in cooperation with independent and governmental entities pursuant to guidelines established by the Commission. If a supplier incorporates any such informal dispute settlement procedure in any written warranty or service contract, such dispute procedure shall initially be used by any consumer to resolve any complaint arising under such warranty or service contract. The bona fide operation of any such dispute procedure shall be subject to review by the Commission on its own initiative or upon written complaint filed by any injured party.

(b) Any purchaser damaged by the failure of a supplier to comply with any obligations assumed under a written warranty or service contract in writing subject to this title may bring suit for breach of such warranty or service contract in an appropriate district court of the United States subject to the jurisdictional requirements of section 1331, title 28, United States Code, and any purchaser damaged by the failure of a supplier to comply with any obligations assumed under an express or implied warranty or service contract subject to this title may bring suit in any State or District of Columbia court of competent jurisdiction: *Provided,* That prior to commencing any legal proceeding for breach of warranty or service contract, any purchaser must have afforded the supplier a reasonable opportunity to cure the breach including the utilization of any informal dispute settlement mechanisms established pursuant to subsection (a) of this section. Nothing in this subsection shall be construed to change in any way the jurisdictional prerequisites or venue requirements of any State.

(c) Any purchaser who shall finally prevail in any suit or proceeding for breach of an express or implied warranty or service contract obligation brought under section (b) of this section shall be allowed by the court of competent jurisdiction to recover as part of the judgment a sum equal to the aggregate amount of cost and expenses (including attorneys' fees based on actual time expended) determined by the court to have been reasonably incurred by such purchaser for or in connection with the institution and prosecution of such suit or proceeding unless the court in its discretion shall determine that such an award of attorneys' fees would be inappropriate.

GOVERNMENT ENFORCEMENT

SEC. 111. (a) It shall be unlawful and a violation of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 56(a)(1)) for any person (including any partnership, corporation, or association) subject to the provisions of this title to fail to comply with any requirement imposed on such person by or pursuant to this title or to violate any prohibition contained in this title.

(b)(1) The district courts of the United States shall have jurisdiction to restrain violations of this title in an action by the Attorney General or by the Commission by any of its attorneys designated by it for such purpose. Upon a proper showing, and after notice to the defendant, a temporary restraining order or preliminary injunction may be granted without bond under the same conditions and principles as injunctive relief against conduct or threatened conduct that will cause loss or damage is granted by courts of equity: *Provided, however,* That if a complaint is not filed merely the supplier's opinion or commendation of the consumer product or service does not create a warranty.

(2) Only the supplier actually making an affirmation of fact or promise, a description, or providing a sample or model shall be deemed to have created an express warranty under this section and any rights arising thereunder may only be enforced against such supplier and no other supplier.

(d)(1) For the purposes of this section, an "express warranty" is created as follows:

(A) Any affirmation of fact or promise made by a supplier to the purchaser which relates to a consumer product or service and becomes part of the basis of the bargain creates an express warranty that the consumer product or service shall conform to the affirmation or promise.

(B) Any description of a consumer product which is made part of the bargain creates an express warranty that the consumer product shall conform to the description.

(C) Any sample or model which is made part of the basis of the bargain creates an express warranty that the consumer product shall conform to the sample or model.

It is not necessary to the creation of an express warranty that the supplier use formal words such as "warranty" or "guaranty" or that he have a specific intention to make a warranty, but an affirmation merely of the value of the consumer product or service or a statement purporting to be within such period as may be specified by the court after the issuance of the restraining order or preliminary injunction, the order or injunction may, upon motion, be dissolved. Whenever it appears to the court that the ends of justice require that other persons should be parties in the action, the court may cause them to be summoned whether or not they reside in the district in which the court is held, and to that end process may be served in any district.

(2) Civil Investigative Demands.

(i) Whenever the Attorney General has reason to believe that any person under investigation may be in possession, custody, or control of any documentary material, relevant to any violation of this title, he may, prior to the institution of a proceeding under this section cause to be served upon such person, a civil investigative demand requiring such person to produce the documentary material for examination.

(ii) Each such demand shall—

(1) state the nature of the conduct alleged to constitute the violation of this title which is under investigation;

(2) describe the class or classes of documentary material to be produced thereunder with such definiteness and certainty as to permit such material to be fairly identified;

(3) prescribe a return date which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and

(4) identify the custodian to whom such material shall be furnished.

(iii) No demand shall—

(1) contain any requirement which would be held unreasonable if contained in a subpena duces tecum issued by a court of the United States in a proceeding brought under this section; or

(2) require the production of any documentary evidence, which would be privileged from disclosure if demanded by a subpena duces tecum issued by a court of the United States in any proceeding under this section.

(iv) Any such demand may be served at any place within the territorial jurisdiction of any court of the United States.

(v) Service of any such demand or of any petition filed under subparagraph (vii) of this section may be made upon a person, partnership, corporation, association, or other legal entity by—

(1) delivering a duly executed copy thereof to such person or to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such person, partnership, corporation, association, or entity;

(2) delivering a duly executed copy thereof to the principal office or place of business of the person, partnership, corporation, association or entity to be served; or

(3) depositing such copy in the United States mails, by registered or certified mail duly addressed to such person, partnership, corporation, association, or entity at its principal office or place of business.

(vi) A verified return by the individual serving any such demand or petition setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail such return shall be accompanied by the return post office receipt of delivery of such demand.

(vii) The provisions of sections 4 and 5 of the Antitrust Civil Process Act (15 U.S.C. 1313, 1314) shall apply to custodians of material produced pursuant to any demand and to judicial proceedings for the enforcement of any such demand made pursuant to this section: *Provided, however,* That documents

and other information obtained pursuant to any civil investigative demand issued hereunder and in the possession of the Department of Justice may be made available to duly authorized representatives of the Commission for the purpose of investigations and proceedings under this title and under the Federal Trade Commission Act subject to the limitations upon use and disclosure contained in section 4 of the Antitrust Civil Process Act (15 U.S.C. 1313).

SAVING PROVISION

SEC. 112. Nothing contained in this title shall be construed to repeal, invalidate, or supersede the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any statute defined therein as an Antitrust Act.

SCOPE

SEC. 113. (a) The provisions of this title and the powers granted hereunder to the Commission and Attorney General shall extend to all sales of consumer products and service contracts affecting interstate commerce.

(b) Labeling, disclosure, or other requirements of a State with respect to written warranties and performance thereunder, inconsistent with those set forth in section 102, 103, or 104 of this title or with rules and regulations of the Commission issued in accordance with the procedures set forth in section 109 of this title shall not be applicable to warranties complying therewith.

(c) Nothing in this title shall be construed to supersede any provision of State law limiting consequential damages for injury to the person.

EFFECTIVE DATE

SEC. 114. (a) Except for the limitations in subsection (b) of this section, this title shall take effect six months after the date of its enactment but shall not apply to consumer products manufactured prior to such effective date.

(b) Those requirements in this title which cannot be reasonably met without the promulgation of rules by the Commission shall take effect six months after the final publication of such rules: *Provided*, That the Commission, for good cause shown, may provide designated classes of suppliers up to an additional six months to bring their written warranties into compliance with rules promulgated pursuant to this title.

(c) The Commission shall promulgate initial rules for initial implementation of this title including guidelines for establishment of informal dispute settlement procedures pursuant to section 110(a) as soon as possible after enactment but in no event later than one year after the date of enactment.

TITLE II—FEDERAL TRADE COMMISSION IMPROVEMENTS

SEC. 201. Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by striking out the words "in commerce" wherever they appear and inserting in lieu thereof "affecting commerce".

SEC. 202. Section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) is amended by inserting after paragraph (6) thereof the following new paragraph:

"(7) The Commission may initiate civil actions in the district courts of the United States against persons, partnerships, or corporations engaged in any act or practice which is unfair or deceptive to a consumer and is prohibited by subsection (a)(1) of this section with actual knowledge or knowledge fairly implied on the basis of objective circumstances that such act is unfair and deceptive and is prohibited by subsection (a)(1) of this section, to obtain a civil penalty of not more than $10,000 for each such violation. The Commission may compromise, mitigate, or settle any action for a civil penalty if such settlement is accompanied by a public statement of its reasons and approved by the court.

SEC. 203. Section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) is amended by inserting after paragraph (7) as added by section 202 of this Act the following new paragraph:

"(8) After an order of the Commission to cease and desist from engaging in acts or practices which are unfair or deceptive to consumers and proscribed by section 5(a)(1) of this Act has become final as provided in subsection (g) of this section, the Commission, by any of its attorneys designated by it for such purpose, may institute civil actions in the district courts of the United States to obtain such relief as the court shall find necessary to redress injury to consumers caused by the acts or practices which were the subject of the cease and desist order, including but not limited to, recision or reformation of contracts, the refund of money or return of property, public notification of the violation, and the payment of damages."

SEC. 204. Section 5(1) of the Federal Trade Commission Act (15 U.S.C. 4(1), is amended by striking subsection (l) and inserting in lieu thereof the following new paragraph:

"(l) Any person, partnership, or corporation who violates an order of the Commission after it has become final, and while such order is in effect, shall forfeit and pay to the United States a civil penalty of not more than $10,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the United States or by the Commission in its own name by any of its attorneys designated by it for such purpose. Each separate violation of such an order shall be a separate offense, except that in the case of a violation through continuing failure or neglect to obey a final order of the Commission each day of continuance of such failure or neglect shall be deemed a separate offense. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate in the enforcement of such final orders of the Commission."

SEC. 205. Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended by striking out the words "in commerce" wherever they appear and inserting in lieu thereof "in or whose business affects commerce".

SEC. 206. Section 6(g) of the Federal Trade Commission Act (15 U.S.C. 46(g)) is amended by striking subsection (g) and inserting in lieu thereof the following:

"(g) From time to time to classify corporations and to make rules and regulations for the purposes of carrying out the provisions of this Act. Such rules and regulations as are specifically provided for hereinafter shall be promulgated in the following manner and shall have the stated substantive force and effect:

"(1) The Commission is authorized to issue procedural rules to carry out the provisions of this Act. Any such rule shall be promulgated in accordance with section 553 of title 5 of the United States Code and without regard to the exemption in subsection (b) thereof for rules of agency procedure or practice.

"(2) The Commission is hereby authorized to issue legislative rules defining with specificity acts or practices which are unfair or deceptive to consumers and which section 5(a)(1) of this Act proscribes.

"(i) When issuing legislative rules the Commission shall (a) issue an order of proposed rulemaking stating with particularity the reason for the rule; (b) allow interested persons at least thirty days to comment on the proposed rule in writing or at an agency hearing and make all such comments publicly available; (c) provide the Commission staff and other persons an opportunity to respond within a designated period of time to comments initially received and make such responses publicly available; (d) if on the basis of the record compiled in accordance with subparagraphs (a), (b), and (c) there is a disparity of views concerning material facts upon which the proposed rule is based, provide for an agency hearing in accordance with sections 556 and 557 of title 5 of the United States Code at which the Commission may permit cross-examination (limited as to scope or subject matter) by one or more parties as representatives of all parties having similar interests; (e) promulgate a final rule based on the record compiled in accordance with subparagraphs (b), (c), and, if applicable, subparagraph (d) of this paragraph.

"(ii) Following the final promulgation by the Commission of any legislative rule that rule and a brief in its support based upon the Commission proceedings shall be referred to the House of Representatives and the Senate. If within sixty calendar days (which sixty days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than thirty calendar days to a day certain) from the date of referral the Senate or the House of Representatives by resolution do not disapprove the rule, it shall become effective.

"(iii) Following the final promulgation by the Commission of any legislative rule, any interested person may, at any time prior to the tenth day after the expiration of the period for review as provided in subparagraph (ii) of this paragraph, file a petition for a judicial review of such determination. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Chairman of the Commission or the officer designated by him for that purpose. The Commission shall file in the court the record of the proceedings on which the Commission based its rule, as provided in section 2112 of title 28 of the United States Code.

"(iv) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there was no opportunity to adduce such evidence in the proceeding before the Commission, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Commission in a hearing or in such other manner, and upon such terms and conditions, as to the court may seem proper. The Commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file any such modified or new findings, and its recommendation, if any, for the modification or setting aside of its original determination, with the return of such additional evidence. Upon the filing of the petition, the court shall have jurisdiction to review the determination of the Commission in accordance with chapter 7 of title 5 of the United States Code, including that provision requiring the rule to be supported by substantial evidence on the basis of the entire record before the court (including any additional evidence adduced).

"(v) Any legislative rule which has become final shall have prospective application only.

"(vi) Nothing in this Act shall be deemed to foreclose judicial review of a legislative rule when the Commission issues a final order based upon such rule.

"(3) Any person seeking judicial review of a rule may obtain such review in the United States Court of Appeals for the District of Columbia Circuit, or any circuit where such person resides or has his principal place of business."

SEC. 207. Section 9 of the Federal Trade Commission Act (15 U.S.C. 49) is amended by—

(a) deleting the word "corporation" in the first sentence of the first unnumbered paragraph and inserting in lieu thereof the word "party".

(b) inserting after the word "Commission" in the second sentence of the second unnumbered paragraph the phrase "acting through any of its attorneys designated by it for such purpose";

(c) deleting the fourth unnumbered paragraph and inserting in lieu thereof the following:

"Upon application of the Attorney General of the United States or the Commission, acting through any of its attorneys designated by it for such purpose, the district courts of the United States shall have jurisdiction to issue writs of mandamus commanding any person or corporation to comply with the provisions of this Act or any order of the Commission made in pursuance thereof."

SEC. 208. Section 10 of the Federal Trade Commission Act (15 U.S.C. 50) is amended by deleting the third unnumbered paragraph and inserting in lieu thereof the following:

"If any corporation required by this Act to file any annual or special report shall fail to do so within the time fixed by the Commission for filing the same, and such failure shall continue for thirty days after notice of such default, the corporation shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States and shall be recoverable in a civil suit brought by the United States or by the Commission, acting through any of its attorneys designated by it for such purpose, in the district where the corporation has its principal office or in any district in which it shall do business."

SEC. 209. Section 12 of the Federal Trade Trade Commission Act (15 U.S.C. 52) is amended by striking out the words "in commerce" wherever they appear and inserting in lieu thereof "in or having an effect upon commerce."

SEC. 210. Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended by redesignating "(b)" as "(c)" and inserting the following new subsection:

"(b) Whenever the Commission has reason to believe—

"(1) that any person, partnership, or corporation is engaged in, or is about to engage in, any act or practice which is unfair or deceptive to a consumer, and is prohibited by section 5, and

"(2) that the enjoining thereof pending the issuance of a complaint by the Commission under section 5, and until such complaint is dismissed by the Commission or set aside by the court on review, or the order of the Commission made thereon has become final within the meaning of section 5, would be to the interest of the public—

the Commission by any of its attorneys designated by it for such purpose may bring suit in a district court of the United States to enjoin any such act or practice. Upon a proper showing, and after notice to the defendant, a temporary restraining order or a preliminary injunction may be granted without bond under the same conditions and principles as injunctive relief against conduct or threatened conduct that will cause loss or damage is granted by courts of equity: *Provided, however,* That if a complaint under section 5 is not filed within such period as may be specified by the court after the issuance of the temporary restraining order or preliminary injunction, the order or injunction shall be dissolved by the court and be of no further force and effect. Any such suit shall be brought in the district in which such person, partnership, or corporation resides or transacts business."

SEPARABILITY

SEC. 211. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

Amend the title so as to read: "A bill to provide disclosure standards for written consumer product warranties against defect or malfunction; to define Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes."

PROGRAM

Mr. MANSFIELD. Mr. President, there will be no debate on this bill today, but is the Senator from Montana correct in asking the Chair if the time has been set for the Senate to convene tomorrow?

The PRESIDING OFFICER. The Senator is correct. The time has been set for 10 a.m.

Mr. MANSFIELD. Fine. After the conclusion of the morning business, debate will start on this measure, to be led off by the distinguished Senator from Washington (Mr. MAGNUSON). I do not know just how far we will get along with this bill tomorrow, but at least we will get started, and if we do not finish the bill tomorrow—we will not meet Saturday—hopefully we will finish it on Monday.

Again, to call this fact to the attention of the Senate, on Tuesday the leadership has requested, and the Senate has granted, its proposal that the Okinawa treaty be laid before the Senate and made the pending business at the conclusion of the morning business. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. We hope to make some other requests as time goes on, but emphasize the fact that, as far as the joint leadership is concerned, we are making a very serious effort to try to finish the work of the Senate and to adjourn sine die around December 1 at the latest. Whether or not we will succeed will not depend upon the joint leadership, but will depend on the Senate collectively and Senators individually.

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. 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.

THE UNITED STATES AND NATO: TROOP REDUCTION—XII

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD set No. XII of the commentaries, columns, articles, and editorials relative to the U.S. troop position in Europe in relation to NATO.

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

COMMENTARY OF JOSEPH MCCAFFREY

Writing from Bonn in the Baltimore Sun, Joseph Sterne says that the one name that causes tempers to rise in West Germany is "Mansfield." The tempers go up twice as high if the full name is used, Mike Mansfield.

Because the Germans feel that in wanting to cut back United States troop strength in Europe, the Senate Majority Leader is aiming at them.

Here is a nation, defeated in war twenty-six years ago which still thinks it should be spoon fed by its conquerors. The money that the United States poured into Europe to aid in its post-World War II recovery is at the root of the present imbalance of payments, and the retention of our troops in Europe, 26 years after the war is over, also contributes to that imbalance.

But the Germans are irked.

Then, they have a right to be, because they are looking at the troops issue from a purely selfish viewpoint.

If we would only look at it from our own selfish viewpoint we'd have done long ago what Senator Mansfield seeks to do. We would have ended this hangover of the cold war, and saved ourselves a great deal of money.

Not only that, but although the Germans resent that fact that Mansfield and others in this country want to bring the troops home, the troops themselves aren't treated with any great courtesy by the West Germans—in many cases they are viewed with disdain. The troops themselves are being victimized by dope, by racial friction and other headaches which can only be resolved by getting them out of Europe. It is too bad Bonn resents the Mansfield move, but it is inevitable, and it is in our best interests. Americans should, after all, determine their own foreign policy.

[From the Philadelphia Inquirer, Oct. 14, 1971]

NATO ALLIES DIFFER—EXCEPT ON U.S. FORCE

(By Charles Bartlett)

WASHINGTON.—Despite the smell of detente in the air, faint optimism attends the coming explorations to learn if there is a practical way to cut back, on a mutual basis, the level of military forces in Europe.

The massive deployments of NATO and the Warsaw Pact have been balanced against each other, like huge boulders, for so long that all the inertia of habit and the status quo works against efforts to pry them apart and chisel them down to a more comfortable size.

NATO has learned its own divergences from its attempts to instruct Manlio Brosio, the Italian diplomat commissioned to explore Communist attitudes on mutual troop reduction. The consensus is so splintered and Brosio's instructions are so generalized that there is little substance in the negotiating package which he will carry to the Communist capitals.

Each ally looks at the problem in a different light. The Nixon Administration needs the MBFR (Mutual Balanced Force Reductions) negotiations to meet the pressures at home to decrease the 310,000 American troops committed to Europe.

It seems important in Washington to hold these negotiations ahead of a European security conference which might be a Pandora's box, deepening the detente in illusive ways and softening the Allies' will to hold together.

But the Europeans want the reassurance of a deeper detente before they sanction mass departures by the troops which are their hostage against Washington's pledge to react to Soviet aggression. The Italians, for example, are ready to negotiate but not for reductions in their sector of the defense line.

The reluctance of the British and Germans

is exceeded by the French who appear, in an ironic twist of policy, most adamant of all against steps which may take American soldiers out of Europe. Their attitude belies their uncooperative past. Even now they refuse to discuss claims from some $800 millions to cover the costs of evacuating NATO from French soil.

But French adamance flows logically from French aims. They want maximum defense at minimum cost. They like American soldiers in Germany as a bumper against the West Germany Army.

Brosio may find the Communists more unified. Certainly the Soviets are pressed to bring home manpower to perform city-building chores that are urgent. They require stability on their Western Front to deal with an uncertain future on the Chinese border. They desperately need to enlarge their access to trade, credits, and licenses from the West Their satellites will not obstruct the withdrawal of Russian divisions.

There is a rough balance in the opposing military deployments in Europe. But time is working for the Communists. They can wait for Western unity to erode under balance of payments antagonisms, the reluctance by Europeans to sacrifice more heavily for defense, and the impatience of Americans with their share of the burden.

But even if Brosio finds that the Soviets would rather talk than wait, the road to mutual reductions will be lengthy.

Sen. Mike Mansfield may be accurate in his gloomy prediction that it can take a lifetime to negotiate any sizable withdrawal of American troops. He at least does not intend to be diverted from leading the Congressional push for a unilateral American cutback.

The negotiations will temporarily help the President to resist these pressures. But he may soon need a tangible answer to the dilemma posed by Allies not frightened enough to take up the slack or secure enough to ignore the defense of Europe.

[From the Los Angeles Times, Oct. 11, 1971]

TIPTOEING TOWARD A CONFERENCE

The Atlantic allies, still more or less in step, have now cleared the way for negotiations with the Soviet Union on the mutual and balanced reduction of forces in Europe. Nothing could be more important in sustaining the momentum toward a more secure Europe. But few things are more vulnerable to political pressures, notably the dove-hawk conflicts of both Moscow and Washington.

Manlio Brosio, who learned his way around the Soviet capital while Italian ambassador there in the Stalin era, is going to Moscow to see if the Russians are serious. He is well qualified for the job. For seven years he was secretary-general of NATO. Before that, he was Italy's ambassador to Washington and knows something of the curious currents that operate there.

His mission is part of a carefully articulated strategy that the Atlantic allies have been following. The unanimity of NATO in sending Brosio on his mission, however, conceals some differences of view not only about the timetable for troop reduction talks, but also the whole question of the desirability of more detente action now, while the Europeans are awaiting Britain's final step into the Common Market and trying to catch a deep breath after the shock of President Nixon's monetary and trade actions of August.

The Soviet Union might have been having some second thoughts which could upset the timetable anyway. Soviet Foreign Minister Andrei Gromyko caused a stir in New York by telling Western foreign ministers that he sees a link between final agreement on the Big Four Berlin accord and West German ratification of new friendship treaties with Poland and the Soviet Union. Gromyko must know that the West German government would be hard pressed to win Bundestag approval of the friendship pacts without prior agreement on Berlin. Any delay on consummating the Berlin agreement also would delay something Moscow wants very much, a European Security Conference. NATO has made the Berlin agreement a prerequisite for a conference. The delay also could affect troop-cut talks.

Uncertainty about Soviet intentions makes all the more important Brosio's Moscow trip.

[From the Baltimore Sun, Oct. 10, 1971]

NATO EXPLORER

The North Atlantic Treaty Organization is sending its former secretary general, Manlio Brosio, to Moscow to explore the possibilities of troop reductions in Central Europe by the NATO and Warsaw Pact countries. Even in its exploratory state, this is a step toward the mutual force reductions which both sides have been talking about for some time. Mr. Brosio's assignment is to try to find out whether there is a real basis for East-West negotiations—in short, to discuss the position of the Soviet Union and its Warsaw Pact affiliates in relation to that of the NATO members—and to report back in time for the annual meeting of NATO foreign and defense ministers in December.

Fourteen of the NATO members approved the mission. The 15th, France, takes exception to bloc to bloc negotiations of this kind as an infringement on its sovereignty. As Scott Sullivan reports in a dispatch from Brussels, the Scandinavian NATO powers are uneasy about possible reductions in the northern wing of NATO and Italy, Greece and Turkey want no reductions in the Mediterranean wing, but there was an agreement that Central Europe could be dealt with first. A difference of opinion exists as to a conference on European security as especially urged by the Warsaw Pact countries and a conference on mutual force reductions as between the NATO and Warsaw Pact members, or whether the two should be merged. The United States would like to keep them separate, but Britain and France prefer that the two sets of negotiations be conducted at the same time.

In any case, the exploration in Moscow of mutual troop reductions is a piece in the changing pattern of East-West relations, a pattern of East-West relations, a pattern which includes the SALT talks between the United States and the Soviet Union, the Berlin agreement of the four powers and the continuing talks on Berlin between East and West Germany and the developing relations between East and West Germany and also between West Germany and the Soviet Union.

The importance of these stirrings as to world peace and defense costs is evident. The possible benefits are so great that serious, persistent efforts to bring them about are indicated. This is not a soft-headed enterprise, and it cannot be based on wishful thinking. There is a solid ground of mutual interest in all this. The task is to locate it and define it precisely.

[From the Baltimore Sun, Oct. 10, 1971]

NATO BITES AT THE SOVIET BITE AT THE NATO SUGGESTION

(By Scott Sullivan)

BRUSSELS.—"I have read in the press that we are going to Moscow like a virgin going to be violated," Joseph Luns, the jocular, new secretary of the North Atlantic Treaty Organization told newsmen here Wednesday night. Then he beamed his well-known beam and added: "I assure you, gentlemen, we do not see it that way."

Mr. Luns was talking about the NATO decision to send Manlio Brosio, his recently retired predecessor, on an exploratory mission to determine the Soviet Union's real interest in talking about "mutual and balanced" force reductions in central Europe.

Indeed, the new secretary general went farther. He said every one of the 14 nations participating in the endeavor (all NATO members except France were "positive," even "enthusiastic" about it.

The secretary general, who was meeting the press for the first time in his present job, is widely liked by newsmen and no one pressed the point. But few of those who have watched the force-reduction process develop had much faith in the "enthusiasm" Mr. Luns described.

In a sense, it hardly matters, for force reductions are a NATO-originated proposal and the alliance now finds itself stuck with its good intentions of three years ago. It would hardly be "becoming," as a British source here said recently, to step back from the initiative which first appeared in the final communique issued by NATO foreign ministers at Reykjavik, Iceland, in June, 1968, and repeated in every communique since—simply because the "other side" shows signs of taking it seriously.

For a long time, it looked as if the Russians and their Warsaw Pact allies would let the suggestion lie limply on the tables destined for oblivion. Then, however, as the detente tide swelled, as progress was made toward a Berlin settlement, as German Chancellor Willy Brandt vigorously pushed his Eastern policy and the strategic-arms limitation talks showed promise, the force-reduction proposal took on new plausibility.

TAKEN BY SURPRISE

Still, Leonid Brezhnev, the Soviet Communist party secretary, took most of the West by surprise when, at a speech in Tiflis, Russia, May 14, he invited the West to "taste the wine" of Russian intentions on force reductions. Significantly, Mr. Brezhnev did not use the key word "balance." Even so, the invitation was clear, and the West could not "becomingly" ignore it.

At their Lisbon meeting in June, the NATO foreign ministers pledged to seek out Soviet and Warsaw Pact contacts over the summer in an attempt to determine whether Mr. Brezhnev meant business. In Lisbon, a high United States source pointed out to newsmen that the job of probing Soviet intentions was always a hard one, but that "when the Russians want to go ahead, they do stop the monkey business and the propaganda and get down to cases."

The deputy foreign ministers who met here last week had before them results of the many bilateral conversations held with the Soviets and their allies this summer. Based on those conversations, they decided Mr. Brosio would be received in Moscow and would have something to talk about.

NATO, always excepting France, has approved the project, but that does not imply that it suits all members to the same degree or any member entirely.

Objections to the whole force-reduction idea come from the Portuguese, Turks and Greeks, always the most vocal conservatives in NATO councils. Each of those countries has an unusually large standing army and an unusually heavy interest in keeping it large. Each has objected to any force-reduction plan which would involve a significant decrease in its individual forces. Italy has a similar position and so, oddly enough, does Norway—usually among the most liberal NATO states. The Italians say they will oppose any force-reduction plan which imperils NATO security in the Mediterranean, while the Norwegians emphasize the need to maintain the alliance's "northern wing."

Bowing to such objections, the 14-nation group has decided that initial conversations, if they occur, should concentrate on central Europe. That geographical concept remains, however, undefined. Clearly, it includes Germany, East and West, but does it also include Belgium and the Netherlands? Time, presumably, will tell.

No nation, of course, is wild about the idea of having its force levels reduced in the interest of someone else's detente. A French official, explaining why his country would remain aloof, said: "We don't want to have an Italian in Moscow bargaining for reduction of French troops in Germany." While no other nation's objections are quite that strong, the feeling is general.

Thus Mr. Brosio's "mandate" includes the suggestion that talks begin with "stationed" or foreign troops, while the problem of "indigenous" or local troops be left till later.

Thus, too, foreseeable discussions will center on the 300,000 American troops committed to NATO and the estimated 1,600,000 Russian troops deployed in Eastern Europe.

FIGURES TELL A TALE

Those figures, in themselves, tell a tale. They explain a number of the problems which the alliance generally, and the United States in particular, foresee if force reductions ever develop. For it is the overwhelming number of Soviet troops on the Continent which NATO regards as the greatest threat to its security, while the Russians, for equally good and obvious reasons, wish to see significant reductions in the sizable NATO forces.

From the beginning, NATO has insisted that force reductions, if they ever come, should be "balanced" as well as mutual.

While the balance concept has never been precisely defined, it centers on the idea that withdrawing one American soldier across the Atlantic is of more consequence than withdrawing one Russian soldier a few hundred miles across an artificial border. NATO theorists, as well as Pentagon experts, have worked out hundreds of formulas for achieving balance (two Russians for one American would be a crude, but conceivable, formula) and they are all under consideration at NATO. There is no indication, however, that the Russians or their allies would accept anything other than a "symmetrical" (one-for-one) stand-down.

A similar problem would arise if the Communist nations insisted on including tactical nuclear weapons under the heading "forces," as they hinted they would do last spring. It is NATO policy that all nuclear weapons should be considered in the SALT talk framework, but Russian pressure could conceivably bring a shift even in that view.

American thinking on the force-reduction proposals is heavily affected by concern with how it might fit into the whole range of discussions between the power blocs—not only SALT, but more urgently the projected European security conference.

The Warsaw Pact has been pushing the conference just about as hard and just about as long as NATO has been proposing force reductions. Now, under the detente impulse it is beginning to look as if both ideas may become a reality and pressure is building both inside and outside the alliance to handle the issues together.

The U.S. opposes such a link—though, again, its position is showing more flexibility. For American officials have always regarded the Communist-backed security conference as a device for the Communists to consolidate gains which they made in Eastern Europe at the close of World War II. American strategy has been not to oppose the conference openly, but to treat it with polite condescension in hopes that it would simply wither from neglect.

That strategy worked well for two years. Now it seems inadequate. NATO itself is on record as willing to proceed to such a conference as soon as a Berlin settlement is reached, an eventuality that is probably only a few months away.

Now the U.S. argument is that force reductions is much farther along than the security conference and should be dealt with on its own.

Both France and Britain feel otherwise. The French are especially interested in promoting the security conference and they might even be persuaded to get into eventual force-reduction discussions if they were conducted by a "permanent subcommittee of the security conference." Once again, American officials are playing it low key in Brussels, suggesting that the allies wait to see what Mr. Brosio brings back, in hopes that preparations for force-reduction talks will simply outstrip those for the security conference.

MANSFIELD IS THE REASON

For the American administration has one compelling reason for wanting force-reduction talks, if they come at all, to come quickly. The name of that reason is Senator Mike Mansfield (D., Mont.), the Senate majority leader.

It is the obvious administration hope that steps toward force reductions may take the steam out of Mr. Mansfield's campaign to reduce U.S. forces in Europe without compensation. (Indeed, some officials confess to amazement at the Brezhnev initiative last spring: "Why should they trade away their own troops when we will be getting out anyway?") The Mansfield pressure is also one reason why the U.S. and its allies may quietly drop or de-emphasize the "balance" idea in force reductions in an attempt to get some sort of quid pro quo out of the Russians.

Meanwhile, NATO has about seven weeks to wait to hear what the prospects are for force reductions—the proposal which, to its astonishment and mild dismay, was finally taken seriously.

[From the Washington News, Oct. 11, 1971]

SIGNOR BROSIO GOES EAST

The world "explorer" used to bring visions of a fearless chap in some jungle wearing a pith helmet and Bermuda shorts. Times change. The most important explorer at large today is an elderly Italian diplomat with a homburg and a briefcase.

He is Manlio Brosio, who has just retired after seven years as secretary general of NATO. Instead of letting him relax in a sunny cafe in Rome, his heartless colleagues in the alliance have named him their explorer in Communist Eastern Europe.

Mr. Brosio's task is to probe the Soviet Union and the other Warsaw Pact powers to learn if they are serious about a conference with the West on mutual reduction of troops in Europe. NATO proposed such talks three years ago and the Kremlin has shown on-and-off interest, mostly off.

The Nixon administration is NATO's prime mover for a troop-cut conference. It is in an undeclared race—to reach an agreement with the Russians before Senate Democratic leader Mike Mansfield forces a one-sided reduction of the 310,000 U.S. troops assigned to NATO with one of his perennial resolutions.

The administration again has promised the allies not to trim American units in Europe "unless there is reciprocal action by the other side." Nevertheless, NATO members detect antimilitary and isolationist moods in the United States and are frankly worried. With good reason, we think.

Britain, West Germany and some other NATO countries fear that allied troop cuts would upset the balance of power in Europe. They point out that NATO has reduced its forces in recent years while the Warsaw Pact has built up strength. Even mutual reductions, these countries say, would leave the West inferior in troops, tanks and aircraft.

Mr. Brosio may find the most desire for a conference in Poland, Czechoslovakia and Hungary. Altho Communist ruled, these countries do not really fear an attack by NATO and would welcome an agreement requiring some Soviet army units to quit their territories and go home.

On the other hand, Russia could be the coolest of the Communist powers toward troop talks. Why should the Soviet Union, NATO diplomats ask, pay a price to get American forces out of Europe when by waiting it may get that benefit free?

Despite such nagging questions and doubts about Moscow's ultimate intentions, we think one thing is clear: Central Europe will be a safer place if troops are thinned out than if large Soviet and American armies continue to confront each other there. And so, what we wish Mr. Brosio on his detour from well-deserved retirement is success and good exploring.

[From the Washington Star, Oct. 11, 1971]

THE BROSIO MISSION

Back in May, Leonid Brezhnev issued an invitation—challenge might be a more accurate word—to NATO. Let's get together, he said, and talk over the possibility of cutting back on the size of the forces that now face each other in Eastern Europe. Now, after nearly five mnoths of frenetic intramural discussion, NATO has come back with a tentative acceptance.

The West's caution and concern are fully justified. In any discusion between NATO and the Warsaw pact countries on mutual troop reductions, the cards are heavily stacked in favor of the East.

The Communist advantage lies in the fact that the Warsaw nations speak with one voice—Moscow's—while NATO's bargaining position must be determined by the consensus of 15 partners, each of whom views the world in a unique and independent perspective.

There should be no illusions at all as Manlio Brosio, the former NATO secretary general, starts his mission to Moscow. His is an exploratory mission, aimed at finding out what substantive areas the Soviets are willing to discuss in time to report back to the NATO foreign ministers before their scheduled December meeting.

It must be clearly understood by every NATO member that Moscow can, if it so chooses, use troop reduction negotiations as a divisive weapon. The Soviets can, quite easily, exploit the ill-concealed differences of opinion that exist between the NATO partners as to the proper location, timing and extent of the initial troop reductions.

But the fact that the negotiations will be difficult and that the odds are somewhat weighted in Moscow's favor cannot be taken as cause for turning down the Soviet invitation. Brosio should go on his exploratory mission. Given any encouragement, NATO should agree to substantive negotiations.

The built-in advantage that Moscow holds will not disappear with time. It is a challenge that will have to be met and overcome if the armed confrontation in Europe is ever to be ended. Negotiations can be dangerous. But there is no doubt at all about the dangers of opposing armies facing one another across the ideological curtain that divides East from West.

[From the Missoulian, Oct. 7, 1971]

FOREIGN SERVICE OFFICER VIEWS U.S. ROLE IN EUROPE

(By Sharon Barrett)

Reducing the number of U.S. troops stationed in Europe "would pull the rug out from under our efforts to negotiate with the Russians," said Halvor O. Ekern, senior Foreign Service officer of the American Embassy in Bonn, Germany.

Ekern, political adviser to the commander-in-chief of United States Army Europe, told the Missoulian he strongly disagrees with Sen. Mike Mansfield's call for troop reductions in Europe.

"I have deep regard for Sen. Mansfield," said Ekern, "but our clout at the negotiating

table is directly related to the number of soldiers we have in Europe."

Recalling President Nixon's desire to go from "an era of confrontation to an era of negotiation," Ekern cited the recent Berlin agreement as a first step toward achieving that goal in Europe.

"I can tell you that was a tough one to negotiate," he said. "But it should defuse the whole Berlin business."

"Of course, it's just a piece of paper," he cautioned.

A second step will be mutual and balanced force reductions. "We'll get together with the Russians and thin forces on each side of the Iron Curtain," Ekern said.

A third step, favored by Warsaw Pact countries, will be a conference on European security. "NATO nations have agreed to this, provided Berlin is settled," Ekern said.

Subscribing to a "speak-softly-but-carry-a-big-stick" policy, Ekern is convinced that any troop reductions would damage these steps. "If we take our troops away prematurely, then there will be nothing to negotiate," he said.

"European governments, including the French, want us to stay there," said Ekern. "You see, we have the nuclear weapons, and if we went home, we'd take the nuclear weapons with us."

Ekern said the U.S. was against France's development of its own nuclear defense system "because we did not want a proliferation of nuclear weapons."

"We also didn't want to get dragged into a nuclear war by someone else," he said. "In the past, the president of the United States was the only person in the West who had control over 'the button.' Now we have someone not under the president's control."

However, since the French are near nuclear capability, Ekern believes their possession of nuclear weapons may be a good thing. "Since it's a fact, we can rationalize it for the best. It might have the effect of increasing the deterrent."

It will make Russian uncertain not only of how the U.S. might react to provocation, but how another country with independent policies might behave, said Ekern. "It will give the Russians two countries to second guess."

Although the French several years ago withdraw from the military structure of NATO, "they still plan quietly with us in the military sphere and maintain two divisions in Germany and three across the border", Ekern said.

The only real difference, said Ekern, is the French now have the proviso that the decision to go to war rests with their government and not NATO.

Questioned about Germany's participation in armament development, Ekern countered with, "Would you want Germany to have nuclear weapons?"

"Neither the Allies nor the Warsaw Pact countries want the German army to get bigger," said Ekern. "They all remember too well the Germany of the past."

"I'm convinced," he continued, "the Russians would be scared to death of German nuclear power, and their fright could have serious repercussions."

All this, said Ekern, leads to the conclusion that "there's no one to take our place if we pull our troops out of Europe."

The U.S. maintains four and one-third divisions in Germany and is prepared to equip two and two-thirds more within 60 days for a total of seven divisions in Europe. "Considering the cost of supplies, small ammunition and housing it runs about $2 billion a year to keep the Army in Germany," said Ekern, "and another billion to maintain the Navy and Air Force."

These figures do not, however, include the cost of heavy equipment such as tanks. In addition, Ekern noted the current money crisis and German inflation have increased the financial burden. All these things add to the drain on U.S. balance of payments.

Nevertheless, Ekern believes it is a necessary expense. "It's simply our burden. We're there to defend the United States, not just Germany, and it's easier to do that there than alone on the Atlantic seaboard."

Because Germany furnishes barracks and training fields free of charge, bringing American troops home would increase the cost, not lower it, said Ekern.

If the troops were brought home and disbanded "the cost would lessen, of course, but then we'd be a second rate power," Ekern said.

Some people think we carry this burden alone, said Ekern. "Our allies in NATO spend $24 billion a year, so they aren't freeloading.

"In 25 years it's conceivable to have a European force with adequate nuclear power which could stand alone. Then we could go home."

As for the possibility of an all volunteer army, Ekern doubts the success of such a venture. "It would also affect our troop size in Europe," he added.

Commenting on the Vietnam war, Ekern noted that it is not popular in Europe, "but we've had a gentleman's agreement with the last three German governments that they be polite and not mention the subject."

Ekern sees the Asian war as a "good training ground for professional soldiers."

"The Russian don't have this going for them; they have only old World War II combat men who are rapidly dying off. Vietnam has made ours a better Army," he said.

He noted also that the recent thaw between Washington and Peking has had no noticeable effect in Europe on the military posture of the Russians. "It (US-China relations) could make them tougher; it could make them more conciliatory. Nobody knows."

Concerning German reunification, Ekern said, "It seems to be more distant than ever. The fact of two Germanys is pretty well accepted by most of the world."

As for the divided city of Berlin, Ekern believes it will survive. "The Berliners are a tough bunch. They're trying to make the city a convention site. I don't think it will go down the drain."

Ekern described his own job as that of a generalist. Junior and middle grade officers are concerned with special areas, such as politics, economics, administration, consulates. Senior officers, such as Ekern, are expected to be versed in many areas. From their ranks come ambassadors.

On the possibility of becoming an ambassador, Ekern noted that "few are chosen, but one can always hope."

A native of Thompson Falls and a UM graduate, Ekern left Montana in 1941. "We all marched off in the Army, and I really never came back," he said. He left the Army in 1947, bearing the rank of colonel, and in 1950, joined the Foreign Service.

Ekern considers his military experience valuable to his present work. "One of the number one tasks is to eliminate the friction between diplomatic missions and military establishments," he said.

"It's easy for generals to speak of the striped pants nincompoops in embassies, and for ambassadors to accuse the Army of knowing nothing."

Ekern, who has lived abroad for nearly 20 years, believes the U.S. has thrown off the Ugly American image. "We've sort of realized that we're not going to police the world and create other countries in our image."

LAIRD SCOLDS NATO NATIONS FOR NOT BUILDING DEFENSES

(By Michael Getler)

Secretary of Defense Melvin R. Laird yesterday chided some NATO countries for using the prospect of mutual East-West troop reduction talks in Europe "as an excuse" for not carrying out improvements they pledged to make in their own armed forces.

Laird, who leaves Sunday for a two-day NATO meeting in Brussels, declined to identify the countries of which he was speaking, but other Pentagon officials said the situation prevails in virtually all the member nations.

The defense chief, appearing at an impromptu Pentagon press conference, claimed that the failure of individual NATO allies to live up to their promises to improve their own defenses could weaken—perhaps more than any other factor—the allied negotiating position at the Mutual Balanced Force Reduction talks, which are expected to start sometime next year.

Laird seemed particularly concerned about bolstering defenses in those countries on NATO's northern and southern flanks, where Soviet air and naval strength is increasing. These areas could also become more important under any mutual troop withdrawals, since most of the pullback, would take place in central Europe.

Laird said the U.S. defense posture in Europe, which had deteriorated, in recent years as men and equipment were siphoned off for Vietnam, has now been built up to the point where U.S. ground forces have 99.2 per cent of their authorized manpower, the highest level in five years.

Laird said the United States is also improving its air and naval strength in the area. The Navy has added a helicopter carrier to the Sixth Fleet and the Air Force and Navy are known to be adding new types of electronic warfare equipment to their planes.

The defense chief also disclosed that he will be leaving for Europe a day early to meet in Brussels with William J. Porter, the new U.S. ambassador to the Paris peace talks on Vietnam.

Laird's volunteering of this information, plus his explanation that he wanted to discuss with Porter the issue of American prisoners of war and men missing in action, prompted reporters to press Laird several times on whether some new progress was being made on prisoner release.

Laird ducked any direct answer, stressing that the U.S. was "pursuing all private and public avenues" to try and win release of the men, but that he did "not want to raise any false hopes" among the families of the men missing or captured. He said that some of the means for pursuing this issue are "just better not to discuss" publicly.

Laird is scheduled to return from Brussels after the NATO Nuclear Planning Group meeting next Friday, and he leaves for a trip to Vietnam Nov. 3.

At the NATO meeting, Laird says that he and West German Defense Minister Helmut Schmidt will present a joint paper dealing with the question of tactical nuclear weapons in Europe.

Laird stressed, however, that it would be "misleading" to infer from this that there will be any reduction in the U.S. nuclear stockpile in Europe "at this time."

Informed government officials say that there is, in fact, no plan to reduce the stockpile of about 7,000 tactical nuclear warheads stored in Europe.

[From the New York Times, Oct. 28, 1971]

CUT IN U.S. TROOPS EXPECTED IN NATO—DELEGATES TO BRUSSELS TALKS DISCUSS OTHER DEFENSE

(By Lawrence Fellows)

BRUSSELS.—The United States allies in Europe seem reconciled to an eventual substantial reduction in the size of the American military force in Europe, judging from private discussions here among defense ministers and nuclear planning experts of seven NATO countries.

The United States now has 310,000 men in Europe and the Mediterranean, a near-complete fulfillment of its commitment to the North Atlantic Treaty Organization.

At a closed meeting of the NATO nuclear planning group yesterday and today, Defense Secretary Melvin R. Laird spoke of a need for the allies all to meet their troop commitments fully, especially in the light of negotiations toward controlling strategic weapons, reducing troop levels and the like.

The Secretary repeated President Nixon's pledge not to reduce the size of the American force in Europe in his present term of office.

MANSFIELD MOVE RECALLED

Mr. Laird recalled for his NATO colleagues Senator Mike Mansfield's unsuccessful Senate attempt to reduce the number of American troops in Europe. Congress appears now to be fairly solidly behind the programs of the American military establishment, the Secretary said.

Yet he and the defense chiefs of Britain, West Germany, Belgium, Italy, Denmark and Greece discussed an alternative to a heavy concentration of troops and conventional weapons on the ground; several new plans for the use of tactical nuclear weapons.

Mr. Laird and Defense Minister Helmut Schmidt of West Germany presented a joint report today discussing circumstances in which nuclear weapons might be used tactically to defend a NATO country.

One delegate, who did not want to be identified, said that the general expectation of a diminished American presence had made some of the delegates feel like men trying to stay astride two horses: one galloping toward detente with the Soviet bloc, and the other holding to the familiar position of bolstering defenses.

EVOLUTION SINCE 1949

The same delegate noted how different things were in 1949 when NATO was founded: non-Communist regimes were being toppled with the Russians making almost no effort to conceal involvement or frequent interference by their troops.

A generation has grown up that does not remember those circumstances, he said. Some NATO governments are consequently feeling pressure from their young people, he said, and are worried about lack of support by the young.

Defense Minister Schmidt, known to worry about potential pressures for neutralism in West Germany, proposed to Mr. Laird today that Bonn contribute a large amount to the upkeep of American barracks in Germany. The run-down condition of barracks of some American units has contributed to sagging morale in the Seventh Army.

Mr. Laird welcomed the idea, although the two men did not go into detail about how big the contribution would be, nor how it would fit into the program of payments the West Germans normally make toward the cost of keeping American troops there.

[From the Sun, Nov. 3, 1971]

MONETARY, FOREIGN POLICY DOUBTS DELAY BONN-U.S. TALKS

(By Joseph R. L. Sterne)

BONN.—Negotiations for a new West German-American agreement to offset costs in keeping 200,000 U.S. servicemen in Germany, already four months overdue, are threatened by new delays.

The primary cause for the lengthening negotiation timetable is a Bonn offer to spend about $120 million a year to rehabilitate the dilapidated Hitler-era barracks now occupied by American soldiers.

Although Melvin R. Laird, Secretary of Defense, and Robert G. Froehlke, Secretary of the Army, have welcomed the German proposal, it has had a skeptical reception in some other U.S. circles.

"Far too low," was the response of one American informant.

"To say the Americans thought it was a 'tough' offer is to put it midly," a West German source remarked.

West Germany's latest offset package—unanimously approved last Friday by the Cabinet—goes beyond the novel approach of having Bonn spend cash to improve the old barracks that lower 7th Army morale.

It also includes a modification (and probably a lowering) of previous German offers to buy American-made military equipment and provide loans at low, concessionary rates of interest.

Because of the across-the-board changes involved, some officials tend to believe there still is a long way to go before agreement is reached with Washington. Others are more hopeful.

For more than a decade, West Germany has been purchasing U.S. equipment—especially jet aircraft—and granting loans to ease the balance-of-payments costs to the U.S. Treasury caused by the maintenance of 200,000 troops and tens of thousands of dependents in Germany.

The last two-year offset agreement, totaling $1,520,000,000, expired June 30. Negotiating teams from both governments met in Bonn just before this deadline and agreed to reconvene "shortly" in Washington for what was then described as a final bargaining session.

But against a background of world monetary crisis and high-level reviews, there were repeated postponements—the latest overtaking an official Bonn anouncement of an October session that never took place.

According to reliable informants, the west German defense minister, Helmut Schmidt, has played a role in this process that has policy implications far beyond the money haggling characteristic of cost-offset negotiations.

At a Cabinet session in early October, he reportedly expressed growing doubts about the durability of the American commitment to Europe and urged his government to take a hard line in bargaining with the Americans.

A short time later, Mr. Schmidt suggested in Berlin that perhaps the whole offset problem should be delayed until the monetary situation is resolved—an idea that was later disputed by Bonn government spokesmen.

With Walter Scheel, the foreign minister, reportedly cautioning against an approach that would damage the Bonn-Washington relationship, the Cabinet finally reached a compromise decision that is drawing mixed reactions.

GENEROUS OFFER

In the Bonn view, the offer to spend $120 million per year on barracks rehabilitation is a generous one that will make living conditions better for American soldiers and relieve the U.S. Treasury of dollar cash outlays that would worsen the U.S. payments deficit.

The new approach not only would avoid the "mercenary" taint that might have been attached to a direct government-to-government transfer of funds, according to German sources, but would sidestep problems stemming from currently floating exchange rates.

In addition, it would enable the Bonn government to invest sizable funds in construction work in areas of Germany—Bavaria and Baden-Wuerttemberg especially—where labor demand is slackening.

From the Pentagon's viewpoint, as the Laird-Froehlke statements indicated, any contribution would be welcome to improve the ancient plumbing, cracked plaster, poor lighting and makeshift sleeping arrangements of U.S. barracks.

But Treasury and State Department officials are expected to cast wary eyes on a German package that has the aspects of a preliminary offer despite the fact that negotiations have been going on since early in the year.

During the weekend after last Friday's Cabinet decision, both Mr. Schmidt and Mr. Scheel made statements that apparently reflected contrasting approaches toward the U.S.

Mr. Schmidt told a meeting in Kiel that it was difficult for a Cabinet minister to indicate the dangers to Germany of Washington's change of role in world politics.

WARNS OF ELECTION

According to a Frankfurter *Allegemeine Zietung* report Mr. Schmidt said the readiness for disengagement from world politics is growing in the United States. While he had doubts about the Nixon administration's assurances that it wants to continue its role in Europe, Mr. Schmidt noted there will be American elections next year at a time when not just single senators but many senators favor a reduction of the American presence in Europe.

Mr. Scheel told the London *Times* in a weekend interview that Western Europeans must be sensitive to the concerns of the United States over the expansion of the Common Market.

"There might otherwise be a real danger," he warned, "that the United States might deny this emergent Europe the measure of support and commitment which it needs to continue its efforts for unification and to mainain security."

Mr. Scheel specifically mentioned U.S. concerns over "the division of the burdens of defense" among NATO countries.

Mr. MANSFIELD. 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. 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.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a resumption of the period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

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

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 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.

REVENUE ACT OF 1971—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, the distinguished majority leader has asked me to propound a unanimous-consent request—it having been cleared with the distinguished Senator from Louisiana (Mr. LONG), the chairman of

the Committee on Finance, and the distinguished assistant Republican leader—that the Senate, on next Wednesday at the conclusion of routine morning business, proceed to the consideration of H.R. 10947, the Revenue Act of 1971.

The PRESIDING OFFICER. Is there objection?

Mr. LONG. Mr. President, reserving the right to object, and I shall not object, I have discussed this matter with the majority leader and the majority whip, and I am pleased that the acting minority leader is present at this time, as I believe it should be made clear that we are hopeful and we believe that we can report that measure on Tuesday. It may be that the burden of this work may make it impossible for us to do that responsibly, as we would like to do, and we may have to ask for modification of the unanimous-consent agreement at a later time. But if we can, we will meet that deadline.

The PRESIDING OFFICER. There being no objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Senator from Louisiana. I know that when he says he is going to do everything he possibly can, he will do just that. Of course, if it becomes impossible, we will face up to that fact when the time comes, but we hope that the bill will be ready for Senate floor action the first thing next Wednesday.

Mr. LONG. We think we can, as of now.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. BYRD of West Virginia. I yield.

Mr. LONG. Do I understand the Senator's request to contemplate the fact that we would have until midnight Tuesday to file that report? We might need that much time.

Mr. BYRD of West Virginia. Mr. President, I will put that in the form of a unanimous-consent request: That the Committee on Finance have until midnight next Tuesday to file a report on H.R. 10947.

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

ORDER FOR THE UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, at the conclusion of routine morning business, the Chair lay before the Senate the unfinished business, S. 986.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume and hope 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.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL MONDAY NOVEMBER 8, 1971, AT 11 A.M.

Mr. BYRD of West Virginia. Mr. President, with the understanding that the order can be changed later, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 11 o'clock on Monday morning next.

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 10 a.m.

After the two leaders have been recognized, the distinguished senior Senator from Virginia (Mr. BYRD) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will resume its consideration of the unfinished business, S. 986, a bill to provide minimum disclosure standards for written consumer product warranties against defect or malfunction, et cetera.

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 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.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

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 10 a.m. tomorrow.

The motion was agreed to; and (at 12 o'clock and 55 minutes p.m.) the Senate adjourned until tomorrow, Friday, November 5, 1971, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 4, 1971.

DIPLOMATIC AND FOREIGN SERVICE

The nominations beginning Raymond L. Garthoff, to be a Foreign Service officer of class 1, a consular officer, and a secretary in the diplomatic service of the United States of America, and ending Mrs. Patricia D. Thurston, to be a consular officer of the United States of America, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 28, 1971.

HOUSE OF REPRESENTATIVES—*Thursday, November 4, 1971*

The House met at 12 o'clock noon.

Rev. Charles E. Fair, pastor, Alsace Lutheran Church, Reading, Pa., offered the following prayer:

This is the day which the Lord hath made; we will rejoice and be glad in it.—Psalms 118:24.

We rejoice, Almighty God, that You are here today: You see all, hear all, and know all. We are glad Your presence makes this shrine holy ground.

We rejoice in the history and greatness of America. We are glad for the fortitude of forefathers dedicated to freedom for all people.

We rejoice in the loyalty of today's lawmakers dedicated to justice for everyone. We are glad for the miraculous collection of talent in both Congress and the White House pledged to defend citizens at home and abroad.

Strengthen the Congress for today's challenges with Your word, "If God be for us, who can be against us?" Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 155. An act to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel; and

H.R. 11418. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11418) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and