would be harmful is considered adequate. Nevertheless, certain firms voluntarily print on their packages the date by which the food should be eaten and/or cooked, for example, bacon, cooked ham and some other meat products. This voluntary dating is provided as a service by the manufacturer to both the retailer, as an aid to stop rotation and to protect them from the possibility of selling stale or decayed food, and to the consumer.

Code dating on cans and other packages is commonly practised in the United Kingdom, but only as an aid to manufacturers and distributors, again for stock rotation purposes.

Therefore, questions B, C, D, E and F do not apply in the absence of regulations. Mrs. Joyce Butler, M.P. for Wood Green in London conducts an assiduous campaign for the introduction of such regulations. While Mrs. Butler has been successful in some field (U.K. Trade Descriptions Act is due in large part to her pressure on the last Government), there is as yet no sign that she will be successful in geting dating regulations introduced.

We wonder if the reference to legislation found by Library of Congress refers to private members bill, the labelling of food and toilet preparations bill, bill 52, given first reading House of Commons and printed December 4, 1969, sponsored by Mrs. Butler. Under procedure for private bills in House of Commons little time is made available unless backed by Government; No Government backing for this bill. The bill was again due for second reading March 5, March 13, March 20, April 10, April 17 and several subsequent dates. On each occasion bill objected to and deferred and the prorogation of Parliament prior to election, June 18, meant uncompleted bills automatically lapsed. In requesting copy of the bill, we learned that copies of all lapsed bills are disposed of and are unavailable. That is the case with this bill.

[From World Health Organization-Food and Agriculture Organization of the United Nations, *General Food Labelling Provisions*, May 7, 1965]

IV (v)—Is the date of packing or production required on packages, and if so, in code or otherwise?

The date of packing or production, or both, is generally required in Spain, in Pakistan, and in Yugoslavia, where the time limit for use must also be given for perishable foods.

In a number of countries the date of packing or production is required for specific foods, as shown:

(Canada, India, Luxembourg, and the United States excluded since their dating requirements are limited to coded dating.)

Australia: Under Commonwealth legislation on imports and exports, imported food is subject to special requirements including disclosure on the label of the date when the food was packed. The date is required in *Queensland*, only for bottled milks, infant foods and oysters removed from shells, and in *Western Australia* for infant foods. In *New South Wales* the date is required only for infant foods, pre-packed meat and oysters in glass containers. No dates are required in *Victoria* or *Tasmania*.

Chile: Dates are required on margarine; foodstuffs for medical uses, including flour products for infants; foods for animal or plant origin in cans or glass containers; frozen foods of animal or plant origin; meat sauces; concentrated broth; powdered eggs; smoked fish; sausages in general except Vienna sausages, for which the date must be shown on the container for distribution; milk in all forms except pasteurized milk, on the containers of which only the name of the day of distribution need be shown; cheeses; containers for the distribution of small cheeses and for the transport and distribution of oysters.

Denmark: Deep-frozen foods (month and year; may be in code); milk and cream; lurbrand butter (date and year); fish, fish products and semi-preserved fish products (week, month, year; may be in code); fish fillets (date of production; may be in code); cheese (date or week; may be in code); eggs (in code); fruit and vegetable preserves (week or month, year; may be in code); apples (date of packing).

France: Certain perishable foods (yoghurts, fermented, flavored or powdered milks, cheeses); preserves and semi-conserves. The indication is almost invariably in code.

Germany (Fed. Rep.): Vitaminized foods; dietetic foods, and (since 1 April 1965) butter.

Greece: Dried currants (year of harvest).

Israel: Most standardized foods; all foods intended for export; preserves in hermetically-sealed containers; cereal products in quantities greater than 10 kg. The date of production is to be furnished; for cereal products, the date of import must be added. For standardized foods, the day is indicated on plum preserves and sauerkraut, a less precise date is accepted in the other cases, indicating the production season (which runs officially from November to April for citrus and certain other fruits).

Netherlands: Pasteurized milk products.

New Zealand: Butter and dairy products, such as pasteurized cream and milk.

Norway: Cold cuts, bacon and pre-packed foods in sealed packages in plastic, etc., must bear the last date for consumption (i.e., the date until which the product is guaranteed to maintain its quality). Codes may not be used.

Portugal: Flour (packaged or for bread-making); pasteurized milk; margarine.

Sweden: Cheeses other than fresh or processed cheeses must bear the date of curdling; salt herring sold otherwise than on retail premises (year and month during which salting took place).

Thailand: Canned foods.

Turkey: Perishable foods (date of manufacture).

In Argentina, the label must state, if appropriate, that the product is for immediate consumption. In certain cases (e.g., peaches *au natural* and tomato preserves) the expiration date must be given.

In Austria, the production date must be shown in code on bagged wheat and rye flour and semolina (by giving the number of the milling lot). The production date of butter, evaporated or powdered milk, and casein must be shown, in code or ordinary terms. The Dairy Economy Board may require the date, in code or ordinary terms, on rendered butter. The date, in ordinary terms, or the number of the loaf, must appear on Emmonthaler, mountain and Alpine cheeses.

In Finland, the last permissible day for sale must be indicated for milk. Dates may be given in code in some cases in Canada, Luxembourg and the United States of America.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

SENATE—*Friday, August 21, 1970*

(Legislative day of Thursday, August 20, 1970)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

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

Breathe on us, breath of God.
Fill us with life anew,
That we may love what Thou dost love
And do what Thou wouldst do.

In the silence of Thy presence, cleanse us, refresh us, and in the toiling hours yet to come be our companion and our guide. Keep us from parading our piety, or from the worse hypocrisy of pretending to be worse than we are. For we are the sons of Thy creation and redemption—born to be free and in freedom under Thy rulership to guide our own destiny. We need Thee, O Lord. Every hour we need Thee.

Strengthen our weakness, control our emotions, calm our anxieties, allay our fears and fill us with the hope of the gospel, that we may have the wisdom and character for the living of these days.

In the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, August 20, 1970, be approved.

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

THE CALENDAR

Mr. MANSFIELD. Mr. President in the interest of time, it is the intention of the joint leadership not to call up unobjected-to items on the Legislative Calendar today.

ORDER FOR ADJOURNMENT TO MONDAY, AUGUST 24, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Monday next.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

(Subsequently, this order was modified to provide for the Senate to adjourn until 10 a.m. on Monday.)

ORDER FOR RECOGNITION OF SENATOR FULBRIGHT ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Monday next, following the disposition of the Journal and the unobjected to items on the calendar, and after the unfinished business has been laid before the Senate, the distinguished Senator from Arkansas (Mr. FULBRIGHT) be recognized for 1 hour.

The ACTING 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 be authorized to meet during the session of the Senate today.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New York (Mr. JAVITS) is now recognized for 30 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield to me so that I may proceed for about 2 minutes?

Mr. JAVITS. I am glad to yield to the majority leader.

THE VICE PRESIDENT'S SPEECH IN LOS ANGELES

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Vice President of the United States, SPIRO AGNEW, the Presiding Officer of this body, made a speech in Los Angeles on yesterday. According to a report in the Los Angeles Times, he is supposed to have stated that the press would headline the speech not as he would like it—a speech in support of the candidacy of our distinguished colleague from California (Mr. MURPHY)—but would instead probably label it to the effect that "Agnew Assails Mansfield and O'Brien."

Mr. O'Brien can speak for himself. The Senator from Montana can speak for himself, as well.

Evidently, the reference is to some questions raised by the Vice President about a speech which I made on the economic state of the Union. It was delivered pursuant to the unanimous request of my Democratic colleagues, following a report on the same issue by the President of the United States.

In my speech, I indicated that $375 out of each $1,000 which the administration spends for every American man, woman, and child goes for military spending while, at the same time, only $7 of each American's $1,000 is being spent for health and mental health research; $7.50 for elementary and secondary education; $5 for urban renewal; $4.50 for air and water pollution control; $1.40 for vocational education; 50 cents for education for the handicapped; and $2.40 to assist State and local governments in combating crime. In citing these figures, I had hoped to convey to the American people the misplaced emphasis of our national priorities.

Mr. President, it is reported that Mr. AGNEW referred to these figures taken from data in the budget saying they "are essentially correct," but that they "do not give a complete or accurate picture of comparable efforts in the categories mentioned."

I am delighted that the Vice President did say that the figures used by me "are essentially correct." The Vice President is entitled to his opinion, just as I am, and just as every other Senator is.

I wish to make the record clear. I do not consider this as a personal attack upon MANSFIELD. I am particularly delighted that the Vice President acknowledges that the figures used are essentially correct.

I would hope that if and when we debate the economic and other issues, we would do so not on the basis of personalities but on the basis of facts and figures. Though they may be interpreted differently by different individuals, the figures are a matter of record. Furthermore, any differences between us should be placed on a high plane, to the end that we will maintain the dignity, the integrity, and the dedication of the Senate as a body, of Senators as individuals and, may I say, of the Vice President himself, as the Presiding Officer of this institution.

Mr. President, I ask unanimous consent to have printed in the RECORD the speech which I made detailing the figures referred to so that the whole story can be told so far as the Senator from Montana is concerned.

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

THE NATION'S ECONOMY AND THE CONGRESS

It is unusual for a Member of Congress to report in this fashion to the people of the Nation. I do so because the circumstances are unusual and so, too, are the times. The matters to which your attention is directed affect every American. They hang over every deliberation of the Congress.

The Congress, I might say, was established by the very first article of the Constitution. Along with the executive and the judiciary, it is a coequal branch of the Government of the United States. Your Representatives in Congress—Members of the House of Representatives and of the Senate—are there to do a job for you. In the main, it consists of writing the laws. You have a right to know how that job is being done.

I speak with you today as the elected leader of the majority of the U.S. Senate and with the concurrence of the majority leadership of the House of Representatives. In recent days, you have heard from the President on the state of the Nation's economy. It is on the same matter that I ask your attention.

Three words say a great deal about the Nation's economy: inflation, unemployment, and war. Whether the term is used or not, these words spell recession. That is today's fact. It is not a political fact. It is an economic fact. References to the mistakes of the past cannot paper over it. The rhetoric of a radiant tomorrow does not alter it. To be sure, much of what transpires now began in an earlier time. We may regret it but we cannot undo it. To be sure, the basic strength of the American economy promises a great deal. But that is for the future. What of today? What of the now?

Inflation is still with us; it is still rising. Three years ago prices were up by 3 percent; 2 years ago by 4.6 percent. Last year they rose 6.1 percent. In recent months the increase has been at a rate of 6.3 percent. Interest rates have climbed to highs not seen in over 100 years. Today it costs a builder 10 to 11 percent in borrowing costs to finance the construction of a home. To finance its purchase, home buyers put up another 9 percent or more in interest charges. Even at those inflated rates, mortgages are often impossible to obtain.

Five years ago the typical monthly payment on a $20,000 house was $115. To buy the same house today takes an outlay of $205 a month. Inflated costs and higher interest rates represent the difference. Recently the administration's Secretary of Housing and Urban Development put it bluntly: he said that 80 percent of the American people cannot afford to buy a new home.

Unemployment climbs steadily, from 3½ percent a year ago to 5 percent-plus last month. There are over 1 million more people out of work now than there were last year. In farming, there are a quarter of a million fewer people employed. The price the farmer is paid for his crops has actually declined since 1968 but his costs have increased by 10 percent. The take-home pay of factory workers has fallen. Corporate profits are $10 billion lower than they were a year ago. Stock prices have slumped.

Homebuilding was at the low rate of 1.5 million new units a year ago. It has slipped still further to 1.2 million. That is less than half the 2½ million new homes needed each year to keep up with the growth of new families. It is less than half of what this Nation set as its housing goal to replace substandard housing 2 years ago.

In short, the things which should be going up—home building, take-home pay, and real economic growth—are coming down. At the same time, the things that should be coming down—such as interest rates, the cost of living, and unemployment—are going up.

Congress shares the responsibility for correcting these discouraging economic trends which started under previous administrations. To be sure, the Congress has not concurred completely in the President's approach to them. Nor has the President responded to all of the actions of the Congress. That is neither unprecedented nor undesirable. Each branch has its separate responsibilities even as each branch shares in a common obligation to the people of the Nation. When there are differences, insofar as the majority leadership is concerned, it will not waste time in political recriminations. It will concentrate, instead, on doing what can be done in the Congress.

In my judgment, much of what can readily be initiated by Congress to improve the economic situation has been forthcoming. Congress has required no prompting from any quarter, for example, to make cuts in the administration's budget as a counter to inflation. Overall spending for this fiscal year was reduced by $6.4 billion. To repeat: Congress did not increase the administration's budgetary requests; Congress made a $6.4-billion reduction.

Acting on its own, Congress passed a selective credit control law last December. The law gives the administration authority which can be used to bring down home mortgage costs. I do not know why that authority has not been used by the administration; nor do I know, if the legislation is unsatisfactory, why a legislative alternative to reduce mortgage rates has not been requested by the administration.

Acting on its own, Congress last year passed a general Tax Reform and Reduction

Act. Tax loopholes of $6.6 billion were closed. These savings were converted into lower taxes for all Americans. Millions of persons on low and fixed incomes will get the principal benefit of these changes, which will begin to take effect in the months immediately ahead. This initiative was, first, ridiculed as impossible to achieve, then, enactment was resisted. Now the Tax Reform and Reduction Act is embraced. The fact is that its benefits will be no laughing matter as they begin to flow to persons dependent on moderate salaries or other fixed incomes.

Congress can cooperate with the administration in dealing with the problems of the economy. We have done so and we will continue to do so. We can provide the President with specific authority to take action. We have done so and we will continue to do so.

We can support the President if he wishes to use the persuasion of the Presidency, for example, as a means of discouraging excessive price and wage increases. That persuasive power has yet to be tried. It is not clear why it has not been tried. Its effectiveness was demonstrated in 1962 when prices were rolled back in a basic industry by the determined efforts of the President at that time. As a result, other industries held the price line, the economy avoided inflation and experienced a sound and dynamic growth. By contrast, without Presidential intervention, prices in that same basic industry have been raised four times already this year—and the year is only half over. Other industries follow suit. The dollar loses value both at home and abroad. Millions of Americans are caught in a vise of higher prices and declining incomes.

Congress has already given more authority to the President than he wishes, apparently, to use against the rise in prices. That is his option. I do not criticize his decision. But the record should be clear. Congress has been ready and stands ready to cooperate with the President. We are prepared to move on any proposals which may be forthcoming from the administration to end the inflation and to check the slide into a deepening recession. We need concrete proposals for today. We can hardly act on either the administration's rejection of what was done yesterday or on the administration's assurances of what will emerge tomorrow.

Last Wednesday, President Nixon announced the formation of a National Commission on Productivity. It is a welcome initiative. The commission will gather the information on the basis of which wage and price changes can be measured—guidelines for control of inflation. The concept of guidelines, however, has not yet been accepted by the administration. If it is not, then for what purpose will the Commission function? What is the value of a commission in controlling inflation if its work is not subject to use as a yardstick to persuade all who require persuasion to stay within established limits?

Congress cannot very well call to the attention of particular business and labor leaders the consequences of excessive price and wage increases. But the Congress can and, I am confident, will support the President should he decide to do so.

Congress cannot itself draw up and administer a set of guidelines for reasonable wage and price behavior on the part of industry and labor. But Congress can and, I am confident, will, support the President if he chooses to do so.

In short, Congress can and, I am confident, will, support initiatives of the administration which are designed to reverse the whole psychology of inflation.

For its part, Congress, as I have noted, cut $6.4 billion from the administration's budgetary requests last year. Further cuts below the President's spending requests are to be anticipated this year.

For this part, Congress is attempting to assist the housing industry. The Senate began work last February on the Emergency Home Finance Act, a measure conceived by Congressman PATMAN and Senator SPARKMAN which now has the support of the President. It has passed the Senate unanimously. The House has scheduled action on the measure tomorrow.

Congress will provide funds for expanded manpower training programs to equip the unemployed and the disadvantaged for jobs. The President has requested it. It will be forthcoming.

The Congress will enact improved unemployment compensation, as the President has requested. Indeed, both Houses of Congress have already acted, and final passage of this authority awaits only the formal approval of details to be worked out between the two Houses.

The willingness of the Congress to work with the President reaches beyond efforts to stop the downward drift in the economy. The fact is that the economic uncertainty today is only a reflection of a deeper concern. The root of our economic difficulties lies in the distorted use of the Nation's resources. We are casting vast quantities of these resources, for example, into the continuing war in Southeast Asia—the estimates are over $26 billion a year, not to speak of the tragic loss of young lives.

We are using our resources at a reckless rate and with dubious wisdom in other places and in other ways.

Government spending, to put it bluntly, is seriously out of date. It is not how much is being spent. It is how it is being spent. Priorities are still determined largely by yesterday's fears and fallacies. They scarcely meet today's urgencies. They only begin to perceive tomorrow's needs.

If there is an overriding imperative, it is to readjust these national priorities—these allocations of Government expenditures. It will take a great and painful effort to make the changes. Yet, they must be made, if this Nation is to have a strong economy, a healthy people, and a livable environment. It is a matter of emphasis.

How we choose has much to do with what we conceive to be threats against the national security. To be sure, we are strong militarily, and we use by far the greatest share of the taxpayers resources to maintain the Defense Establishment which provides that strength. But while the security of a nation depends on a sophistication of arms, it depends, too, on the inner stability and unity of the nation.

Nations may be attacked from without. They may also crumble from within. For 5 years we have put great emphasis on protecting the Nation from the inhabitants of Vietnam, Laos, and now Cambodia. In the meantime, what of the attacks on the very livability of our cities and their surrounding suburbs? What of the growing pollution of the environment? What of the mounting array of domestic difficulties? Crime? Transportation? Railroads? Drug addiction? Power shortages? Educational needs? Racial tensions? Health? Have any of these difficulties yet been brought under reasonably secure control? Will they stand still, awaiting some undefined solution to the war in Vietnam when, presumably, sufficient resources will be released to permit them to be dealt with without inflation? Will they remain quiescent, to the end that the United States may first be enclosed in a web of antiballistic missiles at a cost of billions of dollars which may or may not act to protect us from a missile attack which may or may not come before the system is obsolete?

Every dollar spent by Government whether for Vietnam or for weapons or whatever comes from you, the taxpayer. For every man, woman, and child in the United States, the administration now requests about $1,000 in spending. How and where each $1,000 is spent sets the Nation's priorities.

For the coming year, of each $1,000:

About $7 is requested for health and mental health research;

About $7.50 for elementary and secondary education;

About $5 for urban renewal for our cities;

About $4.50 for air and water pollution;

About $1.40 for vocational education;

About $0.50 for education for the handicapped;

About $2.40 to assist State and local government in their fight against crime;

Over $375 for military defense.

Consider that just the cost overrun—that is, what was actually paid above what was quoted to the Congress as the initial price tag—for a single airplane—the C5-A cargo plane—has cost each American $10. Consider as well that it costs every American today $70 a year to back and maintain in Europe the several hundred thousand U.S. forces and their dependents who are still there—25 years after World War II.

These illustrative examples clearly demonstrate where the emphasis in Federal spending has been placed for many years. For too long, we have pursued the Nation's security all over the globe. For too long, we have forgotten that national security begins at home. It has taken the tragic war in Indochina to show us that our resources are not unlimited. Our wealth is not endless. Inflation and recession are a part of the price of this overdue insight.

As I have noted, Congress has begun to deal with the reality of our limited resources by reducing Federal spending by $6.4 billion, I must say, also, that the President reduced expenditures by $3 billion and I commend him. By far, the greatest share of the congressional cut was taken for defense spending and the foreign aid program. Foreign aid alone was cut by $1 billion. Of the $32 saved for each American, Congress attempted to reallocate $5 to pressing needs in health, education, and the protection of the environment.

That is what has been labeled in some quarters as inflationary and irresponsible. Let the most be made of the labels. For those reallocations, there will be no apology from the congressional leadership. Nor will the Congress be deferred from trying to meet essential domestic needs of this kind by charges of isolation or neoisolation. There is not a Member of the Senate who believes this Nation can turn away from the international problems of peace without devastating consequences to this Nation and the world. By the same token, the neglect of needs at home will no longer be accepted in the name of some vapid internationalism such as we have witnessed on the mainland of Asia during the past 5 years—well over 50,000 American lives later, a total of 331,000 casualties overall, and well over $100 billion in resources later.

The congressional majority seeks to cooperate with the President in an effort to readjust the Nation's budgetary priorities in terms of today's needs. It must be stated in all frankness, however, that there are still differences to be reconciled if that cooperation is to be possible. It is difficult, for example, to understand how a congressional effort to divert about $1 billion of the $6.4 billion savings in the budget to pollution control, education, health, and welfare is struck down by a veto as inflationary but at the same time the Senate is urged not to foreclose a future expansion of military and foreign aid spending in Cambodia.

When you consider, moreover, that $2.50 a person was all that was allocated by the administration during this past year to combat rising crime—one wonders whether it is rhetoric or results that count.

The Senate has passed all but two of the major 13 administration crime proposals. In addition, Congress has originated and passed seven additional anti-crime laws which have been endorsed by the administration. Even the enactment of these laws will be insufficient, however, if we do not devote greater

resources to the causes of crime, to reform of penal institutions, and to providing assistance to enforcement officials. Two dollars and fifty cents per person for crime control is simply not enough.

These issues which I have been discussing are of the utmost seriousness. Every American is affected directly or indirectly by an economy in distress and the war from which, to a great extent, the difficulties are derived. Every American has a stake in the way the Government makes broad commitments of national resources abroad and at home. It was for this reason that I was asked by colleagues in the Senate and the majority leadership of the House of Representatives to address you this afternoon.

We hold the view that the economic problems of this Nation will not disappear at a date uncertain in the future, if only they are left alone by Government, especially in the light of our continuing involvement in the war in Indochina.

We do not accept the view that a little unemployment is good for the Nation any more than we can believe that a lot of inflation is good for the Nation.

Within these premises, the majority in the Congress will give the most respectful consideration to whatever the President may propose to halt the inflation and high interest rates, to reduce unemployment, and terminate our involvement in Vietnam. To that end, the President has had the cooperation of the Congress in the past. He has it now. He will have it in the future. He has it in good conscience—without ifs, ands, or buts.

The Republic deserves no less.

Mr. SCOTT. Mr. President, will the Senator from New York yield to me for about 3 minutes?

Mr. JAVITS. I have just been warned that I will not get any more time after 9:30, so I will yield 3 minutes to the Senator from Pennsylvania.

Mr. SCOTT. I appreciate it.

Mr. President, I rise only to say that I have read the speech of the Vice President and I am very glad and, as a matter of fact, very much relieved to find that in it there is no attack on the distinguished majority leader.

I also rise for the purpose of making the Vice President's speech available to the distinguished majority leader. I believe the only phrase other than the normal use of someone else's name refers to a suggestion for more careful research, something we may say about each other. The reference is to another gentleman in here where the phraseology goes, perhaps, more in depth, but I would like to show the speech to the distinguished majority leader, if he has no objection, and then will ask unanimous consent to have it printed in the RECORD.

My purpose in rising, in addition to that——

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. I would be delighted if the Senator would place that speech in the RECORD. May I say that I find no personal fault with the Vice President, but I did refer to his statement, that was published in the Los Angeles Times of this morning—and how that paper gets here so early on the same day is something I have not figured out yet. Mr. AGNEW was said to have said—and I am paraphrasing now—that the main purpose of his being in California was to encourage and support the candidacy of our distinguished colleague, Senator MURPHY, but—he added—the press would probably headline it to the effect that "Agnew Assails Mansfield and O'Brien."

I wanted to make the record straight. There is nothing personal in it, so far as I am concerned.

I think the Vice President did well to call attention to these figures. I am delighted that he said they were "essentially correct." As on all issues, there is room for honest differences of opinion as to what they mean in terms of priorities. I wanted to make my views known and put them in the RECORD for all to see.

Thus, I hope the Senator from Pennsylvania will have the Vice President's speech printed in the RECORD, as well.

Mr. SCOTT. I, too, appreciate it. I think the Vice President does make that statement in the speech. But my purpose in rising is principally to point out that while he refers to the amount of spending for military defense, for health and mental research, for elementary education, and other items, and that while these items seem small when one takes for example $7 for health and mental research out of every $1,000 of taxes, the point he does not make—and he might well have made it—which I intend to research myself and to make, is that each of these items out of a given $1,000 represent, or certainly must represent, a greater proportion of the $1,000 unit than ever heretofore appropriated in any fiscal year.

While I am not certain that this figure will always stand up, I know that in some instances it will.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. Mr. President, I agree with the distinguished minority leader. In some areas no doubt, it is more money than in previous years. The purpose in using the figures in the way I did was to make comparisons so that all Americans can better understand where tax dollars were being spent by the Federal Government on a category-by-category basis.

Mr. SCOTT. The other reason that I have for inserting it in the RECORD is that the Vice President mentioned the 10 members of the majority on the Senate Labor and Public Welfare Committee and noted that the bills proposed by them, without duplication or overlapping, but referring only to limited appropriation bills, where the appropriation can be deduced from the bills themselves, would call for an expenditure of $440,960,030,600 a year, which is over two times our Federal budget and more than one-half the gross national product of our country.

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania desire to offer the speech for the RECORD?

Mr. SCOTT. Mr. President, I ask unanimous consent that the speech of the Vice President, delivered in California last night, be printed at this point in the RECORD.

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

ADDRESS BY THE VICE PRESIDENT

Back in June, President Nixon delivered an address to the nation on the economy. It was a balanced and positive message, well considered. It was not partisan. Immediately, however, there was adverse comment from some of our friends in the other party.

Among the most interesting observations were those of Lawrence O'Brien. Because President Nixon refused to clamp on wage and price controls, O'Brien stated that the President had "sold out to big business."

Now, I trust that all of you know who this man O'Brien is. He used to be Postmaster General. He then left the Federal Government to go work for an investment house on Wall Street. In fact, he became the President of that investment house. Under his adroit management, the firm collapsed, and it is presently being liquidated. Isn't that a splendid credential for a man who would advise the President of his country on economics? And isn't that an interesting background for a man who would accuse his President of selling out to big business?

I should not forget to note, however, that Mr. O'Brien did not stick around to see the final demise of that old brokerage house that he had guided so clumsily. Mr. O'Brien is a shrewd and knowing man. When he saw the end in sight, he hitched up his pants and ran.

Now he is chairman of another shaky organization, the Democratic party. It is not faring too well, either. Small wonder, when it cannot find men more qualified than Larry O'Brien to lead it.

And that same Democratic Party is why our country is having economic difficulties now. We have high prices and we have high interest rates today because for eight years Democrats like O'Brien sat in the highest councils of this country. For seven of those eight years they spent more than they took in, and in that period they piled up a deficit of $57 billion dollars. In their final year alone, the Johnson Administration recorded a deficit of $25 billion dollars. That is the greatest single year deficit that any administration has incurred since World War II.

And so, fellow Republicans, I am going to talk about Democrats tonight, and about spending, and about the economics of our national priorities, because these are important matters—and because the Democrats have been raising certain questions about them that have to be answered.

A number of Democrat leaders have been saying lately, among them Senator Mansfield and Mr. O'Brien, that we Republicans are not spending the taxpayers' money the way we should be spending it, and that we have our national priorities backwards. Senator Mansfield said it in June in his message to the American people, and Mr. O'Brien said it in those 25 minutes that he managed to obtain free of charge from a TV network in order to make a partisan attack on our President.

The two Democrat leaders complained that we spend $375 for military defense out of every $1,000 of taxes, while for the coming year we have requested only $7 for health and mental health research, only $7.50 for elementary and secondary education, only $5 for urban renewal, only $4.50 for air and water pollution control, only $1.40 for vocational education, only 50¢ for education for the handicapped and only $2.40 to assist state and local governments in their fight against crime.

Our Democrat friends are playing tricks with figures. They found these data in our National Budget and they are essentially correct. But they do not give a complete or accurate picture of comparable efforts in the categories mentioned. The comparisons they make may be valid in a country where the only expenditures for health, education, crime and pollution control are those made

by the central government—in other words, a one government, socialistic or totalitarian system; but they are not valid comparisons for our three-level system, which is further supported by the free enterprise system.

Let's put these figures into context. The Democrats have implied that spending $375 out of every $1,000 on national defense is a terrible thing when we only spend so little for other pressing concerns like air pollution and education. But it seems that they have never bothered to consider that the Federal Government is the only entity in our entire society—private or public—that can properly undertake the national defense and that, therefore, virtually every penny spent by this nation for national defense must and does show up in the Federal Budget.

This is not the case for air pollution or vocational education or mental health research. In fact, it is not the case for any other major "problem" that we face today. Because for all of our major concerns outside of defense there is substantial spending by state and local governments and by private business as well as private educational institutions and churches and foundations and labor unions.

Consequently, in order to assess the balance between national defense and our other major concerns; that is, in order to judge accurately our national priorities as reflected in our spending, it is necessary to consider not only the figures that show up in the national budget, but the outlay of the entire nation.

Let me give you an example. The Democrats have complained that the Federal Government spends only $7.50 out of every $1,000 in taxes for secondary and elementary education, as compared to $375 for defense. But what about the $15.7 billion spent by our fifty states? And what about the $23.5 billion spent by the 22,000 local school systems within those states? What about the $5.1 billion spent by parochial schools and private schools? What about the contributions of foundations and business and fraternal orders and labor unions?

All of these expenditures for our nation's elementary and secondary schools together with the Federal outlay, amount to more than $47 billion dollars per year, that is, about $235 dollars for every citizen in this country. And that, my fellow Republicans, is the figure that counts, not the meager and highly unrepresentative $7.50 that is quoted by our friends who are busy feeding the donkey what they hope will be high potency vitamins.

Indeed, if Mr. Mansfield and Mr. O'Brien had been more careful in their research, they would have noted that the Defense Department itself will spend $963 million for education this coming year, and that, therefore, it is somewhat inaccurate to say that $375 out of every $1,000 are spent on military defense. That figure represents what the Department of Defense spends, but that Department spends its money on many things, among which are education, as well as housing and health.

And there are also many other public expenditures for education besides those indicated by our Democratic friends, expenditures not reflected in agencies that bear the title, "Education".

In fact, if you look at the whole picture, you will see that there has been a complete reversal of priorities since the Nixon Administration took office. In the current fiscal year the expenditures for defense, as a percentage of Gross National Product, will be the lowest since 1950, at the start of the Korean War.

And in the area of education alone, the switch in emphasis is startling. In 1968, with a Democratic Administration in Washington, the American people spent $23 billion more on the military than we spent on education at all levels, public and private.

In the fiscal year ahead, with a Republican Administration in Washington, the American people will spend $2.4 billion *less* on the military than on education.

How's that for a country moving in the right direction?

And that is how it is for all of the top priority issues that our Democratic friends have touched on. In every single case, whether it's health and mental health research, or pollution control, or urban renewal, or vocational education, or whatever, you will find that their figures just do not represent the true investment of our society. And their figures do not represent the true efforts of the Federal Government, either. For Mr. Mansfield and Mr. O'Brien did not mention that we pass laws to require rather heavy expenditures on the part of the private sector for things like pollution control and we pass tax regulations that will encourage investment in areas like education. Yet none of this shows up in the Federal Budget.

So, if the Democrats come whining and bawling to you and say that this Republican Administration is neglecting education for defense, do not believe them. Do not let them tell you that this country is spending only $7.50 for elementary and secondary education per person this year, because that is not true. In point of fact we are spending $235.00 per person. And do not let them tell you that we are only spending $4.50 for pollution control, because that is not true. We are spending well over $30 per person. Do not let them rearrange the figures in order to make it appear that America is in such terrible shape, because the plain fact is that America is in darn good shape. We have problems, I'll be the first to admit it. But we also have a great system that can take care of our problems, and we should be proud of it.

And, you know, that is one of the differences that has always stuck me, between the Democratic and the Republican parties. The Democrats are always trying to spend their way out of America's imagined difficulties, while the Republicans are always trying to find ways to pay the bills run up by the Democrats. Every time we get the bills paid, the Democrats come in on another set of free-wheeling, fancy promises and run up a new set of debts.

Some day the American people are going to reject that Democratic cotton-candy and leave the fiscally responsible party in office long enough to restore true prosperity without inflation and war.

I've given you an exemple of how the Democrats look at spending for National priorities and how we look at spending for National priorities. And the example I've given points out that our approach to government is quite different from theirs. We believe that we have a good flexible system in America. It has worked well for almost 200 years, and we believe that we should not tamper with it too much. Yet, if we took into the hands of the Federal Government all of the money that the Democrats would need for the programs that they propose, we would no longer have a free economy. We would have socialism.

And if you think that I exaggerate, listen to these statistics: Senator Alan Cranston—I trust that this audience will know who he is—Senator Cranston, as a member of the Senate Labor and Public Welfare Committee, sponsored or co-sponsored 13 bills in the present Congress that had specific, limited appropriations. If all of these bills were to be passed by Congress, they would cost the American taxpayer $37 billion, $824 million, $250 thousand dollars *per year*.

But that is not all, Senator Cranston also sponsored or co-sponsored 18 equal additional bills that had *no* ceilings on their appropriations. In those bills, limit on appropriations was to be sent after the bill was passed.

Senator Kennedy of Massachusetts, as a member of that same Senate committee, has sponsored or co-sponsored 24 bills, which if enacted, would cost the American taxpayer $44 billion, $128 million, $672 thousand dollars *per year*. And these are only the bills with set appropriations. Senator Kennedy has sponsored 45 bills that do not have any appropriations ceilings.

What these two senators have proposed are staggering sums. Yet these are but *two* of the ten Democrats on the Senate Labor and Public Welfare Committee, and if we take the appropriations proposed by all the Democrats on the committee—let me name them here: Cranston, Kennedy, Eagleton, Hughes, Mondale, Nelson, Pell, Randolph, Williams and Yarborough—if we take the appropriations proposed by these Democrats on that one committee alone, and add them up in such a way as to have no overlap and no duplication, we shall find that in this Congress alone they have proposed spending $440 billion, $963 million, $30 thousand, $600 hundred dollars of public money *per year. That is over two times our present Federal Budget and more than one-half the Gross National Product of our country!* And remember, that does not include the bills that were open-ended and had no limit on their appropriations. And remember also, there are the expenditures proposed by only *ten senators on one committee of Congress* and that these Senators also sit on many other committees.

Ladies and gentlemen, in view of these statistics, I have absolutely no hesitation in saying that if we accepted all these proposals, the American private enterprise system would be taxed beyond its capability and collapse.

And that is the reason why we Republicans have always felt that solutions to our national problems should come as much as possible from the private sector, at times prodded by public law, but nevertheless funded by the productivity of the free enterprise system.

And that is why I am here tonight at a dinner for George Murphy. I want you and the people of California to know that he is a Republican in the best sense of that word. I want you to know that the President needs him, and that we want to see him reelected.

He has accepted his responsibility as a Senator to deal with the problems that face our nation, and he has tried to do this in a way that is both effective and yet preserves the power in the private sector.

Let me give you an example. In 1967 the famous "Murphy Amendment" was added to the Air Quality Act. This amendment allowed California to set its own auto emission standards above the Federal levels, because this state was already requiring auto emission control in 1967. This was an extremely important bill and, though at the time the Murphy Amendment may have seemed strict to some, there is hardly a person today who will not praise Senator Murphy for his foresight.

Yet the significance of this legislation will not show up in the Federal Budget, because the cost of this emission control is borne by the automobile producers. How much money is spent because of this one bill is impossible to determine, but the best estimates place the amount in the millions.

Similarly Senator Murphy has encouraged home ownership here in California through "Sweat Equity." There has been some Federal money involved, but the basis of the program has been the farmer's own efforts. He builds his own home. Yet the equity that he puts into his own house will not show up in the Federal Budget, because that man's labor was never converted into tax dollars that had to pass through the Federal bureaucracy.

The same is true of jobs. After the Watts riots of 1965, Senator Murphy supported your own Chad McClelland in his efforts to provide jobs to the unemployed through private business. This type of program has now attained national scope through the National Alliance of Businessmen and is a major part of the Administration's Manpower Program.

In 1967 George Murphy authored the outstanding dropout prevention program that is based on performance contracts farmed out by the Federal Government to private industry.

In 1967 he co-sponsored the Bilingual Educational Act that is so important to the Spanish-speaking and the Chinese, and Japanese-Americans right here in California.

What about George Murphy's contributions to education? In 1969 he introduced the Urban and Rural Education Act. And in general Senator Murphy has offered his support to so many important bills concerning education that he has been given the distinguished service award by the National Education Association.

In the area of pollution control, apart from his recognized accomplishments of the past, Senator Murphy has co-sponsored seven separate bills that are pending in the Congress presently.

In the area of crime control, he supported the Organized Crime Bill, the D.C. Crime Bill, and the Controlled Dangerous Substances Act.

In 1968 he introduced an amendment to the Manpower and Training Act extension which would have granted to the states a certain amount of control over this program. And in 1969, he was co-sponsor of the Revenue Sharing Bill, which is the cornerstone of President Nixon's New Federalism.

This is what Senator Murphy has done. I am here tonight to praise this man who has tried to solve the problems of our nation in a way that is compatible with our American system. He has sought to involve the private sector and he has sought to decentralize the governmental effort. He has done this out of the clear realization that our system as it now functions is the most efficient in the world for devising and producing solutions to its own problems. It is efficient because it's free.

But our efficiency and our freedom depend on leadership. George Murphy has supplied and will continue to supply that leadership.

The real story in my speech tonight is the accomplishments of a great Senator—George Murphy of California. However, you will probably not see much of that reported tomorrow. It will probably be "Agnew assails Mansfield and O'Brien." So I guess I'll have to depend on you to carry the word to the California voters—ladies and gentlemen. The Murphy record is outstanding and worth repeating to your friends and associates.

Let me close with a few brief personal observations about George Murphy. I have not known him very long, but he has qualities that strike you immediately—an obvious human decency and an honest candor that he doesn't have to overstate. Murphy is the kind of man you can trust completely. He has been the kind of man you can trust to represent you well in the Senate, and he will represent you well in the years to come. It is inevitable, because you won't let him lose. The loss would be the country's loss.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New York is recognized.

Mr. JAVITS. Mr. President, I ask that the Chair advise me when 5 minutes of my time remain.

THE FAMILY ASSISTANCE ACT OF 1970—AMENDMENTS

AMENDMENT NO. 854

Mr. JAVITS. Mr. President, I rise for two purposes this morning: First, to submit an amendment to the Family Assistance Act of 1970; and second, to make some analysis of the trade bill which has been reported out of the other body and which will be coming over here in due course. Due to the fact that they are under the rule, it is likely that we will get the bill without amendment.

Mr. President, I submit my amendment to the Family Assistance Act of 1970 (H.R. 16311), to mandate the inclusion of the so-called "working poor" for purposes of State supplementation under the act and ask that it be printed under the rule and referred to the Finance Committee and that the text thereof be printed in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The amendment will be received and printed; and, without objection, the amendment will be printed in the RECORD and referred to the Finance Committee.

The amendment, No. 854, was referred to the Committee on Finance, by unanimous consent, as follows:

AMENDMENT No. 854

On page 23, beginning with the word "other" on line 16, strike out all before the period on line 18.

On page 27, beginning with the word "other" on line 15, strike out all through "unemployed" on line 18.

Mr. JAVITS. The term "working poor" applies to families headed by full-time working males with incomes below the poverty line—$3,720 for a family of four. In 1968, 39 percent of poor families with children came within this category, yet under the current program known as aid to families with dependent children—AFDC—such families have not been eligible for welfare payments. There are approximately 1½ million families in this category, consisting of about 7.8 million persons.

The administration's proposed Family Assistance Act eliminates this exclusion in respect to the Federal eligibility-payment standard; and under the proposed act, working families headed by males as well as those headed by females are eligible for a family assistance payment of $1,600 for a family of four. For the purposes of the Federal benefit payment, the family's net income is determined by deducting the first $720 in earnings plus one-half of the remainder—other deductions are allowed for costs of child care and for income earned by a student; and, as a general matter, the family then receives the difference between $1,600 and its net income.

Since the Federal floor of $1,600 is less than the payment standard under AFDC in 42 States, the proposed Family Assistance Act requires the States to supplement the Federal payment for such recipients up to the payment level in effect in the State as of January 1970, or up to the poverty level, whichever is lower. The House-passed bill provides for 30-percent Federal sharing in the cost of these supplementary payments.

However, no matching is available for supplementary benefits paid to the "working poor" nor is there any requirement in the act for the States to pay such benefits to the "working poor." The proposed Family Assistance Act provides, as passed by the House, that supplementation must apply to:

> Any family other than a family in which both parents of the child or children are present, neither parent is incapacitated, and the male parent is not unemployed.

When he appeared before the Committee on Finance on July 21, 1970, Secretary of Health, Education, and Welfare Elliot L. Richardson noted three undesirable social consequences of the exclusion under current law.

First, the exclusion constitutes a basic inequity, since working poor families may have financial need equal to that of families in which there is no full-time working male, yet they are unable to receive Federal public assistance under current law. As the Secretary noted:

> This unwise and unjust public policy has had predictable results in terms of social tensions. First, an understandable discontent has been generated among those who are excluded and who see others no worse off than they being assisted. Second, ominous racial overtones have developed since current AFDC recipients—those who are helped—are about 50 percent nonwhite, while the working poor—those who are excluded—are about 70 percent white. This country can no longer afford to have one of its most important and needed anti-poverty efforts viewed by many of its citizens as a divisive, unfair and arbitrary failure. Such a view does not help to bring us together, does not promote understanding among people, and does not help to restore public confidence in the wisdom of our social policies.

Second, the exclusion produces an incentive for male heads of households to work less, rather than more. The current welfare program includes, in a number of States the "AFDC unemployed fathers" program under which families headed by father working no more than 30 hours per week—for 35 hours, at each State's option—are eligible. Thus a father who is on welfare is better off working no more than 30 hours a week. If he works more than that, he is suddenly no longer "unemployed" and he loses assistance. I ask unanimous consent that a table indicating the States with AFDC-UF programs be printed in the RECORD at the conclusion of my remarks.

Third, the exclusion of the working poor has provided encouragement for families to dissolve or for couples never to marry. In situations in which a full-time workingman is not making as much as the mother of his children could receive in welfare benefits, the couple is financially better off if the man leaves home. Over 70 percent of the fathers of families currently on AFDC are "absent from the home."

Mr. President, the considerations which have prompted the administration to include the "working poor" under the basic Federal payment apply equally in respect to the supplemental payments. For example, in States that now provide a total AFDC payment of $2,000 or more, a mother and her three children would receive a payment of $2,000 under the

present AFDC program. Under the Family Assistance Act, she would also receive $2,000—consisting of the $1,600 Federal family assistance payment and a $400 State supplementary payment. However, the same family of four, consisting of a mother, a father, and two children would receive $1,600 and no State supplementation.

There are more than 35 States in which the total payment exceeds $2,000 and, in fact, 22 States in which it exceeds $2,500 providing, in effect, an even greater incentive not to work and greater encouragement for the male to leave the home. I ask unanimous consent that there be included in the RECORD at the conclusion of my remarks a table prepared by the Department of Health, Education, and Welfare, indicating the expected levels of supplementation for each State above the Federal payment.

Mr. President, the Department of Health, Education, and Welfare has indicated that, if the working poor were supplemented, as proposed under my amendment, 1,473,300 families would be included; under the act, as passed by the House, only 924,600 working poor families would be covered for purposes of the $1,600 payment only. I ask unanimous consent that a chart entitled "1971 Estimated Caseloads of Working Poor Under H.R. 16311," prepared by the Department of Health, Education, and Welfare, be included in the RECORD at the conclusion of my remarks.

Mr. President, my amendment would also eliminate a provision in the House-passed bill submitted by the administration to the Finance Committee on June 11, 1970. During the spring hearings, the committee had noted that under the House-passed bill, a work disincentive and an equity issue was left in the AFDC-UF category. As I indicated earlier, under the program which is in effect in 23 States, families headed by fathers working no more than 30 hours per week—or 35 hours, at each State's option—are eligible for State supplemental benefits. The committee pointed out that this was inequitable to a family headed by a full-time, working male. In commenting on this discrepancy in his testimony on July 21, 1970, Secretary Richardson stated:

> The Administration has proposed eliminating this problem by abolishing the federal matching assistance for recipients in the Unemployed Fathers category—about 90,000 families out of a total AFDC caseload of almost 2-million families. As a result, all male-headed families would be treated alike, and an unbroken set of incentives would apply.

He indicated that although one means of eliminating the discrepancy was mandating the extension of State supplementation to the working poor, it was considered too costly; he estimated that such inclusion could cost approximately $1 billion in fiscal year 1971.

Experience in the six States which now provide assistance to the working poor—Pennsylvania, Massachusetts, Illinois, New Jersey, Rhode Island, and New York—indicates that such programs are underutilized even in States that have a high rate of utilization of all other categories of aid.

Moreover, as noted by Assistant Secretary of Labor Jerome M. Rosow in the Wall Street Journal, March 30, 1970:

> One fact to bear in mind about the working poor is that they are not likely to become long-term recipients of assistance payments. Because of rising wage scales due to increased productivity, about 200,000 of the working poor rise above the poverty line each year. Upgrading efforts on the part of the manpower agency will increase this movement to self-sufficiency.

In fact, inclusion of the working poor in the State supplementary benefit program should eventually reduce the costs of welfare as a whole as individuals move off welfare as a result of increased earnings.

With respect to the ability of the States to assume any additional costs arising from the inclusion of the working poor, I wish to indicate that this amendment is offered in conjunction with Amendment No. 802 to H.R. 16311, which I introduced with a number of other amendments on July 31, 1970. This latter amendment would provide for Federal sharing in State supplementary payments on a variable basis ranging from 50 to 83 percent depending upon State fiscal capacity, rather than on the 30 percent basis prescribed for all States under the House-passed bill.

As President Nixon emphasized in commenting on the scope of his welfare reform proposals on August 11, 1969:

> These are far reaching effects . . . they cannot be purchased cheaply or by piecemeal efforts.

The administration deserves credit for understanding the long-overdue overall reform of our welfare system and for including the working poor under the Federal benefit portion of the Family Assistance Act, but we must be assured that we begin with a consistent approach, and that we do not perpetuate in the new law the inequities which we hope to eliminate from the AFDC program.

When we review this legislation as a whole I consider the matter of including the working poor in these supplemental payments as one of high priority, along with the inclusion of single persons and childless couples, increases in the basic level, and in Federal sharing in the interim.

Mr. President, the amendment I have submitted is designed to correct a very serious inequity which appears in the administration's proposed Family Assistance Act. This inequity inures in the fact that if a welfare eligible family is headed by a fully employed male that family is penalized by not being the beneficiary of State supplementation, required for female headed families, amounting to the difference between the $1,600 Federal base which will be established for a family of four, and whatever amount the State pays.

Hence, those male heads of poor households in the working pool will be discriminated against and yet the interesting thing is that it is these poor who are the most quickly working themselves off the welfare rolls.

About 200,000 of the working poor rise above the poverty level every year. This, hence, is the area where we should be in a position to give this final little shove which will get these people above the poverty level. Yet, it is precisely these persons whom the House bill discriminates against.

Accordingly, I am presenting this amendment. I hope very much that it will be included in the bill as passed. I would like to enlist the aid and assistance of my colleagues in the matter.

I have noted recent reports that Secretary Richardson testified that the estimated cost of this amendment is $1 billion. That is a figure which is based upon the worst possible capabilities which adhere in the situation, rather than what would be normal and expected on the record.

We are not figuring the cost of a potential atomic bomb in this matter. We are trying to get a reasonable figure for the families who will require this kind of assistance. The figure of the Health, Education, and Welfare Department must be regarded as inflated, and I shall demonstrate that as I go along.

We are still up against the hard rock of dealing with a clear and blatant discrimination against the most deserving families rather than the least deserving, mandating the supplementation which States pay and which will not be required for families in which the father is doing his job and working full time and not making the grade.

I think that this is most unfair. I believe that the Senate will give its sympathetic consideration to so obvious an inequity. I hope very much that the Finance Committee in its effort to turn this bill into a "workfare" bill, will do something about this. I am sure that they will give their attention to the problem. I urge them not to be scared off by the HEW figure, but to break it down and see what it reasonably may be.

I shall point out two reductions in the figure: First, the fact that so many of these families escape poverty which is a very refreshing experience in welfare; in addition, because of the characteristics of the people we are dealing with, this is one of the materially underutilized elements of welfare in every State in which it exists. Many working poor families have tremendous pride and dignity and do not want anything to do with a welfare existence if they can avoid it.

Mr. President, I ask unanimous consent that certain charts showing the States that provide aid in the various categories to which I have been referring, the nature of the supplemental aid by State, and the estimated caseload by State be printed in the RECORD.

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

TWENTY-THREE STATES WHICH PROVIDE AID TO FAMILIES WITH DEPENDENT CHILDREN OF UNEMPLOYED FATHERS

California, Colorado, Delaware, Hawaii, Illinois, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Washington, West Virginia.

Source: Department of Health, Education and Welfare, March 31, 1970.

State supplemental payment to an eligible family of 4 with no other income[1]

Alabama	0
Alaska	$620
Arizona	602
Arkansas	0
California	1,052
Colorado	768
Connecticut	2,000
Delaware	188
District of Columbia	1,327
Florida	5
Georgia	0
Hawaii	1,508
Idaho	1,328
Illinois	1,556
Indiana	200
Iowa	1,315
Kansas	1,244
Kentucky	356
Louisiana	0
Maine	416
Maryland	752
Massachusetts	1,772
Michigan	1,532
Minnesota	1,868
Mississippi	0
Missouri	0
Montana	829
Nebraska	800
Nevada	116
New Hampshire	1,304
New Jersey	2,564
New Mexico	592
New York	2,156
North Carolina	319
North Dakota	1,532
Ohio	716
Oklahoma	620
Oregon	1,087
Pennsylvania	2,012
Rhode Island	1,460
South Carolina	0
South Dakota	1,712
Tennessee	0
Texas	173
Utah	728
Vermont	1,856
Virginia	1,245
Washington	2,252
West Virginia	53
Wisconsin	776
Wyoming	800

[1] Under H.R. 16311 as amended June 1970. Based on April 1970 AFDC payment levels.

Source: Department of Health, Education and Welfare.

1971 ESTIMATED CASELOADS OF WORKING POOR UNDER H.R. 16311

[In thousands]

United States	Working poor families receiving FAP only	Working poor families receiving FAP and/or State supplement if working poor are supplemented	Increase in number of working poor families who would receive benefit
Alabama	31.6	39.5	7.9
Arizona	9.0	15.7	6.7
Arkansas	15.7	15.7	----------
California	45.9	102.3	56.4
Colorado	18.2	18.2	----------
Connecticut	7.7	11.8	4.1
Delaware	5.1	5.1	----------
District of Columbia	1.2	1.2	----------
Florida	34.1	43.0	8.9
Georgia	43.6	45.2	1.6
Hawaii	2.8	4.3	1.5
Illinois	25.5	76.8	51.3
Indiana	10.9	20.9	10.0
Iowa	19.2	37.9	18.7
Kansas	7.1	15.2	8.0
Kentucky	22.5	27.8	5.3
Louisiana	36.8	53.9	17.0
Maryland	7.7	9.2	1.5
Massachusetts	2.3	16.3	14.0
Michigan	20.1	35.4	15.3

1971 ESTIMATED CASELOADS OF WORKING POOR UNDER H.R. 16311—Continued

[In thousands]

United States	Working poor families receiving FAP only	Working poor families receiving FAP and/or State supplement if working poor are supplemented	Increase in number of working poor families who would receive benefit
Minnesota	23.2	64.9	41.6
Mississippi	33.2	34.5	1.3
Missouri	20.9	51.5	30.5
New Jersey	14.4	40.9	26.5
New Mexico	9.0	10.3	1.3
New York	40.3	106.3	66.0
North Carolina	46.5	46.5	----------
Ohio	31.8	31.8	----------
Oklahoma	11.6	12.9	1.3
Oregon	7.3	13.3	6.0
Pennsylvania	45.4	69.1	23.7
Rhode Island	1.3	5.5	4.2
South Carolina	16.7	23.2	6.4
Tennessee	32.8	37.9	5.1
Texas	70.8	80.0	9.2
Utah	1.2	16.3	15.1
Virginia	30.8	38.2	7.4
Washington	8.3	19.5	11.2
West Virginia	10.2	10.2	----------
Wisconsin	15.4	29.1	13.7
Other States:			
Northeast (Maine, New Hampshire, Vermont)	17.2	42.2	25.0
North Central (Nebraska, North Dakota, South Dakota)	53.6	74.6	21.0
West (Alaska, Idaho, Montana, Nevada, Wyoming)	15.0	18.8	3.8
Total	924,600.0	1,473,300.0	548,700.0

THE TRADE BILL

Mr. JAVITS. Mr. President, I speak this morning because the Senate has really been very little heard from in respect to the trade legislation presently before the Congress.

A very admirable initiative was undertaken by a bipartisan group in the other body. They expressed their opposition to what is taking place by means of this trade bill. I think it is time that those of us here who feel relatively the same way express ourselves.

The trade legislation (H.R. 18970) will come up on the House floor when they return from the recess under a closed rule. It is very unlikely that it will be changed. It will be voted either up or down. My guess is that it will be voted up.

When it comes here, as it inevitably will, the real issue rises. This is where it will be amended and amended substantively as trade legislation always has been.

The principal reasons for being against the bill—and in particular the quota concept of this bill—are based entirely upon the national interest of the United States. It has nothing to do with "hands across the sea" or ideas about international friendship. First, they are based on the fact that quotas will impose an enormous tax on the consumers of the United States. I will give demonstrations of that in a moment. Second, quotas will hurt the total trade of the United States, and this will cost Americans jobs, rather than get them jobs. Yet that is the particular claim made for the quota approach.

On the question of jobs, it is a fact we are now running a growing export surplus, and that is the normal position of the United States. Millions of jobs are at stake on the export side, because it is clear there will be retaliation and serious retaliation if the United States goes into the quota business.

We are no longer "cock of the walk" as we were right after World War II. We have tough competition from Germany and Japan, to name two countries, and every other exporting country. We cannot run this matter as we would like. So this competition, which is causing us trouble already, when buttressed by retaliation action will make it more difficult for the workers in the United States.

Now, Mr. President, the problem as I see it, and the reason for crying out against it—not in any way derogating from the diligence and high degree of expertise of WILBUR MILLS and his committee, who have been the leaders in terms of trade legislation in the other body, Mr. MILLS and his committee faced a situation and not a theory, of serious character.

But the trade legislation (H.R. 18970) that has just been reported out of the Ways and Means Committee, is legislation that has little connection with our national interest or the interests of the American consumer, and will be counter productive in its effect on the United States and the world's economy.

When all the rhetoric is stripped away, we are faced with a quota bill which would turn the clock back on the liberal trade policies that have served us so well since the end of the war. Perhaps even more importantly, the bill raises a critical issue of Presidential power. For, the bill as it presently stands can rightfully be considered the Tonkin Gulf resolution of international trade. I am also deeply concerned about the justifications given by members of the Nixon Cabinet and the Ways and Means Committee for the need for such quota legislation.

If it were not so serious, one could almost be amused by the selection of products to be covered by quotas. The "political clout" of the textile industry, the shoe industry, and the oil industry is well known—but glycene and mink? Perhaps, mink was thrown in to insure that all clothing bills will be higher in the years to come—from dresses to mink coats. As for glycene, it is produced by only one company in the United States and the tariff quotas on this product will not only insure this company's monopolistic position, it will have an impact on prices of buffered aspirin, sugar substitutes, deodorants, and ink.

The following provisions of H.R. 18970 are particularly unfortunate:

Section 301(5)(a) contains what is apparently a completely rigid, mechanical, and arbitrary trigger clause which leaves little room for flexibility and for fair consideration of the various factors that must be involved when a determination of injury from imports is to be made. If the rigid mechanical formula is met, the law then states in section 113 (b):

> The President shall proclaim the increase in, or imposition of, any duty or other import restriction on the article concerned ... unless he determines that such action would not be in the national interest.

This provision places an enormous burden on the President of the United States, and I do not feel this is wise. Furthermore, it raises a myriad of questions concerning the term "national interest." The situation can easily be foreseen where, despite the fact that imports meet the mechanical test set forth in section 301(5)(a) the imposition of duties or other import restrictions would be patently unwise; and the imports in question may be of such marginal importance to our economy that equating these imports with the national interest would be patently absurd. The net result would be that a senseless import restriction could be established. I am encouraged by newspaper reports that Congressman MILLS opposed this arbitrary, mechanical formula. I would hope that the Senate, in its consideration of the bill, would delete such mechanical formulas based on strict percentages which, by their very nature, cannot provide a fair consideration of all the factors involved.

The wording in Section 301(b)(1) also lends itself to abuse. This paragraph says:

> The Tariff Commission shall promptly make an investigation to determine whether an article is being imported into the United States in such increased quantities, either actual or relative, as to *contribute substantially* (whether or not such increased imports are the major factor or the primary factor) towards causing or threatening to cause serious injury to the domestic industry producing articles like or directly competitive with the imported article.

The administration's original trade bill (H.R. 14870) contained the provision of "primary cause" in describing the relationship between increased imports and serious injury. The bill we are considering today is considerably more restrictive of trade. It substitutes "substantial" for "primary" and makes it clear that increased imports do not have to be a major factor in assessing injury. It is possible that the Tariff Commission could interpret this language to open the door to numerous affirmative findings and this could become a tidal wave of protectionism.

Section 301(3) is also a highly significant change in our trade law. Under the new definition contained in this section, a domestic industry would be the aggregate or firms or appropriate subdivisions thereof that produce the domestic article. The part of the plant in which that article is produced would be considered an appropriate division. This language would permit unlimited arbitrary segmentation of an industry to carve out that part that might be injured by imports.

In essence, it incorporates the principle of gerrymandering in our trade policy.

It would return to the segmentation provision of the original 1951 escape clause, which was expressly repealed by the Trade Expansion Act of 1962. Under the new proposed wording, if a number of related products were being made in five plants, and only one plant was being hurt by imports, a basis for higher tariffs or quotas should be established for all the products in all the plants, even though the operation of the other four plants were healthy and profitable. This again is a serious move toward protectionism and again a clear indication of why the quotas aspect of the bill is backward looking, toward discredited past laws, rather than forward-looking.

Finally, it is most interesting that this bill enacts into law the principle of decision by the minority. I refer to section 301(5)(1). I call to my colleagues' attention that this section says:

> If a majority of the Commissioners present and voting makes an affirmative determination under paragraph (1), the Commissioners voting for such affirmative injury determination shall make an additional determination under this paragraph which shall consist of determining (i) whether either criteria in subparagraph (A) or the criteria in subparagraph (B) are met, and if so, (ii) whether the criteria in subparagraph (C) are met.

The determination of whether these criteria are met is of considerable if not key importance since this is the triggering formula for a mandating duty increase or other import restrictions unless the President determines such restrictions are not in the national interest. In essence then, what this law provides is that the majority of the Commissioners make one preliminary determination. For example, 3 out of 5 voting Commissioners could make such a determination. The majority—these three Commissioners—would then vote to determine whether certain additional criteria were met. The net effect of this procedure would be that the vote of two Commissioners—if five were voting—could determine the thrust of our trade policy. This language, which permits the determination of criteria by the majority of the majority, could lead to decision by the minority. This is a sad provision of a law in a democracy.

The fact that this is a backward-looking, protectionist quota bill that turns the trade policy of our Nation around 180 degrees is bad enough, but there is an equally serious issue. The bill gives any President enormous discretion and leeway in imposing quotas and other import restrictions. The question must be asked whether this enormous discretionary power should be given to any President. I find it more than strange that on one hand the Congress is attempting to reassert its constitutional powers as to war; while on the other hand, in the trade field, it is willing to delegate sweeping authority to the President.

Recent events have made it clear that a President can and will use trade policy for domestic political ends. The granting of enormous discretionary powers to any President only confirms this. That is why I call this bill the "Tonkin Golf resolution of international trade."

Finally, Mr. President, oil deserves special mention. Section 104(a) in effect freezes the oil import quota system that has served the Northeast and Midwest so badly. The inequitable working of this system has been brilliantly exposed by a Presidential task force report under the Chairmanship of the then Secretary of Labor George Shultz. The executive director of this Cabinet task force has just written in the New York Times:

> If, furthermore, world prices are so likely to reach and exceed the U.S. domestic price that is artificially propped up by import controls, why insist so strenuously on retaining strict quotas?

The Ways and Means bill would prohibit the President from implementing the policy recommendations put forward by a majority of his own task force. It must be asked whether perpetuation of present policies will meet the needs of our Nation in the 1970's.

I am well aware that the administration has just decided—and this is a decision which I very much regret—that it is "discontinuing consideration of moving to a tariff system of control, but rather continuing our efforts to improve the current program." The current program, of course, is the system of rigid import controls that has been in effect since 1959 and which has increasingly hurt major sections of our Nation.

There is a puzzle here. The day before this decision was announced a prominent story in the Wall Street Journal quoted a key Nixon administration economist who contended that a cut in unrealistically high gasoline prices would help ease the threat of a winter fuel oil shortage. In his view, a lower gasoline price would make it relatively "more profitable for oil companies to divert more of their production into the heavy heating oils." The story went on to say that one of the plans being considered was to offer the bonus of new or bigger quotas to those refiners who had idle capacity and were willing to turn out a higher proportion of the lower-profit heavier fuels from usually cheaper imported foreign crude oil.

I am puzzled, since the oil import quota system has always had the effect of maintaining a high price of gasoline by drastically curtailing imports of cheaper Venezuelan, Canadian, and Middle East crude oil. The quota system has also limited the construction of refineries on the east coast which limits the increase in the production of residual heating oils at the point of demand. Since the inception of the oil import quota program in 1959, no new oil refineries have been built on the east coast. Thus, even if existing east coast refineries upped their residual production to the level of that being produced by refineries elsewhere in the United States—from 2- to 3-percent range to the 6- to 14-percent range—they could not meet the demand for heating oils in the New England and Mid-Atlantic States. Since the heating oil crisis is so near at hand, it is impossible for the Northeast to build new refineries in time to materially affect the rapidly developing crisis, even if oil were to be made available.

Based on these facts, one must pose the question whether maintenance of the rigid oil import system which was in effect during the 1960's is not, therefore, directly responsible for the severe heating oil shortage now facing the Nation. One must further ask whether the maintenance of a similar program in the 1970's—either by administration fiat or legislation—is in the best interests of our Nation or just prejudices the Northeast.

I have stated the rigid quota legislation is not in the interests of the Ameri-

can consumer. Briefly, here is what the quota systems already in effect have cost the consumer.

Oil: The recent report of the President's Cabinet task force on oil import controls estimated that in 1969 alone consumers paid $5 billion more for oil products than they would have paid in the absence of import constriction.

Beef: Governor Rockefeller has informed me that the price of rib roast in one New York City grocery chain increased from $0.99 per pound in 1960 to $1.49 a pound in 1970, an increase of 50 percent. According to the Bureau of Labor statistics, the price of hamburger in the New York/northeastern New Jersey area increased from $0.49 a pound in 1960 to $0.88 a pound in 1970. This was a price rise of 79 percent. The import of second grade beef is strictly controlled and it is clear that the increase in the prices of such beef have increased far more rapidly than has the Consumer Price Index.

Steel: Following the adoption of the "voluntary" restraint agreement, the price per net ton of steel increased to $140.84 on July 3, 1969 and to $156.26 on July 2, 1970. At the end of 1968 finished steel prices per net ton averaged $131.76. The percentage gain in steel prices since the signing of the voluntary agreements is far in excess in the percentage increase in the wholesale price of all commodities.

These are just three examples of the effect of quotas on prices. Additional examples are set forth in a recent study made by Dr. Stephen D. Cohen entitled "Import Quotas and Prices—A Reply." This linkage between import quotas and higher prices underlines the danger of passing rigid quota legislation at the same time inflationary pressures remain high. Such quota legislation could make it more difficult to bring such inflationary pressures under control. In the hearings before the Ways and Means Committee, past trade policies of the United States were characterized as "Uncle Sucker" policies by a Cabinet officer and committee members gloomily speculated about the survival of the American economic system if the United States were to remain the only open market in the world. I can only conclude that this is the economic side of the dangerous trend toward neoisolationism in the United States which has been brought on by dissent from the war in Indochina. But this economic neoisolationism is based on false premises and false analyses.

An editorial in the July 25 edition of Business Week should put some of these false premises to rest. Business Week said:

> The notion that the United States is an open market is pure myth. More than 20 percent of U.S. imports are controlled by quotas (such as those on oil and farm products); the average U.S. tariff level on industrial goods is above the Common Market average.

Rising protectionist sentiment could be better understood, if our trade balance were in the red. But it most decidely is not, despite the fact that the severe inflation our economy has faced over the past 5 years has upped the demand for imports. Now that the inflation shows signs of moderating, our trade surplus is strengthening and moving further into the black. On a seasonally adjusted basis, the export surplus rose to $848 million in the second quarter of this year compared to a $518 million first quarter surplus. A trade surplus for 1970 is likely to approach $3 billion. It is tragic that the Congress is now considering protectionist measures that could adversely affect one of the few plus items on our otherwise bleak balance-of-payments ledger.

Also, what is overlooked is the power under our laws to take substantial action under dumping, countervailing duty, tightened escape clause and adjustment assistance laws which can also be beefed up by nonprotectionist legislation. Certain provisions now in H.R. 18970 do precisely this and should be maintained. These provisions in connection with the DISC proposal could have a highly favorable effect on our trade balance as well as substantially alleviating the serious problems being caused by certain sectors of our domestic industry by the sudden impact of sharply increasing imports.

It also must be recognized that we are not even using the powers now on the books to take care of the individual unitary problems in given items of imports which are troubling us.

It seems to me that this is a very important point for the Committee on Finance to consider when it wrestles with this problem, not to just embrace the quota idea, which has so many disadvantages for the United States.

Again, I beg Senators to remember it is long after 1945; that we face the sternest kind of competition in every market abroad and in the markets represented by the major exporting countries. That is where we do most of our business with the industrialized countries of the world.

Mr. President, another problem of the quotas, as distinguished from the approach that I am suggesting as our best bet in this situation, is that it is across the board. We will find—because it is inevitable in this situation, as it goes for the efficient and efficient alike—that there will be a very serious problem of windfall profits here. It is a fact that many segments of our textile industry, for example, have no need for this kind of regulation at all and whose income will go out of sight because of the restrictions, whereas it will not materially help the inefficient industries. That has always been the history of the quota—I think represents a very deleterious development as far as our country is concerned.

I have as little patience as any Senator does with the intransigent opposition—almost the blind opposition—of the Japanese textile industry to any effort to avoid this very serious world situation by coming to some voluntary agreement with the United States on some aspects of the manmade textiles field.

Even there, the question is, What do we do about it? What is the best way to get such an agreement? In my judgment, the best way to get such an agreement is to use the powers of the President and the Tariff Commission or of a Special Presidential Commission to make clear that where the Japanese are imposing upon us, we will not accept it. That will not involve retaliation. On the contrary, it will be language the Japanese very well understand, and is very likely to produce an agreement; whereas if we give them the objective of quotas and a complete reversal of the policy of the United States we put them, both economically and politically, in a position where they can do nothing else but retaliate against us. So we would guarantee a trade war instead of trying to cure, in an intelligent way, the difficulty between the two countries.

I believe, as we begin to look into this question, as more Members of the Senate begin to learn what is at stake, as more Members of the Senate begin to check into their own States to find out what the effects of imports as compared with exports mean to their own States, they will not be so affrighted that there are so many hundreds of thousands of workers affected. This is especially true of the agricultural States, from which so many Senators come, in which agriculture represents a very important economic base.

Finally, it is an economic truism that our most efficient high-wage industries are also our best export industries. In turn, our least efficient low wage industries are generally protectionist. A move to protect the inefficient sectors of our economy could lead to retaliation against the efficient, high wage sectors. Through the working of this process, protectionism can weaken the domestic economy, maintain inflationary pressures, and be detrimental to our national security.

I thank the Senate.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from North Carolina (Mr. ERVIN) is recognized for 45 minutes.

THE HOUSE-PASSED EQUAL RIGHTS AMENDMENT: A POTENTIALLY DESTRUCTIVE AND SELF-DEFEATING BLUNDERBUSS[1]

UNFAIR LEGAL DISCRIMINATIONS AGAINST WOMEN

Mr. ERVIN. Mr. President, the objective of those who advocate the adoption of the House-passed equal rights amendment is a worthy one. It is to abolish unfair discriminations which society makes against women in certain areas of life. No one believes more strongly than I that discriminations of this character ought to be abolished, and that they ought to be abolished by law in every case where they are created by law.

Any rational consideration of the advisability of adopting the House-passed equal rights amendment raises these questions:

First. What is the character of the unfair discriminations which society makes against women?

Second. Does it require an amendment to the Constitution of the United States to invalidate them?

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[1] The descriptive phrase "a potentially destructive and self-defeating blunderbuss" is borrowed from the article of Leo Kanowitz, Professor of Law, University of New Mexico, which is entitled "Constitutional Aspects of Sex-Based Discrimination in American Law," which appeared in the Nebraska Law Review, Vol. 48, No. 1 (1968). See page 182.

Third. If so, would the House-passed equal rights amendment constitute an effective means to that end?

It is the better part of wisdom to recognize that discriminations not created by law cannot be abolished by law. They must be abolished by changed attitudes in the society which imposes them.

From the many conversations I have had with advocates of the House-passed equal rights amendment since coming to the Senate, I am convinced that many of their just grievances are founded upon discriminations not created by law, and that for this reason the equal rights amendment will have no effect whatsoever in respect to them.

When I have sought to ascertain from them the specific laws of which they complain, the advocates of the equal rights amendment have cited certain State statutes, such as those which impose weight-lifting restrictions on women, or bar women from operating saloons, or acting as bartenders, or engaging in professional wrestling. Like them, I think these laws ought to be abolished. I respectfully submit, however, that resorting to an amendment to the Constitution to effect this purpose is about as wise as using an atomic bomb to exterminate a few mice.

From the information given me by many advocates of the equal rights amendment and from my study of the discriminations which society makes against women, I am convinced that most of the unfair discrimination against them arise out of the different treatment given men and women in the employment sphere. No one can gainsay the fact that women suffer many discriminations in this sphere, both in respect to the compensation they receive and the promotional opportunities available to them. Some of these discriminations arise out of law and others arise out of the practices of society.

Let me point out that Congress has done much in recent years to abolish discriminations of this character insofar as they can be abolished at the Federal level. It has amended the Fair Labor Standards Act to make it obligatory for employers to pay men and women engaged in interstate commerce or in the production of goods for interstate commerce equal pay for equal work, irrespective of the number of persons they employ.

Congress has also decreed by the equal employment provisions of the Civil Rights Act of 1964 that there can be no discrimination whatever against women in employment in industries employing 25 or more persons, whose business affects interstate commerce, except in those instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the enterprise. Furthermore, it is to be noted that the President and virtually all of the departments and agencies of the Federal Government have issued orders prohibiting discrimination against women in Federal employment.

Moreover, State legislatures have adopted many enlightened statutes in recent years prohibiting discrimination against women in employment.

If women are not enjoying the full benefit of this Federal and State legislation and these Executive orders of the Federal Government, it is due to a defect in enforcement rather than a want of fair laws and regulations.

A good case can be made for the proposition that it is not necessary to resort to a constitutional amendment to abolish State laws which make unfair discriminations between men and women in employment or any other sphere of life. This argument rests upon the equal protection clause of the 14th amendment which prohibits States from treating differently persons similarly situated, and is now being interpreted by the courts to invalidate State laws which single out women for different treatment not based on some reasonable classification.

To be sure, the equal protection clause may not satisfy the extreme demands of a few advocates of the equal rights amendment who would convert men and women into beings not only equal but alike, and grant them identical rights and impose upon them identical duties in all the relationships and undertakings of life.

It cannot be gainsaid, however, that the equal protection clause, properly interpreted, nullifies every State law lacking a rational basis which seems to make rights and responsibilities turn upon sex.

My view is shared by legal scholars. Their views on this subject are succinctly expressed by Bernard Schwartz in his recent commentary on the Constitution of the United States which declares "that a law based upon sexual classification will normally be deemed inherently unreasonable unless it is intended for the protection of the female sex."[2]

As I shall point out later, the House-passed equal rights amendment is shrouded in obscurity, and no one has sufficient prophetic power to predict with accuracy what interpretation the Supreme Court will place upon it. One possible interpretation is that it will nullify every existing Federal and State law making any distinction whatever between men and women, no matter how reasonable the distinction may be, and rob Congress and the legislatures of the 50 States of the legislative power to enact any future laws making any distinction between men and women, no matter how reasonable the distinction may be.

If it should be adopted and this interpretation should be placed upon it by the Supreme Court, the House-passed equal rights amendment would produce constitutional and legal chaos, and would not accomplish the objective of any of its advocates. This is so because under this interpretation the equal rights amendment would merely abolish all laws making any distinctions between men and women. It would not bring into existence any new laws giving us a discrimination-free society, and those who desire such a society would have to implore Congress and the legislatures of the 50 States to enact new laws creating the kind of society they seek, insofar as such a society can be established by law.

[2] Bernard Schwartz: Rights of the Person, Vol. 2, Section 482, Page 534.

Consequently, those who seek a discrimination-free society should seek to persuade Congress and the legislatures of the various States initially to enact suitable legislation to accomplish their purpose insofar as such purpose can be accomplished by law without first invalidating all laws making distinctions between men and women and plunging society into constitutional and legal chaos.

For these reasons, the House-passed equal rights amendment represents a potentially destructive and self-defeating blunderbuss approach to the problem of abolishing unfair discriminations against women.

What has been said makes it manifest, I think, that society does make unfair discriminations against women, and that the House-passed equal rights amendment does not constitute a sensible approach to their abolition.

This brings us to the questions whether Congress should consider the submission to the States of a constitutional amendment to deal with the matter, and whether such amendment should permit Congress and the States acting within their respective jurisdictions to make reasonable distinctions between the rights and responsibilities of men and women in appropriate areas of life.

I honestly believe that the equal protection clause, properly interpreted, is sufficient to abolish all unfair legal discriminations made against women by State law.

Nevertheless, I am constrained to favor a constitutional amendment which will abolish all unfair legal discriminations against women without robbing them of necessary legal protections and without imprisoning the legislative powers of Congress and the States in a constitutional straitjacket.

My reasons for so doing are twofold. First, some advocates of the House-passed equal rights amendment do not share my opinion of the efficacy of the equal protection clause; and, second, the equal protection clause does not apply to Congress, and it is problematical whether the Supreme Court will hold in this instance, as it did in *Bolling* v. *Sharp*, 347 U.S. 497, that the due process clause of the fifth amendment imposes the same prohibitions on the Federal Government that the equal protection clause does on the States.

While I believe that any unfair discriminations which the law makes against women should be abolished by law, I have the abiding conviction that the law should make such distinctions between the sexes as are reasonably necessary for the protection of women and the existence and development of the race.

I share completely this recent observation of a legal scholar:

> Use of the law in an attempt to conjure away all the differences which do exist between the sexes is both an insult to the law itself and a complete disregard of fact.[3]

Let us consider for a moment whether there be a rational basis for reasonable distinctions between men and women in any of the relationships or undertakings of life.

[3] Ibid., p. 538.

FUNCTIONAL DIFFERENCES BETWEEN MEN AND WOMEN

When He created them, God made physiological and functional differences between men and women. These differences confer upon men a greater capacity to perform arduous and hazardous physical tasks. Some wise people even profess the belief that there may be psychological differences between men and women. To justify their belief, they assert that women possess an intuitive power to distinguish between wisdom and folly, good and evil.

To say these things is not to imply that either sex is superior to the other. It is simply to state the all-important truth that men and women complement each other in the relationships and undertakings on which the existence and development of the race depend.

The physiological and functional differences between men and women empower men to beget and women to bear children, who enter life in a state of utter helplessness and ignorance, and who must receive nurture, care, and training at the hands of adults throughout their early years if they and the race are to survive, and if they are to grow mentally and spiritually. From time whereof the memory of mankind runneth not to the contrary, custom and law have imposed upon men the primary responsibility for providing a habitation and a livelihood for their wives and children to enable their wives to make the habitations homes, and to furnish nurture, care, and training to their children during their early years.

In this respect, custom and law reflect the wisdom embodied in the ancient Yiddish proverb that God could not be everywhere, so he made mothers.

The physiological and functional differences between men and women constitute earth's important reality. Without them human life could not exist.

For this reason, any country which ignores these differences when it fashions its institutions and makes its law is woefully lacking in rationality.

Our country has not thus far committed this grievous error. As a consequence, it has established by law the institutions of marriage, the home, and the family, and has adopted some laws making rational distinctions between the respective rights and responsibilities of men and women to make these institutions contribute to the existence and advancement of the race.

OBSCURITY OF THE HOUSE-PASSED EQUAL RIGHTS AMENDMENT

In the nature of things, lawmakers use words to express their purpose and courts must ascertain their purpose from their words.

In his famous opinion in *Towne* v. *Eisner*, 245 U.S. 418, 425, Justice Oliver Wendell Holmes made this trenchant observation:

> A word is not a crystal, transparent and unchanged; it is the skin of a living thought and may vary greatly in color and content according to the circumstances and the time in which it is used.

During my many years as a lawyer, a judge, and a legislator, I have discovered that many words have many meanings, and that the purpose they are intended to express must be gathered from the context in which they are used. I have also learned that the most difficult task which ever confronts a court is determining the meaning of imprecise words used in a scrimpy context.

The word "sex" is imprecise in exact meaning, and no proposed constitutional amendment ever drafted exceeds the House-passed equal rights amendment in scrimpiness of context. The amendment contains no language to elucidate its meaning to legislators or to guide courts in interpreting it. When all is said, the House-passed equal rights amendment, if adopted, will place upon the Supreme Court the obligation to sail upon most tumultuous constitutional seas without chart or compass in quest of an undefined and unknown port.

The imprecision of the word "sex" as used in the proposed amendment is clearly revealed by these definitions set forth in the recently published "American Heritage Dictionary of the English Language":

> 1. a. The property or quality by which organisms are classified according to their reproductive functions. b. Either of two divisions, designated male and female, of this classification. 2. Males or females collectively. 3. The condition or character of being male or female; the physiological, functional, and psychological differences that distinguish the male and the female. 4. The sexual urge or instinct as it manifests itself in behavior. 5. Sexual intercourse.

When one undertakes to ascertain the obscure meaning of the ambiguous House-passed equal rights amendment in an impartial, intellectual, and unemotional manner, he is inevitably impelled to the conclusion that it is susceptible of several different and discordant interpretations

If it should accept the fourth and fifth definitions of the term "sex" as set forth in the dictionary, the Supreme Court could reach the conclusion that the House-passed equal rights amendment merely annuls existing and future laws visiting upon the adulterous acts of women different legal consequences from those it visits upon such acts of men.

If it should accept the first, fourth, and fifth definitions of "sex" as set forth in the dictionary, the Supreme Court could reach the conclusion that the amendment is only concerned with sex per se, and has no application whatever to legal distinctions made between men and women on the basis of their respective functions in the relationships and undertakings on which the existence and development of the race depend.

A learned student of the constitutional aspects of sex-based discrimination in American law, Prof. Leo Kanowitz, accepts this interpretation. He had this to say in a Law Review article on the subject:

> It is submitted that the adoption of the Equal Rights Amendment would not fundamentalliy change the picture. While the proposed amendment states that equality of rights shall not be abridged on account of sex, sex classification could continue if it can be dmonstrated that though they are expressed in terms of sex, they are in reality based upon function.[4]

If it should accept the third definition of "sex" as set out in the dictionary, the Supreme Court could reach the conclusion that the House-passed equal rights amendment annuls every existing Federal and State law making any distinction between men and women, however reasonable such distinction might be in particular cases, and forever robs Congress and the legislatures of the 50 States of the constitutional power to enact any such laws at any time in the future.

This is the interpretation which I fear the Supreme Court may feel itself obliged to place upon the House-passed equal rights amendment. I am not alone in entertaining this fear.

When the so-called equal rights amendment was under consideration in 1953, Roscoe Pound of the Harvard Law School; Albert J. Harno, of the University of Illinois Law School; Charles Warren, noted constitutional lawyer and author of "The Supreme Court in United States History"; Leon Green, of the University of Texas Law School; Dorothy Kenyon, distinguished lawyer and one-time Judge of Municipal Court of New York City; Monte M. Leman, noted constitutional lawyer; E. Blythe Stason of the University of Michigan Law School; Harry Shulman of the Yale University Law School; William H. Holly, U.S. District Judge; Everett Fraser of the University of Minnesota Law School; Walter Gellhorn of the Columbia University Law School; Glenn A. McCleary of the University of Missouri Law School; and Douglas B. Maggs of the Duke University Law School, joined one of America's greatest legal scholars, Paul A. Freund of the Harvard Law School, in a statement opposing the equal rights amendment upon the ground that they feared that this devastating interpretation might be placed upon it if it should be adopted. This statement made these indisputable observations:

> If anything about this proposed amendment is clear, it is that it would transform every provision of law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court of the United States. Every statutory and common law provision dealing with the manifold relation of women in society would be forced to run the gauntlet of attack on constitutional grounds. The range of such potential litigation is too great to be readily foreseen, but it would certainly embrace such diverse legal provisions as those relating to a widow's allowance, the obligation of family support and grounds for divorce, the age of majority and the right of annulment of marriages, and the maximum hours of labor for women in protected industries.
>
> Not only is the range of the amendment of indefinite extent, but, even more important, the fate of all this varied legislation would be left highly uncertain in the face of judicial review. Presumably, the amendment would set up a constitutional yardstick of absolute equality between men and women in all legal relationships. A more flexible view, permitting reasonable differentiation, can hardly be regarded as the ob-

[4] Leon Kanowitz: "Constitutional Aspects of Sex-Based Discrimination in American Law," Nebraska Law Review, Vol. 48, No. 1 (1968), p. 182.

ject of the proposal, since the Fourteenth Amendment has long provided that no state shall deny to any person the equal protection of the laws, and that Amendment permits reasonable classifications while prohibiting arbitrary legal discrimination. If it were intended to give the courts the authority to pass upon the propriety of distinctions, benefits and duties as between men and women, no new guidance is given to the courts, and this entire subject, one of unusual complexity, would be left to the unpredictable judgments of courts in the form of constitution decisions.

Such decisions could not be changed by act of the legislature. Such a responsibility upon the courts would be doubtless as unwelcome to them as it would be inappropriate. As has been stated, however, the proposal evidently contemplates no flexibility in construction but rather a rule of rigid equality. This branch of the dilemma is as repelling as the other.

After analyzing in some detail the laws whose validity might be jeopardized by the equal rights amendment, the statement concluded with these observations:

The basic fallacy in the proposed Amendment is that it attempts to deal with complicated and highly concrete problems arising out of a diversity of human relationships in terms of a single and simple abstraction. This abstraction is undoubtedly a worthy ideal for mobilizing legislative forces in order to remedy particular deficiencies in the law. But as a constitutional standard, it is hopelessly inept. That the proposed equal rights amendment would open up an era of regrettable consequences for the legal status of women in this country is highly probable. That it would open up a period of extreme confusion in constitutional law is a certainty.

THE DESTRUCTIVE POTENTIALITY OF THE HOUSE-PASSED EQUAL RIGHTS AMENDMENT

Time and space preclude me from an attempt to picture in detail the constitutional and legal chaos which would prevail in our country if the Supreme Court should feel itself compelled to place upon the House-passed equal rights amendment the devastating interpretation feared by these legal scholars.

For this reason, I must content myself with merely suggesting some of the terrifying consequences of such an interpretation.

Congress and the legislatures of the various States have enacted certain laws based upon the conviction that the physiological and functional differences between men and women make it advisable to exempt or exclude women from certain arduous and hazardous activities in order to protect their health and safety.

Among Federal laws of this nature are the Selective Service Act, which confines compulsory military service to men; the acts of Congress governing the voluntary enlistments in the Armed Forces of the Nation which restrict the right to enlist for combat service to men; and the acts establishing and governing the various service academies which provide for the admission and training of men only.

Among the State laws of this kind are laws which limit hours during which women can work, and bar them from engaging in occupations particularly arduous and hazardous such as mining.

If the House-passed equal rights amendment should be interpreted by the Supreme Court to forbid any legal distinctions between men and women, all existing and future laws of this nature would be nullified.

The common law and statutory law of the various States recognize the reality that many women are homemakers and mothers, and by reason of the duties imposed upon them in these capacities, are largely precluded from pursuing gainful occupations or making any provision for their financial security during their declining years. To enable women to do these things and thereby make the existence and development of the race possible, these State laws impose upon husbands the primary responsibility to provide homes and livelihoods for their wives and children, and make them criminally responsible to society and civilly responsible to their wives if they fail to perform this primary responsibility. Moreover, these State laws secure to wives dower and other rights in the property left by their husbands in the event their husbands predecease them in order that they may have some means of support in their declining years.

If the House-passed equal rights amendment should be interpreted by the Supreme Court to forbid any legal distinctions between men and women, it would nullify all existing and all future laws of this kind.

There are laws in many States which undertake to better the economic position of women. I shall cite only one class of them; namely, the laws which secure to women minimum wages in many employments in many States which have no minimum wage laws for men, and no other laws relating to the earnings of women.

If the House-passed equal rights amendment should be interpreted by the Supreme Court to prohibit any legal distinctions between men and women, it would nullify all existing and future laws of this kind.

In addition, there are Federal and State laws and regulations which are designed to protect the privacy of males and females. Among these laws are laws requiring separate restrooms for men and women in public buildings, laws requiring separate restrooms for boys and girls in public schools, and laws requiring the segregation of male and female prisoners in jails and penal institutions.

Moreover, there are some State laws which provide that specified institutions of learning shall be operated for men and other institutions of learning shall be operated for women.

If the House-passed equal rights amendment should be interpreted by the Supreme Court to forbid legal distinctions between men and women, it would annul all existing laws of this nature, and rob Congress and the States of the constitutional power to enact any similar laws at any time in the future.

I do not believe that the advocates of the House-passed equal rights amendment wish to nullify laws which are adopted for the protection of women and for the promotion of the highest interest of society. Moreover, I am unwilling to attribute any such motive to the Representatives who voted for the House-passed equal rights amendment, or to the Senators who have sponsored the Senate version of such amendment. I attribute to all of them the laudable desire of abolishing unfair discriminations against women without destroying laws reasonably designed to protect them, and without robbing Congress and the legislatures of the 50 States of the power to enact similar laws in the future.

MY AMENDMENT

For these reasons, I have drafted a substitute Federal equal rights amendment which will accomplish the undoubted purpose of the advocates of the House-passed equal rights amendment; that is, to invalidate any present or future laws making unfair discriminations against women without nullifying any existing laws reasonably designed to protect the best interest of women and the highest interest of society, and without incapacitating Congress and the legislatures of the 50 States, acting in their respective spheres, to enact similar salutary laws in the future.

My amendment has already been introduced. I ask unanimous consent to have it printed in the RECORD.

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

The text of the amendment is as follows:

S.J. RES. —

Joint resolution proposing an amendment to the Constitution of the United States to abolish unfair legal discrimination against women without robbing them of necessary legal protection

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. This article shall not impair, however, the validity of any law of the United States or any state which exempts women from compulsory military service or which is reasonably designed to promote the health, safety, privacy, education, or economic welfare of women, or to enable them to perform their duties as homemakers or mothers.

"SEC. 2. The Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

"SEC. 3. This amendment shall take effect two years after the date of ratification."

Mr. ERVIN. Mr. President, the crucial part of my amendment is section 1, which consists of two sentences. The first sentence is lifted bodily out of the House-passed equal rights amendment, and provides, as it does, that—

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

The second sentence states that—

This article shall not impair, however, the validity of any law of the United States or any State which exempts women from compulsory military service or which is reasonably designed to promote the health, safety, privacy, education, or economic welfare of women, or to enable them to perform their duties as homemakers or mothers.

Candor compels me to confess that I cannot comprehend how any rational being in America can find any objection to this provision.

My amendment differs from the House-passed equal rights amendment in three respects. It preserves existing laws reasonably designed to protect women and retains for Congress and the legislature of the 50 States the power to enact similar laws in the future.

My amendment provides that it will go into effect 2 years after its effective date rather than 1 year after its effective date in order to accord to Congress and the States an opportunity to consider whether it is necessary to amend any existing laws in order to make them conform to the amendment. This 2-year limitation is necessary because the legislatures of some States meet biennially instead of annually.

My amendment also provides that it must be ratified by three-fourths of the States within 7 years after its submission to them in order that it may conform to the provision customarily put in resolutions proposing constitutional amendments.

I respectfully submit that the Senate of the United States ought to act with great deliberation in writing a proposed constitutional amendment for submission to the States. When an amendment is added to the Constitution it has an infinite capacity to bless America if it be wise, and an infinite capacity to curse America if it be unwise.

Before we act, let us meditate upon the warning given by Omar Khayyam ages ago:

The moving finger writes; and having writ,
Moves on; nor all your piety nor wit
Shall lure it back to cancel half a line,
Nor all your tears wash out a word of it.

THE PROSPECT OF RATIFICATION BY THE STATES

It would be an exercise in futility by Congress to submit the House-passed equal rights amendment to the States if there is not a substantial prospect that the States will ratify it.

Even if the Senate should join the House in voting to submit it to the States, the House-passed equal rights amendment would have to receive the affirmative approval of either 75 or 76 separate legislative bodies sitting in 38 of the 50 States before it could become a part of the Constitution. This is so because nothing new can be added to the Constitution without the consent of three-fourths of the States and all the States except Nebraska have bicameral legislatures.

It is scarcely conceivable that State legislators sitting in 75 or 76 separate legislative bodies in 38 States will ever agree that the millions of women whom they represent ought to be denied forever legal protection which their physiological and functional characteristics may reasonably justify. Yet, that is precisely what the House-passed equal rights amendment, if ratified by them, could be interpreted by the Supreme Court to do.

For this reason, sound thinking seems to indicate that there is no substantial prospect that 75 or 76 State legislative bodies sitting in 38 States will ever ratify the House-passed equal rights amendment in its present potentially destructive form. Hence, I suggest that an implacable insistence on the part of its advocates that there be no alteration in its wording is likely to defeat their worthy objective of outlawing unfair legal discriminations against women.

With all deference to them, I express my conviction that it would be the better part of wisdom for them to join me in urging Congress and the States to make my amendment a part of the Constitution. By so doing, they can reasonably anticipate that their worthy objective to abolish unfair legal discriminations against women will meet with success. It seems sound to assume that all legislators, both Federal and State, would welcome the opportunity afforded by my proposed amendment to abolish all unfair legal discriminations against women without depriving them of necessary legal protection and without robbing Congress and the States forever of the power to make legal distinctions in favor of women where reason justifies their so doing.

In yielding the floor, I earnestly urge those who have hitherto supported the potentially destructive and self-defeating House-passed equal rights amendment to aid me in my effort to achieve these objectives.

Mr. President, this completes my prepared speech on this subject. Since my allotted time has not yet been exhausted, I wish to speak on a related subject.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. METCALF. Mr. President, I have been very much impressed by the usual, able and cogent argument that the distinguished Senator has made against this constitutional amendment. I have made a prolonged study of the matter but not nearly as thorough a study as the Senator has made.

I agree and concur that this is a very dangerous sort of amendment to present. It is one that we should carefully study and carefully analyze with the view of actually protecting the women whose rights we are seeking to preserve.

I would like to be associated with the Senator in his constitutional amendment, but heeding the admonition he has given as to the advocacy of any constitutional amendment, I will study the matter carefully and will perhaps join him later in his better, more precise, and more carefully written amendment to the Constitution, if one is really needed, to take care of the rights of women that have been taken care of by State statutes and amendments.

Mr. ERVIN. Mr. President, I thank my friend, the Senator from Montana, for his remarks. I suggest to him that if his study leads him to believe that I have followed a very wise course in offering this amendment, I would be glad to have him join with me.

I have prepared my amendment after a protracted study of the House-passed resolution and its implications. I believe that my proposal would pass the Senate unanimously, be agreed to by the House, speedily be ratified by the States within a very short period of time, and thereby accomplish what I believe to be the objective of the organizations which have endorsed the House-passed amendment.

Mr. METCALF. I am inclined to agree with the Senator from North Carolina. I feel that with a further study of the matter, I will have a more determined agreement.

WHY THE MAJORITY AND MINORITY LEADERS OF THE SENATE OUGHT TO COMPLY WITH THE REQUEST OF THE SENATE JUDICIARY COMMITTEE THAT THE HOUSE-PASSED EQUAL RIGHTS AMENDMENT BE REFERRED TO THE SENATE JUDICIARY COMMITTEE FOR STUDY

Mr. ERVIN. Mr. President, some days ago the Senate Judiciary Committee, with one abstaining vote and one dissenting vote, requested the majority and minority leaders of the Senate to refer the House-passed equal rights amendment to the Senate Judiciary Committee for study with the understanding that the Judiciary Committee should complete its work by September 19, 1970.

On August 12, 1970, the New York Times carried an editorial entitled "The Henpecked House" which made these assertions: First, that the House passed the equal rights amendment "without committee hearings and after only an hour's debate"; second, that in so doing the House engaged in "an exercise of political opportunism"; and, third, that the House-passed equal rights amendment contemplates "a constitutional change of almost mischievous ambiguity."

The editorial further asserts:

The clear responsibility of the Senate is to give the amendment the thorough analysis it never got in the House.

It also said:

The Constitution and the rights of women are both too important for any further playing to the ladies' gallery.

In due deference to all concerned, I respectfully submit that the majority and minority leaders of the Senate should forthwith take the course requested of them by the Senate Judiciary Committee and refer the House-passed equal rights amendment to the committee under circumstances which will give that committee a reasonable opportunity to make an intelligent study and analysis of the implications of this potentially destructive proposal and to enlist the aid of competent constitutional scholars in so doing.

I sincerely hope that the majority and minority leaders of the Senate will take this action forthwith and by so doing make it possible for the Senate Judiciary Committee to make arrangements for brief hearings to elicit opinions with respect to this matter from constitutional experts.

Mr. President, I ask unanimous consent that the editorial of the New York Times be printed at this point in the body of the RECORD.

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

THE HENPECKED HOUSE

Equal rights for women is a proposition so unarguable in principle and so long overdue in practice that it is a pity to have it approached by the House of Representatives as an exercise in political opportunism. For 47 years that body regularly rejected out

of hand all proposals for a women's rights amendment to the Constitution. Now it approves, without committee hearings and after only an hour's debate, a constitutional change of almost mischievous ambiguity.

The proposed amendment declares: "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex." The implications and consequences of such language are obscure. There are many laws specifically protecting working women; they cover such subjects as night work, dangerous and heavy work, maximum hours and maternity leave. These laws would be thrown into confusion. So would a great body of law governing divorce, child support, custody, alimony, the age at which a woman reaches her majority, and a widow's rights in her husband's estate.

Prof. Paul Freund of the Harvard Law School has warned: "If anything about this proposed amendment is clear, it is that it would transform every provision of law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court. Every statutory and common law provision dealing with the manifold relations of women in society would be forced to run the gantlet of attack on constitutional grounds. The range of such potential litigation is too great to be readily foreseen."

The prospect of a prolonged and confusing litigation is not necessarily a conclusive argument against the amendment, but it is a powerful argument in favor of holding exhaustive hearings so that an amendment, if one is found necessary, will be carefully drafted and its consequences fully understood by Congress and the states before they act.

It may be perfectly fair to charge that male chauvinism was the only factor that kept the amendment from getting such an assessment through a half-century of total neglect, but that does not wipe out the need for a real evaluation now, no matter how fierce the pressure from the embattled women's lobby.

The clear responsibility of the Senate is to give the amendment the thorough analysis it never got in The House. The Constitution and the rights of women are both too important for any further playing to the ladies' gallery.

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Kansas is recognized for 20 minutes.

S. 4274—INTRODUCTION OF A BILL TO AMEND THE FEDERAL REGULATION OF LOBBYING ACT WITH RESPECT TO CERTAIN ACTIVITIES OF MEMBERS OF CONGRESS

Mr. DOLE. Mr. President, today I want to raise some questions about the efforts of some Senators to bring public pressure on their colleagues to support their amendment.

The group involved is the Amendment To End the War Committee, made up entirely of Senators.

I have not, as the junior Senator from Arkansas noted recently, been a Member of this body very long, certainly not as long as some of those attempting to bring pressure upon the junior Senator from Kansas by slick Madison Avenue spots on Kansas television stations. Nevertheless, before coming to this body, I did spend 8 years in the House of Representatives, a place where many sought to persuade me, but none sought to bring outside pressures against me. As a result of this total experience, I am aware of not only the need for a high ethical standard in the Congress of the United States. But also of an equal need for a strict adherence to the laws that govern lobbying, income, and solicitation of funds.

My purpose today is not to accuse anyone of violation of either ethics or laws. It is instead to seek information.

First, Mr. President, I believe the questions raised by the activities of the "Amendment To End the War Committee" deserve replies.

INCOME

As I understand, the Internal Revenue Code defines gross income as "all income from whatever sources derived." Money received for any purpose, therefore, is income unless the recipient can establish that it is a gift. Are the donations received by the Amendment To End the War Committee regarded as income?

The junior Senator from South Dakota (Mr. MCGOVERN) on June 29 said that "these funds become earned income of the ultimate recipients," implying that since there are offsetting expenditures to the gross income received, there is no tax liability on the part of the Amendment To End the War Committee. If this is so, then I believe it is incumbent upon him to seek a ruling from the Internal Revenue Service. It would be helpful to know what answer the IRS gives him. It is my understanding that under the 1962 amendment to the Internal Revenue Code, expenses for propaganda are never deductible and expenses incurred in connection with lobbying are only deductible when the taxpayer has a direct economic interest in legislation.

If these funds are regarded as income, then questions of tax liability should be answered.

POLITICAL GIFTS

Second, if the committee does not regard the donations as income, then are they considered "political gifts" or "campaign contributions" under Revenue Procedure 68–19.

If the committee wishes to rely on this revenue ruling, then, of course, it is subject to the Federal election laws and the Federal Corrupt Practices Act. Senator MCGOVERN on June 29 indicated that this is the case when he said that the Amendment To End the War Committee is similar to political campaign committees. If the committee chooses to have it this way for tax purposes, then it must also have it this way under the pertinent Federal statutes. The junior Senator from South Dakota is quoted in the August 10, 1970, issue of Broadcasting, on page 10, as saying that the TV spots being used by the Amendment To End the War Committee are "paid political announcements."

For instance, Mr. President, a political committee is required to have a chairman and a treasurer and to accept no contributions and make no expenditures until those officers are chosen.

The obvious question is then, Is there a chairman and a treasurer? If so, were they functioning before contributions were accepted and before expenditures were made?

Again, Mr. President, under the law, the treasurer is required to keep a detailed and exact account of all contributions and the date of such contributions, and the name and address of every person making a contribution. The question: Is this being done?

Under the law, Mr. President, $5,000 is the limit that can be contributed to a political committee or that can be accepted by that committee. I ask especially if this limit has been adhered to, and, if the answer is "Yes," how can the contributions from the Council for a Livable World be explained?

I ask also, Is there a record of all expenditures and a record of the names and addresses of those with whom the money is spent

Has the committee yet filed a quarterly report with the Clerk of the House, including the names and addresses of all persons contributing $100 or more within the calendar year?

REFUNDS

Finally, Mr. President, since the committee has changed its amendment, will it refund donations to those who gave?

LOBBYING

Mr. President, despite all of the foregoing, there is here more than just a matter of income and outgo. There is the question of lobbying, and whether the laws on lobbying are being adhered to.

First, Mr. President, is senatorial participation and collaboration in organized lobbying campaigns proper? Is it proper for Senators to form a committee such as the Amendment To End the War Committee to solicit money from the public for the purpose of persuading citizens and organizations, via TV spots and newspaper ads, to lobby Senators to vote for certain legislative proposals?

Mr. President, over the years lobbying has been a matter of recurrent concern to Congress. While in most instances lobbying is an exercise of the right of petition, the demonstrated potential of lobbying for abuse has at times threatened the integrity of the legislative process. In 1946, Congress recognized this by imposing legal requirements for disclosure on certain lobbying activities. An obvious pre-supposition of this legislation was that the activities being regulated were those of private persons, not elected officials. Prior to that, in at least one instance, the Senate adopted a resolution censuring a Senator for his direct personal involvement in lobbying activities. That was Senator Bingham, of Connecticut, who hired as one of his clerks a lobbyist for manufacturing interests and then brought the man into committee deliberations on pending tariff legislation. The Senate's action set a precedent in condemning the Senator's use of his official position to assist in lobbying. In addition, it strongly suggests that participation by Senators in lobbying activities is highly questionable.

The nature of the legislation involved is not a relevant part of the context for weighing the propriety of senatorial conduct. The real context is the proper functioning of our constitutional system, and particularly what the role of Sen-

ators is in relation to the Senate on the one hand and private persons on the other.

The basic problem is the preservation of the Senate as a deliberative body. To preserve the Senate's deliberative character, no Senator can permit his involvements with outside groups to override his obligations as a Senate Member.

The problem is a complex one requiring careful study and inquiry because there are many ways in which Senators can and should relate to outside groups interested in pending legislation.

But, on the other hand, is it satisfactory to say that a Senator remains a citizen and thus has the rights of all citizens to engage in lobbying? Judges are citizens, military men are citizens, civil servants are citizens, yet all of them must recognize various legal or ethical inhibitions pertaining to their own types of official positions against activities open to the ordinary citizen, inhibitions that must be respected if our system is to function properly.

COLLECTION AGENTS

If it is ethically permissible for Senators to join in collecting and spending money on TV and newspaper advertising aimed at pressuring other Senators, what limits are there? Might not a Senator decide that, in addition to spending money on advertising to get other people to lobby his fellow Senators, the best lobbyist would be the Senator himself, or a Senator with similar views, who should be retained with the collected funds to urge the position in question upon other Senators?

And whether or not a Senator is paid from privately contributed funds, does not the fact that he may be approaching his colleagues as the agent for an outside group undermine the mutual confidence that should exist? Is it proper for a Senator to seek to influence other Senators by drumming up outside pressure on them, or by seeking to influence them himself while acting in the dual capacities of Senator and lobbyist? Does such a dual role depreciate his functioning as a Senator? And does it give him, as a lobbyist, an unfair advantage not enjoyed by spokesmen for opposing views who are not Senators?

No criticism of any Senator is implied by these questions, Mr. President, but they are questions deserving of answers—for the important thing is to protect our system and the role of the Senate as a deliberative body.

Perhaps not directly related to the topic of lobbying is the matter of the involvement of nonprofit foundations in the operations of some of the lose-the-war groups.

I would like to know, for instance, what is the relationship of the Brookings Institution to the Committee for Peace Through Law, a blood kin of the Amendment To Extend the War Committee?

Can a nonprofit foundation retain its tax exemption if it participates in only one side of an issue?

Are research and speechwriting services provided for lobbying groups by a nonprofit foundation regarded as gifts or political donations?

These, too, are questions that must be answered.

LOBBYISTS AND THE COURTS

Mr. President, the Supreme Court's criteria for applying the lobbying law are these: First, the lobbyist must have solicited, collected, or received contributions; second, one of the main purposes of such contributions must be to influence the passage or defeat of legislation by Congress; and third, the intended method of accomplishing this purpose must have been through direct communication with Members of Congress.

It is a fact that Senators involved in the Amendment To End the War Committee have solicited and collected contributions. It is a fact that the main purposes of the contributions has been to influence the vote on the McGovern-Hatfield amendment.

That leaves only one question. Has the method been through direct communication with Members of the Congress? Mr. President, certainly the Amendment To End the War Committee has used indirect communications and members of the committee have used direct communications to lobby for the end the war amendment.

There are the TV and newspaper ads asking the American people to pressure Senators, and members of the committee, when they discuss the issue, are, in effect, lobbyists.

The question then is, Should members of the committee, who are also Members of the Senate, be required to register as lobbyists? Have they done so? Do they intend to do so?

NEW GROUND

Mr. President, regardless of the merits, if any, of the war amendment, there is no doubt that its sponsors have broken new ground in the field of lobbying.

I believe, however, that it is more a quicksand than solid ground. I believe they have inaugurated a practice that is fraught with danger to this body.

I believe that in their eagerness they do a disservice to the Senate and the Congress by lobbying their colleagues and by soliciting money in order to bring pressures against those colleagues.

NEW LEGISLATION

These activities are in a relatively untested and murky legal realm, and one cannot say with any firm authority that statutory provisions have been violated. However, today I am proposing legislation to clarify this area. The public interest demands that firm lines of demarcation be drawn and currently existing loopholes be closed.

Our democracy affords a free and unobstructed opportunity for citizens to petition the Government for redress of their grievances as well as the right to express their views to their elected representatives in the Congress on legislation and issues of importance.

At the same time, however, if the integrity of the legislative function is to be maintained and preserved, identification should be required of parties seeking to influence the passage or defeat of legislation by direct appeals to the Congress or by stimulation of the public intended to produce direct communication with the Congress.

The legislation I propose specifically imposes the full requirements of lobbying disclosure on Members of Congress who engage in these activities.

There is more at stake here than merely the loss of the peace amendment. At stake is whether the Senate is going to remain a deliberative body.

The text of the bill I introduce provides as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Federal Regulation of Lobbying Act (2 U.S.C. 266) is amended by adding at the end thereof the following new paragraph:

"The provisions of this title also shall apply to any Member of Congress who directly or indirectly solicits, collects, or receives money or any other thing of value to be used principally to solicit or aid in the solicitation of communications to be made by members of the public to one or more other Members of Congress for any of such purposes.".

The PRESIDING OFFICER (Mr. NELSON). The bill will be received and appropriately referred.

The bill (S. 4274) to amend the Federal Regulation of Lobbying Act with respect to certain activities of Members of Congress, was received, read twice by its title, and referred to the Committee on Rules and Administration.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Ohio (Mr. YOUNG) for 20 minutes.

THE NIXON RENT-A-TROOP DOCTRINE: TWENTIETH CENTURY HESSIANS

Mr. YOUNG of Ohio. Mr. President, American people should know that officials of our Central Intelligence Agency are spending many millions of dollars of American taxpayers' money to enlist, arm, maintain, and train thousands of Thai "volunteers," so-called, in a continuing effort to maintain the Lon Nol government in power in Cambodia. In addition, generals of our Armed Forces in Vietnam with the assistance of Ambassador Ellsworth Bunker and his staff are continuing all-out efforts to support the Korean forces in Cambodia. Not only CIA officials but AID officials and officers of our Armed Forces are enrolling, equipping, and trying to mold into a fighting force thousands of Cambodians. This, despite the fact that Cambodians historically have been a placid peace-loving people. It is expensive business for American taxpayers to try to make good fighting men of them.

This is evident from today's news reports that the capital city, Phnom Penh, is under attack by the Vietcong forces within 6 miles of the Emperor's palace.

In addition, Mr. President, leaders of our Armed Forces are also going all out with our foreign aid money and our military and military advisers to equip more and more Thais to fight as our allies and, in fact, as mercenaries.

We Americans would do well to remember that those patriots who fought and

won our war for independence despised the mercenaries from Hesse-Cassel and other German archdukes who rented troops to King George III. Gen. George Washington captured 2,000 of these mercenaries in his surprise attack on Trenton after crossing the Delaware on Christmas night. This great victory was regarded as the turning point in our Revolutionary War. Later, in General Burgoyne's invasion from Canada, many more Hessians were captured in the surrender at Saratoga.

Now Pentagon officials report that the first installment of this 20th century Hessian fighting force numbers 5,000 troops, secured by agreement with the Government of Thailand. This 5,000 is the first contingent of so-called volunteers who will invade Cambodia. Unfortunately for our generals, at the present time all Cambodia, except a small area around the capital city of Phnom Penh, is controlled by forces opposed to the present rulers of that country. The fact is, Cambodia is not under the control of the government we are supporting.

The Prime Minister of Thailand has announced:

> We have reached an agreement that the United States will help finance Thai troops to be sent to Cambodia. Also, we have reached an agreement that the Cambodian soldiers undergoing military training in Thailand will also be financed by the United States.

Here is a demonstration that President Nixon has expanded and escalated our involvement in Southeast Asia instead of bringing our boys home.

It is also well known that the United States is recruiting more Koreans to add to those already in Vietnam. We have all along paid and maintained the ground troops of South Korea who have been in Vietnam since late 1965, and now we are expanding that force.

Mr. President, we are becoming more and more involved in waging war in Southeast Asia. Buying more and more mercenaries. Engaging in continual bombing in Laos, Cambodia, and Vietnam. And the same generals and policymakers who send our own boys to death in a senseless Asian struggle, now spend your money and mine to buy mercenaries to continue their folly.

The American people want to get our boys and our money out of this endless Asian struggle. The Nixon rent-a-troop doctrine will not accomplish this goal. It is with a feeling of sadness I report this situation.

THE TRADE BILL

Mr. HANSEN. Mr. President, the able and distinguished senior Senator from New York (Mr. JAVITS) in his remarks on the trade bill now pending in the other body made a number of references to the oil import quota system and the Meat Import Act that I feel should be challenged.

First, the Senator says the trade bill "turns the trade policy of our Nation around 180 degrees" which, I believe would be called a reversal of present policies. But in the case of both oil and meat import quotas have been in effect for several years and have served the Nation well. In the case of oil, the quota program has been in effect for 11 years and in the case of meat about 6 years.

I cannot understand why Senators from the large consuming and manufacturing States such as New York continue their advocacy of unlimited imports of oil, meat, textiles, and all of the other foreign products that can be sold in this country at prices considerably lower than comparable U.S. produced products. Actually that is not the case in oil and oil products now but the Senator is using the same tired old arguments that have now been discredited by events in the Middle East.

Mr. President we have independence of action now in our international policy in the Middle East which would be restricted should we become dependent to any great extent on Middle East and North African oil, all of which is produced by countries alined against the United States-Israeli position.

I might also mention that this "cheap" oil from that area is now costing about 75 cents a barrel more delivered to east coast ports than the delivered price of U.S. crude oil. The "$5 billion" saving to U.S. consumers the Senator speaks of has now evaporated—actually it never existed—and instead that "cheap" oil would be costing in addition to a delivered price of $4.25 to $4.50 a barrel an additional $1.35 per barrel in tariff which adds up to $5.60 to $5.85 per barrel as compared with a delivered price of U.S. crude to New York City of about $3.80 per barrel.

The Senator blames the U.S. oil industry for a shortage of fuel oil refining capacity on the east coast and says the oil import quota system is responsible. But the Senator does not mentiton the fact that 80 percent of the fuel oil now used on the east coast is now imported under this quota program he calls rigid. How rigid can a program be that has lifted all restrictions on the import of residual or industrial fuel oil on the east coast? As an example, just in the last year residual fuel oil imports have increased from 820,000 barrels a day to 1,489,000 barrels a day. But what was "cheap" imported residual fuel oil a year ago—about $2 a barrel—has now doubled in price to $4 and more per barrel.

The $2 price which prevailed until the Middle East situation changed things is the real reason the oil companies did not build the refining capacity to produce this type of fuel oil. Under the U.S. free enterprise system, a business or industry must operate at a profit to stay in business.

The oil companies and a number of us in Congress have warned for several years that increasing dependence on foreign sources was hazardous and that these sources could be cut off or tightened up overnight as they have been.

The Senator speaks of the House trade bill "freezing" the oil import quota system "that has served the Northeast so badly."

First, the President has practically unlimited authority under the quota system to increase imports as he recently did by 100,000 barrels per day of crude and 40,000 barrels per day on home heating oil for New England. In fact the separate views and recommendations of the Secretaries of Interior and Commerce in the Oil Import Task Force report recommended substantial increases over the next 5 years to supplement domestic production and rapidly increasing demand.

The Senator may have noted in the task force's report a recommendation by the Secretary of Defense that the question of residual fuel oil has not been adequately analyzed and believes that the effects of virtually free access to foreign residual oil on U.S. markets and U.S. refining capabilities have been such as to make the continued exemption of residual oil from import quotas open to question.

So the Senator is actually damning the oil industry if it does and damning it if it does not. He questions the President for not adopting the now discredited oil import tariff plan which was designed to open up imports and further reduce the producing and refining capability of the domestic industry and at the same time blames the oil import quota program for limiting the production of residual heating oils on the east coast.

This is a case of being caught in your own trap and I certainly sympathize with the Senator from New York and his constituents who undoubtedly will have to pay higher heating and utility costs this coming winter.

But I know of no ready solution to remedy the situation.

The President is well aware of the crisis and has appointed a high-level committee to make an immediate investigation and recommendations.

Congress now is considering long-term solutions in a national energy policy directed toward self-sufficiency in all minerals including fuel minerals. We have waited too long now in establishing such policies but opening the floodgates to imports of oil that can be cut off or double in price overnight is not the answer.

Why does the Senator from New York and others continue to flay an industry that has actually done a remarkable job in this country's progress and is even now increasing production to what may well be its capacity in an effort to make up the shortages brought on by the Middle East situation and past Federal gas pricing and import policies.

The Senator is right that the oil import program needs revising and I believe it will be. Such exceptions and exemptions as have been allowed to leave our largest population centers on the east coast dependent on imported oil should certainly be corrected.

The oil industry was able through careful planning in cooperation with the Federal and State governments to prevent a fuel crisis in Europe following the 1967 Arab-Israeli war and the Middle East and North African oil embargo. Production was increased by more than a million barrels a day to supply our own east coast with the oil that had been coming from that area, part of Canada's east coast and much of Europe's need, including NATO.

It is doubtful that we have the producing capacity to do so again but the

industry will, I believe, prove that it can take care of our own needs or at least the essential needs.

The Senator's concern for consumer prices including gasoline is certainly to be commended but I believe he should also be concerned about the reliability and dependability of the supply of that gasoline. And inasmuch as the Senator said the oil import quota system has always had the effect of maintaining a high price of gasoline, I would like to ask where in the world—in what country or countries—is the price of gasoline less than the U.S. price?

I have here an article from the Washington Daily News of March 10, 1970, with a compilation of European gasoline prices which shows that the average European price per gallon is 60 cents for regular and 69 cents for premium, which, I believe the Senator will agree, are somewhat higher than even New York prices.

And I am sure the Senator is aware that oil and gas supply 75 percent of our total energy requirements and 99 percent of the energy that motivates our entire transportation system.

As a Nation and world power, we would be as helpless as the giant the Lilliputians tied up in his sleep if we ever allowed ourselves to become dependent on foreign sources of oil and gas. Even so-called friendly sources seem to have a grudge against Uncle Sam as they have demonstrated in Latin America by expropriating U.S.-owned properties after they are developed. Algeria has done the same thing and Libya recently took over all foreign-owned oil marketing facilities.

What kind of a world power would be at the tender mercies of State-controlled oil supplies that could be used for blackmail or price hijacking?

The sleeping giant had better wake up before the Lilliputians take over the oil spigot.

With estimates beyond comprehension of undiscovered oil and gas in addition to vast reserves of coal, oil shale, and uranium and we had better get on with the job of developing them for self-sufficiency in energy rather than criticizing the oil companies for wanting to operate at a profit.

With respect to the price of beef, which also was singled out by the distinguished Senator from New York, I would like to point out that American consumers are, at this time, actually spending a smaller percentage of their total income for food than ever before. And purchases of beef account for only about 15 percent of the total amount spent for food. The average consumer today spends only about 16.5 percent of total disposable income for food, compared to 20 percent in 1960. I think that is a bargain.

Further, I would note for the record that Government statistics show an increase in the average price per pound of beef at the retail level of 20.7 percent during the 10 years between 1960 and February 1970. During that same period, the price paid for choice steers increased only 15.3 percent.

While steer prices increased 15.3 percent over a 10-year period, we find that hourly earnings for construction workers rose 63 percent, consumer services rose 46.3 percent, average nonagricultural hourly earnings rose 50.7 percent, and per capita disposable income rose 63.8 percent.

Beef is a bargain for the American consumer. The average consumer now buys about 110.7 pounds of beef per year, compared with 85 pounds in 1960. The livestock industry has, during the years since 1964 when the meat import quota law was enacted, made it possible for even the poorest families to eat red meat.

It should also be noted that the domestic livestock industry accounts for the consumption of enormous amounts of grain and feed products, which as we all know have been in such surplus as to require a Government management program costing $3 billion annually.

And while I am on the subject of beef, I should like to comment on the charge made by some that there is a shortage of "second grade" or manufacturing beef in this country, thereby necessitating increased imports from abroad.

Mr. President, this is a myth. There is no shortage in this country of the kind of beef referred to as "processing" meat. Over one-half of the domestically produced processing meat comes from fed carcasses, which is proof of my contention that imported meat does compete directly with domestic products. The portion of beef available for processing has been steadily increasing in this country, not only because larger numbers of cattle are being fed, but also because the grade standards were relaxed a few years ago requiring less finish for an animal to reach the good, choice, and even prime grades.

At the risk of repeating myself, I must say again that free trade and fair trade must go together. Free trade advocates argue that the American consumer is entitled to the prices at which foreign producers are able to sell their wares in this country.

But the notion that imports should be given priority over domestic production to the extent of bulldozing the jobs of our workers out of the way and leaving it up to us to pick up the pieces and repair the wreckage of a system of adjustment assistance is a wholly unjustifiable philosophy. I doubt that a New York City textile worker would be willing to trade his job for a relief check in order to buy a cheaper shirt made in Japan.

That foreign producers should be able to pay wages that would be illegal in this country and then build a destructive trade on that basis with the blessing of our Government, seems incredible. This philosophy assumes that if an American producer cannot compete with imports, he is necessarily inefficient. Yet, on a relative efficiency basis, which is to say, output per man-hour or per man-year American industry continues to lead the world.

Mr. President, if all people would renounce war and insist on living in peace, if all people would be equally as concerned for every other human as for themselves, if all people would reject greed and cupidity there is no question but that free trade would best serve humanity.

But this is not the world we live in today.

Americans have been reasonably generous in rebuilding wartorn countries. We have tried to help developing nations. We have shed some blood to insure freedom and self-determination for other people.

But we could not have done these things if we had not been a strong nation. Our total strength will reflect the industry, the jobs, and the services we are capable of sustaining in the United States. America proved long ago that power is the result of brains and energy applied to natural resources.

The competition American business is facing now is not fair. Wages, standards of living, and social responsibility—taxes—place a most unequal burden on us. Free trade and fair trade should go hand in hand.

I ask unanimous consent that the article be printed in the RECORD.

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

DRIVING IN EUROPE: GASOLINE COSTS MORE BUT YOU USE LESS

[From the Washington Daily News, Mar. 10 1970]

Gasoline prices vary from country to country in Europe because of wide differences in taxes, but they all have one thing in common. They are high by American standards.

The American Automobile Association, which each year plans motor trips abroad for thousands of American travelers, says the average European price per gallon is 60 cents for regular, 69 cents for premium. However, some countries use the imperial gallon measure, which gives the driver about a fifth more fuel than the regular U.S. gallon. These countries include Great Britain and Northern Ireland, Ireland (Eire), Greece, Turkey and Yugoslavia.

Motorists in typically economical European cars will normally spend no more than $3 for 100 miles of driving on gas.

Tourist gasoline discount coupons are available to foreign motorists at border crossings into Italy and Yugoslavia.

Here is the latest information on gasoline prices abroad as compiled by AAA World-Wide Travel experts on the scene:

	In cents	
	Regular	Premium
Austria	55	62
Belgium	64	68
Czechoslovakia	49	60
Denmark	60	63
Finland	70	75
France	75	85
Germany (West)	55	62
Great Britain	70	79
Greece	70	80
Ireland (Eire)	65	70
Italy	75	80
Netherlands	55	60
Norway	55	60
Portugal	76	90
Spain	40	60
Sweden	84	87
Switzerland	54	59
U.S.S.R.	40	47
Yugoslavia	40	49

PENTAGON PUBLIC RELATIONS—"VIETNAMIZATION"

Mr. YOUNG of Ohio. Mr. President, President Nixon and his Defense Secretary say that when Vietnamization is

completed our GI's can be brought home and the Saigon regime of Thieu and Ky will be on their own. Vietnamization commenced more than 12 years ago under President Eisenhower. In January 1961, when he left the White House, we had 685 military advisers in Vietnam—no combat troops. On that sad day in November 1963, when President Kennedy was assassinated we had 16,200 military advisers in Vietnam—no combat troops. Under President Johnson we soon had 500,000 military advisers and combat troops in Vietnam.

How absurd and fantastic that with approximately 54,000 killed in combat and by accidents and incidents, so-called, by Pentagon leaders in waging this undeclared unwinable war in Southeast Asia, more than 300,000 wounded—many-maimed for life—and more than $130 billion spent over the years—our losses should be increased in a now expanded war. Also, more than 280,000 Americans who are Vietnam veterans, now civilians, are suffering from malaria and will probably continue to suffer from this debilitating ailment for as long as they live.

The policies of President Nixon are incompatible with a negotiated settlement. This undeclared war has been escalated into Cambodia and Laos. How many more years does President Nixon claim are needed for Vietnamization? Is this the Nixon prescription for an endless war of aggression in Southeast Asia?

As if American taxpayers are not harassed enough as it is, a recent statement by Senator J. WILLIAM FULBRIGHT revealed that the Department of Defense has been less than candid in reporting the extent of its public relations activities in its own behalf. Senator FULBRIGHT was urging a $10 million ceiling on Pentagon public relations spending. The last such limit, imposed in 1959, set a limitation of $2,755,000 when the total defense budget was $43 billion. In 1970, defense spending was $77 billion, but Defense Department public relations spending was up 1,500 percent to $40,-447,000. Spending this vast amount of money in a Pentagon propaganda apparatus of 4,400 public relations men, so-called. In 1969, Pentagon officials claimed that lobbying and public relations spending was almost $28 million. Now, apparently anticipating the possibility of a new legislative ceiling, Pentagon officials have decided to disclose that the 1969 public relations cost was really $44,062,000. Judging from their ability to systematically disguise and distort the extent of public relations expenditures it would appear that Pentagon officials have learned the lessons of Madison Avenue only too well.

WAR AND THE AMERICAN TAXPAYER

Mr. YOUNG of Ohio. Mr. President, in the last 6 years the United States has spent more than $115 billion on waging a ground and air war in Southeast Asia. For 1969 alone, the price tag was $30.4 billion—$600 for every American family. This total did not include economic aid programs to Indochinese nations, CIA funds spent in the area, the cost of reductions in stockpiles of strategic materials or the loss of productivity accompanying war expenditures. In 1969, of each tax dollar 23 cents went to pay for the undeclared war in Vietnam, 13 cents for past wars, and 35 cents in preparation for future wars. The Indochinese war in 1969 cost more than all Federal spending for domestic goods and services, 10 times more than Federal outlays for medical assistance, and 30 times more than Federal grants for urban planning and development. Now it has been expanded and extended into Cambodia and Laos. It costs $500,000 to kill one Vietcong. This sum would support 3,400 youngsters in school, or college, or build at least 50 housing units. One heavy B-52 raid, and these are being made daily, costs about $40 million. This could pay for constructing three 400-bed hospitals, or 27 elementary schools, or about 4,050 housing units.

MORE ABOUT SAIGON CORRUPTION

Mr. YOUNG of Ohio. Mr. President, American taxpayers seem to be on the losing end constantly when it comes to our involvement in Southeast Asia. First, in a civil war in South Vietnam which has been escalated and expanded into a ground and air war not only in Vietnam but also in Cambodia, Laos, and Thailand. This fact is so evident that Nixon administration leaders and Pentagon generals now refer to this as an Indochinese war. Unfortunately, we Americans have been waging an unwinnable war in Southeast Asia since 1963.

Recently, the Defense Minister of the Saigon militarist regime, which is in power due solely to the presence of more than 400,000 Americans fighting in Vietnam against the forces of the National Liberation Front, or Vietcong, and those soldiers who have infiltrated from North Vietnam, offered for sale to the highest bidder 202,887 rifles, a large number of machineguns, and small arms. All of these weapons paid for by American taxpayers were given in recent years to the Saigon militarist regime for use by the army of South Vietnam.

These weapons furnished by the United States from 1963 to 1966 presumably to be used to fight the Vietcong are being sold for a total sum which may amount to several million dollars. Will this money be turned over to representatives of the United States? No indeed. For whose benefit will all this money accrue? Will it be used by a democratic government to aid a people who are constantly shot at, harassed, and brutalized, in the majority of cases, by their own leaders? Will it be used to alleviate the suffering of civilians stuffed into overcrowded, filthy, and dehumanizing refugee camps? If past experience is any guide, this entire amount will go to some corrupt leaders of the Saigon regime in power because of our armed might and the war policies of President Johnson and now President Nixon. How can our government officials in Saigon justify, in good conscience, giving these leaders machineguns and other war materiel, paid for by American taxpayers, to sell in the open international market?

Vice President Ky and a number of South Vietnam generals already have unlisted bank accounts in Hong Kong and in Switzerland. The total sum of money received from the sale of these machineguns and other war materiels will probably go to fatten those accounts.

ORDER FOR ADJOURNMENT UNTIL 10:00 A.M. MONDAY, AUGUST 24, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., on Monday next.

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

ORDER FOR RECOGNITION OF SENATOR PACKWOOD ON MONDAY

Mr. BYRD of West Virginia. I ask unanimous consent that immediately upon disposition of the unobjected-to bills on the Legislative Calendar on Monday morning next, the able Senator from Oregon (Mr. PACKWOOD) be recognized for not to exceed 45 minutes. This is without prejudice to the previous order under which the able Senator from Arkansas (Mr. FULBRIGHT) is to be recognized at approximately 11 a.m. on Monday.

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

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Acting President pro tempore (Mr. METCALF):

H.R. 15866. An act to repeal the act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe; and

H.J. Res. 1194. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week."

ORDER OF BUSINESS

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.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The legislative clerk read as follows:

A bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under previous order, the Chair recognizes the Senator from Illinois.

PRIVILEGE OF THE FLOOR

Mr. PERCY. Mr. President, I ask unanimous consent that my legislative assistant, William Lytton, may have access to the floor to help me during consideration of my amendment.

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

Mr. BYRD of West Virginia. Mr. President, will the Senator from Illinois yield to me very briefly, to suggest the absence of a quorum for not more than 1 minute, without losing his right to the floor?

Mr. PERCY. I yield.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

AMENDMENT NO. 818

Mr. PERCY. Mr. President, I call up my amendment No. 818 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill add a new section as follows:

"SEC. 507. In order to reduce annual expenditures in connection with permanent change of station assignments of military personnel and in order to help further stabilize the lives of members of the Armed Forces and their dependents, the Secretary of Defense is directed to initiate promptly new procedures with respect to domestic and foreign permanent change of station assignments for military personnel under which the length of permanent change of station assignments will, whenever practicable and consistent with national security, be made for longer periods of time. The Secretary shall achieve not less than a 25 per centum reduction in such expenditures in the fiscal year beginning July 1, 1971, and in each fiscal year thereafter, as compared with expenditures for such purposes in the fiscal year beginning July 1, 1970, taking into account the relative number of men in military service during such fiscal year and other relevant factors. The provisions of this section shall not apply with respect to the assignment of military personnel in combat zones or with respect to so-called fixed expenditures resulting from training, separation, promotion, and similar activities within the Department of Defense."

Mr. PERCY. Mr. President, on August 3, I introduced amendment No. 818 to H.R. 17123. This amendment would direct the Secretary of Defense to initiate promptly new procedures with respect to domestic and foreign permanent change of station—PCS—assignments for military personnel.

The amendment provides that the Secretary of Defense shall achieve a 25 percent reduction in expenditures for PCS moves beginning July 1, 1971. This, of course, does not apply to those who are assigned to combat zones, or to the expenditures that are incurred by normal training, separation, and promotion.

The purpose of this amendment is threefold.

From the point of view of economy, this amendment is especially timely. Because of the urgent need for us to adjust our national priority of spending and achieve a level of fiscal responsibility, I have resolved to identify areas where $4 billion could be saved annually. I am doing this because we face the possibility of a deficit as large as $10 billion for fiscal 1971.

In fiscal 1971, $1.3 billion is earmarked for permanent change of station moves, which is basically the rotation of military personnel from assignment to assignment.

Approximately $460 million of the total will go for rotation of servicemen after 12 months of duty in Southeast Asia.

Another $300 million of the total is to go toward the normal cost of training and separation. But the cost of this amendment does not affect them as long as we are in Indochina. Both of these costs are necessary so long as we have the draft, and this amendment does not affect them.

However, I should like to point out that the $300 million in training, separation, and so forth, might well be reduced as we reduce the level of our forces. And as we reduce, of course, the number of times we rotate, but I am not touching either one of those items.

Approximately $559 million is to be spent for the remainder of PCS moves. By reducing this amount by 25 percent, as this amendment would, a savings of $140 million could be realized. In a time when each of us is looking for areas to cut spending, I know that it is unusual to suggest a savings relatively so small and to many so uncontroversial. However, this is an area where the money can be saved, and I think it should be saved.

The second purpose of this amendment is to try to drag the military services, as some might term it, "kicking and screaming" into the 20th century. Though many procedures and practices of the military are modern and advanced, there are certain officers and procedures that are archaic and outmoded. Some time ago I pointed out how the various services were wasting at least $500 million a year by not following up on the recommendations of the White House Conference on Food, Nutrition, and Health. By keeping the system of feeding men in groups of 200, which was effective in the time of Custer we now have a system where there are, for instance, 110 separate mess halls at Fort Bragg alone. Petty jealousies between the various services and a resistance to change have prevented modernization of this antediluvian practice.

I should like to point out that we do spend about $7 billion on food. A reduction of one-half a billion dollars would be 14 percent, which I think would not affect the quality of any food but would improve the efficiency of its service. We could institute some practices in this area of spending that we have found to be of advantage, and they might even be adopted in other areas.

Likewise, even a quick perusal of the military PCS system reveals a shocking disregard for modern cost-effective procedures. Most organizations in the private sector that rotated personnel as frequently as does the military services would go bankrupt. The practice is overdone, wasteful, and inefficient as now carried out.

Officers are moved from assignment to assignment, trying to give each enough expertise as if every member of the Armed Forces was being trained to become a member of the Joint Chiefs of Staff. Personnel are moved so frequently that job efficiency suffers severely.

With an eye toward a more efficient and more professional Army, the military services should act now to utilize the modern techniques employed successfully in the private sector. Let a man learn his job well and let him stay on the job long enough, using his expertise to the advantage of both the military and himself and let him be transferred only when it will benefit both efficiency and morale.

This, Mr. President, brings me to my third point—morale. The constant moving around that the military subjects many of its men and their dependents to is very disturbing to family life. Though my first two points deal with figures and cost effectiveness, this third point is probably the most important. For here we speak of the human element, a man and his family being shunted from base to base; the children constantly moving away from friends. We have all heard of Navy brats and Army brats, children who were constantly moving, children who never lived in one place long enough to consider it a home—only a house or a trailer or a temporary apartment.

I have talked with many servicemen and I have received many letters on this subject. None commented on how we would save money; all commented on how far this would go toward stabilizing family life and actually reducing the high rate of termination of personnel from the military services.

I speak with some experience, though. My own experience goes back many years to World War II when I served 3 years as a naval officer. I have also had some degree of contact as a defense contractor and as a man interested in working with the military services for some 28 or 29 years. I have firsthand knowledge of the insufficient and wasteful methods of the military services in constantly rotating men between posts.

One of my constituents sent in a copy of an editorial from the Lafayette (Ind.), Journal and Courier which concerns this proposal. I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the editorial

was ordered to be printed in the RECORD, as follows:

UNNECESSARY MOVES

Illinois Senator Charles H. Percy has an idea that makes sense to save money in the military budgets.

He suggests that the military services cut drastically the transfer of military personnel except for the rotation of those in the combat area.

Senator Percy calls the frequent transfer of military personnel "overdone, wasteful and inefficient" and says that lengthening the duration of certain assignments could lower the 1.3 billion earmarked for such purposes.

He says that at least a 25 per cent cut in such moves from base to base would make it easier on military families affected by the "move often" principle. And he said that at least $140 million a year could be saved by even that small curtailment of the moving program.

If organizations in the private sector rotated personnel as frequently as the military services do, they would go bankrupt," Senator Percy declared. "The practice is overdone, wasteful and inefficient as now carried out.

It stands to reason that in addition to increased family stability and the substantial savings that Senator Percy mentioned, job efficiency might be improved by the experience and familiarity with local problems that a longer assignment entails.

With the bulk of manpower not engaged in combat, the military services could be accused of "Mickey Mouse" in making many base-to-base transfers. And as for special training and experience that transfers might provide, some of this could be engineered into programs of posts where the servicemen are now stationed.

The change Senator Percy suggests may go against tradition that has found the services reluctant to give a man time to put down roots. But it wins applause from taxpayers, and doubtless from servicemen's wives, who say, "Try it!"

Mr. PERCY. Mr. President, upon introducing this amendment, I asked the Department of Defense to prepare an analysis of its position concerning the amendment. I have received DOD's reply, and I ask unanimous consent that it be printed in the RECORD at this point.

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

DOD POSITION ON AMENDMENT NUMBER 818 TO H.R. 17123—DOD APPROPRIATIONS FOR FISCAL YEAR 1971

The Department of Defense is in complete agreement with the intent of the proposed Section 507 to be added to H.R. 17123 (Amendment No. 818), i.e., "To reduce annual expenditures in connection with permanent change of station assignments of military personnel and—further stabilize the lives of members of the armed forces and their dependents." The Department, however, is opposed to lengthening overseas tours in general and to any limitation on the number of permanent changes of station that may be ordered within a given time frame. It is recomemnded that Amendment No. 818 not be enacted.

The effect of such restrictive legislation would:

a. Limit the full range of skill selectivity from total resources and void the concept of equity in assignments to both desirable and undesirable overseas areas.

b. Accelerate among personnel resources not directly affected by the restrictions the inevitable chain reaction set up when transfers are made.

c. Reduce turn-around time for those personnel, particularly those in short supply, available for assignment to hostile fire areas, force shortages of critical skills in other overseas areas, or increase tour lengths in undesirable, unaccompanied tour areas.

d. Create far greater inequities in all overseas assignments to include hostile fire areas.

e. Require an increase in accessions and end strength to sustain forces in hostile fire areas.

f. Increase consecutive unaccompanied tours.

g. Lower morale and career satisfaction of the majority and affect adversely the overall force effectiveness at a most critical time.

Overseas tour lengths have been a matter of continuous study within the Department of Defense for many years. In 1957, after nearly two years of intensive research, certain basic policies were adopted to apply to all Services. Fundamental among these policies are that (1) tours will be the same length for personnel of all Services stationed in the same area; (2) tours for unaccompanied personnel will be shorter than when dependents are persent; and (3) the length of tour will contribute to the maximum effectiveness of the forces, giving due consideration to the morale of the individual.

The exact length of duty tour in a particular location is established by the Secretary of Defense, based on recommendation of the military department having the major interest (usually the greatest personnel strength) in the area and in coordination with the other military departments. Determination of tour length is an extremely complex matter, involving consideration of such tangible factors as the effect of tour length on the operational readiness of the overseas forces; the ability of the Services to support short-term rotation within authorized numerical strengths and skill resources; dollar costs of movement; the impact of tour length on the frequency of overseas duty for individuals; loss of productive man-years resulting from an increased personnel pipe-line; collateral movements generated by increased movement of personnel to and from overseas; the turbulence created in CONUS activities which must continually supply personnel for overseas shipment and absorb returning personnel. In addition, a less tangible but nonetheless compelling consideration influencing final decision on the matter is the effect of transfers and family separations on the retention of career personnel.

Personnel are reassigned only to meet valid military requirements and Department of Defense policies governing the assignment of individuals outside the CONUS provide that:

a. Professional qualification to perform the duties required is the paramount consideration in selecting an individual.

b. An equitable distribution of overseas assignments, to both desirable and undesirable areas, is to be maintained within the Service concerned.

c. Periods of forced separation and adverse effects of overseas service encountered by military personnel and their dependents is to be minimized.

d. Personnel having dependents but serving overseas unaccompanied will be permitted a differential in tour length to reduce family separation.

Since the end of World War II the overseas forces of the military services have been of such size that their support has constituted the major problem in personnel assignment. At the present time approximately 33% of the total military strength of the Department of Defense is stationed outside the continental U.S. As of March 31, 1970, approximately 46% of this overseas force was ashore or afloat in Southeast Asia; 20% was assigned to other Far East locations while 29% was stationed in Western Europe. Within each military service, 43% of the Army was overseas, 30% of the Air Force and lesser percentages of the Navy and Marine Corps were stationed ashore overseas. For the careerist—officer or enlisted—the overseas commitments of the U.S. necessitate his spending about ⅓ of his total service on foreign duty, frequently without his family, even in the absence of combat. Continuing support of operations in Southeast Asia is increasing this factor.

Career attractiveness of military service has been recognized as essential in the procurement and retention of personnel in sufficient numbers to maintain a trained, stable defense force. This career attractiveness is directly affected by the length and conditions of foreign service required of military personnel and visual evidence that individuals of like skill and grade are sharing equally in overseas duty in desirable and undesirable areas. Achievement of an all-volunteer force is totally dependent upon career attractiveness. The problem facing management has been, and will continue to be, to strike a balance between the optimum tour to maintain maximum operational capability and readiness, on one hand, and the impact of foreign duty—including duty in hostile fire areas—on the retention of personnel, on the other. The entire overseas rotation plan for military personnel is affected by the length of time an individual is present for duty at an overseas station, the frequency with which he becomes due for foreign service, and whether or not his foreign assignment will separate him from his family. This, in turn, is affected by the personnel turnover within the Services which increases as conditions of service become less desirable.

Areas such as Europe, Hawaii and Japan are considered "desirable" and have a 36 to 48 month tour with dependents and a basic 24 months tour for all others. Conversely, the tour in Vietnam is 12 months. Part of Korea is designated as an unaccompanied 13-month tour area for all personnel. The most current statistics indicate that approximately 64% of Army personnel and 42% of Air Force personnel stationed in foreign overseas areas are serving where dependents are not authorized.

No standard tour for CONUS is established by Department of Defense. It, of course, forms the primary sustaining base for all overseas forces. For example, a new accession into a Service may spend only that amount of time needed to meet training proficiency before proceeding to his first overseas station. On the other hand, personnel assigned to various duties such as Departmental staffs, Service school facilities, ROTC duty and recruiting duty may be stabilized for 24 to 36 months. In connection with support of South East Asia operations, however, all the Services attempt to avoid returning an individual for a repeat tour in Vietnam within 24 months of his previous tour completion. They have not been uniformly successful in all skills and grades simply because the CONUS force structure is not large enough, nor is such a force practicable, to support the rotational requirements of Vietnam and other overseas areas on a skill and grade basis. This fact has caused the Department of the Army, for example, to designate Europe and certain other areas as part of the sustaining base.

Consequently, Vietnam in particular and all undesirable tour areas in general are inextricably related to manpower resources in CONUS and other overseas areas. So long as equity in assignment to duty in hostile fire areas and family separation is to be maintained as a significant contribution to service attractiveness, the concept of share and share alike must prevail. Further, increasing the standard tour length beyond 36 months, for example, in a given area would only serve to stabilize the individual who enjoys that particular area and will re-enlist

to continue his tour or the individual who may be held in place because his remaining term of service is sufficiently long to complete the tour. In effect, the careerist would be stabilized in the more desirable areas and the share of duty in undesirable areas would be determined increasingly more on the chance basis of remaining service at time of reassignment eligibility. Many proposals are received for shortening overseas tour lengths. Seldom is a proposal received from any source which advocates lengthening the separation from family and friends.

The Department of Defense is keenly aware of the general desirability and necessity to achieve maximum stabilization in personnel assignments. It is also not unmindful of the repeated interest and guidance of the Congress in the area of reducing costs attributable to permanent changes of station. The following actions are indicative of continuing efforts in this regard:

a. Overseas assignments are filled with eligible personnel who are available for reassignment and must be moved (graduates of the various school systems and those completing CONUS tours).

b. Number of overseas levies on CONUS commands has been held to a minimum through the use of voluntary and involuntary consecutive overseas tours.

c. Where feasible and a requirement is forecast, personnel eligible for assignment to Southeast Asia have been restricted from other permanent changes of station.

d. Personnel in long tour areas not eligible for assignment to Southeast Asia have been authorized and encouraged to extend their tours.

e. Qualified overseas returnees are utilized to fill selectively manned activities (reduces CONUS to CONUS moves).

f. Voluntary tour extension program in Vietnam for periods up to six months and under Public Law 91-302 for six months or longer is eminently successful (175,100 have extended for six months or longer).

g. Stringent policies govern the official sponsorship and movement of dependents to and from overseas areas.

It must be pointed out, however, that the time frame in which the restrictions proposed in Amendment No. 818 would become effective is expected to present critical personnel assignment problems. The continuing downward trend in overall force levels, with the accompanying adjustments in force structures and locations of those forces, may demand an increase in permanent change of station funds in relation to total military strength.

Present policies are continuously under study, with the objective of reducing costs, increasing efficiency, and maintaining career patterns which will attract and keep qualified personnel in the Armed Forces. While not opposed to any change of the present system which will contribute to these objectives, the Department of Defense cannot support changes which will significantly lessen the ability of the Armed Forces to perform their defense mission or affect adversely the morale of its fighting forces. Based on 13 years experience and refinement of its standardized tour policies, it is the belief of the Department of Defense that the presently established tours are in the best interest of the Department and the Nation. The permanent change of station travel requirements for FY 1971 are considered minimal for mission accomplishment.

Mr. PERCY. Mr. President, I would read this analysis, but I do not wish to lull anyone to sleep. I assume that the Department of Defense spent a great deal of time preparing the reply, and I appreciate the effort put into it. However, I regard this as a classic of what might be termed military gobbledygook. The language used is repetitive, nearly unintelligible and meaningless as a defense. It does not square with my own personal observations as a naval officer for 3 years any more than as someone who has worked closely with the military services for a quarter century.

Department of Defense, giving its reasons for not supporting the amendment, says the measure would "limit the full range of skill selectivity from total resources." I suppose that someone in the Pentagon understands that phrase and feels that it justifies a $1.3 billion expenditure a year.

Department of Defense says the amendment would "create far greater inequities in all overseas assignments to include hostile fire areas." Now, Mr. President, I assume that "fire areas" are always hostile. But, in this instance, I yield to Department of Defense expertise. But, speaking more to the point, this amendment expressly does not apply to military personnel in combat zones.

DOD says that this amendment would "lower morale and career satisfaction of the majority and affect adversely the overall force effectiveness at a most critical time." Mr. President, I just do not believe this to be the case. Most of our military personnel are in noncombat areas. These are the men this amendment concerns. Allowing them to stay longer at their assignments will, as I have already mentioned, increase both morale and effectiveness. Whoever wrote the DOD analysis would seem to be out of touch with the men and families who are being indiscriminately and too frequently moved around without any apparent reason.

I would like to deal with one last point. The report says that the time frame in which the restrictions proposed in amendment No. 818 would become effective is expected to present critical personnel assignment problems. Mr. President, I for one have faith in the ability of the military to resolve such problems. In August of 1943, at the Quebec Conference, the decision was made to start planning D-Day detail. On June 6, 1944, 11 months later, 10,000 planes, 80 warships, 4,000 other ships, 450,000 tons of vehicles, 4 million tons of equipment, and 100,000 U.S. Army men participated in D-Day. Within the next 100 days, 2.2 million men had been moved to the French coastline.

And in Vietnam on February 7, 1965, the North Vietnamese attacked two of our bases. At the time, our force level in Vietnam was 23,000 men. Eleven months later it was 196,000 men.

The problem posed only a 25-percent reduction of PCS moves is negligible as compared to the preparations required for D-Day and the Vietnam buildup. I assure my colleagues that the military is up to the task even if some of them feel they are not. The amendment gives the Secretary of Defense 11 months to achieve this reduction, and I believe that this is more than adequate time, considering that this is 11 months from the beginning of planning and that they will have another 12 months time.

Mr. President, I do not believe that the Department of Defense has made a convincing case. However, I want this in the RECORD so that every one of my colleagues will have a right to take whatever action they may wish.

I believe this amendment should pass. This is an instance where we can begin to move against outmoded procedures and practices.

Mr. President, I did have printed in the RECORD last night material from the Fitzhugh report. I simply would like at this time to reiterate as of last night what Deputy Secretary of Defense David Packard had to say when he addressed the Armed Services Management Association meeting in Los Angeles.

I have known Mr. Packard for a long time. I consider him to be one of the ablest men in industry that I have ever known. Certainly the President and Secretary Laird were very wise in selecting him to be Deputy Secretary of Defense. We are very fortunate indeed to have men of his intellect, deep experience, knowledge, and forthrightness serving the U.S. Government at this time.

With his usual candor he said at that time:

Frankly, gentlemen, in Defense procurement, we have a real mess on our hands, and the question you and I have to face up to is what are we going to do to clean it up.

He also said that most of the 113 recommendations of the blue ribbon study panel would be implemented.

Certainly when he refers, in this one particular case, to the movement of military personnel, the Fitzhugh report is very clear indeed in this area.

It says:

Officers and enlisted men are rotated among assignments at much too frequent intervals.

It is clear from the evidence that the rotation practices which have been followed result in (a) excessive and wasteful cost, (b) inefficiencies in management, and (c) difficulty in fixing responsibility.

And later it states:

This system of rotation of officers leads inevitably to deficiencies in management. Officers assigned for such limited periods simply cannot acquire a knowledge of the work, become familiar with the qualifications of the people, make plans, set goals and push the work ahead.

Even in the report the Department of Defense sent me, they indicate in several sections of that report that they were very sympathetic with what we were trying to accomplish in this amendment.

They said:

The Department of Defense is in complete agreement with the intent of the proposed Section 507 to be added to H.R. 17123 (Amendment No. 818), i.e., "To reduce annual expenditures in connection with permanent change of station assignments of military personnel.

Mr. STENNIS. Mr. President, would the Senator yield?

Mr. PERCY. I yield.

Mr. STENNIS. Mr. President, who is that communication from?

Mr. PERCY. This communication is from the Department of Defense, and it is signed by Colonel Farlow. I addressed my communication to the Secretary of Defense, and Colonel Farlow answered, I presume on behalf of the Secretary.

Mr. President, the final section I would

like to read from that rather lengthy report states:

The Department of Defense is keenly aware of the general desirability and necessity to achieve maximum stabilization in personnel assignments. It is also not unmindful of the repeated interest and guidance of the Congress in the area of reducing costs attributable to permanent changes of station.

I think for the benefit of all of my colleagues, the one example given in the Fitzhugh report is an exceedingly interesting example. It will just take a moment to read it:

A staff study of Army, Navy and Air Force promotions to General Officer and Flag rank in 1969 revealed this situation: there were 174 officers in the group and their average service was 24 years; these officers had been given 3,695 assignments, or an average of 21 per man: the average duration per assignment was 14 months. Looked at another way, the average officer had spent: 8 years in Operational assignments, 5 years in Service Schools and other educational assignments, and 11 years in Staff assignments.

Although this is a relatively small sample, there is no reason to believe that it is not reasonably typical of the prevailing career pattern of all military officers.

Mr. President, I ask the distinguished Senator, whom we are most fortunate to have heading the Armed Services Committee and who has had such deep experience in this area, if he knows of the time consumed when an officer comes aboard, of the time taken for welcome parties and getting acquainted parties and of the fact that we have an average officer assignment of 14 months.

How can that man really perform that function and duty? It is not just the Army and the Air Force which are involved, but the Navy is also in that position. From the standpoint of efficiency and of morale the ships are hardly ever in a condition of readiness with the rate of turnover we have.

The study states, "Let us do something about it." The services themselves and the Department of Defense say they are in sympathy with the many recommendations made by Members of Congress and the services themselves. The procedure is not only costly but it also affects the morale of the personnel involved.

I urge the Senator to support this amendment which will cause this principle to go forward.

What we are offering is a $140 million reduction in 2 or 3 years. I think the military could double or triple that amount on their own initiative later.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. In the first place I wish to say that this matter of personnel has to be reviewed from many standpoints when the shooting stops in Vietnam. It is a matter that our committee has not gone into very much, not since I have been chairman. These matters are passed on directly by the Committee on Appropriations. As the Senator knows, money for personnel is itemized to a degree and passed on by the Committee on Appropriations.

Frankly, I think most of the military dollar for going-personnel, operation and maintenance, goes for that purpose. I believe 60 cents out of every military dollar goes for that purpose.

There must be a sweeping review of this matter if we are to have a modern, hard-hitting and effective military service in all the groups.

But the Senator has brought up something here that appeals to me some. I think the Senator's percentage of 25 percent is high. I think that is too much to expect in the beginning.

I want to ask a few questions. The Senator has expressly excepted here, in applying the formula, the assignment of military personnel in combat zones. The Senator means by that any personnel sent to South Vietnam. Under this amendment he would classify that as a combat zone. Is that correct?

Mr. PERCY. That is correct. All combat zones are excluded.

Mr. STENNIS. It would take out all activities in combat zones. Then the Senator excepts expenditures resulting from training, separation, promotion, and similar activities within the Department of Defense. That is within all the services and the Department of Defense, such as training down at Lackland Air Force Base where the new men go. That is basic training. Would that be excepted? Then, they go on to another base to technical training; some of them are assigned to one school and some are assigned to another school. Would the Senator except all of their activities in this field of initial training?

Mr. PERCY. I except all of this from that amendment. My feeling is that if we stop this excessive turnover, there will not be a need for all of this training, because not every man will become a member of the Joint Chiefs of Staff.

Mr. STENNIS. But you except those?

Mr. PERCY. Absolutely.

Mr. STENNIS. Let us take the National War College. That is excepted and would not be counted in any way?

Mr. PERCY. That is correct.

Mr. STENNIS. From the bottom to the top is all excepted?

Mr. PERCY. All is excepted.

Mr. STENNIS. That is a good way to get at it.

The starting point is the figure of 25 percent reduction. Line 8 on page 2 of the amendment states: "as compared with expenditures for such purposes in the fiscal year beginning July 1, 1970,".

The Senator's amendment would freeze the situation, so to speak, at July 1, 1970, and use that next period as a starting point.

Again, we have the war going on and we have these troops coming back from South Vietnam, and a lesser number going to Vietnam. That is an abnormal situation. We believe it is going to be better than that. What is the Senator's response to that? That swells the formula. But when you take those items out and apply the Senator's 25 percent it presents another problem.

Mr. PERCY. This gives them an extra kitty because I would not reduce the base they have now, a high base because of the turnover. They have a much higher turnover of personnel now. I do not exclude that. They work on a high base and we are asking them to reduce 25 percent of that high base. They might come in with a substantially lower figure. My concern is that the figure of 25 percent might be too low, but I have taken that into account and what I want to do is to establish the principle because as Secretary Packard said last night, and I think these words are exceedingly important on this very provocative matter:

In my memo I told the Services to select people with the right background and education for management, give them appropriate training, give them recognition, and leave them on the job long enough to get something done.

All four services have accepted my recommendations.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire text of the speech by Secretary Packard.

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

ADDRESS BY HON. DAVID PACKARD, DEPUTY SECRETARY OF DEFENSE, AT ARMED FORCES MANAGEMENT ASSOCIATION DINNER LOS ANGELES, CALIF.

I am delighted to be with you here in Los Angeles tonight. I am sorry I was not able to spend more time at this conference, and particularly sorry not to hear Gil Fitzhugh this noon. He and his Blue Ribbon Panel have done an outstanding job in making recommendations which will improve the operation of the Defense Department.

Secretary Laird and I intend to move ahead as quickly as possible to put most of the 113 recommendations into effect.

I agree in particular with the Committee's recommendation that more decentralization of the Department is necessary. To me that means more decision-making at a lower level and less time-consuming and duplicate second-guessing topside.

This gives me a problem on the recommendation for the three deputies. We do not want to create a structure that adds more top-level involvement in the working man's business. I appreciate the implication that I have to work hard. I do put in long hours. I assure you, however, that much of my time has been spent doing things that lower levels should do. Three deputies would tend to pull even more decision-making up to the top, and we do not want to move in that direction. What we want to do is give a man a job and let him do it.

The report greatly under rates the Joint Chiefs of Staff. I have spent a great deal of time working with the Chiefs during the past year and a half. I found them among the finest, most dedicated, most capable men I have ever known. They have given Secretary Laird and me their complete support and cooperation.

There is no question about civilian control of military operations. Secretary Laird or I approve every operating order; but we do need to streamline the chain of command for operations. This will be done on a careful, step-by-step basis because the problems are complex, and also because we need to assure uninterrupted combat readiness of our forces.

We intend to give the Service Secretaries and the Services more responsibility so that they can do their jobs. Before they can do their jobs right they will have to break down some of the multi-layer staffing that has built up over the years and work together better to avoid unnecessary duplication. In short, the problem is not the people—it's

the system. And now, how does this apply to the procurement problem and this meeting you have been holding this week.

I suppose that some of our critics will call this a meeting of the military-industrial complex. So be it. I am not embarrassed by the fact that we need industry to help the Department of Defense. I am only embarrassed that we haven't done a better job. Many of you, and certainly those *not* in the industry, may expect me to talk about what a grand job we have all done and how necessary we are for one another. I am not going to do that. I am going to talk about the things we do wrong and the things that we have to do better.

Let's face it—the fact is that there has been bad management of many Defense programs in the past. We spend billions of the taxpayers' dollars; sometimes we spend it badly. Part of this is due to basic uncertainties in the Defense business. Some uncertainties will always exist. *However, most of it has been due to bad management, both in the Department of Defense and in the Defense industry. We can and are doing something about that.* I am not talking just about cost over-runs as so many of our critics do. Over-runs are the end product of our mistakes rather than the key issue to be addressed. I am surprised that our critics took so long to discover cost over-runs. They have been around for a long time, and many of the cost over-runs that receive the most publicity were organized by Defense and industry years ago. *We are now paying the price for mistakes in contracting, in development and in management.*

Frankly, gentlemen, in Defense procurement, we have a real mess on our hands, and the question you and I have to face up to is what are we going to do to clean it up.

Let me first mention two things that won't help.

It won't help for Congress to legislate detailed and inflexible rules governing procurement.

Nor will it help to put the General Accounting Office in the process of making management decisions. The GAO deserves the highest marks for auditing, but the talents of a good auditor are not identical with those of a good manager.

The pressures are strong to insert the Congress and its right arm, the GAO, into the details of day to day management decisions in the Department of Defense. Until we in the Department and you in defense industry demonstrate that we can provide capable and efficient management, these pressures will continue.

I have been in this job now for 19 months. Frankly, I am ashamed I have not been able to do very many of the things that need to be done to improve the situation I found here in January 1969. The most frustrating thing is that we know how we ought to manage—you, me, all of us—and we refuse to change based on what we know. Every time we want something done in a hurry and want it done right, we have to take the project out of the system. We give a good man direction and authority and let him go—and it works. When we needed sensors in a hurry for Vietnam, we got the best man we could find—General Starbird—gave him all the authority he needed and told him to produce—and he did. And I don't know why anybody would be surprised. His successor, General Lavelle, has had the same authority, has consistently returned money from his budget, has done all the management things that people say you are supposed to do, and meets every requirement—financial, managerial or operational—that we could want. Industry does the same thing. The "Skunk Works" in Lockheed has had tough, complex, expensive and demanding programs. Kelly Johnson produces.

On the other hand, when we are not in a hurry to get things done right, we over-organize, over-man, over-spend and under-accomplish. The most dramatic contrast is within Lockheed. Kelly Johnson and his programs, and the Air Force and Lockheed on the C-5A. I simply cannot understand why we are unable to change the system to avoid the C-5As and get more Skunk Works. We must find a way to do this job right, and you bear as much responsibility as I do.

We need good people—and by that I mean you—who will step up to their responsibilities. That is what decentralization is all about.

In the hope you would do this, on May 28 I issued a memorandum of guidelines for Major Weapons System Acquisition. There is nothing in this memorandum that you don't already know. As a matter of fact, the management principles in my memorandum are so simple that anyone who could not have written the memorandum himself doesn't belong in management. Again and again I have made a big point about getting the right man in the right job and giving him authority. But it is just not that simple. Admiral Rickover is a good example. The Admiral is a man of considerable capability. He has his own style, but he produces. He got a program, had to fight the system tooth and nail to get it, challenges the system every chance he gets, but is still saddled with the system. I had a long talk with him after the 28 May memorandum was published, and it was clear that I hadn't taught him anything about management. He told me that the principles were great but that if we couldn't get to the system that sits on top of the manager, nothing else mattered. He is right.

I know Secretary Laird and I bear the responsibility for the system in the Department of Defense, and I am going to keep working at it. But you in industry bear a similar responsibility, and I expect you to do the same thing.

In my memo I told the Services to select people with the right background and education for management, give them appropriate training, give them recognition, and leave them on the job long enough to get something done.

All four Services have accepted my recommendations—and their letters say that they agree. But on at least two occasions they have taken actions exactly contrary to those suggested. The Air Force and the Navy are both involved. In one case, a small dedicated Air Force team developed the gunships which have been so successful in Vietnam. The Air Force decided to put this program into its formal system. About a month ago I asked when we would be able to get some more gunships. The answer was in two years. That program is now out of the Air Force system, and we will have more gunships in six months.

In the other case the Navy, shortly after agreeing that a good manager should be kept on the job long enough to get it done right, proceeded to promote a key manager at a critical time from an important program to another assignment. The system wins and the cause of good management loses.

In my memo I talked about policies for development of new weapons spstems. The lesson that comes through loud and clear here is we should buy only what we need—not systems you or anyone else thinks they can develop to do something that doesn't need to be done. The Defense Department has been led down the garden path for years on sophisticated systems that you promised would do all kinds of things for some optimistic cost. Too frequently we have been wrong in listening to you, and more frequently you have been unable to deliver on either of these promises—what it would do or what it would cost. And we in the past have sometimes been guilty of over-optimism on our cost estimates and over-demanding in our requirements. We share the blame together, but the mistakes of the past cannot be repeated if we are to provide for the nation's defenses in today's climate of a critical public and a critical Congress. We are going to buy only things that we need, and we are going to make sure they work before we buy. The same thought carries over into full-scale development and production. We must know what we are going to do and how to do it before we go into production. We are not going to put things into development until we are sure we need them, and we are not going to put things into production until we are sure that they work.

This has been a short speech. I have tried to speak very frankly and directly this evening because the problem is very real. It is you people here tonight and the Department of Defense that must take action to solve these problems. We recognize that these problems cannot be solved overnight and perhaps some of them cannot be solved at all, but it is very clear that it is unacceptable to continue to do business as we have done it in the past.

The things I have had to say tonight and the things I said in my 28 May memorandum are simple. Many times we have done a bad job—we are going to do a better one. We are going to know what we are doing before we do it, and we are going to manage it better. We have a lot of obstacles in front of us and some of them we created ourselves. We have given our critics the opportunity to find us at fault, and we run the danger that their efforts to direct Defense management will just compound the mistakes in the Department. We don't need more supervision and more people in the act. We need fewer people. The system in the Department of Defense is going to change. Secretary Laird and I are going to demand it. I expect you who are here tonight and everyone else who does business with the Department of Defense to do the same. That is all I have to say.

Mr. PERCY. Secretary Packard recognizes, as do other personnel at the top level, that the system of rotation is counter productive.

Mr. President, I ask for the yeas and nays.

Mr. STENNIS. Will the Senator withhold his request? Let us debate this matter a while longer.

Mr. PERCY. Mr. President, I withhold my request.

Mr. STENNIS. The Senator has almost exhausted his time. Does the Senator wish to yield the floor so that I may make a few comments?

Mr. PERCY. I would be glad to do so, but first I wish to ask how much time I have remaining.

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

Mr. PERCY. I thank the Chair.

Mr. STENNIS. The Senator has been speaking on his time and his time is nearly exhausted.

Mr. PERCY. The distinguished Senator means that he also has been speaking on my time, but that is perfectly all right. I have concluded most of my argument.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. STENNIS. Mr. President, we have other members of the committee present and I am not going to take more than a little time.

As I have said, this matter has not been neglected. In other words, the figures show that there was a reduction in the 1971 budget of $88 million on this very item, bringing it down from $524

million, by $88 million in round numbers. Of course, we have a war. That figure is for the Army only. We have the war figured in on this matter, which makes it an exception. This is a matter that is passed on by the Appropriations Committees heretofore with reference to items of this kind.

I think, frankly, the matter of personnel is something that has to be reviewed. Reductions are going to have to be made. I believe we can save some money with reference to the repeated assignments. Perhaps there are too many of them, anyway. Others can pass on that question better than I can, to a degree; but I think we can save some money and stabilize the matter somewhat.

I remember 10 years ago, during consideration of the military construction bill, concerning the matter of messhalls, we authorized battalion messhalls with the very idea of meeting the problem the Senator outlines. I do not know how far that program went, but it was trying to get at the very thing the Senator from Illinois appropriately brought out.

Even though the money is not in the bill, I have been concerned about the personnel cost and about the quality of the men rather than a great number.

I look with some favor on the idea of a more active review of this matter each year, but I have great reservations about the level of reduction embodied in the amendment. If it goes to conference, I hope the Senator will understand that we will do the best we can with it, but that 25-percent level seems mighty high.

I am ready to yield the floor, or will yield to any Senator who wants to speak.

Mr. GOLDWATER. Mr. President, will the Senator yield me some time?

Mr. STENNIS. I yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I think the amendment of the Senator from Illinois points up one thing that we probably overlook in this body as we constantly criticize the military for the personnel policy. When we stop and think about it, the military really has not had any time to stop and organize. There was no military to speak of prior to World War II. All of a sudden, overnight, we had to provide forces up into the millions. We followed antiquated methods of personnel policy and deployment of personnel. When World War II was over, we all remember the cry of "Get the boys home by Christmas," and by Christmas we did not have a military establishment to talk about.

Then we had Korea. Then, overnight, we had to organize again. Then Korea sort of petered out, although not completely.

Then Vietnam came, and when it came the President of the United States said, "We are not going to send any boys to Asia." So we did not have the force levels we needed. Consequently, when, the year following, we sent thousands and thousands of men to Southeast Asia, we had to again engage in, we might say, nonlucrative, and almost senseless, personnel procedures. We robbed the NATO forces in the early stages of the Vietnam war, to provide men for Vietnam.

So I do not think we should be so openly critical of the Pentagon, because, really, we have never had enough time, in the last 30 years, for the Pentagon to pause and decide what could be a workable, sensible personnel plan.

I might say to my friend from Illinois that the figures he quoted from the study at first glance are very shocking. I can agree with him, having been in business as he has been, that we would never subject our executives to that intensive type of training. But, again, the Pentagon really has not had enough time to get down to the nub of how it should train men for higher jobs. For example, for a long time—and it still may be—a man was never considered for a top position unless he had had combat experience in the different forces. I remember in the Air Force when a pilot could not fly in combat because he had not been trained by the Air Force, or the Air Corps in those days.

Those things have changed, but the time that the average enlisted man or officer spends in permanent assignment is too short. The only exceptions are the assignments in Washington, where the L and L officers stay for years, and they turn into mighty fine officers for their respective branches.

I do think that some changes have to be made in personnel in all the branches, but, again, until we can get this country into a period of peace, I do not believe we can expect any radical changes in personnel practices.

I know there is great concern about this question in all the branches, but little is known about it and they do need help. Roger Kelley, an expert on personnel, whom the Senator knows, and who was formerly with Caterpillar Tractor, is now heading up personnel in the Pentagon. He and I discussed some changes he is going to make that will be quite radical in their nature.

I am in great sympathy with the Senator's amendment. I am very hopeful my chairman will take the amendment, take it to conference, and argue hard for it.

But the part of his amendment that appeals to me the most is when he talks about morale. This has become, I would say, probably the greatest cause for people dropping out of the service—the fact that they have to be separated from their families, not just for a year or 14 months, but perhaps, in 4 years, half of that time. We know from studies we have made that that has been the great contributing factor to a young officer's saying, "I am not going to continue."

May I have 3 additional minutes?

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Arizona.

Mr. GOLDWATER. If the Senator used no other argument, that argument in itself would convince me of the wisdom of the amendment. We have to do something about it—and it goes past this amendment—and the forces are working on it. For example, I mentioned yesterday that if an able person is sent to the Mediterranean for a year's tour or 2 years' tour, what is wrong with his wife going to Italy, or some other country adjacent to the Mediterranean, so that the family could be together once in awhile? This is one of the greatest factors accounting for losing our atomic submarine commanders. They cannot see their families for long periods. The morale factor involved in this problem is tremendous.

I think the saving to the forces as a result of retaining personnel in the forces because they can see their families once in awhile would more than pay back the cost at the outset.

I may say to my chairman that I think the amendment has merit. I agree it could be a little too high, but I do not think we or the Pentagon can say whether it should be 20 or 25 or 30 percent, because it is very difficult to approach this question from the scientific standpoint and say precisely how much money will affect how much turnover.

Mr. PERCY. Mr. President, will the Senator yield on that point?

Mr. GOLDWATER. I yield.

Mr. PERCY. It is just about 10 percent of the total item of $1.3 billion, when we try to take into account the real savings in both areas. I attach the 25 percent only to this one item; so, overall, it is not much of a reduction.

Mr. GOLDWATER. I might say that 25 percent is a good starting point, and I would hope that my chairman would see fit to accept this amendment and take it to conference, and, in a very persuasive, learned way, argue for it, as he always does.

I know there are times when Members of this body think this particular chairman does not fight for what the Senator has passed. While I have never been a conferee, I have attended conferences, and I can tell you he is a grownup tiger when it comes to fighting for what we pass over here. So I have no fears about what might happen. I happen to be on very friendly terms with the majority on the House Armed Services Committee, and I shall do my conference work in a different way, but it is effective.

Mr. STENNIS. I thank the Senator very much.

Mr. President, I yield 7 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I think the distinguished Senator from Illinois has made some good points on the amendment he has presented to the Senate. He first mentions economy, and I feel that this amendment would bring about some economy. I have long felt that there have been too frequent transfers in service.

On the other hand, this is a delicate matter, and I think it is one that is very difficult to legislate on. It is my judgment, though, that steps can be taken to improve the present situation.

The second point the distinguished Senator from Illinois made is to try to "drag the military services kicking and screaming into the 20th century," as he expressed it. I would not say I agree with that point, although many times I have felt that the military services have not come abreast of the situation as well as they should.

The thing that hurts me now is to see that so many Senators who probably take that position of "dragging the military services kicking and screaming into the 20th century" are opposing a lot of the

very weapons that the military services are advocating to bring them into the 20th century.

For instance, the MBT-70 armored tank is the most modern tank that has been advocated; and yet we have had sizable sentiment here in the Senate to stop that tank. I presume the Senator from Illinois would favor going ahead with that tank, would he not?

Mr. PERCY. I have taken a position, I believe, in support of that. May I interject just the comment that though the distinguished Senator's remarks are very pertinent, he was not on the floor when I made my comments.

Mr. THURMOND. But the Senator from South Carolina has read the Senator's full speech and is familiar with what he said.

Mr. PERCY. I amplified considerably on the section "though many procedures and practices of the military are modern and advanced," and I wanted to emphasize that, because I pointed out that some of the techniques used by the military services are the most advanced in the world. I am constantly amazed at their aggressiveness and modernity in certain areas.

This is to differentiate between those officers who are modern in their approach, whom I commend and those who are reluctant to modernize, who cling to the past, who do not want to change the procedures, and who are motivated, sometimes, by petty jealousies. I thank the distinguished Senator for permitting me to make that clarification.

Mr. THURMOND. Mr. President, of course, in every organization, you are going to find some with more imagination, more initiative, more drive, and more intelligence than others. The military services, I think, are typical of the American people as a whole.

Another modern weapon we need is the Navy F-14 plane. I think we have some in this body who are opposing that plane. Another weapon system we need is the F-15 supersonic plane. We have some who are opposing that plane.

Those weapon systems are supposed to help to bring us into the 20th century faster than we would otherwise. I presume the distinguished Senator from Illinois would favor the F-14 Navy plane and the F-15 Air Force plane, would he not, to help bring us into the 20th century?

Mr. PERCY. Mr. President, I do not feel that this is an appropriate time for me to commit myself on advanced weapons systems that I have not thoroughly studied.

There is one, though, I am dubious about that I have studied a great deal—the F-111—and I would like to carry on the conversation as to that at an appropriate time. But for the most part, I think the weapons the military have advocated are advanced, and represent a step in progress.

Mr. THURMOND. In the area of the anti-ballistic-missile system, I am sure the Senator is familiar with the tough, hard fight we have had here for 2 years to get an ABM, which is purely a defensive weapon. It does not cross the water, and does not destroy property or people, but would merely destroy the enemy's missiles if they sent them over here to destroy us.

This is a weapon of the 20th century. The Soviets have beat us to it. They have already built and deployed it. In fact, they have had it deployed since 1963.

Mr. PERCY. Would the distinguished Senator permit a comment at that point?

Mr. THURMOND. I would be pleased to yield.

Mr. PERCY. Of course, this is another advanced weapon, but I fully support the Nixon administration position, which is, let us go for zero ABM if we can get a mutuality of agreement with the Soviet Union, and they will desist from production of S-11's and S-9's.

I think the Senator and I both agree that it would be better for us not to spend $40 billion or $50 billion on any weapons system we might not need. I again commend Secretary Packard for his remarkable speech last night, in pointing out that many times we go into these weapons systems that are expensive and time consuming, and never perform the function they are intended to serve.

Mr. THURMOND. I believe the Senator is sufficiently familiar with the ABM to know that the Minuteman point site cost is $11 billion, rather than $40 billion.

Mr. PERCY. It has been estimated by experts that to have an effective area defense as well as point defense, it would cost $40 to $50 billion; and there are people who still feel we ought to build the full system, not the thin system proposed.

Mr. THURMOND. I am not just taking the Defense Department's figures.

Another weapon many have felt we need to bring us into the 20th century is the MIRV, the multiple independently targeted reentry vehicle. We feel this would be a deterrent.

The PRESIDING OFFICER (Mr. BAYH). The Senator's time has expired.

Mr. THURMOND. Mr. President, will the distinguished Senator from Mississippi yield me 10 more minutes?

Mr. STENNIS. How much?

Mr. THURMOND. Ten more minutes.

Mr. STENNIS. That is about all the time we have, I am afraid. Five minutes?

Mr. THURMOND. Five more minutes.

It is important that we go forward with MIRV. I think this is a 20th-century vehicle. Another is the C-5A plane. Some Senators who would bring the military department screaming into the 20th century are opposing the C-5A. I assume the distinguished Senator from Illinois would favor the C-5A, would he not?

Mr. PERCY. In direct reply to that question, I favor advanced cargo planes, of course, but I do not favor this type of procurement, which has been condemned by competent defense authorities probably as much as any other single procurement we have gone into. I trust that the example of the C-5A, in the end, will save us hundreds of billions of dollars. Because of the sloppy procedures used, the cost overruns that we have gone into, the lack of performance against specifications, and the failure of the contractor to really perform as he had originally pledged.

Mr. THURMOND. The Senator feels that we do need the C-5A plane, does he not?

Mr. PERCY. I favor advanced cargo planes adequate to move our equipment and personnel around the world, which I hope will enable us, then, to bring back many of our servicemen from abroad, and rely more upon mobility.

But I think the attack on the C-5A has primarily been on a procedural basis, and I think the Deputy Secretary of Defense, in his remarkable speech last night, accepted in principle the point of those attacks.

Mr. THURMOND. And, of course, we need the C-5A to take equipment and some personnel to other parts of the world in case they are needed in an emergency.

The Cheyenne helicopter is another example of coming into the 20th century. The thing that amuses me, Mr. President, is for someone to make the statement that we have got to drag the military services into the 20th century when, as a matter of fact, they are trying to get into the 20th century, and there is sentiment here, and sizable sentiment, among certain Senators, to keep them from coming into the 20th century.

That is exactly what some of us are trying to do, to bring the military services up to date, to help them to come into the 20th century.

The next point the Senator made in his speech was on the question of morale. I think this is a matter, of course, that cuts both ways.

I think the Defense Department has made too frequent transfers and too many transfers of personnel. On the other hand, we must keep in mind that they must have the power to transfer officers and men in order to train them to provide the necessary leadership. They must be put in positions of leadership and get that training. This is important, and it must be kept in mind.

Mr. President, in my opinion, there is merit in this amendment, but I think it is an intricate matter. I think it would have to be worked out later. The Defense Department should be conferred with and we should get their opinions if we are going to legislate on this question as to some of the things that could be done. I would suggest and hope that the chairman would agree to take the amendment to conference, and then we could work it out.

I do not think it will save the money that the distinguished Senator from Illinois thinks it will, but I do think it will save money if it is properly worked out. I believe the improvement can come in the field and that good can result. For that reason, I would go along with the chairman if he sees fit to accept the amendment and take it to conference.

Mr. STENNIS. Mr. President, I thank the Senator from South Carolina.

It is of value here to have the opinion of the Senator from South Carolina and the Senator from Arizona, who are well versed from actual experience in the practical side of this matter.

I want to emphasize to the Senator from Illinois that all of us on the committee approve the principle he has in his amendment. He sees that all of us think that 25 percent is too high, perhaps. But we are entirely willing that this

be added as an amendment to the bill, and we will take it to conference.

As the Senator from South Carolina has said, the Defense Department and the services will be given a chance to really get down to the nub of this matter and make whatever showing they wish. The conferees on the part of the House will be well versed in this matter. It is a matter that has been handled by appropriations heretofore, and the Appropriations Committee may become concerned about this matter.

Within those lines, we want to make the principle of the Senator's amendment stick, and if we do that, it will be a start.

Under those circumstances, I am glad to support the amendment.

Mr. PASTORE. Mr. President, will the Senator yield me 2 minutes?

Mr. STENNIS. I yield 2 minutes to the distinguished Senator from Rhode Island.

Mr. PASTORE. I congratulate the Senator from Illinois for offering this amendment, because this has been a matter of grave concern even to the Joint Committee on Atomic Energy. We are moving now into a different kind of armament arsenal—thermonuclear weapons, nuclear submarines, and missiles—and a man is just about trained for a specific task, and the next thing we know, he is shifted to another task.

The point is that in the process we are wasting a great deal of money and, secondly, we are actually depriving ourselves of the expertise acquired—the expertise that is essential in these demanding times.

The Joint Committee on Atomic Energy has had very exhaustive hearings on this matter of rotation. We have admonished the Defense Department time and time again. I understand that one cannot get a promotion unless he moves one from one post to another. Because of that, the Government is wasting money that is used to train these people and then the Government is being denied their expertise that is necessary in this complex age. This is because rotation displaces old skills with new hands.

I would hope that this amendment would stick in conference.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield 2 minutes to the distinguished Senator from Iowa.

Mr. MILLER. Mr. President, I understand what the amendment of the Senator from Illinois seeks to do, and I am wholeheartedly in support of it. I think it is a real contribution.

I would just like to suggest, however, that in the provision of his amendment which would exempt from its application the assignment of military personnel in combat zones, we also add the phrase "or hardship areas."

The reason for doing this is that I am quite sure the Senator would not want this to apply in the case of assignments to far-off places such as the DEW line, in Canada, or Thule, in Greenland. There are not many of these, but I think they are very important.

This is just by way of suggestion, based upon a little of my own personal experience.

Mr. PERCY. I understand that the distinguished Senator from Arizona is in accord with the distinguished Senator from Iowa's suggestion. I would also feel that it might meet some of the additional leeway that the distinguished chairman has asked for here, if we accept this amendment, to include hardship areas as well.

So I ask unanimous consent that the modified wording suggested by the distinguished Senator from Iowa be incorporated in the amendment.

Mr. STENNIS. The Senator can modify it. It is modifying language.

I think the Senator should spell out, by illustrations, what he means by those words.

Mr. MILLER. The modification to which the Senator from Illinois refers would come on line 14, page 2, following the word "zones," and it would consist of the words "hardship areas."

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. GOLDWATER. Actually, the language contained in this amendment, "combat zones," would be better served if we called it "hardship areas," but it is too late to change. I am sure we know what we are talking about. The addition of "hardship areas" would take care of the relatively few men who serve on the DEW line, who serve in the Antarctic, who serve in hard-to-live places around the world. They would come under hardship pay and not combat pay. It is all the same thing.

I think the Senator has been very wise in accepting this, and this colloquy should make perfectly clear what we mean and should make it easy for the Secretary of Defense to make up his mind.

Mr. PERCY. I thank the Senators for their contribution to this matter.

Mr. STENNIS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Illinois has 3 minutes. The time of the Senator from Mississippi has expired.

Mr. PROXMIRE. Mr. President, will the Senator from Illinois yield to me?

Mr. PERCY. I yield 1 minute to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. I, too, commend the distinguished Senator from Illinois for his amendment. I think it is a good amendment, a thoughtful amendment, one which was recommended by the Fitzhugh committee report, so it has had careful consideration. The need for the amendment has been well documented by the Senator from Illinois.

The amendment would save $140 million and at the same time it would improve morale.

I think it is especially important that we reassert again that it would not affect assignment to Vietnam. This would not mean that it would increase the period that troops have to serve in Vietnam. The amendment specifically exempts combat zones.

I think it is a fine amendment, and I congratulate the Senator from Illinois. It is very hard to get amendments adopted to this bill, and he has shown the way to do it, and I congratulate him also on his effectiveness.

Mr. STENNIS. I do not know that it is hard to get an amendment adopted to this bill. It depends on the merit of the amendment.

Mr. PROXMIRE. My point is that the Senator from Mississippi has been pitching a no-hit game here. Any time he opposes an amendment, it goes down. I am congratulating the Senator from Illinois on the effectiveness of this one.

Mr. PERCY. I am glad to have the testimony as to the flexibility and wisdom of the chairman of the committee. He has done a wonderful job in steering this bill through.

In a bill this size, one may think of $140 million as a small amount, but the principle is important. The principle has been established that there are initiatives that Congress must take, not in opposition to the executive branch or the Department of Defense, but to shore up and strengthen the hand of those within the Defense Department who are looking for funds for urgent, vital needs that we are not meeting now because they have had to pare and reduce other expenses. If we can find soft areas and give them that money and restore it to them for other weapons systems where the money can be better spent, I think we are wise in doing so.

Mr. STENNIS. Is the Senator certain that his modification is in the RECORD?

The PRESIDING OFFICER. Would the Senator care to ask unanimous consent to incorporate the requested modification in his amendment?

Mr. PERCY. I ask unanimous consent for that purpose.

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

Mr. PERCY. Mr. President, I ask unanimous consent that the names of the Senator from Oregon (Mr. PACKWOOD) and the Senator from Iowa (Mr. MILLER) be added as cosponsors of the amendment.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). Without objection, it is so ordered.

Mr. PERCY. Mr. President, I should like to express my deep appreciation to the members of the Armed Services Committee, on both sides of the aisle, for their patience and the time they have given me and for their acceptance of the amendment.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. BAYH). All time on the amendment has now expired.

The question is on agreeing to amendment No. 818 of the Senator from Illinois (Mr. PERCY).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr.

HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Tennessee (Mr. GORE), the Senator from Washington (Mr. JACKSON), and the Senator from New Mexico (Mr. MONTOYA) are absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Iowa (Mr. HUGHES), the Senator from Alabama (Mr. SPARKMAN), the Senator from Alaska (Mr. GRAVEL), and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. GOODELL), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Ohio (Mr. SAXBE), the Senator from Illinois (Mr. SMITH), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Colorado (Mr. DOMINICK) is detained on official business.

If present and voting, the Senator from Kentucky (Mr. COOK), the Senator from South Dakota (Mr. MUNDT), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. GOODELL), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Colorado (Mr. DOMINICK) would each vote "yea."

The result was announced—yeas 69, nays 0, as follows:

[No. 262 Leg.]

YEAS—69

Allen	Fong	Mondale
Allott	Fulbright	Nelson
Anderson	Goldwater	Packwood
Bayh	Hansen	Pastore
Bellmon	Harris	Pearson
Bennett	Hart	Pell
Bible	Holland	Percy
Boggs	Hruska	Prouty
Brooke	Inouye	Proxmire
Burdick	Javits	Randolph
Byrd, Va.	Jordan, N.C.	Ribicoff
Byrd, W. Va.	Jordan, Idaho	Schweiker
Case	Kennedy	Scott
Church	Long	Smith, Maine
Cooper	Magnuson	Spong
Cranston	Mansfield	Stennis
Curtis	Mathias	Talmadge
Dole	McClellan	Thurmond
Eagleton	McGee	Tower
Eastland	McGovern	Williams, N.J.
Ellender	McIntyre	Williams, Del.
Ervin	Metcalf	Young, N. Dak.
Fannin	Miller	Young, Ohio

NAYS—0

NOT VOTING—31

Aiken	Cotton	Gore
Baker	Dodd	Gravel
Cannon	Dominick	Griffin
Cook	Goodell	Gurney
Hartke	Moss	Sparkman
Hatfield	Mundt	Stevens
Hollings	Murphy	Symington
Hughes	Muskie	Tydings
Jackson	Russell	Yarborough
McCarthy	Saxbe	
Montoya	Smith, Ill.	

So Mr. PERCY's amendment (No. 818), as modified, was agreed to, as follows:

At the end of the bill add a new section as follows:

SEC. 507. In order to reduce annual expenditures in connection with permanent change of station assignments of military personnel and in order to help further stabilize the lives of members of the Armed Forces and their dependents, the Secretary of Defense is directed to initiate promptly new procedures with respect to domestic and foreign permanent change of station assignments for military personnel under which the length of permanent change of station assignments will, whenever practicable and consistent with national security, be made for longer periods of time. The Secretary shall achieve not less than a 25 per centum reduction in such expenditures in the fiscal year beginning July 1, 1971, and in each fiscal year thereafter, as compared with expenditures for such purposes in the fiscal year beginning July 1, 1970, taking into account the relative number of men in military service during such fiscal year and other relevant factors. The provisions of this section shall not apply with respect to the assignment of military personnel in combat zones or hardship areas or with respect to so-called fixed expenditures resulting from training, separation, promotion, and similar activities within the Department of Defense.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Arkansas. It is amendment No. 812.

Mr. FULBRIGHT. Mr. President, I hope that we can dispose of this amendment very soon. I hope that some Senators will remain in the Chamber for at least a brief period of time. The Senator from Mississippi wishes to make a statement. We had a long colloquy of an hour and a half or 2 hours on yesterday.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. Mr. President, it is anticipated that we will take up the pending business, which is the Fulbright amendment, then the Bayh amendment, and that we will then go into the consideration of the Public Works appropriations bill. If we possibly can, we will try to finish the appropriations bill this afternoon. So, everyone is on notice.

Mr. STENNIS. Mr. President, I insist on order. This is an important amendment that is of interest to every Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. FULBRIGHT. Mr. President, on yesterday afternoon we had a very interesting and thorough colloquy regarding this amendment.

The Senator from Mississippi and I are very close in our views on this amendment. The amendment seeks to put into law the language of the committee report and add Laos. The Senator and I have discussed an understanding of this amendment and what the committee intended.

I think that we mean to accomplish the same objective. It is primarily a question of whether this language should be in the law and Laos included.

I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the Senator. It is possible that this matter can be disposed of, if that is the will of the Senate. It is a highly important matter. I think that every Senator here ought to have a chance to be heard. It is a little complex, but we will not rehash it.

I heartily agree with the Senator from Arkansas that we had a colloquy here yesterday that very fully, I think, and clearly stated the position of the Senate Armed Services Committee in this question of certain funds for military aid in South Vietnam and all the Indochina area.

My remarks now relate to amendment 812, the matter now before the Senate. Briefly stated the position of the Senate committee was that we approve the expenditure of these funds over into Cambodia on the sanctuary—the principle of destroying sanctuaries, and forays that had to do directly with the Vietnamization program, the withdrawal of our troops, and the protection of our troops.

Our interpretation was that that language permitted the President even to use this money to go back in on a sanctuary matter, if necessary. We took this up when the battle was going on over there.

The amendment of the Senator from Arkansas places a limitation on clause A as pointed out by the colloquy that we had. I think it is a part of what was intended as a part of the law.

So I said to the Senator this morning if his amendment goes to conference we will have at the conference table the bill as passed by the House, and that has the language in it "in Vietnam" which we thought was too narrow. We took that out and substituted the language I already described. Then, we will have before us the Senate language and also the Senate report and we will have the Senator's amendment. All of that material will be in conference.

We had a splendid discussion here yesterday which was participated in by the Senator from Arkansas, the Senator from Arizona, the Senator from South Carolina and others. I do not recall the names of all the Senators who participated but the substance of the colloquy was that we are not limiting the sanctuary idea—the destruction of it—limiting the support of the Government—period. That is it.

I feel we could accept this amendment.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. GOLDWATER. I had only one feeling of doubt, as I expressed yesterday, and that would concern the interpretation of our possibly interfering with activities of another government. I

studied this proposal last night. I think the language the Senator proposed would not do that.

We are not saying to South Vietnam, "You cannot attack Laos." We are saying "You cannot expect any help from us if you do it."

I think the language of the Senator from Arkansas is clear on that point. I think the colloquy yesterday established the fact that neither the Senator's language of the committee, nor the language of the House will preclude the use of our tactical air support of the Laotian army when they call for it.

I must say this is a limited time of year, when the monsoons are over there, as the Senator knows. This would include the use of a helicopter drop but it would prevent the use of our ground forces at any time. I would certainly support any move in that direction and would deny funds to South Vietnam for support of any invasion of theirs. If they want to do it on their own, with their own money, it is up to them.

I think the amendment, as the distinguished chairman has said is one we can take to conference. I think, having slept on it overnight, it is better language than we came up with, and we worked a long time on this because we were in the middle of the Cambodian sanctuary move and we were very anxious that the language we reported to the Senate would indicate that the committee did not want to support any government, not only in Southeast Asia, but any place.

I certainly hope, Mr. President, we can take this to conference and that it will prevail.

Mr. STENNIS. I thank the Senator.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from South Carolina.

Mr. THURMOND. It appears that this amendment is in line with the committee report and also from the colloquy yesterday between the distinguished Senator from Mississippi, the chairman of the Committee on Armed Services, and the distinguished Senator from Arkansas (Mr. FULBRIGHT), exactly what it means. It has been interpreted more clearly now, and I think it would be proper and wise for the Committee on Armed Services to go along with this amendment. I would suggest to the chairman that we do go along with it. As far as I am concerned, I am willing to go along with it.

Mr. STENNIS. I thank the Senator.

Mr. FULBRIGHT. The Senator from Mississippi mentioned a number of Senators a while ago. The Senator from Kentucky has been extremely interested in trying to define the limits of the engagement in Southeast Asia. He has made a great contribution to the Senate's consideration of this subject.

I interpret this amendment and the intent of the committee to be quite consistent with the intent of the Cooper-Church amendment, that is, to prevent an expansion of the war. The amendment does not relate to our own activities but to those of countries that could be financed under the authority of this bill.

I again reiterate this pertains to the possibility of our financing military activities by the South Vietnamese or the Thais in support of the governments of Cambodia and Laos. I believe everybody agrees that we should not do that. It seems to me intolerable that we should finance that kind of activity.

I am very pleased the chairman will accept the amendment and take it to conference.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MILLER. So that we are absolutely clear on this point, the Senator knows the Thais are concerned about possible incursions into Cambodia which, in turn, could pose a threat against Thailand. Does the Senator see anything in his amendment which would preclude some of this support for Thailand forces operating actually in Cambodia but for the purpose of avoiding attack on their own country?

Mr. FULBRIGHT. I am bound to say it would prevent us from financing from these funds Thai forces which might fight for the Lon Nol government. If they want to do it on their own we cannot stop them. But we do not have to pay the bill. This is somewhat like the subject we discussed yesterday. We have been paying these people far more in bonuses than we give in combat pay to our own troops. That is not a good practice and it distorts our whole relationship with these countries.

In this case I would interpret the DOD funds are not to be used to support Thai forces that go into Cambodia to support the Lon Nol government. That is one of the objectives of the amendment.

Mr. MILLER. The Senator from Iowa understands the sentiment is not to allow Thai troops to go into Cambodia in support of the Lon Nol government. But that was not the question.

The question was with respect to the use of these funds to allow Thai troops to go into Cambodia, not to support the Lon Nol government, but to help them protect Thailand from a fairly imminent attack on Thailand from Cambodia. There has been the problem of some incursions coming in from Laos, into the northern areas of Thailand.

Mr. FULBRIGHT. They were not involved. The Senator is expanding the concept into a whole new area.

We are talking about operations by the South Vietnamese in the sanctuaries and for the protection of our troops in Vietnam. That is what the money under this authority is limited to.

My interpretation is that the Senator's example is forbidden by this amendment. We are not going to finance the Thais; they can finance their own operations in Cambodia, if they choose to intervene.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. GOLDWATER. It might better be explained by saying that if the Thai government wants to attack anybody at any place that is their business. They do it on their own but not with our money.

Mr. FULBRIGHT. That is true. We are not trying to tell the Thais they cannot attack Burma or China, but that none of our money will be used to finance their doing it.

Mr. MILLER. I think what I am getting at is that we are so prone to think about privileged sanctuaries along the border of South Vietnam that we overlook the fact that we can have privileged sanctuaries in Laos or the western area of Cambodia, which bases would or could pose a threat to Thailand.

That is the type of situation that I am directing my question to. There is a great deal of difference between taking care of a sanctuary situation in the western part of Cambodia which poses a threat to Thailand and sending a lot of troops into Cambodia and supporting the Lon Nol government. I am trying to bring that situation out because I believe the example I put in the RECORD is not one we would want to cover by this amendment.

Mr. FULBRIGHT. I do not know that I have anything to add to what I have said. That is not the policy of the committee, as I understand it, as expressed in the report.

Mr. MILLER. May I ask the distinguished chairman what the policy of the committee would be on that point?

Mr. STENNIS. Mr. President, this is all reflected in the committee report. I think the best way to get it in proper focus is to read the committee amendment and the committee report.

The House bill and the Senate version of the bill expressly provide that this money can be spent for local forces in Laos and Thailand, so there is no doubt about that, and it is left as it was in the House bill.

Let me read the committee language first, on page 19 of the bill, line 4. It states that the funds are to be made "available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos and Thailand." We took the words "in Vietnam" out because that was too narrow to cover the sanctuaries. We wanted to cover the sanctuaries.

We define that further in the report on page 106:

> The Committee is of the opinion that the use of the authority in section 401 of the fiscal year 1970 act (and its related appropriation act provision) to support South Vietnamese and other free world forces in border sanctuary operations in Cambodia and in protective reaction strikes in these same areas was correct. Such action is in line with the policy of Vietnamization which in turn has and will continue to assist in the reduction of U.S. forces in Vietnam and the protection of such U.S. forces as remain in Vietnam. Doubt has been expressed by some that because of the use of the words "in Vietnam" in this section, as to whether any support for South Vietnamese or free world forces outside of Vietnam in the sanctuaries of Cambodia is authorized. The Committee desires that there be no misunderstanding about the authority for those important actions and has accordingly changed the language of this section to remove all such doubt.
>
> In making this clarification it must be clearly understood that there is no intent to broaden the authorization beyond the support of participation in border sanctuary and related operations in order to protect U.S. forces in Vietnam or to accomplish protective reaction strikes. The purpose of the clarification is to make clear that the use of Defense funds is authorized for support in those areas of Cambodia where for the purposes of

Vietnamization or the protection of U.S. troops military action becomes necessary.

And that means the action we were in when the report was written or any future actions of that kind; and the Senator from Arkansas agrees with that—

There is no intent to permit the use of DOD appropriations under this authority to support Vietnamese and other free world forces in actions designed to provide military support and assistance to the Cambodian Government.

So money from this bill cannot be used for anything that is primarily in support of the Cambodian Government. The money provided in the bill can be used for anything that goes with the Vietnamization program, the withdrawal program, the protection of our troops, the destruction of sanctuaries. We have heartily agreed on that. That is the extent of the amendment. I think it is time we get it clearly understood. I cannot go any further than I have.

Mr. MILLER. Mr. President, will the Senator from Arkansas yield to me so I can ask the Senator a further question?

Mr. FULBRIGHT. I yield.

Mr. MILLER. I appreciate the Senator from Mississippi's explanation.

As I understand it, the last sentence that we read—

There is no intent to permit the use of DOD appropriations under this authority to support Vietnamese and other free world forces in actions designed to provide military support and assistance to the Cambodian Government.

actually is expanded still further by delimiting the type of sanctuary operations to those which are pretty much related to U.S. forces in South Vietnam, and that if there are sanctuary operations that are not so related, then the proscription would apply?

Mr. STENNIS. Generally that is correct; yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 812) was agreed to, as follows:

On page 19, after the period in line 8, insert the following: "Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos."

Mr. STENNIS. Mr. President, the Senator from Indiana (Mr. BAYH) has an amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceed to call the roll.

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

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

AMENDMENT NO. 828

Mr. BAYH. Mr. President, I call up my amendment No. 828.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the RECORD.

Mr. BAYH's amendment (No. 828) is as follows:

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

SEC. —. Section 412 of the Military Construction Act of 1959, as amended, is amended by adding at the end thereof a new subsection as follows:

"(d) (1) Beginning with the fiscal year which begins July 1, 1971, and for each fiscal year thereafter, the Congress shall authorize the active duty personnel strength for each component of the Armed Forces; and no funds may be appropriated for any fiscal year beginning on or after such date to or for the use of the active duty personnel of any component of the Armed Forces unless the active duty personnel strength of such component for such fiscal year has been authorized by law.

"(2) Beginning with the fiscal year ending June 30, 1971, the President shall submit to the Congress a written report not later than January 31 of each fiscal year recommending the active duty strength level for each component of the Armed Forces for the next fiscal year and shall include in such report justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for such fiscal year and the national security policies of the United States in effect at the time."

The PRESIDING OFFICER. Under the previous order, the time on the amendment is limited to 1 hour. How much time does the Senator yield himself?

Mr. BAYH. Mr. President, I yield myself such time as I may require, not to exceed 30 minutes.

Mr. President, this amendment requires Congress to annually authorize military manpower levels for the components of the Armed Forces.

Section 1 of the amendment, in addition to requiring annual authorizations for the active-duty personnel of each component service, would prohibit the appropriation of funds for military manpower in the absence of such authorizations. The amendment would not become effective, it should be noted, until fiscal 1972, when the present suspension of the old statutory ceilings on manpower levels expires.

Section 2 of the amendment requires the President, in requesting legislation to authorize the active-duty strength of the component forces, to spell out the relationship between the levels requested and our national security policies in effect at that time.

Mr. President, there is a critical need for this amendment, institutionalizing an annual authorization process for manpower, and just how critical will become evident on further examination, if we quickly take a close look at the history of manpower legislation since World War II, the nature of congressional control over the military budget, the relationship between manpower and foreign policy, and the development of the military procurement bill itself.

Mr. President, I favor a strong defense establishment for the United States—a defense establishment in line with congressionally approved policies. At the same time, I see nothing contradictory with that in the provisions of this amendment requiring Congress to set troop levels. The Congress, after all, has the constitutional responsibility to raise and maintain the Armed Forces. That is, to authorize the size of our Defense Establishment. Congress should exercise this vital constitutional function.

It is interesting to note, in this regard, that Congress has in the past authorized troop levels. As part of the Selective Service Act of 1948, for example, the Congress established the following manpower ceilings: for the Army 837,000; for the Navy 540,000; for the Marines 400,000; and for the Air Force 502,000.

These congressionally authorized levels were extended for 1 year by congressional action on July 10, 1950. Later that year, in the face of events in Korea, Congress voted to suspend the previously authorized manpower ceilings until 1951, at which time the Selective Service Act was due to expire. It was argued by those supporting the suspension that Congress would have an adequate opportunity to debate the size of our Armed Forces the following year.

In 1951, with the Korean war in progress, Congress voted to continue the suspension, but this time until 1954. An overall ceiling of 5 million was enacted in lieu of the previously authorized individual ceilings. The suspension was reenacted in 1954, 1957, 1959, 1963, and, most recently, in 1967—each time without so much as a word of debate on how large a standing military force the United States needed and why.

In the absence of statutory authorizations for the components of the Armed Forces, the process of raising an army simply has become an act of appropriating money. It is true that during the period of the suspensions there was an overall ceiling of 5 million. That ceiling, however, as a congressional control on the military, was quite meaningless. Was there ever any prospect of approaching that level in the absence of a declaration of war? I think not, but it was possible to swell the size of the Armed Forces without any congressional control up to 3.4 million men.

It was for that reason that the distinguished Senator from Kentucky (Mr. COOK), and I authored an amendment to the procurement bill last year setting the ceiling at a more realistic 3.285 million level. This amendment, Mr. President, is the logical conclusion to that initial effort. It represents another positive step in the reassumption of congressional responsibility for raising and maintaining the Armed Forces.

Military manpower, Mr. President, is the largest single item in the defense budget. I would repeat that, because I am not too sure that all of us are aware of this. Military manpower is the largest single item in the Defense budget. In fiscal 1970, pay and allowances for military personnel amounted to $22.4 billion—or nearly 30 percent of the total defense outlay. In addition, expenditures for operations and maintenance, which is directly attributable to the size of our forces, amounted to another $21.4 billion—for a total of approximately 57

percent of defense spending. Neither manpower nor operations and maintenance costs, it should be pointed out, is subject to congressional authorizations and scrutiny. Yet together they accounted for the staggering sum of $4 billion.

It can be easily seen, therefore, that manpower costs far exceed spending on the more glamorous hardware items in the procurement bill. Congress should exercise greater legislative control over this vast outlay of tax dollars—and the most logical way to do that is to require authorizations.

Mr. President, military manpower is a key element of American foreign policy. The distinguished chairman of the Armed Services Committee himself (Mr. STENNIS) stated that—

> Congress should be well aware that our defense requirements are based in part on the need to be prepared to help defend other nations with whom we have mutual defense agreements.

This is one of the basic contingencies we have to consider when determining the size of our force level.

Since some of our foreign policy commitments do entail the use of American military personnel, Congress should have an opportunity to relate these strategic considerations to manpower levels, on a regular basis.

This amendment, it seems to me, is the next logical step in the development of the procurement bill itself. Annual authorization for hardware, interestingly enough, is a very recent phenomenon. It is the product of increasing congressional concern over the size of our Defense Establishment. The first procurement bill was not enacted until 1961 and provided for authorizations for aircraft, guided missiles, and naval vessels. In subsequent years the process was expanded to include tracked combat vehicles, almost all weapons systems and, as of next year, torpedoes. Why not authorize military manpower?

Included in the expanded authorization process is the requirement that the force level of the Selected Reserve of each component armed services be set on an annual basis. The requirement was first written into law in 1968, as Congress, in section 6 of Public Law 91-168, provided that:

> Beginning with the fiscal year which begins July 1, 1968, and for each fiscal year thereafter, the Congress shall authorize the personnel strength of the Selective Reserve of each Reserve component of the Armed Forces, and no funds may be appropriated for any fiscal year beginning on or after such date for the pay and allowances of the members of any Reserve component of the Armed Forces, unless the personnel strength of the Selected Reserve of such Reserve component for such fiscal year has been authorized by law.

So, Mr. President, I think it is safe to say my proposal, the amendment I now present to my fellow Senators, is not new. We have been doing this since 1968 for our Reserve forces. It seems to me the time has come to do it for our regular forces as well.

I might summarize very quickly by making three significant summary points:

First, manpower represents a critical component of the costs of the defense establishment. Military pay and allowances alone account for about 28 percent. If we include civilian pay and allowances as well as other operation and maintenance costs, manpower represents nearly 60 percent of the defense budget. As I said earlier, it is the largest single expenditure in our entire defense establishment.

Point number two: Manpower strengths constitute a major index of U.S. diplomats and overseas defense programs. They, therefore, require at least as much explanation and evaluation as procurement and research and development.

Third, and finally, manpower is our most precious asset. It seems to me that it should require at least the same justification that we provide for hardware. In fact, although we now seem to treat manpower as a function of how much hardware we buy, it seems to me that it should be the other way around in many cases, particularly where we have large numbers of forces in the Army and the Marine Corps. Surely, we should not treat military manpower, human life, as almost a free good simply because of the draft. We should demand the same justification in this area, for the recruitment and maintenance of personnel, as we do now for missiles, aircraft, combat vehicles, and ships—and Reserve forces, let me add. Rather than separate the two categories, we should consider them jointly, especially since many of the newer weapons systems will actually involve higher operation and maintenance costs than their predecessors.

What we are doing here, I suggest, is not in any way to limit the ability of this country to defend itself or to pursue a given foreign policy, but to make consistent the type of authorization process we use for manpower with that we now use for Reserve forces and hardware.

Mr. GOLDWATER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. We do not have controlled time.

The PRESIDING OFFICER. We are under controlled time.

Mr. STENNIS. I yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. I think this is a very worthwhile amendment. In fact, I am rather surprised that somebody has not come up with this long before, and I am surprised that I have not.

The way we have determined the size of the Armed Forces has been by the dollar and cents route rather than by the personnel route. I believe that prior to the Reorganization Act of 1947, the Armed Services Committee did determine the force levels. I do not think it is right for the Appropriations Committee to do this, because, as the Senator from Indiana has pointed out, we make the determination in the Armed Services Committee as to how many tanks we are going to buy, how many aircraft we are going to buy, how many ships, and so forth; and the Appropriations Committee now makes a determination, in effect, of how many men we should have.

I think it would be a much better procedure to have the members of the Joint Chiefs of Staff or the separate Chiefs—as they come before our committee every year to argue for their needs—include an argument for the number of men they feel they need. Then the committee can, in discussion with these commanders, relate their own experiences and decisions with weapons, vehicles, and so forth, with what the brass actually are asking for.

I think the military would like this procedure much better, because we can get down to the real nitty-gritty of how many men we need to man the weapons we have authorized.

I think this is a good amendment. It is one that we should have had a long time ago.

I might mention, in connection with the provision in paragraph 2 pertaining to the President, that the President does this already, in effect; but he does not do it in the clear way that the Senator from Indiana suggests; namely, to submit in his report recommendations for the active duty strength level of each component of the Armed Forces. If he will do this, he will do it after consultation with the Joint Chiefs of Staff, the National Security Council and, in all probability, the Secretary of State. As the Senator has very wisely pointed out, the military of this country is a very big stick in our collection of foreign policy sticks; and if we do not have adequate strength, I do not care what kind of foreign policy we talk about, we will never be able to put it across.

I cannot say this with certainty, but I feel that the President would welcome this, also, because it would give him a better hand on the force level of the entire military.

As the Senator has pointed out, this is the biggest single item of expense in the military budget, approaching 50 percent. I might say, parenthetically, that it is also the biggest cost in any enterprise, whether it be the military, Congress, or a plain business. Salaries run close to 50 percent in any business.

To further emphasize this point, every time we can wisely lower the force level by 100,000 men, we save $1 billion. We are aiming at lower force levels in the coming years. I have talked with General Westmoreland. I have inserted in the RECORD two speeches of his which point out his thinking, that we can have a greatly reduced ground Army in the armies of the 1980's.

So we are making headway. I think the Senator's amendment is a step in that progress, in that it returns to the proper committee the job and the responsibility of either agreeing with the force levels recommended by the Chiefs or disagreeing with them.

I am glad that the Senator has offered this amendment. I hope the chairman will look as kindly on it as I do, even though the chairman, with his keen eye for perfection, might find a few little points that need brushing up. I would certainly support the amendment.

Mr. STENNIS. I thank the Senator.

Mr. BAYH. Mr. President, I yield myself 15 seconds to express my deep appre-

ciation to the Senator from Arizona who, of course, has been active in the military regular forces and the Reserves and speaks with great authority. I certainly appreciate the thoughtful remarks he has made.

Mr. THURMOND. Mr. President, will the Senator yield me 2 minutes?

Mr. STENNIS. I yield 2 minutes to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, the Senator from South Carolina feels that this amendment has considerable merit. Until 1948, the Armed Services Committee made authorizations for active duty personnel, and after that, for some reason, it was changed; and now the Appropriations Committee makes the determination in effect by the appropriations it makes for the armed services.

The Armed Services Committee makes authorizations for planes, guns, weapons, ships, missiles, and all types of equipment. The Armed Services Committee fixes levels of Reserves. It would seem logical and natural that the Armed Services Committee would fix the authorization for the active duty personnel.

I see no objection to the amendment. I think it is a helpful amendment, and I believe the amendment should be adopted. I hope the distinguished chairman of the Armed Services Committee will see fit to accept the amendment.

Mr. STENNIS. I thank the Senator very much.

Mr. BAYH. Mr. President, I reiterate what I said earlier with respect to the distinguished Senator from Arizona. The Senator from South Carolina, too, has had a great deal of experience not only on this committee but also personally, in the military, and I think his judgment is excellent and certainly is very helpful. I appreciate his thoughtful remarks.

Mr. STENNIS. I yield myself 5 minutes.

Mr. President, if the Senator from Indiana will refer to his amendment, I have a suggestion to make with respect to some wording. As the Senator from Arizona has said, we always have to change it a little.

I suggest that on line 1, page 2, after the word "the," before "active," the Senator include the words "average annual active duty." That is the way it works. That is to modify the amendment in that particular.

Also, the same modification on line 11, following the word "the," to modify it by having it read "average annual active duty strength," because it would hardly be a certain figure on any particular day.

Mr. BAYH. I would be glad to accept and ask unanimous consent that my amendment be modified according to the suggestions of the distinguished chairman, the Senator from Mississippi.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). The clerk will state the amendment as modified.

The legislative clerk read as follows:

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

"SEC. . Section 412 of the Military Construction Act of 1959, as amended, is amended by adding at the end thereof a new subsection as follows:

"'(d)(1) Beginning with the fiscal year which begins July 1, 1971, and for each fiscal year thereafter, the Congress shall authorize the average annual active duty personnel strength for each component of the Armed Forces; and no funds may be appropriated for any fiscal year beginning on or after such date to or for the use of the active duty personnel of any component of the Armed Forces unless the active duty personnel strength of such component for such fiscal year has been authorized by law.

"'(2) Beginning with the fiscal year ending June 30, 1971, the President shall submit to the Congress a written report not later than January 31 of each fiscal year recommending the average annual active duty strength level for each component of the Armed Forces for the next fiscal year and shall include in such report justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for such fiscal year and the national security policies of the United States in effect at the time.'"

The PRESIDING OFFICER. The amendment will be modified accordingly.

Mr. STENNIS. Mr. President, just a few words. This is a matter that the membership has looked into on the committee more than casually. It has been on our minds before. Until the Korean war, the law required not over certain levels and when the war came on, that provision was indefinitely suspended and has never been reenacted. The way it has been working, it has not been neglected by any means, but the actual figure was set by the Appropriations Committee when it set a certain amount of money for the particular items that went to pay personnel. As a member of that committee, I have been over this many times. There is a great deal of logic and commonsense in requiring the Armed Services Committee to make a judgment on these matters.

If this amendment becomes law, we will not have the final say. The President will make his recommendations and then the committees of the two bodies will set the ceiling for each of the component services—the highest number authorized for that calendar year. Then the Appropriations Committees will decide how many within that number they will allow or recommend, at least, and Congress will make the final judgment. So this does not displace the Appropriations Committees by any means. It gives to the Joint Chiefs of Staff the opportunity to come before the Appropriations Committees early in the year and outline the manpower needs to our committee, and also the House committee.

It does not put any additional burden upon the President. Someone said to me in the Chamber a moment ago that the amendment would require the President to file his strength levels too early. I believe that to be in error because that is what he does now. When he submits a budget, he asks for a certain amount of money for the normal strength in each of the services. So the only change in the law is that it will have to be justified before the committees of the two Houses on Armed Services, passed on by the two bodies legislative-wise, and then the Appropriations Committee will set it within those limits.

If anything comes up during the year that the President may want to request more than his January 31 report, he will do the same thing he does on other matters, he will send down a supplemental request, and it would be in order, and it would be allowed. But, anyway, the Armed Services Committee will have the authority to put more in than the President asked for, anyway, if it wishes, or put in less than he asked for.

Mr. THURMOND. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. THURMOND. In view of the long service the distinguished chairman of the Armed Services Committee has had on the Armed Services Committee, and on the Appropriations Committee, too, considering Defense appropriations, does he not feel it would be of benefit and help for the Appropriations Committee to have the advice of counsel of the Armed Services Committee on this particular question, whether they agree with it or not?

Mr. STENNIS. I think that is a good point the Senator has made; yes. It will be of value. In fact, I have heard it said in the Appropriations Committee, "Well, what did the Armed Services Committee recommend?"

This was once a hard law. It was a permanent ceiling at one time, fixed into the law. That was right after World War II. It did not come up every year unless there was a proposal to change the law. This will let it come up every year and be reviewed.

I am pleased to have this amendment and I recommend that we support it and take it to conference. I believe we will make some headway there. I know that we will try.

Mr. President, I yield the floor.

Mr. BAYH. Mr. President, I should like to make an additional observation. First, I thank our distinguished chairman for accepting the amendment and for adding his observations, improvements, and corrections, to the amendment. In addition to giving the Armed Services Committee the opportunity to use their expertise, which I think can be helpful, I think that we are doing two additional things: First, we are making this body and the House—the Congress—realize that there is a direct, absolutely inseparable relationship between our foreign policy and manpower.

As our distinguished chairman, the Senator from Mississippi (Mr. STENNIS), said in an earlier speech, sometimes we get involved in some of the foreign policy agreements that perhaps we do not consider forcefully enough at the time. The fact is that if we had fulfilled the agreements, manpower would be required. Second, we bring a degree of consistency into the authorization process. It will mean that we will look much better if we wipe away this discrimination which has existed in the way we treat manpower. As I said earlier, if we are going to authorize bombers or authorize a missile system, and torpedoes, it seems to me we should treat the most precious commodity in our arsenal of defense, manpower, with equal care.

Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr.

SPONG). Do Senators yield back their time?

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

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

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment, as modified, of the Senator from Indiana.

The amendment, as modified, was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, my understanding now is that no amendments are pending at this time to the military procurement bill and that there is no prospect of anything new being considered on the bill at the present time.

ROUTINE MORNING BUSINESS

By unanimous consent, the following routine morning business was transacted.

COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letter, which was referred as indicated:

PROPOSED LEGISLATION TO REVISE AND IMPROVE LAWS RELATING TO DOCUMENTATION OF VESSELS

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to revise and improve the laws relating to documentation of vessels (with accompanying papers); to the Committee on Commerce.

EXECUTIVE REPORTS OF A COMMITTEE

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

By Mr. MAGNUSON, from the Committee on Commerce:

Miles W. Kirkpatrick, of Pennsylvania, to be a Federal Trade Commissioner; and

William Robert McLellan, of California, to be an Assistant Secretary of Commerce.

Mr. MAGNUSON. Mr. President, from the Committee on Commerce, I report favorably sundry nominations in the Environmental Science Services Administration which have previously appeared in the CONGRESSIONAL RECORD and ask unanimous consent, to save the expense of printing them on the Executive Calendar, that they lie on the Secretary's desk for the information of any Senator.

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

The nominations, ordered to lie on the desk, are as follows:

Edward M. Gelb, and sundry other persons, for permanent appointment in the Environmental Science Services Administration.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (REPT. NO. 91-1137)

Mr. WILLIAMS of New Jersey. Mr. President, from the Committee on Labor and Public Welfare, I report favorably, with an amendment, the bill (S. 2453) to further promote equal employment opportunities for American workers. I ask unanimous consent that the report be printed, together with the individual views of the Senator from Colorado (Mr. DOMINICK), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. SMITH).

The PRESIDING OFFICER (Mr. MATHIAS). The report will be received and the bill will be placed on the calendar; and, without objection, the report and individual views will be printed, as requested by the Senator from New Jersey.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, with an amendment:

S. 3070. A bill to encourage the development of novel varieties of sexually reproduced plants to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest (Rept. No. 91-1138).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. DOLE:

S. 4274. A bill to amend the Federal Regulation of Lobbying Act with respect to certain activities of Members of Congress; to the Committee on Rules and Administration.

(The remarks of Mr. DOLE when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. PELL:

S. 4275. A bill for the relief of the Welsh Manufacturing Co.; to the Committee on the Judiciary.

(The remarks of Mr. PELL when he introduced the bill appear below under the appropriate heading).

By Mr. FONG:

S. 4276. A bill for the relief of Janet Christine Newman; to the Committee on the Judiciary.

By Mr. HARRIS (for himself and Mr. BELLMON):

S. 4277. A bill to convey certain federally owned land to the Cherokee Tribe of Oklahoma; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. HARRIS when he introduced the bill appear below under the appropriate heading.)

By Mr. HARRIS:

S. 4278. A bill to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Government agency having the right of eminent domain; to the Committee on Agriculture and Forestry.

(The remarks of Mr. HARRIS when he introduced the bill appear below under the appropriate heading.)

By Mr. MILLER:

S. 4279. A bill to require travel agents to post performance bonds to assure the performance of travel services in interstate or foreign commerce; to the Committee on Commerce.

(The remarks of Mr. MILLER when he introduced the bill appear below under the appropriate heading.)

By Mr. MAGNUSON (for himself, Mr. HATFIELD, and Mr. PACKWOOD) (by request):

S. 4280. A bill to amend the maritime lien provisions of the Ship Mortgage Act of 1920; to the Committee on Commerce.

(The remarks of Mr. MAGNUSON when he introduced the bill appear below under the appropriate heading.)

By Mr. GRAVEL:

S. 4281. A bill for the relief of Allen D. Ray; to the Committee on the Judiciary.

S. 4275—INTRODUCTION OF A BILL FOR THE RELIEF OF THE WELSH MANUFACTURING CO., AND A RESOLUTION RELATING THERETO

Mr. PELL. Mr. President, I ask unanimous consent at this time to introduce a bill for the relief of the Welsh Manufacturing Co. of Providence, R.I., and a resolution of the Senate which will, in effect, refer this bill to the chief commissioner of the U.S. Court of Claims in order that he might report thereon to the Senate at the earliest practical date, giving such findings of facts and conclusions so that the Congress may be informed of the nature and character of the demand of this claim against the United States.

This legislation was necessitated by a decision of the Treasury Department, which established a separation between official monetary and private commodity transactions in gold, causing an increase in the private market price. This increase in the price of gold resulted in the Welsh Manufacturing Co.'s suffering a financial loss on a contract with the Defense Department. To the best of my knowledge, every attempt has been made to resolve this matter administratively; and in general, both Treasury and Defense Department officials have been sympathetic to the plight of the Welsh Manufacturing Co. However, under existing legislation, there would appear to be no relief available for this small business concern.

Therefore, at the request of the Welsh Manufacturing Co., I introduce the bill and submit the resolution.

I ask unanimous consent that the bill and resolution be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. BAYH). The bill and resolution will be received and appropriately referred; and without objection, the bill and resolution will be printed in the RECORD.

The bill (S. 4275) for the relief of the Welsh Manufacturing Co., introduced by Mr. PELL, and the resolution (S. Res. 453) relating thereto, submitted by him, were received; the bill was read twice by its title, both bill and resolution were referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Welsh Manufacturing Company of Providence, Rhode Island, the sum of $15,939.25 for losses incurred by such company in performing Defense Supply Agency contracts numbered DSA120-68-C-2647, dated January 10, 1968, DSA120-68-C-2692, dated February 1, 1968, and DSA120-68-C-2872, dated February 15, 1968, as the result of a change of policy of the United States in no longer selling gold to domestic industrial users thereby requiring such company to buy gold to perform its Government contracts from private sources at a rate in excess of the rate previously paid to the United States for gold.

SEC. 2. No part of the amount appropriated in this Act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

S. RES. 453

Resolved, That the bill (S. 4275) entitled "A Bill for the relief of the Welsh Manufacturing Company", now pending in the Senate, together with all accompanying papers, is referred to the chief commissioner of the United States Court of Claims; and the chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. 4277—INTRODUCTION OF A BILL TO CONVEY CERTAIN FEDERALLY OWNED LAND TO THE CHEROKEE TRIBE OF OKLAHOMA

Mr. HARRIS. Mr. President, for myself and my distinguished colleague (Mr. BELLMON), I introduce for appropriate reference a bill to convey to the Cherokee Tribe of Oklahoma in fee 38.5 acres of federally owned land in Cherokee County, Okla. The tribe is required under the bill to reimburse the United States in the sum of $2,258.80, which represents the original acquisition costs to the United States.

The land involved is a part of a 93.07-acre tract formerly used by the Sequoyah Indian School. In 1964 a part of this tract was conveyed to the Cherokee Tribe after it was no longer being used for school purposes. This tract was used for an industrial development project which has been expanding at a rapid rate. On the tract a restaurant, arts and crafts shop, service station and a warehouse have already been developed. Other projects are underway and the prospects are good that further development, if additional land is available, will result in more job opportunities for the Cherokees living in the area. The purpose of this bill is to make available the additional land that is needed.

The 38.5-acre tract, which is the subject matter of this bill, is no longer needed for school purposes.

The bill has the approval of the Secretary of the Interior and the Bureau of the Budget. I hope that prompt action can be taken on the bill since the uses for which the Cherokees wish to make of the land will benefit them greatly.

The PRESIDING OFFICER (Mr. MATHIAS). The bill will be received and appropriately referred.

The bill (S. 4277) to convey certain federally owned land to the Cherokee Tribe of Oklahoma, introduced by Mr. HARRIS, for himself and Mr. BELLMON, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 4278—INTRODUCTION OF A BILL TO REMOVE CERTAIN LIMITATIONS ON THE ESTABLISHMENT OF ACREAGE ALLOTMENTS

Mr. HARRIS. Mr. President, I have been contacted in recent months by Mr. Harold V. Hunter, State executive director of the Agricultural Stabilization and Conservation Service, in Stillwater, Okla., concerning the transfer of allotments from farms acquired by an agency having the right of eminent domain. As the law presently stands—section 378(a) of the Agricultural Adjustment Act of 1938—when an owner of a farm is displaced he may transfer the allotment for the farm from which he was displaced to another farm owned by him, provided that the allotment for the receiving farm does not exceed comparable allotments for similar farms in the area.

The State ASC committee has considered this limitation very carefully and feels that it is no longer appropriate in view of limitations which have been placed on the transfer of cotton and peanut allotments by sale or lease.

Also, due to past experiences, the State ASC committee felt that in some cases, when land was acquired by an agency having the right of eminent domain, that the displaced owner was not informed of this limitation with respect to similar farms. This has, therefore, caused some confusion.

After having been contacted by Mr. Hunter, I asked the Agriculture and Forestry Committee for comment on this proposed legislation. In response I received a letter from the distinguished chairman (Mr. ELLENDER) which I ask unanimous consent to have printed at this point in the RECORD. And I herewith introduce a bill to carry out the request of the State ASC committee.

The PRESIDING OFFICER (Mr. MATHIAS). The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 4278) to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any government agency having the right of eminent domain; introduced by Mr. HARRIS, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

The letter presented by Mr. HARRIS is as follows:

WASHINGTON, D.C.,
May 8, 1970.

HON. FRED R. HARRIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This responds to your letter of May 5, 1970 with which you enclosed a letter of April 29 to you from Mr. Harold V. Hunter, State Executive Director of the State ASC Committee.

Mr. Hunter suggests an amendment to section 378 (a) of the Agricultural Adjustment Act of 1938 which deals with the pooling of allotments on lands acquired by agencies having the right of eminent dommain. Mr. Hunter's amendment would strike out the provision which limits allotments created from the pool to a size not exceeding those for similar farms in the area. Mr. Hunter advises that the State ASC Committee feels that the limitation is no longer appropriate in view of the limitations which have been placed on the transfer of cotton and peanut allotments by sale or lease. At present the transfer of cotton allotment is limited to an amount which will not cause the allotment of the farm receiving the transferred allotment to exceed the 1965 allotment for such farm, plus 100 acres. The Administration has expressed its support for a so-called consensus farm bill which would remove this limitation, and advises informally that there apparently has been no objection to this provision of it. Section 358a (g) of the Agricultural Adjustment Act of 1938 authorizes the Secretary to include reasonable limitations on the size of the resulting allotments on farms to which peanut acreage allotment is transferred, and provides further that the total peanut allotment transferred to any farm by sale or lease shall not exceed 50 acres.

The suggestion of the State ASC Committee does not appear to be unreasonable. If you care to introduce a bill on this subject, the Committee will, in accordance with its standard procedure, obtain the views of the Department of Agriculture and have the matter thoroughly studied, first by the subcommittee, and then by the full Committee. Until this has been done, I cannot, of course, advise you as to what the Committee's recommendations may be.

With kindest personal regards, I am,
Sincerely yours,

ALLEN J. ELLENDER,
Chairman.

S. 4279—INTRODUCTION OF A BILL TO REQUIRE TRAVEL AGENTS TO POST PERFORMANCE BONDS TO ASSURE THE PERFORMANCE OF TRAVEL SERVICES IN INTERSTATE OR FOREIGN COMMERCE

Mr. MILLER. Mr. President, I introduce for appropriate reference a bill to require travel agents to post performance bonds or provide equivalent security to assure the performance of travel services in interstate or foreign commerce. This bill would require travel agents engaged in interstate or foreign commerce to file a performance bond or equivalent security arrangement with the Secretary of Transportation to assure that if travel services are not furnished in accordance with contractual requirements, the travel agent would be in a position to make appropriate compensation to the travelers.

There is an important exception to this requirement. The filing of such a bond could be waived by the Secretary

upon a satisfactory showing by a travel agent that its record of performance or financial condition are such as to make filing an unnecessary requirement. This provision is designed to be administered on a reasonable basis by the Secretary so that reliable travel agencies will not be put to unnecessary expense. The bill is calculated to protect the public from travel agency operations which pose a threat to the good faith of the traveling public.

All of us were, I am sure, shocked and deeply disturbed by the recent bankruptcy of a travel agency and the resultant disappointment and financial loss to the many students and teachers who were in Europe participating in tours sponsored by that company. Many of us have had sons or daughters or other close relatives participate in such tours and can well imagine the anxiety and frustration of the victims of such an inexcusable occurrence. The bill I am introducing today is calculated to prevent such hardship in the future, and I hope the appropriate committee will act expeditiously on this matter.

The PRESIDING OFFICER (Mr. MATHIAS). The bill will be received and appropriately referred.

The bill (S. 4279) to require travel agents to post performance bonds to assure the performance of travel services in interstate or foreign commerce, introduced by Mr. MILLER, was received, read twice by its title and referred to the Committee on Commerce.

S. 4280—INTRODUCTION OF A BILL TO AMEND THE MARITIME LIEN PROVISIONS OF THE SHIP MORTGAGE ACT OF 1920

Mr. MAGNUSON. Mr. President, by request, I introduce for appropriate reference, on behalf of myself and the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), a bill to amend the maritime lien provisions of the Ship Mortgage Act of 1920.

Last year I introduced S. 2817, another bill to amend the maritime lien provisions of the Ship Mortgage Act of 1920.

That bill was requested by the National Association of Port Authorities, to permit them to exercise lien rights against delinquent vessels to collect their charges for certain services rendered such vessels in accordance with tariffs filed with the Federal Maritime Commission, notwithstanding the existence of a "no lien clause" in the charter party or where, for any other reason, the person ordering the services was without authority to bind the vessel therefor and where the furnisher knew, or could have known, of such lack of authority.

S. 2817 has raised a number of problems and has not yet been finally acted upon by the subcommittee to which it was assigned. Other suppliers of services and necessaries to ships believe, as do the port authorities, that the existing maritime lien statutes discriminate against them and they too should have the relief required and requested by the port authorities. Other problems have arisen as well.

The bill I introduce today does not make any item lienable which is not lienable under maritime law today. No new interpretations of what is a "service to the ship" are required. No changes are made in the schedules of priorities between various claims against the ship, all well established in maritime law. It gives no authority to bind the vessel to one tortiously, or unlawfully, in possession or in charge thereof.

The amendment I introduce today simply says that no longer shall owners and charterers—and it is with the foreign flags that the problem primarily exists—by contract between themselves, and perhaps, their bankers—a contract to which the terminal operators, the ship chandlers, the ship repairers, the stevadores, and others supplying necessities to the ship are not parties—be able to deny to those suppliers the lien rights they would otherwise have in the absence of such a contract.

I do not pretend that this bill is the only answer nor do I suggest that arguments may not be advanced against it. The session is late, and I expect no legislative action on this bill this session. It is, however, another approach, a more practical approach and I introduced it in the hopes that hearings thereon, perhaps next year, may ultimately lead us to a solution acceptable and fair to all.

I ask unanimous concent that the bill and an accompanying memorandum in support of amendment to the Federal maritime lien law be printed in the RECORD.

The PRESIDING OFFICER (Mr. DOMINICK). The bill will be received and appropriately referred; and, without objection, the bill and memorandum will be printed in the RECORD.

The bill (S. 4280) to amend the maritime lien provision of the Ship Mortgage Act of 1920, introduced by Mr. MAGNUSON, for himself, and other Senators, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4280

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

That section 30 of the Ship Mortgage Act of 1920 (46 U.S.C. 971–975) is amended as follows:

(1) by striking from Subsection R thereof (46 U.S.C. 973) the semicolon, substituting a period therefor and deleting all thereafter.

The memorandum presented by Mr. MAGNUSON is as follows:

MEMORANDUM IN SUPPORT OF AMENDMENT TO THE FEDERAL MARITIME LIEN LAW

Under long established principles of maritime law, suppliers of necessaries to vessels have been accorded the right to impose a lien or arrest the vessel in support of their right to collect their proper charges for such necessaries. Over the years priorities between such suppliers have been established with the seaman's rights to his wages at the head of the list. Over the years the question of what services and supplies constitute "necessaries to the ship" have likewise become fairly well defined.

In 1910 there came into the Federal Maritime Law what is now 46 USCA 973. This section takes away these lien rights:

"When the furnisher (of necessaries) knew, or by the exercise of reasonable diligence could have ascertained, that because of the terms of a charter party, agreement for sale of the vessel, or for any other reason, the person ordering the repairs, supplies, or other necessaries was without authority to bind the vessel therefor."

This section of the code was relied upon recently in the case of *The Port of Tacoma vs. S. S. Duval*, 364 F2d 615 (CCA 9th 1968) wherein the Port of Tacoma sought to assert a lien for wharfage or dockage and the court held that because there was a "no lien clause" in the charter party under which the Duval was being operated that the port had no right to a lien.

Stevedores, ship chandlers, ship repairers, as well as ports and marine terminal operators have likewise run into this problem primarily with foreign flag vessels chartered to foreign operators. Stevedores alone in the San Francisco Bay Area have sustained losses over the years in excess of two million dollars. In the Willamette-Columbia River Area in the last five years, losses in excess of $45,000 have been documented, along with a report of at least one company forced into bankruptcy because of such a loss. The losses to ports, ship chandlers and ship repairers doubtless would run into very substantial sums. All of these people report that their problems are not with domestic owners or charterers who for the most part are responsible.

It is difficult for these American businessmen to understand why our law should permit a contract to be made in Athens, for example, between an owner and a charterer, and to which no American supplier is a party, which effectively denies a right to a lien which they would otherwise have in the absence of such a contract provision.

Accordingly, Senator Magnuson of Washington at the request of the National Association of Port Authorities introduced S. 2817 which, as introduced would have given a lien to any person furnishing services to a vessel in accordance with the provisions of tariffs filed with the Federal Maritime Commission in spite of the existence of a "no lien clause" in the charter party. This would have given some, but not complete, relief to a marine terminal operator but none to stevedores, ship chandlers, ship repairers or other persons. This bill ran into problems with the Federal Maritime Commission which really has no interest in the policy question involved here, but is concerned about the administrative responsibilities conceivably created by S. 2817. S. 2817 has had a hearing but no action has been taken on it by the Subcommittee of the Senate Commerce Committee and none is expected.

Interestingly enough Senator Magnuson's remarks at the time he introduced his bill (Congressional Record August 19, 1969) suggested that ". . . the simplest amendment to that (lien) law might be said to be deletion of everything in Section 973 after the semicolon in the fourth line. This would permit the imposition of liens by all persons covered in Section 971, a much broader class than Marine Terminal Operators . . ."

The Senator was absolutely correct and the attached bill proceeds along that very "most practical legislative" road. The attached bill makes no changes in the definition of necessaries, it makes no changes in the priorities of liens, it simply prohibits a clause in a contract to which the supplier was not a party and of which, in a practical sense, he has no knowledge, from being deprived of a lien for his services to which he would otherwise be entitled. It does not give any one tortiously or wrongfully in charge of a vessel the right to incur or permit any such lien to attach.

The theory behind the present law apparently is that the owner, or perhaps the mortgagee, should not have his property or

his security arrested without his consent or knowledge. But this is not the law on land. There is not a piece of property sold or mortgaged where in the documentation thereof, there is not a prohibition against the purchaser for credit, or the mortgagor suffering or permitting liens to attach. Yet this provision in the contract of sale or mortgage does not deny to the plumber, the carpenter or other artisan a lien for his services should they be furnished and not paid for. Nor should it with respect to a vessel.

While a supplier of necessaries might be said to be able to demand and inspect the charter party and refuse to supply necessaries in the face of such a "no lien clause" this is not a practical answer. The vessel is in the harbor, it must be unloaded, serviced or repaired by members of highly competitive industries. Except for such an obscure clause in an involved document they are entitled to a lien. As a practical matter they have no opportunity to advise themselves and protect themselves.

If the owner, or mortgagee, is to be considered an innocent party, certainly so is the supplier of necessaries. And there is a well established principle of law that where one of two innocent parties must suffer a loss, that loss must fall on the one who by his affirmative act makes it possible, or creates the condition under which another suffers the loss. The owner, or mortgagee, by chartering or surrendering possession of the vessel clothes the master thereof with at least apparent authority to bind the vessel. If a loss must be suffered the owner, or mortgagee, should suffer it.

And the fact of the matter is that the owner, or mortgagee, can much more easily protect himself contractually, by bonds, or otherwise, at the time he charters or advances money on the vessel than can the supplier of necessaries to a vessel under great economic pressure to get back to sea.

This attached bill enjoys, at this time, the unqualified support of the West Coast Association of Stevedores, the National Association of Marine Services and the National Ship Builders Association. The National Association of Port Authorities support is expected as is that of a number of other organizations and individuals.

ADDITIONAL COSPONSORS OF A BILL

S. 1362

Mr. COOK. Mr. President, on behalf of the Senator from Delaware (Mr. BOGGS), I ask unanimous consent that, at the next printing, the names of the Senator from New York (Mr. JAVITS) and the Senator from California (Mr. MURPHY) be added as cosponsors of S. 1362, to provide Federal financial assistance to Opportunities Industrialization Centers.

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

SENATE RESOLUTION 453—SUBMISSION OF A RESOLUTION TO REFER THE BILL (S. 4275) TO THE U.S. COURT OF CLAIMS

Mr. PELL submitted a resolution (S. Res. 453) to refer the bill (S. 4275) for the relief of the Welsh Manufacturing Co. to the chief commissioner of the United States Court of Claims for a report thereon, which was referred to the Committee on the Judiciary.

(The remarks of Mr. PELL when he submitted the resolution and introduced S. 4275 appear earlier in the RECORD under the appropriate heading.)

THE FAMILY ASSISTANCE ACT OF 1970—AMENDMENTS

AMENDMENT NO. 854

Mr. JAVITS submitted amendments, intended to be proposed by him, to the bill (H.R. 16311) to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes, which were referred to the Committee on Finance, by unanimous consent, and ordered to be printed.

(The remarks of Mr. JAVITS when he submitted the amendments appear earlier in the RECORD under the appropriate heading.)

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENT

AMENDMENT NO. 855

Mr. CURTIS submitted an amendment, intended to be proposed by him, to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 440 TO S. 2838

Mr. COOK. Mr. President, on behalf of the Senator from Delaware (Mr. BOGGS), I ask unanimous consent that, at the next printing, the names of the Senator from New York (Mr. JAVITS) and the Senator from California (Mr. MURPHY), be added as cosponsors of Amendment No. 440 to S. 2838, to establish a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment and for other purposes.

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

NOTICE OF HEARINGS ON DISTRICT OF COLUMBIA LEGISLATION

Mr. SPONG. Mr. President, as chairman of the Subcommittee on Public Health, Education, Welfare, and Safety of the Senate Committee on the District of Columbia, I wish to give notice of a public hearing to be held at 10 a.m. on August 28, 1970, in room 6226, New Senate Office Building. At the hearing, the Subcommittee will hear testimony on the following legislation:

H.R. 18086, a bill to authorize the Commissioner of the District of Columbia to sell or exchange certain real property owned by the District in Prince William County, Va.;

H.R. 9017, to amend the District of Columbia Alcoholic Beverage Control Act;

S. 3010, to authorize in the District of Columbia a program of public day-care services; and to amend the District of Columbia Public Assistance Act of 1962 so as to relieve certain adult children of the requirement of support and to provide public assistance in the form of foster home care to certain dependent children.

H.R. 670, to amend section 19(a) of the District of Columbia Public Assistance Act of 1962;

S. 3944, to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel; and

H.R. 13307, to amend chapter 3 of title 16 of the District of Columbia Code to change the requirement of consent to the adoption of a person under 21 years of age.

Individuals and representatives of organizations who wish to testify should notify Edward Maeder at 225-4161 prior to August 26, 1970.

Written statements, in lieu of personal appearance, are welcomed and may be submitted to the assistant chief clerk, room 6218, New Senate Office Building, Washington, D.C. 20510, for inclusion in the hearing record.

ADDITIONAL STATEMENTS OF SENATORS

WASTED TECHNICAL TALENT

Mr. ALLEN. Mr. President, like so many others within this body and elsewhere in our great Nation, I have long been concerned with the need for shifting our tremendous technological resources from war to peacetime.

I felt this same concern on the certain knowledge that our vast storehouse of scientists, engineers, and managers within the National Aeronautics and Space Administration would be left without useful tasks as the great crash program to reach the moon peaked and began its decline to a more normal pace.

In February of this year, in a radio message to the people of Alabama during which I discussed the problems of salvaging our environment, I expressed the belief that the President would do well to make use of the reservoir of technical knowledge within the Department of Defense and NASA in helping to win the battle for our environment and other national problem areas.

Mr. President, it is no secret to the world that much of the technical capability to which I refer is located at Huntsville, Ala. That is where Dr. Wernher von Braun directed his magnificent team in developing the massive Saturn boosters which carried the Apollo astronauts to the moon. And the Army's Redstone Arsenal—also at Huntsville—is where a superb management team of civilian and military scientists and en-

gineers developed and continues to develop the missiles and rockets with which the United States discouraged and discourages massive aggression against the free world.

It is from these Alabama headquarters of the George C. Marshall Space Flight Center and the Army Missile Command that the vast aerospace and electronics industries throughout the Nation received their direction and inspiration.

It is also no secret, Mr. President, that the budgetary restrictions placed on NASA and the Army have now dealt a severe blow to these magnificent management teams. The men and women who made up these teams were educated through taxpayer support of their colleges and universities. Most of them received additional specialized training under agency programs. They are on the payroll and are ready, willing, and able to assume new tasks.

Not to make use of the people and the laboratories and other expensive facilities is a criminal waste of precious national resources to say nothing of the loss in taxpayers dollars. Here, within the great but declining aerospace complex, are Government civilian employees who, with minimal additional expense, could contribute immeasurable knowledge and leadership to other programs now needed by our Nation—such as salvage and redemption of our environment, urban problems, transportation, communications, nutrition, housing, and education.

Mr. President, we in Congress and those in the administration owe an obligation to these men and women who have worked so diligently and well for their Nation, only to find themselves without jobs and without a future.

Mr. President, during the past few days, an open letter to the President in the form of an advertisement has appeared in the Wall Street Journal and other metropolitan newspapers dealing with this very problem.

And on Wednesday, July 29, 1970, a news story written by Jack Hartsfield, science editor of the Huntsville Times, one of Alabama's finest daily newspapers, puts into words the plight of these capable government and industry employees whose livelihoods and careers are threatened because of changing priorities and a limited national budget.

Mr. President, these two articles pinpoint the very problems to which I now address myself, and I feel that they would prove informative and suggestive of solution to the Members of the Senate. I therefore ask unanimous consent that these two newspaper items be printed in the RECORD.

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

[From the Huntsville (Ala.) Times, July 29, 1970]

GOLD MINE OF LOCAL TALENT JUST SITS WAITING

(By Jack Hartsfield)

A multi-million-dollar gold mine, situated in the heart of Huntsville, is up for sale—but as ironic as it seems, bargain hunters are being sheepish about mining the wealth.

The fortune isn't subterranean. It's right on the surface for anyone to scoop up.

The nuggets, scattered throughout the city, come in various sizes, shapes and values. In fact, they're so diverse that there are several thousand to choose from.

The wealth is talent, people. The jobless corps of highly-trained specialists these days spend time waiting for the telephone to ring.

Or writing resumes. Or puttering around their homes doing domestic chores. Or trying to plan new futures because the past seems to have run out.

They pray, they hope. They are keeping the faith and talking of better days ahead.

An estimated 3,000 of them, victims of economic slashes in space, defense and industry, are trying to ride out the storm in Huntsville.

"I'd rather be out of work here in Huntsville than anywhere else," one jobless aerospace executive moaned. "There really aren't many jobs available anywhere in the country.

"So I'll wait. As long as I can or until I see daylight somewhere, somehow."

Few want to leave Huntsville. In essence, they're betting their futures that they can remain and find work with new industries, flirting with ideas of major moves to the city to absorb the multi-talent going unused.

Amazingly, most of the cream of the crop of the city's jobless executives are still here, even after three months, six months, a year without work.

They're playing a waiting game, but it's the kind of game that can become frustrating, discouraging, almost mortifying.

Life savings can hold out only so long. Working wives, part-time jobs, shrinking family money reserves fray the nerves.

The dilemma is no different for an elite 317 seeking the help of the Alabama State Employment Service.

Name the specialty and one of them has the background, the experience—but no job.

The 317 alone amassed salaries of $4.1 million last year. But now they're doing without, not by choice, but by circumstances.

Almost all of them are still here—waiting, hoping.

For William C. Ragsdale, a $24,000-a-year engineering executive with Chrysler until he lost his job last February, the dilemma has meant a nightmare of sending out more than 1,000 resumes to prospective employers.

Not one has resulted in a job offer.

Discouraged but not beaten, the 16-year Chrysler veteran refuses to give up. With no other recourse, Ragsdale, 45, is trying private enterprise on his own.

"When all else seemed useless, we started two companies of our own, using 'displaced engineers'," Ragsdale added. The two firms are Teleconference Inc. and Associated Engineers.

"So far, though, it's been all outgo and no income," he confided, "but we have hopes." The only new income comes from the $75 a week his wife brings in her new job as a social worker with the Career Opportunities Program, irony in itself to say the least.

If the two new firms don't turn a profit and Ragsdale doesn't find a livelihood, then what?

"I guess D-Day would be about the end of September," he said. "I don't have any other place to go . . . there are relatives in Denver, Kansas City, but that's the last resort."

With three grown children, there's his 12-year-old son still at home.

"I heard last night that the economic situation nationwide was easing up," Ragsdale, an expert mechanical engineer, added. "I thought that was real fine—but I haven't noticed."

Willard R. McKewen, caught up in the reduction in force at the Army Missile Command, gets his last paycheck Wednesday from the Army. He was a $20,000 a year logistics analyst. His leave status runs out Wednesday and there's no job for him to return to.

He wants to stay in Huntsville if he can. "We've prayed about it and we have to believe that everything will work out to our own good," the father of two teenagers added.

McKewen, 46, is still holding onto the slim possibility that he'll be recalled to his job at the arsenal. He's spent 28 years in civil service.

If nothing happens, he says, the only answer will be for him to apply for retirement and look for other work. "I'll have to find something, somewhere," he injected.

In some cases, though, there can be no more waiting. Norman W. Levora, 44, father of three, will reluctantly leave Huntsville Saturday.

With no work in sight, he's heading back to Ohio and college to get his doctorate in physiology. His wife, Martha, has been bringing home a small paycheck as a social worker here.

Levora was a physiologist with Chrysler until he lost his job last November.

His luck at finding other work anywhere?

"Terrible!" he admitted. "I've had 50 to 75 resumes floating over the country with not a single response."

Levora would stay in Huntsville if the proper job was available. In fact, the Ohio native has nothing but praise for the city.

"Huntsville has done a magnificent job of keeping up its economy despite the space and defense cutbacks," he said, naming off Dunlop, Automatic Electric, Pittsburg Plate Glass, others.

While there are jobs in Huntsville at such firms, none fit the training, experience or specialized ability of Levora.

For the most part, the jobs at Dunlop, Automatic Electric and others are assembly line work, semi-skilled employment.

A highly trained engineer goes wanting while those of less education and experience fill the assembly line jobs.

Basically, the problem adds up to an engineer losing a job and two assembly line workers making up part of the difference.

It is little solace for the highly-trained technical man who might just as well be living in a tent in the Sahara Desert as far as job openings are concerned.

"But I think Huntsville's economy will continue to move up," Levora added. "The city is in an excellent position." Somehow, through, it has ruled Levora out.

Levora, a $10,000 a year man, simply cannot afford to wait.

"My need is a job right now. Not next week. Not next year," he explained, "so I have to go now." In a couple of years he plans to have his doctorate, aimed at environmental research.

"At least a doctorate will qualify me to teach if nothing else is available then," he added.

At the Alabama State Employment Service, the list of unemployed executives here is rising by 75 to 100 a month.

Many times that number are seeking to find jobs on their own with mostly saddening results.

Some are heroic about their dilemma. One, hoping to get his job back at the arsenal, refuses to equate his job loss with the gearing down of defense.

If the slashes in defense mean an end to the Vietnam War is in sight, he'll never complain.

"To get that war over with, I'd prefer to have to look harder for a job if that's what it takes."

The Nixon administration insists that the economy is on the upswing and job opportunities are slowly becoming available, but the list of 317 top jobless executives wonders.

A survey of their luck in finding work brought responses from 181 of them.

Of the total, only one had been offered a job in another part of the country.

"It's a shame we can't offer them all something in Huntsville right now," one city official confided.

"That much talent . . . that much brainpower—all going to waste."

AN OPEN LETTER TO PRESIDENT RICHARD M. NIXON

DEAR MR. PRESIDENT: I wonder if your advisers have notified you of the urgency that exists today in the field of high technology.

Numerous companies in the United States of America have built our image to a point of technological leadership throughout the the world. These organizations have given birth to new fields for the betterment of mankind in areas of communication, transportation, aerospace, nuclear energy, and oceanography. They have accomplished the landing of the first man on the moon. These scientific achievements have been the result of the efforts of our doctors, engineers, designers and researchers. These same valuable people are in serious trouble due to lay-offs and the closing of plants. Their outlook is bleak. Economic pressures force them to turn elsewhere to earn their basic livelihood.

I find that the unemployment rate of top-ranking scientists, engineers and designers is at an extremely dangerous level for our national well-being. Furthermore, it is rising daily, which trend can only have the subsequent effect of lowering the enrollment rate of the upcoming generation in these fields. Unless immediate action is taken, it will require at least five years to replace this brain power. I am quite sure that you want the United States to remain number one in the field of technology and not have it become a second-rate power.

Therefore, after consultation with leaders of various industries, I suggest that some of the following projects be undertaken for a peacetime economy to prevent technological displacement:

1. The majority of the world population is classified as illiterate. Microwave Communications on a world-wide basis could play an important role in eliminating this blight. The capability for this endeavor has already been developed through out NASA Space Program.

2. In the fight to control pollution of our atmosphere, our Aerospace Industry should be designing and developing computerized electronic transportation systems to eliminate they daily use of automobiles powered by the combustion engine.

3. Oceanography is of prime importance, and more research should be directed here, first to develop a source of food for the world population, and also for making minerals available to all countries.

4. We, as a world leader, should be assisting undeveloped countries to move forward in the development of nuclear power plants in order that they can produce electricity cleanly, efficiently and economically.

5. Our Defense Arsenal should be phased out of the era of the 50's and 60's and be brought up to date with the new technology of the 70's.

6. In the fields of Health and Education, our Health Program could be enhanced by the electronic sensor and computer technology developer for our Astronauts. Our Education System should be brought up to date with new programs that will prepare our youth for the world they must face tomorrow—a world where progress must be pollution control, nuclear power plant development and oceanography.

It is my belief that private industry could not only achieve these peacetime goals, but surpass them if money for such projects were made available, with the assistance of the Government, through long term, low interest rate loans by the United States or International Banks.

Such a program could save our scientists, engineers and our country from technological oblivion. This program would also offer true assistance to underdeveloped countries regardless of their national aspirations, and at the same time set the United States firmly in the position of World Leader in Technology.

I have the honor to remain,
Yours faithfully,
BENJAMIN FRIEDMAN.

THE NATIONAL SCIENCE POLICY

Mr. MANSFIELD. Mr. President, Representative DADDARIO, chairman of the Subcommittee on Science, Research, and Development, has undertaken a long-overdue congressional study on science policy. No Member of Congress is more qualified than Mr. DADDARIO to conduct this investigation. He has long demonstrated an understanding and concern for the scientific and research needs of this country as well as a willingness to expend the great energies of the magnitude required.

He requested that I submit my views to his subcommittee, especially with respect to the relationship of the Defense sponsorship of basic research and the desirability of transferring the emphasis of the sponsorship from Defense to the civilian agencies.

I ask unanimous consent that my testimony before the subcommittee on August 11, 1970, be printed in the RECORD.

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

STATEMENT OF SENATOR MIKE MANSFIELD

RECHANNELING THE PUBLIC RESOURCES FOR BASIC SCIENCE THROUGH THE CIVILIAN AGENCIES: A NEW GOAL FOR NATIONAL SCIENCE POLICY

I have been asked to comment on the government's role regarding the support of research. I appreciate this invitation by the Chairman of the Subcommittee on Science, Research and Development. Specifically, I suppose the question really is whether adequate government support of science can be carried on if there is a permanent shift away from the role of the military in the conduct of research. What must be considered is the relationship of the Department of Defense and other mission agencies to the matter of research; what part research plays in their overall functions and as a related matter, whether strong ties should be continued between the Pentagon and our universities. The answer to these questions by and large will determine this nation's entire science policy for the years ahead.

At the outset I should say that the quality of life on earth tomorrow will be determined in large part by the measure of the scientific research undertaken today. There is thus a significant public responsibility to sponsor research in the various scientific disciplines and to keep the way clear to follow up on new discoveries. Determining the emphasis, however, is a most delicate responsibility. To a great extent the emphasis is determined by the size of the resource devoted to the various disciplines.

Since the end of World War II, the Government's contribution to research, development and the supporting facilities has reached nearly $200 billion. Where and by whom that money was spent has determined not only the science policy of this nation but the entire emphasis in science education and training. During this time well over half of the government's contribution to science has been channeled through the Department of Defense. It must be clearly understood that most of this money purchased research of the highest quality. However, not nearly so clear is the rationale that dictated that the Department of Defense should be the principal sponsoring agency for much of this vital research.

For the past 25 years the Pentagon has sponsored research in almost every scientific discipline imaginable. From the most esoteric examinations of ornithology to the study of broad social movements in foreign countries, the Pentagon has run the gamut in its research endeavors. By necessity, therefore, the Pentagon assumed a significant role in determining the nation's science policy. The desirability of such a large role for this mission agency is the basic issue confronting us.

It is not difficult to understand how we got where we are today. The phenomenon of channeling so much of our research money through the Defense Department developed over the years not only from normal bureaucratic urges to grow but because the science community and the Congress acquiesced in that growth. So the question is not how we got here. It is why. To put it simply: Why should the Defense Department be the principal government agency through which is funded the federal research that has no apparent relationship to the security needs of this nation?

To reply by saying that the research community has found that funds simply were more readily available at the Defense Department rather than at other civilian agencies states a fact. But it is not an answer. Nor is it sufficient to say that Pentagon requests for funds receive less Congressional scrutiny than those requested by non-military agencies. Too often in the past the prevailing attitude has been expressed by the question: Are we giving you enough? Perhaps it should have been: Why do you need so much? In part the historical answer lies in the fact that the cloak of national security lined with the international threat of communism simply prevented a close scrutiny of Defense requests including requests for research and development. In part, the answer is that Defense spending requests became so large that even billions for research and development seemed dwarfed. As a result the scientific community came to rely upon the immunity of Defense funding from close scrutiny and occasional budgeting squeezes. For years Defense funding provided a very stable source of research money. It was the easiest path for the research community to follow.

It wasn't long before many of the most able members of the science community gravitated to this source of funds. It became apparent, too, that although only a relatively small fraction of the federal research dollar was spent on university campuses, that money was very important to those universities in maintaining their status. The salaries paid by the research grant paid in effect the salary of the faculty member and a good share of the institution's overhead as well. The universities were not prepared to accept direct subsidies for fear of losing their autonomy—but they were apparently prepared to accept such a dependence indirectly with no questions asked.

Two years ago during Senate debate on the Defense appropriations bill for fiscal year 1969, I offered an amendment which would have limited the payment of indirect costs for a research grant or project to 25 percent of the direct costs.[1] From my preparation for this measure and subsequent debate, I saw the grave financial difficulties faced by our universities today and noted the disturbingly heavy dependence of virtually all of our leading universities upon hidden subsidy via indirect costs. A total of 620 academic institutions in fiscal year 1968 received federal support for research and development totalling $1.4 billion. Of this the Department of Defense accounted for $243 million and the National Science Foundation, $212 million. This money largely benefited only a few institutions. The top 100 accounted for 87 percent, or $1.2 billion.[2] Even under the limitation of my

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amendment, these top 100 would have received $300 million for indirect costs; money that the individual scientists would never see but which would go into general university funds. Of this, in turn, 20 percent would have come from the military appropriations. And since overhead charges by many institutions were higher than the 25 percent limit I proposed, the Defense Department in 1968 was supplying more than $60 million to the indirect cost accounts of leading universities. Under these circumstances, I concluded that the situation was most unhealthy. To better gauge the ramifications of the federal subsidy to universities through overhead payments, I wrote to Philip Handler, then Chairman of the National Science Board and now President of the National Academy of Sciences. In a frank reply, he pointed out that of $1,671 million of federal funds for research at universities for fiscal year 1967, only about $426 million were utilized to support research in the most immediate sense. The remainder found its way into institutional funds and departmental funds.[3]

Subsequently the National Science Board proposed to the President that this situation of a hidden and unhealthy subsidy be corrected through grants to the universities so that future proposals for research would need cover only the direct and out-of-pocket costs of the work. I hope that the silence which greeted this recommendation within the Executive Branch will not be permanent and that Congress will assess its practicability as a way to establish more honest relations between the universities and the agencies of the federal government that fund on-campus research and higher education.

A contributing reason for the expansion of defense interests into almost each imaginable field of research in my opinion is the past and present inadequate information about what kind of research is being done by whom and where.

It has often occurred to me, and to other Members of Congress, that because many federal departments and agencies fund so many research projects, there is a real possibility of overlap and duplication simply because "the word" does not pass between federal research administrators. Note that I am not speaking of research that one scientist deliberately carries out to confirm or refute the discovery of another, for this is an essential part of the scientific process. Rather, I have been and am still concerned with the probability that needless and unwitting duplication of work occurs which could be minimized if scientists and administrators had a current, reliable and complete source of information about who is doing what research with federal funds. So I asked the agencies to supply me with a list of current research projects. Having little success with the direct request, I arranged for the Bureau of the Budget to ask the agencies to comply.[4] When all of the replies finally trickled in, it was evident that whatever the agency project information systems may be, they are simply incapable of readily providing summary information on research. Eight departments and agencies finally responded. Five separate replies were sent by Defense and six by the Department of Health, Education and Welfare, bringing the total number of project information readouts to 17. Eight replies appeared to be printouts of computer systems, with the rest manually prepared. Two defense agencies submitted computer products and three manual ones. Later it was reported to me informally that project information had been taken from the computer-based systems, edited and put back in before being printed out for transmittal. Three of the agencies of HEW and four other agencies used the science classification system specified by the Bureau of the Budget in its Circular A-46. The remainder employed their own systems for identifying fields of science. The system used by the National Science Foundation, presumably the lead agency for federal information on science and technology, was different from that specified by the Bureau of the Budget.

Parenthetically, considering the many computers and elaborate information systems of government agencies, this simple request should not have produced the administrative convulsions that it did. The administrative entanglement indicated to me that each department goes its own way in research with little attention to that funded by others. There simply does not exist a system capable of quickly and easily informing research administrators in one department of what research of potential interest or use to them is currently funded by another federal agency. While coffee-break exchanges among scientists have their value, they are not an adequate substitute. It is well over a year since I inquired into this matter. Yet the Office of Science and Technology has not decided what current information about research projects should be collected, who should do the collecting, how it should be collected and who can have access to it. Perhaps we need some one to tackle this issue with the vigor of past efforts when the related question of cataloging and making available the results of research already done was exhaustively considered. Perhaps the reorganized Office of Management and Budget can give this a priority among its management functions.

My experience in trying to get current information on research confirmed yet again my observation that bureaucracies must often be kept after to obtain improvements in the administration of government-funded research. These improvements are all the more necessary in a time when the dominant question has changed from: "What can we spend our increasing research appropriations on?" to "How can we best spend the available appropriations for research?"

In this connection, to overcome the inertia, to get out of comfortable, well-worn ruts sometimes require heroic measures.

It was during the Senate's appropriation hearings in 1968 that I asked Dr. Foster of the Defense Department about duplication of research and about the relation of Defense-sponsored research, particularly its basic research, to that of other agencies. It was abundantly clear in his response that the Pentagon then believed all fields of science and technology were open to it, that it saw no inconsistency in funding basic research in fields already funded by civil agencies, and that all research projects it sponsored were somehow relevant to Defense needs. The Defense Department was adamant in its position that it must continue the full spectrum of research then being undertaken, even though by definition the outcome of much such research can neither be predicted nor its possible relevance to military science known. This testimony reinforced the conviction that research funded by the military appropriations had built up an enormous momentum, and that only the most forceful efforts by Congress could effect change in the direction of rechanneling federal responsibility for the funding of basic research. At the time, it seemed clear that there was not a national policy that viewed the nation's long-term interests. What to do about it was another question.

During the floor debate on the military authorization bill (PL 91-121) for fiscal year 1970, I added a rider which appeared as Section 203. It reads as follows:

"None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct or apparent relationship to a specific military function or operation."

That provision became law and the same provision now appears as Section 204 of the military authorization bill reported to the Senate for fiscal year 1971, but does not appear in the bill reported in the House.

I believe Section 203 is a necessary and practicable step towards the goal of reducing the heavy dependence of American science that has built up since the early 1950's. Properly and imaginatively administered, it can also lead to a strengthening and a rebuilding of the foundation for the future of much of American science.

The intent of the provision is clear. It is a mandate to reduce the research community's dependence on the Defense Department when it appears that the investigation under consideration could be sponsored more reasonably by a civilian agency. After all, the National Science Foundation was created by Congress back in 1950 specifically to channel federal funds into basic research. Since its creation, it has been the orphan child of the federal government's science policy. Since 1955 NSF has been given $2 billion to sponsor basic research. During this same period, Pentagon spending has been $3 billion on this same type of research; it has spent 50% more for the fundamental investigations—in addition to the many billions on advanced research and development of specific military needs—than has the agency set up for this sole purpose.

The addition of Section 203 to the military authorization law thus sought to set in motion a realignment. The language was intentionally imprecise in an effort to afford the Executive Branch an opportunity to start a process that would lead to the transfer of resources from the Defense Department to the civilian agencies—primarily to the National Science Foundation.

Clearly, Congress, does not exist to operate the daily workings of the Executive. By law, however, Congress does have a responsibility together, with the President, to establish broad policies. Congress has a right to assume that policies so established will be followed. Much progress has already been made since Section 203 became law in the face of the resistance that has lingered in some quarters. The authorization for NSF funding for this coming fiscal year has been increased by about $75 million over last year. By comparison, this year the Defense Department's share of basic research funds will be $50 million less than that of the National Science Foundation.

By no means, however, does Section 203 intend to cut off the Defense Department from research that it needs. It is neither anti-military nor anti-research. Whether the language chosen is interpreted strictly or loosely, it is hoped that the ultimate result of this whole endeavor will be a continued high level of basic research funding by the federal government. Hopefully, we will see in the near future that the civilian agencies under the leadership of the National Science Foundation will develop as the primary source for these research funds. The responsibility of the civilian agencies to fund an appropriate share of basic research is in no way diminished by Section 203. The Pentagon will continue to have a responsibility for research—even basic research, one that allows those entrusted with military defense to maintain a full and necessary exchange with the researchers at the frontiers of science. The role of the Defense Department in sponsoring basic research, however, is intended to be incidental rather than predominant.

Turning now to the DoD response to Section 203, I believe that the review of research by DoD could have benefited from guidance and criteria issued by its top management. That did not happen. Instead, all that the Defense Department did was to send a memorandum to its constituent agen-

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cies informing them of Section 203 and telling them to comply.

When I inquired of DoD about their follow-through on this provision, Deputy Secretary of Defense Packard replied in part that the Department had contacted the National Academy of Sciences and invited them to consider carrying out an examination of all projects which might be affected. I thought this a constructive idea and wrote to Dr. Handler on December 5, 1969, to support this participation by the Academy. To my disappointment, Dr. Handler replied on December 12 that he must decline to involve the National Academy of Sciences directly in the review. He did volunteer to offer the Academy for any follow-up review. More important, he agreed it would be useful for the Academy to do two things. First, to formulate principles which might guide the administration of Section 203. Second, to undertake a projection of the implications and consequences of Section 203 with respect to the future of federal research policy and the national welfare. While I did not ask the Academy to do so then, experience with Section 203 indicates that it should do so now.

To date, there have been differences in application within the Department of Defense. On the one hand, for example, the Advanced Projects Research Agency asserts that none of its projects fail the test of Section 203, even though the General Accounting Office has singled out some as questionable in terms of this legislation and as more properly supportable by the State Department than by military appropriations. On the other hand, the Department of the Air Force has seized upon Section 203 to terminate research funded from appropriations prior to fiscal year 1970, with the excuse that they were carrying out the "Mansfield" philosophy.[5]

Of the 6,600 research projects that were reviewed, 220 were found affected by Section 203 which involved fiscal year 1970 funds totalling $8.8 million. This is about 4 percent of the $223 million that DoD obligated during this fiscal year for research at colleges and universities, and less than 1 percent of the $1,295 million of federal funds for university research and development estimated by the Bureau of the Budget for fiscal year 1970.

By comparison, the general tightening of the Defense research budget for fiscal year 1970 caused a reduction of $64 million, notwithstanding Section 203.

Recently, the Secretary of the Air Force testified that approximately 7 percent of the research projects, representing 3 percent of the Air Force research program, failed to pass Section 203. In comparison, tightening funds required a cut of over 10 percent.

Of course, Section 203 goes beyond the 220 projects immediately affected. Research projects funded from prior years' funds that do not meet the test of this legislation will be affected as they come up for renewal. The Comptroller General was unable to provide us with an estimate of the number of projects in this category or their total funding. Nonetheless, in my judgment, such projects should continue to their normal expiration, which will provide time for coordinated review by the Department of Defense with the civil agencies and for leadership and initiatives from the Office of Science and Technology. Despite its limited reaction to date, I still look to the Office of Science and Technology to provide the leadership necessary so that research affected by Section 203 which should be continued in the national interest will have a fair chance at the available basic research funds.

All that is required under Section 203 is relevance, which is not a dirty word as some critics of the Section sometimes seem to suggest. Relevance does not preclude agencies from funding basic research. Section 203 does not forbid the Defense Department from funding any and all research at colleges and universities. Had that been our purpose, we would have so written this legislation. What Section 203 does is to begin to close out a second and a backdoor National Science Foundation which has grown up in the Department of Defense.

It seems to me that the Defense Department can readily identify and justify many fields of fundamental research about which enough is known to judge their relevance to defense needs now and in the foreseeable future. Research funded in such fields as a result of announcement and publication of such DoD interests should produce proposals for research that would permit scientists to explore aspects of science which add to understanding in fields reasonably related to Defense needs.

The idea of relevance is now new. I should think that the Science Advisor to the President would be well acquainted with the following statements that support the principle of relevance.

First:

"The Foundation shall be increasingly responsible for providing support by the federal government for general-purpose research through contracts and grants. The conduct and support by other federal agencies of basic research *in areas which are closely related to their missions* is recognizable as important and desirable especially in response to current national needs, and shall continue."

Second:

"Mission oriented governmental agencies do and should support much long-range basic research, information from which is calculated *to have a direct bearing on some aspect* of their mission. . . . All mission oriented agencies need to be in close contact with the best and most advanced research which can apply to their problems."

The first is from President Eisenhower's Executive Order No. 10521 of March 15, 1954, on scientific research. This order still stands. It was not rescinded by President Kennedy, by President Johnson or by President Nixon. The second comes from the recent advice to the President by his Task Force on Science Policy.

Section 203 opened to the Administration a unique opportunity to set in motion a rebalancing of the responsibilities of federal agencies for the funding of basic research. The section became law on November 19, 1969. Yet the budget for fiscal year 1971 does not indicate that this opportunity has been taken. There is no indication of a shift of basic research unrelated to defense needs to the National Science Foundation or other agencies and, at the same time, a corresponding reduction in Defense funding.

In short, timely arrangements have not been made for orderly decisions pursuant to Section 203. I wrote last fall to the Director of the Budget Bureau and to the Cabinet officers of Departments and other agencies concerned on that point. The letters have had no appreciable effect. The Research Management Advisory Panel to your Subcommittee recommended that the Section be administered so as to produce an orderly shift in sources of research support. What has happened to that recommendation? In the meantime, where is the contribution of the interdepartmental system for coordination in research to which reference is always made when Congress starts to talk about improving the administration of federal appropriations for research? What has it done?

All that is heard are requests for the abolition of Section 203. Indeed, there seems to be almost a willingness to risk the wreck of the whole DoD basic research program rather than take an innovative and imaginative response to the law. Again, however, what may be involved is the built-in inertia of bureaucracy.

To carry out the intent of Section 203 will require new ventures in interagency coordination. That is the responsibility of the reorganized Bureau of the Budget and the Office of Science and Technology under the President. Thus far, unfortunately, the White House science office apparently sustains the rigid opposition of the agencies to Section 203. That is most unfortunate because if there are to be improvements in coordination and a shift in the emphasis of federal policy with regard to support of basic research, it is going to take a joint effort by the President and the Congress.

To sum it up: We are in dire need of a new national policy on the federal role in science. Whether technological progress depends upon basic research is no longer an issue. That was agreed upon years ago; and I am sure it is the conviction of Congress that maintenance and hopefully growth in scientific activities are essential to the public welfare and the nation's future. But the policies of the 1950's and 1960's are not suitable for the already perplexing 1970's. Too much is at stake to depend upon fortune, upon luck, upon happenstance. Our policies must be soundly and thoughtfully conceived and guided.

If the Executive Branch is thinking about policy in these terms, no evidence of it has yet appeared in the public press despite recent inputs from the President's Task Force on Science Policy and the National Goals research staff.

I hope we can look to the scientific community for advice. Yet I recall that this community speaking through the National Academy of Sciences in 1965 was unable to answer the questions on how much money should be spent for research and how it should be divided up.

Recognizing the risk of oversimplifying, it would be my judgment that we can no longer rely for guidance upon an uncoordinated, unplanned collection of laws, orders, statements, understandings, and traditions. These all have their place. But we must now bring them together, which is what the inquiry of the Subcommittee is all about. I would hope that the Subcommittee on Science, Research and Development will continue its role of Congressional leadership and stimulate enough interest so that our leaders of government and science will sit down together and work out the principal outline and content of the kind of policy that is needed. It is up to Congress to assert its long-neglected responsibility and set forth a national policy for science. It is long overdue.

FOOTNOTES

[1] CONGRESSIONAL RECORD, vol. 114, pt. 22, p. 29322.

[2] "Federal support of research and development at universities and colleges and selected nonprofit institutions, fiscal year 1968." National Science Foundation report NSF 69-33, 1969, pp. 3 & 14.

[3] For the text of Mr. Handler's letter, see CONGRESSIONAL RECORD, vol. 114, pt. 22, pp. 29338-29339.

[4] C.f. Bureau of the Budget Bulletin No. 69-8, dated December 3, 1968, Subject: Listings of Federal Government contracts and grants for support of research.

[5] In his letter to Rep. Daddario of June 5, 1970, Secretary Seamans wrote of Section 203: "We have attempted to meet the intent, as we understood it, rather than merely the letter of Section 203. Accordingly, we made no distinction between FY70 or prior year funded research in our review. . . ."

COMMUNIST OCCUPATION OF CZECHOSLOVAKIA

Mr. CURTIS. Mr. President, on this day 25 years ago Soviet troops completed their occupation of Czechoslo-

vakia. Today, on this anniversary of Czechoslovakian enslavement, I would like to recall briefly the continued devotion of the Czechoslovakian people to freedom.

Even before they united, the Czechs and Slovaks fought autocracy whenever it was imposed. During the First World War the Czechs resisted their oppressors in house-to-house engagements, and great numbers of Czech troops passed over to the Allied cause. The war's end brought unification of the two peoples and a brief taste of freedom.

Their liberty ended in 1939 when the Munich Agreement was signed. Winston Churchill gloomily proclaimed:

> All is over. Silent, mournful, abandoned, broken, Czechoslovakia recedes into the darkness.

Mr. President, the tiny nation was in darkness but she was not broken. During 5 years of Nazi rule, the Czechs again fought their oppressors at every turn. They demonstrated, and the Nazis suppressed all higher and secondary education for Czechs. Gestapo courts condemned hundreds to death. The Czechs killed their cruel overlord, Reinhard Heydrick, and the Nazis obliterated the little village of Lidice.

The war's end brought the fall of one tyrant and the accession of another. By 1945, Russian troops had completely occupied the little state.

In 1948, the Russians precipitated a cabinet crisis, forced the resignation of 12 anti-Communist ministers, and murdered the non-Communist foreign minister, Jan Masaryk. On May 30, 1948, Czech voters were offered the familiar one-slate ballot and the Communists won full control.

Like the Nazis before them, the Communists have been quick to crush the persistent signs of the Czech love for liberty.

The 1968 events—the accession of Alexander Dubcek declaring his intention to make Czechoslovakia democratic, the military invasion by Russia in response, the brutal end of demonstrations and institution of strict censorship, and Dubcek's quick fall from power—are fresh in the minds of every Senator.

So, too, is the Brezhnev doctrine.

Mr. President, these words are not a sufficient tribute to the continued courage of Czechoslovakia in the face of a quarter-century of modern tyranny. The voices, acts of resistance, and tread of troops speak for themselves.

Today, the Czechoslovakian people are temporarily muted, but—judging by their brave and valiant past—we shall not expect them to be long silent.

TRIBUTE TO DR. LEE DuBRIDGE

Mr. MANSFIELD. Mr. President, the White House recently announced that Dr. Lee DuBridge has chosen to resign his duties as Science Adviser to the President and Director of the Office of Science and Technology. Dr. DuBridge brought to this administration a dignity and professional reputation that was unsurpassed. He is one of the leading scientists of our Nation and a man of great honor and esteem.

I was particularly disturbed by a reference in an editorial of the New York Times today that a speech I made last July 10, 1970, taking issue with Dr. DuBridge's attitude with respect to the Defense research and the undue dependence of the scientific community on this source of funding was a personal attack upon Dr. DuBridge. It was not intended to be, nor in rereading that statement today do I think it can be fairly characterized as such.

I disagreed with Dr. DuBridge and expressed that disagreement. Dr. DuBridge had expressed fully and ably his disagreement with my desire for a swift transfer of resources from Defense to the civilian agencies. I believe we both seek the same result. We have viewed the urgency from different perspectives. I am certain that Dr. DuBridge was greatly concerned that a great amount of extraordinarily high quality research would be abandoned in the transfer process. That is a risk—a risk, however, that can be prevented—but a risk in my opinion that must be taken to assure the continued health of the research community and the universities. I believe strongly that it will also inure to the benefit of the Department of Defense.

But these disagreements should never have been interpreted as in any way affecting any great respect for Dr. DuBridge as a man, a scientist, and public official. It is when government attracts men of his caliber to its service that faith can be bolstered that the system can work.

SENATOR RANDOLPH STRESSES VALUE OF AGRICULTURAL CONSERVATION PROGRAM

Mr. RANDOLPH. Mr. President, since the first of the year when the budget for the Department of Agriculture was announced, I have received a number of letters and other communications from farmers in West Virginia, as well as other persons interested in agriculture, protesting the proposed elimination of the agricultural conservation program from the fiscal year 1971 budget.

As Senators know, the appropriations bill recommended by the Senate Subcommittee on Agriculture Appropriations and recently approved by the Senate reinstates funds for this important program. I commend the members of the subcommittee for this action. I hope, however, that when the Senate conferees meet with those from the House they will agree to the $195.5 million approved by the House—the same level of funding as in fiscal year 1970. And I urge the administration to allocate the full authorization to the States rather than withholding part of it as they have for the 1970 program.

President Nixon has called on our Nation's farmers to help restore the quality of our environment by adopting pollution control practices. This is a worthy objective and our farmers have been doing this with the help of the agricultural conservation program since it was authorized by Congress in 1936. Under this program in 1969 permanent cover was seeded on nearly 4 million acres and nearly a million acres of rotation cover were added. And over 5¾ million acres were seeded to keep the soil from washing or blowing during the entire year, over the winter or the summer seasons. Further, the permanent cover on over 4 million acres of range and pastureland was improved for soil protection. Among other practices established to prevent erosion and the silting of streams are tree planting, strip cropping on the contour, establishment of sod waterways and terraces, erosion control dams and other wind control operations.

For the enhancement of natural beauty, conservation programs were carried out on 110,000 acres. Practices to protect and improve wildlife were established to serve about 1 million acres.

Mr. President, in West Virginia over 15,000 farmers participated in the ACP in 1969 and during the last 5 years approximately 30,000 farmers participated for at least 1 year. These figures show that it is not the same farmers who have participated every year. The program is open to every farmer. In 1969, the assistance for conservation practices under the ACP averaged only $104 per farm in my State as compared to a national average of $213. The size of these payments is small and yet they provided the incentive to the operators of over 2.3 million farms to protect, improve and enhance the Nation's soil, water, and wildlife resources.

It is my belief that our Nation derives substantial benefit from the funds expended for this program. Over the history of the ACP, it has been proven that farmers do not carry out the same volume of practices when the funds are reduced. Thus, the elimination or curtailment of funds for this program will endanger the completion of a half billion dollars worth of conservation on our Nation's soils annually. With the incentive provided by the ACP farmers contribute, in time and money, more than the amount allocated through the Federal budget. It is my genuine hope that the agricultural conservation program will be supported at the $195.5 million level this year.

INTERNATIONAL SYMBOL OF ACCESSIBILITY TO AID HANDICAPPED

Mr. DOLE. Mr. President, I invite the attention of Senators to a significant step forward toward the recognition of the problems faced daily by this Nation's millions of handicapped persons and their families.

Too many persons with handicaps lead lives thwarted by inaccessibility to transportation, buildings, and facilities. They cannot use most stores, offices, factories, churches, and other buildings. It is difficult for an able-bodied person to imagine the frustration and hardship this situation presents to the disabled.

Many advances have been made toward the elimination of architectural barriers in the past several years. Recent Federal legislation unanimously passed by the Congress requires that certain public buildings, financed in whole or in part with Federal funds, be accessible and usable by people with physical dis-

abilities. Also, the greatest majority of the States have taken some type of legislative or other official action in recognition of the problems of the handicapped in this regard. However, some of the legislative action taken to date is both vague and weak.

Recently an international symbol of access was adopted by Rehabilitation International and recommended for worldwide use. The symbol consists of a stylized silhouette of a person sitting in a wheelchair. It was designed by the Scandinavian Design Students Organization. The symbol should be used on doorways wide enough to admit a wheelchair, on entrances which are at ground level or have a ramp instead of a stairway, on drinking fountains and telephones that can be reached by a person in a wheelchair, on restrooms that will admit wheelchairs and that have bars to assist disabled users, on parking spaces wide enough to permit transfer from vehicle to chair.

Other places the symbol should be displayed when architectural barriers do not exist are transportation facilities such as airlines, air terminals, railroad stations, buses, subways, public buildings, historical sites, shops, restaurants, schools, theaters, hotels, and motels. It should not be displayed unless the disabled will find the facilities genuinely barrier free.

Copies of the symbol will be made available by Rehabilitation International to the press, and television and to its national secretaries throughout the world who will provide it on request to architects, town planners and all who may be interested in its use and display. The President's Committee on the Employment of the Handicapped, in conjunction with the Easter Seal Society for Crippled Children and Adults, is also working with its Governor's committees throughout the States to make the recognition of these needs of the handicapped an integral part of American life.

Accessible schools and homes, more barrier-free institutions of higher learning, and more accessible buildings and transportation facilities will enable the disabled to learn and work to live useful and productive lives. The adoption of such a symbol is a positive step forward in the worldwide effort to open all doors to the handicapped.

I invite the attention of Senators to the International Symbol of Accessibility and urge them to encourage its use.

NATIONAL JOURNAL STUDIES ROLE OF DRAFTEE IN VIETNAM

Mr. PROXMIRE. Mr. President, on June 30 I submitted the Proxmire-Nelson-Hughes amendment to stop sending draftees to Southeast Asia. At that time I stated:

> To stop sending draftees to Southeast Asia is not only feasible, and urgent, I also believe it is right. Not only is this an undeclared war, but the draftee has borne an unfair proportion of the fighting burden.

In a recent article in National Journal, congressional correspondent Andrew J. Glass supported this statement with the best analysis of the draftee's role in Vietnam to date. In his article, entitled "Draftees Shoulder Burden of Fighting and Dying in Vietnam," Mr. Glass revealed these startling facts:

> Through March 31, 1970, battle deaths among Army enlisted men have totaled 23,890, of whom 13,093, or 54.9 percent, were draftees.
>
> Over the five years in which Americans have been in combat in Vietnam, draftee casualties (killed and wounded) have run 130 per 1,000 per year and non-draftee casualties have run 84 per 1,000 per year.
>
> In 1969, Army draftees were killed in Vietnam at nearly twice the rate of nondraftee enlisted men.
>
> In 1969, the relative chance of a draftee being killed or wounded in Vietnam was 23.4% as compared to the 13.7% of the volunteer.

Mr. President, the reason behind these statistics is relatively simple: The Army has followed a policy throughout the course of the Vietnam war whereby a prospective soldier is guaranteed a noncombat assignment if he agrees to serve for 3 years. In other words, the volunteer has a choice of support assignments, to stay out of combat, and the draftee does not. It is just that simple.

This policy has resulted in the disproportionate use of draftees in the hard-core combat jobs, such as infantry, armor, and artillery. As William K. Brehm, assistant secretary of the Army for manpower and reserve affairs, stated:

> The popular jobs are the ones for which people enlist. They don't enlist for the hard-core combat skills. That is why draftees tend to populate the hard-core combat skills: 70 percent of the infantry, armor and artillery are draftees.

And, as Mr. Glass found in his study:

> In the Army as a whole, 11.4 percent of all personnel are assigned to the rifleman MOS—which Pentagon generals call "11 bravo" but which grunts in Vietnam call "11 bush." Two-thirds of the infantry riflemen trained in fiscal 1970 were draftees.

Mr. President, the National Journal article by Andrew Glass is, I believe, the most convincing statistical argument to date in support of the Proxmire-Nelson-Hughes amendment. This amendment, which has recently been cosponsored by Senators CRANSTON, YOUNG of Ohio, CHURCH, YARBOROUGH, and MCGOVERN, will provide that after the date of enactment of the military authorizations bill, no funds may be expended for the purpose of sending draftees to South Vietnam, Cambodia, or Laos. On behalf of Senators NELSON, HUGHES, and myself, and our additional cosponsors, I hope that this amendment can be brought to the floor for debate, in the near future.

In view of this, I ask unanimous consent that the National Journal article of August 15, 1970, entitled "Draftees Shoulder Burden of Fighting and Dying in Vietnam," written by Andrew J. Glass be printed in the RECORD. I am convinced that the article will prove helpful and informative to all of us in the upcoming debate on the Proxmire-Nelson-Hughes amendment.

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

DEFENSE REPORT/DRAFTEES SHOULDER BURDEN OF FIGHTING AND DYING IN VIETNAM

(By Andrew J. Glass)

Army draftees were killed in Vietnam last year at nearly double the rate of non-draftee enlisted men.

During 1969, Army draftees were being killed in action or wounded at the rate of 234 per 1,000. Draftee deaths were 31 per 1,000.

By contrast, Army enlisted volunteers were killed or wounded at a rate of 137 per 1,000 and 17 per 1,000 died. Both draftees and volunteers serve 12-month tours of duty in Vietnam.

Draftees comprised 88 per cent of infantry riflemen in Vietnam last year while first-term Regular Army men comprised 10 per cent of the riflemen. The remaining 2 per cent were career Army men.

In the past two or three years, draftees have suffered comparatively higher death rates as their proportion of the Army's combat forces has risen from earlier phases of the Vietnam war.

Battle deaths among Army enlisted men have totaled 23,890 men through March 31, 1970, of whom 13,093, or 54.9 per cent, were draftees.

Previously unavailable draftee casualty statistics reveal that over the five years in which Americans have been engaged in combat in Vietnam, draftee casualties (killed and wounded) have run 130 per 1,000 per year and non-draftee casualties have run 84 per 1,000 per year. The Army General Staff prepared the study at the request of *National Journal*.

How policy is set: Under broad guidelines established by the Defense Department, draftee utilization policies reflect the manpower needs of the service that conscripts the draftee.

Jonas M. Platt, the Defense Department's newly named director of manpower utilization, under the assistant secretary of defense for manpower and reserve affairs, Roger T. Kelley, reported that draftee policy for the Army is formulated within the Army. (The Army has inducted 97.2 per cent of all draftees called to duty during the Vietnam war period.) In an exception to that rule, Platt, a retired Marine Corps major general, noted that since 1967 the Office of the Secretary of Defense has sought to impose a uniform policy of using the skills of college graduates who enter the armed services to the best advantage of the military. Three of five college graduates who enter the Army are draftees.

Draftees in combat: In discussing with *National Journal* the reasons for the disparity between draftee and non-draftee battle deaths, William K. Brehm, assistant secretary of the Army for manpower and reserve affairs, said:

"The popular jobs are the ones for which people enlist. They don't enlist for the hard-core combat skills. That is why draftees tend to populate the hard-core combat skills: 70 per cent of the infantry, armor and artillery are draftees."

Brehm said that President Nixon's Vietnamization policy will have the effect of bringing Army troop replacements below 20,000 a month by May 1971. But he estimated that one-third to one-fourth of the replacements will still have to be combat soldiers.

"That means we'll have to supply somewhere between 5,000 and 6,000 hard-core combat skills a month. My estimate is that we couldn't come anywhere near the 5,000-man level without the draft," Brehm added.

Enlistments vs. inductions: The disparity between draftee and volunteer casualty rates

directly reflects the tasks that the Army assigns each group of soldiers.

Regular Army volunteers may enlist for two or three years. In the first six months of 1970, 16,243 men enlisted for two years. They were placed in the same manpower pool with the 92,750 draftees called to duty for two years by the Army during the same period.

Three-year volunteers, however, have the option of selecting their Army jobs and four out of five make their own choice. In 1970, less than 3 per cent have asked to serve in the infantry.

"As strange as it sounds," Brehm said, "only 800 young men a month out of 200 million Americans are enlisting for combat. If we went to an all-volunteer force in Vietnam, it's quite conceivable that that's all we might get."

Procedures being reviewed: The Army Audit Agency, a semi-autonomous watchdog unit, is currently studying the full range of job classification and assignment procedures within the Army.

However, there are no present plans to withdraw or alter the option to serve in non-combat roles being offered three-year volunteers, Brehm said.

"I think, given the circumstances, the draftee is getting a pretty fair shake from the Army," he added.

Several high-level officers and Pentagon civilians interviewed by *National Journal* agreed with Brehm's analysis of the draftee-combat problem—but not with his judgment of the equities involved.

A Defense Department manpower expert, who asked not to be identified by name, said:

"We've studied this problem very carefully. People don't seem to enlist in the Army to fight. We recognize the inequity this causes in a shooting war but we don't know what to do about it."

An Army general who has served more than two years in Vietnam and who asked anonymity said: "Given the way draftees are used by the Army, it's quite obvious that they'll take the brunt of the casualties.

"It's very sad, really. But the whole g—d— war is very sad."

VIETNAM

In Southeast Asia, "grunt" is GI slang for a frontline soldier. (The term comes from the grunting sound foot soldiers make while carrying heavy field packs.) The vast majority of grunts in Vietnam are draftees.

Fighting force: On July 1, slightly more than 30 per cent of the Army's draftees were serving in Vietnam while 25 per cent of Army volunteers were stationed there.

In Vietnam itself, the ranks of the Army's enlisted and officer force (293,200 men) now include 115,100 draftees, or 39 per cent of the total. (This total is scheduled to drop to about 225,000 Army personnel by May 1971, with a proportional—or better than proportional—drop in grunt-draftees, as more and more combat units are deactivated.)

While the Pentagon keeps no statistics on the chances of a draftee serving in Vietnam during his two years in the Army, a comparison against draft calls reveals that a draftee's chances of going to Vietnam have fluctuated between 50 and 80 per cent. (Currently, draft calls are running at a rate of 10,000 men a month, and draftee replacements are being flown to Vietnam at a rate of 8,000 men a month.)

Killed and wounded: Draftee casualties in Vietnam are a sensitive matter to the Pentagon. While the Defense Department issues weekly summaries of casualties in Southeast Asia, detailed statistics for draftees are difficult to obtain.

Through March 1970, 13,097 draftees (including four who had become officers) had been killed in Vietnam as a result of enemy action. Another 1,545 had died from other causes, such as air crashes or diseases. Separate records are not kept on the number of draftees who are wounded, hospitalized, missing or captured.

Percentage of draftee deaths—Over the course of the Vietnam war—in which some 43,500 American fighting men have died through mid-August—draftees account for about 32 per cent of the total killed in action, 49 per cent of the Army dead and 55 per cent of the dead among Army enlisted men.

Casualties among draftees, and the implications they raise, have been analyzed by the Army General Staff. The studies have been conducted within a unit known as the Equal Rights-Personnel Affairs Army Command Service Branch, Special Affairs and Review Division, Directorate for Military Personnel Policies, under the deputy chief of staff for personnel.

Chances of surviving—By comparing average monthly force levels in Vietnam against actual deaths, and extrapolating the number of draftee-wounded, the Army has been able to compute the statistically valid chance that a draftee or a Regular Army volunteer has of being killed or wounded during his 12-month tour of duty there.

The Army study shows that, for the course of the war, an average enlisted man or Army officer had a 1.96 per cent chance of being killed and an 8.47 per cent chance of being wounded seriously enough to require treatment at a medical facility.

Draftee vs. volunteer—However, for an Army draftee, the chance of being killed was 2.44 per cent and the chance of being wounded was 10.54 per cent—or a total of 12.98 per cent.

For a non-draftee enlisted man, the chance of being killed was 1.58 per cent and of being wounded 6.84 per cent, or a total of 8.42 per cent. Thus, a draftee had about a 54 per cent greater chance of being killed or wounded than did his Regular Army counterpart.

Early airborne influx—These results are influenced, however, by the fact that the initial surge of Americans in Vietnam brought elite (and largely Regular Army) air cavalry and airborne divisions. (While draftees serve in airborne divisions, they do so voluntarily.)

By contrast, in the later phases of the war, when Americans suffered their heaviest loss of life in Vietnam, the fighting was largely in the hands of infantry, armor and artillery units with higher proportions of draftees.

Employing the same statistical procedures as in the Army study, the relative chance of a draftee or a volunteer being killed or wounded in 1968 were calculated by *National Journal* as follows:

	Killed	Wounded	Total
Draftee	3.89	11.79	15.68
Volunteer	2.33	6.63	8.96

Note: For 1969 calculation, see "Survival in Vietnam" chart.

Rating previous wars—In revealing these statistics, the Army notes that draftee death rates in Vietnam—even though higher than total Army enlisted losses—are still significantly lower than death rates sustained by the U.S. Army during both the Korean war and World War II.

(In both those wars, the present enlistment system—under which a prospective soldier is guaranteed a non-combat Army assignment if he agrees to serve for three years—did not exist.)

In Korea, Army killed as a percentage of its forces in the war zone came to 4.32—more than double the 1.96 per cent over-all rate in Vietnam. During World War II, the figure was 5.19 per cent for the European theater in 1944–45.

Vietnam wounds higher—However, wounded rates for draftees in Vietnam in 1968–69 ran at levels comparable to or higher than Korea or World War II. (For Korea, the figure was 12.11 per cent; for World War II, 15.20 per cent.)

The Army study further shows that 72 per cent of enlisted casualties were sustained by personnel in grades E5 (sergeant) or below. Most of these men do not plan on Army careers and serve either two or three years.

Reasons behind statistics: Disparities between draftee and non-draftee casualties in Vietnam stem from two main factors:

Career Regular Army soldiers, counted as enlisted men in the study, tend to serve in rear-echelon units and in non-combat roles.

Enlisted men who arrive in Vietnam in non-combat jobs (selected by themselves before they enlisted) are subject to less hostile fire than draftees, who have no choice in their Army tasks and who consequently fill about 70 per cent of the combat jobs in the Army.

In private conversation, some high-ranking Army officers express surprise that draftee casualties, given the present system of enlistments, are not actually higher than they have been.

In the course of the war (fiscal 1965–70), about 56 per cent of new enlisted personnel entering the Army have been draftees; this is close to the percentage of draftees who have died in Vietnam among total Army enlisted deaths.

The Army tends to assign its draftees to more hazardous combat roles—a fact which should and does yield higher casualty rates. However, a career Army man sometimes must serve several tours in Vietnam, thus exposing himself to a higher over-all risk of being killed or wounded than a single-tour draftee.

Re-enlistment practices: Until very recently, the Army offered a draftee who was serving in Vietnam a chance to terminate his draftee status and re-enlist for three years from the date of his change of status.

Draftees are eligible for this "re-up" provision after serving eight months in the Army. Most draftees arrive in Vietnam after five months of training and leave time in the United States.

Usually, if a draftee in Vietnam elected to "re-up," he was shipped back to the United States for training in a new MOS. In all likelihood, he would return to Vietnam as a Regular Army enlistee, but to serve in a rear area in a combat-support MOS.

Battlefield recruiting—In an article published last Feb. 8 by the New York Times Magazine, entitled "Closeup of a Grunt," James P. Sterba, a Times correspondent in Vietnam, reported that Army re-enlistment sergeants regularly approach draftees in infantry rifle companies just after they have been through combat, seeking to induce them to "re-up" in exchange for not having to serve "out there" any longer.

An Army spokesman said that the Sterba report led to an investigation, but he did not disclose its results. William Brehm, the Army's manpower chief, said, however, that reenlistment rates for draftees, which had been running at about 5 per cent, have more recently fallen off to close to zero.

Infantry MOS frozen—On Aug. 11 the Times reported in a dispatch from Vietnam that new orders were distributed several weeks ago which, in effect, bar draftees with combat MOS's from reenlisting in exchange for immediate transfer from the battlefield.

The Times cited a confidential Army directive, issued by Lt. Gen. Frank T. Mildren, deputy Army commander in South Vietnam. The directive said 1,298 combat soldiers in

the command had changed their MOS's between March 1 and May 1, 1970.

ASSIGNMENTS

Before he receives his first duty assignment, the Army draftee spends, on average, about 19 weeks in what the Pentagon calls the "pipeline."

Draftee pattern: Typically, a draftee's Army career would begin with a day of processing at one of 74 Armed Forces Examination and Entrance Stations throughout the country.

A draftee next spends three or four days at one of 11 Army Reception Stations. From there, he enters a mandatory eight weeks of basic combat training at one of nine Army Training Centers.

On completing basic training, which emphasizes infantry skills, a draftee receives advanced individual training (AIT) in a military occupational skill (MOS). This occurs in one of three ways:

Eight weeks of AIT in such combat MOS's as infantry, armor or artillery at an Army Training Center. (Before they are shipped to Vietnam, infantrymen receive an extra week of training in the combat conditions they may expect to find there.)

Four to 10 weeks of MOS training at one of 71 Army schools. The average school cycle is eight weeks.

On-the-job training or an immediate duty assignment in a civilian-acquired skill (CAS) at an Army installation within the continental United States. Most CAS personnel enter the Army with skills that the Army values highly; scientists, engineers, carpenters, electricians and architects are typical of this group. A draftee outside the CAS program may be given an MOS called "duty soldier" and receive on-the-job training in, say, cutting grass.

After AIT, a typical draftee is granted two weeks leave, plus the time he needs to travel to his first assignment. He arrives there having received about four months of Army training.

Volunteer pattern: A typical Regular Army volunteer begins his Army career in the same fashion as a draftee. But, after basic training, he may spend the rest of his time in the Army in an occupation he has chosen for himself.

In each case, a volunteer makes this choice before he enters the Army. His recruiting sergeant notes his choice and a place is reserved for him at a school for the time that he would be ready to begin AIT.

In the first six months of 1970, 43,706 three-year volunteers exercised their option to receive specialized training of their choice. This group represented 79.3 per cent of the three-year enlistments (55,099 men) in that period.

Computerized selections: Since 1965, the Army has assigned virtually all of its MOS's for combat and for specialized training through a computer program.

(One exception to the rule is the MOS for operating the MOS-selection computer program. These soldiers, who work in the Pentagon and who include draftees, are handpicked.)

Two-tier process—In essence, the Army employs a two-stage formula to assign MOS's to its soldiers. The first stage is relatively simple; the second, highly complex.

In the first stage, the computer matches three-year enlistees with the specialized training berths they have selected. Some coveted MOS's—such as the MOS for optical laboratory specialists—are fully subscribed in this way.

However, less than 5 per cent of the volunteers ask to be trained in a combat-arms specialty. These combat assignments are virtually left open once the "first cut" is completed and must be filled during the second and final "cut."

When the "deck" (as in a deck of cards, the Army's term for prospective MOS holders) is run again, draftees, two-year Regular Army volunteers and three-year volunteers who have not exercised their option are placed in a common manpower pool. (Some volunteers are found to be unqualified for the option they want but enlist anyway and find themselves in the pool.)

Accessions breakdown—In the first six months of 1970, of the 164,092 men who entered the Army, 56 per cent were drafted, 10 per cent enlisted in the Regular Army for two years, 7 per cent enlisted in the Regular Army for three years but failed to exercise their job option and the remaining 27 per cent enlisted for three years with a guarantee from the Army that they would be given the MOS of their choice.

The "second cut" by the computer, therefore, includes the 73 per cent of all new accessions into the Army who are given no choice in picking a military job by the Army or who fail to make a choice.

Shuffling the deck—The computer program attempts to fill each MOS, insofar as vacancies still exist, at what the Army regards as a satisfactory level.

This level is known as "desire" in the computer program. Criteria for what is "desirable" include such factors as the manpower needs of the Army at the time, the qualifications set for a particular MOS, the distance of a soldier from a prospective training site (calculated to minimize transportation costs), the soldier's civilian background, his own preferences as determined during a postinduction interview, and, finally, a detailed profile of the soldier's physical and mental background.

Among the 46 individual bits of information scanned by the computer before it matches a new soldier with an MOS requirement are such factors as his aptitude and intelligence test scores, physical profile, previous education and language proficiency.

"Relax" program—If the computer is unable to fill the quota set for a particular MOS at the "desire" level, it is programmed to "relax" its standards in several successive stages until all the vacancies are filled.

If, after reaching the lowest rung of the "relax" program, the computer has still been unable to fill the quota—known as "the white book requirement"—the machine goes through a final searching sequence.

Down in the pit—This time, the computer is programmed to operate at a "mandatory" level, below which the Army refuses to lower standards for a particular MOS. (For example, the computer is told that it is "mandatory" that no one with a criminal record in civilian life be made a military policeman.)

Sometimes, the program is written in such a way that a set and limited percentage of substandard soldiers is permitted to take a particular MOS. Informally, this is known as a "goofball ceiling."

All combat MOS's now carry a high priority, some of them 100 per cent. Such troop requirements must be filled even if the computer has already scraped the bottom of the barrel and has ceased assigning men. In that event, the quota is filled by hand; Pentagon staff officers use their judgment in further dropping the standards.

These "standards" do not necessarily reflect on the quality of the soldier. For example, the standards the computer follows may prohibit using a college graduate in a menial job or flying a man for training from the East Coast to California.

Operational center—These policies are carried out by the Trainee Assigning Section, Training Input Branch, Requirements Division, Enlisted Personnel Directorate, Office of Personnel Operations of the Army.

Computer vs. draftee—In theory, there is no MOS for which a draftee is ineligible. In practice, however, the computer is programed, often down to the "mandatory" level, to accept only three-year volunteers for MOS's that involve long training periods.

Such MOS's as medical lab processor, which requires a total of 64 weeks' schooling, are virtually free of draftees. Other MOS's for which the Army prefers (because of the training time involved) to shun draftees include the mechanics who service the Army's various tactical missiles as well as the soldiers who repair such devices as radars, television and microwave systems, teletypewriters and code machines.

Special considerations—Apart from receiving a general set of instructions, the computer is also given certain special orders:

No soldier under the age of 17 years, eight months can be assigned to a combat-arms MOS. (Draftees are usually inducted at age 19.)

College graduates cannot be assigned to such jobs as cook, ammunition handler and tent repairman.

But college graduates can be—and often are—selected as infantry riflemen on the Army theory that they would have a full opportunity to exercise what the Army terms their "leadership potential" in such an MOS.

Analyzing the results: In fiscal 1970, 16,362 (9 per cent of the draftees inducted during the period) were handpicked for the civilian-skills (CAS) program and were consequently left out of the "deck." This group was certain to serve its entire two-year tour within the continental United States.

About 80 per cent of the draftees who remained in the pool were put into a group of MOS's in which draftees have comprised 50 per cent or more of the manpower over the course of the Vietnam war.

This group, heavily laden with draftees, includes the basic infantry, armor and artillery MOS's, various radio and telephone communications jobs, light vehicle drivers, cooks, clerks, military policemen and medical corpsmen. (*For number and percentage of draftees and enlistees trained in selected combat-arms MOS's, see table.*)

About 63 per cent of all draftees entering training were given jobs within this cluster during fiscal 1970—with 20 per cent alone being trained as infantry riflemen.

In the Army as a whole, 11.4 per cent of all personnel are assigned to the infantry rifleman MOS—which Pentagon generals call "11 bravo" but which grunts in Vietnam call "11 bush." Two-thirds of the infantry riflemen trained in fiscal 1970 were draftees.

Combat Duty: Only 11 per cent of Regular Army volunteers voluntarily serve in an MOS that is heavily laden (50 per cent or more) with draftees. And even among that 11 per cent, there is a strong statistical tendency to become a clerk, a cook or a telephone operator rather than an infantry rifleman, an armor crewman or an artillery spotter.

Only those Regular Army volunteers who select an option under the guarantee program may escape the possibility of combat-arms duty; remaining volunteers, including two-year Regular Army men, are assigned to combat MOS's in about the same proportion to their over-all numbers as draftees.

College men—A college degree also offers no guarantee of being assigned to non-combat duty in the Army. (About 15 per cent of the men entering the Army graduated from college.)

A study of college graduates who entered the Army during fiscal 1969 shows that 61 per cent of them (23,111 men) were draftees. (No statistics are available, however, on the number or percentage of draftees who are college graduates.)

Of the college graduates who entered the Army in fiscal 1969, 50.5 per cent were assigned to combat-support units and 24 per cent were assigned to combat-arms units, with some 16 per cent entering the infantry.

A separate study released June 18 by Kenne

Peterson, a civilian manpower expert attached to the Office of the Secretary of Defense, revealed that 36.2 per cent of the college graduates who entered the Army in calendar 1969 were given combat MOS's, compared with 43.3 per cent of all enlisted men, including draftees.

Duty stations: Once a soldier is assigned to and trained in an MOS, no distinction is made between draftees and volunteers in the selection of their duty stations.

These decisions are made by Policy Branch, Distribution and Readiness Division, Procurement and Distribution Directorate, under the deputy chief of staff for army personnel, Lt. Gen. W. T. Kerwin Jr.

The Pentagon staff officer under Gen. Kerwin who actually makes the theater assignments shuffles a stack of cards (to break up the computerized alphabetical sequence in which he receives them) without knowing which card represents a draftee and which a Regular Army enlistee.

Personnel just completing their advanced training (AIT) are taken first, as a matter of policy, in meeting the levies of overseas commands. About 60 per cent of AIT graduates are assigned directly to a one-year tour of duty in either Vietnam, Thailand or Korea.

Since 70 per cent of the combat-arms MOS's in the Army are filled with draftees, a higher proportion of draftees serve in Vietnam than elsewhere because combat MOS's are in more urgent demand in Vietnam than elsewhere. (*For comparison of draftee assignments during Vietnam war period, see chart.*)

At any given time, 54 per cent of all draftees are serving within the continental United States, 30 per cent are in Vietnam and the remaining 16 per cent are in other over-seas assignments.

Army manpower statistics

Table below shows numbers of Army personnel on active duty as of the end of each fiscal year from 1965 to 1970 who entered the service through the draft and as volunteers.

	Draftees	Volunteers
1965	233,833	619,792
1966	395,292	682,343
1967	546,264	747,208
1968	549,603	831,782
1969	480,478	836,001
1970	368,965	780,650

Listed below are sources of entry into the Army and the number of men coming from each source between January and June 1970.

Draftees (56 percent)	92,750
Volunteers (44 percent)	71,342
2-year (10 percent)	16,243
3-year (7 percent) (nonoption)	11,393
3-year (27 percent) (using option)	43,393
Total	164,092

Table below shows numbers of enlisted men in Vietnam at end of fiscal years 1965 through 1970 who entered service through draft and as volunteers. Figures for 1965 are for Aug. 31, 1965.

	Draftees	Volunteers
1965	9,865	24,915
1966	44,654	88,542
1967	129,856	128,319
1968	133,400	176,200
1969	144,100	179,100
1970	115,100	154,900

Table below shows numbers of Army personnel killed in Vietnam through March 31, 1970, broken down by source from which the men entered the service. Percentage column indicates number killed per 100 men in each category.

Source	Deaths	Percentage
Draftees	13,093	2.44
Volunteers	10,688	1.58
Reservists	49	
National Guard	60	
Total	23,890	1.96

PRESSURES

The draft utilization issue comes before the Army at a time when it is reacting with extraordinary sensitivity to public criticism.

Westmoreland view: In a speech before the National Exchange Club, delivered July 27 in Atlanta, Gen. William C. Westmoreland, the Army's chief of staff and former over-all commander in Vietnam, said:

"Some of the criticism leveled at us in indeed justified. Some of it is misdirected, emotional tirade . . . Some who undoubtedly are well intentioned are doing the country a disservice by unknowingly undermining the confidence of the public in the Army. Others, I believe, have motives less innocent."

In this climate, the Pentagon is encountering political pressure to stop sending draftees against their will to Southeast Asia.

Congressional initiatives: On both sides of Capitol Hill, there is talk over instituting an all-volunteer policy in Vietnam as an interim step before undertaking a complete American military withdrawal.

House—Rep. Garry Brown, R-Mich., introduced a bill (H.R. 18719) on July 30 under which draftees who are inducted after Jan. 1, 1971, could not be assigned without their consent to Vietnam or any other area where the United States is engaged in an armed conflict.

"Philosophically, my proposal is right; pragmatically, it can be implemented," Brown said. "Especially in view of the reduction in personnel in Vietnam, I am confident the Pentagon can work within this limitation on combat service," he added.

Senate—While the Brown bill is likely to be buried in the House Armed Services Committee, the Senate is virtually certain to hold a test vote on this issue in late August.

The initiative is being pressed jointly by three Democrats—Sens. William Proxmire, Wis., Gaylord Nelson, Wis., and Harold E. Hughes, Iowa—in the form of an amendment to the military procurement bill (H.R. 17123), which is the pending business on the Senate floor.

If adopted, the amendment would prohibit the Defense Department from sending draftees to the war zone after President Nixon signs the procurement measure into law.

In presenting the amendment on June 30, Proxmire said on the Senate floor:

"The connection between campus unrest, the war and the inequities in the present Selective Service system lend an urgency to this proposal."

"To stop sending draftees to Southeast Asia," Proxmire said, "is not only feasible and urgent—I also believe it is right. Not only is this an undeclared war, but the draftee has borne an unfair proportion of the fighting burden."

Pentagon response: Defense Secretary Melvin R. Laird has responded to such pressure by publicly holding out the hope that an all-volunteer policy in Vietnam might begin next year.

Thus, in mid-May, Jerry W. Friedheim, deputy assistant secretary of defense for public affairs, told a Pentagon news briefing: "The Secretary (Laird) has said he feels that when we get down to 200,000–240,000 men, that's the time we can begin seriously to think about that possibility."

Troop withdrawals—Laird's overall timetable calls for turning over the ground combat mission to the South Vietnamese Army by May 1971.

By that time, according to the timetable announced by the President, U.S. troop strength in Vietnam will total 284,000 men—a reduction of 265,500 men since Mr. Nixon took office in January 1969.

Pessimistic estimates—In sharp contrast to the hopeful tone being struck by Secretary Laird and his chief spokesman, Army manpower planners see a continuing need to assign draftees to combat roles—a need that stems directly from the policy of granting three-year volunteers a choice of available support assignments.

In the calculations of the Army manpower planners, the fact that draftees comprise only a quarter of the men who entered the U.S. armed forces during the course of the Vietnam war, and only 12 per cent of the combined services' present total strength has little bearing on the problem.

"Even if we hold to the most optimistic schedule of Vietnamization," Brehm told *National Journal*, "we would still need two or three times what we could supply next year without the draft."

Brehm, however, sees no conflict between the Army's continuing need to draft soldiers for combat duty and Laird's all-volunteer planning.

"The Secretary understands the problem," he said. "He is committed to making the Vietnamization policy work. But he also knows that it would not be possible for us to continue with our present plan if we had to go to an all-volunteer group in Vietnam."

Counterthrust in Senate—In the meantime, the Pentagon is quietly seeking to undermine support in the Senate for the Proxmire-Nelson-Hughes amendment.

On July 9, Leonard Niederlehner, who was serving at the time as acting general counsel of the Defense Department, wrote to Sen. John C. Stennis, D-Miss., chairman of the Senate Armed Services Committee, to express the department's official disapproval of the proposal.

"A great part of the problem," Niederlehner wrote Stennis, "is providing in required numbers personnel who possess the required skills without incurring shortages of these skills in Army units elsewhere.

"Until it is reasonably sure that this problem can be mastered, it would be unwise to restrict the pool of military personnel eligible for service in Vietnam to those who would enter the armed forces voluntarily."

While Niederlehner did not say so, Army manpower experts who echoed his views made it clear that the "skills" to which he referred were infantry, armor and artillery—the hard-core combat group. Niederlehner's letter has not been officially released.

Non-governmental pressures: Peace groups opposed to the American military involvement in Southeast Asia have focused their political efforts on seeking a speedy withdrawal of troops, and have not widely raised the draftee issue.

Draft resistance, however, is tied closely to the Vietnam war.

Court cases—The courts have been reluctant to deal with the issue of whether it is constitutional to send servicemen to fight in Vietnam without a congressional declaration of war. They have ducked the issue by ruling that the question is not justiciable—that it is too broad in scope to be decided in the context of a lawsuit, or that it is a political question.

However, in two recent cases, the courts have addressed the issue. Both cases were brought by volunteers, but the decisions would apply to draftees as well.

Berk v. Laird—Berk contested the Army's right to send him to Vietnam to fight an undeclared war. On June 19, the 2nd Circuit Court of Appeals ruled that the issue was narrow enough to decide, but that it was a political matter. The appeals court remanded the case to the U.S. district court for the Eastern District of New York. The Justice

Department has filed a petition there to dismiss the case, which is being argued by Theodore C. Sorensen for the New York office of the American Civil Liberties Union.

Orlando v. Laird—The U.S. district court for the Eastern District of New York decided the case on the merits; it ruled July 1 that the Army could send Orlando to Vietnam, because Congress, in authorizing and appropriating funds for Vietnam, had acquiesced as if it had actually declared war.

Massachusetts law—The Supreme Court will have an opportunity when it reconvenes in October to consider the legality of sending draftees to fight in Vietnam. On July 22 the state of Massachusetts filed suit in the U.S. Supreme Court contesting the Defense Department's right to draft Massachusetts citizens to fight an undeclared war in Vietnam. The suit was brought under a state law enacted April 2, challenging the legality of the Vietnam war. The Defense Department has until Sept. 22 to file a response to the state's petition.

All-volunteer Army: The problem facing the Pentagon is further compounded by the President's commitment to a policy of reducing draft calls to zero and instituting an all-volunteer Army.

Gates study—In March 1969, Mr. Nixon, fulfilling a campaign pledge, created a 15-member commission headed by Thomas S. Gates Jr., chairman of the executive committee of Morgan Guaranty Trust Co., and a former Secretary of Defense (1959–61), to study the feasibility of an all-volunteer armed force for the United States.

The Commission reported to the President Feb. 21, 1970, unanimously recommending the creation of an all-volunteer force by July 1, 1971, concurrently with the expiration of the present Selective Service Act (81 stat. 100). *(See p. 431; for report on draft issues, see Vol. I p. 223.)*

On April 23, in a special message to the Congress, Mr. Nixon said: "After careful consideration of the factors involved, I support the basic conclusion of the commission. I agree that we should move now toward ending the draft."

Hatfield overture—The initiative for an all-volunteer Army has been taken up in the Senate by Sen. Mark O. Hatfield, R-Ore., who is planning to offer an amendment to the military procurement bill that would implement the Gates Commission's findings. He has attracted 14 cosponsors for his proposal, ranging across the political spectrum from Sen. George S. McGovern, D-S. Dak., to Sen. Barry Goldwater, R-Ariz. (The White House has expressed opposition to the Hatfield bill on grounds that it is premature.)

One feature of the Hatfield bill would compensate servicemen who face enemy fire an extra $200 a month. The measure would also raise the base pay of a first-year enlisted man by $1,700 a year. (Currently, all enlisted men serving in Vietnam, whether or not they are actually in combat assignments, draw an extra $65 a month in "hostile fire pay" and are exempt from federal income taxes.)

Insufficient incentives—Army manpower experts doubt that pay incentives alone, no matter how generous, would bridge the gap between the number of combat soldiers now needed in Vietnam and the number who volunteer for combat duty.

"If I put myself in the position of these young men, money alone wouldn't convince me," Brehm said. "Moreover, it would be a mercenary force. I don't think I like that."

Alternative policy: As a means of giving its draftees and non-draftees a relatively equal chance of surviving in Vietnam, the Army could suspend its enlistment-option system for the duration of the war.

This approach has been followed by the Marine Corps, an elite group whose over-all manpower needs are far smaller than the Army's.

Army manpower experts predict that such a step would increase draft calls sharply as enlistments fell off.

"We've brainstormed this," Brehm said, "and we've discarded this approach because the policy is to keep the number of draftees in the Army as low as possible." (The Army took about 200,000 inductees in fiscal 1970, the lowest number since the 102,555 inductees the Army took in fiscal 1965; and the Pentagon has announced a lower rate of draft calls in the first half of fiscal 1971.)

"It's too bad that the draftees have to do most of the fighting," Brehm added. "Believe me, I don't enjoy signing those draft calls. But, after all, one of the things the Army is all about is combat."

HOW ARMY FILLS COMBAT JOBS

The table below shows the numbers of men from the Army's three manpower pools who performed the major combat military occupation specialities (MOS). Percentage figures indicate the percentage of total manpower in each combat MOS drawn from each of the three pools.

The first pool consists of draftees (US). The second is Regular Army volunteers (RA) who have enlisted for three years and exercised an option to choose their MOS. (About 80 per cent of three-year RA's exercise this option.) The third group, Regular Army, unassigned (RAU), comprises the 20 per cent of RA's who failed to exercise their options and two-year RA enlistees, who have no choice in their assignment. Figures are for fiscal 1970.

Specialty (MOS)	US		RA		RAU		Total
	Men	Percent	Men	Percent	Men	Percent	
Infantry rifleman (11B)	36,599	67.2	1,364	2.5	[1] 16,526	30.3	54,489
Mortarman (11C)	5,953	64.4	292	3.1	3,004	32.5	9,249
Armor intelligence (11D)	4,292	64.9	804	12.2	1,517	22.9	6,613
Armor crewman (11E)	3,791	70.7	645	12.0	929	17.3	5,365
Field artillery (13A)	13,614	72.3	764	4.1	4,442	23.6	18,820
Total	64,249	68.0	3,869	4.1	26,418	27.9	94,536

[1] Includes 3,832 officer candidates.

Source: Defense Department.

MARINE CORPS WAY: LOWER DRAFTEE DEATHS

U.S. Marine Corps policy toward draftees differs sharply from that of the Army. As a result, Marine draftees suffered significantly lower casualty rates in Vietnam than their Army counterparts.

Marines make up 8.5 per cent of the armed services, against 43.2 per cent for the Army. Over the course of the war (fiscal 1965–70), the Marines have taken 42,700 draftees, or 2.6 per cent of all men drafted. (In the same period, the Navy took a scant 2,526 draftees, and the Air Force filled its manpower needs through volunteers.)

Small draft component: In fiscal 1970, the Marines took into their ranks 67,600 enlisted volunteers (79.6 per cent) and 7,880 draftees (10.4 per cent).

On June 30, the last day for which figures are available, there were 15,058 draftees serving in the Marines—5.8 per cent of enlisted and officer Marine strength.

On July 23, the Marine force in Vietnam numbered 38,600 men, of whom 3,500 were draftees. Thus, on that date, some 23.2 per cent of all drafted Marines were serving in Vietnam, although only 14.9 per cent of the Marine Corps as a whole was stationed there.

Vietnam deaths: The Marines have lost 14,320 men in Vietnam since their arrival there in 1965. Draftees account for 749 (or 5.2 per cent) of those killed or fatally wounded—considerably below the percentage (9.1) draftees bear to the total Marine manpower now assigned to Vietnam.

Unlike the Army, the Marines place all their enlisted volunteers (who may sign up for two, three or four years) and two-year draftees into a common manpower pool, where individual skills are tested and rated before military jobs are assigned.

A Marine general who declined to be quoted by name told *National Journal:* "I would be willing to wager a month's salary that our average draftee falls into a higher-quality mental group than our average volunteer.

"So the machine (a computer) simply and fairly assigns draftees to billets where their higher-level skills can be put to the best use for the Corps. And that's why so few of them are being killed."

The sole exception to the Marines' policy of assigning jobs to volunteers rather than letting them choose is an aviation program—where a place in the program is guaranteed only to those who agree beforehand to enlist for four years.

Because the training program alone takes a year to complete, the Marine command feels it would get a poor return on its investment if it allowed draftees to enter the ground-support aviation schools.

In fiscal 1970, 8,990 men signed up for the aviation program. The entire remaining pool of Marine volunteers (86.7 per cent) took their job-assignment chances alongside the Marine draftees.

Phasing out draftees: The Marines last inducted draftees in February 1970, when they took 1,200 men into the Corps from the Selective Service System—from a total monthly callup of 19,000 men.

Under present policy, the Marines will be draftee-free by February 1972, when the last draftee group to have entered the Corps is mustered out. By that time, according to current manpower estimates, a small reduction in over-all Marine forces combined with a projected improvement in enlistment and reenlistment rates will permit the Marines to return to their pre-Vietnam status as an all-volunteer force.

Marines move out: Since President Nixon's Vietnamization program took effect last year, Marine withdrawals from Vietnam have occurred at a far swifter pace than the Army pullout.

The Joint Chiefs of Staff have agreed to the accelerated rate of withdrawal for the Marines, under pressure from Marine commanders who have asserted in Pentagon councils that a policy of taking the Marines out first is needed to make sure the Marines will be able to meet their long-standing primary mission as an expeditionary strike force.

LEST WE FORGET

Mr. DOMINICK. Mr. President, today marks the second anniversary of the brutal Soviet-led invasion and occupation of peaceful, freedom-loving Czechoslovakia. On this occasion, we should again remind the rest of the world that the Soviet Union, by this ruthless action, flagrantly violated the principles of in-

ternational law as incorporated in the Charter of the United Nations.

The Soviet aggression and occupation of Czechoslovakia:

First, violated the sovereignty of a member state of the United Nations—article 2, section 1;

Second, violated article 2, section 4, prohibiting the use of military force in the relations between individual members of the United Nations;

Third, violated the principle of self-determination of peoples—article 1, section 2;

Fourth, was in conflict with article 2, section 7, prohibiting outside intervention in matters essentially within the domestic jurisdiction of any state; and

Fifth, was in conflict with a number of resolutions of the General Assembly of the United Nations, particularly resolution 2131—XXI—adopted at the meeting of December 21, 1965, upon the Soviet Union's own motion. This resolution prohibits intervention in the domestic affairs of any state, and guarantees the protection of its independence and sovereignty.

One year ago, on the first anniversary of that humiliating aggression and occupation, Czechoslovak democratic organizations called a protest meeting in Washington, D.C., which was attended by many representatives of other exile and ethnic groups and won strong endorsement by many U.S. Senators, Governors, and Congressmen. That meeting voted, by acclamation: August 21 shall henceforth be called the "Soviet Day of Shame."

On this, the second anniversary of the "Soviet Day of Shame," let us remember that the continued Soviet occupation of Czechoslovakia is another crime against the right of a small country to determine its own destiny and aspirations. The invasion was an intervention by the forces of reactionary communism to prevent the Czechs and Slovaks from establishing their own social order—an order that did not endanger anyone, and sought to contribute to the building of bridges of understanding across the discords of an ideologically divided world while lending aid to better understanding and cooperation among all nations on the basis of true progress and humanity.

During the forthcoming General Assembly of the United Nations, there will be many occasions for denouncing Soviet aggression and repeating demands for the withdrawal of Soviet forces from Czechoslovakia. I hope that representatives of all free nations will not let this opportunity be lost, but will help solve a problem that endangers not only the peace in Europe, but throughout the world.

AGRICULTURAL ACT OF 1970

Mr. MONDALE. Mr. President, as a result of the agricultural bill which passed the House August 5, the wheat and feed grain farmers of Minnesota stand to lose between $40 to $50 million annually in lower price supports. This figure does not include the future loss in income to those raising livestock—which will be an inevitable result of lower feed grain prices.

The House bill does contain a reasonable dairy class I base plan, a needed extension of the Food for Peace Act, and an acceptable extension of the Wool Act—all of which should be retained in any bill passed by the Senate.

But in regard to wheat and feed grain farmers, the House bill does not approach the income stability of the present farm program. The inadequate and unfair provisions of this bill are in part a result of vacillation and lack of leadership by the administration.

Under the guise of giving farmers more flexibility, the bill would instead assure lower wheat prices and lower feed grain prices. Wheat and feed grains are already selling too cheaply, and yet the House passed a bill which will further force down the prices for these commodities.

I have written to the Senator from Louisiana (Mr. ELLENDER), chairman of the Committee on Agriculture and Forestry, urging his committee to report a bill which will meet the needs of Minnesota farmers. I intend to do everything possible in the Senate to assure the passage of a fair and equitable farm bill.

Since farmers have been caught in a terrible cost-price squeeze in recent years—one that has made our farmers the chief victims of both recession and inflation—an improved farm program is essential.

Instead, the House passed a farm bill which can only worsen the plight of wheat and feed grain farmers in America.

For years, Representatives and Senators from predominantly rural States have been told that they must explain to their constituents the problems of America's urban areas—and that they must support programs to improve our decaying cities.

Many of them have done so. Now, it is time for those from predominantly urban States to understand the needs of rural America and to support programs to meet these needs.

For in the long run, it is not just America's farmers who will suffer if the House-passed Farm bill becomes law; this bill will have an adverse impact on our entire society.

When the farmer's income is lowered as a result of reduced prices, more and more farmers will be forced off of farms and will migrate to already overcrowded cities. At a time when we desperately need to revitalize and rejuvenate the rural areas of our country—when we need a policy of rural-urban balance—we will be moving in precisely the opposite direction by enacting this bill. There will be more unemployment, more poverty, and our cities will be further overwhelmed by their problems.

If the legitimate needs of rural America are understood, then I am confident that the Senate will reject the harmful provisions of the House bill and will pass legislation to provide better income protection for the American farmer.

Mr. President, I ask unanimous consent that the text of my letter to Senator ELLENDER be printed in the RECORD.

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

AUGUST 13, 1970.

Hon. ALLEN J. ELLENDER,
Chairman, Senate Committee on Agriculture and Forestry, Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I am most concerned about certain provisions of the House-passed Agricultural bill which is pending before your Committee.

First, the House bill does not provide an assured minimum price support level for wheat and feed grains. While approximately 530 million bushels of wheat for domestic food use will be assured parity, the remainder of the crop—which has been running as high as 1.5 billion bushels—can be given loans down to 0% of parity at the Secretary's discretion. The Secretary's intent is reflected in his indication to the House Committee that he believes the loans should be below world prices.

Further, while one-half of the corn crop will be supported the Secretary can, at his discretion, set the other half at 0% to 90% of parity. Since all feed grains are supported in relation to corn, feed grain producers will have no assurance of a minimum over-all return from their crops.

I urge the Committee to adopt a provision ensuring firm minimum price support levels, related to parity, for the entire wheat and feed grain crops.

It is estimated that in Minnesota alone, wheat and feed grain farmers will lose between $40–$50 million annually in lower price supports. This figure does not include future loss in income to those raising livestock—which will be an inevitable result of lower feed grain prices.

Secondly, the House bill authorizes a new production and acreage control system—a system resting on the conserving base. In a letter to the House Agriculture Committee in May, Secretary Hardin described the conserving base approach as having "inequities and weaknesses." There is no requirement or assurance in the bill that the program will not be administered in such a way as to allow millions of acres of cropland to be brought into production.

If positive production controls are not required, we may again face serious surpluses which will depress markets and cause great financial damage to producers.

Finally, I am concerned about the failure of the House bill to provide positive assurance that diverted croplands will not be used to expand and depress the livestock industry. I would recommend that the bill reported by your Committee contain an explicit prohibition against using acreage removed from crops for grazing at any time—except in the case of bona fide emergencies.

If the final Agriculture bill adopted by the Congress does not take care of these problems, I believe that wheat and feed grain producers will be better served by an extension of the present farm programs rather than enactment of the House bill.

Sincerely,

WALTER F. MONDALE.

PROMINENT OHIO CITIZEN REPORTS ON CASTRO'S CUBA

Mr. YOUNG of Ohio. Mr. President, Edward Lamb, of Toledo, is one of the Nation's most highly respected industrialists. He has been my personal friend over many years. In his younger days he became an outstanding lawyer in Ohio, winning renown as a trial lawyer representing labor unions. Edward Lamb, or "Ted" Lamb as he was known to his friends, was a comparatively poor man financially in those days. Now as an industrialist he is known and respected in international business circles and due to his own efforts he has become a multi-

millionaire. His progressive views on all public questions are a part of him now as they were years ago.

Throughout many years Ted Lamb has distinguished himself for his services in behalf of underprivileged. In the course of my many years practicing law in Ohio I was familiar with his achievements as a lawyer and his services as a humanitarian not only in behalf of members of labor unions but in behalf of unemployed and underprivileged men and women.

From time to time Edward Lamb has spoken out vigorously for trade relations between our Nation and the Soviet Union and Communist China and with Cuba. He believes that trade promotes friendships and that the customer-dealer relationship would bring nations closer together just like it does for individuals.

Mr. President, recently Edward "Ted" Lamb returned from 2 weeks in Cuba.

I ask unanimous consent that the report on the trip made by Edward Lamb following his return be printed in the RECORD.

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

TOLEDO, OHIO, August 6, 1970.—Edward Lamb, Toledo industrialist, returned today from two weeks in Cuba and told the following anecdote:

On March 22, 1969, Mr. Lamb discussed with Fidel Castro in Camaguay Province the possibility of producing several consumer products, using sophisticated mechanized equipment. He told of his American production of plastic shoes with foreign-made machinery which he had acquired in West Germany and Italy. He gave Prime Minister Castro samples of the shoes and furnished him with brochures and literature of the Italian and German equipment manufacturers. On June 10, Castro sent three engineers to Italy and Germany, and on July 5, the representatives of the shoe machinery manufacturers were in Cuba bidding for the equipment business.

The Cubans purchased the equipment and installed it in a plant in Havana and began production on December 5, 1969. Castro stated in his July 26 speech that "The Cuban plastic shoe production has now reached more than 30,000 pairs a day in a plant with 300 workers operating 10 machines." The plant will shortly produce daily 60,000 pairs of shoes with a few more machines now being installed. Each machine has 10 stations and processes up to 200 pairs of shoes an hour. The equipment is operated 24 hours a day with four 6 hour shifts. The Havana plant presently produces only women's shoes but is has already supplied every woman in Cuba with at least one pair of the new vinyl shoes. Mr. Lamb said the quality of the production, as far as wearability, color retention and even styling, is equal to anything which has been turned out elsewhere. Another plant which will produce men's shoes is under construction in Santiago in Oriente Province. The total plastic shoe production will amount to 30,000,000 pairs a year by mid-1971.

Prime Minister Castro emphasized that this vinyl shoe story provides a remarkable model of the use of technology to satisfy consumer needs with a minimum of human labor. There will soon be twice as many of the new vinyl shoes as are now being turned out in the leather shoe factories. The present production in the leather plants uses 19,000 workers turning out only 18,000,000 pairs of shoes a year. However, the new equipment will produce more than 30,000,000 pairs of vinyl shoes a year with less than 1,200 workers.

Mr. Lamb who sat on the stage in Havana and listened to Castro's account of the attempts to mechanize their fields and factories said that in his opinion, *no country in the world has shown a greater receptivity to technological progress than now exists in Cuba.* He said that "the building of schools, housing, road construction, dams for the irrigation of the fields, and many recreation centers are an inspiring sight and that the United States should not 'kid itself' about the improvements now taking place in the Cuban economy. They have domestic problems, as do we, but the fact is that the Cuban people are seriously attacking those problems and they are not involving themselves in foreign adventures. Like any developing nation, Cuba has need for foreign know-how and Havana University has recruited 185 teaching specialists for the new fall term."

Mr. Lamb attended a luncheon given for foreign industrialists who are doing business with Cuba and these included important Swedish, Italian, Japanese, French, Spanish, Canadian and other businessmen from the non-socialist countries. One guest wisecracked, "This is an open meeting—open to any foreign multi-millionaire with know-how for sale!"

"The American boycott of Cuba is unfortunate," Mr. Lamb said, "and outside of its moral implications merely drives a lot of good business into the arms of foreign producers." This was the third trip Mr. Lamb has made to Cuba within the last 15 months, and he stated that the Cuban people are vigorously improving their social and economic conditions. He expressed the hope that the American people will demand all the facts and the truth about Cuba. We must have an objective look and then determine whether our "national welfare and security couldn't be better advanced by a policy of peace and friendship with our neighboring country."

MARK TRICE

Mr. SAXBE. Mr. President, I should like to add my voice to those that have been raised in the last few days for Mark Trice, an unusual man, indeed. One of the first men I met when I came to the Senate was Mark Trice, a fixture in this body for half a century. Mark was a tremendous help to me in my fledgling days in the Senate. What is even more significant, and typical of the man, however, is that he continues to be a great help—even though the class of '68 supposedly has learned its way around in the last 20 months or so.

At any rate, I want to commend Mark Trice, our distinguished secretary to the minority of this body, on the occasion of 50 years of dedicated service. His wisdom, competence, fairness, and judgment have aided us all at various times. His service has brought honor not only to himself, but that honor extends to this body, his family, and his friends.

Mark Trice has seen many Senators come and go in the last 50 years. In numerous ways, his life has touched theirs. I could continue at length about this man whom I have known a relatively short time. But let me conclude with this observation: Mark Trice has helped me to do my job. I can pay him no higher tribute.

PLIGHT OF CHILDREN OF MIGRANT FARMWORKERS

Mr. MONDALE. Mr. President, in the course of the testimony presented before the Migratory Labor Subcommittee, the Select Committee on Equal Educational Opportunity and the Select Committee on Nutrition and Human Needs, we have heard numerous references to the plight of the migrant farmworker. Recently, this was reported also on a nationally televised documentary by the NBC network.

I have just received a letter from a teacher in Seattle, Wash., which describes in moving detail the conditions under which these children are forced to live. It is an incisive letter, Mr. President, which tells among other things how even a free lunch can be a negative experience for a child when, in order to receive it, he must place his poverty on public display.

I should like to have Senators share Miss Oyler's concern for those she calls "the little children with the dancing eyes and the singing names." I therefore ask unanimous consent that the letter from Miss Elaine Oyler be printed in the RECORD.

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

JULY 27, 1970.

DEAR SENATOR MONDALE: I am writing to tell you, "Gracias, gracias, gracias". Your probe into the migrant living situation is not only desperately needed but a most humanitarian gesture. My association with the migrant has been in Colorado where the total population is primarily Spanish-American. I am a school teacher and have worked in a Title III school. The locale in which I lived, the Poudre Valley, produces sugar beets which is the major agricultural crop harvested by these people. Let me preface my remarks by saying that your comments on the "Today Show" were quite accurate. Having been deeply involved with these people it is no stretch of the imagination to state that their living conditions are "not to be believed". In many articles and newsbroadcasts I have been familiar with of late, the states of Florida and Texas are pointed out as being particularly bad in terms of housing conditions and labor relations. I do not have a vendetta against Colorado, I simply can't imagine these states being any worse.

After hearing your many investigations I am sure you can empathize with how it feels to be a Spanish-American (many times native born) living in this land of plenty. I ask you though, to please regress for a moment and imagine yourself age six, Spanish-American and away from your family for the first time in your life . . . you are attending a rural public school. To begin the year, more often than not you must enter school six weeks to two months late. This is because your parents have been picking the late summer crops and have not settled down to the five month off-season lull until now. In school everything sounds strange to you. The little children in your room are doing some elementary reading but they are doing so in English. English, this is the language you hear when you go into town to the supermarket or what your parents speak to the "Anglo's". You decide for the time being you will like your teacher. When you came into the room she met you with a warm, friendly smile and pleasantly said, "Hello, I'm Mrs. Brown". She took you by the hand, introduced you to the class and then showed you to your seat. In front of you sat an "Anglo" girl who did not even look up from her book when you sat down. Behind you was a Spanish boy like yourself, but he was different. Boy, were you surprised when you found out that he did not speak Spanish! Mrs. Brown then brought over some books and asked you to step to the back of the room. She began to ask some questions but all you could do was look blankly at her

because everything seemed so strange and foreign. "Juan, have you ever been to school before?" "Juan, do you know your alphabet?" "Juan, how far can you count?" In desperation, Mrs. Brown calls Carlos, another Spanish boy to the back of the room. She asks him some questions and in Spanish he asks if you know how to say your alphabet and count your numbers. "Si, uno, dos, tres, cuatro, cinco, seis, siete, ocho, nueve, diez". "No, no Juan, you are in school now, you *must* speak in English". By this time the room is getting noisy so Mrs. Brown asks you to come to her desk. There she gives you a box of crayons and several pictures to color. At your desk you stare at the crayons for awhile and then gingerly, with all your fingers wrapped around the crayon, make some marks on the paper. Why couldn't Mrs. Brown understand that you have never had a crayon in your hand before and if you make a mess, she will think you dumb and stupid.

Finally a bell rings and you are told that it is lunchtime. Who eats lunch? At home it's cornmeal in the morning and frijoles and tortilla's at night. Carlos comes over to you and together you go down the line to the lunchroom.

There you must stand in another line in which you are given a piece of paper with "FREE" stamped on it. You don't know what it means but if they are going to feed you and you don't have to pay for it, you don't care what it says. Never, in your entire life have you seen so much food. You like the lady who is dishing it out. She looks so clean and friendly and you hope she won't forget you too are coming through the line or the food will not run out before you get there. On your tray you see a paper container and a straw. You ask Carlos if it is "cafe" and he says, "Noh, leche". You think to yourself, leche (milk), that is the stuff they give little babies. I wonder what it tastes like? Carlos then directs you to a small table in the far corner of the room. At this table are several other Spanish children but they are much older than you. You ask Carlos why you don't sit with the other children in your room and he tells you that your table is where the "free lunch" sit. In just a few days you learn what it means to get "free lunch."

On the playground you decide to stick to Carols like glue and he is nice about it. You see the other children playing games and long to be playing with them but no one asks you. Finally while Carlos and you are throwing rocks into a dried-up mud hole one of the boys from your class decides to talk to you. "Hi ya, Mex! Where'd they drag you up from?" About the time you are being asked this you see several other boys closing in on you and the next thing you know, feel yourself being punched all over your body. At this same moment, the dutiful playground supervisor comes around the corner, sees a scrap and before you can believe what is happening to you, you find yourself in the principal's office and she is saying, "Oh those —— Spanish. The first day at school and already a fight. I don't know why but it seems the whole bunch of them are so angry?" Your first experience with the principal is memorable. A great, gigantic man with a mean look in his eyes, who spoke very fast. Too bad you could not understand what he was saying to you. He asked you what happened and Carlos began to speak for you but the principal quickly shut him up by saying, "Let the boy speak for himself". "What was this fight all about Juan?" "Who started it?" "Come on, speak up boy". "Noh, noh comprendo, senor".

Back in your classroom, Mrs. Brown greets you once again with a smile. The children are dancing and singing to a record. Mrs. Brown asks you to join in the circle but several of the children won't break it to let you in. Finally Mrs. Brown gets in the circle herself and brings you in but you can feel the little girl who is holding one of your hands sure wished she wasn't. You know everybody knows this and wished you could run out of the room but Mrs. Brown has a strong grip on your other hand. Later, while the children are getting their afternoon drink you can see the little girls pointing at you and giggling. You ask Carlos what they are saying and you're told they are laughing at your pants and shoes. So what, they were good enough for Manuel and Jose, why not me? And what if your shoes did have cardboard in them. You know you must make them last as there is not enough money in the winter when there are no crops to pick. You were clean though. Mama had washed all of your clothes special because you were going to school and you knew this was a job for Mama who had to carry the water from the big cistern in the camp. You then looked at your hands and knew why the little girl had not wanted to hold yours. Sure they had blisters on top of blisters but that is what you get when you hoe sugar beets. In your family, if you're big enough to hoe beets you work, even if the hoe has a sawed-off handle.

Soon the day ends and you must walk back the way you came to the place where you were told you would be picked up by the man who owns the camp your family is now living in. At this place you must wait and wait and wait. Finally he comes, you climb into the back of the truck and as it pulls into camp never did anything look so good as to see Mama, Papa and the babies in front of your cabin. "Como esta, Juanito" you hear Mama calling. Spanish, it was the best sound in the whole wide world. Now you knew you were really home.

In many schools around this nation where the Spanish-American migrant child attends they are being drastically short-changed. We, as educators, speak of meeting the needs of all the children, of planning behavioral objectives and yet, in many areas, the Spanish-American are a foreign entity and just don't "fit in". Many Spanish-American children are suffering from acute learning disabilities, many of these physiological in nature. You spoke of the conductive hearing loss. This exists but I feel there is a problem far more pressing than this. It is the permanent loss of intellectual capacity due to prenatal and postnatal malnutrition. If these children do not get the proper amount of protein at the optimum time (prenatal period and the first 12 months of life) they can develop permanent learning disabilities. After this period of time, there can still be some damage but not as extensive. This has serious implications as to their ability to integrate material correctly, hence, being able to read and write. I became fascinated with this area because I had a little boy in my room who was severely malnourished in early life and as a result, was totally apathetic (minimal autism) at the age of 5½. I am not working with these children any more but they are still very much on my mind . . . and in my heart. I am trying to help them in another way by working on a M.Ed. specializing in specific learning disabilities children develop because of a lack of early protein in the diet. This is a new and open field, but one that needs to be looked into more severely. There are implications here for why children in "poop-up programs" such as Headstart do not maintain their acceleration, why many people of this lifestyle are so apathetic in attitude and why the cycle of decadence evolves. I choose to feel that it *all* does not depend on the socio-environmental conditions as does Hurley.[1] Research says that there are now definite physiological changes in the biochemical and neurological makeup of individuals subject to early malnutrition. If you are interested in this area there are many competent men who can give you intense detail. May I suggest the work of Dr. Joaquin Cravito of Mexico City, Dr. Fernando Monckeberg of Santiago, Chile and Drs. Delbert Dayton and Merrill Read of the National Institute of Child Health and Development, Growth and Development Branch.

I will close this letter to you by saying, thank you again for your interest. I call these children, "the little children with the dancing eyes and singing names". Please sir, please . . . help them to get their fair break in life.

Most Appreciatively,

ELAINE J. OYLER,
Seattle, Wash.

[1] Rodger Hurley, *Poverty and Mental Retardation: A Causal Relationship* (New York: Vintage Books, 1969).

CIVIL RIGHTS AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, statements by organizations dedicated to the advancement of human rights was an integral part of last spring's hearings on the Genocide Convention by a special Subcommittee of the Foreign Relations Committee. Mr. Bayard Rustin, the distinguished chairman of the Executive Committee of the Leadership Conference on Civil Rights and Mrs. Katherine L. Camp, president, U.S. section, of the Women's International League for Peace and Freedom have been strong supporters of the Genocide Convention. Their statements stress the importance of ratifying the convention in order to reaffirm the fundamental U.S. commitment to human rights and human dignity.

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

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

STATEMENT OF BAYARD RUSTIN, CHAIRMAN OF THE EXECUTIVE COMMITTEE OF THE LEADERSHIP CONFERENCE ON CIVIL RIGHTS

The Executive Committee of the Leadership Conference on Civil Rights, at its meeting on April 29, 1970, unanimously endorsed ratification of the Genocide Convention.

Many of the 125 national civil rights, labor, religious and civil groups that participate in the work of the Leadership Conference have already expressed their individual support of ratification. It is our hope that endorsement by the Leadership Conference will help focus the Senate's attention on ratification of the Genocide Convention as a civil rights issue.

When the United Nations, our own country included, adopted the Genocide Convention in 1948, it was in direct response to the most heinous crime of this century: the murder by Nazi Germany of more than 6 million men, women and children, simply because of religious, ethnic or political minorities. The intervening years have only made ratification of the Convention more imperative and the reluctance of the U.S. Senate to act, in more than 20 years, a matter almost beyond comprehension.

Lately in this country we have heard members of the black minority express the fear that concentration camps and gas chambers may someday be prepared for them. It is a pernicious fear; and it persists in spite of disavowals by the highest officials of government.

One way to demonstrate that the fear is groundless is for the Senate of the United States to ratify the Genocide Convention.

Seventy-five countries have already ratified the Convention. We must, too, if we are to convince our citizens and the world that we mean what we say; that we are ready to go beyond mere professions of high principle and take an unequivocal stand against the monstrous destruction of groups of people because of their birth or their beliefs.

We urge the Senate to take prompt action in ratifying the Convention on the Prevention and Punishment of the Crime of Genocide.

STATEMENT BY KATHERINE L. CAMP, PRESIDENT, U.S. SECTION, WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM

The Women's International League for Peace and Freedom strongly urges ratification of the U.N. Convention on Genocide. This Convention manifests man's striving for a more humanitarian way of life by condemning the organized destruction of any racial or religious group. The U.N. unanimously adopted the Convention on Genocide in 1948 and since that time 75 countries have ratified it. Both the Secretary of State and the Attorney General have stated that there are no Constitutional obstacles to U.S. ratification.

Man's goal of living in a world without war, with freedom and justice for all, can only be realized if we build a firm foundation of international law. The Genocide Convention is a vital part of such a foundation. This Convention embodies the revulsion of all civilized men at the systematic destruction of any group of people because of their racial or religious origin. U.S. ratification of the Genocide Convention would demonstrate our commitment to abide by the decent opinion of mankind everywhere.

Since the U.S. Section of the Women's International League for Peace and Freedom first endorsed the Genocide Convention in 1949, we have repeatedly urged the United States to ratify it. Ratification of the U.N. Convention on Genocide this year would be a particularly fitting manner to celebrate the 25th Anniversary of the founding of the United Nations.

GENEVA PROTOCOL OF 1925 SUBMITTED TO THE SENATE

Mr. FULBRIGHT. Mr. President, I am pleased that the President, in fulfillment of his promise of last November, has today submitted the Geneva Protocol of 1925 to the Senate for its advice and consent. This action, together with the President's previous renunciation of the use and possession of biological warfare agents by the United States, will substantially strengthen the barriers protecting mankind from the horrors of chemical and biological warfare.

The dimensions of the danger posed by the existence of these frightful agents has been amply illustrated during the past few days as a result of the Army's disposal of a shipment of deadly nerve gas. More than anything else, the episode of the nerve gas underscores the potentially suicidal absurdity of producing weapons which are too dangerous even to destroy.

Fortunately, the President's actions over the past few months have had the effect of removing major chemical and biological weapons from their previous place in our military planning. In my opinion they should never have been there in the first place but the President deserves full credit for having initiated a comprehensive review of our chemical and biological programs.

At the same time there is still widespread concern over the erosion of U.S. restraint with regard to the use of agents at the lower end of the spectrum of chemical warfare. I refer specifically to the heavy United States use of harassing gases in Vietnam and to the extensive defoliation operations which we have conducted in Vietnam, including the destruction of food crops.

The administration is reported to have weighed the questions of harassing gases and herbicides very carefully in deciding upon the action it has taken today. Indeed, it is reliably reported that it was the effort to resolve precisely these problems which has delayed submission of the protocol until this late date in the congressional session.

Quite frankly, I would have preferred for the President to have interpreted the protocol in accordance with the position adopted by the U.N. General Assembly in an 80-to-3 vote last December, as prohibiting the use of harassing gases and herbicides. While he did not do so, I am nevertheless pleased that in submitting the protocol he did not formally reserve the U.S. position with regard to those weapons.

There are ways other than action on the protocol by which the Senate can express its views on these issues. One of these ways is by our action on the herbicide amendment to the Defense procurement authorization bill sponsored by Senators NELSON and GOODELL. Passage of their amendment would be an effective means of curtailing the use of herbicidal agents by the military in Vietnam.

Too little is known about the long range effects of these chemicals on the environment or on human beings to justify their continued use at this time. What little we do know about some of the chemicals being used in Vietnam has led to their being prohibited for civilian use in this country. Until these questions are more fully studied, it is in my view unthinkable that we would continue to inflict them upon the long suffering Vietnamese.

I intend to support the ratification of the Geneva protocol. Before taking a final position on all of its interpretations, however, I believe that the Senate should make a careful study of the complicated legal, technical, humanitarian questions involved. While this need not be as lengthy as the executive branch review of these same issues, there are many points of view which deserve to be heard and considered.

Finally, I wish to commend the President again for the decisions which he took last November and for the action which he has taken today. Together they have moved U.S. policy a considerable distance toward conformity with the remainder of the world community.

INDIAN AFFAIRS LEGISLATION

Mr. MONDALE. Mr. President, last month President Nixon sent to the Congress a message on Indian affairs. This was a significant statement by our Nation's Chief Executive. It was a statement deserving of attention and, in many respects, deserving of praise.

It is too early to tell how much of the President's message will be rhetoric and how much will be turned into action. But it is encouraging to note that the administration has submitted to Congress three bills which would implement some of the President's recommendations.

On July 20, the Forum, the newspaper serving Fargo, N. Dak., Moorhead, Minn., and the surrounding areas, published an editorial analyzing the statement. The editorial succinctly summarized the key points of the message and recognized the significance of self-determination if the Indian is to progress beyond the state of poverty in which so many of our Nation's first citizens are forced to dwell.

I ask unanimous consent that the Forum's editorial be printed in the RECORD.

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

NIXON'S MESSAGE IN INDIAN AFFAIRS CONTAINS PROPOSALS WHICH SHOULD BE ACTED UPON

President Nixon's message to Congress on Indian affairs contained recommendations which we hope are enacted into law.

Mr. Nixon's program can best be described as one of self-determination for the Indian. It condemns both paternalism and neglect in government policies. Mr. Nixon stated that Indians are "the most deprived and most isolated minority group in our nation." The chief executive stated that even the federal programs which are intended to meet the needs of Indians "have frequently proven to be ineffective and demeaning."

One of the nation's leading spokesmen on behalf of the Indian, Democratic Sen. Walter Mondale of Minnesota, had praise for the President's message. Mondale, a member of the Senate subcommittee on Indian education, has long been a champion of many of the reforms Mr. Nixon recommends.

The President asked Congress to renounce its previous endorsement of the "termination" policy which promoted the weakening and ultimate finish of the reservation system. Instead, Mr. Nixon would affirm that "the historic relationship" between Indians and the government cannot be abridged without Indian consent . . .

"Even as we reject the goal of forced termination, so must we reject the suffocating pattern of paternalism. We must assure the Indian that he can assume control of his own life without being separated involuntarily from the tribal group," said the President.

Mr. Nixon proposed that Indian tribes be empowered to take over the control or operation of present federally run programs if they choose without loss of federal funds.

For example, Johnson-O'Malley school aid would go directly to Indian tribes and communities as well as to public schools in order to prevent misuse of these funds. Many school districts, after receiving the Johnson-O'Malley Act federal funds for Indian education, have turned the money into the general fund, with Indians getting little benefit.

President Nixon, in his message, recognized the fact that many Indians are turning from rural to urban life, going to the cities where they are meeting special problems of unemployment and lack of social inaction. Mr. Nixon proposes to expand the operation of urban Indian centers, such as exist on a limited basis in Minneapolis and other large cities.

The President presented an impressive list of other measures which would help the Indian meet social, economic, education and health needs.

Throughout the message, the emphasis was on self-determination, giving the Indian the opportunity to live in dignity whether he chooses the reservation system or wants to enter the mainstream of American life.

The Indian himself has become more and more vocal for self-determination and participation. He wants some of the decision making power which too long has been in the hands of an impersonal bureaucracy.

With favorable action by Congress and new and eager leadership among the Indian population, perhaps we will see some strides which will help both the Indian who chooses to retain his tribal way of life, and the Indian who would rather integrate into the larger society of American life.

TAKING AGRICULTURE FOR GRANTED

Mr. DOLE. Mr. President, sometimes it takes a catastrophe—a near disaster—to bring us to our senses—to bring us back in touch with reality.

Such is the case now with a serious blight affecting cornfields across the Nation.

Although exact figures are not yet available, apparently we are going to lose a substantial portion of the 1970 crop. Estimates of nationwide losses now range from as low as 10 percent to as high as 50 percent. In Illinois, last year's leading corn-producing State, the State department of agriculture estimates that fully one-fourth of the crop has been seriously damaged. We will not know the full extent of the damage until USDA surveys now underway have been completed.

I have discussed this problem with officials of the U.S. Department of Agriculture and the National Educational Institute for Agriculture, a nonprofit organization which seeks better public understanding of farm issues, and I believe enough is known to draw some useful and important conclusions.

First—and this is foremost—American agriculture is being taken for granted; if nothing else, what has happened should alert us to this fact. U.S. agriculture is one of the real miracles of the modern age; farmers have broken record after record; and agriculture has become so dependable that the thought of going without needed food or fiber almost never occurs to anyone in this country any more.

A blight that may well ruin one-half of the largest crop our country produces—the largest both in terms of value and volume—is a very serious matter, yet in the larger sense it tells us just how lucky we really are.

In America even a 50-percent loss—a staggering figure by any standard—is not really a disaster. Anywhere else in the world it would be unthinkable.

In America we have combined research and reserve capacity to prevent the tragedies that occur elsewhere from natural causes.

Our extensive agricultural research facilities, and the people who man them, are the world's best—and given time, they will find a way to prevent damage from the fungus that is causing the current blight. And once the cure is found, our farmers will apply it immediately and effectively, because they know the value of research, and over the years have learned to utilize it well.

In America, the average citizen can afford to be unconcerned that severe shortages of basic products may occur—he does not need to race his neighbors to the nearest grocery store to stockpile staples to guard against an impending emergency—but only because adequate food and fiber reserves protect us all.

These reserves are made possible through our agricultural programs—the price support and acreage control system made available to farmers over the past 37 years. Today we have approximately 1.5 billion bushels of feed grains—corn, grain sorghum, oats, and so forth—in reserve. This is considered an adequate carryover between harvests. It will prevent what could have been a disaster from becoming just that.

I do not lightly dismiss the threat posed by the current corn blight. Obviously, serious disruption will occur as a matter of course in many major segments of American agriculture.

The effect on next year's corn plantings could be most dramatic of all.

But certainly, a sharp reduction in corn supplies will have immediate impact on the beef, poultry, and swine industries.

If feed costs rise—and they most likely will—meat prices will follow and reflect the increase.

I believe we will weather this adversity with a minimum of economic disruption, but only because our agricultural programs make it possible to plan for the unexpected.

These present circumstances also strongly underscore the need for adequate reserves as part of our total national food budget.

If we ignore the lessons of history—if we let supply outstrip demand—then we will plunge ourselves back into a serious oversupply situation. That is why 3 million farmers still need Government farm programs to gear output to meet demand—to maintain a reserve to meet just this type of emergency, yet avoid price depressing surpluses.

We hear many complaints about farm programs, especially from the standpoint of the costs involved. Actually, the costs to taxpayers have been minimal when compared to the benefits brought about as a result of expenditures on farm programs. In effect, these programs have subsidized the consumer to a greater extent than the farmer.

Anyone familiar with basic economics knows that buyers pay more when supplies are short, and that they pay less when there is too much; in agriculture, prices drop even when there is a slight abundance. Farm programs have assured the American consumer an abundance of food and fiber.

The costs have been small indeed—especially if compared to what can happen in a period of short supply.

The corn blight is a serious problem, but one that American agriculture can and will solve. The present situation serves to dramatize the fact that Americans have taken agriculture too much for granted—for too long.

THE SERVICE OF J. MARK TRICE

Mr. CURTIS. Mr. President, it is indeed a privilege to join with many others in congratulating the Honorable J. Mark Trice on this unusual occasion. The fact that everyone calls him "Mark" indicates something about the fine character that he possesses. He is a friendly man. The Senators and Senate employees like him. He is a man of humility. These are all desirable attributes.

We honor Mark at this time not just because he has served for 50 years. This indeed is a remarkable record in public service. A half a century in a particular activity is a long time. We do honor him because he has reached this milestone, but we also honor him because of the quality of the service that he has rendered throughout these years.

Mark has been a source of intelligent and dependable service for everyone who has turned to him. It has been my experience that when a question or request was directed to Mark, he responded with accuracy, thoroughness, and utmost fairness. His sincerity and his personal integrity, plus his competence, made it possible for all of us to totally rely upon him.

So at this time when we are honoring him for his unusual services, it should also be a time when we express our gratitude to him. I personally want to thank Mark for his kindness and help extended to me throughout the years. I am sure that there are many in our offices and employed elsewhere by the Senators who join me in this. This is especially true of the page boys. Mark is respected and admired by them. I know that he has the gratitude of all of them.

Mr. President, I shall leave to others the enumeration of the many events in Mark's life and the writing of the biography for him. I simply want to praise him for his devoted public service. Mrs. Curtis joins me in an expression of congratulations, gratitude, and best wishes to Mark, to Mrs. Trice, and to their daughter.

PROJECT SOC—SUCCESSFUL MDTA PROGRAM

Mr. MONDALE. Mr. President, a very interesting training program here in Washington was described in the August 12, 1970, issue of the Los Angeles Times. This model program, Secretarial Opportunities Consortium or Project SOC, has succeeded in preparing disadvantaged young women, many of them high school dropouts, and many with undeveloped skills, for responsible jobs in the community. This goal is achieved not only by teaching basic clerical skills, but through a process of broadening the individual's total outlook; with an emphasis on providing new opportunities and productive careers.

I should like to bring this unique and highly successful program to the attention of the Senate and ask unanimous consent that the article, entitled "The Saga of Lunch-Hour Tutor," be printed in the RECORD.

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

THE SAGA OF LUNCH-HOUR TUTOR

(By Marlene Cimons)

WASHINGTON.—Two years ago Mary Wolf was working as a secretary in the White House, and she was bored. So during her lunch hours she began tutoring a young black girl who had dropped out of high school.

It was to be the beginning of a much larger project, although Mary Wolf didn't know it

then. A project which the Department of Health, Education, and Welfare today wants to use as a model for similar programs in other cities.

Pat, the young Negro girl had left school in the 10th grade to get married. When Mary Wolf met her, Pat was a welfare recipient with two children and no husband.

"At first I was going to teach her English and history," Miss Wolf said. "But she said to me, 'Look, these things aren't going to help me get a job.' So I started teaching her shorthand and typing. She was extremely bright and I began to feel that I just couldn't do enough for her with just my lunch hour.

"So I started looking around for a program to put her in—a program at the secretarial level. I found clerk/typist programs and clerk/steno programs, but I felt these would only lock her in. There's so much more to being a secretary than just knowing the basic skills."

So when Mary Wolf, a 30-year-old blonde, couldn't find that kind of a program, she started her own.

Mary Wolf left her White House job—she had been working in the office of an official in charge of recruiting new talent for government executive positions—and began putting together her plan. Miss Wolf managed to cut through bureaucratic red tape to get a $54,783 grant jointly approved by the Department of Labor and HEW's office of education under the Manpower Training Act.

"I'd sit in all those meetings at HEW and I was sure they were all thinking, 'What is this child doing here?'" she said. "But I guess they were listening more to what I was saying instead of thinking about how young I looked."

Soon after, Project SOC—Secretarial Opportunities Consortium—was born.

Mary Wolf, who had never really taught anything before or run anything before, suddenly found herself a teacher and an administrator. She wrote a curriculum and found a local Washington church willing to donate part of its third floor for classroom space.

COST OF UTILITIES

"We just pay $450 a month for utilities," Miss Wolf said. "And that comes to almost $6,000 a year—which isn't bad, considering we'd have to pay something like $15,000 if rent were included." (They aren't able to hold classes on weekends—that's when the church needs the space for Sunday school.)

The program became a cooperative training venture right at the start when the Communications Satellite Corp. (Comsat) agreed, at Miss Wolf's request, to participate. The program, as it is now set up, provides for the girls to spend a specific period of full time classroom training with Miss Wolf, followed by a specified number of weeks studying a half day with Miss Wolf and working a half-day at Comsat.

"At Comsat they are placed in secretarial jobs or jobs that meet their need to learn the atmosphere of an office," she said. "The main reason for this is to ease them gradually into an office situation, while they still know they can come back to the classroom.

"They are also paid for going to school—$51 a week, plus bus fare and $5 for each child they have. The money comes from Comsat and the Washington employment service."

GIRLS STUDY

The girls, all of them black, all of them selected and recommended through the Washington employment service, study a curriculum which, in addition to typing, filing and shorthand, includes black studies, personal dynamics, English, vocabulary, reading (right now they are reading "The Autobiography of Malcolm X") current events, debating and office practices. These categories cover everything from how to answer a telephone to how to fix an Afro hairstyle. "Last week we had a 'bush doctor' come in and teach them how to do their naturals," Miss Wolf said.

According to Timothy Halnon, an education specialist in the office of education (which administers Project SOC), Mary Wolf's program is considered unique by the department of health, education and welfare.

"There are other programs similar to this but none that really address themselves to the total individual, like hers does," he said. "And it also adds the opportunity—through Comsat—to try out on the job and still be able to return to the classroom to work on weak points."

Of the 30 girls who attended the program last year, six dropped out, two were dismissed (one for fighting in class, the other for poor attendance), and 20 girls, out of a graduating class of 22, were placed in jobs.

"One of those who was not placed weighed about 300 pounds and she simply refused to lose weight," Miss Wolf said. "I told her she just wouldn't be hired if she didn't lose, but she didn't believe me. Anyway, we couldn't find her a job. The second girl just wasn't able to get her typing speed above 35 words a minute."

The other results were more encouraging. "One girl who had been working as a waitress in a drugstore when she came to me is now working for a congressman," Miss Wolf said. "Another girl was hired by a radio station here as a secretary and was recently asked by the company's vice president to become his private secretary."

And Pat, the young black girl who started the whole thing, is earning $6,000 a year as a private secretary at Comsat.

PRIVATE SECRETARY

"She finished the course early," Miss Wolf said. "And she changed tremendously. When I first had her she was very overweight, her hair was a mess. She changed her hair to an Afro and went from Size 12 to a Size 7."

The project, now in it's second year, hasn't changed too much. Miss Wolf, who now has two black teaching assistants and a counselor, received a grant of $68,491 this year and was able to raise her own salary from $10,500 to $13,000.

Miss Wolf, a native of Fremont, Ohio, was graduated from Ohio University in 1965. She is the only white person involved in Project SOC, and it really hasn't caused her any problems. "Except, I feel that a program like this one is more effective if its a black teaching blacks—that gets away from the white-in-authority situation." she said.

Miss Wolf would like to see her idea spread to other cities—if not she'll probably do it herself. "I'm now working on a proposal for one in New York City geared to Chinese and Puerto Ricans, with English language training added. After that, I'd like to work in an Indian reservation."

HAWAII MOVES INTO ITS SECOND DECADE UNDER STATEHOOD

Mr. FONG. Mr. President, 11 years ago today, when Hawaii became the 50th State of the Union, it was predicted that the decade following statehood would be the most prosperous that the islands of Hawaii had ever experienced. That prediction turned out to be true.

And now, on this August 21, 1970, as Hawaii enters the second decade of statehood, I predict that the next 10 years will be equally challenging.

As we enter this new decade, we reflect on what has accompanied the acceptance of Hawaii as the 50th State of the Union. Hawaii has demonstrated its willingness to become a full and equal partner with the other States in our Nation's economic and social growth.

The decade just ended saw the transition from an agriculturally based economy to one marked by broad industrial diversification, although Federal spending continues as Hawaii's principal source of income.

Visitor arrivals exploded from 243,000 in 1959 to 1.3 million today. The resident population has grown at twice the national rate—from 622 million to approximately 800 million.

Personal income increased 136 percent versus 95 percent nationally; retail sales increased 120 percent.

We in Hawaii are proud of the good health of our citizens. Hawaii residents are healthier than their mainland counterparts with only 1.9 general hospital patients per 1,000 population compared to 2.9 for the mainland.

In size, Hawaii ranks 47th among all the States. In dollar volume of building permits, Hawaii ranks among the top 10.

Hawaii produces more than a million tons of raw sugar a year—approximately one-fifth of all the sugar grown under the American flag. Hawaii produces more canned pineapple products than the rest of the world combined.

On this statehood anniversary day, we in Hawaii have much to be grateful for. But foremost is the fact that statehood gave Hawaii's people both voice and votes in the Congress.

As a territory, Hawaii had but one nonvoting delegate in the House of Representatives. On August 24, 1959, after Hawaii's first State election, I took my seat in the U.S. Senate, along with my late colleague, Senator Oren E. Long. And at the same time, of course, Hawaii gained voting representation in the House.

During the years of struggle that led to statehood—a struggle in which I was proud to play a role—President Eisenhower expressed the hope that Hawaii, under statehood, would be a "shining example, of the American way to the entire earth."

I believe that the 50th State of the Union has, during these past tumultuous years, lived up to the late President's wish. Despite the pressures of a fast-growing population, despite urbanization and its attendant problems, the people of Hawaii continue to hold firm to the ideal of racial amity and concord.

Mr. President, the people of Hawaii call this the spirit of aloha. It is our most valuable attribute to our most important export.

BOORDY, A MARYLAND VINEYARD

Mr. MATHIAS. Mr. President, scholars and anthropologists debate if and when and where Ralph Waldo Emerson enjoined the ambitious to "make a better mousetrap." But the editors of Emerson's Journals certify that he did say, "I trust a good deal to common fame, as we all must. If a man has good corn, or wood, or boards, or pigs, to sell, or can make better chairs or knives, crucibles, or church organs, than anybody else, you will find a broad, hardbeaten road to his house, though it be in the woods."

Under Emerson's rule, there will be such a road in Maryland, and because it not only represents a better product, but also an entirely new and imaginative

enterprise, I think it should be widely recognized.

An outstanding example of a new way our unique Maryland environment can and should be made productive was brought to my attention by a recent feature in the Washington Post concerning the Boordy winery in Riderville, Md. Boordy was begun by Mr. and Mrs. Philip Wagner as a hobby to produce wine for the family table.

The Wagners' hobby has developed into a thriving business largely as a result of the introduction of a French-developed hybrid grape. Mr. Wagner, formerly editor of the Baltimore Sun papers, feels that the French hybrid embodies all the best qualities of both its American and European ancestors. The demand for the Boordy vintage and widespread success of the plants from his nursery speak for the accuracy of his judgment.

The Wagners' wines are justifiably served with local pride. The Wagners are themselves a source of pride for all of us as their industry and ingenuity is of the essence of the vitality of our great country.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Washington Post, Aug. 16, 1970]

VIN ORDINAIRE AS AN ELEGANT AVOCATION

(By Judith Martin)

"Boordy," said Philip Wagner, is "one of those fine old Maryland place names of the future."

Look it up in a wine encyclopedia, and you will find it is a small winery and nursery in Riderville, Md., owned and run by Philip Wagner and his wife, Jocelyn. (Not that people do look it up, Wagner added modestly, but those who find themselves in the B's trying to read about Bordeaux might come across it.)

Boordy, with its fields scattered in what has become expensive suburban Baltimore countryside, sells 5,500 cases of wine a year, and grapevine cuttings to amateur and professional winemakers all over the country. On a hilltop above the winery, in what used to be vast quiet countryside but is rapidly being enclosed by highways, is the informal, gentleman-farmer-ish white clapboard house where the Wagners live.

Both Boordy's success as a supplier of good vin ordinaire and local pride to restaurants and liquor stores in the Washington-Baltimore area, and its inability to meet the demand it has created are due to rules which the Wagners set long ago to keep the winery in proper perspective in their lives.

The first is that the vineyard, in which the original idea was to provide wine for the family table, and the nursery, with which they demonstrated that respectable wine could be produced in country which had been deemed unsuitable, should pay for themselves.

The second is that it should not interfere with the rest of the Wagners' activities.

Boordy, for all its success, is, after all, the rather elegant hobby of people whose lives are concerned first with politics and writing. Wagner says it's his version of another man's sailboat or herd of prize cattle.

In his chief career, he has been a free-lance writer, foreign correspondent, author, editor of both Baltimore Sun papers and now, in semi-retirement, a syndicated political columnist—while his spare time, and much of his wife's time, were devoted to the expanding winery and nursery.

While he was helping build the Sun papers in national stature and international activity, Wagner and his wife built the first small cool shelter for their presses—he digging the hole, and she fashioning the stucco work on the walls. Harvest time meant that after the day's news, the two of them would crush and press grapes until two in the morning.

Now, in semi-retirement, it's a more leisurely pace. Wagner works on his political column at least two days a week, in an office above the original winery, wandering down to work or talk with the winery's three full-time employes as needed. Mrs. Wagner, who does most of the paperwork and correspondence, finds time for her chamber music group, in which she plays the piano.

And they travel a good deal—to California last week, probably to Yugoslavia in the fall and always to upstate New York, to France and Germany, Italy and Spain. "We go where the vine grows," said Mrs. Wagner, but then they entwine it with his work, visiting local wineries and local politicians, observing the grape fields as well as the larger scene. Mrs. Wagner acknowledges that she could stand looking at a cathedral now and then, like everybody else.

It also means they have friends, among winemakers and wine connoisseurs, wherever they go, and he feels that talking about wine has often proved a valuable entree into political circles—in Moscow, for instance—that might not have been open to him just as a journalist.

At home, they try to keep up with the interest of visitors in Boordy, and have set aside Thursdays and Fridays for appointments for winemakers and tourists. Their friends are drawn from a variety of circles which may not have anything directly to do with either of the Wagner careers—but when Wagner was asked to describe his most famous colleague, the late H. L. Mencken on whose literary career Wagner has written a small book, he said, "He was a beer drinker. He made a big pretense of being hardy, but he was really quite abstemious, and never drank until after dinner."

The occasional dinner parties at the Wagners' house up the hill from the winery feature several wines, of course, and bottles and bits of cheese brought to casual visitors on their rolling lawns. But they've learned not to accept the eager offers of friendly help when it's work time at the winery.

"It's pretty grim," said Wagner. "It's not much fun after the first ten minutes, and then we've got all those people on our hands."

Instead, they hire students at vintage time—"starting with the school boys, and then the private school boys because they go back later in the fall, and finally the college boys."

Wagner started in journalism as the editor of the Michigan Daily when he was at college at Ann Arbor, worked on the Philadelphia North American, and, when that paper died, did public relations work for General Electric. Then he started writing "light pieces with a little bite" for magazines, such as Harper's and the Atlantic Monthly and, "jumping the usual reporting apprenticeship," went to Baltimore in 1933 to be associate editor of the Evening Sun.

Boordy started at the same time, just at the end of Prohibition. Neither of the Wagners was much of a gardener, but they read a lot and decided to take advantage of the fact that you could legally make up to 200 gallons of wine for home use then, and that grapes were plentiful because the California wineries were shipping their then-useless grapes east.

But when Prohibition was over, the grapes stopped coming. "Only the cats and dogs" were available then, said Wagner, who was by that time too deeply involved in winemaking to stop over a technicality like Repeal. He had never been that wild about Californian grapes, anyway, and began to investigate hybrids which were being developed then in France.

In the hybrids, he felt he had found the ideal combination of grapes for American growing—"the flavor of the classic European wine grapes, with the hardiness and disease-resistance of the American. They had a certain amount of American blood in them, so I thought they might turn out to be good here." From them, Boordy produces a red wine, a white, a rose and a blumchen.

The hybrids were a success, and the Wagners, who found that they soon made more grapes than they could squeeze, began to sell them. By establishing a large nursery business, they were also able to prove from reports of their customers what they had suspected and hoped—that such grapes could be cultivated in parts of "just about every state except North Dakota."

Independent wineries, said Wagner, "are experimental stations that the government doesn't have to pay for. Official agriculture is dead from here up. If an industry is in trouble, it gets an appropriation, but if anyone has an original idea, he gets no help."

His feeling about university agricultural departments wasn't helped much by a conversation he had with a University of Maryland official who was pinning a blue ribbon on Boordy grapes at a local fair. Wagner inquired why the university wasn't working on grapes in its agriculture department and the response was, "Don't you know? Maryland just isn't good for growing grapes."

Maryland soil was so good for Boordy that the Wagners have had to limit their wine production and restrict their sales to this region to prevent their hobby's overtaking them. "If we let go, it would be five times this size," he said.

They have also formed an association with Seneca Foods, acting as consultants and supervisors for a Seneca-sponsored upstate New York wine which is "a variant of the Boordy label."

Their future will probably be with Seneca, said Mrs. Wanger, because their children—a doctor, a free-lance writer, a businessman and an educator—have scattered and aren't even always close enough to come pick up their Christmas wine cases. But all of them have worked in wine-making and love wine, said Wagner, and the grandchildren have also enthusiastically tasted both the work and the wine.

As for the senior Wagners—"We'll probably keep it up until we drop in our tracks," she sighed. "I used to think I'd sit on the porch and rock in my old age. Not a chance."

And when they count up what it's given them, it's not only more than the original goal of family table wine, but much more than just the distraction of a hobby.

"An enterprise this small still has every single problem—personnel, taxes—of a big enterprise," he said. "It has served as a constant illustration for me, and given me an insight many newspapermen don't have. It's easy to laugh at the Rotarians who say you never had to meet a payroll, but there's a point where that is serious.

"And newspapers keep you worrying over ethical matters and all that business. Here there's no ethical problem involved—except that you've got other worries, like is it going to frost tonight."

THE AMENDMENT TO END THE WAR

Mr. McGOVERN. Mr. President, the junior Senator from Kansas (Mr. DOLE) kindly sent me a copy yesterday of the speech he delivered in the Senate today. Scanning the Senator's remarks last night, I was impressed with the purity of his purpose and his remarkable awareness of the danger of sin in others.

The Senate is fortunate to have a Member with 8 years' experience in the House of Representatives—"a place," in his words, "where many sought to persuade me, but none sought to bring outside pressures against me." The Senator from Kansas has humbly confessed that this pristine experience in the House left him aware of the urgent need for both "a high ethical standard" and "a strict adherence to the laws."

Since I had only 4 years' service in the House of Representatives and have been exposed to the abominations of the Senate for nearly twice that length of time, I should perhaps be grateful that the junior Senator from Kansas has given me the benefit of his close scrutiny and vigorous standards of personal conduct.

In a word, the Senator from Kansas is most fearful than I and other Senators sponsoring the amendment to end the war may have violated the high ethical and legal standards that he brings to the Senate.

A series of questions indicates his fears that we may have violated certain lobbying, accounting, or tax regulations. Personally, I am confident that we have neither violated any laws nor jeopardized a proper sense of ethics and propriety. We have accounted for every penny received or disbursed and have published our reports in the CONGRESSIONAL RECORD. We have also designated two trustees, former Senator Ernest Gruening, a Democrat, and Mr. Edward Burling, a distinguished Washington attorney and a Republican. These trustees are aided by a bonded accountant.

But lest all of this not satisfy the junior Senator from Kansas, may I remind him that the junior Senator from Arizona (Mr. GOLDWATER) has asked the Department of Justice to determine whether or not we have violated any laws. Deputy Attorney General Richard Kleindienst has said that he is looking into the matter. I am sure that even Senator DOLE would not challenge the reliability of an investigation by Mr. Kleindienst, whose standards were so high that he was selected by the Senator from Arizona (Mr. GOLDWATER) to manage his presidential campaign in 1964.

To quiet any remaining fears of the Senator from Kansas, my cosponsors and I are asking the Internal Revenue Service for a ruling on any tax responsibilities we may have as a consequence of the contributions received and expended by the committee for the amendment to end the war.

Perhaps after all these investigations and reports are completed, the Senator from Kansas will be inspired by the discovery that he is not the only Member of the Senate with "a high ethical standard" and "a strict adherence to the laws."

But while the lawyers and tax experts pursue these intricate questions, let us remember that young Americans are still dying in Indochina. Let us remember, too, that wartime inflation is still straining our economy and weakening the value of our stocks and our dollars. Let us remember that a disastrously mistaken venture into Southeast Asian affairs we cannot resolve is still dividing and eroding our society.

These are the issues that we need to keep at the center of our attention in the coming debate on the amendment to end the war.

Let me speak very plainly to my colleagues—the junior Senator from Kansas, the junior Senator from Arizona, and other Senators who may share their approach. I am not going to be diverted from the central question soon to be raised in the Senate: Should the Congress exercise its constitutional power to set a limit on the time American forces are committed to Indochina? Or, is the Congress simply a frail and helpless reed ready to submit to one-man rule on the easy assumption that the burdens of war and peace are the President's alone?

That is the issue raised by the amendment to end the war and that is the issue I intend to pursue above all others until we have resolved it as duly elected representatives sworn to uphold the Constitution of the United States.

I have asked Mr. Gordon Weil, my staff assistant who has been handling the details of the amendment effort for my office, to prepare answers to the specific inquires of Senator DOLE. I ask unanimous consent that those answers as prepared by Mr. Weil be printed in the RECORD:

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

QUESTIONS AND ANSWERS

INCOME?

The Amendment to End the War Committee does not regard its receipts as income under the Internal Revenue Code and has received legal advise that its position is correct.

POLITICAL GIFTS?

The Amendment to End the War Committee regards donations as political gifts. It believes that such gifts are subject to applicable federal legislation. However, a distinction should be drawn between political gifts for candidates in election campaigns and political gifts relating to an issue before the Congress. Second, the situation in the present case, is relatively unprecedented and the exact way in which federal statutes apply will have to be determined by appropriate authorities.

The appellation "paid political announcements" as applied to the short announcements sponsored by the Amendment to End the War Committee was decided upon by the stations which carry these announcements, not by the Amendment to End the War Committee.

The Amendment to End the War Committee had co-chairmen and treasurers designated prior to the receipt of contributions and the disbursement of funds. The funds are under the supervision of outside trustees—one a Democrat and the other a Republican.

The treasurer has kept a detailed and exact account of all contributions, the date of all contributions, and the names and addresses of every person making a contribution.

No contribution has exceeded $5,000. The Council for a Livable World acted as a collection agency for contributions to the Amendment to End the War Committee. It received individual contributions, none of which were in excess of $5,000 and, to the best of our knowledge, it has kept a record of all contributions, the date of such contributions, and the names and addresses of all persons making contributions.

A record of all expenditures and a record of the names and addresses of those with whom money is spent has been kept and a detailed account has been published in the Congressional Record on two occasions.

The Amendment to End the War Committee has not filed a quarterly report with the Clerk of the Senate since it appears that such a report applies to election campaigns. However, the Committee is prepared to make such a report if it is deemed necessary.

REFUNDS?

The Amendment to End the War Committee is of the opinion that although there have been modifications in the Amendment, this does not necessitate a refund of donations since the essential element of the Amendment—a fixed deadline for the withdrawal of United States forces from Indo-China—remains an integral part of the revised text.

LOBBYING?

The activities of the Amendment to End the War Committee have been under the supervision of a bipartisan group of Senators. Because the Committee is composed exclusively of Senators, we have not considered that it is a lobby in the accepted sense of the word. To ask staff members to aid in this effort and to accept the help of volunteers is well within the bounds of legislative activity Senators may undertake in support of their proposals in the Senate.

COLLECTION AGENCIES?

As has been stated previously in the Senate, the sponsors of tne Amendment to End the War did not solicit funds for an extensive television and newspaper campaign and were themselves surprised by the size of the funds received. All contributions were from individuals, so far as can be determined, and not from any outside group.

These funds have been used in an attempt to present to the American public views on the Indo-China war differing from those of the President, who has unlimited and untrammeled access to the public most significantly, free, prime time on the TV networks. The spokesmen for the Amendment to End the War have certainly not had an "unfair" advantage in presenting their case.

There has been absolutely no institutional or fiduciary link between the Amendment to End the War Committee and the Members of Congress for Peace through Law.

ARBOR DAY

Mr. CURTIS. Mr. President, we in Nebraska take special pride in Arbor Day which was celebrated in Nebraska this year for the 98th consecutive year and which for the first year was designated by President Nixon as a national observance.

While Arbor Day had long been celebrated by every State in the Union and many foreign countries, it was my friend and distinguished senior colleague from Nebraska (Mr. HRUSKA) who this past year sponsored legislation permitting the President to elevate the annual tree-planting ceremony to the status of a national observance.

I might also remind Senators that Arbor Day symbolizes Nebraska's concern many years ago for the conservation and replenishment of our natural resources and the environmental control which such conservation promotes.

In the emphatic and proper concern of our citizenry over the pollution of our Nation today, I am proud to point out that such a concern motivated J. Sterling Morton, Nebraska City, Nebr., pioneer and one-time Secretary of Agriculture, to begin the annual conservation

observance back in 1872. If more of our citizens had adopted and practiced his conservation philosophy a number of years ago, our pollution problems might not be as great today as they are.

We are also indebted to Senator HRUSKA for succeeding in attributing to the annual Arbor Day the national importance which the observance so well deserves.

Although Arbor Day has come and gone this year, a reporter for the Lincoln, Nebr., Sunday Journal and Star reported in a most interesting fashion on a recent visit to Arbor Lodge, the State park near Nebraska City which houses the memorabilia of the founder of Arbor Day. I commend this interesting report to the Senate and ask unanimous consent that it be printed in the RECORD.

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

INEXPENSIVE TOUR CAN BE REWARDING

(By Bob Munger)

NEBRASKA CITY.—It costs 25 cents for an adult to tour Arbor Lodge State Historical Park on the western edge of this city. And it may well be the best 25 cents a person ever spent, in this day and age.

The home of J. Sterling Morton literally reeks with history.

It is filled with stained glass windows, original furniture, pictures, and all the other furnishings that a family of "means" would have had in their home a hundred years ago.

J. Sterling Morton, who was Secretary of Agriculture under President Grover Cleveland, was a nut on trees. According to tour guides he corresponded with people all over the world, and never failed to ask for seedlings of their native trees.

So it is easy to see why, in 1872, he proposed to Nebraska that the state adopt Arbor Day as a day to plant trees. He got it done, and the proclamation was issued in 1874 by Gov. Furnas.

His arboretum (tree study area) at one time contained an official 280 different species of trees, and the grounds on the Morton estate are covered with a jungle of trees and shrubs.

In 1923 the Morton family gave the proptery to the state for a state park, and it became only the second state park in Nebraska. On the property are the gigantic mansion. a nearby carriage house in which horses and buggies were kept, a small picnic area, and the replica of a homesteader's shack . . . plus trees, everywhere the eye hits, trees by the thousands.

A visitor touring the Morton home is told that J. Sterling was at various times a newspaper owner, and a large land investor. He was supposedly a good manager. It is rather obvious, for he founded the fortune that eventually was developed into the Morton Salt Co. of present-day fame.

Supt. Ira Glassser works continually on enhancing the property, refurbishing picture frames to original condition, painting, fixing and cleaning it up. This of course is the reason for the fees of 25 cents for adults, 10 cents for children, and 5 cents for organized groups of children of over 10 youngsters—to maintain the property.

A visitor will remember bits and pieces of information . . . that Mr. Morton preempted land there, 160 acres, in 1854; and that he filed for homestead rights in 1855 after he had had a chance to have it surveyed . . . or that his arboretum was at one time the only one between the Missouri River and the Pacific Coast and is still the oldest in that area . . . or that President Cleveland came out and stayed at the Morton home during his term of office . . . or that Mr. Morton first began plantings in his arboretum in 1858.

Perhaps bits and pieces of 100-year-old history are the best.

It is certain that they are interesting.

MODERN DAY BLADESMITH USES TECHNIQUES OF COLONIAL TIMES

Mr. MATHIAS. Mr. President, 50 miles west of Metropolitan Washington, in the Middletown Valley of western Maryland, lives William Moran, Jr., bladesmith.

Although there are a few other bladesmiths in the United States, Mr. Moran believes that he is the only one who uses authentic 17th-century methods to make knives and ironwork by hand. He rediscovered the ancient technique by trial and error to make anything from a field knife to the Cinquedea, a copy of a Renaissance dagger. In his work Mr. Moran uses tools from past centuries and a few self-styled implements. He is interested in old things and thinks "we are living in an age when things are mass produced and shoddily produced." He also thinks "there is far too little knowledge about our American heritage."

Mr. Moran embodies all the qualities of the free enterprise system, of which he is a strong advocate. He is the type of man Thomas Jefferson would have called "the salt of the earth." He is a businessman, individualist, patriot, but above all, a master craftsman.

On July 30, Penny Kolsrud wrote an article in the Baltimore Sun about Mr. Moran, his method and his beliefs. Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

INTERESTED IN OLD THINGS: MODERN-DAY BLADESMITH USES TECHNIQUES OF COLONIAL TIMES

(By Penny Kolsrud)

Just off Braddock Mountain, nestled in the rolling green patchwork of Middletown Valley, is the small, dusty shop of William Moran, Jr., bladesmith.

His wares range from combat knives with fiercely curved blades, made for men in Vietnam, to colonial chandeliers with graceful spirals. Knives cost between $50 and $500, depending on whether you want a field knife or the Cinquedea, a copy of a Renaissance dagger which takes two weeks to make.

Although there are a few other bladesmiths in the United States, Mr. Moran believes he is the only one who uses authentic Seventeenth Century methods to make knives and ironwork by hand.

Mr. Moran rediscovered the ancient technique by trial and error. "Knives were among the first things mass-produced in this country and the art of making blades had been totally lost," he said. I'd take an old blade and test it to see how it was tempered.

"From the time I can ever remember, I've always loved knives," he said. "Nothing much was written on them. Old bladesmiths handed their techniques down from father to son and made a real big deal of how complicated it was—it wasn't really."

For many years, making knives was hobby for Mr. Moran, who owned a dairy farm. "I got so many orders that I sold the farm," he said. "Right now I'm at least two years behind in my orders, which is kind of frustrating." He said he has been making knives and ironwork for about 27 years.

Each knife takes two or three days to make. The bar of steel is first cut off in one piece with the tang, a thinner piece over which the handle fits. The knife is heated in the fieldstone forge and then hammered into shape on the anvil many times.

"I grind it down to where it's nearly finished and then temper it by heating it and quenching it in oil" which, Mr. Moran explained, cools the steel more slowly than water and changes the molecular structure so that it hardens.

The knife is then "drawn" so that it is hard from the center of the blade to the cutting edge, with the dull edge or back "like a spring. This makes the knife almost impossible to break," he said.

The finished blades have a highly polished reflective surface which comes from 3 h.p. polishing wheels. Early bladesmiths used water wheels to achieve this high gloss, he said.

Utilizing other crafts, Mr. Moran designs and carves the knife handles and their brass fittings and makes the leather sheaths, which are quite thick because of the sharpness of the blades. Handles are usually rosewood, but other materials include curly maple, ebony, ivory, walnut, hickory, lignum vitae and either crown or branch stag.

ABOUT 125 YEARS OLD

Among his tools are an anvil he estimated to be 125 years old and many hand-made implements, such as tongs. When he doesn't know how to make something, Mr. Moran designs a tool to do the job. One tool, described as a bar with a bump in its middle, was made to twist the spirals in the colonial chandeliers.

Mr. Moran's shop is cluttered and hung with dried ears of corn, stag horns, signs of his political affiliations and all kinds of tools and samples of his work. He wears boots and a leather apron over his work clothes.

"I'm really interested in old things," he said. "I think we're living in an age when things are mass-produced and shoddily produced.

"I think there's far too little knowledge about our American heritage," he said. "I like to give talks on the free-enterprise system. I think we have a wonderful system of government and the greatest possible system of wealth."

As a shrewd and independent man who has used free enterprise to build a business from nothing but his own interests, he naturally believes that people should "do it on their own" without help from the federal government.

His work often immerses Mr. Moran in history. Before making a copy of a Bowie knife, he talked to several people who had researched it and looked at between 1,500 and 2,000 different old knives. He has done copies of a crusader's sword and also makes tomahawks and medieval battleaxes.

"I got a crossbow kick once," he said pointing to a ponderous looking instrument on the wall. "There was a lot I didn't know about them. The first one I built was 400 pounds and shot about like a BB gun. I was so disappointed.

"I finally got it down so when we shot it, I couldn't even see the shaft go by."

In addition to his flexible hours ("I can go fishing any time I want to"), his work enables him to deal with exceptionally nice people, Mr. Moran said.

His customers include "hunters who go on African safaris," men serving in the Green Berets, or Special forces, in Vietnam and knife collectors all over the world. One of his knives was presented to a member of Italian royalty. He gets orders from as far away as West Germany and recently got his first from behind the Iron Curtain, Czechoslovakia.

A trip to William Moran's shop is almost like a trip through time. You pass through the Nineteenth Century in Braddock Heights, a town of white frame houses perched precariously close to the road, with a decaying, Gay Nineties-type amusement park nearby.

The atmosphere is altered by only a few suburban brick houses until you reach the Seventeenth Century in Mr. Moran's shop, an anachronism, but perhaps a reminder of a simpler time.

OCEANS AND PLAN NO. 4

Mr. NELSON. Mr. President, one of the most rapidly developing environmental crises of this Nation today is the pollution of the sea. As yet, the American public has only the Santa Barbara and other oil spills and such incidents as the Army's dumping of nerve gas in the Atlantic off the southeastern United States to remind us that the oceans are not the invulnerable resource we had once imagined. But many distinguished marine scientists are convinced that if we continue on the present course, the Santa Barbara tragedy is only a prelude to continued marine disaster—and that in 50 years or less, we could well destroy all productive life in the sea.

As was pointed out recently by marine scientists testifying before the Senate Judiciary Antitrust Subcommittee, it is urgent that this Nation establish as a high priority a national policy to protect our vital ocean resources. Our efforts in this regard are as yet only in their infancy. This is why Reorganization Plan No. 4, which proposes establishing a National Oceanic and Atmospheric Administration in the development-oriented Department of Commerce, is to me a very disturbing step. In all that I have seen to explain and justify this proposal, there is little evidence that NOAA in Commerce will sharply separate Federal programs for development of ocean resources from Federal programs for protection of the coastal and ocean environments. But in my view, such separation is absolutely essential. In proposing the Environmental Protection Agency in plan No. 3, the President said that an important reason for this independent agency is that it would "insulate pollution abatement standard-setting from the promotional interests of other departments." Why should not this same reasoning apply to our coastal and offshore marine programs?

In the meantime, the devastation continues. The scientists testifying before the Senate subcommittee estimated that up to 10 million tons of oil are being dumped into the sea every year—and they pointed out that no Federal agency monitors, or is equipped to monitor the buildup of byproducts of this oil, including hydrocarbons of a kind known to cause cancer in both man and animals.

Then in dramatic demonstration of another serious gap in Federal marine environment policy, the U.S. Army admitted at a Federal court hearing recently that it is not sure what will happen when its shipment of nerve gas hits the bottom of the Atlantic. What Federal agency is responsible for being sure? It is not clear.

In this situation, it is understandable that environmentalists across the country would be and are deeply concerned about the possible consequences of putting the lead agency for Federal oceans policies in the Department of Commerce, as is proposed by plan No. 4. In a telegram to the President on plans Nos. 3 and 4, a large group of environmentally-concerned organizations made clear their support of the plan No. 3's Environmental Protection Agency, but stated their strong opposition to plan No. 4's NOAA in Commerce. Those signing were the American Forestry Association, the American Institute of Biological Sciences, the American Scenic and Historic Preservation Association, the National Association of Conservation Districts, the National Audubon Society, the National Wildlife Federation, the Sport Fishing Institute, Trout Unlimited, and the Wildlife Management Institute. In addition, plan No. 4 is opposed by the Izaak Walton League, the American Fishery Society, and the Wildlife Society.

Despite the environmentalist concern for putting marine environment responsibilities in the same agency with marine development responsibilities, there are very strong indications that such a marriage is exactly the course that is being set. The latest instance of this that has come to my attention is the June-July newsletter of the National Oceanography Association, a strong supporter of NOAA in Commerce. Reporting the association's next objective if plan No. 4 is allowed to go into effect, the newsletter said:

> Additionally, we hope consideration will be given by Congress and the Administration to assignment to NOAA of responsibility for coastal zone management and coastal zone laboratory programs.

There is little doubt in my mind that unless our national ocean policies are put into much better focus now, NOAA in Commerce will quickly acquire the coastal zone management program proposed in legislation now pending before Congress. Yet such a program is perhaps the key to whether our seacoasts and their myriad resources will be managed in such a way as to avoid their complete destruction by hasty development—coastal zone management is one of the most important environmental proposals before this Congress.

Mr. President, I ask unanimous consent that the following items be printed in the RECORD at the end of these remarks: The Washington Post article reporting the shocking testimony by distinguished marine scientists; the Post story reporting the Army's admission in court that it does not know the consequences of dumping its nerve gas in the Atlantic; and the portion of the National Oceanographic Association's June-July newsletter reporting this group's strong support for putting environmental responsibilities in the U.S. Department of Commerce, a step which I strongly oppose.

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

[From the Washington Post, Aug. 14, 1970]

MARINE SCIENTISTS CITE DANGERS OF CANCER BUILDUPS BY OIL SPILLS

(By David Hoffman)

A team of marine scientists charged yesterday that no federal agency monitors, nor is any equipped to monitor, the buildup of cancer-causing petroleum byproducts in the flesh of edible sea creatures.

Testifying before the Senate antitrust subcommittee, the three scientists from Woods Hole Oceanographic Institution recommended that oil at sea be considered a powerful poison. They said perhaps ten million tons are being dumped each year in the ocean and that pollution is on the increase as companies move drill rigs farther out to sea.

Drs. John M. Hunt, Max Blumer and Howard Sanders based their report on first-hand study of a 650-ton oil spill off the southern coast of Cape Cod, a few miles from Woods Hole.

They concluded that the oil killed about 95 per cent of all bottom creatures immediately and that ten months after the spill the oil, though invisible, is still spreading outward. Hydrocarbons of the sort known to cause cancer in man and animals remain, ordorless and invisible, in the tissues of oysters and mussels—even after frying.

As marine scientists see it, dumping nerve gas off the coast of Florida poses a lesser health hazard than spillage of oil.

Hunt points out that nerve gas in liquid form has a 12-hour half life, that 99 per cent of it will decay in five days. By comparison, he said, the half life of hydrocarbons in crude oil, while not precisely known, can be measured in years. Hunt is chairman of the Woods Hole chemistry department.

The scientists also came down hard against the use of chemical detergents or dispersants in dissolving oil slicks.

It was recommended at the hearing that oil companies contribute a percentage of their revenues to a research fund that could study long and short-term effects of petroleum pollution.

Sanders, a senior Woods Hole scientist, called for controlled oil spills "in selected localities where the biology has been carefully monitored beforehand." He grew quite emotional in pleading for a moratorium on deep drilling and dumping of waste below "the thermocline."

Beginning approximately 1,200 feet below the surface, and extending to the bottom, is a layer of water in which temperature changes hardly at all. The fauna below the 1,200-foot thermocline is believed too fragile to survive the stress of waste or petroleum pollution.

[The Washington Post, August 14, 1970]

ARMY CONCEDES RISK IN GAS DUMPING

(By Sanford J. Ungar)

The Army admitted at a court hearing yesterday that it is not sure what will happen when its controversial shipment of obsolete nerve gas hits the bottom of the Atlantic Ocean.

Pressed by a U.S. District Court judge and by representatives of the governor of Florida and leading environmental protectionists, Army spokesmen said that since no specific tests had ever been conducted on concrete at a depth of 16,000 feet, the effects of the dumping cannot be foreseen.

They conceded that the 418 concrete "coffins" containing 66 tons of nerve gas and 10 pounds of the far more lethal liquid nerve agent VX—scheduled to leave from Sunny Point, N.C., this weekend—could break open simultaneously and kill an undetermined amount of life on the seabed.

The new uncertainty over the gas shipment, "Operation Chase," arose during a day-long hearing before federal District Judge June L. Green, who said she had been up all night Wednesday reading documents in the case.

Pleading fatigue, Judge Green postponed until today final arguments and a ruling on a motion to halt the gas shipment pending further investigation of alternatives.

Meanwhile, longshoremen continued to load the gas-laden coffins aboard a rusting 442-foot ship, the LeBaron Russell Briggs, in Sunny Point.

Sen. Ernest Hollings (D-S.C.), accusing the Army of "operating under a veil of secrecy and callous disregard," called for permanent safeguards against such gas disposal plans in the future.

Obviously caught unprepared by the 11th-hour effort of Florida Gov. Claude R. Kirk Jr. and the Environmental Defense Fund, Inc. to stop the gas, and by Judge Green's willingness to hear the case in detail, the Army sought to prove in court that it had safety at heart.

Under intense questioning, however, Kenly Webster, deputy general counsel of the Army, admitted that officials no longer knew in which coffin the VX lies and that some of its scientific advisers who recommended sea dumping never knew that VX was included in the shipment.

VX emerged as one of the chief concerns of Judge Green, who told Webster and Stuart Schiffer, of the Department of Justice, that "we are all here for the same purpose—to see that no tragedy will take place."

Lola S. Lea, a New York lawyer representing EDF, presented several alternative means of disposal in her argument for a temporary restraining order:

That the coffins be shipped to a surplus ICBM silo and immersed in a strong alkaline solution that would neutralize the gas.

That each coffin, before being sent out to sea, be surrounded by an alkali like sodium hydroxide, so that if it should implode at the great depth it would be immediately rendered harmless.

That the entire shipment be detonated underground in "alkaline surroundings," such as those which exist in some parts of Nevada, Texas and the Death Valley in California.

That instead of the chosen site 282 miles east of Cape Kennedy, the gas be dumped in an "anaerobic basin," such as the Cariaco Trench off the coast of Venezuela, where there is little sea life and virtually no movement of water.

Mrs. Lea also argued that the munitions dumping ground near Earle, N.J., where this shipment was originally scheduled to go last year, would be preferable because it is shallower.

Judge Green appeared to be persuaded by the contention that at lesser depths, with lower water pressure, the nerve gas may be less likely to endanger the environment.

Speaking for the EDF and Gov. Kirk, John D. Isaacs, professor of oceanography and director of marine life research at the Scripps Institution of Oceanography in La Jolla, Calif., said many safe alternatives are feasible.

The superintendent of the Ocean Sciences Division at the Naval Research Laboratory here, Dr. Victor Linnenbom, disagreed. He claimed that the existing plan is the best and backed the Army's statement that the gas must not be delayed because the propellant mixed with it could explode soon.

[From the National Oceanography Association News, June-July 1970]

OCEAN PROGRAM TO GROW WITH NOAA

Oceanography is clearly an activity that is going to grow in the coming years. That's the message contained in the long-awaited Nixon Administration decision to reorganize Federal civilian ocean functions.

The statement about the certain growth of ocean activity came from the present Undersecretary of Commerce, Rocco Siciliano, at a June briefing for representatives of the National Oceanography Association and other organizations.

CERTAIN GROWTH

It wouldn't make sense, Siciliano said, to go to the trouble of centralizing ocean activities now scattered in the Government unless the field was going to grow. Visions of immediate outpouring of taxpayers' dollars into the oceans are mistaken; rather, the field can look to steady, increased growth and attention propelled by a mixture of industrial and academic initiatives.

What the Nixon Administration has done by calling for establishment of a National Oceanic and Atmospheric Administration (NOAA) in the Department of Commerce is to insure the Federal Government's rightful share in future oceanographic development will be forthcoming. This alone should serve to spur some new private investments. A number of private activities, such as offshore petroleum and the recreation industry, are growing at present.

NIXON DECIDES

The Administrative decision was announced in a leak on June 7 after having been made the day before by President Nixon. A statement terming the NOAA-in-Commerce recommendation a "workable compromise" with advocates of an independent agency outside of any of the existing departments of Government was issued on behalf of the directors of the National Oceanography Association in June. The Administration appeared ready to forestall one of the main arguments for independence by providing that the head of NOAA would be an undersecretary of the Commerce Department (only the second such official) who would have direct access to the secretary and, through him, the President. This move satisfies those who feared the oceanic function would be buried in a present-day department.

The Administration plan was submitted to Congress on July 9, and will take effect in 60 days (minus any Congressional recess time) unless the House or Senate votes it down. There are a few signs at present of concerted opposition and, on the contrary, evidence of bipartisan support for the NOAA-in-Commerce plan.

BUDGET OF $350 MILLION

The proposal brings together about 13,000 employees with a present budget of $350 million. Most of the personnel would be in the Environmental Science Services Administration (ESSA) already housed in the Department of Commerce; ESSA, with the Weather Bureau and Coast and Geodetic Survey as principal components, thus has the inside track on staffing and internal organization.

Besides ESSA, the National Oceanic and Atmospheric Administration would contain the Sea Grant program (from the National Science Foundation); the Bureau of Commercial Fisheries and marine mining from the Bureau of Mines (both Department of the Interior); the salt water portions of the Bureau of Sport Fisheries and Wildlife (also Interior); the data buoy program (from Coast Guard, Department of Transportation); U.S. Lake Survey (from Army Corps of Engineers), and the National Oceanographic Data and Instrumentation Centers (interagency groups housed in the Navy Department).

STRATTON GENESIS

NOAA had been proposed on Jan. 9, 1969, by the Stratton Commission on Marine Science, Engineering and Resources (named for Chairman Dr. Julius Stratton of the Ford Foundation), to be composed of the above components plus the entire Coast Guard.

While the Nixon Administration plan kept the Coast Guard (minus the data buoy program) in the Department of Transportation, the tug of war between Commerce and Transportation is already on. Transportation wants the Maritime Administration now in Commerce for its jurisdiction; Commerce, in turn, would like to see the Coast Guard transferred over to go with its new maritime program (30 ships a year for 10 years) and NOAA.

COASTAL PROGRAM

However, the first fight after NOAA's expected approval will involve the assignment of coastal zone management within the Federal apparatus. Originally this program, recommended by the Stratton Commission for NOAA, was placed in the Department of the Interior by the Administration. However, that decision was made when everybody expected whatever oceanography organization was put together would go to the Interior Department or a successor organization.

COMMERCE SURPRISE

In fact, Interior (or more likely, a Department of Natural Resources) was felt to have the nod as late as May. One story making the rounds in Washington has it that a last-minute decision by the President overturned previous planning along this line.

The National Oceanography Association has been in the forefront during the past year-and-a-half on the NOAA reorganization issue. The association's board of directors endorsed the concept of an NOAA in January, 1969; the association presented testimony on three occasions that year for a centralized reorganization of civilian oceanographic functions; distributed public education materials on the subject; worked with executive branch and legislative officials as well as with other organizations to develop support for an NOAA reorganization, and strived to keep members posted on progress of the issue during the past 18 months.

NOA STATEMENT

The association's next job was set out in the NOA statement on reorganization issued June 22 in which it was stated in part:

"We hope Congress will approve the Administration's reorganization proposal when submitted. We hope Congress will consider—and the private oceanographic community will support—establishment of an industry-academic National Advisory Committee on the Oceans and along the lines of the proposal of the (Stratton Commission), either by legislation of the reorganization proposal. NOA has supported this concept as one of the essential features of a successful oceanographic program.

"Additionally, we hope consideration will be given by Congress and the Administration to assignment to NOAA of responsibility for coastal zone management and coastal zone laboratory programs. These two programs are the top-priority oceanography efforts of the Nixon Administration and should be assigned to the Administration's oceanography organization."

ENVIRONMENTAL PRIORITIES

Mr. BROOKE. Mr. President, the Council on Environmental Quality has recently issued an especially timely and helpful report. As President Nixon has said, it is an historic report, and as such it deserves our close attention.

The main value of the report lies not in the facts and figures it contains, but in those that it does not contain. The report points out many dangerous gaps in our information on the environment and in the application of that information. Compiling the information for this report and putting it into written form took many man hours. But the real task is still before us. And that task is ours.

If we are truly serious in our determination to achieve a quality environment—and I believe that we are—then we must act to close our information gaps. It is crucially important, for example, that we develop adequate environmental monitoring systems, that will take much of the guesswork out of determining our environmental needs. We should know, better than we do, what the effects of various changes in the environment are on people. We need to un-

derstand what effects things like crowding, noise, and smog have on human beings, and we need to know where these conditions exist and whether they are increasing or decreasing in severity. To take but one example of how such research can be helpful: The mercury poisoning of our water would not have reached such grave proportions if we had adequate monitoring systems.

Other critical areas discussed in the report include the need to find more practical and less expensive methods of recycling solid wastes, and the need to develop economic incentives that will discourage waste and pollution by industries, communities, and private citizens alike.

It is my sincere hope that this report by the Council on Environmental Quality will motivate the Congress to pass some strong environmental legislation. The report makes it clear that we cannot, with good conscience, avoid this responsibility any longer.

AN ENLARGED AND STRENGTHENED EUROPEAN COMMUNITY

Mr. PERCY. Mr. President, I have learned of a speech given by our new U.S. Ambassador to France, Arthur K. Watson on the occasion of his recent visit to Strasbourg. The original speech was delivered in French, but I have obtained an English translation.

I commend this speech to Senators because it offers the vision of an enlarged and strengthened European community with a more integrated large-scale economy, with a common currency, interrelated social laws, and possibly even much more. It takes into account the U.S. encouragement of a larger Common Market but also points out the legitimate interest the United States has in world trade and our intention to maintain this position of leadership.

I commend Ambassador Watson on this speech as evidence of how an American Ambassador, with a strong business background, augmented by 2 years experience as president of the International Chamber of Commerce can make a unique and valuable contribution to our foreign service.

I ask unanimous consent that the speech be printed in the RECORD.

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

ADDRESS OF AMBASSADOR ARTHUR K. WATSON

I am delighted to be here and, based on brief observation, I will begin with a prediction. The day will come when Paris will be known as the Strasbourg of the West.

Well, that may be a little rash, but I do think this is one of the great cities of Europe . . . and great cities, and great women, I've always thought have similar qualities.

They are beautiful, they are efficient and they are ageless.

I'm not reacting from a first love. I've been here before. Many times. I've known your city in times that were not so good. Perhaps that is why it is so gratifying to me to see it flourishing now.

Apparently a lot of my countrymen agree with me. They tell me there are nineteen businesses here with American connections. That is wonderful. It is good for Strasbourg and it is good for my country.

There is even an initiative, I understand, to start a branch of the American Chamber of Commerce in France—it would be associated with your Chambre de Commerce et d'Industrie de Strasbourg.

I hope that you do it. I spent two years as President of the International Chamber of Commerce so I am a partisan for chambers of commerce. They achieve a lot of constructive work.

For what it's worth, the idea has my Ambassadorial blessing. Let me warn you, I'm new with blessing things so I don't know how they turn out.

A couple of weeks ago, when I was thinking about my trip here, I asked my staff what I ought to talk about today.

They said the only thing to talk about was Europe.

I told them that sounded like going to Detroit to give a lecture on automobiles. To say the least, it is a familiar topic.

They convinced me otherwise when I saw a number of stories in the press questioning, once again, my country's attitude towards an enlarged Europe.

It reminds me, in fact, of an English story about an elderly woman who was taken before a judge. She was charged with public drunkenness. It wasn't the first time.

"Madam," said the judge, "How old are you?"

"Twenty nine years old, your Honor."

"But Madam, you have stood before this same bench not ten years ago and you told me then that you were twenty-nine years old."

"Your Honor," she said, "I'm not the kind of woman who tells a man one thing one time and another the next."

(You know, I had trouble with that. The story is supposed to be told in a cockney accent. How do you do that in French?)

There is, to put aside any confusion, the same consistency about my country's attitude towards the European community—an expanded Europe, a more integrated Europe, a stronger Europe.

Through five Administrators in Washington, we have told the same story.

And I will tell it here today.

We are for an enlarged and strengthened European Community. We support it. We want the negotiations to succeed in Brussels.

We're not the sort that tells a man one thing one day and another the next.

Why then the doubts?

And there have been doubts.

I think it is because we have to concern ourselves, the United States, a lot more carefully with the economic impact.

There was a time when the United States could afford to sacrifice some of its economic interests to encourage European integration. That time is past, as Europe's central bankers regularly remind us. My country has been runing substantial balance of payments deficits since 1958.

I think, with inflation coming under control at home, we'll do better than we have in recent years.

But it is hard to see anything that can happen in the near future that will swing us back into a surplus—or even an acceptable level of deficit.

I'll just divert, for a moment, from the subject of Europe to make a point. We Americans make our living overseas primarily in two ways—we normally export more than we import—a lot more. And we remit profits and royalties from our business holdings abroad.

That is fine. But it isn't enough.

We are inveterate travelers. Nearly a million Americans will visit France this year—and most of them will visit their Embassy twice.

Our deficits on tourism are enormous.

So are our deficits on overseas government commitments—these are primarily military.

Plus my salary.

Said too simply, that is the story.

And that is why we've got to be concerned with the trading implications of the negotiations in Brussels.

Our endorsement shouldn't be construed as a kind of endorsement in principle but opposition in practice.

It is endorsement in principle and to the degree we have anything to say about it—every willingness to accommodate ourselves to the enlargement and strengthening of Europe.

And it is Europe's show. I am just very grateful, as a man who believes strongly in the European idea, that the long hiatus, seven years, seems to be over and Europe is moving forward once again.

The world is fickle, I've decided, and there is a sad tendency to become bored with success and indifferent to it.

I was afraid that was what was happening here.

The Common Market is an incredibly successful venture. To illustrate let me pose a "what if" question.

What if the Treaty of Rome hadn't been signed in 1957 and each of the six had decided to go it alone.

I won't try to trace the political or the military consequences.

Let me just touch the economic.

During the 1960s, the economies of the six have grown at an average rate of 5.3 percent—compounded.

That is an important word—compounded—as the bankers here will privately testify.

Without economic integration, without the efficiencies a bigger Europe has given to your industry and agriculture—what would Europe's economy look like today?

Let me play with a few numbers. Nothing very profound, just a lowered growth rate.

Let us assume for this purpose that France, in the absence of the EEC, would have realized an average rate of growth during the past 10 years equivalent to that of a country of roughly the same size and level of development which was not part of the Community during that time.

The average real growth rate of that country during the 60s worked out to 2.5 percent annually; that of France was 5.8 percent, a difference of over 3 percent per year.

Now, just what would this mean for the average Frenchman? Instead of a per capita GNP of almost 14,500 francs which he produced in 1969, the figure would drop to only 11,000.

While not all of the difference I just mentioned can be attributed to France's decision to join the EEC, it is not wholly unfair to say that, to some extent, that difference has been the economic gift of the EEC to France during the 1960s.

Europe, and the statesman over in Luxembourg last week, must build one brick at a time and they must go through the exasperating detail of balancing one interest against another. It is an unglamorous chore. It is often enough a frustrating chore.

It is important, over the coming months, to remember why it is being done.

From this process, I think everyone understands, can emerge a new kind of Europe. Not a United States of Europe in the sense someone like me understands it. But an enlarged and strengthened European Community can emerge with integrated, large-scale economies, with a common currency, perhaps, with interrelated social laws and perhaps, over time, much more.

What then has been accomplished?

Let me tell you one thing that has been accomplished. The first half of this century saw two ghastly wars start in western Europe. We remember this very well—people of my generation.

From the bad comes good—sometimes.

From the horror of that experience came the European idea. Anyone who would tell us to go back to the old way has a heavy burden of proof. He must first prove that

the same old way would not reproduce the same old result.

President Nixon has recently reconfirmed that the U.S. considers the possible economic price of a truly unified Europe is outweighed by the gain in the political vitality of the West as a whole. Moving toward this unified Europe will inevitably bring changes inside the growing European Community.

It is a positive and sympathetic sense that I state that we do not believe that the problems arising from these changes should be solved at the expense of third countries, including the U.S.

As for the non-economic implications, we countries are inextricably bound up with economic and political forces all over the globe. In Brussels, decisions on levels of agricultural price levels have immediate repercussions in the U.S. mid-West, in Canada, Australia and Argentina. With the anticipated enlargement of the Community, I can see how lower prices and the control of surpluses can help us all, the Community, the applicants and third countries.

The United States accepts and encourages the deepening and strengthening of an enlarged Common Market, but we do have legitimate interests in world trade, and we are anxious that they be recognized.

As for the non-economic implications, we are totally calm. It worries no one that there may eventually be another huge nation in the world—a third super power if you like?

We are not only calm. We are immensely pleased. The burden, particularly the military burden, has been heavy and we have carried a major part of it for a long time.

Beyond that, we now have an expanding Europe that is as wedded to democratic government as we are.

This promises to be a stable force in the world, with the potential for enormous good.

As for my country—I said it earlier—we're not the sort to tell you one thing one day and another the next. We were saying again what we have said nearly a quarter of a century ago.

I've said it, as unambiguously as I know how, again today.

The months will drag on now as the statesmen try to reconcile the costs and the prices of shoes and ships and sealing wax. That is part of the process.

Let's just understand, at the outset, what a great good can come from this tedious process and what it means to the longer run.

Not every generation can leave the world a better place than it found it. I think we are lucky, we can.

Let us give our good wishes, our prayers and our public support to the men who must now work out the details of a new, larger Europe.

ANNIVERSARY OF SOVIET INVASION OF CZECHOSLOVAKIA

Mr. MILLER. Mr. President, August 20 marked the anniversary of what the Soviet news agency Tass termed an effort to put down "counterrevolutionary forces who had entered into a plot with external forces hostile to socialism."

We use another word to describe what happened on August 20, 1968: Invasion of Czechoslovakia by the Soviet Union and other Iron Curtain bloc nations.

The Czech sin was to dare to want the liberalization of their Government and its policies and to permit the press more freedom to comment and criticize.

The Soviets stifled the rumblings of independence but I am sure that these feelings still beat in the hearts of the people of that nation.

That 1968 invasion is a lesson of history none of us should ever forget. Nor should we fail to continue to hope and pray that freedom will be restored to Czechoslovakia and the other nations subject to Soviet domination.

A TRIBUTE TO THE PEOPLE OF CZECHOSLOVAKIA

Mr. PERCY. Mr. President, on this August 21 it is fitting that we pause and pay tribute to the people of Czechoslovakia; for it was 2 years ago today that the Soviet-led forces of the Warsaw Pact occupied Czechoslovakia and proceeded to bring to an end the Czechoslovakia experiment in liberalization.

Much has been written about this latest tragedy for Czechoslovakia. Carefully recorded in the press, in periodical literature, and in books are the developments of these past 2 years during which the Soviets have succeeded in undoing the work of the reformers and returning the country to its former path of rigid orthodoxy. Symbolically, this task was completed by Prague's acceptance of the "Brezhnev Doctrine" as formulated within the recently concluded Soviet-Czechoslovak treaty.

An important point about the events prior to the Soviet intervention was the dramatic manifestation of the Czechoslovak desire for freedom. The pressure for reform came from below, from the people, and was translated into political action ironically by a Communist leadership that itself could not escape its awesome influence.

What was taking place during the few months prior to the intervention was the resurgence of the irrepressible spirit of freedom that is deeply rooted in the peoples of Czechoslovakia.

On this anniversary, therefore, let us turn our thoughts to the people of Czechoslovakia and once more dedicate ourselves to the proposition that one day they will regain their freedom.

FLIGHT SERVICE STATIONS OBSERVE GOLDEN ANNIVERSARY—AIR TRAFFIC SPECIALISTS PROVIDE VITAL SAFETY EFFORT

Mr. RANDOLPH. Mr. President, this week marks the golden anniversary of flight service stations, a far-reaching network of 340 facilities operated by the Federal Aviation Administration to provide a wide range of aeronautical services.

Originally established by the Post Office on August 20, 1920, to support the early airmail service, these facilities have phased from bonfires to beacons to broadcasts. From wireless to computers they have bridged civil aviation's communications and navigations gap—from the primitive "spark" and "arc" transmitting devices to solid state and remote control equipment.

The original string of 17 airway radio stations, for the most part, stretched over desolate wilderness and high mountain passes. Some stations were accessible only by mule train; others by skis and sleds. The one room shacks were drab and drafty, generally manned by a lone operator who worked 7 days a week on a split shift. His communications equipment was sketchy and primitive. Four of the original stations have been in continuous operation since 1920: Elko, Nev.; Rock Springs, Wyo.; Salt Lake City, Utah; and Washington, D.C.

Like the first airmail pilots and other pioneers of flight, the men and women who kept them flying—the ground support specialists, the airway radio operators—were equally intrigued by aviation. They had a mission and they provided a service. Their work began before dawn and it ended after dark. Quite literally, they laid the foundation for today's airway network.

The Federal Aviation Administration this week is commemorating the first 50 years of flight service stations, with a series of national events including open houses, radio and television programs, and other community festivities.

But amid the visitors and public attention, the quiet, resolute work of FAA's 4,600 air traffic specialists continues. Over the counter, over the phone, or over the radio flight service specialists are providing assistance around the clock to safeguard our Nation's pilots. Specialists offer thorough preflight briefings and weather forecasts; alert airborne pilots by radio of expected weather conditions and assist them in charting alternative courses; and broadcast information about special airport conditions and navigational aides that might be temporarily out of commission. And if a pilot runs low on fuel or gets lost, the calm, steadying voice of the air traffic specialist is with him in the cockpit to guide him out of danger. Help is just the push of a microphone button away.

I congratulate FAA Administrator John H. Shaffer, and the employees of FAA, particularly the flight service station personnel, on this 50th anniversary of Flight Service Stations.

Mr. President, I ask unanimous consent that my congratulatory telegram to the West Virginia Flight service stations be printed in the RECORD.

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

AUGUST 20, 1970.

To Mr. Clyde E. Brown, Chief, Federal Aviation Administration Flight Service Station, Wood County, Airport, Parkersburg, W. Va.; Mr. Louis C. Rech, Jr., Chief, Federal Aviation Administration Flight Service Station, Wheeling-Ohio County Airport, Wheeling, W. Va.; Mr. Richard Johnson, Chief, Federal Aviation Administration Flight Service Station, Mercer County Airport, Bluefield, W. Va.; Mr. Goodwin Glassman, Chief, Federal Aviation Administration Flight Station, Kanawha County Airport, Charleston, W. Va.; Mr. Maurice J. Genthon, Chief, Federal Aviation Administration Flight Service Station, Elkins-Randolph County Airport, Elkins, W. Va.; Mr. R. T. Underwood, Chief, Federal Aviation Administration Flight Service Station, Tri-State Airport, Huntington, W. Va.; Mr. James Coleman, Chief, Federal Aviation Administration Flight Service Station, Morgantown Municipal Airport, Morgantown, W. Va.; Mr. Brooke E. Ettinger, Chief, Federal Aviation Administration Flight Service Station, Martinsburg Airport, Martinsburg, W. Va.:

My congratulations and commendation are extended to you and through you to per-

sonnel of your station on fiftieth anniversary of flight service stations. FSS activities are vital to the safe and efficient operation of our airport/airways system. Being a constant traveler in both commercial and private aircraft, I am keenly aware of your responsibilities and the outstanding performance and dedication of FSS personnel.

JENNINGS RANDOLPH,
U.S. Senator.

THE IMPORTANCE OF LAND REFORM IN SOUTH VIETNAM

Mr. MAGNUSON. Mr. President, this year, an event of fundamental significance has taken place: the National Assembly of South Vietnam has passed, and President Thieu has signed, what the New York Times has termed "the most ambitious and progressive non-Communist land reform program of the 20th century."

There can be no doubt that this action should have taken place long ago—I have been attempting to persuade the State Department on this point for many years. But there can also be no question that past failure to enact a land reform program in South Vietnam should not dissuade us from taking action to speed up implementation of the "Land to the Tiller Act," while land reform is possible and still important. The benefits of rapid implementation of land reform could be considerable, both in terms of American lives saved and in terms of the future stability of South Vietnam.

Land reform is not a simple issue; many people who would support it if they fully understood its significance are uncertain about many facets of the program. The questions that land reform poses can and should be answered, because understanding the importance of land reform is critical to understanding the nature of the forces at work in South Vietnam and in modernizing nations throughout the world.

My remarks today have this aim: to explain the significance of land reform in modernizing nations generally; to recapitulate briefly the history and prospects of land reform in South Vietnam particularly; to explain why land reform can and should be carried out there irrespective of the time table for American troop withdrawal; and to demonstrate that such reform is truly in the best and expressed iterests of the people of South Vietnam, regardless of the government that is in power there at the present time and regardless of the nature of any government that may come to power in the future.

My earnest hope is that Senators and their staffs will take the time to review these remarks, and to see how land reform in South Vietnam is compatible with each of the many views about the war in South Vietnam held by members of this body. This is not a partisan issue, nor an issue that will divide supporters and opponents of the President's war policies—something that a glance at the list of supporters will indicate immediately. At the very least, the Senate should ponder the importance of land reform so that conflicts like that in Vietnam can be avoided or minimized in the future.

One member of my staff suggested that this speech should be entitled, "What You Always Wanted To Know About Land Reform, But Were Afraid To Ask." I wish that I could profess such complete knowledge of this highly complex subject. I cannot, however, and what follows is only a very brief and simplified description of land reform and its importance. I shall be happy to refer Senators or their staffs to a more complete list of studies upon request. I must mention and thank Prof. Roy Prosterman from the University of Washington who has helped me and many other Senators understand the importance of land reform as a concept and as a means of providing political and economic stability for many countries in the world, including South Vietnam.

I. THE CONCEPT OF LAND REFORM: ITS SIGNIFICANCE IN MODERNIZING NATIONS GENERALLY

Whether we refer to the nations of the Third World as "modernizing," "emerging," or "developing," we can easily recognize that the types of change a nation experiences on the road from tradition to modernity are difficult ones that may cause tremendous political instability. The process of change involves the disruption of traditional institutions and relationships that provided continuity and stability in the past. It is during this transition phase from traditional institutions to more modern ones that a developing nation is most prone to violence, insurrection, and revolution.

In the urban sector of modernizing nations, important new political groups emerge during the process of modernization and make demands upon the government and the political system. These groups include a proletariat, industrialists, merchants and financiers, students, intellectuals and a military establishment. The competing demands and varying strengths of these urban groups frequently lead to urban unrest or rebellion, which in turn may lead to a succession in governments or ruling elites. Because most modernizing nations are predominantly rural, however, and because the impact of the central government on these rural areas is generally slight, such disruptions or rebellions rarely change the fundamental character of the nation. Governments can and do change without affecting the way of life that the great mass of the country's populace have followed for centuries. Because the countryside remains passive during the early stages of modernization, urban uprisings or unrest are seen as minor and unavoidable by most students of development.

It is in the countryside, not the city, that the future course of a modernizing nation is determined. Rural or agrarian disruption, unlike urban disruption, is avoidable—in a manner I will discuss shortly—but the relative dominance of the rural elements in a modernizing nation makes the impact of such disruption massive if it should occur.

The rural sector, like the urban sector, must undergo fundamental changes during modernization. Unlike the urban sector, however, the rural sector is characterized by only one traditional institution of major importance: the pattern of landownership. In almost all traditional societies, the bulk of the land is owned by a small class of wealthy landlords, while the vast majority of those who actually till the soil do not own the land they work. As the modernizing influence spreads to the countryside, and as the desire for change accompanies it, it is this traditional landlord-tenant relationship that becomes the focus of peasant unrest and revolutionary efforts.

The peasant has a simple goal: to gain control of the land he tills. This simple redistributive aim of the peasant becomes a powerful force as the burden of rents, taxes and labor, and the uncertainty of tenure with which the tenant lives, become intolerable.

It is this universal objective of the peasantry, combined with its great numbers, that makes the peasant a most volatile and critical element. The peasant's allegiance will belong to the party that gives him his land; as Mao Tse-tung writes:

> Who ever solves the land question will win the peasant.

The crucial question for a modernizing nation is whether the peasant is promised his land by the government or by those whose aim is to overthrow the government.

It is this battle for the allegiance of the rural population that distinguishes contemporary guerrilla warfare in modernizing nations from traditional warfare between two sovereign nations. Rather than being faced with a military threat from foreign troops, the governments of many modernizing nations find themselves facing what is primarily a political/military threat from native guerrillas. These guerrillas do not initially attack government troops—they are far too weak and far too few in number to dissipate their resources at this stage. Instead, the guerrillas seek to build a political base of support in the countryside, among the peasants who are increasingly dissatisfied with the central government and its failure to bring about agrarian reform. As one expert has written:

> Current guerrilla warfare is the logical and planned result of building upon a foundation of peasant discontent over land tenure and the society shaped by it.

This antigovernment guerrilla warfare takes the form of convincing the peasantry that the revolutionaries, rather than the government, can best respond to the peasant's needs. One of these needs is the need for protection, and the terrorist activities of the guerrillas during the early years of the conflict—including the assassination of village headmen and even some peasants—are designed to demonstrate that the government cannot or will not defend the peasantry, and that it is useless for the peasant to look to the government for protection or control.

A less publicized, but much more significant, element of antigovernment warfare is the promise of the guerrillas to turn the land over to the peasants. This has been a central theme of every major revolution or revolutionary attempt in the 20th century. The revolutionaries promise, and often carry out

even during the conflict, land reform on a large scale. In contrast to the pledge and performance of the revolutionaries, the central government frequently uses its force to continue the hated institution of tenancy and the domination of the despised landowning classes.

Communist revolutionaries, from Lenin to Mao Tse-tung and Fidel Castro, have recognized the ability of the peasantry to be mobilized as a force for revolution through the land tenure issue. Lenin also recognized the ability of the central government to command the peasant's loyalty through land reform, and so undermine the revolution—that is why, in prerevolution days, he despaired of the revolution's success in the face of the redistributive Stolypin Reforms. Had Stolypin not been assassinated in 1911, the course of the Russian Revolution might have been a very different one.

Mao and Castro made effective use of the land reform issue to build a powerful base of support in the countryside, allowing the revolutionaries to receive supplies, information, and hiding when necessary. In Mexico and Bolivia, however, where land reform had been carried out by non-Communist revolutions, the immunity of the peasantry to Communist revolutionary fervor has been recognized by Communist and non-Communist leaders alike. Che Guevara himself bemoaned the conservative orientation of the Bolivian peasants, and attributed that orientation directly to the land reforms that had been carried out.

Mexico and Bolivia are the exceptions, however. In many other nations, the revolutionary forces have not only promised land reform, but have carried it out in the areas within their control. Unfortunately for the peasantry, however, the aftermath of successful Communist revolutions has always been the brutal and bloody collectivization of peasant-held agricultural lands. This was true in the Soviet Union, in China, in Cuba, in North Korea, and in North Vietnam. This collectivization process not only deprives the peasants of the land they held briefly, but invariably results in wholesale slaughter of those who resist. Nonetheless, because "few peasants are historians," the appeal of the revolutionary slogans guarantees substantial peasant support for anti-government forces, particularly where the government has failed to undertake a competitive land reform program of its own.

Nowhere has the appeal of land reform promised by the antigovernment forces been greater than in South Vietnam, where landownership is blatantly inequitable. The Vietcong, and the Vietminh before them, have actually given land over to the peasants in those provinces where they have control. Not only does this drastically reduce whatever incentive the peasantry may have had to support the government, but it has made possible a high level of recruitment for the Vietcong. As one American military official has written, the Vietcong recruitment effort is simple: "The movement gave you your land; now give us your son."

A government faced with a revolutionary threat during the early stages of modernization is thus faced with a battle for the support and allegiance of the peasantry. The alternative to allowing the peasants to become revolutionaries is, in theory at least, a simple one: the government must carry out reforms that give the land to the peasants. By doing so, the government gives the peasants a stake in the defense of the country, and insures that they will be an antirevolutionary force. As Samuel P. Huntington, a distinguished student of developing nations and the past chairman of the Government Department at Harvard University has written:

> The peasantry . . . may be the bulwark of the status quo of the shock troops of revolution. Which role the peasant plays is determined by the extent to which the existing system meets his immediate economic and material needs as he sees them. These needs normally focus on land tenure and tenancy, taxes, and prices. Where conditions of land-ownership are equitable and provide a viable living for the peasant, revolution is unlikely. Where they are inequitable and where the peasant lives in poverty and suffering, revolution is likely, if not inevitable, unless the government takes prompt measures to remedy these conditions. No social group is more conservative than a landowning peasantry, and none is more revolutionary than a peasantry which owns too little land or pays too high a rental. The stability of government in modernizing countries is thus, in some measure, dependent upon its ability to promote reform in the countryside.

II. OBSTACLES TO GOVERNMENT-INITIATED LAND FORM

As Huntington has written, in the absence of land reform, the peasants may be the key to revolution—or with land reform—the key to stability. Given the crucial "swing role" of the peasant, land reform is thus the most important nonmilitary activity that a government of a modernizing nation can undertake. Why then is government-initiated land reform so rare a phenomenon in the 20th century?

The answer to this question is not that government leaders, as a group, have failed to perceive the importance of land reform—in fact, the opposite is true. But understanding the need for land reform and carrying it out are two separate issues. History is replete with examples of leaders who have tried valiantly to bring about land reform, but who have been unable to surmount the obstacles in the path of this reform and who have consequently been overthrown or deposed.

The reasons why governments fail to carry out land reform even when they understand its importance are both political and financial. In most traditional or transitional societies, the landowning classes are a powerful political force with substantial bases of support in the cabinet, the assembly, or the court. Land reform is impossible without the acquiescence—voluntary or compelled—of the landowning class. Compulsion is rarely possible, because of the landowning class' political strength, and "voluntary" acquiescence to land reform hinges on the government's ability to compensate the landlords for the lands to be distributed.

Persuasion of the landlords to accept land reform has thus been possible primarily in those nations—notably the oil-producing nations of the Middle East—where the government has sufficient revenues to make land reform attractive to the landowners and peasants alike. Sometimes the recognition that the alternative to land reform is revolution, and that revolution means the confiscation of land without compensation, has made landlords more receptive to the government's program. As Prime Minister Amini told the landowners of Iran:

> Divide your lands or face revolution—or die.

Land reform has traditionally foundered, therefore, when the government of the modernizing nation has been too weak to confiscate the land and too poor to pay for it. This has meant, unfortunately, that the two conditions under which land reform has been most successfully carried out are revolution and foreign occupation. Communist revolution has betrayed land reform in the end, as we have seen, although non-Communist revolutions such as those in Mexico and Bolivia have achieved more lasting results. Foreign occupation has produced results—in Japan, Korea, and Taiwan—for the simple reason that the occupying power is not committed to the landowning class and that an occupying power generally has the financial capability to carry out a land reform program of sweeping proportions.

Fortunately, however, a willingness to provide financial assistance can be just as effective as occupation, and a good deal less repugnant to both the foreign power and the country in which the reforms are to be carried out. The United States has recognized this periodically, as when we offered $60 million to the government of Peru to implement land reform there.

Land reform assistance from the United States is a route that can and should be followed in South Vietnam. It is now consistent with the aims of the South Vietnamese Government, the desire of the peasantry, the position of the landlords, and the goal of this Nation to end our military involvement in South Vietnam as quickly as possible. The reasons for this will be explored in the next section of my remarks.

In summary, land reform is the single most important nonmilitary activity of a developing nation faced with a revolutionary threat. The success of the land reform effort will determine whether or not the peasants become a force for political stability or a force for revolution—and the peasantry is generally the most crucial force in determining the future of a modernizing nation. Leaders of modernizing nations, as well as their revolutionary opponents, have generally recognized the importance of land reform, but few governments have been able to finance such reform through their own revenues, and fewer still have been able to induce the landowning classes to accept land reform in the absence of adequate compensation. Foreign assistance, whether through military occupation or financial aid, has been the single most effective agent for the implementation of land reform, short of revolution. Such land reform has been

instrumental in bringing political stability to otherwise unstable societies. Land reform made possible by foreign assistance or by non-Communist revolution has been a form of "preventive medicine" for revolution—cheaper by far than subsequent attempts to "cure" revolution by military means. In short, land reform determines, in Huntington's words, whether the peasants will be the bulwark of the status quo or the shock troops of revolution.

III. LAND REFORM IN SOUTH VIETNAM: PAST AND PRESENT

I recognize that for many people it is a long step between supporting land reform in principle and supporting land reform in South Vietnam, particularly land reform that is to be partially financed with American funds. I would be the first to admit that the major impact of land reform in South Vietnam would have been 10 years ago, if it had been carried out at that time, rather than today, when the conflict is advanced.

There remain many reasons why the United States should help implement such reform today, however. Later on in my remarks, I will point out that by so doing, we not only will not prolong our military involvement in South Vietnam, but instead may hasten our departure and reduce our casualties substantially. And the price of land reform in Vietnam, will be less than the price paid by the United States in two days of combat.

Circumstances are now such that the only remaining obstacle to successful land reform in South Vietnam is the potential lack of capital on the part of the government there, and all relevant parties—the peasantry, the landowners, the government of South Vietnam, and American AID officials—are prepared to implement a sound program, already passed into law, as funds are made available.

The peasants of South Vietnam have a proverb that is filled with meaning for the situation today:

He should own the land who rubs it each season between his hands.

This centuries' old feeling helps explain why the peasantry has always been the key element of the indigenous anti-government forces in South Vietnam—since historically the land has not been owned by those who till it, and since the government of South Vietnam in the past has made no effort to redress this wrong the peasants feel.

In two areas of Vietnam where the Vietcong are particularly strong—the Mekong Delta and the Central Lowlands—statistics demonstrate vividly the basis of peasant discontent. In its percentage of landlessness, the Mekong Delta is one of the five worst areas in the world: 73 percent of the peasants are substantially dependent on tenant farming. They pay, on the average, 34 percent of their income in rent to the landlord, who provides few or no inputs. They exist on the land without any assurance that they will be "allowed" to remain on the land the following year. If the crop should fail, the rent is still due. Virtually no disposable surplus remains of the crop, even in years of bumper harvests, after the landlord has been paid. Conditions in the Central Lowlands, where rents may exceed 50 percent of the crop, are no better. Because of these and similar conditions, the Vietnamese peasants in the Stanford Research Institute field survey named land ownership five times more often than physical security as a matter of chief concern to them.

Despite these incendiary conditions, until recently neither the Government of South Vietnam nor USAID officials have undertaken serious attempts to bring land reform to South Vietnam. The contrast with the Communists could not be more vivid. As Robert Sansom wrote:

The Americans offered the peasant a constitution; the Viet Cong offered him his land and with it, the right to survive.

The result, of course, has been that native guerrillas have always made up a huge percentage of the forces working for the overthrow of the South Vietnamese Government.

The Vietcong, like the Vietminh before them, have skillfully manipulated the peasantry by promising and carrying out land reform in those areas under VC control. The peasantry, in return, have supplied the bulk of the Vietcong fighting force, and have actively aided the Vietcong by providing and caching supplies. These same peasant guerrillas have been responsible for the laying of mines and boobytraps that have resulted in more than half of the American casualties since the Tet offensive. These casualties, of course, have been greatly increased because peasants hostile to the American and ARVN forces have failed to warn our troops as they entered areas in which the land mines and boobytraps were placed.

The Communists seized the initiative in the battle for the peasant's allegiance soon after World War II. The Vietminh carried out land reform on a massive basis at a time when they controlled 60 to 90 percent of South Vietnam. In the North, the Vietminh land reforms were cruelly and brutally reversed in the collectivization process that began after North Vietnam was constituted in 1954. In the south, however, the peasants in Vietnimh territory were allowed to hold on to their lands—until the Diem government of South Vietnam began to reassert control. As Diem's troops regained province after province from the Vietminh, the landlords were restored to power and the peasantry resubjugated to the yoke of tenancy that the Communists had lifted from them years earlier.

For this reason, the Communists have remained identified in the south as the agents of land reform, while the government has long been known as the authority responsible for keeping the landlords in power. With the government enforcing the rural status quo, and with the Communists promising—and delivering—land to the peasants, it is no great wonder that the peasants have harbored, aided, and fought on behalf of the Vietcong.

Although President Diem and President Eisenhower initially make token statements about the importance of land reform, both Saigon and the American command lapsed into the belief that this was a more or less traditional military struggle to be settled by traditional military means; the fallacy of this approach has been amply demonstrated by the elusiveness of that "light at the end of the tunnel." When "pacification" has meant landlords following triumphant American troops back into villages "liberated" from Vietcong control, it is no wonder that the pacification program has not realized our expectations for it.

The first real indication that Saigon had become aware of the importance of land reform did not come until January of 1968. At that time, President Thieu undertook a massive land reform effort to win back the support of the peasantry. Former French lands, held by Diem in the immediate past, were distributed to the peasants at an impressive rate. The following table demonstrates the dramatic progress made by this program, once it was aggressively undertaken:

Land distribution in South Vietnam: 1968–69

[Acres distributed]

January–June 1968	20,000
July–December 1968	40,000
January–August 1969	90,000
September–December 1969	90,000

Not only did Thieu distribute the former French lands, but he decreed that landlords should no longer be restored in areas that came under the control of ARVN forces. To insure that landlords whose properties had already been restored did not evict tenants in anticipation of future land reforms, Thieu also decreed an occupancy "freeze" to keep all tenants on the land he hoped—and still hopes—to give to them. Although there were some reversals in this program, by late 1969 it was obvious that Thieu intended to make good on his new-found pledge to give the lands to the peasantry and to win their support for the struggle against the Vietcong.

The most significant among these many significant changes of attitude in Saigon was the passage, in March of this year, of a sweeping land reform program. President Thieu personally rallied support in the National Assembly of South Vietnam, and the result, as I stated at the outset, was one of the most dramatic and thorough land reform programs of the twentieth century. This plan, if fully implemented, will put ownership of all land directly into the hands of the peasants tilling it, at no cost whatsoever to the peasant. The "land to the tiller" program can be substantially implemented within the coming year and in time for the next harvest, if financial support from the United States is forthcoming.

Because of the importance of this "land to the tiller" program, and because rapid implementation of the program will be the goal of all Senators interested in this program, I ask unanimous consent to insert at this point in the RECORD a description of the various titles of this act, prepared by Prof. Roy Prosterman of the University of Washington Law School. A review of these sections will allow the Members of the Senate to familiarize themselves with the sections of the "land to the tiller" program, and to see that it is a practical plan with promise of being highly effective.

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

SECTION REVIEW

Articles 1 and 2 establish the operating principles, including an initial recognition of the priority, as beneficiaries, of "those people actually cultivating"; the intent to affect, without any limitation by way of retained acreage, "lands which are not directly cultivated by landowners"; the resolution to "(e)liminate tenancy" which, like the actual-cultivator and zero-retention principles, underlines the universal application of the program to both secure and insecure areas; the principle of "distribution free of charge" and that of "fair compensation" to landlords; and the inclusion of "communal ricelands" further underlining the universality of the distribution.

Article 3 confirms that not only "riceland" but also "secondary cropland" will be affected. The exclusions in Article 5 make it clear that this means substantially all land not used for industrial crops or orchards. Again, Article 3 underlines that both public and private lands are affected.

Article 4 takes care of some of the administrative problems experienced under the Diem law, notably by requiring that a transfer to be given effect must be *registered* (not just dated in the parties' own documentation) "prior to the promulgation date of this law." This becomes most important in conjunction with the exclusion from the law, in *Article 5*, of up to 5 hectares per family of "ancestral worship land." While there is some ambiguity, the intent of the drafters was pretty clearly to exclude from consideration any "ancestral worship" land not *registered as such* prior to March 26, 1970. Otherwise, a vast administrative snarl would open up as landlords pushed fraudulent claims for exemption of five hectares. (Faced with such a snarl under the 15 hectare "ancestor worship" lands exemption in Diem's Ordinance 57, which did not require a previously *registered* claim, the administrators ultimately decided that *all* claims would be allowed across-the-board, effectively increasing the 100 hectare retention limit to 115 hectares.)

The other significant exemptions of *Article 5* are lands "presently directly cultivated by landowners" (and under the occupancy-freeze decree, there should have been no change in who "presently" cultivates since April 1969), up to a maximum of 15 hectares, and religious-organization-owned lands, a minor concession economically but a major one in Thieu's effort to get the Vietnamese senate to approve the bill.

Article 6 sets the principle that changes in use will not suffice to invoke the Article 5 exemptions.

Articles 7 through 11 establish the principles of landlord compensation, basic provision to be for compensation at 2½ times the annual paddy yield, paid 20% in cash and 80% in bonds maturing over eight years and bearing 10% interest. (In the legislative process the bonds were deprived of an inflation-proofing feature, but given a higher interest rate.) Bonds are transferrable, but will probably be sharply discounted at least until significant U.S. funding support has been voted.

Article 12 introduces 3-hectare and 1-hectare limits on the amounts of land that can be received by families in the Delta and Central Lowlands, respectively. This is a reduction from 5 and 3 hectare limits in Thieu's original bill, and would pose a massive administrative problem if literally enforced (since administrators would then have to measure, and change the size and shape, of many presently occupied tracts). But the miserable state of the cadastral records allows indulging the present presumption—in the absence of a new, uniform and thorough cadastral survey, which must come years in the future, if at all—that *all* tracts are in fact less than the limits: To use such a simplifying presumption is well within the parameters for administering Vietnamese land laws, and use of the presumption or something like it is essential to the overriding purpose of the legislation. It appears that something close to this will in fact be done.

Article 13 underlines that the "present tiller" is number one in order of priority. There may be occasional departures from this at village level, but any departures that were sure to happen probably happened as soon as a given village was administratively reoccupied by daylight, and the guidelines from Saigon should be firm on the legislative standard. (Incidentally, it is the general consensus that there are very few soldiers who have been totally separated from their former lands. Most already occupy land through proxies in the immediate family, so that someone already is on the land to make their claim under the "present tiller" category.)

Article 14 cuts off all taxes on the recipients, including property tax during the first year. The purpose of this was to give the new owners the simplest possible message: you don't pay anything to anybody.

Article 15 tracks other nations' land-reform laws in providing for direct cultivation and a ban on transfer (for 15 years) by the new owners. *Article 16* confirms existing decrees in ending payment on former French and Ordinance 57 lands.

Articles 17 through 20 set a credible scale of penalties, including fines up to 200,000 piastres for landlords' efforts to interfere with implementation, and a special penalty of expropriation wholly without compensation for any landlord who makes a false claim of self-cultivation to attempt to invoke Article 5.

Article 21 provides broad power to regulate implementation by decree, and *Article 22* cancels all contrary provisions of law.

After concluding this analysis of the "Land to the Tiller" program, Professor Prosterman noted:

Considering the pressures against a viable bill which came from many quarters in the legislature (including both the landlord-related interests and politicians who feared the program would give too broad a base of popular support to President Thieu), the result is a remarkable tribute to Thieu's persistence and to the strength of his recognition of just how important this program can be to the survival of a non-communist Vietnamese government.

The bipartisan group in the Senate that has urged greater American assistance for this program shares a similar recognition of just how important this program can be. Flexibility will be provided both to our Government and to the South Vietnamese in settling upon an effective payment mechanism.

The details of the payment mechanism will be discussed at a later date. The aim of my remarks in this section has been to demonstrate that, whatever our views of the present government in Saigon, land reform is a worthwhile program that American assistance can make possible—and the price of that assistance is almost insignificant in comparison with the price of continued combat. Land reform is obviously in the best interests of the peasantry of South Vietnam, regardless of the fate of the South Vietnamese government. Land reform is also in the best interests of the United States, which seeks to end its involvement in South Vietnam and at the same time provide for some small measure of stability in that war-torn nation following the departure of American troops.

V. WILL LAND REFORM IN SOUTH VIETNAM PROLONG AMERICAN TROOP INVOLVEMENT?

It is entirely conceivable that someone who understands the importance of land reform in modernizing countries, and who recognizes the potential for land reform in South Vietnam, still might oppose American assistance to implement this plan. Such a position is commonly advanced by those who fear that land reform in South Vietnam will prolong American involvement there and delay the date when all American troops can be brought home safely.

Let me state flatly that if I believed land reform would in fact prolong or deepen our involvement in Vietnam, I would oppose it. I would like to see all of our men home as quickly as possible. The facts simply do not bear out the contention that land reform will cause any delay in American troop withdrawal, however, even under the terms of the most ambitious plans.

The land in South Vietnam can be given to the peasantry before next summer, and in fact should be carried out by this winter for maximum effectiveness. Admittedly, registration of the lands given to the peasants will take a bit longer, but neither this nor the transfer of the land to the peasants requires the presence of American troops. Not only would successful implementation of this plan not delay the departure of American troops, but it could cut our casualties from land mines and booby-traps, and even reduce dramatically the recruitment ability of the troops we have been fighting. The Vietcong obviously fear this, and they have undertaken a major campaign to try to persuade the expectant villagers that the land reform plan will not be carried out as promised.

There are several reasons why the land reform program will not delay our withdrawal.

First, American troops will not be needed in order to implement it—this can be performed by Saigon officials in concert with the USAID mission in Saigon.

Second, the upcoming harvest season is from December to March. It is during this period that the peasants, who now anticipate receiving their land from the government, should have their desires realized. American financial assistance on the order of $100 million—to be paid only as the program is implemented, and not all at once—can make possible successful land reform for the majority of peasants within areas of ARVN and American control.

Third, the result of these reforms should be a reduction in the Vietcong recruitment rate, and a corollary increase in the support and loyalty that ARVN troops can command in the countryside. Reform is essential if the Vietnamese are ever really to bear the burden of maintaining the independence and stability of their own nation.

Fourth, as I mentioned earlier, more than half our casualties since the spring of 1968 have come from such essentially local activities as the placement of mines and booby traps. Land reform, by

winning the support of the peasants, will cut down on peasant participation in such activities and increase ARVN and American knowledge of where traps have been laid; this will reduce the deaths and maimings that such traps have produced in tragic numbers.

For all of these reasons, then, those who want to increase dramatically the rate of American troop withdrawal—and I am one—will find that land reform is in concert with this objective. Those who favor a more gradual timetable will find that land reform improves the "Vietnamization" program and leads to reduced American casualties. Land reform, then, is one program that everyone can agree upon, if we discard the fears and misconceptions that surround this vital program.

VI. IS LAND REFORM "IMPERIALISTIC"?

It seems appropriate to close by looking at land reform from the perspective of American foreign policy as a whole. Our young people today, and many millions of their elders, are justly concerned about America "imposing" her will and her ideas about "democracy" on the peoples of the world. These critics have argued—none more ardently than the Senator from Arkansas (Mr. FULBRIGHT) in his book—that America should not seek to make over the rest of the world in her own image. From this general position, many specific criticisms of our actions in Vietnam may be drawn.

To this I can only respond that I am no great admirer of the Thieu-Ky government or its domestic policies—I have recently written President Thieu to express my strong objections to the "tiger cages" of Con Son Island and other violations of personal and political liberty. Yet land reform is not meant primarily to benefit Thieu and Ky—it is meant to benefit the peasantry of South Vietnam, the people on whose behalf we undertook this costly war.

These people make up 60 percent of the population of South Vietnam, and they want land reform. The landlords are willing to accept land reform under the conditions of the "land to the tiller" program. Even the enemies of the Government have promised land reform, although we have ample reason to believe the promise is a deceitful one.

In short, land reform is truly desired by the people of South Vietnam—there can be no doubt about that—and in helping to implement land reform, the United States is not "imposing" any unwanted social reform on the people of South Vietnam. To help a nation fulfill domestic policies demonstrably favored by virtually all elements of that nation's population is not imperialistic, but rather a responsible form of international assistance.

I will go one step further and suggest that helping implement land reform is the type of activity that the United States should engage in throughout the world. We cannot and should not be the "world's policeman," but we can and we must be a constructive force in the world community of nations. Every student of the developing nations knows that they will not develop without substantial assistance from the industrialized nations. The leaders of the developing nations recognize this, too. The issue America faces in the latter portion of this century is not whether we should have a role in international affairs, but rather what form that role should take.

In the past, the major "assistance" the United States has provided has come in the form of warfare and military aid. If the tragedy of Vietnam has taught us anything—and I pray that it has—it is that an over-reliance on military "solutions" is an inadequate substitute for aiding a nation in making the economic, social, and political reforms that will enable it to make the transition to modernity. This transition may not be peaceful—although we can always work and hope for peaceful change. But the transition may not take place at all, either peacefully or with localized disruption, if the United States and the other industrialized nations abdicate the role of cooperative assistance.

The United States must not react to the Vietnam morass by abandoning its efforts to be of assistance to the nations of the Third World. We cannot remain aloof from the problems, the deprivation, or the aspirations of these people. Our foreign policy must attempt to find nonmilitary means to assist these nations, preferably in concert with other members of the international community. By looking ahead, by dealing with the causes of violence rather than the symptoms, we can make our foreign policy more responsible. Land reform—not alone in South Vietnam, but in Latin America and elsewhere in the Third World—can be a useful, appropriate, relatively inexpensive, and nondestructive method of assisting the modernizing nations.

Finally, and most importantly, unless we broaden our conception of foreign policy to include land reform, we may risk more Vietnams in the years to come. The consequences of such continued ignorance and intransigence will therefore be the same as the consequences, both international and domestic, of this hateful war. Our Nation, and the nations of the world, cannot afford such a perilous future. The first step toward avoiding other Vietnams, belated as this step may be, is land reform in South Vietnam. I earnestly hope that the Senate will recognize this fact, and act swiftly to make the "land to the tiller" program a success.

Mr. PACKWOOD. Mr. President, I support the statement of the distinguished senior Senator from Washington (Mr. MAGNUSON) concerning land reform in South Vietnam.

I am a strong support of the South Vietnamese land of the tiller program. For the past decade and a half, a number of Americans, beginning with the late President Eisenhower, have spoken of the need for such a program.

The land of the tiller program is designed to transfer the ownership of approximately 2½ to 3 million acres of land to some 1 million tenant and refugee families. I am convinced that this will give the tenant farmers—who comprise one-third of the total population of South Vietnam—a lasting stake in their Government.

But this program must be speedily implemented. By giving the peasants a stake in the preservation of their country, rapid implementation of land reform offers the possibility of a significant shift in peasant allegiance toward the Central Government.

Mr. President, I ask unanimous consent to have printed in the RECORD an article I wrote last year for the Ripon Society Forum, outlining the urgent need for land reform not only in South Vietnam, but in other quarters of the world.

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

LAND REFORM: THE PEACEFUL REVOLUTION

Over the past 60 years, four great civil wars have erupted and claimed over a million lives apiece—in Mexico, beginning in 1910; in Russia, starting in 1917; in China, beginning in the 1920's; and in Vietnam starting in 1945—with an even more virulent phase beginning about 1960. Each of these was essentially a peasant revolt.

The Mexican Revolution was reformist but largely nonideological, and it created one of Latin America's most politically stable and economically progressive regimes. The other three uprisings occurred under Communist banners, and brought into play successively greater degrees of American involvement—culminating in the tragedy of Vietnam, which has thus far cost nearly 40,000 American lives and more than 100 billion American dollars.

But for all our knowledge about these peasant revolutions, we have not fully understood what has happened and why. And I fear that until we do, we are doomed to repeat our Vietnam experience again and again.

RURAL REVOLT

Let us first be sure that we understand the largely agrarian nature of these revolutions:

Mexico, in 1910, was two-thirds rural, with 95 percent of its rural population living as landless peons or as sharecroppers. The spark of revolution came after the Indians' last remaining lands had been seized by speculators, when a presidential candidate offered to give back the land. Zapata accepted the offer.

Russia, in 1917, was 80 percent rural. Roughly three out of every five rural families were landless. And, though Karl Marx had written in the *Communist Manifesto* of the "idiocy of rural life," one of Lenin's two great decrees in the first week of the October Revolution vested immediate ownership of all land in those who actually tilled it. Without the peasants' support of the revolution the ensuing civil war would have had a different result.

China, beginning in 1927, was the scene of Mao's explicit break with the Marxist concept of revolution based on the urban industrial proletariat, and of his effort to fashion a peasant revolt. With an 80 percent rural population, three-quarters of which was landless, China was ripe for revolution. Chiang Kai-shek's efforts to fight Mao's land reform with military hardware lost a nation of half a billion people in two decades.

Vietnam, from 1945 on, saw an application of much the same tactics that had succeeded in China. In the Viet Minh stage, the promise of land-to-the-tiller was effectively tied to a nationalist revolution. Here again, 80 percent of the population was rural, and the bulk of that segment was substantially landless (tenant farming accounted for around 50 percent in the central and northern reaches, and for nearly 75 percent in the populous Mekong Delta). The prognosis for revolution was again excellent.

A DOZEN VIETNAMS

Today there are dozens of Mexicos and Russias and Chinas and Vietnams in the

making. Three-fifths of the total population of the developing nations is rural, and a staggering percentage of these people are landless laborers or tenant farmers. In places like Vietnam, these farmers may pay one-third to one-half of their tiny crop in rent every year to an absentee landlord. In return, they are granted no security or tenure whatever. Or, if their situation is like that of laborers on Latin American plantations, they may make $15.00 a month to feed and clothe a whole family.

These discontented peasants are searching for a better life—and wherever the Communists offer it, they rush to the Communist banner.

A paradox arises, however, when one considers further our four great revolutions. The Mexicans kept their promise; they redistributed half the crop land in the country, so that 75 percent of the rural families now own their own land. The pleased peasants not only have refrained from overthrowing a Mexican government for half a century, but they have also more than tripled their agricultural production since the 1930's; and their higher incomes have fueled the growth of urban industry to supply consumer goods and agricultural inputs. A similar promise was made and kept in Bolivia—with less bloodshed—and made and kept without any revolution at all in Japan, Taiwan (ten years too late), South Korea, and Iran. Such a promise has recently been made in Peru.

UNKEPT PROMISES

But the Russians, Chinese, and North Vietnamese didn't keep their promises; once the revolution had succeeded, they launched into a second stage of "land reform," which involved the collectivization of holdings under the state as a kind of super-landlord. The Russian "land reform" killed or deported millions; the Chinese killed 800,000 or more; the North Vietnamese, 50,000 to 100,000. This was the "land reform" path also followed by the Cubans.

And the peasants' unhappiness with the arrangements in these countries could be detected in their drastically reduced productivity. Russia took until 1953 to return to its 1928 (pre-collectivization) level of agricultural production. China is about even now. Taiwan, by contrast, has doubled its rice production since the land-to-the-family-farmer reform has begun. Cuba is still behind the pre-Castro level.

Thus, we have a rather strange set of facts:

1. Mexico, Japan and other countries have carried out massive land reform basically on the family-farm pattern and have reaped the twin benefits of long-term political stability and a sustained increase in production.

2. Russia, North Vietnam, and other countries that have ruthlessly collectivized the land have secured a consistently miserable production record from their sullen peasants.

3. Nonetheless, those who call themselves Communists have been able in much of the developing world—including Vietnam and Latin America—to hold themselves out as the genuine agrarian reformers.

AN EFFECTIVE ALTERNATIVE

The problem, it seems to me, is that the United States has not effectively offered an alternative; and until we do, we will be faced with a continuous series of Vietnam-type crises built on peasant unrest around the world.

Our alternative is land reform—broad land reform, with fair compensation to the landowners, that gives the great mass of peasants a stake in their society and an incentive to produce. Land reform eradicates the key appeal that has been used in starting "wars of national liberation"; and it can "revolution-proof" the developing world against such enticements, as it has most notably done for the Bolivian peasant against the call of Che Guevara and for the South Korean peasant against the efforts of the North to start a behind-the-lines "people's war."

There is no sounder, higher-priority use of our foreign aid dollar than in the reform of land tenure. We must think in terms of four related ideas in order to use that land reform dollar most effectively and with maximum leverage:

1. *Information*. We are woefully short of detailed data on the land-reform problem around the world. Too many political officers in overseas embassies send back their assessments of rural unrest based on what they have heard at English-speaking, urban cocktail parties—instead of on what they have observed while bounding along back roads in a jeep.

In Latin America, a preliminary assessment based on non-government scholarship indicates that countries on the "critical list," as prime candidates for peasant-based revolutions over the next decade or so, include Brazil, Ecuador, Paraguay, and most of Central America. In Asia, the list includes the Philippines, Indochina, India, Pakistan, and Nepal. Systematic gathering of comparative data on tenancy, agricultural labor, land values, credit needs, and related matters in these and other developing countries should be initiated at once.

2. *Compensation*. In most nations, politically viable, non-revolutionary land reform programs must first assuage the landlords' doubts that the bonds they receive for their property will ever be paid off. To resolve these doubts, a central element in our land-reform strategy should be the creation of a multilateral agency to act as guarantor of land reform bonds issued by individual countries. Under such a plan, the U.S. could pledge one dollar to the capital of such an agency for every dollar (or two dollars) put up by other developed countries and for corresponding, though lesser, amounts put up by the developing nation.

E.G., NORTHEAST BRAZIL

Brazil, for example, badly needs a land reform program in its teeming Northeast, where 70 percent of the 30 million population is rural and 70 percent of that element is landless. According to a preliminary estimate, it would cost about $1 billion to carry out such a program over a period of seven to ten years. If the Brazilians wanted help—and most of the nations in Brazil's position are desperate to find a way out consistent with not bringing their governments crashing down—they would enter into an agreement with the insuring fund. For an approved plan (one giving the bulk of its benefits to the landless tenant and plantation worker), the fund would guarantee the principal and interest of the land reform bonds to be issued.

The chief source of bond retirement would be a sinking fund established under agreed-upon rules, into which the peasants would make payments for their land over a period of perhaps 15 years. Meanwhile, the original landowners would know that the international community stood behind the bonds (which, however, they would be allowed and encouraged to transform into needed non-inflationary capital goods from the start).

Very preliminary calculations suggest that $1 billion of land reform in Brazil could be bought at a net outlay by the U.S.—through the international fund—of only $100 to $200 million. For the above-named "critical" countries as a group, preliminary data suggest that land reform with a gross cost of some $6 to $8 billion would likely "revolution-proof" most of the developing world for the next couple of decades, and that the net cost to the U.S.—through the fund—would probably be less than $2 billion, or what it costs us to fight in Vietnam for a month.

3. *Credit*. The fund should also be a vehicle for credit and supporting services to the smallest farmers. Too much U.S. agriculture credit assistance—including that for the "miracle" rice and wheat programs—appears to be going to the solid, traditionally creditworthy farmer, and not to be benefiting the masses of rural poor in any way. (Even if more rice is produced, they still can't afford to buy it.) Credit might be generated partly by fund guarantees to commercial banks, and partly by direct establishment of a revolving fund to be replenished by peasant repayments. For the "critical" countries, this package of supporting services might come to a further $3 to $4 billion with a net U.S. outlay of less than $1 billion.

4. *Bilateral aid*. In a few spots, notably Vietnam, our support for land reform will have to be quick and bilateral. The failure to carry out land reform sooner is perhaps the greatest tragedy of the whole Vietnam involvement. Fortunately, the Vietnamese at least seem to be moving strongly on a radically simplified, sweeping land reform program, with a total cost of $400 to $500 million (no peasant repayment, since we are competing with a purportedly "free" Viet Cong program). The U.S. should bear as much of this as needed—the whole amount is a week's cost of the war—to keep the program moving *fast*.

AVOIDING NEW TRAGEDIES

In certain proximate countries, like Panama or the Dominican Republic, a few tens of millions for land reform now may help avoid tragedy in the 1970's; and strategic considerations may suggest immediate bilateral assistance.

In summary, with the right priorities and with imaginative programs, and at a total cost of perhaps $3 billion spread over a decade or more, the U.S. can become the "champion" of land reform; help bring about markedly increased political stability in the developing world; and help motivate a marked increase in agricultural production.

For a tiny fraction of what it has cost us in Vietnam, the United States can buy insurance against future Vietnams, and can bring a higher standard of living and a more meaningful existence to millions of people whose lives are now more reminiscent of the Middle Ages than the 20th Century.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that there be printed in the RECORD a statement prepared by the Senator from Maine (Mr. MUSKIE) and the article entitled, "Real Land Reform Comes to Vietnam," as requested by Senator MUSKIE.

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

REAL LAND REFORM COMES TO VIETNAM

Mr. MUSKIE. Mr. President, during the past year I have spoken several times on the great importance of United States support for a comprehensive program of land reform in South Vietnam. I join today with Senators Magnuson and Packwood in reemphasizing the broad implications which such a program can have for termination of the conflict in Vietnam.

It is clear that whatever policy the United States pursues in disengaging from this war, an increasing burden and responsibility must fall upon the South Vietnamese themselves. It is also clear that this responsibility must include broadening the base of support for the central government, whoever may be at the head of that government.

The fighting and killing in Vietnam can never be brought to an end without a political settlement of some sort. That settlement must necessarily be based on winning the support of the Vietnamese peasant, who today has little stake in the future of his country.

A successful land reform program offers a unique possibility for winning this support. It could provide the incentive neces-

sary to stabilize the political situation in South Vietnam. As Senator Magnuson and Senator Packwood have pointed out in their remarks, the promise of land tenure has been a key weapon in revolutionary movements during this century. Vietnam is no exception.

In the August 9 edition of the Baltimore Sun there was an article on land reform by Professor Roy Prosterman, who has been very influential in the development of the land to the Tiller Bill signed into law in March, 1970, by President Thieu. Professor Prosterman has provided a thoughtful and concise analysis of the historical background leading up to the present program of land reform, which President Thieu initiated. In commenting on the significance of this program and the failure of the Diem regime to carry out land reform in the 1950's, Professor Prosterman states that, "indeed, if the Communists had been deprived of their chief selling point in the South Vietnamese countryside through effective land reform, it is probably true that there never would have been a war."

Turning to the possible impact of a successful land reform effort, Professor Prosterman further states that for the first time, Saigon has the opportunity to "come to grips with the focal issue in the countryside, the one that has supplied the chief Viet Cong appeal to the peasantry."

I urge my colleagues to consider the arguments presented in this article. Land reform in Vietnam is long overdue. The United States must provide its full encouragement and support for implementation of this program as rapidly as possible, if the impact of land reform is to be fully realized.

REAL LAND REFORM COMES TO VIETNAM

(By Roy L. Prosterman)

An editorial in a major daily in late March called the new South Vietnamese land reform law "the most important news to come out of Vietnam since the end of the Japanese occupation." They may not have exaggerated.

Lack of landownership among the peasantry formed a basic part of the Communist appeal in Russia, China and Cuba, so it should be no surprise that it has performed a parallel function in Vietnam in the hands both of the Viet Minh and the Viet Cong.

Tenant farming is the biggest occupation in South Vietnam, with close to a million Vietnamese families, or about 6 million people in a population of 17 million, dependent on it. The Mekong Delta, where about 70 per cent of the farm families are primarily dependent on farming tenanted land, has one of the highest proportions of tenant farmers in the world. The typical delta family lives on 3½ acres, pays a third of its crop to the landlord (who supplies no inputs of any description), rarely has any surplus beyond its immediate nutritional needs, is evictable at will and is held for the rent even in the case of crop failure. In Central Vietnam, the typical tract is 2 acres and the rent averages half the crop.

For years the Viet Minh and then the Viet Cong were allowed to hold themselves out to these people as land reformers, who would drive away their landlords and give them their land, while the successive Saigon governments were identified as pro-landlord.

DIEM'S DISASTER

In retrospect, the most disastrous of all Ngo Dinh Diem's policies in the late 1950's was probably that which promoted return to the landlords of the extensive lands purportedly distributed by the Viet Minh to the peasantry in the 1945–1954 period and reassertion of the landlords' traditional rights over their former tenants. The promotion of this worse-than-useless program—with the co-operation of American advisers who were unwilling to push for the major land reform that our top policy-makers wanted—was surely one of the pre-eminent disasters of postwar American foreign aid.

Diem's failure to act was doubly tragic because the Communists in the North were carrying out their usual second-stage land reform—collectivization, as in Russia, China and later Cuba—which defeated most of the expectations that had led peasants to support the revolution. As elsewhere, collectivization was violent, unpopular and disastrous for production.

Diem might have looked, as an alternative for the South, toward any of the massive democratic land reforms that had already been carried out in the Twentieth Century in Mexico, Bolivia, Japan, South Korea and Taiwan. But Diem failed to profit by example. He stood with the landlords and we stood with Diem and as we moved into the 1960's the revived Communist movement was once more offering land to a population whose entire security and livelihood were bound up with their relation to the soil.

Little wonder that the common recruiting appeal in wide areas where Viet Cong land reform was in effect was "the movement has given you land, give us your son," as it was put by Marine Lt. Col. William Corson in "The Betrayal."

Or that the late Bernard Fall called land reform "as essential to success as ammunition for howitzers—in fact, more so."

Or that Douglas Pike, probably our leading authority on the Viet Cong, describes their indoctrination system as "based on vested interests in land."

Or that field interviewers in a 1967 Stanford Research Institute study found that Vietnamese tenant farmers named landownership five times as frequently as physical security as a thing of crucial concern to them.

Or that over half of those bearing arms against us in Vietnam, main force and guerrilla units taken together, are still today native South Vietnamese.

Or that over half of all American casualties in the last two years have been due to such essentially local guerrilla activities as planting mines and booby traps—the villagers then standing silent as we walk into them.

Or that virtually no main force activities could take place without the essential advance work done by the local villagers in carrying in and burying supplies and ammunition at intervals along the line of march toward the military objective.

Indeed, if the Communists had been deprived of their chief selling point in the South Vietnamese countryside through effective land reform, it is probably true that there never would have been a war. President Nguyen Van Thieu himself made substantially that observation in a speech given January 18, 1968.

The failure from 1955 well into 1968 to come to grips with this problem is so complete and so numbing that one must mentally prepare to receive the pleasant shock of the facts from recent months.

Now, at long last, the South Vietnamese government, under strong pressure from President Thieu and with newly firm American support, is preparing to offer the peasants as much as the Viet Cong have seemed to offer. Much more, in fact, for the Saigon land reform program is not meant to be followed by collectivization. Since coming to grips with the fundamental need for land reform in early 1968, President Thieu has successfully pushed through five critical land reform measures:

FIVE MEASURES

1. At the end of 1968, he ended the incredible, self-defeating practice by which landlords had been returning to reassert their "rights" to land, often riding into newly secured villages in South Vietnamese Army jeeps.

2. In April, 1969, he put a freeze on all rights to land occupancy, pending passage of new land reform legislation. Preliminary field observations have indicated this freeze to be well-publicized and quite effective.

3. In June, 1969, he began an accelerated distribution of government-owned lands free of charge. Since then, over 300,000 acres have been distributed to the benefit of nearly 100,000 former tenant-farmer families.

4. In July, 1969, he presented the land-to-the-tiller bill to the National Assembly. After a desperate fight against landlord interests and political opponents, the bill was passed in March. This measure, which the New York *Times* has editorially called "probably the most ambitious and progressive non-Communist land reform of the Twentieth Century," is the keystone of Mr. Thieu's efforts. It embodies a drastically simplified program which will distribute virtually all tenanted land in the country to the present tillers free of charge and with fair payment by the government to the landlords. Ownership of over half the cultivated land in the country will change hands and a million tenant-farmer families—a third of the nation's population—will become full owners.

The total price tag of about $400 million is equivalent to around five days' cost of the war. U.S. support—in the form of productive commodities to generate piasters—for somewhere between a quarter and a half this amount will be asked from Congress in the coming months and it is to my mind undoubtedly the biggest bargain of the Vietnam War; preliminary measures have already been introduced in both houses with extremely broad bipartisan support.

5. Last June, he further simplified the program's administration by decreeing an immediate end to all rents without formalities, such as Western-style land titles.

A number of factors have combined with the program's enormous simplicity and the major results already achieved to give even the most jaded observers real hope that this package of measures will be largely effective by the next main harvest from December through February.

EXCELLENT PROSPECTS

There are excellent prospects that the great majority of South Vietnam's million tenant-farmer families will be free of rents they would otherwise pay and will regard themselves as definitely on the road to full ownership under policies sponsored by Saigon. Those living in Viet Cong-controlled areas will consider themselves definitely freed from the prospect that Saigon's control means the landlords' return and confirmed in possession of the land they are tilling.

If Saigon can carry it off, what consequences can be expected? There would appear to be several, each of potentially far-reaching importance:

For the first time, Saigon will have successfully come to grips with the focal issue in the countryside, the one that has supplied the chief Viet Cong appeal to the peasantry. A significant spectrum shift in allegiance among Vietnam's 6 million tenant-farmer people can be expected in Saigon's direction.

This shift will have not only a political dimension, but a significant military dimension. Notably, tenant farmers and sons of tenant-farmers, who are the largest rank-and-file group in the South Vietnamese Army and in the local militia, are more likely to be motivated to fight if they have a stake in their society, which is probably of more fundamental importance to the success of "Vietnamization" than whether the recruit gets an M–16 to replace his M–1. Moreover, peasants who regard Saigon as the source of their land-ownership are more likely to take the risk of supplying intelligence. At the same time, the root of peasant motivation to support the Viet Cong in a variety of ways will be significantly weakened.

MIGHT HELP PARIS TALKS

The prospect of such a massive, grassroots shift in peasant support is one of the few things that can be visualized which might supply enough bargaining leverage to get the Paris talks moving again. Indeed, former Paris negotiator Cyrus Vance suggested last fall that the offer to hold back on implementation of the land reform in historically Viet Cong-controlled areas could become a powerful bargaining lever, once the land-to-the-tiller bill had been passed.

Land reform, at last, and tragically late, appears to have come to Vietnam. But even at this date it is, without exaggeration, one of the major events of the war.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. ON MONDAY, AUGUST 24, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, instead of coming in at 11 o'clock on Monday next, the Senate, when it completes its business tonight, stand in adjournment until 10 o'clock on Monday morning next.

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

ORDER FOR RECOGNITION OF SENATOR PACKWOOD ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately after the disposition of the Journal and the unobjected to items on the Calendar on Monday next, the distinguished Senator from Oregon (Mr. PACKWOOD) be recognized for not to exceed 1 hour. He in turn will be followed by the Senator from Arkansas (Mr. FULBRIGHT).

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Monday next, at the conclusion of the remarks of the Senator from Arkansas (Mr. FULBRIGHT), there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

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

PUBLIC WORKS APPROPRIATIONS, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 1129, H.R. 18127 and that it be laid down and made the pending business.

The PRESIDING OFFICER (Mr. SPONG). The bill will be stated by title.

The legislative clerk read as follows:

H.R. 18127, an act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, 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.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ELLENDER. Mr. President, before proceeding with the pending measure, I would like to make the usual unanimous-consent request that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded as original text for the purpose of amendment, provided that no point of order shall be considered to have been waived by reason thereof.

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

The amendments agreed to en bloc are as follows:

On page 2, line 18, after the word "vehicles", strike out "$1,965,500,000" and insert "$1,900,300,000".

On page 4, line 6, after the word "aircraft", strike out "$360,100,000" and insert "$336,100,000".

On page 5, line 25, after the word "construction", strike out "$38,559,000" and insert "$41,616,000".

On page 6, line 17, after the word "construction", strike out "$825,689,000" and insert "$871,808,000".

On page 8, line 5, after "(33 U.S.C. 702a, 702g-1)", strike out "$79,578,000" and insert "$91,004,000".

On page 9, line 4, after the word "navigation", strike out "$290,000,000" and insert "$292,600,000".

On page 9, line 18, after the word "investigations", strike out "$25,350,000" and insert "$25,800,000".

On page 10, line 9, after the word "exceed", strike out "$178,500,000" and insert "$181,000,000".

On page 11, line 19, after the word "use", strike out "$43,800,000" and insert "$44,129,000".

On page 12, line 1, after the word "vehicles", insert "of which fourteen are"; in line 2, after the word "only", strike out "of which" and insert "including"; and, in line 7, after the word "assets", strike out "$1,500,000" and insert "$1,850,000".

On page 13, at the beginning of line 7, strike out "twenty-three" and insert "twenty-five"; and, at the beginning of line 8, strike out "twenty-six" and insert "twenty-four".

On page 14, line 8, after the word "Act", strike out "$98,018,000" and insert "$98,618,000".

On page 14, line 22, after the word "Act", insert a colon and *"Provided further*, That funds appropriated for fiscal year 1970 and allocated to States shall not be reallotted in accordance with section 8(c) of the Federal Water Pollution Control Act, as amended, until June 30, 1971."

On page 15, line 15, after the word "expended", strike out "$19,000,000" and insert "$19,100,000".

On page 16, line 7, after the word "expended", strike out "$181,810,000" and insert "$187,931,000"; on page 17, line 9, after the word "Oregon", insert a comma and "and $5,000 for the Cascade Irrigation District, Ellenberg, Washington"; and, in line 13, after the word "Interior", insert a colon and "Provided further, That of the amount herein appropriated not to exceed $140,000 may be used for archeological salvage of the cargo of the steamboat Bertrand in the Missouri River Basin."

On page 17, line 21, after the word "expended", strike out "$21,260,000" and insert "$22,675,000"; in line 22, after the word "which", strike out "$20,455,000" and insert "$21,530,000"; and in line 24, after the word "and", strike out "$805,000" and insert "$1,145,000".

On page 18, line 15, after the word "expended", strike out "$7,698,000" and insert "$6,498,000".

On page 24, at the beginning of line 24, strike out "$90,500,000" and insert "$91,600,000".

On page 27, line 7, after the word "transmission", strike out "$750,000" and insert "$1,000,000".

On page 30, line 1, after the word "vehicles", strike out "$54,180,000" and insert "$56,180,000".

On page 30, line 9, after the word "vehicles", strike out "$4,550,000" and insert "$5,550,000"; and, in line 14, after the word "and", strike out "$3,000,000" and insert "$4,000,000".

Mr. ELLENDER. Mr. President, we have before us a very, very important bill. It affects many departments in our Government. As I shall point out later, the Appropriations Subcommittee for Public Works held hearings on the programs funded in this bill from March 4 through June 30. Of course, we did not sit every day, for, as acting chairman of the Appropriations Committee, it was my privilege to hold hearings for defense as well as the civil functions of the Corps of Engineers, the Atomic Energy Commission, the water pollution control agency, and other activities. I did the best I could in trying to handle both sets of hearings—one in the afternoon and the other in the morning.

The hearings, as I shall point out later, were so voluminous that we did not put copies of them on the tops of Senators' desks, but they are available for all Senators.

I would simply like to say at the outset that the Nation is very fortunate that past sessions of the Congress provided the funds necessary for the planning and construction of many navigation projects that are of great importance to our economy today.

I can well remember over 20 years ago when we started to reconstruct or rebuild the various locks along the Ohio River in order to provide navigation from Pittsburgh clear down to the gulf. I would say that over half of the projects required to modernize that great navigable waterway were put in without budget estimates. The amount of traffic on that river had quadrupled over the estimates of the engineers. In other words, the traffic is four times more than the amount that the engineers said would justify construction of the waterway.

The same goes for the Intercoastal Canal, which, as we all know, starts on the Mexican border and goes clear up to Trenton, N.J. In that case, barge transportation on the gulf intercoastal waterway has increased over 20 times what

the engineers said would justify the project.

We have the Arkansas River, with navigation authorized to Tulsa, Okla.; and that program will be operational to Tulsa this December. In that case we started many of the projects without budget estimates.

I wonder what would have happened to our transportation system in this country had we not done that, in view of the fact that many of our railroads are breaking down, and those that are operating are experiencing a shortage of rolling stock.

Rivers like the Illinois and the Missouri with their tributaries, the Arkansas, the Ohio, now form an inland water transportation system comprising some 23,000 miles which is unsurpassed for the carrying of bulk goods.

I can well remember the opposition by the railroads based on the belief that it would interfere with their own business. There is no doubt in my own mind that transportation by water is much lower in cost than transportation by railroad. But today, because of the fact that we constructed many locks along the Ohio River, the pools of water forming behind those locks attracted industry to the point where in the last 22 years in excess of $25 billion of new business was established along the Ohio River. Finished goods have been produced from raw materials, and this increased production has enured to the benefit of the railroads.

So that it strikes me the Congress acted wisely in past years in providing the funds necessary to construct those great projects.

Take the Intercoastal Canal. That has been in the works for many, many years. We have a program in the bill to perfect and complete that great intercoastal waterway. I refer to the Florida Barge Canal, which, in my opinion, is a must. We have been going along with that project now for about 12 years. We have spent over $50 million on that project so far including funds to provide several locks there.

It is over one-third complete. I understand that an amendment is going to be offered to delay the obligation of additional funds because it may affect the ecology of that section of our country. I am very hopeful that Senators will be present to listen to the arguments on both sides, and will vote against the elimination of funds to complete that great project.

Mr. President, we have under consideration H.R. 18127, a bill making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes.

Mr. President, the hearings on the bill started on March 4 and continued through June 30. The subcommittee held 42 sessions for the purpose of taking testimony, and two executive sessions for the purpose of marking up the bill. The subcommittee heard 914 witnesses, which included representatives of various organizations and local communities.

The hearings comprise eight volumes. The volumes are so voluminous we could not put them on each Senator's desk, so we have stacked them under each Senator's desk and they are there for reference. The hearings contain 7,981 pages of testimony. I hope Senators will refer to them.

In recent years, there has developed a greater public awareness of the deteriorating quality of our environment. Although not identified by the term "environmental considerations" the water resources program has made and is continuing to make important contributions to the quality of our environment.

Following the enactment of the National Environmental Policy Act of 1969, the construction agencies have formalized and strengthened their planning staffs to insure greater emphasis on the impact of their projects on the ecology and the environment. For instance, the Corps of Engineers has established a new Institute of Water Resources to develop environmental guidelines and evaluation criteria for use of field planners. The Bureau of Reclamation has named an ecologist as an assistant to the Commissioner with primary responsibility as an adviser on environmental and ecological affairs. Even the Tennessee Valley Authority has created an Office of Health and Environmental Science to better supervise its expanded environmental quality program.

The cost of pollution control measures is staggering, not only in dollars but in the changes we are going to have to make in our daily routine. I have been told many times that the American people are willing to pay the cost. I hope they are. Practically every product we purchase contributes in some manner to air and water pollution or to the growing problem of solid waste disposal. The costs of antipollution measures will, of necessity, be reflected in the products we purchase. If we then ask for increased wages to meet these increased costs, obviously, we are not willing to pay the costs for improving our environment.

One of the pressing problems affecting the quality of our lakes and rivers is the phosphate and nitrate content of household detergents. Pending development of new formulas which are acceptable to the housewives and the Federal Water Quality Administration, the ladies can make their contribution by using the detergents which contain the least amounts of these nutrients. The clothes may not be quite as white or bright—but that may be the price we must pay for improving the quality of our environment. If the manufacturers of the detergents which have the highest concentrations of nutrients find that their sales are dropping off, undoubtedly they will redouble their research efforts toward the development of an acceptable product.

Are we willing to purchase our soft drinks in returnable bottles? I note that even in the Senate Restaurant on Saturdays use is made of plastic dishes and plastic utensils which contribute to our solid waste disposal problems. During the week days they use china, but on Saturdays, for some reason, they use these plastics; I do not know why. But that adds to our trouble. There are undoubtedly hundreds of similar conveniences and labor-saving practices which we accept today that must be changed if we are willing to pay the price of improving our environment.

POWER CRISIS

The demands of our society for increased power are continuing to grow. Either we must forego some of the comforts we now enjoy, such as air conditioning, elevator service, improvement of street lighting to reduce crime in the streets, or permit the construction of additional powerplants. In many sections of the country which are now facing brownouts or blackouts, efforts of the public utilities to provide new facilities are being thwarted by citizen groups opposing the projects: First, fossil fuel plants are opposed from the standpoint of air and thermal pollution; second, nuclear plants are opposed from the standpoint of radiation and thermal pollution; and, third, hydro projects are opposed from the standpoint of their effect on the environment and ecology. Fortunately, many political subdivisions are now giving more consideration than ever before to the siting of powerplants so as to reduce to the minimum their impact on the surrounding environment and ecology.

Mr. Ellis L. Armstrong, Commissioner of the Bureau of Reclamation, in an address before the National Society of Professional Engineers in Salt Lake City, on August 13, 1970, stated the problem this way:

> Concerned conservationists come out of a smokefilled room to warn of air pollution. Concerned citizens who look upon the marvel of plentiful light and power as a God-given right, object to a thermal plant which may pollute air and water or a dam to supply power and water which will alter the natural regime of a river or create a lake in a canyon. But they still expect their lights to go on when they turn a switch and they expect pure clean water to flow from their taps.

BILL AS REPORTED

The bill as reported provides new obligational authority of $5,258,195,000, which is $5,238,000 below the budget and $21,387,000 above the amount approved by the House.

TITLE I—ATOMIC ENERGY COMMISSION

Mr. President, this is only the second year for which I have had the responsibility of handling the AEC program. Frankly, it is very complex and difficult to fully grasp the problems posed in such a short time. I have devoted a great deal of time to this program and intend to continue this effort until I have satisfied myself that I have a far better understanding of the various programs than I now have.

For operating expenses the committee has approved a program of $2,147,027,000, of which $1,919,070,000 is the appropriation recommended in the bill. The balance of $227,957,000 is derived from sales and services rendered which, under the law, is applied to operating

expenses, thereby reducing the appropriation required to carry out the approved program.

In other words, under the law, when any sales are made by the Atomic Energy Commission of its products, they simply account to Congress for the amount sold and deduct that from their entire need in determining the amount of new appropriation required to operate the Commission. The receipts do not have to go to the Treasury. The AEC is one of the few commissions that have that privilege.

The principal programs under operating expenses are:

RAW MATERIALS

The bill provides $18,016,000 for completion of the procurement program in uranium concentrates and for the continuation of uranium resource production evaluation activities.

SPECIAL NUCLEAR MATERIALS PROGRAM

The committee recommends $343,518,000. Under this program uranium concentrates are processed into feed materials from which plutonium and other products are produced in the reactors at Richland, Wash., and Savannah, Ga., and the isotope uranium-235 is extracted in plants at Oak Ridge, Tenn.; Paducah, Ky.; and Portsmouth, Ohio. The cost of enrichment service of feed supplied the private sector is fully recovered by the AEC. Now, this is one of the programs which I intend to explore further. I want to reconcile the appropriation of $343,518,000 with revenues of $186 million. In view of the fact that we have all of the U-235 we need for the weapons program, I want a better explanation than I have received so far as to the need for the difference. Certainly, I have no intention of damaging this program in any way. On the other hand, I want to assure myself and the Senate that the funds provided are actually required, and that the cost of the enriching service is fully recovered.

I want to say in passing that during my entire tenure in the Senate of almost 34 years, I have never been confronted with witnesses who had done a better job of preparing themselves to appear before the committee. The Atomic Energy Commission program has become so complicated that it is very difficult for anyone to explore the individual projects in order to grasp all the implications involved in the production of the products for which we make allowance.

I want to say this, also, Mr. President: Some of the products are found by chance; and after those products are found, it is necessary for the Atomic Energy Commission to spend a good deal of research money to determine how those products can be used. Then they must spend a great deal of money to determine what effect the use of these products will have on the environment. So that the work of the Commission is almost a continuous process.

As we all know, our scientists are very inquisitive. I have noticed many of the programs which were truly shots in the dark by most of the people dealing with these problems. I can see the difficulties confronting them. But, I repeat, it is something that will need a good deal of study by Members of the Senate in order to be able to grasp all the implications involved.

I repeat that since this is more or less a continuous process, it is difficult for those who handle this bill or those who hold the hearings to find where to make a cut. I do not believe this appropriation can be subjected to, let us say, a meat-ax approach of 5 percent on the entire amount.

To illustrate what I have in mind, at the beginning of the hearings, I indicated that we ought to come out with this bill with a reduction of at least $115 million to $125 million. When the subcommittee made its report, we were able to cut back $110 million in operating expenses. When the bill was submitted to the full committee, the distinguished Senator from Rhode Island, who serves on the Joint Committee on Atomic Energy, said he thought some of the cuts we made should be restored, and he justified his position. He said that the Commission itself had made studies, that certain programs should be put in, and that he felt some of the amount should be restored.

I stated to him that, so far as I was concerned, if they were that important, I would tell the Atomic Energy Commission that I would gladly restore the full amount appropriated by the House, if they could get a budget estimate. The amount of money involved in that estimate, I think, was approximately $26 million in both operating expenses and plant and capital equipment. After a few days, I was told that they could not get a budget estimate but the amount should be put back in the bill. I finally consented to it because I came to believe it was necessary.

When we submitted to the Atomic Energy Commission the figures that were suggested by the Senator from Rhode Island, together with some other suggested reductions, they looked them over; and, instead of reducing the amount by $110 million that the subcommittee had recommended as a cutback, they came up with a reduction of $118 million under operating expenses. How they reached that figure, I do not know. But I point this out to show the complications of such a program.

When we got that information later, I suggested—in fact, it was suggested by members of the committee—that we set a figure for total reductions under operating expenses of $72 million to $75 million. We asked the Atomic Energy Commission to help accomplish that, but they could not come up with a cut of $72 million to $75 million. They came up after making adjustments in selected resources with a reduction of $92 million. So that the bill—so far as the Atomic Energy Commission is concerned, the operating expenses—is cut by $92 million, and I hope that amount will remain as we recommended it.

I merely cite this to show how difficult it is to take a bill of that kind and just cut here and cut there, without affecting other programs handled by the AEC. It is a difficult task. The members of the committee, including particularly my good friend here from North Dakota (Mr. YOUNG), have worked hard in trying to get the proper amounts; but I am sure the Senator will back me up in saying it was a terribly difficult process.

In passing, I wish to say that I talked to Dr. Seaborg who heads the Commission and told him that next year, when he presents his program, I hoped he would be a little more specific in the programs, so that we could follow them better and advise the Senate as to how much is being spent for what. Under the programs as now being managed, it seems we find money in one area that is actually vital to another area in the bill. It is rather difficult to separate what is being done, and I hope that the Senate will sustain the committee action.

WEAPONS PROGRAM

For the weapons program, the committee recommends $821,260,000 which is $20,500,000 below the budget estimate. Of this reduction $15 million is applied to the nuclear testing program—principally against the supplemental test site program. A major portion of this reduction in the test program results from a delay of several months in the tests at Amchitka. This will permit conducting the experiment at a more favorable season to assure maximum protection to the environment.

I may say, the moneys we cut back do not give assurance that the tests will not be tried but provide that more research might be done prior to the testing at the proper time. That is about the only relief we could get on that subject.

This is another program which I plan to investigate in greater depth with both the AEC and the Department of Defense. I am talking about weapons programs now, Mr. President. We are assured that we are not increasing our stockpile of weapons, that they are only reworking the existing weapons and adapting them to fit the new missiles. The appropriations have remained at approximately the $800 million level for some years.

That figure puzzles me, because we have been told by Dr. Seaborg that we have enough uranium already in hand for our weapons systems to last for an indefinite period. Thus, why do they need $800 million, which has been about the same amount appropriated over the years, remains constant, I cannot easily justify.

It strikes me that since we have on hand all of the uranium-235 necessary in order to construct the missiles, I am wondering why such a large amount of money should be continually spent on the other materials and in reworking the stockpile. In the past a good deal of the $800 million was used to obtain a sufficient supply of the uranium as well as the other necessary material, and now that we have a sufficient supply of uranium for an indefinite period, as the record shows, it strikes me, in that area, we might make some reduction. I want to give assurance to the Senate again, that next year we shall look very closely into that, and get a better view of it.

I need additional information to support this level of appropriations in future years. I intend to secure the evidence before I report the bill next year or recommend a substantial cut in this program.

REACTOR DEVELOPMENT PROGRAM

The bill provides $433,594,000 for the reactor development program which includes an increase of $4,800,000 over the budget estimate for the naval propulsion reactors recommended by the Joint Committee on Atomic Energy and approved by the House.

This is a large program, Mr. President. We had quite a lot of discussion about it. It deals with the research and development of equipment and technology as well as the production of material that could be used to generate electricity in the future. It is a complicated program. It will take from 12 to 15 years to complete the development of the fast breeder reactor. But yet we are told that, unless we do it now, tomorrow will be too late, that we may run out of the nuclear material used in the present type of reactor. The program envisions the use of tailings obtained from the raw material, uranium-235 as fuel for the breeder reactor.

Under this program, emphasis will be placed on the advancing power reactor technology. The Commission is giving priority to the liquid metal fast breeder reactor. Under this program, funds in the amount of $10 million are provided for the demonstration plant. It is expected that industry will invest large sums in the demonstration plant. It was on this basis the committee supported both the demonstration plant and the research required for the liquid metal fast breeder. Next year, I expect industry will have made its commitment to this program; if not, I am certain the committee will reconsider the extent of the Federal support of this program: That is one of the unobjected to items I referred to a while ago.

The committee has also approved the $600,000 for the gas-cooled high-gain breeder reactor contained in the authorization act for fiscal year 1971 and included in the bill as passed by the House of Representatives.

This is one program that was highly recommended by the Joint Committee on Atomic Energy. For that reason, the committee saw fit to provide the funds necessary in order to go on with this research.

By the way, in this program, they use helium gas as a coolant.

PHYSICAL RESEARCH PROGRAM

For this program, the committee has recommended $271,430,000, a reduction of $3 million below the budget estimate. This program consists of theoretical and experimental investigations in support of the Commission's immediate and long-range research objectives. I have always supported funds for research; however, I plan to examine this program further to be certain that there is no duplication of the research being conducted by the National Science Foundation.

Mr. President, as I stated a while ago, in the process of research and experiment, a new element was accidentally found, called hahnium. I asked Dr. Seaborg and other witnesses what the discovery could be used for, and they said they did not know. They said that it has a half life of one and six-tenths of a second. In other words, one-half of the hahnium produced deteriorates in one and six-tenths seconds. I was told that in order to find what use could be made of this new element, or what effect it could have on the environment, many millions of dollars would be required.

This illustrates that this process seems to be unending. New elements are discovered and it is unknown how to use them or what use can be made of them. But, we must follow through with research to find out whether they can be used, or what effect they will have on the environment. That is why, I repeat, it is rather difficult for Senators on the committee, including its chairman, to be able to make cuts or increases here and there without hurting or retarding some of these experiments and some of this research.

We all know that the Atomic Energy Commission and its predecessor has done a great job in the past in providing us with the Manhattan Project which saved hundreds of thousands of Americans by developing the atomic bomb.

It is true that the cost was great. But imagine what the cost would have been without that investment. Because of that success, the AEC has been set-aside as being almost one of the most important agencies for us to maintain and provide funds with which to continue these experiments.

As far as I am concerned, I want this to go on. The only thing I am concerned about is whether we should continue all of the programs that are now underway.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MAGNUSON. Mr. President, I think this is apropos. Mr. President, what the Senator from Louisiana says is so right. It is confusing. There is no way to know where it will lead.

Dr. Seaborg was doing some of this. He was the fellow who found plutonium.

Mr. ELLENDER. He found it by chance.

Mr. MAGNUSON. The Senator is correct. He won the Nobel Prize. He was the founder. He did not know at that time, I heard him say many times, and he still does not know, all of the ramifications of the element plutonium.

Mr. ELLENDER. Since the Senator from Washington raised the question, plutonium was found as a byproduct of the reactor. When a uranium isotope was used as the energy source for a ship, it produced plutonium.

Mr. MAGNUSON. That is exactly what the Senator says.

Mr. ELLENDER. Those are the things that we are providing funds for, and I think necessarily so. It should be done. I am most hopeful that it will be used wisely.

Mr. President, I go back to the proposition that it is rather difficult at times to satisfy the curiosity of our scientists. They have a good idea and they go in one direction to find out whether they are correct. What they want to do is to satisfy their curiosity.

It strikes me that in time we will have to put a little damper on that phase of this work.

BIOLOGY AND MEDICINE

Another program which is very important, I think, is to justify civilian uses for these expenditures. The committee recommends $88,300,000, the amount of the budget estimate, for this program. Emphasis will continue to be placed on the assessment, evaluation, and control of radiation exposure to man and his environment.

ISOTOPES DEVELOPMENT PROGRAM

This program consists of research and development activities to accelerate realization of the potentially vast uses of radioisotopes and radiation technology. Included in this program is the radiation preservation of foods; thermal applications—including fuels development for a circulatory support system; and life support units and component heaters for space flight use. For this program the committee recommends $6,530,000 which is $530,000 over the budget estimate.

CIVILIAN APPLICATIONS OF NUCLEAR EXPLOSIVES

The committee recommends $7,400,000 for this program—a reduction of $600,000 from the budget, and $100,000 below the House. The funds will be used to continue research aimed at a fundamental understanding of nuclear explosive design and explosion phenomenology and its application to peaceful uses.

Mr. President, that concludes my remarks on the Atomic Energy Commission. I now come to title II, Department of the Army, rivers and harbors and flood control which is, as I said in my opening remarks, a very important title. It is one in which we should not be niggardly in providing sufficient funds with which to protect and preserve our most important resources—land and water.

I am proud of the fact that I am in a position now to carry out programs that I was thinking about as a teenager, living on the farm behind the Mississippi River levees. I thought at that time that water was inexhaustable, that we would have water forever. But in the last few decades I found out how important it is for us to retain what we have and to try to make better use of it and to try to reuse it.

In my book, the two important resources that we must protect and preserve are land and water. We can have all of the diamonds, gold, and any other valuable possessions, but unless we have land and water with which to produce food and fiber to sustain our population, everything else will go for naught.

It strikes me that there should be no hesitancy on the part of this administration and future administrations to provide all the moneys necessary with which to carry on these programs.

I am sure many of us have read in the press how they criticize these expenditures, referring to them as a pork-barrel.

I go back to the proposition I mentioned awhile ago, that we must use the waters we have for navigation, reclamation, power generation, and at the same time protect ourselves from floods. I know of no better way in which to spend money than to provide ways and means of utilizing these two great resources.

I would not be disappointed if I were to read some editorials in some of the newspapers and magazines saying that those who advocate the expenditure of these funds are voting for a pork-barrel, that they will get something out of it for their constituents. I want to confess that I do get something for my constituents and not only for my constituents but also for all the people throughout the United States. If we had neglected these programs, I do not know what would have happened to our country.

It has been my privilege to travel all over this world a good deal. I have found out what it has meant to many countries when they neglect the proper use of their water to preserve and protect the use of land and water.

I can well remember that old Persia had enough land and enough water to grow food and fiber and sustain the life of over 100 million people. One can go there today and see the area; I have seen it. What was known as Persia cannot now sustain life for more than 11 to 12 million people, and the reason for it all is that the rulers there failed to preserve these two great resources, land and water. I do not want that to happen in our country.

Mr. BIBLE. Mr. President, will the Senator yield to me at this point?

Mr. ELLENDER. Yes, indeed. I yield to the Senator from Nevada.

Mr. BIBLE. I am wondering if the Senator who has had such a distinguished career in this area of appropriations has any idea of the number of lives or the amount of property damage that has been saved as a result of these flood control projects. I know property damage has been reduced materially and this is of benefit to all mankind.

Mr. ELLENDER. We had floods on the Missouri River. The Senator knows about that. The most recent floods were 4 or 5 years ago. The cost of protecting that area, as I recall the figures, was about one and one-half billion dollars for flood control, navigation and power development. The flood losses prevented by that program exceeded $2 billion. There is no way of estimating the number of lives that would have been lost without this program.

In California 2 years ago the projects completed at a cost of $800 million prevented losses of over $1.5 billion.

I shall have printed in the RECORD figures to show the losses that have been prevented in areas where projects have been placed in operation, and the cost of constructing those facilities.

Mr. President, I ask unanimous consent to place that information in the RECORD at this point.

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

[In billions]

Cost of flood control facilities	$5.7
Damages prevented	19.

Mr. ELLENDER. Mr. President, I did not anticipate the question was going to be asked but it is interesting for us to have this material in the RECORD to show the contrast with the estimates of the Water Resources Council that flood losses averaged $1.7 billion in 1966 and will increase to $5 billion by 2020 if additional projects are not built. It shows what will happen if we are slow in constructing the facilities necessary to protect those areas.

Mr. President, I hope members of the press of the Nation, and particularly those persons who write articles for magazines, read the statistics and publish articles to show the importance of all these projects in order to protect and preserve not only the lives of the people on the scene, but also the future generations—to provide for them a good place to live, and a place where they can have all the food and fiber necessary.

Mr. BIBLE. Mr. President, I commend the distinguished chairman of the Public Works Subcommittee. This has been my own experience, although we do not have the large rivers in my part of the State that they have in California and Mississippi.

I can testify of my own knowledge of the millions of dollars that have been saved by flood control projects that have been constructed on our streams and rivers. This should be told time and time again. It could be called "pork barrel" but it is "pork barrel" in a good sense because it saves lives and it saves millions and millions of dollars in property damage. There is no doubt about it.

Mr. ELLENDER. Mr. President, I have been chairman of this subcommittee for about 18 years. During my tenure we have been able to harness practically every tributary to the Mississippi River. Prior to that time a period of 3 months was required for the floodwater to go down the Mississippi River, drowning out a good many people, and carrying out tons of silt. But since that time we have been able to harness tributaries of the Mississippi River so that today all the engineers have to do is press a little switch and the water is allowed to flow down gradually. Instead of water going down the Mississippi River in 3 months, it now goes down gradually over a longer period. That provides fresh water the year round in the Mississippi River so that we have today, all along the valley, factories that have been constructed, and industries that have been constructed because a constant supply of water is available. In addition, by holding back this water, ponds and lakes are created, and it is also better for navigation.

As I pointed out, when we started out with the Arkansas River, it was stated by the engineers that if we could get so many river tons of freight over a period of so many months or years, the program would be justified. Now this project has been completed to Little Rock, just a little over a third of the way, and the tonnage that came down that river the first year from Little Rock is more than the tonnage that the engineers estimated would come the first year that the waterway was completed to Tulsa. It shows the importance of using that water for navigation.

In addition, we have had ports established along the Arkansas River and the Mississippi River; and businesses have been established there, and they use the water to establish and expand our economy. It is also important to note that the out migration from the Arkansas Basin has been reversed as a result of the new industries that have located in the valley.

Mr. BIBLE. I thank the Senator. In addition, it occurs to me there is not one of our 50 States where projects of this type have not been cash register items. They certainly return more to the Federal, State, and local treasuries than they cost.

Mr. ELLENDER. There is no question about it.

Mr. BIBLE. That fact can be documented A, B, C, and D if persons who are interested will look at the record.

Mr. ELLENDER. There is no doubt about it, but few people take the trouble; many of them would rather criticize.

Mr. BIBLE. I think the facts answer the criticisms. I know the great work the Senator has done over the years in this particular area alone.

I have one further observation I wish to make. I would like to include commendations for a late, dear friend of all of us, Mike Kirwan, who was the counterpart in the House of Representatives of the distinguished Senator. Mike Kirwan recently passed away. He likewise made real contributions in this area.

I thank the Senator for yielding to me.

Mr. ELLENDER. I am glad that the distinguished Senator from Nevada has paid this tribute to Mike Kirwan. He has made a great contribution to the development of our natural resources.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I certainly agree with the remarks of my distinguished friend from Nevada and the remarks of the distinguished chairman.

I call attention to the fact that the saving of life has not been confined to the great river areas. In 1926 a hurricane destroyed something over 300 lives in the Moore Haven vicinity, along the southwest coast of Lake Okeechobee, because the hurricane winds in that instance came from the east or northeast. Two years later, in 1928, during another hurricane the winds came from the west and destroyed 2,200 precious human lives in the vicinity of Belle Glade. The Senator will remember that. The dikes and structures that have since been built around Lake Okeechobee, and the structures in the south Florida flood control program, in which the Senator has had such a leading part, have prevented many losses of life. I would not know how to estimate the immense savings in terms of dollars. The Engineers have estimated these savings at $120,600,000 since 1953.

I am sure that is an underestimate. But now those areas are safe for human habitation and the population there has greatly increased and the economy there has greatly increased because the people can live there in safety.

I thank the Senator for almost a lifetime of interest in this matter. I want these remarks to show that the saving

of life and property is not confined to the areas of great rivers in the Nation.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MAGNUSON. I want to add my comments to what has been said. I know of instances where the reduction of floods in one given year—referring only to normal floods in the river—paid for the whole cost of the installation that stopped the flood, if we assume that every year the same flood condition is going to take place that took place for the preceding 40 years.

The Columbia River, of course, is involved with power development, but we had one flood on that river which resulted in losses greater than the cost of all the projects on that river. The Senator probably remembers when there was such great loss of life and property, amounting to billions of dollars, at Portland.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. YOUNG of North Dakota. The Senator from Louisiana mentioned the Mississippi River and its tributaries and what had been done to control floods in recent years. I can speak with firsthand knowledge of what happened on the Missouri River. Almost every year we had devastating floods for almost the full reach of the river.

Mr. MAGNUSON. And the Red River.

Mr. YOUNG of North Dakota. Yes. Now floods on the Missouri River are unknown. We have dams producing somewhere around 2 billion kilowatts of power each year. We have great reservoirs that are of benefit to everyone. Along with that, navigation downstream provides great benefits.

If it were not for the Senator from Louisiana, we would not have had many of these projects. I want to give him great credit for the progress that has been had.

While we are on that subject, the name of the late Michael Kirwan, a Member of the Congress from the State of Ohio, was mentioned. He was a great friend of water projects and had a heart as big as a washtub when it came to helping other areas of the United States.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. RANDOLPH. Mr. President, as chairman of the Senate Public Works Committee, I think perhaps I am in an appropriate position to know of the tremendous amount of time and energy that our able colleague from Louisiana (Mr. ELLENDER) has given to the appropriating process for the projects which have been authorized by our committee.

All of us on the Public Works Committee in the Senate, Republicans as well as Democrats, are grateful for the energy and the vision exemplified on so many, many occasions, over so many, many years. The chairman of the Appropriations Subcommittee on Public Works has made notable contributions, which, as has been said earlier this afternoon, have encompassed leadership in worthwhile projects in all the States of the Union.

It is a misnomer, Mr. President, which continues to be used in the press, and on radio and television, and in other forms of publication and communication, which designates public works projects, as are contained in the appropriations that the Senator brings before us this afternoon, under the designation of "pork barrell." I had hoped that such ill-advised language would go out of usage. The benefits of these projects are shown year after year and there should not be a continuing use of the term "pork barrel," which is unfounded in fact. Yet, we continue to hear it. We continue to read it. Some of us continue to be, not overly sensitive to it, but we regret very much that a study is not made by those who report these programs so that they can classify those projects as vital projects, other than in the general category of "pork barrel" spending.

I would predict that there will be such "pork barrel" references again in connection with the projects that are before us this afternoon.

I join in the other tributes and express my own to the able and experienced Senator who handles these projects in the Senate of the United States, and then works the collective will of the Senate and the House in the conferences which are held.

I add also to the comments in colloquy by other Senators, as to the value of these projects from the standpoint not only saving lives but also the protection of property. It is highly important to register for the record the fact that these projects are giving recreational facilities to literally tens and tens of millions of Americans who were denied them before.

In West Virginia, for example, the Sutton Lake and the Summersville Lake are two beautiful as well as useful bodies of water in the mountains of West Virginia. Both were public works projects.

They, of course, contribute to flow of quality water at necessary times. This we recognize, but there are now literally hundreds of thousands of persons who before never had the opportunity, as West Virginians, or as visitors to our State, to come into those areas and use those facilities for water skiing, for boating, for swimming, and for fishing. In West Virginia, a mountainous State, where we have no natural lakes, these bodies of water have contributed to the rejuvenating of the State's economy and helped to give our State a rebirth not only of recreation but of business that is generated from use of these recreatioinal facilities.

I just hope, and I believe, that the American people are responsive to such projects. They will continue to support and contribute in the years ahead to the development of the many projects that are now in being and that will come to fruition, hopefully, due in part to the efforts of the Senator from Louisiana.

Mr. MAGNUSON. Mr. President, will the Senator yield at that point?

Mr. ELLENDER. I yield.

Mr. MAGNUSON. I am sure the Senator knows, but I am not sure that others know, which national park had the greatest attendance of any national park, by far.

Mr. RANDOLPH. There are 284 national parks in the United States. The lakes within them are very often great meccas for tourists.

Mr. MAGNUSON. But I mean the greatest attendance by far, by hundreds of thousands of people more. That was the park which contains the lake that was created behind Denison Dam in Texas, where they never had had any recreational facility before.

Mr. RANDOLPH. Yes; and I am sure in many other States——

Mr. MAGNUSON. By far.

Mr. RANDOLPH. This has been a worthwhile development.

Mr. ELLENDER. Mr. President, I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, it was not my intention to say anything in regard to this matter, and I would not speak, except that, since I have been here not quite 2 years, it may be that I can speak more realistically about "pork barrel" than some of the Senators who have been here longer.

I do not pay any attention to it, and I do not think other Senators ought to pay any attention to it.

If you are calling it "pork barrel" that, on the Ohio River there will never again in its history be another 1937 flood, I say that pork barrel is a mighty fine thing to have.

If you are calling it "pork barrel" that, by damming the Ohio River, we can now send through Louisville more freight than goes through the locks of the Panama Canal, then I say that pork barrel is a mighty fine thing.

If the citizens of Kentucky can realize, from Kentucky Lake, Barkley Lake, Rough River, Nolin, Green River, Dale Hollow, Cumberland Lake, Fish Trap, and many others, and that by reason of these dams, the Commonwealth of Kentucky has invested hundreds of millions of its own dollars to build additional facilities—and I ask the attention of the distinguished Senator from Wisconsin for a moment, because he said to me not too long ago that when he was Governor, he went down to Kentucky Lake and saw some of the finest State facilities for vacations and for tourism that he had ever seen in his life—I say again, such pork barrel is a mighty fine thing.

I might suggest here that if this is what the press calls "pork barrel," then maybe we ought to reevaluate the rate on second-class mail for newspapers, because I must say to the distinguished Senator from Louisiana that these are the things the American people want their tax dollars spent on.

I might say that in this bill there is a significant amount of money—and I say this to the Senator because I just brought a family from the Commonwealth of Kentucky into the Agriculture Committee room not too long ago—a substantial amount of money to furnish a study of a floodwall for southwestern Jefferson County. That area will never again have a flood like it had in 1937.

To any person whose house is flooded out, it is as bad as any flood ever was. I can only say, we are finally at the point where the cost ratio justifies the expenditure of substantial sums of money

to furnish a flood control facility around Louisville and Jefferson County. I suggest again, if this is pork barrel, then everyone who lives in that area has got to be a part of it, and I hope all of us will understand, and those in the gallery will understand, that this is what the people want their tax dollars spent for.

Mr. ELLENDER. Mr. President, I thank the Senator very much.

Mr. MAGNUSON. Could I add one more thing?

Mr. ELLENDER. I yield.

Mr. MAGNUSON. I have never thought, when the term "pork barrel" was used—I do not know how many people realize, as the Senator from Kentucky pointed out, that none of these projects are even looked at until there is a strong benefit-to-cost ratio. In other words, they are screened.

Mr. ELLENDER. They all have to be justified.

Mr. MAGNUSON. And the estimated benefits, which invariably I am told—I think in 99.44 percent of the cases, the benefits conservatively have been written down and estimated to be way over the cost, before we even begin on them. And we never even get to all of those.

Mr. ELLENDER. As the Senator knows also that there must be justification of all projects we recommend here.

Mr. MAGNUSON. Surely

Mr. ELLENDER. And unless we get through hearings on those projects, they do not go on the bill.

Mr. MAGNUSON. Of course they do not. Everyone looks at the barrel, and finds out about it.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Wisconsin.

Mr. NELSON. As the Senator from Louisiana knows, I have an amendment at the desk, No. 852. Three of its cosponsors, Mr. SAXBE, Mr. MUSKIE, and Mr. GRIFFIN, are not in town today, but are anxious to participate in the discussion on that amendment. I would like to say to the Senator that I would be happy to vote on the amendment on Moday and, as far as I am concerned, it could be settled in an hour at that time.

Mr. ELLENDER. I think Senators were notified that this bill was going to be taken up, and I was in hopes we could finish with the bill this afternoon. On the amendment that the Senator refers to, as I understand, there have been no hearings whatever, and there has been no budget estimate. Of course, as to the budget estimate, I would overlook that. I understand, however, that the White House is considering a supplemental request for the funds for which the Senator is now asking, and we expect to get a budget estimate, and it will be considered in a supplemental bill.

As I told the Senator from Washington just now—and I am sure that my good friend, the ranking Republican member, the Senator from North Dakota (Mr. YOUNG) would agree—I do not know of any time that we have ever put any projects in the bill unless we have had hearings on them, so that we can justify them.

I think that before this debate ends, the Senator from Wisconsin should be well satisfied with what the committee did in order to fight pollution. We provided the billion dollars, as I shall point out a little later. We also amended the law, as it were—the House started it—so that the amount of money that is now in the hands of the States, that would otherwise have to be forfeited by them by December 31, can be used up to June 30 of next year. The States will be able to use over $400 million that they have not been able to use heretofore.

The record shows that the amount that we provided is ample for the programs that have been studied and presented to the regional offices throughout the country. I have evidence here to show that, and I am very hopeful that Senators will not delay the action on this bill for the consideration of the amendment to which the Senator refers. As I say, we have no record of hearings on the matter. Personally, as chairman of this committee, I would not like to break the record we have compiled by trying to put into this bill projects on which we have had no hearings whatever.

Mr. NELSON. May I say——

Mr. ELLENDER. I would hate to break the rule, not that I am opposed to what the Senator is trying to do, but we are going to have a supplemental bill, and I am told, without ifs or ands. The Budget Bureau is now considering budget estimates for the very item the Senator is proposing, and I for one will do everything I can to make sure they are considered in the supplemental bill.

Mr. MAGNUSON. And we extended the time.

Mr. ELLENDER. We will hold hearings on those programs.

Mr. NELSON. I just want to make clear that I expect to offer the amendment, though I am not in any way critical of what the committee is doing in the pollution field. I am well aware that a year ago, the Senator put into the bill for pollution control $800 million more.

Mr. ELLENDER. It is $1 billion.

Mr. NELSON. It is $800 million more than was requested.

Mr. ELLENDER. That is right. I recommended $1 billion to the Senate, and we compromised with the House of Representatives for $800 million altogether.

Mr. NELSON. Yes. That, in my judgment, was the first really significant, dramatic step in terms of appropriations of money to deal with the question of water pollution at the municipal level in this country.

The problem here——

Mr. ELLENDER. I would like to point out, while we are on the subject, that of this $800 million we appropriated last year, with the House consenting, we have unspent $435,611,780, which will be usable by the States by virtue of an amendment that we have put into this bill, in order to carry it over from December 31 until June 30 of next year.

Mr. NELSON. That is in addition to the——

Mr. ELLENDER. That is over $435 million plus the $1 billion recommended in the bill.

Mr. NELSON. Yes.

Mr. ELLENDER. I thought that such an amendment as that would certainly help a lot of the smaller States, that have not as yet convened their legislatures so as to be able to use this money.

It strikes me that when we have evidence in the RECORD indicating that this money cannot be spent because the States are not able to use it and we have been able to amend the bill so as to extend the time in which this money can be used, that is more important than if we put $1.25 billion in the bill, because they could not use all of that. It would simply be allocated to them, without their having the ability to use it. By extending it to June 30 of next year, we find that the cities and States of the Northeast——

Mr. MAGNUSON. They will have $1.5 billion to work with.

Mr. ELLENDER. Yes.

In the Northeast we have one big State that wants more money—I do not blame the Senator from New York for wanting it—but I believe the bill that we have presented to the Senate is well balanced, in that we can use not only the billion dollars we have added to the bill but also the unused $435 million of the $800 million we appropriated for fiscal 1970.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. YOUNG of North Dakota. I may say to the Senator from Wisconsin that probably largely because of his interest, Wisconsin is the only State that used 100 percent of its funds. The Senator has been a great proponent of fighting both air and water pollution, but it would be difficult to accept his amendment now. If one is offered to a supplemental bill, I can assure the Senator that I, for one, would give special consideration to it.

Mr. NELSON. I commend the committee, and I commend the Senator for his leadership. I am not quarreling with that.

These are research and demonstration projects we have been talking about in the Senate—at least, I have—for a half dozen years, together with a number of other Senators. The problem is that S. 7 was passed in April, and the administration has spent 4 months without coming up with any budget recommendation.

We passed the authorization in April. My staff called the Interior Department, made staff contacts in April and early May, and said, "Now will you tell us how much money you need?" We could not get an answer.

Finally, I wrote to the Secretary. The Secretary wrote back and said, "I cannot give you an answer because the Budget Bureau has not done anything." That is May, June, July, and halfway through August.

So the reason why this was not before the committee is that the administration did not make up its mind, even though we passed an authorization in April.

Mr. ELLENDER. Of course, that is a short period of time.

Mr. NELSON. I realize that.

Mr. ELLENDER. I am giving assurance to the Senator from Wisconsin that I am informed that as to those items a budget estimate is coming and will be included

in the next supplemental appropriation. If it is not included, I suggest the Senator appear before the committee and justify it, and I think he will get results. But please do not insist that this committee accept or ask the Senate to vote on programs that have just been authorized and on which we do not have a scintilla of evidence.

I would not like to suspend the rule we have established in the past, as long as I have been a member of this committee, that we have never accepted, to my knowledge, any program that has not been justified. If the Senator had appeared before the committee, the chances are that we might have been able to do something. But there is nothing in the record to justify what is now requested, and I hope that the Senator and his colleagues will wait until the supplemental bill comes. Whether the Senator has a budget estimate or not, he can appear before the committee, and we will give consideration to it. I will be on that committee, and I can give the Senator assurance that we are going to look into it and probably will agree with the Senator in providing the funds.

Mr. NELSON. One of the items to be funded by this amendment, for example, is a provision that I offered to S. 7 and was approved in both Houses. It authorized and directed the administration to do a study of the watersheds of the country and determine the nature, the character, and the amounts of the pesticides that have gotten into those watersheds, and to develop the scientific information that will enable the States to set standards on pesticide pollution to be met in watersheds of the country.

This is a very critical problem, as the Senator knows. It is a 2-year study. It was authorized in April. How many months will it be before we get at the question of setting standards on pesticides in our watersheds? Everyone knows it has to be done. Everybody knows the study needs to be made. Everybody knows that standards need to be set. I do not think there would be a dissenting vote on that.

But the administration, for whatever reasons—I suppose the people involved were very busy. I am not critical about that.

Mr. MAGNUSON. Money will be needed to establish standards.

Mr. NELSON. They have to make a 2-year study.

Mr. MAGNUSON. We have a warehouse full of studies.

Mr. NELSON. There are no studies covering all the watersheds of this country, on the amount of DDT and Dieldrin in all the watersheds of this country. There is a study with respect to Lake Michigan; I know that.

Mr. MAGNUSON. I am pointing out that we could have more studies, but they ought to be parallel to this—more sophistication in the studies. We have plenty of studies on all this. What we should do is tell the Department of the Interior to set the standards now.

Mr. NELSON. That is what we did under the amendment I offered to S. 7.

Mr. MAGNUSON. That requires a little push some place.

Mr. ELLENDER. Imagination, too.

Mr. President, I am hopeful that the Senator will not ask that we delay the passage of this bill.

As the Senator knows, I have worked all this week, until yesterday, on the farm bill, which is most important. I have set hearings for early next week—Monday, Tuesday, and Wednesday—and I hope to keep the feet of the members of the committee under the table so that we will have a bill ready before the Senate recess.

Mr. NELSON. Is the Senator talking about a supplemental?

Mr. ELLENDER. No. I am talking about the farm bill that we are trying to write now. The supplemental bill is going to come before this year is out. As soon as it does, I understand that there will be a budget estimate. I will be on that committee, and I can assure the Senator that if he comes before the committee and makes a case——

Mr. MAGNUSON. I will be on it then, too.

Mr. ELLENDER. We can consider it then and the Senator from Wisconsin can justify it.

Please do not ask the subcommittee, of which I have been chairman for over 18 years, to consider new appropriation items at this point. I do not know how much it amounts to, but I understand it is over $38 million for all three projects.

Another point I wish to emphasize to the Senator from Wisconsin is that we have tried to keep this bill below the budget. We now have it below the budget by approximately $5 million. I hope the Senate will maintain the position of the committee and retain it under the budget.

Mr. MAGNUSON. I will check it and get it for the Senator, but I think it has been almost 2 years since the Committee on Commerce directed and we got money in the Appropriations Committee for a study of the effect of pesticides on fish and wildlife. That is down there. We have testimony with books as thick as the one I have in my hand, and there is sufficient evidence for the Secretary now to set some standards and then go ahead with the study that the Senator is talking about, parallel to this; and they are subject to change. I do not think the appropriation of money is going to help that much down there. I think we have to insist that they do it. They know enough about it.

The Food and Drug Administration has research on this. The Department of Agriculture has had research on it. I think the Senator will find a warehouse of information on it, and I do not think I am exaggerating—at least, enough to set some standards.

Mr. NELSON. I may say to the Senator that I had enough information 7 years ago, because I put in a bill to ban DDT 7 years ago.

Mr. MAGNUSON. Probably in the Senator's office is enough information to set standards.

Mr. NELSON. This involves a watershed study.

Do I correctly understand the distinguished chairman to say that a supplemental will be taken up this year?

Mr. ELLENDER. Yes.

Mr. NELSON. Is it correct that hearings will be held and a supplemental will be taken to the floor?

Mr. ELLENDER. Yes.

Mr. NELSON. And that it is the understanding of the chairman that the administration has under consideration——

Mr. ELLENDER. The budget is considering estimates for this purpose.

Mr. NELSON. The budget estimates on the items I am talking about.

Mr. ELLENDER. Correct. Yes. And now I want to add, whether the budget estimates come to us, the Senator will have an opportunity to make his case. I am sure that the committee will listen with attention and will doubtless give the Senator an opportunity to employ his persuasive talents.

Mr. MAGNUSON. May I go further and say that the committee will be sympathetic.

Mr. ELLENDER. Yes.

Mr. NELSON. May I conclude on this point, Senator, that I have indicated to the other cosponsors I would insist we take this up on Monday next. But, based upon our colloquy here this afternoon, I shall undertake to say that I will not call up the amendment with the assurance of the chairman who will be conducting hearings, and with the knowledge of the cosponsors who are concerned, and myself, that we will have an opportunity to appear before the committee, whether the administration makes a special request or not.

Mr. ELLENDER. Yes.

Mr. NELSON. Then I shall not call up my amendment.

Mr. ELLENDER. I thank the Senator very much.

Mr. MONDALE. Mr. President, we have heard all we should have to hear this year about the enormousness of our crisis in water pollution. The deterioration of our lakes, rivers, and coastlines has reached a point where we can no longer wait to save our precious waters. To delay is not merely to put off that time when our waters are once again safe for swimming, fishing, and boating; a delay, rather, will be to bring us only that much closer to the point where some of our lakes and rivers will be forever lost to man's thoughtless exploitation.

Early this year, the Congress took a momentous step forward in the effort to save our waters by passage of the Water Quality Improvement Act of 1970. This act added five new subsections to the seven already authorized for research and development in water pollution control.

One of those subsections would provide the first explicit authorization of programs directed at the growing crisis of our Nation's over 100,000 inland lakes. Our lakes, one of our Nation's most precious—and fragile—natural resources, are becoming increasingly threatened by siltation, sewage run-off, and other industrial and agricultural waste. Our lakes are dying—choked to death by the uncontrolled growth of green algae. We are in desperate need of research and demonstration projects in order to devise ways of halting and reversing this unique

and frightening kind of environmental disaster.

Mr. President, I have briefly spoken of the inland lakes section because I have so long been interested and involved with this particular provision. But there are the other new research programs added by the Water Quality Improvement Act, authorizing crucial research in oil, vessel, and pesticide pollution. In addition, as the Senator from Wisconsin has pointed out, there is a new section providing demonstration and planning grants for the salvation of our threatened Great Lakes. All of these new provisions reflect the growing awareness that we are, indeed, in crisis, and that our efforts demand vastly greater knowledge and research into the causes and cures of water pollution.

Mr. President, the Senator from Wisconsin (Mr. NELSON) has pointed out the problems which have arisen in the funding of these provisions in the appropriation bill before us now. While this bill represents an able effort to meet the various demands upon our public works budget, the timing of the final passage of the Water Quality Improvement Act prevented the new sections I have cited from being included either in the President's budget requests or in the House-passed bill. I believe this to be the only reason that these vital new programs were excluded from receiving specific budget requests, and I think this puts a special light on the bipartisan amendment now being considered to correct this omission.

Mr. President, the $48,219,000 additional money we are asking for is absolutely essential if we are to move ahead now in developing the knowledge and procedures for the salvation of our lakes and rivers. This figure would fully fund the new research and development subsections put into law after the administration's budget requests, including those provisions dealing with inland lakes, the Great Lakes, and vessel, oil, and pesticide pollution.

There is no economy and no "fiscal responsibility" in failing to fund these provisions. To allow another year to pass while we pay cheap, verbal homage to "our environmental crisis" is both false economy and a betrayal of the "environmental conscience" awakened this year. We would be violating the mandate of a nation to end the deterioration of our environment. We would be magnifying the eventual cost of saving our environment by deferring a small expenditure now, only to pile up a far greater charge in the future as the destruction of our waters goes merrily on. And we would be passing on to the future a legacy, not of a smaller budget, but of dirtier lakes and rivers, and of continuing ignorance of how to tackle the enormous task of preserving some of our most precious and vulnerable resources.

As the Senator from Wisconsin has pointed out, the Appropriations bill now before us, with certain general research funds directed toward the kinds of programs which now have specific authorization in the new act, actually represents a step backward. Without our amendment, there will be even less funds spent this year in inland lakes, Great Lakes, and oil spill pollution than were spent last year. We are not, then, being asked to "hold a line"—we are being asked to take a significant step backward from an already grossly inadequate share of funds going for these research programs.

I think that our water, our economy, and our Federal budgets—not to speak of our environment and our children—demand no less.

Mr. JAVITS. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. JAVITS. I have heard with great interest the Senator discuss the question of the construction grants for waste treatment works. The Senator has made some point of the fact that the proviso extends for 6 months the time when funds appropriated for fiscal 1970 need not be reallocated. The Senator, I think, has made clear the point of view of the States which, for many reasons, were not ready to use their share of the allotment. However, I do not believe the Senator has looked at the other side of the coin.

As I analyze the situation, there are many States—it looks to me from a quick appraisal to be 50–50—which have used the greater part of their allotments, and which have projects like my own State of New York, that amount to twice the present allotment. Now, notwithstanding that this is an ongoing program, they are being asked to stand by and let the laggards catch up.

If it were a one-shot operation, I could understand that, but here we are appropriating another billion dollars for the program. Yet, notwithstanding that, we are also seeking to carry over funds which will not be reallocated for an additional 6 months because certain States were laggard in coming into the new program. This will prejudice many States like mine which have been on the ball and have done the job. My State has authorized $1 billion in State bonds for this purpose, so that we are way ahead of the parade.

As this is nothing but straight legislation on an appropriation bill, it seems to me that certain States, on a 50–50 break, are being caught both ways. Instead of $1.25 billion, which is the authorization, the committee is going along with the House on the $1 billion.

My colleague (Mr. GOODELL), with me as cosponsor, was proposing to move to increase that. Now the manager of the bill would like us to step aside and not do that. My colleague may not be able to be here today, although perhaps he will still arrive, and not delay the bill until Monday; so that we get caught there.

The next point is the 20 percent set aside under the bill in the first proviso, passed by the other body, as available for reimbursement to the States, and so forth, based upon the reallocation provision in the law. A good case could be made, 30 percent, based on the amount of reimbursement money that could be used.

Mr. ELLENDER. If the Senator will yield, let me say that of the 20 percent set aside, New York will get almost one-half.

Mr. JAVITS. I appreciate that.

Mr. ELLENDER. I really believe, Senator, that this bill, if it is thought through, will convince him that, even though New York may lose a little in the long run, it will give impetus to many of the States that have been up before the committee to provide the necessary legislation and the funds to accomplish what New York did. I am here to tell the Senator that the $1 billion—that is the 80 percent—that will be provided for the allocation will be and must be spent within 12 months instead of the 18 months. So that New York may benefit by that, if the States, to whom the $800 million is allocated, do not spend the money. So, by reducing the time from 18 to 12 months, New York will have an opportunity to use quite a bit of the $800 million that will be redistributed under the present appropriation language at the end of 12 months instead of 18 months.

Mr. JAVITS. Nonetheless, it is a fact, is it not, as to the bill, that by the final proviso, which is legislation—I realize the parliamentary situation—there is an amount of over $400 million, the reallocation of which is deferred in order to accommodate many of the States which have dragged behind the parade to the disadvantage of the many States which were out in front. That not only includes my State of New York but it includes Alaska, and, incidentally, interestingly, Florida and Georgia, and other States which have a high percentage of use of these allocated funds. Indeed, quite a few States have percentages very much higher than that of New York. It is interesting to me that Wisconsin used its full allotment, 100 percent.

Mr. ELLENDER. New York has used up 74 percent.

Mr. JAVITS. It is 74 percent, right. Many other States have used more than that. Minnesota, 84 percent. Illinois, 94 percent, and so forth.

Mr. ELLENDER. Well, the State of Louisiana, which I represent, used only 8 percent.

Mr. JAVITS. I say that is——

Mr. ELLENDER. There are many other States, I may say to my good friend from New York, that are anxious to use the money that is available and that was made available last year. As the Senator knows, as chairman of this committee, I recommended to the Senate $1 billion and the Senate agreed to that, but we could not get more than $800 million in compromise with the House. Now, of that $800 million that we provided for the last fiscal year, $435 million have not been allocated, does not the Senator see?

Mr. JAVITS. I understand that.

Mr. ELLENDER. As I said, we extended the date to June 30. We have also provided in the bill, as I have just indicated, that instead of waiting 18 months for the use of the money that we will appropriate this year, we will reallocate it after 12 months. So that New York will benefit a great deal through that change in the law.

Mr. JAVITS. May I ask the Senator, so that we can get the facts straight,

where is the provision which cuts the 18 months to 12 months?

Mr. ELLENDER. On line 20, page 14.

Mr. JAVITS. That is the proviso which states,

That sums not obligated at the end of the fiscal year from the amounts allocated to each State shall be reallotted in accordance with the provisions in the Act.

Mr. ELLENDER. That is right.

Mr. JAVITS. Mr. President, I do not think I need to protest to the Senator from Louisiana (Mr. ELLENDER) my appreciation of the enormous burdens which he bears, the magnificent way in which he bears them and the general attitude of great cooperation which he has always manifested toward all of us, including my State.

Like the Senator from Wisconsin, I take very seriously a plea from him, for reasons which I think are very profound on this part, to try to end consideration of this bill. Therefore, I would like to lay a suggestion before him with regard to the proviso, which is legislation. I could make a point of order against it. That would have to be passed on probably by a majority vote. Undoubtedly because of our situation and the need to discuss it, it might make the bill go over until Monday, which the Senator does not want to do.

I would like to ask the Senator this question. The Senator knows that I am very realistic.

I am concerned that this proviso now takes us to the end of another fiscal year.

There is no real incentive created, because we get into the end of another fiscal year with this proviso. It sort of leads to another appropriation, and we do not get a crispness and finality about the situation.

Would the Senator take kindly the suggestion that we shorten the period and put the burr under all States to move? For example, suppose instead of June 30, it were made March 31. Then it would end at least before the end of the fiscal year. There would be an incentive for those States to get on their horses and do something instead of saying, "We will wait until the end of the fiscal year and get under another resolution."

Mr. ELLENDER. Mr. President, many States will not be able to meet this situation by March 31. We discussed a period of time.

I am very hopeful that the Senator will leave it as it is. Many States are in need of this. I am sure that a good deal of it will be used if they are given an opportunity to pass legislation in the respective States. But even with that, I am confident that a good deal of it will not be used because of lack of interest on the part of many of the States. On the question even of extending it to June 30, they might not be able to pass sufficient legislation by that time.

I emphasize to my good friend, the Senator from New York, that by shortening the length of time, the money provided for in this bill will be used. That is to the advantage of the State of New York in that 18 months will not be required for a reallocation of the money provided in the bill.

Those States unable to use the money we are appropriating now will have that money reallocated at the end of 12 months instead of 18.

Mr. JAVITS. I point out to my friend, the Senator from Louisiana, that I am not trying to seek an advantage. We are trying to be fair to the States which are running their affairs in shipshape fashion as all States should have done. However, we are not rewarding them, but are penalizing them because the very same acceleration which would bring about the use of this money, which is being carried over for 6 months, will bring those States into greater use of the $800 million.

The extended period of time worsens the situation in both respects.

I really came to the floor prepared to raise this question and bring it to issue knowing that it can be voted on.

I felt that we are always among the States which meet the deadline. Those States are always penalized because the laggards do not get on their horses and move.

I must say that I am very deeply moved by the fact that this concerns Louisiana. I do not in any way want to embarrass or complicate the situation of the Senator from Louisiana.

That is why instead of seeking to press the matter to a conclusion, since I know the Senator wants the bill, I suggested some modest curtailment of the time. I had the idea of not making it contemporaneous with the end of the fiscal year which would encourage the laggards to move.

Mr. YOUNG of North Dakota. Mr. President, I think some compromise would be in order. The Senator from Rhode Island (Mr. PASTORE) who had much to do with this amendment is not here at the moment. I believe his legislature will meet early next year so may not object to advancing the date some. Would the Senator from New York be willing to suggest the date of May 30?

Mr. JAVITS. What about April 30?

Mr. ELLENDER. How about May 15?

Mr. JAVITS. May 15 would be satisfactory. I will propose the amendment.

The PRESIDING OFFICER. Does the Senator want to modify his amendment?

Mr. JAVITS. Mr. President, will the Senator yield so that I might offer the amendment.

Mr. ELLENDER. Very well.

Mr. JAVITS. Mr. President, I call up my amendment at the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

On page 15, line 1, strike out June 30, 1971, and insert May 15, 1971.

Mr. JAVITS. Mr. President, one thing I would like to ask the Senator. It is one thing to do this for the first time. And it does have certain elements of fairness in it. This is the first time out.

But equally important to me, and to the amendment, and shortening this time and getting it out of the fiscal phase, is the assurance of the chairman that this is not a precedent, that this is a one-shot matter, because States, perhaps, were not ready, people were slow, and so forth. However, we are not going to have this become a turnstile operation because States are laggard in the use of this money.

Mr. ELLENDER. I agree with my good friend from New York. The reason many States have not moved more quickly is that the appropriations were so small it did not pay them to go along; but now that the program is providing moneys authorized almost to the dollar, I think States will move quickly.

Mr. JAVITS. The Senator agrees that this is not a precedent, does he not?

Mr. ELLENDER. Yes. We have no objection to the amendment.

The PRESIDING OFFICER (Mr. DOMINICK). The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TITLE II—DEPARTMENT OF THE ARMY—RIVERS AND HARBORS AND FLOOD CONTROL

GENERAL INVESTIGATIONS

Mr. ELLENDER. The committee recommends $41,616,000, an increase of $2,019,000 over the budget and $3,057,000 over the House.

As in the past, the committee prefers not to make specific allocations of its increases to individual investigations. We do not earmark it, in other words. It desires, however, to call to the attention of the Corps of Engineers the testimony concerning the need for initiating unbudgeted surveys and increases in budgeted studies.

CONSTRUCTION, GENERAL

The bill as reported to the Senate provides $871,808,000, which is $50,410,000 above the budget and $46,119,000 above the House.

The recommended increase provides $4,081,000 for planning—including 21 new planning starts for which $2,389,000 is allotted, and restoration of a House cut of $807,000 for planning on the Dickey-Lincoln project in Maine.

The recommended increases includes $42,038,000 for construction. The major increases are $10,010,000 for 23 new construction starts; $26,945,000 for increased amounts on 21 projects under construction where the committee felt additional amounts were required; and $1,100,000 for new starts on land acquisition.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

The committee has recommended $91,004,000, an increase of $11,426,000 over the budget estimate and the amount allowed by the House. The importance of this project can be realized when one considers that the drainage from 41 percent of the area of the United States funnels through the Mississippi River and its tributaries.

OPERATION AND MAINTENANCE, GENERAL

The committee recommended $292,600,000, the amount of the budget estimate and $2,600,000 above the amount allowed by the House.

As I have said, it seems foolish for us

to spend millions of dollars, and then not properly maintain these projects.

Mr. JAVITS. Mr. President, will the Senator yield on that point?

Mr. ELLENDER. I yield.

Mr. JAVITS. What I have to say bears on what the Senator has just said.

We have a situation in New Rochelle, N.Y. I have discussed this matter with the Senator's assistant. We have there probably one of the most used channels in the New York area, especially for small boats, and for pleasure boating. No work has been done there since 1936. A survey as recently as 1967 called for maintenance dredging. The cost at the most is $100,000 and this also takes in contributions. But we understand from the Engineers that the committee has to act on it. The matter has been delayed now for 4 years. Senator GOODELL and I are most anxious that this project go forward.

Mr. ELLENDER. The Senator's project is not the only one in that category. We found situations in the past where because we did not appropriate sufficient moneys to properly maintain these projects there was neglect and they had to start all over again.

I assure the Senator I have personally contacted the Engineers on this matter, and if it comes within the maintenance item, it can be provided for out of the funds included in the bill.

Mr. JAVITS. I thank the Senator.

Mr. ELLENDER. Mr. President, I will continue with my remarks:

FLOOD CONTROL AND COASTAL EMERGENCIES

The bill provides $3,000,000, the amount allowed by the House and $4,000,000 below the budget estimate. The corps testified on June 29 that they had $8 million unobligated. With the appropriation of $3 million, a total of $11 million will be available for this purpose, which should be adequate.

GENERAL EXPENSES

The committee recommends $25,800,000 which is the budget estimate and $450,000 above the amount allowed by the House.

CEMETERIAL EXPENSES

The bill provides $18,184,000. This is the amount allowed by the House and is $750,000 above the budget estimate. The increase is for high priority maintenance at certain national cemeteries.

We have this increase because many of the larger cemeteries require additional funds for proper maintenance because of the war in Southeast Asia.

THE PANAMA CANAL—CANAL ZONE GOVERNMENT

OPERATING EXPENSES

The committee recommends $44,129,000, which is $106,000 under the budget and $329,000 above the amount allowed by the House.

The Canal Zone Government expenses are reimbursed by the Panama Canal Company. We generally went along with the House and the budget, but we did increase the appropriation some. This is more or less a self-sustaining program in that the Panama Canal collects the tolls and from that they pay all expenses incident to operating the Panama Canal and the Canal Zone Government.

CAPITAL OUTLAY

The committee recommends $1,850,000, which is $313,000 below the budget and $350,000 above the House allowance.

TITLE III—DEPARTMENT OF THE INTERIOR—FEDERAL WATER QUALITY ADMINISTRATION

POLLUTION CONTROL OPERATIONS AND RESEARCH

The committee recommends $98,618,000 which is $600,000 over the budget estimate and the House allowance. The increase is for the initiation of the Alaska village safe water facilities demonstration project.

CONSTRUCTION GRANTS FOR WASTE TREATMENT WORKS

The bill provides $1 billion, the amount allowed by the House. The committee has approved the House language which modifies the formula for the allocation of funds for fiscal year 1971 pending review by the Public Works Committees of the House and Senate.

Since the additional $686 million made available for this purpose in fiscal year 1970 was not allocated to the States until February 1970, the committee has included language in the bill permitting funds allocated for fiscal year 1970 to remain available until June 30, 1971, before being reallocated in accordance with the act.

BUREAU OF RECLAMATION

GENERAL INVESTIGATIONS

The committee recommends $19,100,000 which is the amount of the budget estimate and $100,000 above the House allowance. The committee has approved the adjustments made by the House in the general investigations programs, and has added $100,000 of unearmarked funds to be allocated to the most urgent requests made to the committee in the hearings.

CONSTRUCTION AND REHABILITATION

The committee recommends $187,931,000 which is $16,253,000 over the budget and $6,121,000 above the House allowance.

The principal increases recommended by the committee include $4,285,000 for increases on five construction projects and $1,358,000 for six new construction starts.

I have been a strong advocate of Federal programs for the preservation and development of our land and water resources. I have consistently supported the reclamation program in the West. On the basis that the projects were economically justified, I accepted the fact that the costs of irrigation facilities were to be repaid without interest, generally over a 40-year period following a development period of about 10 years. This, in effect, means a 50-year interest-free loan to the irrigator.

This Congress for the first time I had the responsibility of handling the reclamation portion of the public works appropriation bill. I have been astounded by some of the financial arrangements made for the irrigation features. I would like to cite two examples—one in the Columbia Basin and one in the Missouri Basin.

CHIEF JOSEPH DAM PROJECT MANSON UNIT, WASHINGTON

The total estimated cost of this project is $16,624,000. The project will provide an irrigation supply to 5,930 acres, of which 1,935 acres are not now irrigated. The irrigation investment on this project amounts to $2,803 per acre, of which only $637 will be repaid by the irrigator and $2,166 is to be repaid from power revenues from the Federal hydroelectric power projects. Generally, the cost of the power facilities are repaid with interest over a period of 50 years. It is only after the power features of a project have been paid off that the excess revenues over operation and maintenance and major replacements can be applied to repayment of the cost of the irrigation features assigned to power.

I cannot understand how the Bureau of Reclamation can show a benefit-to-cost ratio of 4.3 to 1.0 on this project when the irrigator can afford to pay only about 22.7 percent of the cost of bringing the water to his land. I simply do not see how the Bureau of Reclamation can justify an expenditure of $2,803 per acre to irrigate the land. What crops could possibly be raised on this land to warrant such a large expenditure?

As I understand it, the cost of the Bureau of Reclamation's Columbia River project is estimated at $1,854,686,560, of which $1,201,940,000 is for irrigation and $653,851,000 is for power facilities, and the remaining $48,158,000 is for other purposes—principally flood control. In addition, the Corps of Engineers has completed, or has under construction, multipurpose projects including power estimated to cost $3,102,161,000, of which $2,292,814,000 is allocated to power. After the power features of the Bureau of Reclamation and corps projects have been repaid with interest the power revenues will be used to repay the irrigation costs assigned to power. Under the law the irrigation costs are repaid without interest, regardless of the source of the funds. The Commissioner of the Bureau of Reclamation has assured me that sufficient funds are being allocated to the Bureau by the Bonneville Power Administration to pay all irrigation costs assigned to power and they will be repaid within the 50-year repayment period, or sooner. He stated that power costs of the Columbia Basin project should, therefore, be repaid by fiscal year 2031, or sooner.

NEBRASKA MID-STATE DIVISION, NEBRASKA

The total cost of this project is $106,232,000, of which $76,831,000 is allocated to irrigation; $1,611,000 to power; $3,787,000 to recreation; $11,172,000 to fish and wildlife; and $12,821,000 to flood control. The repayment of these costs is allocated as follows: Amount to be repaid by the irrigators, $44,350,000; by power, $34,092,000; by fish and wildlife, $428,000; recreation, $122,000; and nonreimbursable, $27,240,000. In this case, the project would provide a regulated gravity and well combination water supply for aquifers from which more than 5,200 irrigation wells are pumping ground waters. Provisions are included for initial production of irrigation power for project pumping and for ultimate development of commercial power.

Here, again, we find power revenues from the Missouri Basin hydro projects repaying a substantial portion of the ir-

rigation investment. In this case the irrigation investment amounts to $549 per acre, of which the irrigator will repay $317 and $232 per acre will come from power revenues.

I do not understand the justification for this project which shows a benefit-to-cost ratio of 1.25 to 1.0. As I previously stated, the irrigation investment on this project is $549 per acre. The justification sheet states that the crops presently grown are corn, alfalfa, grain sorghum, soybeans, and small grain; and that it is anticipated the same crops will be produced with project water.

For the Missouri Basin project the repayable investment of the Bureau of Reclamation is $1,351,094,846; and that of the Corps of Engineers for the power features of their projects is $746,908,921; or a total repayable investment of $2,098,003,767. In this case, the Commissioner advised the committee the power features of the project would be repaid by the year 2015 and all irrigation costs for the Missouri Basin project by the year 2068.

I realize that these projects and their repayment features are authorized by law, and I am certain that I voted for most, if not all, of them.

When you serve on the appropriations committee you begin to realize the full import of some of the legislation which has been enacted into law. It is for this reason that I have taken the time of the Senate to discuss what is happening on some of these projects. I hope that in the future the Interior and Insular Affairs Committees of the House and Senate, and the Senate itself, will give greater consideration to the manner in which some of these projects are to be repaid.

UPPER COLORADO RIVER STORAGE PROJECT

The bill provides $22,675,000, which is $1,980,000 above the budget and $1,415,000 above the House.

COLORADO RIVER BASIN PROJECT

The committee recommends $6,498,000 which is the amount of the budget estimate and $1,200,000 below the House allowance. The committee deleted from the bill the $1,200,000 to initiate construction of the central Arizona project.

This will be in conference.

This is a very large project having a total cost of $863,158,000, and for which initial planning funds in the amount of $1,200,000 was appropriated last year. Two hundred thousand dollars of this latter amount were placed in budgetary reserve.

OPERATION AND MAINTENANCE

The bill as reported to the Senate provides $57,800,000, the amount allowed by the House and $600,000 below the budget estimate.

LOAN PROGRAM

The bill provides $8,550,000, the amount allowed by the House and $4,150,000 above the budget estimate The amount allowed provides $950,000 for four new loans; and $3,400,000 for increased amounts on four loans and an undistributed reduction of $200,000.

GENERAL ADMINISTRATIVE EXPENSES

The committee has recommended $13,652,000 which is the budget estimate and the amount allowed by the House.

ALASKA POWER ADMINISTRATION

GENERAL INVESTIGATIONS

The bill provides $600,000, the amount allowed by the House and $100,000 below the budget estimate.

OPERATION AND MAINTENANCE

The committee approved the House allowance of $400,000 which is $20,000 below the budget estimate.

BONNEVILLE POWER ADMINISTRATION

CONSTRUCTION

The committee recommendation is $91,600,000 which is $1,922,000 below the budget and $1,100,000 above the House allowance.

OPERATION AND MAINTENANCE

The bill provides the full budget estimate of $23,600,000.

SOUTHEASTERN POWER ADMINISTRATION

OPERATION AND MAINTENANCE

The committee concurred in the House allowance of $800,000, which is $30,000 below the budget estimate.

SOUTHWESTERN POWER ADMINISTRATION

CONSTRUCTION

The bill provides the full budget estimate of $950,000.

OPERATION AND MAINTENANCE

The committee recommends $5,100,000, the budget estimate.

In this connection, Mr. President, I am hopeful that ways and means can be worked out whereby the Southwestern Power Administration can at least pay for all of the distribution cost of electricity that is handled by that power administration. In the past few years they have been catching up on back payments. I have stated on many occasions that this should be accomplished, even if it meant increasing power rates, so that at least the consumers of the electricity that is developed and distributed in that area will pay for it in full instead of having the Government subsidizes it so heavily.

OFFICE OF THE SECRETARY

UNDERGROUND ELECTRIC POWER TRANSMISSION RESEARCH

The committee recommends the full budget estimate of $1,000,000 which is $250,000 above the amount allowed by the House.

TITLE IV—INDEPENDENT OFFICES

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

The bill provides the budget estimate of $58,000.

CONTRIBUTION TO THE DELAWARE RIVER BASIN COMMISSION

The committee approved the budget estimate of $175,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER

The bill provides the budget estimate of $5,000.

NATIONAL WATER COMMISSION

The committee recommends $1,840,000 which is the budget estimate and the amount allowed by the House.

TENNESSEE VALLEY AUTHORITY

The committee recommends $56,180,000 which is $6,100,000 above the budget and $2,000,000 above the House. The committee added $3,000,000 for the Mills Reservoir, and took an undistributed reduction of $1,000,000.

WATER RESOURCES COUNCIL

The committee recommends $5,550,000 which is $895,000 above the budget and $1,000,000 above the House. The Senate increase of $1,000,000 is for title III grants to States for strengthening the States' water resources staffs. These funds are allocated to States on a 50 percent matching basis.

Mr. President, that concludes the presentation of all the programs under the bill. I am very hopeful the Senate will agree to them. We have worked hard on the bill. I think it is a very important bill, and I am sure every item recommended in the bill will be of great benefit to our economy.

I yield now to the Senator from North Dakota (Mr. YOUNG).

Mr. YOUNG of North Dakota. Mr. President, I thank the Senator for yielding to me.

A great amount of work has gone into the bill, particularly on funds for the Atomic Energy Commission. The chairman of the subcommittee, the Senator from Louisiana, did a tremendous amount of work on the bill. We have on the staff one of the best of all Senate staff members, Mr. Kenneth Bousquet.

We are below the budget by $5 million. Already this year we have had three appropriation bills vetoed. The House sustained the President on two of those vetoes. If we go over the budget on this bill, as some Members would like to have us do, by a quarter of a billion dollars, we could well have another veto on our hands. In this case I think Congress would again sustain the President's veto.

There are many public works construction funds in this bill for which not only this President but three or four Presidents previous to the present President have held up construction. We have to be in a reasonable position of not going far over the budget if we do not want construction funds again with heed.

I hope, for that reason, and for the sake of economy in Government, that the Senate does not go above the committee recommendations.

This is not a perfect bill. None of them are. I think the committee did a far better than average job on this one, and I think, as a whole, it represents the views of most Members of the Senate, and the entire Congress.

NIXON VETO OF PUBLIC WORKS BILL WOULD SHOW THE PRESIDENT MEANS BUSINESS

Mr. PROXMIRE. Mr. President, the Senator from Louisiana is one of the most diligent Members of this body. He works very hard and ably. I commend him for his hard work on this bill and also commend the Senator from North Dakota, the ranking Republican member on the committee, for his hard work.

Nevertheless, I must say that the public works bill we are considering today includes well over $1.5 billion for the Corps of Engineers and the Bureau of Reclamation—dollars that will not be spent on housing and other vital domestic needs. In fact, these dollars are highly inflationary because they inject fresh de-

mand into competition with housing at the very time when the housing market is suffering because of the high cost of building coupled with soaring interest rates.

As the Senator from North Dakota (Mr. YOUNG) has just stated, President Nixon has vetoed three major appropriation bills because the Congress provided more than he requested for housing, urban renewal, and education. He has also vetoed a hospital construction authorization bill. Yet here is a bill that houses no one, teaches no one, and heals no one, and, with regard to public works projects, exceeds the President's budget by almost $80 million. And the bill itself is almost one-half billion higher than was spent last year.

Mr. President, I must vote against this public works appropriation bill today because I believe that in our system of priorities, at a time of severe budgetary pressures, we must place programs that help to educate and house and heal our people well above the pouring of cement for new dams and canals.

The Oakley Dam and Reservoir project, on the Sangamon River in Illinois, is an example of one of the worst boondoggles in this bill. The project's ostensible purpose is to provide flood control for people living in the Sangamon River Basin. But the farmers who live and till the soil right along the Sangamon have experienced no more than one crop loss in the last 15 to 20 years, and there is no indication that the Oakley Dam can improve on that experience. More significant is the impact the dam will have on biological and ecological study of Illinois' Allerton Park as a unique preserve for unusual flora and fauna; construction of the dam would flood the region and destroy a large part of the unique life in the park.

The real function of this project is to provide an additional water supply for the city of Decatur, Ill., a community 25 miles upstream from the damsite. Underground acquifers in the area could be tapped by Decatur to augment its water supply, but it is much easier to have Uncle Sam kick in $49 million to build a dam to provide the additional water. And the flooding caused by the project will not bother residents of the city—only the farmers living upstream from the dam and the biologists now using Allerton Park will lose out.

Another public works white elephant, of monstrous proportions, is the Trinity River project. It would result in a canal from the Dallas-Fort Worth area to the Gulf of Mexico at an unbelievable cost of more than $1 billion. Some have said that it would be cheaper to move Dallas and Fort Worth to the gulf. Seed money for this project—half a million dollars in planning funds—is included in today's bill.

There are many others that cannot be justified. We spend this public works money wherever the return is 4 percent. To do this, we tax money out of the private sector that is earning 12 percent, on the average, before taxes; and that is the fair comparison. Virtually every competent economist in the country, liberal or conservative, recognizes that this is a gross misallocation of resources.

It is true that there are several significant items in today's bill that should be funded. I do not mean by my vote to signify my disapproval of them. Certainly the activities of the Atomic Energy Commission must continue, the construction of waste treatment works must not be permitted to lag, and the work of the Tennessee Valley Authority has to go on.

But how long are we going to squander Federal dollars on bricks and mortar when crying human needs continue to be unmet? How many dollars will we continue to spend on our jet-set SST's, our glamorous moonshots, our pollution promoting highways, our unneeded, inefficient weapons systems, while slighting medical research, education of the underprivileged, pollution control, housing for American families?

Today I am saying no to bricks and mortar by voting against this bill, and I urge the President to do likewise by vetoing the bill. If he really believes, as I do, that Federal spending must be cut, here is one of the very best places for him to make the incision. By vetoing this bill and resubmitting to the Congress a revised proposal that halts public works construction in this big budget deficit year, President Nixon can show that when the pinch is on it's the "people" programs that count.

I pledge here and now that I will gladly, and with great enthusiasm, vote to sustain such a veto. For it would demonstrate that the Federal Government believes that to educate, to house, to cure the ill is more important than bricks and mortar. The minds and bodies of human beings should come before the steel and concrete of buildings and highways.

Mr. SPONG. Mr. President, on behalf of the people of the Arlandria community of northern Virginia, I wish to thank the committee—and particularly the distinguished chairman of its Public Works Subcommittee (Mr. ELLENDER)—for including in the bill $175,000 for preconstruction planning on a flood control project at Four Mile Run.

I am personally grateful to the subcommittee chairman for having recognizing the urgent need for this improvement. I hope the other body will accept the inclusion of the funds so that the necessary surveys leading toward construction can be quickly initiated.

Members of the Senate are familiar from accounts in the local news media of the several floods that have occurred in Arlandria within the past 13 months. Accordingly, there is no need to recount the suffering that has occurred in the community.

Favorable action on funding for this project will instill in the community a feeling that the Federal Government is both responsive and sympathetic to an acute problem.

Mr. PROUTY. Mr. President, I wonder if I could have the attention of the distinguished Senator from Louisiana.

Am I correct in understanding that the date on page 15 of the bill, June 30, 1971, has now been changed to May 15, 1971?

Mr. ELLENDER. The Senator is correct.

Mr. PROUTY. It seems to me that this provision is clearly legislation on an appropriation act, and would be subject to a point of order.

Mr. ELLENDER. If the Senator will look, on the same page, at line 14, there is language by the House of Representatives that is legislative also; and, of course, the amendment we put in is germane, so that the point of order can be made, but since the language we added is germane to what the House put in, the Senate would have to vote on it up or down.

Mr. PROUTY. I do not propose to raise a point of order, but I hope that this does not establish a precedent, which I think is very dangerous.

Mr. ELLENDER. The Senator is correct. We discussed that, and the Senator from New York made that point, and I agreed with him, that it should not be accepted as a precedent.

The PRESIDING OFFICER (Mr. DOMINICK). The bill is open to further amendment.

Mr. McGOVERN. Mr. President, I have an amendment at the desk, which I call up and ask that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 7, line 24, delete period at end of sentence and add the following:

Provided further, that no moneys appropriated by this Act for the Cross-Florida Barge Canal project shall be expended by the Corps of Engineers prior to June 1, 1971, in order to allow a complete ecological and economic review and study of the project by the Department of the Interior, the Council on Environmental Quality, the Water Resources Council, and other affected agencies.

Mr. McGOVERN. Mr. President, because I am disturbed over the possible destructive impact of the cross-Florida barge canal on the environment, I am offering this amendment, which would prevent the expenditure of funds in this bill prior to June 1 of next year.

The purpose of the delay would be to allow a complete ecological and economic review of the project.

A study, under the terms of this amendment, would be conducted by the Department of the Interior, the Council on Environmental Quality, the Water Resources Council, and other affected agencies.

A brief background is essential to realize the full implications of this project. The barge canal was authorized at the height of World War II solely as a means by which Allied shipping could bypass the threat of Nazi submarines in the Caribbean and Atlantic. Nothing was done on the canal for a period of 20 years—until 1962, when Congress first appropriated funds for construction. Construction actually commenced in 1964, and since that time the Corps of Engineers has constructed approximately one-fourth of the project.

Included in that construction was the clearing and inundation of 13,000 acres of virgin hardwood forest along the Oklawaha River behind Rodman Dam, and the utter destruction of the river for a stretch of over 20 miles.

As an indication of the importance of the Oklawaha River, one need only re-

flect that it was seriously considered for inclusion as a wild and scenic river under the Wild and Scenic Rivers Act of 1968. There is no doubt that the Oklawaha qualifies for inclusion in the system. It forms the basis for an ecosystem which is unique in the Western Hemisphere—a lush, semitropical area which supports an amazing variety of fish and wildlife, timber, and wildlife habitat. Aside from its splendor as a natural recreational area, it is one of the great scientific laboratories remaining in North America.

Underlying much of the canal route is the Floridan aquifer—a great torrent of fresh water which supplies domestic, municipal, and industrial water for much of the State of Florida. The present plans of the Corps of Engineers call for cutting into this aquifer to construct the canal, and opening it up to a serious threat of pollution by oil and chemical spills from barges and other vessels. The Corps of Engineers discounts this threat; however, there is reasonable doubt that the corps has fully evaluated this danger as well as the right of all our citizens to enjoy an unspoiled gift of nature.

A considerable stretch of the Oklawaha River remains as it was thousands of years ago—unspoiled and free flowing. Yet over it hangs the threat of ultimate destruction by the further construction of the canal, the cutting, clearing, and crushing of timber and wildlife habitat, and the obliteration of an entire ecosystem.

But this threat has not gone unnoticed by the citizens of Florida. A remarkably dedicated group called the Florida Defenders of the Environment has been fighting the battle of the Oklawaha for many years. For the most part they include environmental scientists, ecologists, biologists, geologists, and economists from the university communities of Florida. In February 1970, 162 of these environmental scientists requested President Nixon to declare a moratorium on further project construction. The Florida Defenders also number among their members many ordinary citizens who are repelled by the destruction of their natural heritage and justly concerned about the imminent threat to their water supply.

Of late, the Florida Defenders of the Environment have been joined by a number of public officials in their questioning of the canal project. Secretary of the Interior Hickel, the President's chief adviser on environmental affairs, recently requested urgently a 15-month moratorium on further construction in order to allow a complete economic and ecological analysis of the barge canal. I agree with the necessity for this thorough study. In the report of the Bureau of Sport Fisheries and Wildlife, which supported the Secretary's recommendation and which I offer in complete version for the record, it was concluded:

> Considering the public interest in this project, a thorough review seems appropriate. Any decision as to the intent of the Federal Government to complete, substantially modify or halt the project should be based on thorough studies of the ecology, geology, hydrology, social factors, and economic evaluations of the alternatives.

Then the Bureau continued:

> Major issues are the effects of the canal on the very important Floridan Aquifer, pollution of the reservoirs and the aquifer, aquatic weed control, doubtful project economic evaluations, and preservation of a stream and flood plain considered for Wild River status. Protection of the aquifer is significant to the Florida citrus industry and to future development of the State south of the canal.

Then one final observation from the Bureau report:

> The public interest would be served by thorough study of all possible alternatives and by making this information available to Congress and the public for their decision.

As yet, no moratorium has been declared.

Other public officials have also questioned the desirability of the project. The Resources and Conservation Committee of the Florida State Senate has passed a resolution by unanimous vote urging a congressional reevaluation of the project. Lt. Gov. Ray Osborne, of Florida, has predicted that the canal may end up as one of the biggest boondoggles in the country. Governor Kirk's principal assistant on environmental matters, Nathaniel P. Reed, has stated that the canal is "outdated, foolish, destructive, and an economic loser which is a product of 19th-century thinking." The Florida Game and Fresh Water Fish Commission has issued a report extremely critical of the canal project. And Lyman E. Rogers, the general chairman of the Governor's natural resources committee, in a letter to President Nixon, stated with respect to the canal project:

> The citizens of Florida are more aroused than our congressional delegation realize. A sizable resentment is building toward the cynical disregard by Department of the Army and others. The result is undermining not only our pocketbooks and our irreplaceable resources but our most essential need, in these times, of a respect of our governmental systems. Therefore, Mr. President, I say to you that this issue is fundamental to our roots of a faith in a system that was created to be responsive to the people. With deep humility I plead with you to use the office of the presidency to support the position of your Secretary of the Interior. Let the proper, in-depth ecosystem study be made and let us, who carry the burden of paying the bill, know the results of this study.

Mr. President, in spite of this very strong recommendation for a moratorium on the project until the review can be completed as requested by Secretary Hickel, that moratorium has not been declared, and the amendment would have the effect of requiring such a delay until June 1 of next year.

The national media have also joined the voices protesting the canal. Time magazine, the Atlantic Monthly, the Reader's Digest, and the Living Wilderness have all published articles extremely critical of the project. NBC and CBS news have run incisive programs deploring the destruction of the Oklawaha River. The St. Petersburg Times has editorially opposed the project.

It is evident that the environment may be wounded, but it is not a dead issue. The Battle of the Oklawaha is a conflict which touches us all, and has called forth the best in the American nature. We cannot fail those who expect this Nation to be responsive to their legitimate claims for a preservation of their heritage. As stated so eloquently by Chief Justice Oliver Wendell Holmes, "a river is more than an amenity, it is a treasure."

As I have stated, in addition to the Secretary of the Interior and other officials of the Government, environmental groups, and important news organs, both in Florida and in other parts of the country, have joined in raising questions about the advisability of this project, and particularly about the hazardous impact it may have on the environment, with special reference to the Oklawaha River, one of the most beautiful rivers in the country, and one which, from everything I have been able to learn, will be seriously disrupted and part of it destroyed, so far as its natural beauty is concerned, by the construction of this project. But it is evident to me, from investigation I have made into this project, that it is one that touches the concern of all of us about the future of our environment.

So I add my concurrence to the recommendation for a construction moratorium on the cross-Florida barge canal in order to allow an adequate study of all the factors involved, with special reference to the environmental considerations. I urge the President to declare such a moratorium, regardless of what the outcome on this amendment might be.

I also wish to emphasize that the further appropriation of funds for the project, should that be the will of Congress, ought not be implied as a waiver of the statutory duties of the Corps of Engineers to comply with relevant environmental legislation such as the National Environmental Policy Act, the Federal Water Pollution Control Act, the Fish and Wildlife Coordination Act, and numerous others with which the corps is supposed to comply.

While Congress may possibly continue the underwriting of this project, it should not be construed as an excuse to the Corps of Engineers not to consider the full environmental consequences of their actions, and there should be no lessening of responsibility on their part to comply with the statutes already on the books with reference to environmental considerations.

Mr. President, I offer this amendment not only on behalf of myself but also on behalf of the junior Senator from Wisconsin (Mr. NELSON), who has long been interested in environmental matters; and

I ask unanimous consent that his name be added as a cosponsor of the amendment.

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

Mr. McGOVERN. I think the Senate is thoroughly familiar with this project. The issues have been debated over a long period of time. I see no reason for the Senate to go into extended debate on the matter.

I ask unanimous consent to have the report to which I referred, from the Bureau of Sport Fisheries and Wildlife, dated March 30, 1970, and an article published in the St. Petersburg Times of August 2, 1970, which also deals with this project, printed in the RECORD.

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

REVIEW AND APPRAISAL OF THE CROSS FLORIDA BARGE CANAL

This report in no way is a full assessment of the environmental impact of the Cross Florida Barge Canal. To assess the full effect of the project on the area traversed would require much more time, more manpower, and certainly more disciplines than are available in this Bureau. The report merely summarizes the general state of knowledge concerning the project and suggests a course of action.

DESCRIPTION OF THE BASIN

The Cross Florida Barge Canal will follow the St. Johns River upstream to the Oklawaha River, cross the State through a series of impoundments and canals, and enter the gulf near the mouth of the Withlacoochee River. The impoundments destroying a large part of the beautiful Oklawaha River and its flood plain have been the center of an environmental crisis. This area therefore receives the greatest attention in this review.

Reports of the Bureau of Sport Fisheries and Wildlife describe a fishery that is marine on the ends of the canal route, grading through a grouping that includes estuarine species near the ends, and fresh water forms, principally largemouth bass, catfishes, and sunfishes in wholly fresh water areas. Striped bass migrate seasonally into the lower Oklawaha River for spawning.

Concerned scientists and others have formed a group called the Florida Defenders of the Environment, and have prepared a report entitled "Environmental Impact of the Cross Florida Barge Canal," dated March 1970, that contains the following description of the Oklawaha River:

"The Oklawaha is one of the principal rivers of Florida. It has its source in a chain of lakes—Griffin, Eustis, Harris, and Dora—in the central peninsular highlands and flows northward and then eastward for some 70 miles, entering the St. Johns River about eight miles below Lake George. The Oklawaha is a sand-bottom stream with clear water stained tan by acids from the bark and leaves of the trees of the broad swamp-forest through which it flows. The river owes much of its character to Silver Springs, which joins it in a short way along its course and is responsible for much of the flow of the river from there on, through most of the year. Silver Springs is one of world's largest springs, famous for the immense volume and great clarity of its water and for the abundance of aquatic life that can be seen by visitors. Twenty miles further along, the river is joined by Orange Creek, which comes down from Orange Lake to the northward. The Oklawaha meanders strongly throughout its course, and its actual length is a third again as long as its heavily forested valley."

The Florida Game and Fresh Water Fish Commisison has further described the Oklawaha Basin in a report entitled "A Brief Assessment of the Ecological Impact of the Cross Florida Barge Canal." It states:

"During its geologic life the river has carved out a mile wide valley through which it now flows. During the annual rainy season, the water flows over its low banks and spreads out on the valley floor. When the water is low the flow from Silver Springs will make the river run crystal clear for miles."

"These rich, fluctuating waters have created the dynamic conditions necessary for the maintenance of a productive sports fishery, including channel catfish, chain pickerel, panfish and largemouth bass.

"The dense stands of hardwoods in the Okalwaha Swamp are adapted to the periodic flooding and drying. They consist for the most part of deciduous trees including tupelor, water-locust, water ash, swamp red bay, water oak, sweet gum, red maple, loblolly bay, water hickory, cabbage palm, and bald cypress. On higher ground along the edges of the valley and on many higher islands within the valley the typical hammock hardwoods such as magnolia, blue beech, hop-hornbean and laurel oak make up the forest.

"This delicately balanced conglomerate of diverse plant communities provides ideal conditions for the survival of many wildlife species. Wood ducks, herons, limpkins, gallinules and rails feed along the river's edge; snakes, turtles, and alligators sun themselves on downed tree trunks and still present also are white-tailed deer, wild turkey, raccoon, otter, bobcat, black bear, and panther."

A report on the full route by the Bureau of Sport Fisheries and Wildlife, February 1963, which evaluated only hunting and fishing stated:

"Wildlife resources along the project alignment consist mainly of small game, fur animals, wading birds, waterfowl, white-tailed deer and wild turkey. Non-game bird species such as herons, limpkins, egrets and other wading birds are common. Game species supporting most hunting activity include deer, wild turkey, squirrels, bobwhite quail, waterfowl and black bear. Bobcat, raccoon, opossum, gray fox, rabbits and other animals are present but their importance as sport species is limited."

In a section of the report by the Florida Defenders of the Environment, Dr. James N. Layne, Director of Research, Archbold Biological Station, Lake Placid, Florida, reported over 300 species of animals in the canal route area. These include 33 species of amphibians, 59 species of reptiles, over 200 species of birds, and 41 species of native mammals. Some species, such as the panther, red cockaded woodpecker, sand-hill crane, bald eagle, and alligator are on the list of rare and endangered species. The American osprey is placed in the status-undetermined category at present.

HISTORY

The Cross Florida Barge Canal was authorized by Congress in 1942. It follows generally the route of the Atlantic to Gulf Ship Canal, partially constructed during the Depression. In 1958 and in 1962, the Corps of Engineers performed economic restudies of the canal. Each time, the canal was found to be economically justified, with benefit cost ratios of 1.05 to 1 and 1.17 to 1, respectively.

CONSTRUCTION STATUS OF THE PROJECT

The Corps of Engineers states that the canal is 30 percent complete at this time in terms of funding. However, in terms of mileage, it is less than one-fourth complete. The canal is complete on the western end from the Gulf of Mexico into the existing Inglis Pool (Lake Rousseau). This includes the Inglis Lock, Inglis Bypass Canal (to maintain water flows in the lower Withlacoochee River), and the access channel to the 12-foot depth contour in the Gulf of Mexico. No stump clearing in preparation for dredging the channel has been done in Inglis Pool.

The canal route utilizes the St. Johns River channel from the mouth near Jacksonville to south of Palatka. A small St. Johns River bend straightening project remains to be done to accommodate barge traffic. However, it is now possible to enter the canal cut by boat and travel through the completed St. Johns Lock and be locked through Rodman Lock and Dam into Rodman Pool. The dug canal extends into Rodman Pool a few miles and ends.

Rodman Pool (about 9,500 acres) is essentially complete. The dam is completed, the timber clearing plan has been implemented, and the pool has been flooded to its operating level of 20 feet mean sea level.

Eureka Pool (about 18,000 acres) is not flooded. The lock and dam are complete, except for closure of the dam at the river channel. The clearing plan must be implemented before flooding is undertaken.

The total cost for the completed project is now estimated by the Corps of Engineers at $185 million, of which $16 million is a non-Federal expenditure for land acquisition.

Although the project was originally conceived to be constructed within a 10-year period, presently the construction rate on the project has greatly slowed compared to the 1967 height of activity. This is a result of ceilings on Federal spending, as well as reduced appropriation rates. No new contracts are being prepared for further work on Eureka Pool at present, although salvage timber cutting is going on. At the present rate of appropriation and construction, it would take approximately 30 years to complete the project.

MAJOR ACTIONS BY INTERIOR AGENCIES

Bureau of Sports Fisheries and Wildlife

The Bureau of Sport Fisheries and Wildlife in 1963 submitted a report to the Corps of Engineers under authority of the Fish and Wildlife Coordination Act. This report included a fish and wildlife benefit evaluation. The report considered only game species of fish and wildlife. It did not provide an appraisal of the ecology of the area, of animals not sought by hunters and fishermen, nor of the esthetic values. The only formal request from the Corps was for the economics of expected fishing vessel use of the canal. The report, completed in about 3 months, concluded that the wildlife in the Oklawaha Valley would be replaced by a low quality but more extensive sport fishery.

In describing the effects of the project on hunting and fishing, the Bureau's 1963 report stated:

"The project would occasion significant wildlife losses. A large part of Rodman and Eureka navigation pools will lie on private and Federal lands, administered for public hunting by the Florida Game and Fresh Water Fish Commission. The lands to be flooded contain oak-hammock type habitats of substantially higher value of wildlife than the pine habitats on the adjacent uplands. Elsewhere, the project would traverse game habitats of relatively low quality and value.

"The two reservoirs should support a significant fishery. Benefits from the new reservoir fishery should exceed the loss of fishery resources caused by dredging in the St. Johns and Withlacoochee Rivers and elsewhere in the project area. However, if the fishery benefits are to be realized, adequate public access to the reservoirs and spillways must be provided."

This report did not anticipate the full extent of the environmental degradation nor the problem with eutrophication in the impoundments. With the information available today, the report would have elaborated more on the environment and possible project effects.

It would also more thoroughly consider access facility needs. Access is now available only at the structures, at the west end of the canal, and at facilities provided by the Forest Service on its lands. The Corps and the local sponsor have not acquired and developed other suitable access sites needed for full realization of claimed recreational benefits.

Since 1963, numerous reports and accompanying recommendations have been submitted to the Corps of Engineers. A summary and digest of the reports is attached. All these reports were based on the assumption that the canal alignment and water levels, etc., were fixed in the congressional authorization, and that the project would be built in a few years as planned. The re-

ports attempted to salvage fish and wildlife values within the set framework of design parameters and with knowledge available at the time.

Bureau of Outdoor Recreation

A task force chaired by the Bureau of Outdoor Recreation studied the Oklawaha River in 1963. They found that the Oklawaha from its junction with the St. Johns River upstream to the Silver River was of sufficient size and unique character that it should be included in any system of wild rivers.

The Bureau of Outdoor Recreation, created in 1962, has not evaluated recreational aspects of the canal, nor participated in any of the recreational planning for the project, nor commented on esthetics of the canal itself. Through the Acting Regional Coordinator, they have opposed permits, in the absence of criteria by the Corps which would guide such development, for a powerline which was constructed across Rodman Pool and for lateral canals.

FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

In 1967, the Federal Water Pollution Control Administration prepared a report entitled "Pre-Impoundment Studies of the Waters of the Cross Florida Barge Canal." In addition to reporting water quality measurements and biological sampling, the report made several recommendations, such as installation of automatic water quality monitoring equipment, provision of the maximum feasible treatment at all waste sources, and the manual removal of hyacinths from the system.

U.S. GEOLOGICAL SURVEY

The U.S. Geological Survey has a hydrologic monitoring network measuring flow rates and water quality in the rivers concerned, and has provided information on well readings throughout the alignment of the canal, under contract with the Corps of Engineers.

They have just released a report prepared by Mr. Glen Faulkner in cooperation with the Corps of Engineers, entitled "Geohydrology of the Cross Florida Barge Canal Area with Special Reference to the Ocala Vicinity." We quote a major point, "The importance of maintenance of high quality surface-water quality standards is emphasized in order that the risks of movement of contaminated surface water from the canal into the aquifer may be minimized."

The report of the Geological Survey further concludes:

"The geohydrologic investigation of the Cross-Florida Barge Canal area reveals that the design of the canal and the plan of operation are consonant with the hydrologic regime. Thus canal operations should not seriously affect the regimen of the economically and ecologically important large springs—the water level, rate of flow, and the quality of water at Rainbow Springs, for example. *Further, if Summit Pool lockage losses are essentially replaced and operating precautions are taken against pollution of Summit Pool waters,* there should be no noticeable adverse effects on the water level, rate of flow, and quality of water of Silver Springs. (Italics added.)

"In the canal reaches below Eureka Lock and Dam, and below Dunnellon Lock, little change in water levels in the Floridan aquifer is expected, and pollutional hazards other than possible lockage of water from the Gulf of Mexico are not considered significant. Also, little exchange of water between the canal and the aquifer is expected in these areas. However, some leakage around Dunnellon Lock and Inglis Lock and Dam is likely to occur, and some ground-water flow into the canal should occur for a mile or two below Dunnellon Lock because of a head differential between the canal's operating stage and the natural potentiometric surface of the Floridan aquifer. Also, farther westward there is a possibility for some direct exchange of water between the Floridan aquifer and Inglis Pool in a few places where the dredged canal channel through the pool is expected to penetrate rocks of the aquifer. The potentiometric surface in most of these places is probably close to the planned operating stage of the Pool, and it is likely any net exchange will be small.

"Minimal locking up of Gulf of Mexico water into Inglis Pool is indicated by past experience at the old Inglis Lock and Dam on the Withlacoochee River, and by the fact that considerable flushing action should result from Withlacoochee River flows augmented by possible increases in fresh water flow to the Gulf from some additional ground-water inflow to the Inglis Pool reach and from lockage releases at Dunnellon Lock. However, if significant lockage of Gulf water is found to occur, special operational procedures may need to be effected to minimize such lockage into the canal pools."

The Florida Defenders of the Environment reported these conclusions. A study by Dr. Martin Mifflin, Associate Professor of Geology, University of Florida, found that:

"1. Water supplies in drought periods may be inadequate for canal operation without extensive additional pumping facilities.

"2. Because the summit pool connects freely with the ground water of the Floridan Aquifer any pollution of the pool will enter the aquifer and flow to natural discharge points.

"3. Some pollution of the summit pool and the Floridan Aquifer is inevitable because of nearby residential or industrial development, leakage from barges, and turbidity resulting from construction.

"4. Major pollution from accidental spills of oil or toxic materials is predictable in the long run of barge operation. These pollutants in the Aquifer may damage water supplies of communities nearby and impair the unique recreational qualities of Silver Springs and of whatever sports fishing the canal impoundments might afford.

"5. Oklawaha River water which will be back-pumped to the summit pool may accelerate solution of limestone in the summit reach because of its different chemical characteristics.

"6. Excessive and possibly uncontrollable leakage of water from the summit pool to the lower pools is a distinct possibility.

"7. There is little doubt that the canal will result in an overall decline in the quality of surface water in the system."

The differences between these reputable authorities may, or may not, lie in the use of the qualifications we underlined in the excerpt from the Geological Survey's report to the Corps of Engineers.

U.S. FOREST SERVICE, DEPARTMENT OF AGRICULTURE

The U.S. Forest Service is a riparian owner to most of the south shoreline of Eureka Pool and some of Rodman Pool. It has been the only contributor to the overall Corps of Engineers Recreation Plan. This entailed construction of boat ramps and large camping areas near Rodman Pool.

The Forest Service plans to request the Corps of Engineers to exclude a portion of Eureka Pool from flooding. The portion to be excluded by a dike and pump station, if possible, would be three lakes within the forest and the surrounding swamp. One of these lakes, Mud Lake, is of particular significance, because a study indicated it may be one of four known lakes in the world presently creating an oil deposit.

STATE AGENCIES

The Florida State Board of Conservation, which is the major part of the reorganized Florida Department of Natural Resources, has always supported and endorsed the canal. The Florida Canal Authority, the local project sponsor, is responsible to the Division of Waterways of the Department of Natural Resources. This division promotes waterway construction.

The Florida Game and Fresh Water Fish Commission endorsed the project in 1965, and has concurred with all Bureau of Sport Fisheries and Wildlife reports on the project.

In November 1969, the Florida Game and Fresh Water Fish Commission released a report entitled "A Brief Assessment of the Ecological Impact of the Cross Florida Barge Canal." The main thrust of this report is stated in the conclusion:

"The Corps of Engineers has re-evaluated this project several times since 1962, yet there has never been a complete ecological re-evaluation. Such an ecological re-evaluation would be merited because of the greatly increased amount of technical knowledge available regarding environmental processes coupled with the continual modification of the project by the Corps. It would appear appropriate that such a re-evaluation be conducted by a task force of environmental scientists from the various governmental bodies involved and other qualified fact finding institutions, both public and private, and initiated at the earliest possible date."

The report was presented at hearings conducted by the Florida House Natural Resources Committee. This committee finally voted 9–4 to support the project.

The Florida Senate Natural Resources Committee conducted hearings March 17 and 18, 1970, on the Cross Florida Barge Canal Project. This committee has not yet (3/3/70) voted. The Florida Game and Fresh Water Fish Commission provided this committee with an addendum to their November report. This report and its addendum explain the eutrophication problem and predict degradation of the impoundments within the project life.

PRIVATE GROUPS AND INDIVIDUALS

The Florida Defenders of the Environment has prepared a detailed report on the Canal Project. The group is composed of scientists in several disciplines, including geology, hydrology, soils, ecology, and economics. We have not completed a detailed appraisal of this report due to time limitations. However, the biological information appears to be sound.

REVIEW

Since our first report on the project, additional information about eutrophication is available that would influence any Bureau or Department evaluation of the project. A decade ago, it was known that reservoirs offer an early peak of fishing and then decline. We can now predict the eventual degradation of a stabilized impoundment in a nutrient-rich watershed in Folrida. This inevitability is inarguable. If we were to re-evaluate the canal, this new knowledge would have to be taken into consideration.

The chain of lakes which forms the headwaters of the Oklawaha River is experiencing serious eutrophication problems. Lake Apopka is the classic example. Agricultural effluent and resultant sedimentation of organic materials have degraded a highly productive sport fishing lake into a problem lake with high gizzard shad and low game fish populations. The other stabilized lakes in the chain, especially Lakes Eustis, Beauclair, Dora, and Griffin, also show signs of this impending problem, and their discharges will flow into Rodman and Eureka Reservoir.

The recent report by the Florida Game and Fresh Water Fish Commission described probable project effects as follows:

"The Oklawaha in its natural state is a cool, highly enriched, densely shaded, fast flowing, neutral pH river. As a river, nutrients in the system do not reach their full potential. However, when flow is obstructed by a dam, full utilization of the available nu-

trients occurs. The entire natural ecological system is drastically disrupted, producing a warm water, highly enriched, unshaded, shallow and high pH system with little or no flow. The ecosystem which formerly supported high quality fishing, hunting and aesthetic values is in jeopardy because the new system is a nutrient trap and functions similar to a sewage treatment polishing pond. Soluble nutrients in a polishing pond are utilized exclusively by algae which are settled out and periodically removed from the pond. In the Barge Canal reservoir system soluble nutrients are utilized by higher aquatic plants or by algae which die and contribute to the organic build-up, but unlike polishing ponds, they are not removed from the system, which is detrimental to aquatic life.

"Utilization of nutrients in a reservoir will generally follow two paths: (1) the nutrients will stimulate both submerged and floating plant growth such as hyacinths and elodea, which can ultimately choke the waterways; (2) the nutrients will be utilized in the production of algae. It is conceivable that both developments may occur simultaneously.

"Watershed fertility and associated cultural practices generally dictate the water quality in a lake system. The near septic conditions which exist in some of the upper Oklawaha Lakes (Lakes Apopka and Dora) indicate the quality of water the Eureka and Rodman Pools will receive. Water quality analysis of Silver River, whose origin is Silver Springs, indicates high concentrations of nitrates, phosphate, and total alkalinity. Nitrates and phosphates are major nutrients which contribute to over-enrichment. The Silver River and Upper Oklawaha contribute almost all of the water to this system with an average flow of 855,000,000 gal./day. The amount of nitrogen contributed from these sources has the capability of producing 75 million tons of algae per year.

"The death of these flora, by natural or chemical methods, will produce heavy sediment build-ups which will ultimately render the bottom unproductive for most sport fish populations. An excellent example of the effects of excessive bottom sedimentation on sport fish populations is quite evident in one of the upper Oklawaha lakes—Lake Apopka. The shallowness of the Barge Canal reservoirs will further magnify many of the problems which will be created in the aquatic environment."

The Federal Water Pollution Control Administration report states:

"It is likely that dense blooms of algae will develop. These blooms already occur in the upstream and sluggish reaches of the Oklawaha River. The waters discharged into the river from Silver Springs contain sufficient phosphorous to increase the concentrations in the river by more than 200 percent. In contrast to phosphorous, the nitrogen concentrations decrease after the addition of Silver Springs water. This combination of fertilizers will give the blue-green algae, which are presently the predominant form in the upstream reaches of the Oklawaha, a competitive advantage because of the capability to utilize atmospheric or gaseous nitrogen as a nutrient. A predominantly blue-green algal community is accompanied by more problems than one composed of other or a variety of forms because of the tendency for blue-greens to form floating mats and windrows that are esthetically unpleasant, produce undesirable taste and odors in the waters, and upon death of accumulations of the algae pig-pen odors are generated by the decomposition of the mass. The increases in aquatic vegetation in the impounded waters will restrict and reduce the potential uses of these waters."

The Florida Game and Fresh Water Fish Commission reported that *Hydrilla*, an exotic relative of *Elodea*, is already present in pest proportions in the Inglis Pool portion of the Barge Canal. Its report further states:

"The Inglis Pool is indeed a nutrient trap and has serious aquatic weed problems. Approximately one-half of the pool is engulfed with the submerged aquatic hydrilla. This is the plant which most aquatic weed specialists believe will be the most difficult to control and therefore has the greatest potential to become a pest in the fresh waters of Florida. From fragments it grows as much as several inches to a foot a day, but most importantly, it grows from bulb-like tubers which are highly resistant to chemicals and can even survive many months on dry land.

"Weed control is an expensive operation. In the Inglis Pool, plans are being prepared by the Corps of Engineers to control hydrilla in a 200 acre test plot. The cost of the chemical alone is $20,000.00."

The canal, if completed, will assure its spread into the new reservoirs and perhaps the Summit Pool. Present control methods are extremely costly; estimates of over $10,000 per mile of canal per year have been made by the late Mr. Weldon, a research agronomist for the Department of Agriculture.

WHAT RESOURCES HAVE BEEN AFFECTED TO DATE

On the western end, some marine grassflats were destroyed by dredging and spoiling. A temporary but very impressive bank fishery developed in the raw canal cut, since public access has been permitted. The plug separating the Withlacoochee River and the canal was removed in January. It is too soon to determine the adjustments that will take place in the Withlacoochee River and the canal to the gulf.

The existing Florida Power Corporation Reservoir, or Inglis Pool, has not yet been affected by the canal.

Timber clearing and flooding has killed or will very soon kill practically all the Oklawaha River Swamp in the approximately 20-mile stretch included in Rodman Pool. This is about one-third the distance that was considered for a wild or scenic river in the Bureau of Outdoor Recreation study. The clearing plan proposed to crush the trees into the bottom mud of Rodman Reservoir by use of a giant tree crusher. Since reservoir filling, floating trees and debris have been a continuous problem, limiting public uses.

The project will most likely eliminate the striped bass from the Oklawaha River. The project will provide an avenue for movement of nuisance aquatic animals and plants.

WHAT MIGHT BE EXPECTED IF THE PROJECT IS HALTED

If the project is stopped now, and if Rodman Pool is drained to normal river levels, some trees would survive, particularly cypress. If, however, the pool is dropped after several years, only the trees remaining at the higher elevations will survive and slow regrowth would occur. Without the pool, there would be no opportunity for the public to take advantage of the initial bloom of sport fishing. However, the expense of weed control and debris removal would be diminished.

Clearing and flooding have destroyed the timber and therefore the habitat for wildlife formerly living in the Rodman Pool area. The former esthetic values, which included wildlife-oriented recreation, associated with a meandering stream, are also gone. If the pool were drained now, regrowth of the timber and restoration of the area's former values would take many years.

In the Eureka Pool area wildlife and esthetic values have been diminished by timber salvaging activities. However, if construction were stopped at this point before this pool is cleared, much of the existing wildlife and esthetic values of this 25-mile reach of the Oklawaha River, an 18,000-acre area, would remain.

CONCLUSIONS

Our 1963 fishing and hunting benefits evaluation was predicated on the availability of a low quality fishery. If the Bureau of Sport Fisheries and Wildlife carefully reevaluated the benefits of the Cross Florida Barge Canal Project, new information would only lead to a reduction of the fishery benefits which were expressed in dollars, and a higher appraisal of the wildlife losses. The latter must be expressed largely in nonmonetary terms but would include attention to rare and endangered species as well as to the role of the flood plains in the overall habitat needs of common game and nongame species.

A reduction in fishing benefits estimated by this Bureau would be insignificant in a reappraisal of this project. However, the increased knowledge of eutrophication quickly brings to mind the effects aquatic weeds and algae can have on navigation, boating, and swimming, water skiing, and other recreational pursuits. The Bureau of Outdoor Recreation, which has never evaluated the recreation aspects of the Barge Canal, could take this into consideration, as well as the previously ignored esthetic values.

If a reappraisal were made, considerable interaction should take place between the various responsibilities of the U.S. Geological Survey and Federal Water Pollution Control Administration in terms of accidental spills and pollution by contaminants; Federal Water Pollution Control Administration and Bureau of Sport Fisheries and Wildlife in terms of water quality in the reservoirs; and the Bureau of Sport Fisheries and Wildlife and the Bureau of Outdoor Recreation in terms of a wild or scenic river and its recreational uses. National Park Service might provide land use planning and the Bureau of Commercial Fisheries might assist in evaluating estuarine effects.

RECOMMENDATIONS

Considering the public interest in this project, a thorough review seems appropriate. Any decision as to the intent of the Federal Government to complete, substantially modify or halt the project should be based on thorough studies of the ecology, geology, hydrology, social factors, and economic evaluations of the alternatives. Such a study is beyond the capability of the Bureau and should include other agencies of the Department of Interior, the Department of Agriculture which administers the Ocala National Forest, and the Corps of Engineers which has the responsibility for constructing the project under the 1942 authorization. These studies should conform to the provisions of the National Environmental Policy Act of 1969 and other appropriate acts, directives, and policies.

Major issues are the effects of the canal on the very important Floridan Aquifer, pollution of the reservoirs and the aquifer, aquatic weed control, doubtful project economic evaluations, and preservation of a stream and flood plain considered for Wild River status. Protection of the aquifer is significant to the Florida citrus industry and to future development of the State south of the canal. These considerations are largely economic and social. Problems of weed control are both monetary, bearing on project operation and justification, and nonmonetary, affecting fish and wildlife, esthetics, and recreation. The desire to preserve a free-flowing stream and related environment and history are largely nonmonetary considerations. Total appraisal of the project is very complex, requiring expertise in many disciplines.

The public interest would be served by thorough study of all possible alternatives and by making this information available to Congress and the public for their decision. Such study should include not only project

benefits, but also very thorough study of the geology, hydrology, and project maintenance costs, including the expense now anticipated for aquatic vegetation control.

SUMMARY

1. The Oklawaha in its natural state is a cool, highly enriched, densely shaded, fast-flowing river. The dense stands of hardwoods in the flood plain are adapted to periodic flooding and drying.

2. There are over 300 species of animals, other than fish and insects, on the canal alignment, five of which are on the rare and endangered list.

3. All of the Oklawaha River valley except the lower 9–10 miles will be drastically altered or destroyed by channelization, timber clearing, construction of locks and dams, and impoundment, all as part of two projects—the Cross Florida Barge Canal and the Four River Basins Flood Control project. The lower 9–10 miles will be altered to some degree, depending on how much the quality and quantity of water entering the river channel from Rodman Pool differ from natural conditions.

4. The canal is approximately 30 percent complete in terms of funding, and less than one-fourth complete in terms of channel mileage. Inglis Lock, Rodman Lock and Dam, and St. Johns Lock are completed and operational. Rodman Pool has been cleared and flooded. The Eureka Pool area has not been cleared, but Eureka Lock and Dam are completed except for stream channel closure.

5. The Bureau of Sport Fisheries and Wildlife has evaluated project effects on game species of fish and wildlife only.

6. Bureau of Outdoor Recreation has not evaluated the project. In 1963, it chaired a task force which found the Oklawaha River suitable for inclusion in the wild rivers system.

7. In 1967, Federal Water Pollution Control Administration prepared a preimpoundment study of the project.

8. U.S. Geological Survey has prepared a report on the geohydrology of the Ocala area.

9. The Florida Defenders of the Environment have prepared a report which is highly critical of the project.

10. The U.S. Forest Service has constructed recreational facilities at Rodman Pool, and is requesting that a portion of the proposed Eureka Pool be deleted to preserve some lakes and swamp area.

11. The Florida Department of Natural Resources supports the project.

12. The Florida Game and Fresh Water Fish Commission is calling for a reevaluation of the project.

13. Both the Florida House and Senate Natural Resources Committees have held hearings on the project. The House Committee voted to support the project. The Senate Committee has not yet voted.

14. Extensive and costly eutrophication problems, including nuisance aquatic growths, are inevitable.

15. If the project is halted, regrowth of timber in the Rodman Pool will be slow. The low quality fishery in the pool will be lost, but the overall environment will be preserved in as yet uncleared areas. The very costly problems of weed and debris control will be avoided.

16. A study of ecology, geology, hydrology, social factors, and economics is required before a decision on the future of the project is made. The several interested Interior agencies, the U.S. Forest Service, and the Corps should take part in any such study.

THE CORPS OF ENGINEERS

(By James Ryan)

"The Corps of Engineers is like . . . that marvelous little creature, the beaver, whose instinct tells him every fall to build a dam wherever he finds a trickle of water

"Like the Corps, this little animal frequently builds dams he doesn't need, but at least he doesn't ask taxpayers to foot the bill." Sen. GAYLORD NELSON, D.-Wis.

There is a story that defines an elephant as a mouse constructed by the Army Corps of Engineers. Since elephants, and mice, are somewhat rounded, this anecdote tends to contradict another that contends all Engineers suffer from the "straight-line syndrome" and do not include a French curve among the tools of their trade.

No matter which tale is correct, assuming that one is, the fact remains that during the past 195 years the Corps of Engineers has evolved from a few ditch diggers who worked for free at Bunker Hill into a force of about 60,000 soldiers and civilians who have spent some $22-billion in what appears to have been an effort to change the natural face of this nation into something akin to what engineering manuals say it should look like.

There is no question that when building bridges, bunkers, battlements and other bastions of war, the U.S. Engineers are without parallel in history. It's when they have turned their military expertise toward such civil works as clearing rivers, dredging canals and building dams that they've gotten into trouble.

On the surface, at least, it seems the Corps has adopted a belligerent attitude toward its non-military pursuits, regarding a river or a flood plain as it would a war-time enemy, something to conquer as quickly, as efficiently and as grandly as possible.

This hasn't been all bad. Corps projects brought jobs during and after construction, they prevented floods, they improved navigation and generally upgraded conditions in the area of "improvement." Those who happened to live in what became the bottom of an impoundment were inconvenienced somewhat, but they were paid for their trouble and so everyone should have lived happily ever after.

But they didn't.

In the past couple of decades some stout-hearted conservationists have had the audacity to question an agency that has become—along with richness and fatness—an American tradition, an agency so politically powerful it has rebuffed presidents who considered placing it under more control.

The bone of contention has been the environment. The Corps, a growing number of critics claimed, had not been giving adequate consideration, if any, to the effects of its projects on natural resources. These cries have been amplified by Army-announced plans to build even bigger elephants out of even smaller mice.

Criticism at first was brushed aside, like a pesky gnat. When the complaints became mosquito-sized, the Army responded with arrogance. Finally the attacks are bringing at least a public effort to placate and cooperate. These three statements, all by ranking Corps officials, illustrate the change:

"Those ignorant, misguided, conceited fools; they know not what they say. We are the nation's leading conservationist group because we have conserved the earth by molding it to suit man." (1965)

"Those silly butterfly chasers and self-serving politicians can't stand in the way of progress." (1967)

". . . In future planning we must ask ourselves some new questions and apply some new yardsticks. First, will a proposed project blend into the total natural environment? Will we detract from, or add to, the potential recreational development of the region? Will we adversely affect, or contribute to, the development of fish and wildlife resources, and marine ecology?" (1970)

So, you say, the Corps is changing its tune and things are going to be more adequately planned in the future. Don't count too heavily on that.

Presidents Franklin D. Roosevelt and Lyndon Johnson made preliminary moves to curtail Corps power, but didn't have a chance. Associate Justice William O. Douglas of the U.S. Supreme Court has called the Engineers "public enemy No. 1," but the name-calling caused scarcely a ripple.

Cabinet members, representatives of other bureaucracies and members of Congress itself have railed against the Corps, with little effect.

The point is, all of these critics have been barking up the wrong tree. The Engineers take their orders from Capitol Hill, particularly from those distinguished gentlemen on public works committees, and until there is a change in direction there, one can expect the Corps to alter its operations only minutely.

Then, too, blaming the entire Corps of Engineers for the problems surrounding construction of a project such as the Cross Florida Barge Canal is like blaming the entire city of St. Petersburg for a missed garbage pickup. In the case of the city, the proper target for complaint is the Sanitation Department. With the Corps, it's Civil Works Division. No one can find fault with the Combat Engineers in Vietnam and elsewhere, until they come home to fight such things as floods and impediments to navigation.

The Civil Works Division is made up of about 28,500 people, of which only some 150 are military men and they all are officers. Any ex-enlisted man, and most of those who wear some sort of hardware on their collars, will tell you that a situation involving all chiefs and no Indians can result in little short of mass confusion.

Add to this the fact military personnel are transferred every three years or so, and you have continuity for Corps projects left in the hands of civilians.

Top this off with an arrangement that results in most civilian salaries being charged against the particular project on which they are working. Naturally, if there are no projects, the white collar guys don't get paid, a situation they normally try to avoid at all costs.

Almost all the Corps' construction is done by private firms under contract. Thus the builders, dredgers, sand and gravel industries, concrete industry and other construction-oriented entities have a pretty solid stake in doing their best to see the Corps' workload increases.

For example, Gregg, Gibson & Gregg, a Leesburg firm, has been awarded more than $14-million in construction contracts on the Cross Florida Barge Canal alone. Obviously, Gregg, Gibson & Gregg does not favor abandoning the canal, which is about 30 per cent complete and could contain several more plums.

Lump the Corps' gainfully-employed civilians with the want-to-be-employed construction industry and the result is a pretty potent force. Add to this force those who stand to reap real financial gains from completion of a project—the barge lines, the land developers, the terminal operators, etc.—and the force becomes nearly overwhelming.

Now throw in politics and the picture becomes complete.

There's nothing like a good ol' public works project back in the home state or district to generate support for a candidate. Some people call it "pork barrel." Congressmen generally decline to complain about a colleague's "pork" because one day it'll be their turn at the barrel and a question today might mean getting slapped down in the future.

The Cross Florida Barge Canal was authorized in 1942, by coincidence an election year. It was unearthed for restudy in 1956 and studied again in 1962, again coincidentally, election years. All public works projects assigned to the Corps are included in omnibus Rivers and Harbors Acts that Congress passes

every other year—the even-numbered years.

Barge Canal construction began in February 1964, providing a solid nine months of campaign ballyhoo for all but one member of Florida's congressional delegation, which just happens to be a sponsor for the project. President Johnson, then planning to keep his job in the White House, made a speech at the ground-breaking, although he later spoke critically of the Corps.

Florida's congressmen, as well as ranking state officials and special interest groups promoting the project, must occasionally sit back and smirk at how the Corps of Engineers is catching most of the blame for the potential environmental dangers further Barge Canal construction could bring. The Army can't really afford to pass the buck upstairs, where it belongs. Congress is that august body whence all monetary blessings flow and one doesn't bite the hand that brings the pork.

Just this year, in the face of growing and apparently well-founded opposition to the Barge Canal, Congress managed to scrape up a half-million dollars more for the project than President Nixon had recommended. Last year's appropriation was 25 per cent more than had been recommended.

This by no means is an attempt to absolve the Corps from fault in public works projects that turn out to be more works than public. But when the Army digs a canal through what was the Oklawaha River, or turns the Everglades into a system of drainage ditches, or contemplates a waterway through the Big Bend, Florida's last remaining pristine shoreline, it is only carrying out a congressional mandate.

The Army will continue to carry out orders unless and until Congress tells it to stop. Conservationists can scream at the Corps about the Barge Canal until they're blue in the face and little will happen. But let this state's senators and representatives and local officials withdraw their sponsorship and we'd soon have the world's most expensive monument to narrow vision.

Perhaps it is a bit unfair to say the Barge Canal is strictly the result of narrow vision. It is more accurate to say there was a lack of environmental consideration in the planning, but at the time plans were drawn, there was no rule, regulation, directive, order or requirement for broad, comprehensive planning. The Army simply was instructed to build a canal, which it is doing.

When it became involved in the Central and Southern Florida Flood Control District, its orders were to prevent flooding, and it has.

When it was authorized to come up with a route for the Gulf Intracoastal Waterway from St. Marks to Anclote Key, that's what it did.

The fact the Barge Canal will ruin a wild river and could detrimentally affect Central Florida's water supply, among other things, was of secondary consideration. The fact the Central and Southern Florida Flood Control District would seriously damage the Kissimmee River, the St. Lucie estuary and threaten the life of Lake Okeechobee was, if it was considered at all, secondary. There's little hope of altering these projects now.

Because of the growing national concern over the environment, however, there's chance the Intracoastal Waterway's "missing link" through the Big Bend will be moved seaward of where the Corps has said it should be—at roughly the one-foot elevation contour in Florida's largest remaining wilderness area. An offshore alignment would do less ecological damage, but, by Army calculations, would result in lower benefits.

These benefits are very important to the Corps, which is required to justify its projects through the use of what is known as a benefit-cost ratio (B/C ratio). Engineers, through a series of complex formulas, arrive at a project's cost each year for 50 years and at the dollar benefits that can be expected over the same period. If expected benefits exceed expected costs, the Engineers tuck their plans under their arms and head for Congress seeking authorization to go ahead.

But before the finger can point at Congress or the Corps, it should swing around and be leveled at those who, in theory at least, get the projects started.

According to Army procedure, a group of citizens gets in touch with its U.S. senators and representatives to propose a project. If the solons favor the proposal, they turn it over to the House public works committee, which authorizes the Corps to investigate and make a report. The engineer in the affected district calls a public hearing, then prepares a survey plan, including estimates of costs and benefits. If all goes well, the approved plan goes back to the public works committee, where it is included in an omnibus Rivers and Harbors Act.

The full House, the Senate and the president rarely quarrel with what comes out of the public works committee, so now the project is included in a Rivers and Harbors Act and becomes reality. If authorization includes an appropriation, work can begin as soon as contracts can be let.

There have been claims that the Corps itself goes out looking for jobs and, once one is located, has little trouble convincing a local group the work is necessary. This falls in line with the self-perpetuation theory and possibly has taken place.

On the other hand, the Engineers are happy to provide figures showing more than 50 per cent of the proposals they study are turned down as not feasible. But these projects are not simply junked. Instead, the Army places the denied projects in an "inactive" file where they gather dust until a local sponsor decides to revive them.

That's what happened to the Cross Florida Barge Canal, on several occasions.

The idea of such a waterway was conceived back in Thomas Jefferson's day, but it wasn't until 1935 that the first spade of sand was scattered in the wind. President Roosevelt saw the project as a means of providing jobs and put about $5.5-million into it. But construction difficulties and concern for the freshwater aquifer that underlies most of the route and furnishes most of Central Florida's water resulted in abandonment after about one year. Remains of what was done then can be seen near Ocala today.

A half-dozen years later German submarines regularly were sinking tankers and cargo vessels off Florida's coast. A canal across the state, it was argued, would shorten the perilous voyage. So Congress, at the urging of Florida's politicians, gave the project approval by the margin of one vote in 1942. This is an important year to keep in mind, for it was then the Corps of Engineers was authorized—ordered, in other words—to build the canal. This is the order being carried out today, 28 years later, with essentially the same construction plans.

The canal did not get off—or into—the ground in 1942 or at anytime during the war years because of greater priorities for men, money and materials elsewhere and the effectiveness of antisubmarine activities. When the war ended, plans were put back on the shelf, to languish for a dozen years.

Jacksonville business interests began a move in the early 1950s that resulted in the Barge Canal returning to attention, but a marginal B/C ratio of $1.05 to $1 failed to generate congressional appropriations and it was back to the shelf with the plans.

In 1960, John Fitzgerald Kennedy had his eye on the White House and needed all the help he could get from Florida. There was an agreement, excellent sources say, that if Democratic leaders in Florida would work in Kennedy's behalf, he would, if elected, promote a start on the Barge Canal. Came election day and Kennedy and the Corps were on their way to a "new frontier," both with the blessing of Floridians.

Canal plans came out for still another study in 1962, which resulted in a B/C ratio that was $1.17 to $1, still marginal, but enough to allow Congress to appropriate the first construction funds with a relatively clear conscience. President Johnson was on hand when ground was broken in February 1964. Standing beside him on the speaker's platform that rainy day was Gov. Farris Bryant, now a Democratic candidate for the U.S. Senate.

Last fall, when the Florida Waterways Association held its annual meeting in Winter Park, Bryant was guest of honor.

On almost every even-numbered day since, there has been a story somewhere about someone who believes construction will result in biological, geological, hydrological, ecological, physiographical, botanical or economical chaos. Odd-numbered days have seen the Corps and canal boosters either replying to the charges or generating a few stories of their own.

The exchange has been enough to drive John Q. Citizen to the Ouija Board in an effort to locate the facts.

The one solid leg opponents have had to stand on so far is an absence of proper public hearings before construction began.

After the time a few good folks gathered in the Dixie Theatre in Ocala on April 23, 1940, the public had no chance to hear what was going on and comment on it until late January of 1966, almost two years after construction got underway. The 1966 hearing, held in Tallahassee, was chaired by Secretary of State Tom Adams, who probably is Florida's No. 1 public waterway booster with Department of Natural Resources Executive Director Randolph Hodges not far behind. Adams is a former president and Hodges a director of the Mississippi Valley Association, a barge-oriented organization which says it has offices "strategically located throughout the Valley and in Washington."

Conservationists went to the hearing—actually only a part of another meeting—with not so much malice toward the Barge Canal itself as to that part of its route through the Oklawaha River Valley. They wanted the Corps to adopt an alternate route that would preserve the river.

What happened at the meeting was recorded on film. That film, with Adams in a starring role, is still being seen around the nation as a classic example of just how unresponsive government can be.

The alternate alignment, needless to say, was not adopted. But canal proponents came to rue the day that non-hearing was held in Tallahassee, more than 150 miles removed from the nearest point on the canal route. It not only heightened bitterness against state and Corps officials, but prompted the defenders of the Oklawaha River to take a close look at *all* aspects of the canal.

When the scrutiny began, it was not by the proverbial little old ladies in tennis shoes. The center of opposition was in Gainesville, and when well-qualified scientists from the University of Florida and elsewhere became concerned, many around the state and the nation began to take notice.

Adams dismissed the criticism as "half-truths" by "pseudo-scientists," charges he has declined to substantiate, and succeeded only in further polarizing opposition, which had formed a non-profit organization called Florida Defenders of the Environment (FDE).

Armed with information supplied by FDE, the Environmental Defense Fund, a New York organization, brought a federal suit last fall against the Corps of Engineers. The suit claims the Corps "has been less than candid" about the Barge Canal and alleges the project violates the Fifth and Ninth Amendments to the U.S. Constitution.

It is the only legal action ever taken against the Corps as a result of one of its projects. It apparently has caused some consternation on judicial levels. Almost a year has passed and the case isn't close to coming to trial.

Meanwhile, construction continues, just as Congress ordered back in 1942.

One of the reasons for abandoning the 1935 canal—which was to be at sea-level—was what the U.S. Geological Survey (USGS) determined was a threat to the underground freshwater aquifer underlying most of the canal route. The Corps contended at the time that a series of locks and dams, which require less severe excavations, would eliminate the threat and still accommodate barge traffic. This is the idea that was brought to fruition during the war.

A later USGS report tended to support the Corps' ideas about the aquifer, but this is a major question today, particularly at Silver Springs and Rainbow Springs, where multi-million-dollar tourist attractions are greatly dependent on the millions of gallons of water that flow from the aquifer each day. Any fluctuation in quality or quantity at either attraction and the State of Florida is practically assured of heading into court to answer a damage suit.

Fears that water flow will be affected are supported by a number of dry springs in the area between the western end of the Barge Canal and the Withlacoochee River in northwest Citrus County. Residents of Inglis and Yankeetown are ready to swear that what now are gaping holes in the earth were gushing springs before the canal was excavated a minimum 12 feet into the earth some four years ago.

William B. Paterson of Yankeetown, a former member of the Game and Freshwater Fish Commission, reported that during an extremely low tide last winter, no fewer than 27 "boils" caused by water escaping from the aquifer were counted in the canal excavation west of the Inglis Lock. "That's where our water went," he said.

Asked about this, officials at the Corps' Jacksonville District Office said they hadn't heard that the springs had dried, but would "look into it."

Paterson was one of the "fishermen" who spotted a partially laden, 350-foot barge apparently aground near the western end of the canal in late June. He, and others, insist the barge spent some 24 hours on the bottom of the channel while tugs worked frantically before freeing it. They have pictures that tend to prove their story.

The Jacksonville Office flatly denied the barge was aground, but admitted it had not investigated before making the statement. The Canal Authority of Florida, a co-sponsor of the project, and the shipper, Dixie Lime and Stone Co. of Ocala, a strong canal supporter, made great overstatements about how things had gone exactly as planned.

What happened, apparently, is that what was planned as a pro-canal promotion backfired and the Corps, the Canal Authority and the shipper were caught with their channel shoaled.

Although no one will admit to an error in the alleged barge grounding, the Corps has owned up to a mistake in construction of a bypass canal that is designed to deliver water to the Withlacoochee River downstream from the Inglis Lock.

The by-pass channel, which carries water around the lock and into the river, was designed to furnish a flow equal to the average amount of water in the river each month for the past 38 years. It doesn't work, at least not to the satisfaction of Inglis and Yankeetown residents.

Paterson, who has a beautiful home on the river, said that flow is far less than formerly, that as a result tidal fluctuations are as much as three feet greater, that turbidity has increased, that salt content of the water is higher and that fishing has diminished.

The Corps admits flow through the bypass canal is not as great as it should be and is altering a culvert that it says will increase volume by at least 300 cubic feet per second. It also has commissioned the USGS to conduct a $193,000 survey and monitoring program on salinity levels in the river.

The first place the USGS tested for salt, incidentally, was in a freshwater spring bubbling from the bottom of the Withlacooche. Paterson said the geologists were red-faced when he questioned the authenticity of data collected at that station.

Just what can and will be done if the survey results are adverse isn't known, and that, generally, is the point of all of the hullabaloo over the entire Barge Canal. If construction continues and the conservationists' fears are realized, what can and will be done to negate the damage?

Obviously, little or nothing can be done to restore the Oklawaha.

That's why there have been consistent demands for a comprehensive ecological study of the entire project. Such a study never really has been attempted. Ecology is more than a popular word these days. More has been learned about this inter-relationship between plant and animal and physical communities in the last two decades than in the previous two centuries.

Even Col. Avery S. Fullerton, the Jacksonville District engineer and man in charge of canal construction, has said he would welcome such a study, if for no other reason than to determine just who's right and who's wrong in all the oratory that's filled the air for the past six years.

Fullerton cited the meteoric rise in building costs and said that because of this he would not favor a moratorium on construction while the study is taking place. However, he said, "I would be glad to see that construction during that period would be on as many projects as possible that would be potentially less ecologically damaging."

So that's the status of the Corps of Engineers, particularly in its relationship with the Barge Canal. The Corps, which is catching merry hell, possibly justifiably and possibly not, for a job it was ordered to do, is just as anxious as anyone to have the controversy resolved, one way or another.

So what's the hangup? Secretary of the Army Stanley R. Resor explained it this way on the occasion of the Corps' 195th birthday in June:

"If in the past the Corps ever was insensitive to certain environmental questions, that insensitivity reflected in large measure the views of political leaders and much of the American population. It took us many years to realize that our natural resources are not unlimited."

From that and other statements, it would seem the Corps has changed its attitudes. Judging from the sudden and widespread interest in the environment, it appears much of the public has changed.

That leaves the political leaders, and in view of past attitudes on the part of some of Florida's state and national officeholders toward the Barge Canal, it will be interesting to listen to their promises between now and November.

Will they change? Or at least proceed on the basis of the best information available?

Politicians have been known to test the pulse of the public occasionally, like in even-numbered years.

Mr. ELLENDER. Mr. President, with respect to the concern the Senator from South Dakota (Mr. MCGOVERN) expressed that the appropriation of funds for this project might imply a waiver of the statutory requirements of the National Environmental Policy Act of 1969, I would like to read a portion of the committee report that bears on this point:

> The committee has received objections, based on environmental grounds, to many programs and projects for which funds are included in this bill. The objections are principally based on the failure of the agencies involved to file the five-point statement required by the National Environmental Policy Act of 1969. The agencies were given until June 1, 1970 to prepare their procedures for implementing that act. The committee has been informed that the required statements are in preparation. In most cases, the projects objected to have been under construction for some time. The fact that the committee has recommended funds in this bill does not exempt the construction agencies from complying with the provisions of that act as currently applicable.

This project has been under construction for about 9 years, more than $52 million of Federal funds have been spent on this project. It has the support of the Florida congressional delegation, the entire Cabinet of the State of Florida except the Governor. It is the one remaining link in the great intracoastal waterway extending from the Mexican border to Trenton, N.J. with interconnections with the inland navigation system of the Mississippi, Missouri, and Ohio Rivers and the Great Lakes. It is a very important project, and I hope the amendment will be defeated.

Mr. HOLLAND. Mr. President, I hope the Senate will not adopt the amendment offered by the distinguished Senator from South Dakota and the distinguished Senator from Wisconsin.

I want to say that if there is anyone in the Senate who is interested in Florida, interested in its ecology, and interested in the preservation of Florida, it is the senior Senator from Florida. Without boasting, it is he who, as Governor, signed the deed conveying 850,000 acres of Florida land to the U.S. Government for setting up the Everglades National Park. It is he who has followed every development of that park ever since he has been in the Senate. It is he who has followed every single effort for the preservation of our Florida beauties and nature that seem at all defensible and desirable.

The Senator from Florida has represented his people and also, he thinks, the best interests of the Nation in supporting strongly the Cross Florida Barge Canal. It is the route connecting at last, at long last—and this has been planned ever since Spanish days—the Gulf area, the Mississippi Basin area, and all the other basins that run into the Gulf, with the Atlantic coastal area, thereby saving from 400 to 500 miles of water travel.

It is now a third complete geographically and physically, and more than a third complete insofar as financial commitments are concerned; because, in addition to the money that already has been spent, the Federal Government has recently committed, as the Senator from

South Dakota well knows, more than $12 million—this within the last month—on three additional contracts which are now in force. The State of Florida has, for itself, almost completed the acquisition of rights-of-way and the other lands required, and I believe that the total required in that matter of the State of Florida is $16 million, of which most has been spent in the acquisition of those lands.

Considering both Federal and State money, the project is more than a third paid for, and the project at both ends is largely completed insofar as the digging into the soil of our State is concerned. I do not think it is even reasonable to talk about leaving those great sloughs extending from the St. John's River to the Eureka Dam almost up to Silver Springs, where the park has been largely excavated and the other big areas excavated at the west end of the waterway.

This is not the old sea-level canal. This is a canal which at most will dig into the soil of our State, at the deepest place, 27 feet. It is a canal which will be operated by the fresh waters of our State, which will have to be impounded and kept available to operate the five locks that are involved in this canal.

It is my feeling that to delay or to stop this great effort at this time—which already has been too much delayed—would be a very useless and unwise course. The matter has been fought out twice on the floor of the Senate—once on the motion of the distinguished former Senator from Illinois, Mr. Douglas, and once on the motion of the distinguished Senator from Wisconsin (Mr. PROXMIRE). Both times, by an overwhelming vote, the Senate has upheld the continuation of the construction of this canal.

Mr. President, only in January of this year, this large and voluminous report from the U.S. Geological Survey, which I hold in my hand, was made on this canal, having to do with the hydrological values which have just been mentioned by my distinguished friend, the Senator from South Dakota. This report shows very clearly that there is no thought on the part of the distinguished geologist and reporter, Dr. Faulkner, of discontinuance or delay in construction. He simply says that there are some small chances of pollution which can easily be avoided by corrective action taken as the construction gets underway.

Mr. President, I could say many things about this matter, but, in order to save time, I simply ask unanimous consent to have printed at this point in the RECORD a copy of the letter of June 5 from the Secretary of the Interior to the Secretary of the Army, asking for a 15-month moratorium on construction of the canal, and a copy of my reply to that letter, because I received a copy of it, addressed to Hon. Walter J. Hickel, Secretary of the Interior, on July 15, with various documents attached to that letter. Except for an acknowledgement of it I have received no reply from my letter of June 15.

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

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 5, 1970.

Hon. STANLEY R. RESOR,
Secretary of the Army,
Washington, D.C.

DEAR MR. SECRETARY: Enclosed for your information is a copy of a report entitled "Review and Appraisal of the Cross Florida Barge Canal." The report was prepared in an effort to evaluate the claims of many people who have written this Department alleging that insufficient consideration has been given to the scenic, fish and wildlife, and natural beauty aspects in planning the Cross Florida Barge Canal project.

I have reviewed the appraisal report and believe that several items of importance to this Department should be more fully considered in relation to the construction of this project. I am recommending that a thorough ecological and environmental study be undertaken by a Department of the Interior task force. The study would be coordinated with your Department and the involved State agencies. To facilitate the study efforts of the task force, I would suggest that a 15-month moratorium on project construction be effected while the study is being carried out.

In the table on page 117 of the hearings on the Public Works Appropriations for 1970 before the Subcommittee on Public Works of the House Appropriations Committee, amounts of $700,000 and $500,000 are shown for engineering and design and for supervision and administration, respectively, as a part of the total of $6,000,000 included for this project in the budget estimate for 1970 under Construction, General. We presume that the budgetary reserve includes a proportionate share of these amounts.

Since the Department of the Interior does not have adequate funds available to carry out the studies we believe are necessary and the studies are directly related to the future construction program for the project, we request that funds for this purpose be made available to us from that portion of the budgetary reserve assigned to those functions described above. Section 2(e) of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) authorizes the transfer of such funds.

In making this request, we recognize that the Public Works Appropriation Act for 1970 did identify $600,000 in the Construction, General appropriation of the Corps of Engineers-Civil for transfer to the Bureau of Sport Fisheries and Wildlife under authority of the Fish and Wildlife Coordination Act. These funds are being used for necessary investigations of a number of authorized Corps of Engineers projects throughout the Nation. The investigations were programmed to meet both the needs of the Corps of Engineers and those of the Bureau of Sport Fisheries and Wildlife in connection with these projects, and should be completed in an orderly manner. Use of funds from this source to carry out the proposed ecological and environmental studies of the Cross Florida Barge Canal would result in an undesirable curtailment of these studies and possible delays in construction of various projects.

If the proposed method of financing is acceptable, we shall be pleased to provide detailed estimates of the studies believed needed and the funds required. We are sending a copy of this letter to the Director of the Bureau of the Budget.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

U.S. SENATE,
Washington, D.C., June 15, 1970.

Hon. WALTER J. HICKEL,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: On June 5, 1970, my office was advised by a telephone call from your department that you planned to make a press release on June 8 announcing that you had written the Secretary of the Army requesting a 15-month moratorium on construction of the Cross-Florida Barge Canal while a special task force composed of agencies of the Department of the Interior would study the ecological, hydrological and other problems involved.

Upon being informed of this press release, I requested your department to furnish me with a copy of your letter of June 5, 1970 to the Secretary of the Army, which I was furnished on June 8, as well as the accompanying report which I have read in detail.

At this time I will not go into the manifest advantages to the nation and the economics involved, including recreational benefits, that were completely omitted from the report. In linking up the 1050-mile Intracoastal Waterway serving the East Coast to Trenton, New Jersey, with the 1070-mile Gulf Intracoastal Waterway serving the Gulf and Mississippi River Basin area, as testified to by many recognized and authoritative groups, numerous benefits have been attested to. These are available should you desire to have them in order that you may make a more objective review of the merits of the Cross-Florida Barge Canal.

Let me say, Mr. Secretary, that I am unalterably opposed to any moratorium being placed on the construction of the Cross-Florida Barge Canal which has already been unduly delayed due to budgetary restrictions and the placing of appropriated funds in budgetary reserve.

I have no objection, of course, to your department's making further studies concurrent with continued construction of the project that you feel may be warranted. However, as one member of the Senate Appropriations Committee and the Subcommittee on Public Works Appropriations, I do not look with favor on allocating for such studies any funds appropriated for the purpose of construction, supervision and administration of the project. I do not know of any project that has been studied and restudied more than this one. As a matter of interest, I am enclosing (Enclosure I) for your information a partial list of the various studies which have been conducted over the years. This list totals 74 studies, a number of which have been conducted by agencies of your department.

I note, also, from the report enclosed with your letter to the Secretary of the Army, that it quotes from a report prepared by the Florida Defenders of the Environment, entitled, "Environmental Impact of the Cross-Florida Barge Canal," dated March 1970. This report was made a part of the record of the hearings on the fiscal year 1971 public works appropriations bill. No mention was made in such report of the rebuttal testimony submitted to the subcommittee by Mr. W. A. McCree, Jr., President of the Florida Waterways Association, formerly the Chairman of the Canal Authority of the State of Florida. For your information I am inclosing (Enclosure II) a copy of his testimony which was made a part of the record of the hearings at my request. I believe you will also be interested in reading a copy of Mr. McCree's letter of January 9, 1970 to the President and Editor-in-Chief of The Reader's Digest. I enclose a copy of this letter for your information. (Enclosure III)

There is no one man whom I know who possesses more background and factual information regarding the history of the Cross-

Florida Barge Canal than does Mr. McCree, and I strongly recommend your reading his comments on the subject. Such information should enable anyone with an open mind to understand the actual facts regarding the canal project rather than to give credence to the great volume of oft-times unsubstantiated information put out by various organizations and the news media.

Let me further point out, Mr. Secretary, that the project is some 31 percent complete. The Congress has appropriated some $52.7 million of a total estimated federal cost of $169.2 million. Some $45.5 million has been expended as of the close of calendar year 1969. Out of the total non-federal costs of $16 million, the State of Florida has expended about $11 million and the cost of work accomplished by local interests in the construction of six barge ports is estimated to be $2 million to $3 million.

Important, also, is the fact that in addition to the above expenditures through calendar year 1969, plus the cost of the first six months of 1970, which is not currently available to me, an additional $5 million to $10 million would be required should the project be deferred, making a total sunken investment of between $65 million to $75 million.

The additional work still required to be constructed or modified in the event of such a deferral would be the Inglis spillway for flood control on the Withlacoochee River; plug the canal west of the Withlacoochee River and remove the barrier dam to restore river openings; provide bank protection from Inglis Lock to the Gulf of Mexico; provide channel in the Eureka Reservoir reach for flood control on the Oklawaha River portion of Four River Basins project; provide bypass at Rodman Dam and plug the canal west of St. Johns Lake.

Considering the work already done and that which must be done if a long deferral is ordered, it can be seen that while the construction of the project is only some 31% complete, the effect such construction would have on the environmental aspects would be 60% to 70%.

In this connection I might state that three of the five lock and dam structures are completed, one reservoir is full and two of the reservoirs remain to be cleared of timber. Extensive progress has been made on relocation of utilities, roads and bridges.

With reference to land acquisition, about 85% of the water storage lands and canal rights-of-way have been acquired by the State agency and those remaining are in process of acquisition.

During the course of consideration of the location of the canal, dating back to 1826, some 29 different routes were studied. Based upon those studies the present alignment was authorized in 1942. At the same time authorization was granted, construction of a pipeline across the State of Florida was undertaken to relieve the oil and fuel shortage on the eastern seaboard as a result of the wartime situation. I mention this since during the testimony of Major General Eugene Reybold, Chief of Engineers, War Department, before the Senate Committee on Commerce. June 30, 1942, he stated in testifying in regard to the canal:

"The value in time of war of an improved through inland waterway from Port Isabel (Texas) to Trenton (New Jersey) with a minimum depth of 12 feet, is believed sufficient to warrant construction of these improvements."

I should add that the pipeline instead of the Canal was constructed at that time due mainly to priorities for materials and the fact that the construction time of the pipeline was estimated to be three months as opposed to three years for the canal.

Mr. Secretary, a great deal has been said with regard to the Oklawaha River. I believe it particularly important to point up the fact that the River and Harbor Acts between 1890 and 1916 authorized projects and funds were appropriated for navigation project works on the Oklawaha River which were completed in 1925. The project consists of a channel six feet deep from the mouth to the head of Silver Springs Run; clearing channel obstructions from Silver Springs Run to Lake Griffin, including certain artificial waterways and extensions thereof, and maintaining dikes to obtain a navigable depth of about four feet to Leesburg and Lake Griffin; and construction of a lock and dam at Moss Bluff to maintain the water level on Lake Griffin. Thus, years ago the natural river was altered greatly by these improvements and by timber operations by private interests, especially the cutting of the cypress trees. Further, records of the Corps of Engineers reveal that there was not a year during the 10-year period from 1959 through 1968 in which snagging in the Oklawaha was not performed at an average annual cost of $4,209, the maximum being $9,268. Also, hyacinth control has been performed on a yearly basis, and during the same 10-year period the average annual expenditure on the Oklawaha watershed was $38,754, of which an estimated annual expenditure of $13,000 was for hyacinth control on the lower river.

I believe it also important to point out that on the Oklawaha and the Withlacoochee Rivers certain flood control work authorized by Congress and now under construction under the Four River Basins projects is tied in with the Cross-Florida Barge Canal, to prevent flood damage, averaging some $9.12 million in the Oklawaha River basin and some $2.2 million in the Withlacoochee River Basin. The total cost of improvements in the Oklawaha River basin is estimated at $3.6 million and the Withlacoochee River Basin at some $2.8 million. The Moss Bluff Lock and Dam on the Oklawaha River was reconstructed as a part of the Four River Basins project and was completed in December 1969 at an estimated cost of $1.9 million.

The above facts, as well as the fact that the Withlacoochee River was altered by work accomplished under the River and Harbor Acts of 1881 and 1907, show conclusively that neither of these two river systems is in its natural state, and I am convinced that the work on the Cross-Florida Barge Canal, coupled with work to be accomplished under the Four River Basins project, will ultimately provide a better hydrological and ecological system for the benefit of all the people in that large area.

I realize that this letter is most lengthy; yet I feel it is of paramount importance for you to have all facts at hand in view of your recent request to the Secretary of the Army based on information which could only be oriented in one direction without due consideration to the many other aspects of the problem not fully within the purview of your Department. Should some problems of the nature indicated in the report accompanying your letter arise, they should be more appropriately taken care of during the course of construction.

Let me further say in closing that the report accompanying your letter contains many questionable facts; for example, the statement relative to the 1963 report of the Bureau of Sport Fisheries and Wildlife. If you will refer to the chart on Page 12 of the report, you will find that man days loss in hunting resulting from the project would be 18,150, while fishing would be improved by 78,200 man days. Further, other matters covered in the report such as recreation, pollution and weed control are being considered by the Corps of Engineers along with the planned program of construction as required under law.

I believe, Mr. Secretary, that careful consideration of all the voluminous information available on the construction of the Cross-Florida Barge Canal would convince anyone that the value of this project for the good of the nation as a whole, particularly in its present stage of construction, would far outweigh the questions raised within your single agency having only partial responsibility, and which by careful and fair evaluation and cooperation as the project moves forward can eliminate any fears of great damage to the ecology of the area traversed by the Canal.

By copy of this communication, I wish to indicate to the Secretary of the Army of my complete opposition to any moratorium on the construction of the Cross-Florida Barge Canal and to request that he expedite the completion of the project to the full capabilities of the Engineers and appropriations of the Congress.

With kind regards, I remain,

Yours faithfully,

SPESSARD L. HOLLAND.

PARTIAL LIST OF REPORTS ON CROSS-FLORIDA BARGE CANAL

Name of Report and Date:

First report authorized, 3 Mar 1826.

Waterway across State of Florida, 19 Feb 1829.

Waterway across State of Florida, 26 Jan 1830.

Waterway across State of Florida, 6 Mar 1832.

Waterway across State of Florida (Sanford to Tampa, Fla.) 6 Dec 1838.

Waterway across State of Florida, 1 May 1855.

Waterway Apalachicola Bay to Atlantic Ocean, 29 Sep 1873.

Canal St. Marys River (Ga. & Fla.) to Gulf of Mexico, 6 Apr 1880.

Waterway across State of Florida, 9 Nov 1911.

Waterway across State of Florida, 30 Jul 1913.

Waterway across State of Florida, 10 Oct 1924.

Atlantic Gulf Ship Canal Fla. (Cumberland Sound Fla. to Miss. R.W/W), 1 Dec. 1931.

Atlantic Gulf Ship Canal, Fla. (Fla Ship Canal) (Georgia-Fla. W/W) St. Marys River (Ga. & Fla.) to Gulf, 27 Jan 1932.

Atlantic Gulf Ship Canal, Fla., Geological and Ground Water Conditions, 10 Dec 1935.

Atlantic Gulf Ship Canal, Fla., 1 Nov 1936.

Cross-Florida Barge Canal, 12 Jun 1942.

Definite Project Report, Dec 1943.

Addendum No. 1 to Definite Project Report, Mar 1945.

Economic Restudy of Cross-Fla. Barge Canal, 10 Jan 1958.

Economic Evaluation of Cross Florida Barge Canal (Jacksonville Dist), 13 Mar 1962.

Potential traffic and transportation cost savings of Cross-Florida Barge Canal (A. D. Little, Inc.), Mar 1962.

Traffic analysis and estimated tonnage prospectus of the CFBC (Gee & Jensen), 1956.

Input: Chief of Engineers' evaluation, Jun 1962.

U.S. Fish and Wildlife Report (Concurred in by State Game and Freshwater Fish Comm.), Feb 1963.

Supv: Supplement to Economic Restudy, 16 Aug 1963.

Input: Detail Design Memo No. 1, St. Johns Lock, Oct 1963.

Detail Design Memo No. 2, Relocation of U.S. Route 19, Apr 1964.

Input: Detail Design Memo No. 3, Inglis Lock, 19 May 1964.

Detail Design Memo No. 4, Relocation of S.R. 316, 19 Jun 1964.

Detail Design Memo No. 5, Project Office Building, Aug 1964.

Input: Detail Design Memo No. 6, Rodman Dam, Nov 1964.

Input: Detail Design Memo No. 7, Eureka Lock and Dam, Feb 1965.

Statement of indorsement, Fla. Game and Freshwater Fish Commission, 1965.

Supv: Design Memo No. 7A, Preliminary Master Plan, Part of the Master Plan, 14 Oct. 1965.

Relocation Studies—Railroad Crossings near Dunnellon, Dec. 1965.

Input: Detail Design Memo No. 8, Clearing of Rodman Pool, Jan. 1966.

Supv: Relocation Study, Cross-Florida Barge Canal, Jan 1966.

Detail Design Memo No. 9, Relocation of S.R. 40 (Revised Jan. 1970), May 1966.

Input: Detail Design Memo No. 10, Inglis Spillway and Dam, Sep. 1966.

Input: Detail Design Memo No. 11, Mile 65.5 to Mile 70.6, Job 12 (Part) and Job 14 (Part) Canal Excavation and Erosion Control, Dec. 1966.

Detail Design Memo No. 12, St. Johns, Eureka, and Inglis Locks, Derricks, and Emergency Bulkheads, Jun. 1967.

Detail Design Memo No. 13, Relocation of Railroads near Dunnellon, May 1967.

Detail Design Memo No. 14, State Road S-464 Highway Bridge, Jan. 1968.

Detail Design Memo No. 15, State Road 475 Highway Bridge, May 1967.

Detail Design Memo No. 16, Clearing Eureka Pool (under preparation), Feb. 1967.

Supv: Design Memo No. 7B (C-1), Rodman Reservoir Construction Design Memo, Public-use and Administrative Facilities, Part of the Master Plan, 1 Dec. 1967.

An optimum land use model for a delimited area contiguous to the CFBC (Dr. Edward A. Fernald), 1967.

Input: Detail Design Memo No. 17, Mile 83.5 to Mile 92.6, Job 15, (Part) Dunnellon to Inglis Lock, Aug. 1967.

Pre-impoundment studies of the waters of CFBC (FWPCA), Dec. 1967.

Input: Detail Design Memo No. 19, Mile 20.8 to Mile 35.9, Job 10, (Part) Channel through Rodman Pool, Jan. 1968.

Supv: Detail Design Memo No. 3, Supplement 1, Inglis Lock Bypass Channel, Feb. 1968.

Input: Real Estate Design Memorandum No. 18, CFBC and Recreational Sites, 19 Feb. 1968.

Supv: Design Memo No. 7B (C-2), Inglis Reservoir, Construction Design Memo, Public Use and Administrative Facilities, Part of the Master Plan, Jul. 1968.

Input: Detail Design Memo No. 21, Dunnellon Lock, Nov. 1968.

Supv: Water Quality Data, CFBC (updated annually), Dec. 1967.

Input: Detail Design Memo No. 22, Mile 80.5 to Mile 83.5, Job 15 (Part), Dunnellon Lock to Dunnellon, Aug. 1969.

Report of State Game and Fresh Water Fish Comm., Nov. 1969.

Supv: Report of Corps of Engineers' Biologist, Jan. 1970.

Geohydrology of the Cross-Florida Barge Canal Area with Special Reference to the Ocala Vicinity (By USGS), Jan. 1970.

REPORTS ON AQUATIC PLANT CONTROL

Supv:

General Design Memorandum, 12 January 1959.

State Design Memorandum for Florida, 6 November 1959.

Supplement No. 1 to State Design Memorandum for Florida (No. 2-D), 1 August 1960.

Research Design Memorandum, May 1959.

Feature Design Memorandum No. 1, F.Y. 1960 Program, January 1960.

Feature Design Memorandum No. 2, F.Y. 1961 Program, December 1960.

Feature Design Memorandum No. 3, Project Work Areas (Hyacinths), July 1961.

Supplement 2 to State Design Memorandum for Florida (No. 2-D), July 1961.

Supplement 3 to State Design Memorandum for Florida (No. 2-D), July 1962 (R 1-17-63).

Supplement 4 to State Design Memorandum for Florida (No. 2-D), July 1964.

Supplement 5 to State Design Memorandum for Florida (No. 2-D), July 1965.

Supplement 6 to State Design Memorandum for Florida No. 2-D), July 1966.

Jacksonville District Portion of SUMMARY REPORT on Expanded Project (Printed as HD No. 251-89th Cong. 1st Sess.), March 1964.

AQUATIC PLANT CONTROL PROGRAM

(River and Harbor Act, 1965)

Preliminary Reconnaissance Survey Report for Florida, June 1967.

General Design Memorandum for Florida, Feb. 1969.

ENVIRONMENTAL IMPACT OF THE CROSS FLORIDA BARGE CANAL WITH SPECIAL EMPHASIS ON THE OKLAWAHA REGIONAL ECOSYSTEM

SUMMARY OF FINDINGS

Geology

1. The presence of solution holes and fracture zones near project structures makes it likely that there will be problems of porosity and leakage and that pollution of and hydrologic changes in the aquifer will occur.

Refutation: January 1970 Geohydrology of the Cross Florida Barge Canal Area with Special Reference to the Ocala Vicinity, Prepared by Glen L. Faulkner, United States Geological Survey in Co-operation with the Corps of Engineers, U.S. Army, indicates that such leakage as will occur around locks and dams will not be a problem.

2. The location of the canal locks and the dams on or very near the Oklawaha River fracture zones introduces the risk of earthquake damage to these facilities. The history of Florida earthquakes is not reassuring in this respect.

Refutation: It is inappropriate to compare the shallow reservoirs of the Cross Florida Barge Canal with the Koyna Dam in India. Dr. Robert Vernon, State Geologist states that the Floridan Aquifer in the areas of Rodman and Eureka Pools now is exerting upward pressure on the acquiclude and that the impoundments would help to stabilize the conditions in that area. From a practical Standpoint . . . . The Inglis Pool has been in existence 50 years and Geological maps show fracture zones in this area also—no record of earthquakes. From a practical standpoint the Canal reservoirs would be less dangerous to the underground structure of Florida than the construction of tall buildings in the Orlando area.

3. Mineral resources in the vicinity of the barge canal are meager, being mostly bulk materials for local use. Therefore, it is unlikely that construction of the canal would result in greater utilization of these resources.

Refutation: Dr. Robert A. Vernon, State Geologist, who has spent a lifetime studying the geology and mineral resources of Florida, states that mineral resources in the vicinity of the Canal are plentiful. He cited one customer in North Carolina who could use an 8 million dollar quantity of Dolomite per year provided it could be delivered by barge. He has also pointed out that the hard rock phosphate available in Levy County, and the kaolin available in Putnam County could be marketed, when low cost transportation is available. Already, private interests are venturing capital for the purpose of mining and selling mineral resources along the Canal route.

Hydrology

1. Water supplies in drought periods may be inadequate for canal operation without extensive additional pumping facilities.

Refutation: Report of U.S. Geological Survey by Glen L. Faulkner, January 1970 concludes: "The geohydrologic investigation of the Cross Florida Barge Canal reveals that the design of the Canal and the plan of operation are consonant with the hydrologic regime." Pumping into the Summit section from the Eureka Reservoir near Silver Springs to replace lockage water losses has always been in the plans. Possible pumping from the Inglis Pool into the summit section may also be necessary, but further pumping is not contemplated and studies of the Corps of Engineers indicate such will not be necessary.

2. Because the summit pool connects freely with the ground water of the Floridan Aquifer any pollution of the pool will enter the aquifer and flow to natural discharge points.

3. Some pollution of the summit pool and the Floridan Aquifer is inevitable because of nearby residential or industrial development, leakage from barges, and turbidity resulting from construction.

4. Major pollution from accidental spills of oil or toxic materials is predictable in the long run of barge operation. These pollutants in the Aquifer may damage water supplies of communities nearby and impair the unique recreational qualities of Silver Springs and of whatever sports fishing the canal impoundments might afford.

5. Oklawaha River water which will be back-pumped to the summit pool may accelerate solution of limestone in the summit reach because of its different chemical characteristics.

Refutation: The Corps of Engineers will take adequate steps during construction and operation of the Canal to protect the Summit pool from pollution which might affect Silver Springs or the Ocala water supply. Faulkner's report goes into the requirements thoroughly and recommends additional studies during construction. The Corps plans to follow his recommendations. They expect to control spillages by stringent inspection of barges and vessels below St. Johns Locks and Inglis Locks. In addition they will have portable equipment available to the Summit section for use in time of emergencies. The Faulkner report also states that the limestone and other material through which the small amount of flow from the Summit Pool to Silver Springs, is an excellent filter. Only 8% of the flow of Silver Springs is affected by the water in the Summit section with an estimated 140 days of travel from the Canal to the Springs. Drainage wells in the Ocala area have failed to contaminate the underground water supply of that same area. It is believed that the filtering action of the limestone underlying the area has prevented such contamination. This is a practical application.

The Corps of Engineers will not approve discharge of any water into the Summit section that in any way will pollute the water of this sector. No member of the Florida Waterways Association is willing for the slightest contaminatton of Silver Springs, and we have questioned the Corps of Engineers quite thoroughly on this point. We are satisfied that they can prevent any pollution of the Springs and we will diligently follow the plans of construction and operation on this important matter.

6. Excessive and possibly uncontrollable leakage of water from the summit pool to the lower pools is a distinct possibility.

Refutation: Neither the report of the U.S. Geological Survey of January 1970, nor the studies of the State Geologist will agree on this charge.

7. There is little doubt that the canal will result in an overall decline in the quality of surface water in the system.

Refutaton: The decline or improvement of the surface water in the Oklawaha or Withlacoochee part of the Cross Florida

Barge System depends entirely upon the management of that system during and after construction, just as our total environment depends upon management. Map studies indicate that the Ocala National Forest, prior to Cross-Florida Barge Canal construction, abutted the actual banks of the Oklawaha for about 2¾ miles between Sharpes Ferry and SR-316 (Eureka), about 3¾ miles between Eureka and the Rodman Dam Site, and about 11 miles extending from the Rodman Dam Site to the river mouth at the St. John's. Much of this river channel lay up to a half mile across the river swamp from the generally passable and useable higher ground making up the forest proper. With the completion of Rodman and Eureka Reservoirs, the Ocala National Forest will retain about the same amount of frontage on the Barge Canal Project, except that between Sharpes Ferry and Rodman Dam the frontage will be upon a well planned and managed reservoir, with a useable periphery for public access, rather than being featured by the previous swamp barrier. The site between Rodman Dam and the St. John's will remain unchanged.

8. Flood control benefits claimed for the canal project appear highly dubious.

Refutation: The 1960–61 floods which occurred before the author of these charges arrived in Florida, clearly demonstrated the damages which could be wrought by uncontrolled flood water in the Oklawaha and Withlacoochee Basins. The upper Oklawaha Basin, including Lakes Apopka, Dora, Eustis, Harris and Griffin and various connecting lakes and tributaries, all join with the Silver River to flow down the portion of the Oklawaha through which the Cross Florida Barge Canal is being built. This is one of the four rivers in the Southwest Water Management District. Water management facilities required for the Oklawaha Basin entail canalization of the River from Lake Griffin to its juncture with the Cross-Florida Barge Canal Channel near SR-40. These facilities already are nearing completion. If the Canal is not completed, some arrangements must be made for carrying these waters to the St. Johns River. Canalizing the Oklawaha to handle flood waters would be just as detrimental to the esthetics of the meandering Oklawaha River as the Reservoirs created by the Canal. Controlling Florida floods is a fact of life which cannot be overlooked. All lakes in the upper Oklawaha basins have had to be retained at above the acceptable high water mark during January, February, March and April, 1970 because the Canal is not complete to Silver River.

Ecology

1. Most of the Oklawaha regional ecosystem is still unimpaired, and it is the only large wild area remaining that supports the full spectrum of plant and animal life native to north-central Florida. Destruction of this unique natural region by the proposed canal is unjustified and hopelessly uneconomic in terms of long-run social needs.

Refutation: The principal reasons given by Florida Defenders of the Environment for stopping construction of the Cross Florida Barge Canal given in their fund raising literature are as follows: (1) Saving the Oklawaha ecosystem and (2) Setting a precedent for stopping a project already authorized and under construction.

We will agree that changes in plant life and animal life will occur upon the creation of the Reservoirs. We cannot understand, however, how Scientists and Historians can ignore destruction of the region which is known to have happened in the lifetime of many now living. We refer to the fact that "History of Man in the Oklawaha Region" by Gordon E. Bigelow, Professor of English, University of Florida, fails to mention the fact that man exploited the Oklawaha ecosystem when he cut the cypress trees from the River and the Valley. The cypress trees were resistant to fast flowing water and made the Oklawaha beautiful as well as usable for the steamers that plied its crooks and turns at the turn of the Century. The trees which have grown back are shallow rooted and are continually being undermined by the swift water or blown down by storms; so if the river were left completely alone without any management it would become a morass of fallen trees.

In Ariel Lugo and Archie Carr's description of the "Vegetation of the Oklawaha" a bare mention is made of cypress which was one of the most important timber products in Florida until this slow growing species became practically extinct in the '30's.

These ecologists speak of an unimpaired ecosystem, when perhaps the most important plant life in that system "the cypress tree" was removed 50 to 60 years ago.

None of the "History of Man" mentions the fact that approximately 75% of the lands adjacent to the portion of the Oklawaha River that becomes a reservoir with construction of the Canal were in private ownership and the uncontrolled development along that portion was not conducive to a good environment for either humans or wild life.

2. Experience in Florida has proved conclusively that shallow bodies of impounded water (such as the Rodman and Eureka Pools) trap nutrients and hence are subject to rapid overenrichment and invasion of masses of water weeds which are difficult and costly to control. Crushing forests into the bottom, as was done in the Rodman Pool, merely speeds and compounds enrichment processes. These processes will quickly reduce, and ultimately destroy, most recreational and fisheries values of the impoundments.

Refutation: Experience in Florida, and throughout the Southeast has proven that fishing in Reservoirs immediately after impoundment has improved fantastically for the first five years. There is no reason to expect that this will not happen in the newly created Reservoirs. The Corps of Engineers expect that with proper management in the two Reservoirs of Eureka and Rodman, fishing will increase 100 fold and that with continued good management a high level of fish production will continue beyond, on a permanent basis. They are dedicated to employing the latest techniques known in ensuring continued good fishing.

Originally, the Corps planned on clearing all of the reservoir areas, but Fish and Wild Life experts persuaded them to plan to leave certain areas uncleared for the benefit of fish. This second plan was the one upon which the 1963 study of the U.S. Fish and Wild Life Service gave their approval, forecasting 78,200 man days of fishing upon completion of the Canal, to a loss of 18,150 man days of hunting.

The Florida Game and Fresh Water Fish Commission as late as 1965 were on record as endorsing the Construction of the Cross Florida Barge Canal, but within the last few months have reversed their recommendations and state flatly that they do not believe the 1963 report of the U.S. Fish and Wild Life report is correct. We are at a loss to know why such an important commission of State Government should change its mind in such a short space of time when it should have the records of Reservoirs of Florida for many years.

We acknowledge that aquatic weeds and water hyacinths are a problem in all Florida streams and lakes. We also acknowledge that the State of Florida has done very little to control them through their three State agencies which should be concerned: The Department of Natural Resources, The Game and Fresh Water Fish Commission, and the Department of Air and Water Pollution Control. Inquiries brought out the fact that none of the three Agencies have clear cut authority to perform the necessary research to solve the problem, nor have any of them been funded to perform such research. The State's neglect of this problem for all of Florida should not penalize the construction of the Cross Florida Barge Canal when the control of aquatic weeds and hyacinths in that project will be the responsibility of the Federal Government. Presently these plants are being controlled by the Corps of Engineers in the best acceptable manner known today.

The Corps of Engineers, in crushing the forests in the Rodman Pool, concede that they created a debris problem originally. They are currently removing those fallen trees and have 4 barges and draglines removing logs and snags. They have stated publicly that they will require removal of all downed trees in Eureka Pool clearing operation. However, fringes of trees along the Oklawaha River will be retained to the maximum extent possible in order to preserve the esthetic appeal of the original stream.

Recreation and fishing in the Pool areas are important benefits of the Cross Florida Barge Canal. The Corps of Engineers recognize this and are developing the Reservoirs with that in mind

Land-use planning

1. Controversy about the proposed barge canal emphasizes the need for long range regional land-use planning. No such planning has yet been done in this region and no agency now exists to do it. To introduce major environmental changes (such as the barge canal) in the absence of an overall land-use plan is utter folly.

Refutation: We agree that plans should be prepared and put into action along the Canal. Existing legislation permits such action. Proposed legislation requires that action. We heartily support immediate action on this matter and as an Association are taking steps to implement present legislation.

Economics

1. The discount rate used in calculating the cost-benefit ratio of the canal is unrealistic. If realistic interest rates were applied, the supposed benefits of the canal would no longer exceed the cost.

Refutation: The discount rate on this project is the same that is used on all federal projects evaluated by the U.S. Army Corps of Engineers. Consultation with the Corps personnel indicated that for completion of the project the discount rate currently being used could be applied without affecting the cost benefit ratio due to increase in benefits.

2. In calculating the benefits of the canal, both the amount of traffic which it was assumed that the canal would carry and the freight savings per ton mile appear to be unjustifiably inflated.

Refutation: A television debate on April 7, 1970 causes us to believe that the young economist who prepared this part of the report is known not to have seriously conferred with the Corps of Engineers on this project until April 2, 1970. How such a short period of study of the engineer's records could be used to make the above statement. We would suggest that a much greater in-depth study would have to be made to make the above accusation hold up. The Corps of Engineers have been making economic studies for well over a hundred years and are thoroughly experienced in the field. In addition the private consultant, A. D. Little Company's report of 1962 came up with a much higher benefit cost ratio.

3. Little evidence exists to support the view that the canal will actually bring the enhancement of land values shown as one of its benefits.

Refutation: The land enhancement benefits required a thorough study of the lands adjoining the completed canal. Anyone who has been in Florida any length of time knows of the increased value of waterfront property.

4. Results in completed sections of the project suggest impairment rather than enhancement of potential recreational values in the region affected by construction of the canal. There is little evidence to support Corps of Engineers figures on recreational benefits claimed for the proposed canal.

Refutation: Recreational benefits were not included in the benefit cost ratio used when construction was begun. Subsequent federal laws allowed the inclusion of recreational benefits. The Corps has used the formula in computing this benefit as on other projects in the Southeast. There is no reason to believe that other than maximum recreational benefits will occur as do already occur on most of the lakes and rivers of Florida. The comparison of the pools with Lake Apopka is ridiculous. The change in water in Lake Apopka requires 950 days versus a total of 59 days for the two reservoirs along the Oklawaha.

5. If the canal did compete effectively with other forms of transportation, the resulting losses incurred by these transport agencies would necessarily be passed on to the public in higher rates. These represent an additional cost of the canal not considered in computing the cost-benefit ratio.

Refutation: Records throughout the Nation do not substantiate this statement. Freight rates have been traditionally lowered where water transportation is available.

6. Successful operation of the canal depends to a considerable degree upon the completion of the Intracoastal Waterway from St. Marks southward along the northwest coast of Florida. The need for, and cost of, this "missing link" waterway is not considered in calculating the costs of the proposed canal.

Refutation: Successful operation of the Canal does not depend upon the completion of any other waterway. It is true that completion of the St. Marks to Tampa Inland Waterway would make the Cross Florida Barge Canal more profitable, but the present benefit cost ratio was determined for its use without the completion of that waterway. Gulf river barges currently use the open Gulf in this area and would be used for transportation through the Cross Florida Barge Canal permanently unless the West Coast Waterway were completed.

7. In view of these and other facts reported in the economic section of this report, we believe that in spite of the amounts already invested, an impartial economic restudy of the project would result in its rejection as unsound, on a purely economic basis, without any consideration of the environmental values to be lost.

Refutation: A new economic study would increase the benefit cost ratio of the Cross Florida Barge Canal due to the economic growth in the Southeastern part of the United States since the last study was made.

Existing conditions

1. The sections of the canal system already completed have seriously disrupted portions of the natural ecosystems of the lower Oklawaha River and the Withlacoochee River. The river courses and flow have been modified. Natural forests in the flood plains and vicinity have been destroyed over extensive areas. A debris-choked reservoir, heavily invaded by exotic vater weeds, has been created in the Rodman Pool area of the Oklawaha system in particular. Fisheries values have been impaired. The wild quality of the environment in these areas has been drastically reduced. Nevertheless, much of the Oklawaha River and its valley still remain unimpaired.

Refutation: No construction project is pretty during construction. The Corps of Engineers are clearing the Rodman Reservoir and will continue to clear it until the waters are debris free except for those dead and fallen trees desired by the Fish and Wild Life Service. The approach to the water weed problem by "Defenders of the Environment" indicated they believe there can never be a solution to this all important problem. If the many biologists and botantists who are interested in our environment would turn their efforts toward solving the water weed problem instead of fighting a project already ½ complete perhaps a solution to the problems could be found. Sooner or later the problem must be solved and it will be solved.

2. With cessation of further construction and expenditures of funds to remove downed timber and other debris from the areas affected, and with proper pollution control measures in the watershed, it is expected that with time even in the damaged areas the natural environments would recover, the wild quality of the area could be regained, and the ability of the region to supply high quality outdoor recreation would be restored.

Refutation: The History of the Cross Florida Barge Canal by William M. Partington is similar to the History by Professor Gordon Bigelow in that it tells only part of the truth. He failed to mention that during its 1961 session, the Florida Legislature created the "Florida Board of Conservation" consisting of the Florida Cabinet, and gave it quantitative control of all surface and underground water in Florida. It further directed that the Florida Board of Conservation would coordinate the request for Public Works funds into a unified program and present the program to the Congress of the United States. This unified Public Works program paid off. The Governor personally pleaded the case for Florida's Public Works program before the appropriate Committees of the Congress. With the support of the unified Water Program by the members of the Florida Delegation, Florida's appropriations for Public Works Projects rose from 14 million dollars anually in fiscal 1961 to 34 million dollars in fiscal 1965.

The same 1961 Florida Legislature endorsed the Cross Florida Barge Canal and created the Canal Authority of the State of Florida to work under the supervision of the Board of Conservation, and with authority to either build or furnish Right of Way for the Federal Government to build the Cross Florida Barge Canal. This project was, and continues to be, part of, the Florida unified Public Works Program. Right of Way funds have been appropriated by succeeding Legislatures on a matching basis with the Canal District consisting of the Counties along the route from Jacksonville to the Gulf. To date, Canal District taxpayers and the State have furnished over 10 million dollars for purchase of Rights of Way. Every Governor, including Farris Bryant, Hayden Burns and Claude Kirk, and the Cabinet, have each year continued to ask the Federal Government for construction funds along with the other Public Works projects. Construction was started in February 1964 by President Johnson in the presence of 13,000 rain soaked Floridians near Palatka. Appropriations have been slow because of the Vietnam war.

In order to get this construction start, the Canal Authority, whose members are chosen from the State at large, carried on a Statewide Public information program. We publicized the project as much as possible in order to let all the citizens of Florida know all about the project.

It's hard to understand why Mr. Partington left out this vital and important part of the Canal History, because without this Statewide effort, construction would not be underway today.

Newspaper publicity was plentiful and Editorial support was given by many Florida newspapers. The strongest newspaper supporter of the project was The Orlando Sentinel-Star, located in the same area with the Florida Audubon Society Headquarters.

When the Chairman of the Canal Authority learned of the opposition of the Florida Audubon Society to the Cross Florida Barge Canal, he personally contacted the President of the Society and asked for a conference in order to cooperate on having a project least objectionable to that group. The Society would not grant such a conference.

In Mr. Partington's history reference is made to the letter to the President of February 6, 1970, signed by 150 environmental specialists. This letter contained several incorrect statements which will be detected by the Staff of the various governmental agencies involved.

Finally, if the State of Florida requests the Congress or the President to STOP the Canal, not only will it have not kept faith with the people of Florida, but it will also not have kept faith with the Congressional Delegation; and the unified Public Works program of Florida will be known for the "State that doesn't know what it wants" so public works would be better off being built in other States. In addition, the flood waters of the upper Oklawaha Basin will have no place to go.

If the President or the Congress stops the project they will not have kept faith with all the people of Florida who have invested millions of dollars of tax funds as well as private funds, in anticipation of the completion of the Canal.

Operation of the canal

The three locks already built are of a size being criticized as antiquated in other barge canals which the Cross Florida Barge Canal is supposed to complement. To replace these locks with larger units in order to accommodate large, unbroken tows of barges would probably prove uneconomic. This barge canal will be too shallow for the newer trans-Gulf barges and for super-vessels carrying numbers of smaller barges.

Refutation: The Canal is designed to meet the known requirements of the Inland and Gulf River barges now in existence and expected to be built. The lock sizes will accommodate the gulf river barges for transportation across the open Gulf between the Western end and Anclote Key on the South and Carrabelle on the North. The standard size of both Inland and Gulf River Barges is 195 x 35 feet (9'-0'' draft when loaded); the difference between Gulf River and Inland Barges is in the construction and the covering—there is no difference in size.

Along the Mississippi and Intra-Coastal Waterways some tanker barges are 295 x 50 feet. These could also be accommodated in the locks of the Canal. It is not intended that the Canal will be used for any seagoing craft such as some of the large seagoing barges used for Oceangoing trade in the Caribbean.

These statistics can be verified with the Corps of Engineers or any reputable Barge Line.

ORLANDO, FLA., *January 9, 1970.*

Mr. HOBART LEWIS,
President and Editor in Chief,
The Reader's Digest,
Pleasantville, N.Y.

DEAR MR. LEWIS: As a long-time subscriber and reader of your magazine, I am shocked and severely disappointed at the irresponsible journalism and the half-truths and misinformation contained in the article "Rape of the Oklawaha" written by your Roving Editor, James Nathan Miller, and published in your January, 1970 issue. This kind of unfair and prejudiced reporting is partly responsible for the loss of faith of the American people in our established publications and news media. If you will carefully consider and investigate the following facts, I believe your great magazine will do something to correct the erroneous impressions created in the above article:

1. The Oklawaha River is *not* a primordial wild stream. It was destroyed in the first quarter of this century by the cutting of the

majority of cypress trees from its banks for use as lumber. This fact was brought out by a long time resident of the Oklawaha Valley at the 1966 hearing in Tallahassee. The cypress is a very slow growing tree with large deep roots which grow in water and are able to withstand swift currents as well as the wind and thus protect the banks of a small river like the Oklawaha. We are told that before the cypress were cut, river boats made the trip from Palatka to Silver Springs. The trees which replaced the cypress are shallow-rooted fast-growing varieties which are continually falling across the river undermined by the currents and blown down by the storms. The Corps of Engineers continually removes the fallen trees to permit boating and fishing on the river; if it were left alone, the river would become a morass of fallen trees not useful for anyone.

2. The reservoirs created by the Cross Florida Barge Canal will furnish many, many square miles of water properly controlled and suitable for recreation and fishing as well as navigation.

3. Mr. Miller would have the reader believe that the Corps of Engineers and local commercial interests were primarily responsible for getting the giant project underway. In the first place, the Corps never initiates a Public Works Project. Public works projects are initiated by local interests who convince their representatives in the Congress and the State Legislatures that a given project should be studied and after many years and many studies and 13 long separate steps (including authorization and *finally funding* by the Congress) construction is initiated. If the people of the State of Florida are a local commercial interest, then the author was correct on the second part. Construction on this project was not begun until the whole State wanted the Canal. It is the key to the development of inland water transportation in Florida.

4. The article gives very little history of the project and lists several incorrect dates and facts. Briefly, the first study for a canal across Florida was directed by the Congress in 1826. In 1829, the first survey report by President John Quincy Adams was made to the Congress. Since that time, 29 different routes have been explored including several through Georgia. The route finally chosen was selected because of the natural valley that exists across Florida. This route was selected prior to 1935 when digging for a Sea Level Canal was begun by President Roosevelt as a WPA project. The project was abandoned because of the possibility of damage to Florida's underground water supply by a Sea Level Canal. A barge canal which would not adversely affect the water supply was authorized in 1942 as a defense project. This authorization was a result of the terrific losses sustained by our tankers delivering oil from the Gulf Coast to the Eastern Seaboard. Approximately 40% of all American cargo shipping lost in World War II was sunk on this route.

The project was not built during World War II because the War Department believed that the War would be over before it could be completed.

Efforts of canal proponents continued but no serious headway was made until the 1961 session of the Florida Legislature reorganized the Board of Conservation (composed of the six elected Cabinet Officials of Florida and headed by the Governor) and created a Canal Authority to represent all of Florida. This authority, composed of five business and professional men appointed from the State-at-large was charged with the responsibility of building canals as needed throughout Florida and with the promotion of the Cross Florida Barge Canal. It also was given the task of acquiring rights-of-way for use of the Federal Government in construction of the project. The members of the Authority traveled the entire State telling the benefits of inland waterways and informing the people about the Cross Florida project including the location and the reason for its selection. The people of Florida, being on the tip of the United States and saddled with high freight rates, quickly saw the economic benefits of cheap transportation for bulk products.

Opposition encountered by the Canal Authority prior to the beginning of construction of CFBC consisted principally of some railroads. In 1960 and 1961, the Atlantic Coast Line had a full time attorney on the civic club circuit in Florida speaking against the Canal. He was taken off that assignment in 1962. The Florida East Coast Railway has favored CFBC. It was not until 1964 that the opposition of the Audubon Society of Gainesville and later the Audubon Society of Florida became known. An immediate effort was made by the Canal Authority to meet with officials of the Audubon Society and explain the project, but the Audubon Society refused such a conference and attended the 1966 hearing in force without the benefit of such a conference.

Names of the members of the Canal Authority that successfully led in getting construction underway are:

Henry Toland, Senior Vice President (now President), Exchange National Bank of Tampa.

Harry Saunders (now deceased), Retired General Manager of Port St. Joe Paper Company.

Palmer Van Arsdale—Trucking Executive, Pompano Beach, Florida.

James E. Merrill, President, Jacksonville Shipyards, Inc.

And the writer, who was Chairman.

Mr. Miller states that there were at least 50 lobbyists in Tallahassee for pro-canal interests. Between 1961 and 1965, there were no paid lobbyists in Tallahassee and only one part time lobbyist in Washington. If he is talking about interested citizens who believe in something and let their desires be known to their representatives, I would say the number was more like 500. Would the "Reader's Digest" want our democratic system to work any other way?

The history of the Canal and the sudden and continued opposition to the project by groups primarily interested in preservation of natural wilderness (which the Oklawaha was not) leaves one to believe that the whole campaign to stop the canal is being sponsored by those who have a vested interest in preventing its construction.

Mr. Miller would have the public believe the Corps of Engineers has ruined our country. Yet our nation leads the world in development of its water resources. Together with the Bureau of Reclamation, the Corps has been responsible under the direction of the President and the authorization and funding of the Congress for developing most of these resources. Perhaps the Corps is not perfect, but of a necessity some federal agency must do the job. The Corps is best equipped by 200 years of experience to do the job.

In spite of what Mr. Miller says—The Corps does hold well advertised public hearings on every project. I have attended them. My observation is that very few people appear at these hearings. But a much better forum is that of the honest press, and in publicizing the Cross Florida Barge Canal during the years immediately prior to construction, we have the clippings to show that it was publicized. Where were the Preservationists then?

It is easy to attack the Corps because it cannot fight back, but we who are the private citizens can fight back and we will.

6. During the public information campaign being carried on by the Canal Authority, Governor Farris Bryant and his Cabinet working as the Florida Board of Conservation developed a unified approach to public works requests for all of Florida. Inland Navigation Groups, Water Management Districts, Flood Control Districts and Port Authorities all joined together to present a statewide Public Works Program to the Congress. Governor Bryant personally led this group thus saving time for the Committees as well as the State Agencies. He was complimented on this action by the Congress and rewarded by having the Public Works Appropriations doubled during his term of office. This is the large delegation spoken of by Congressman Boland in Mr. Miller's article. Every representative of every Florida Project backed the program. Teamwork paid off for our rapidly growing State. Construction was started on the CFBC but the benefits to all other projects in the State were much greater. Would you condemn the statewide approach to Water Resource Development?

7. The aforementioned article attacks the benefit Cost Ratio as a method of determining whether a project should be built or not. The B. C. ratio method is recognized in private industry as well as government. What other method could be used in a democratic society? In particular, the B. C. ratio of the Cross Florida Canal was attacked, and the method the Corps used in arriving at it. The Corps is actually very conservative.

The A. D. Little Company was asked to make a study for the Corps and for the Committee of Congress as to the B. C. ratio of the CFBC in 1962. Their report showed a ratio of 4.6 to 1. The Corps reduced it to 1.17 to 1. This was raised in 1968 to 1.5 to 1 when recreation benefits were permitted. Defense benefits have never been permitted as an economic benefit.

Mr. Miller makes much of the 1958 study versus the 1962 study. If he had investigated he would have found that the 1958 study was only an updating of old studies and the 1962 study was a complete new study using newer methods of construction and excavation.

He also states that costs could not have gone down in that period. A little investigation would have revealed that cutter dredges and modern earthmoving equipment developed after World War II greatly reduced the cost of excavation everywhere.

Mr. Miller advocates considering the loss of half the Oklawaha River when considering B. C. Ratio. I agree and it has been considered. The value of the Oklawaha as an already destroyed crooked narrow stream requiring constant maintenance to make it available to a very limited number of people versus the beautiful reservoirs to be enjoyed by thousands of people has enhanced the B. C. Ratio. We in Florida must prepare for the people who are coming here and we need the best recreational facilities possible.

8. The big benefits of CFBC, of course, are the savings in the cost of living afforded by low cost bulk transportation from the Midwest bread and chemical basket to the Eastern Seaboard and in and out of Florida. Here is where the average citizen shares in the benefits. Everywhere that water transportation has been made available, freight rates have dropped. Whole books can be written on the actual savings that have occurred. I will mention one! A barge operator planned to build some small barges (the limited Okeechobee Waterway cannot take standard barges) and ship sugar cane from Lake Okeechobee to Savannah and New Orleans. As a result of his inquiry, the freight rates on sugar cane dropped from 20% to 40%. Would the Reader's Digest deny the people of this nation the benefit of having their cost of living dropped by water transportation through the CFBC? You have gone a long way in this direction by printing "The Rape of the Oklawaha."

9. Mr. Miller said very little about the Flood Control benefits of the CFBC. Had he lived in Central Florida in 1960 during the

floods that caused serious damage to thousands of homes in the area he would have appreciated this benefit. Senator Holland specifically asked that work on the two ends of the canal begin first so that flood control benefits could be realized first. The Oklawaha locks and dams are a definite part of the Flood Control system of all of Central Florida. The narrow stream with falling trees just could not handle the flood waters. Would you deny this benefit to our area?

10. Finally, no matter how we may wish for the old days, our total environment must be managed today. I believe even Mr. Miller would agree on this. Nothing can be left literally alone to let the public do with it as it will. Then the problem resolves itself: "Whatever is best for all our people should be done." But this cannot be determined without exhaustive studies and without the leadership of responsible citizens as well as governmental leadership. I submit this is the method that was followed in promoting the construction of the Cross Florida Barge Canal. And I ask the question—"Why would a publication like the Reader's Digest try to tear down a great economic cultural development which had been dreamed of and worked for so hard by so many well-meaning citizens?"

I do not know how you can compensate for the irreparable damage your magazine has done in creating doubts in the eyes of the American public as to integrity of the Corps of Engineers or the well meaning of the many dedicated citizens who gave of themselves unselfishly to see this great project started, but I believe that if you will check my facts thoroughly you will find a way to correct the impressions given in "Rape of the Oklawaha."

In order that you might know me better, I am enclosing a very brief biography. I invite you to check my sincerity and my knowledge of the subject.

Sincerely,

W. A. McCREE, Jr.

Mr. HOLLAND. I hope that the amendment will be defeated.

Mr. YOUNG of North Dakota. Mr. President, this project is 30 percent complete. The sum of $52.7 million already has been spent on it. I think it would be a serious mistake to hold up funds for the construction of this project now.

In order to save time, I ask unanimous consent to have three paragraphs from the House report, supporting this project, printed at this point in the RECORD as a part of my argument in support of this project.

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

The project has a very favorable benefit-to-cost ratio of 1.4 to 1. Since authorization, the project has been subject to two special studies to examine the economic justification of its construction, including an independent study by a nationally recognized consulting firm. These studies include comments from other agencies having expertise in the fields of biology, natural esthetics, and environmental matters. The design and construction of the project have been fully coordinated with Federal and State agencies to insure that the environmental aspect of the project area are preserved and enhanced. The U.S. Geological Survey has recently completed a detailed study of the geohydrology of the canal and the Ocala area, which indicated that the proposed canal would not adversely affect the quantity or quality of the water coming from Silver Springs. Its study also disclosed that the impact of the barge canal on ground water supply will be negligible.

In reference to the fish and wildlife, it is realized that with the construction of any new reservoirs, habitats change and some plants and animals are reduced but other plants and animals appear and prosper in the new environment. The new reservoirs will provide many thousands of acres of new habitat for a wide variety of sport and commercial species. The committee believes that studies that have been made support conclusions that while some short term losses will result, the overall effect will be a long term gain in the environmental quality.

Considering therefore, the status of the construction and the need for the project, the committee recommends that the construction work continue and that every effort continue to be made to minimize any adverse effects on the environment, ecology, and fish and wildlife in the area. Any additional studies would appear to be a duplication of previous work and would delay realization of the essential project benefits.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. YOUNG of North Dakota. I yield.

Mr. HOLLAND. I want to advise the Senator that instead of the $52 million committed at the time the Senate committee heard this project—and he is correct in using that figure—the additional amounts that have been committed since that time raise the total to $68 million, either expended or committed, making the project much more than a third completed so far as its financing is concerned.

Mr. NELSON. Mr. President, the Senate Committee on Appropriations has recommended the appropriation of an additional $8 million for the Cross-Florida Barge Canal project. I strenuously oppose the further construction of this project—a project which has been termed by an eminent biologist of the Florida Department of Water Pollution Control as—and I quote—"the most devastating project ever undertaken in Florida."

The folly of the canal project can be fully recognized only when its legislative history is recalled. The canal was authorized in 1942 as a bypass around Nazi submarines for allied shipping. No other reason was advanced by Congress when its authorization was made.

The canal poses a direct threat to the water supply of much of the State of Florida and involves the destruction of a river which has been considered for inclusion in the wild and scenic rivers system. Moreover, the benefit-cost ratio of the canal project is open to serious question. At this point the conclusion is reasonable that the continued construction of the Cross-Florida Barge Canal is a complete waste of the taxpayers' money.

Secretary of the Interior Hickel has requested a 15 month moratorium on further construction of the canal. As yet he has received no reply from the Secretary of the Army. I believe that the moratorium is reasonable and urgent.

If the Congress sees fit to appropriate additional funds for the project, I wish to make it clear that such appropriation is not to be construed as a waiver of the duties of the Corps of Engineers to comply with relevant environmental legislation.

The PRESIDING OFFICER (Mr. DOMINICK). The question is on agreeing to the amendment of the Senator from South Dakota (Mr. McGOVERN).

The amendment was rejected.

Mr. HOLLAND. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. MANSFIELD and Mr. ELLENDER moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. HANSEN. Mr. President, it was my understanding that when the committee met to mark up the bill, it intended to include an additional $500,000 for work on the Lyman project in southern Wyoming. The report on the bill does not reflect this in the individual views.

I, therefore, send to the desk an amendment and ask for its immediate consideration, to include the additional fund of $500,000 for the work on the China Meadows Dam of the Lyman project.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 17, line 21, delete the following: "$22,675,000, of which $21,530,000" and insert "$23,175,000 of which $22,030,000."

Mr. HANSEN. Mr. President, let me say that the Lyman project will be served by two small reservoirs, the Meeks Cabin and the China Meadows project. One of the dams is nearly completed and on the other we are hoping to get the additional $500,000 for preconstruction work.

The Bureau of Reclamation has contracted with the ranchers and the farmers in that area for much of the water that would be impounded by the two dams. Repayment for the project will result from the imposition of an ad valorem tax levied on all lands in the broad project.

I want to say that I think it will be clearly in the public interest to permit this preconstruction work to begin, in order to avoid a greater cost later on that will result, if it became necessary to close down the camp that the Bureau of Reclamation has there, move the personnel out and all the equipment, and store the equipment that will have to be stored and then brought back in at a later date and set up again.

I have spoken to the distinguished chairman of the committee and it would be my hope that he will be able to accept the amendment.

Mr. YOUNG of North Dakota. Mr. President, these two projects are really tied together in order to make them viable projects to make possible a favorable benefit-to-cost ratio. Both should proceed together.

I feel somewhat negligent myself that this project was not fully brought to the attention of the committee, and I would therefore ask that the distinguished chairman consider this amendment favorably.

Mr. MANSFIELD. This was an oversight. It was intended to be attended to by the committee. It is just one of those things that slipped by us and before we knew it, it was too late.

Mr. ELLENDER. Mr. President, I shall be glad to take the amendment to conference.

The PRESIDING OFFICER (Mr. DOMINICK). The question is on agreeing

to the amendment of the Senator from Wyoming (Mr. HANSEN).

The amendment was agreed to.

Mr. McGEE. Mr. President, the bill before us contains a key item, representing a moderate allocation in funds but a generous and important benefit for the Little Snake River Valley of Wyoming and adjacent areas of Colorado. This is an increase of $250,000 in the appropriation for the Bureau of Reclamation applying to the Savery-Pot Hook reclamation project. All told, with this increase, the outlay approved for Savery-Pot Hook in this fiscal year will amount to $300,000, when we add in the $50,000 asked by the administration in its budget request to complete advance planning on the project.

Advance planning on Savery-Pot Hook is, in fact, very near completion, and there is no reason why the benefits this project can bring to a very deserving and promising region should be longer delayed. I am very thankful to the committee and to the Public Works Subcommittee and its chairman, Senator ELLENDER, for recognizing this and providing funds in the amount of a quarter of a million dollars as a construction item.

Savery-Pot Hook, which is estimated at an eventual cost of another $14 million, has been long in the planning stage, Mr. President. Before that, it was long in the dreaming stage. It encompasses two dams, on Slater and Savery Creeks in Carbon County, Wyo. These will impound nearly 85,000 acre-feet of water which will be used to irrigate approximately 35,265 acres of land, of which 21,920 acres will be new land and 13,345 acres which are in need of supplemental water.

As one who has lived his 12 years in the Senate with this project always before him, I am overjoyed to see it reach the stage of having construction funds approved. The initial feasibility report on Savery-Pot Hook goes back to 1954, but it was not until a decade later, Mr. President, that the authorization for the project was approved. As the sponsor of the authorization bill, it has been my pleasure to pursue the further development of the project. To this point, we have appropriated $665,146 for that development. But today we reach a real landmark with the inclusion in this bill of these funds earmarked for construction. Seldom has money been better spent.

Savery-Pot Hook, of course, is not the only benefit Wyoming draws from this important bill. All told, more than $9 million is included for outlays in my State, including a major expenditure of $1,943,000 for the Lyman project, $225,000 for the Seedskadee project, $193,000 for the Eden project and $211,000 for the Kendrick project. In addition, we are pleased in Wyoming to see the measure includes outlays to carry on studies essential to the future of the proposed Green River and Corn Creek projects.

I want to thank the Senate for its approval today especially of the added $500,000 for the Lyman project. This addition to the project's funding, which my colleague (Mr. HANSEN) and I both vigorously supported, means work can proceed with the second dam on the Lyman project, the China Meadows Dam. It is an integral part of this ongoing project and the appropriation of funds for it is wise.

This bill, Mr. President, is indeed an important one to States like my own and I want to commend the committee for its attention to the needs of these worthwhile projects.

Mr. COOPER. Mr. President, I know the hard work and faithful attention that Senator ELLENDER, the chairman of the Subcommittee on Public Works Appropriations has given to this bill, as he has every year, and that we are all grateful for his devotion, knowledge, and experience, and conscientious attention to the orderly development of the water resources of the Nation. I serve as a member of the Appropriations Subcommittee on Public Works items, ex officio, as I am the ranking minority member of the Senate Committee on Public Works. I appreciate, as I know do other Members of this body, the long hours and hard work which this bill represents. The Senator from Louisiana has always been gracious and thoroughly attentive to the witnesses from Kentucky and members of the Kentucky delegation, when we appear before him each year, and we recognize again his contribution. The senior Senator from North Dakota (Mr. YOUNG), the ranking Republican member of the subcommittee his always been very helpful, and all the members of the committee deserve great credit for their work in dealing with what are often difficult problems in connection with some of these great projects.

I note also the report of the subcommittee this year opens with comments on the problem of public works and the environment, and commend the chairman and the committee for their attention and recognition of environmental problems which are being raised, and which will be increasingly raised in the future.

I am very glad to note that the bill appropriating funds for public works for fiscal year 1971 includes all of the Kentucky items recommended in the President's budget—which were also approved by the House of Representatives.

The House also provided funds to initiate the construction of Martin's Fork Reservoir, to continue the construction of the Taylorsville Reservoir on the Salt River. I have worked for these projects for years, for it is essential to protect the areas and communities downstream. Earlier this year Congressman TIM LEE CARTER and I secured agreement from the Bureau of the Budget that the funds appropriated last year for Martin Park Reservoir would be released at the beginning of this fiscal year, and we are glad that the House and Senate committees have included the full capability of the Corps of Engineers for the construction of Martin's Fork Reservoir. The Senate bill maintains the House additions.

In addition, I had asked the committee that funds be included to initiate the construction of Paintsville Reservoir in eastern Kentucky and the construction of the Mound City lock and dam—the last of the great replacement locks in the navigation system on the Ohio River where it borders Kentucky from Ashland through Cairo. The committee bill includes $900,000 to begin construction of the Paintsville Reservoir and $1 million to initiate construction of the Mound City lock and dam—and I hope very much that these amounts may be maintained in the conference with the House.

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

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

Mr. ELLENDER. Mr. President, third reading.

The PRESIDING OFFICER (Mr. DOMINICK). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 18127) was read the third time.

Mr. ELLENDER. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), the Senator from Texas (Mr. YARBOROUGH), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from North Carolina (Mr. JORDAN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senators from Rhode Island (Mr. PASTORE and Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I also announce that the Senator from Tennessee (Mr. GORE), the Senator from Washington (Mr. JACKSON), and the Senator from New Mexico (Mr. MONTOYA) are absent on official business.

I further announce that, if present and voting, the Senator from Idaho (Mr.

CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from North Dakota (Mr. BURDICK) would each vote "yea."

Mr. HANSEN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. GOODELL), the Senator from Florida (Mr. GURNEY), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Ohio (Mr. SAXBE), the Senator from Illinois (Mr. SMITH), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maine (Mrs. SMITH) is absent on official business.

I further announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Utah (Mr. BENNETT), the Senators from Delaware (Mr. BOGGS and Mr. WILLIAMS), the Senator from Massachusetts (Mr. BROOKE), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Idaho (Mr. JORDAN), the Senators from Pennsylvania (Mr. SCOTT and Mr. SCHWEIKER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I announce that, if present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from Colorado (Mr. ALLOTT), the Senator from Utah (Mr. BENNETT), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from New York (Mr. GOODELL), the Senator from Florida (Mr. GURNEY), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The yeas and nays resulted—yeas 48, nays 1, as follows:

[No. 263 Leg.]

YEAS—48

Allen	Fannin	McGovern
Anderson	Fong	McIntyre
Bayh	Fulbright	Miller
Bellmon	Gravel	Nelson
Bible	Hansen	Packwood
Byrd, Va.	Harris	Pearson
Byrd, W. Va.	Hart	Percy
Case	Holland	Prouty
Cook	Inouye	Randolph
Cooper	Javits	Spong
Cranston	Long	Stennis
Dole	Magnuson	Talmadge
Dominick	Mansfield	Thurmond
Eastland	Mathias	Williams, N.J.
Ellender	McClellan	Young, N. Dak.
Ervin	McGee	Young, Ohio

NAYS—1

Proxmire

NOT VOTING—51

Aiken	Brooke	Curtis
Allott	Burdick	Dodd
Baker	Cannon	Eagleton
Bennett	Church	Goldwater
Boggs	Cotton	Goodell
Gore	McCarthy	Saxbe
Griffin	Metcalf	Schweiker
Gurney	Mondale	Scott
Hartke	Montoya	Smith, Maine
Hatfield	Moss	Smith, Ill.
Hollings	Mundt	Sparkman
Hruska	Murphy	Stevens
Hughes	Muskie	Symington
Jackson	Pastore	Tower
Jordan, N.C.	Pell	Tydings
Jordan, Idaho	Ribicoff	Williams, Del.
Kennedy	Russell	Yarborough

Mr. MANSFIELD. Mr. President, I ask for the regular order.

The PRESIDING OFFICER (Mr. FANNIN). On this vote there are 48 yeas and 1 nay. A quorum did not vote. The vote is invalid. The Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 264 Leg.]

Anderson	Fannin	Nelson
Byrd, W. Va.	Hansen	Proxmire
Cook	Hart	Young, N. Dak.
Dominick	Holland	
Ellender	Mansfield	

The PRESIDING OFFICER (Mr. FANNIN). A quorum is not present.

ADJOURNMENT UNTIL 10 A.M., MONDAY, AUGUST 24, 1970

Mr. MANSFIELD. Mr. President, under the rules, the Senate has no choice but to adjourn at this time.

Therefore, I move, under the previous order, that the Senate stand in adjournment until 10 a.m. on Monday next.

The motion was agreed to; and (at 5 o'clock and 4 minutes p.m.), the Senate adjourned until Monday, August 24, 1970, at 10 a.m.

EXTENSIONS OF REMARKS

WEST VIRGINIA UNIVERSITY CELEBRATES CONSTRUCTIVE DECADE—FACILITY ONE OF FINEST IN NATION—PROVIDES OUTSTANDING SERVICE BOTH AS HOSPITAL AND AS TEACHING COMPLEX

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, August 21, 1970

Mr. RANDOLPH. Mr. President, on August 10, West Virginia University and the State of West Virginia observed the end of the first decade of outstanding medical service by the West Virginia University Hospital.

We are experiencing critical shortages of medical personnel and availability of hospital beds in many areas of our Nation. It is the university teaching hospitals throughout our country which are providing expanded medical services and helping to relieve some of the burden for increased demands for adequate medical care.

West Virginia University Hospital has filled a much needed void in the Mountain State and has provided our citizens superb medical care.

Much of the credit for the establishment of this fine facility, including the Basic Science Building, is given to former Gov. Okey L. Patteson, whose efforts and devotion to the project helped to make it a reality.

We, in West Virginia, are fortunate to have highly capable physicians at West Virginia University, who are held in high esteem by their colleagues throughout the medical profession.

I congratulate West Virginia University Hospital for its first decade of public service and wish it continued success in the coming years as it continues to provide truly exceptional medical care.

Mr. President, I request unanimous consent to have the news release from West Virginia University printed in the RECORD at this point.

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

WEST VIRGINIA UNIVERSITY NEWS

MORGANTOWN, W. Va., August 10 1960.—On that day, the brand new and long-awaited West Virginia University Hospital admitted its first patient.

Accompanying the patient was her referring physician, Dr. Jacob C. Huffman of Buckhannon, then president of the State Mental Association which had actively helped in the early planning of the facility.

Flash bulbs popped, smiles abounded and the welcoming ceremony was warm and informal as WVU and the Mountain State celebrated the completion of the teaching and treatment hospital.

Adjoining the Basic Sciences Building (completed and occupied in 1957), the University's teaching hospital made the complex a true medical center built at a total cost of $26.2 million.

Thus began a new era that within the next decade would blend in a single setting: educational opportunities in the health sciences never before available to West Virginians in their own state; research into health problems; and extensive diagnostic and treatment services for patients.

In the first eight years, one of every 25 West Virginians had been treated at University Hospital.

In one sample survey taken of all patients admitted between midnight April 30 and midnight May 14, 1968, 83.9 per cent of the patients came from 41 of West Virginia's 55 counties. The remaining 16.1 per cent came from nine counties in Pennsylvania, Maryland and Ohio.

University Hospital is a referral center. Except for emergencies, all patients are referred to the facility by family physicians or community agencies. Payment of hospital bills must come from the individual patient or his responsible relative unless arrangements for payment are made through a third party.

University Hospital Director Eugene L. Staples, who was appointed in January, 1960,

one month before the University formally accepted the completed building, has long called the family physician "the key figure in admission process."

Because these physicians, mostly West Virginians, have shown their confidence by referring their patients with special medical problems or needs, the hospital has made steady growth.

By December of the first year, the hospital's services included medicine, general surgery, neurosurgery and the other surgical specialties, obstetrics and gynecology, pediatrics, and physical therapy and rehabilitation.

A department of psychiatry joined by the following November.

Another veteran of University Hospital's embryonic days is Audrey E. Windemuth, director of Nursing Service.

Responsible for more than 450 people in the nursing department, Miss Windemuth works with doctors, administrators and professional people in allied health fields to see that University Hospital patients get the best care possible. And she and her staff cooperate with the WVU School of Nursing to provide the clinical experiences nursing students must have.

Established in February, 1961, was Friends of University Hopital, an auxiliary organization whose members still give thousands of hours of volunteer services to patients and all their Gift Shop profits toward improvements for the hospital.

In February, 1962, the first open heart surgery was performed at the hospital. And in July of that year, the hospital received notice of its full accreditation by the Joint Commission on Accreditation of Hospitals. By the following November, 1,000 babies had been born there.

Director Staples could look back and point out with justifiable pride that, in its first 11 months, the University Hospital reached a level of operation that took then-new university hospitals in Washington, Florida and Kentucky two years to attain.

Today the 2,156-room University Hospital has 1,150 employees to meet the various needs of its ever increasing numbers of patients. Services by 30 members of the present staff date back to or before opening day, while many other staff members boast records of service to University Hospital almost as long.

A sampling of comparison figures contained in the hospital's latest annual report gauges its growth:

Admissions—(1960–61) 2,293, (1969–70) 12,036; Birth—(1960–61) 231, (1969–70) 895; Days of Care—(1960–61) 29,401, (1969–70) 135,552; Beds in Service, including newborn (1960–61) 170, (1969–70) 458; Outpatient Visits—(1960–61) 5,705, (1969–70) 80,-831; Emergency Room Visits—(1960–61) 3,041, (1969–70) 25,611; Operating Room—(1960–61) 947, (1969–70) 5,407; Physical Therapy Treatments—(1969–71) 8,033, (1969–70) 22,674; X-ray—Diagnostic—(1960–61) 6,901, (1969–70) 59,065; X-ray Therapy Procedures—(1960–61) 1,460, (1969–70) 7,319; Laboratory Procedures—(1960–61) 38,026, (1969–70) 633,860.

During University Hospital's first decade, 153 men and women have completed internships there, 151 have completed residencies in 16 medical and dental specialties, 20 have become X-ray technicians, and West Virginia University has granted 156 degrees in medical technology, 234 degrees in nursing, 327 degrees in dentistry, 76 degrees in dental hygiene, 289 degrees in pharmacy, and 440 degrees in medicine.

First priority as University Hospital enters its second decade is construction of a four-story addition, already approved and funded. The addition will enlarge emergency room and radiology facilities and make possible a specially designed 16-bed intensive care unit to replace 10 beds in an ill-adapted area currently used for this critical service.

PROBLEMS OF INTERNATIONAL TRADE

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CULVER. Mr. Speaker, the problems of international trade have attracted particular national attention in the past several months. Many are worried that large influxes of cheap imports will seriously damage important industries. Others are equally as worried that American protectionism will spark a trade war which will injure many other industries with markets abroad and which will contribute to the inflationary spiral.

In response to this national concern, the Ways and Means Committee recently reported out a bill which would reverse the recent trend toward freer trade and which would establish mandatory import quotas for textiles and shoes. President Nixon has threatened to veto this bill, if it is passed by the Congress. In this context it is important for the country to candidly examine all sides of this issue to see where the interests of the United States really lie.

On the one hand, the injury done to certain industries by increased imports should be fully recognized. It is painful for a worker to find a new job when his previous employer is forced to shut down or change his operations. It is equally as painful for the employer to close his doors or to change his methods of doing business.

In these situations life patterns are disrupted and workers with special, nontransferable skills are deprived of a means to earn a living for themselves and their families. Investments are destroyed. Buildings and machinery stand idle while unemployment lines grow.

On the other hand, Iowa and the Nation as a whole have a tremendous stake in keeping open the channels of free international trade. In the agricultural field alone, the United States earned $6.65 billion through exports in 1969–70. Iowa's share of this total amounted to well over $400 million. Soybean and soybean products accounted for $160 million with feed grains and meat products making up a substantial part of the remainder. American protectionism could provoke retaliation and seriously affect this market. For example, it has been estimated that should protectionism induce a reduction in foreign demand of as little as 5 to 8 percent, it would result in a drop of soybean prices of 25 to 50 cents a bushel.

The 2.7 million Americans depend upon exports for their livelihood, because they are involved in producing goods for sale overseas. Additional jobs are created in the transportation field and in the export of services.

In the final analysis, however, every American would be affected by a trade war, because a reduction of imports would mean a reduction in the supply of many items for which there is a large domestic demand. The result will be higher prices, and fewer product choices. Those families with lower incomes have the most to lose. Some may even find themselves unable to afford certain articles or be forced to settle for those of lesser quality.

Another factor should be kept in mind. An import quota directly benefits only those companies in the specific industry, while it penalizes every American consumer by maintaining prices at an artificially high level.

Many experts in the field have also noted that quotas tend to favor the creation of "vested interest" groups, which have a direct interest in excluding other manufacturers from obtaining a share of the American quota. In this way quotas promote the establishment of monopolistic practices which severely limit competition and tend to maintain high prices.

Under existing law the Government has a number of ways in which to alleviate the damage caused to sectors of the American economy by cheap imports. The Trade Expansion Act of 1962 provides for investigations by the Tariff Commission and for Federal assistance when serious injury has been sustained by individual workers, by specific firms or by an industry as a whole. Workers can receive training, counseling, and additional cash allowances. Firms become eligible for technical and financial assistance, and when the injury is industry-wide, tariffs can be increased above existing levels.

This approach is designed to deal with the specific damage caused in our economy and is intended to retain the benefits of lower priced, imported products. If the present programs do not operate effectively, they should be improved and liberalized.

In fulfilling its responsibilities to promote the national welfare, the Federal Government should pay particular attention to those sectors of the economy which are damaged by large quantities of imported products. The Government should not, however, become so impressed with the arguments of special interest groups that it takes steps injurious to all Americans in the long run by closing to us our own important foreign markets.

EGYPT'S BREACH OF MIDDLE EAST CEASE-FIRE AGREEMENT

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, August 21, 1970

Mr. SCHWEIKER. Mr. President, I wish to address myself to the latest developments in the so-called standstill cease-fire which went into effect in the Middle East August 7.

I was one of those who hailed the achievement of a cease-fire in the Middle East, because a true cease-fire period would provide an excellent climate for peace negotiations between Israel and its Arab neighbors. Furthermore, I felt that the mere fact that a cease-fire had been accepted by Egypt, Jordan, Lebanon, and Israel was in itself a hopeful sign.

Now, however, Israel has shown that Egypt violated the cease-fire by moving several surface-to-air missile batteries to within 16 miles of the Suez Canal, after the cease-fire period began. The cease-fire agreement called for no improvement of military positions by either Egypt or Israel within 31 miles of the canal.

Mr. President, I am deeply concerned with this news, first, because it is a serious breach of the cease-fire agreement, and second, because it now puts Egyptian-Soviet missiles in a position to hit Israeli planes flying over the Israeli-held side of the Suez Canal. Until the cease-fire period began, Israel air missions were able to deter the emplacement of Soviet-Egyptian missiles so close to the canal. This has caused a marked deterioration in Israel's strategic position.

Yet our State Department, which does not deny that the movement of missiles took place or that this constitutes a breach of the cease-fire, is strangely silent.

I am afraid, Mr. President, that once again we have permitted Egypt and the Soviet Union to escalate their forces against Israel without lifting a finger or even raising our voice. We have counseled Israel to be moderate but we have done little or nothing to discourage Egypt or the Soviet Union from being immoderate.

We are all hopeful that peace can come to the Middle East. We all hope that the cease-fire can succeed toward that end. But at the same time we cannot be blind to the deadly game the Soviet Union and Egypt have been playing at the expense of Israel's security posture. Once again, if we do nothing or say nothing, they will have scored and the Middle East crisis will become that much harder to solve.

Mr. President, I call upon our State Department to make it clear that we will not tolerate such breaches of the cease-fire, and I hope, as well, that Israel's new worsened strategic position can be duly noted by those in charge of our military aid policies in the executive branch.

IMPEACHMENT OF ASSOCIATE JUSTICE WILLIAM O. DOUGLAS

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. GERALD R. FORD. Mr. Speaker, on August 5, I forwarded to the distinguished chairman of the Committee on the Judiciary and of its special subcommittee, Mr. CELLER, investigating the impeachment of Associate Justice William O. Douglas, a comprehensive legal memorandum on the impeachment process as it relates to the Federal Judiciary. This study was independently prepared at my request by the Detroit, Mich., law firm of Dykema, Gossett, Spencer, Goodnow and Trigg. The full text of this legal memorandum, together with related correspondence, appears in the CONGRESSIONAL RECORD of August 10 at pages 28091 to 28096 inclusive.

Under previous permission, I am hereby placing in the RECORD an important addendum to the basic memorandum consisting of a letter from Dykema, Gossett, Spencer, Goodnow and Trigg, dated August 12, 1970, commenting particularly upon the legal memorandum prepared by the attorney for the accused, submitted to the special subcommittee on May 18, 1970. The text of the commentary and the memorandum to which it refers follow:

DYKEMA, GOSSETT, SPENCER, GOODNOW & TRIGG,
Detroit, Mich., August 12, 1970.

Hon. GERALD R. FORD,
House Minority Leader,
The U.S. Capitol,
Washington, D.C.

DEAR CONGRESSMAN FORD: Several months ago, you requested that we prepare a memorandum concerning the Congressional Impeachment Power as it relates to the Federal Judiciary. You asked that our analysis be objective, non-partisan and unbiased and that our conclusions be without regard to any pending controversy involving the Federal Judiciary. I and my associate D. G. Wyllie researched the problem thoroughly and on June 23, 1970, we delivered that memorandum to you (the "Kelley Memorandum"). We reviewed each of the reported proceedings where federal judges were impeached, we discussed each proceeding and we concluded on the basis of precedents and authorities that conduct of a Federal Judge properly subject to impeachment need not be "indictable" or "criminal" and might even consist of conduct which would be "blameless if committed by a private citizen".

Since delivering the Kelley Memorandum to you, we have received a document entitled "Memorandum on Impeachment of Federal Judges" prepared by Simon H. Rifkind as counsel for Mr. Justice Douglas (the "Rifkind Memorandum") and submitted to the Celler Subcommittee on May 18. The Rifkind Memorandum purports to establish the proposition that "There is nothing in the Constitution or in the uniform practice under the Constitution to suggest that Federal Judges may be impeached for anything short of *criminal* conduct." (Rifkind Memorandum, p. 1. Emphasis in original.)

On August 7 you requested that we review the Rifkind Memorandum and advise you if that Memorandum in any way affects the opinions and conclusions expressed in the Kelley Memorandum. After a careful review, we conclude that there is nothing in the Rifkind Memorandum that in any way alters the opinions and conclusions expressed in the Kelley Memorandum. In fact, the references and sources of material in the Rifkind Memorandum led us to authorities not included in the Kelley Memorandum that confirm beyond any reasonable doubt the correctness of the conclusions reached in the Kelley Memorandum and the absolute invalidity of the proposition argued in the Rifkind Memorandum. We shall discuss those authorities in this letter.

The Rifkind Memorandum is to a considerable degree grounded on historical inaccuracies. For example, Rifkind claims that past impeachment proceedings, notably that of Justice Chase, conclusively established that impeachment would lie only for "criminal conduct" or "criminal offenses". As we discussed at page 9 of the Kelley Memorandum, the Chase Impeachment merely established that impeachment was not to be a purely partisan weapon.

Rifkind makes reference to impeachment proceedings against President Andrew Johnson. As the Kelley Memorandum clearly shows, different standards are to be applied in the case of the Federal Judiciary. The tenure of office of the President is not based upon "good behavior" as in the case of Federal Judges and thus is in no wise an analogy as the decided cases involving the Federal Judiciary clearly demonstrate.

When Rifkind attempts to support the proposition that impeachment of the Federal Judiciary will lie only for *"criminal* conduct" he refers us to source material (and for authority not included in the Kelley Memorandum) which indisputably establishes that the Rifkind position is completely and utterly without foundation. Rifkind deals with the *Archbald* case at pages 8 and 9 of the Rifkind Memorandum which in its entirety reads as follows:

"B. *Robert W. Archbald* (Circuit Judge—Commerce Court 1912): Archbald, a former district judge and later circuit judge assigned to the Commerce Court (which had jurisdiction over ICC orders), was formally charged with inducing railroads with cases pending before him to sell or lease to him certain coal properties; with accepting $500 from a coal operator for seeking to persuade another railroad with a matter before him to lease certain coal properties to the operator; with generally speculating in coal properties while a member of the Commerce Court and with selling his services to compromise matters pending before the ICC for his own personal profit. With "respect to his prior service as a district judge, he was charged with 'accepting' loans from lawyers and litigants who had cases pending before him. Archbald, **who admitted the factual basis for the** charges but denied any criminal intent, was convicted on five counts. Senator Elihu Root, joined by Senator Henry Cabot Lodge, explained that he had voted to convict Archbald—

" 'Because I find that he used the power and influence of his office as judge of the Court of Commerce to secure favors of money value for himself and his friends from railroad companies, some of which were litigants in his court and all of which were under the regulation of the Interstate Commerce Commission, subject to the review of the Court of Commerce.

" 'I consider this course of conduct, and each instance of it, to be high crime and misdemeanor.

" 'I have voted 'not guilty' upon the other articles, because while most of them involve improper conduct, I do not consider that the acts proved are high crimes and misdemeanors . . .' ". (End of Rifkind quote.)

It is noted that the Rifkind Memorandum, relying solely upon Senator Root for its inferences, indicates no source for the Root statement and the Root quotation was clearly taken out of context. I repeat that Rifkind, as his *sole* authority, relies upon remarks of the illustrious Senator Elihu Root. Carefully read the quoted language does not in fact support Rifkind's proposition. Other action by Senator Root establishes the very contrary; that Senator Root considered the Archbald case as "forever removing from the domain of controversy the proposition that judges are only impeachable for the commission of crimes or misdemeanors against the laws of general application", and as establishing the proposition that a Federal Judge may be impeached for acts "that would have been blameless if committed by a private citizen". It was none other than Senator Root who on January 13, 1914 successfully moved that a Harvard Law Review Article be printed as a public document (Senate Document No. 358) terming it "very instructive" and "of very great value when taken in connection with the proceedings in the Archbald case" (Cong. Rec. 1914, p. 1561). The action of Senator Root, and the part of the article dealing with the issue with which we are concerned here was adopted as the highest precedental authority by the House of Representatives.

The article that was printed as Senate Document No. 358 was written by Mr. Wrisley Brown, Special Assistant to the Attorney General, who conducted the original investigation which resulted in the impeachment of

Judge Robert W. Archbald and was designated by resolution of the managers on the part of the House of Representatives to assist in the trial of the case before the Senate. The article is entitled "The Impeachment of the Federal Judiciary", 26. Har. L. Rev. 689 (1913). In this article Brown discusses in detail all of the six impeachment proceedings against federal judges which had occurred prior to 1913, the date of the article. Brown states at page 704: "The impeachments that have failed of conviction are of little value as precedents because of their close intermixture of fact and law, which makes it practically impossible to determine whether the evidence was considered insufficient to support the allegations of the articles or whether the acts alleged were adjudged insufficient in law to constitute impeachable offenses." Prior to 1913, the date of publication of Brown's article, there had been six impeachments of Federal Judges; three being acquitted (Chase impeached in 1804, Peck impeached in 1830, and Swayne impeached in 1904) and three convicted (Pickering impeached in 1804, Humphreys impeached in 1862 and Archbald impeached in 1912). Of the three impeachments resulting in convictions, Judge Pickering and Judge Humphreys did not defend. The only impeachment up to 1913 resulting in conviction (and during which proceedings the entire subject matter was concerned with whether or not impeachment would lie for non-criminal offenses) was that of Judge Archbald which was concluded in 1913. The Archbald case has been termed a "landmark" decision on the subject of whether impeachment will lie against a Federal Judge for noncriminal offenses and has been so recognized by the House of Representatives in its own Precedents (Cannon's Precedents, Section 457). We quote in its entirety that part of Cannon's Precedents dealing with Senator Root's motion and the extract from Senate Document No. 358 relating to the precise issue concerning which there is such distinct variance between the Kelley and Rifkind Memoranda. We quote the entire extract as it appears in Cannon's Precedents:

"457. Summary of deductions drawn from judgments of the Senate in impeachment trials.

"The Archbald case removed from the domain of controversy the proposition that judges are only impeachable for the commission of crimes or misdemeanors against the laws of general application.

"On January 13, 1914, *on motion of Mr. Elihu Root, of New York* (Emphasis added.) a monograph by Wrisley Brown, of counsel on behalf of the managers in the impeachment trial of Judge Robert W. Archbald, was printed as a public document. The following is an excerpt:

"'The impeachments that have failed of conviction are of little value as precedents because of their close intermixture of fact and law, which makes it practically impossible to determine whether the evidence was considered insufficient to support the allegation of the articles, or whether the acts alleged were adjudged insufficient in law to constitute impeachable offenses. The action of the House of Representatives in adopting articles of impeachment in these cases has little legal significance, and the deductions which have been drawn from them are too conjectural to carry much persuasive force. Neither of the successful impeachments prior to the case of Judge Archbald was defended, and they are not entitled to great weight as authorities. In the case of Judge Pickering, the first three articles charged violations of statutory law, although such violations were not indictable. Article four charged open and notorious drunkeness and public blasphemy, which would probably have been punishable as misdemeanors at common law. In the case of Judge Humphreys, articles three and four charged treason against the United States. The offense charged in articles one and two probably amounted to treason, inasmuch as the ordinance of secession of South Carolina had been passed prior to the alleged secessionary speeches of the respondent, and the offenses charged in articles five to seven, inclusive, savored strongly of treason. *But, it will be observed, none of the articles exhibited against Judge Archbald charged an indictable offense, or even a violation of positive law. Indeed, most of the specific acts proved in evidence were not intrinsically wrong, and would have been blameless if committed by a private citizen. The case rested on the alleged attempt of the respondent to commercialize his potentiality as a judge, but the facts would not have been sufficient to support a prosecution for bribery. Therefore, the judgment of the Senate in this case has forever removed from the domain of controversy the proposition that the judges are only impeachable for the commission of crimes or misdemeanors against the laws of general application. The case is instructive, and it will go down in the annals* of the Congress as a great landmark of the law.'" (Emphasis added.) (End of Cannon quote.)

I leave to you and any other fairminded and discriminating reader the judgment as to whether or not the Archbald case did not forever remove "from the domain of controversy the proposition that judges are only impeachable for the commission of crimes or misdemeanors against the laws of general application," and did not establish that federal judges may be impeached for acts "not intrinsically wrong" and which "would have been blameless if committed by a private citizen". If this be so, what is there in *Archbald* to support the Rifkind thesis that federal judges may not be impeached for any conduct "short of *criminal* conduct"?

Following Archbald there were three impeachments, English (1926), Louderback (1933) and Ritter (1936). English resigned and Louderback was acquitted and as Brown stated these "are of little value as precedents". Ritter is quite another matter—for Ritter was convicted. If there could be the slightest doubt as to the precedent established in *Archbald* that impeachment will lie for non-criminal conduct by federal judges, that doubt was put to rest in the Ritter case. The Ritter conviction expressly recognized that the judicial tenure provision of the Constitution affords grounds of impeachment for other than criminal offenses. Specifically in the Ritter case, the first six Articles of Impeachment alleged offenses that on their face appeared to be of a criminal nature. On each of these Ritter was acquitted. The seventh Article of Impeachment against Judge Ritter was phrased in *general terms of misconduct only* and it was *only* upon the seventh Article of Impeachment that Judge Ritter was found guilty. As set forth in the Kelley Memorandum (pages 20–22) the various written opinions of the Senators filed in that case confirm the conclusion that conduct on the part of a Federal Judge need not constitute a *criminal* offense to be impeachable and in fact, as established in *Archbald*, conduct is impeachable that is non-criminal and even such conduct as "would have been blameless if committed by a private citizen" is impeachable.

The Impeachment Precedents and the conclusions to be derived therefrom as reflected in Cannon establish, as stated by Cannon, "that the Archbald case removed from the domain of controversy the proposition that judges are only impeachable for the commission of crimes or misdemeanors against the laws of general application" and the Ritter case, the only subsequent case involving successful impeachment of a Federal Judge, supports this principle absolutely.

The Rifkind Memorandum airily dismisses the principles established by the Archbald and Ritter cases, the solemn recognition given by the House of Representatives to the principles in Cannon's Precedents and the virtually unanimous view of historians and other authorities supporting the principles established in *Archbald* as announced in Cannon by stating:

"Some academics have been misled by the heated statements of disgruntled supporters of impeached judges to conclude that they have been impeached for less than criminal offenses. Professor Corwin, for example, relies upon the *Archbald* and *Ritter* cases for the proposition that in this century the meaning of 'high crimes and misdemeanors' has broadened to include elements of 'good behavior.'"

The Rifkind Memorandum neglects to reveal that virtually every learned student of the Constitution since the founding of our Government (and who were assuredly not just "disgruntled supporters of impeached judges") supports the conclusions of the Kelley Memorandum and denies the validity of Rifkind that only "*criminal* conduct" is impeachable. Rifkind mentions the distinguished Ritter cases but omits mention of other distinguished authorities who likewise endorse those principles.[1]

In conclusion, of the nine federal judiciary impeachments in this nation's history, there were four acquittals; two who did not defend and one resignation (all proceedings lacking precedental value) and there is the Archbald conviction immortalized in Cannon's Precedents, the Ritter conviction, Cannon and virtually every recognized authority to completely demolish the Rifkind thesis that only "criminal conduct" is impeachable. We reiterate the opinions and conclusions expressed in the Kelley Memorandum.

Respectfully,

BETHEL B. KELLEY.

MEMORANDUM ON IMPEACHMENT OF FEDERAL JUDGES

A careful examination of the Constitution itself, of the materials reflecting the intent of its draftsmen, and of the records in actual impeachment proceedings clearly demonstrates that federal judges may be impeached only upon charges of "Treason, Bribery, or other High Crimes and Misdemeanors." There is nothing in the Constitution or in the uniform practice under the Constitution to suggest that federal judges may be impeached for anything short of *criminal* conduct. And the prohibition against *ex post facto* laws, the notice requirement of due process, the protection of the First Amendment, and considerations of "separation of powers" prevent any other standard.

I. THE CONSTITUTIONAL PROVISIONS

As Thomas Jefferson noted in his "Manual of Parliamentary Practice," "the provisions of the Constitution of the United States on the subject of impeachments" are found *exclusively* in Article I, Sections 2 and 3; Article II, Section 4; and Article III, Section 2.

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[1] Wrisley Brown, Clarence Cannon, the distinguished House of Representatives of the United States in adopting Cannon's Precedents (see Jefferson's Manual, 1969 ed. p. vi) and Senator Elihu Root, as discussed above;

Rawle in his work on the Constitution (p. 211);

Story on the Constitution (V. 1, 5th ed. pp. 584 and Sections 796, 799);

Cooley in his Principles of Constitutional Law—(p. 178);

George Ticknor Curtis in his Constitutional History of the United States, (V. 1, pp. 481–482);

Watson in his Treatise on the Constitution, (V. 2, pp. 1034, 1036–1037);

American and English Encyclopedia of the Law (2nd ed., V. 15, pp. 1066–1068);

Black in his work on Constitutional Law (2d ed. pp. 121–122).

Article I, Section 3 provides that the House shall have the "sole Power of Impeachment," and that the Senate shall have the "sole Power to try all Impeachments." Article II, Section 4 provides that "the President, Vice President, and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

Section 2 of Article III provides that "the Trial of all Crimes, except in Cases of Impeachment, shall be by Jury."

Note that Jefferson did *not* include the provision, found in Article III, Section 1, that federal judges are to serve "during good Behavior" among the provisions relating to the impeachment power.[1]

II. THE DRAFTSMEN'S INTENT

The records of the Constitutional Convention reinforces Jefferson's conclusion that impeachment of federal judges is to be confined to charges of "Treason, Bribery, or other high Crimes and Misdemeanors." In the Convention, impeachment was discussed principally with reference to removal of the President. Early drafts provided for "impeachment and conviction for malconduct or neglect in the execution of his office," and later for "malpractice or neglect of duty," 1 Farrand, Records of the Federal Convention, pp. 89–90, 226, 230, 236. Later, the draft language was changed to focus more narrowly upon charges of "treason, bribery or corruption." 2 Farrand, pp. 185–86. It was thereafter suggested that the more general phrase "maladministration" be added. When James Madison argued that "so vague a term will be equivalent to a tenure during the pleasure of the Senate," the general phrase was rejected in favor of "for other high Crimes and Misdemeanors against the United States." 2 Farrand, pp. 445, 450. When an effort was made to insert a separate judicial removal provision in Article III, following the words "good behavior," it was rejected upon the opposition of Morris, Randolph, Rutledge and Wilson. 2 Farrand, 428, 429.

That it was the intention of the Founding Fathers to deal with impeachment of judges exclusively under the language of Article II is made clear by Hamilton's writings in the *Federalist Papers*, our most authoritative guide to the meaning of the Constitution. In No. 79, Hamilton wrote that it was the intention of the draftsmen to make federal judges more independent than were any state judges, and that—

"The precautions for their responsibility are comprised in the article respecting impeachments. . . . This is the only provision on the point which is consistent with the necessary independence of the judicial character, and is the only one which we find in our own Constitution with respect to our own judges."

Hamilton proceeded to indicate that there had been a deliberate decision not to make judges impeachable "on account of inability." He argued that "an attempt to fix the boundary between the regions of ability and inability would more often give scope to personal and party attachments and enmity than advance the interest of judges in the public good."

In short, in order to preserve judicial independence, provision was made by the Founding Fathers to permit removal of judges only when they could be shown to have committed criminal offenses. Broader bases for removal were rejected as being too dangerous.[2]

And in the summer of 1789, in the debate on establishing the first executive department, Congressman Livermore of New Hampshire observed that federal judges "hold their offices during good behavior, they have an inheritance which they cannot be divested of *but on conviction of some crime.*" 4 Elliot's Debates, at 365. (Emphasis supplied.)

Moreover, in 1802 Senator Stone of North Carolina delivered a classic argument, which appears to have persuaded the Senate which was then considering abolition of certain inferior courts, that the Constitution provides for removal of judges by impeachment only in the case of high crimes and misdemeanors, and that accordingly judges might be guilty of lapses from "good behavior" for which they cannot be impeached. In the Senator's words:

"If the words, impeachment of high crimes and misdemeanors, be understood according to any construction of them hitherto received and established, it will be found, that although a judge, guilty of high crimes and misdemeanors, is always guilty of misbehaviour in office, yet that of the various species of misbehaviour in office, which may render it exceedingly improper that a judge shall continue in office, many of them are neither treason, nor bribery, nor can they be properly dignified by the appellation of high crimes and misdemeanors; and for the impeachment of which no precedent can be found; nor would the words of the Constitution justify such impeachment." 11 Annals of Cong. 72 (1802)

On April 9, 1970, Assistant Attorney General William E. Rehnquist testified before Senator Tydings' Subcommittee on Improvements in Judicial Machinery, and said of Senator Stone's argument:

"The fact that it was persuasively set forth and really not refuted on the floor that early suggests to me that this is probably consistent with the view of the framers on the matter." (Tr. 9)

III. THE PRACTICE

It has been our practice under the Constitution to impeach only on the basis of charges which state criminal offenses.

The first impeachment case, that of Judge John Pickering in 1803, although brought and decided on purely political grounds, illustrates how wide was the recognition that impeachment was confined to "Treason, Bribery, or other high Crimes and Misdemeanors"—the criminal offenses enumerated in Article II. Although Judge Pickering had been hopelessly insane for three years, was an incurable drunkard, and had misconducted himself on the bench, the leaders of the effort to remove him felt it necessary to couch their charges under the rubric "high Crimes and Misdemeanors,"[3] and to charge him with three counts of willfully violating a Federal statute relating to the posting of bond in certain attachment situations, and the misdemeanors of public drunkeness and blasphemy. They not only believed that strong evidence of insanity, drunkeness and judicial misconduct were insufficient to justify impeachment, but because they viewed impeachment as requiring proof of criminal conduct they found it necessary to attempt to exclude evidence of Pickering's insanity "only from the fear, that if insanity should be proved, he cannot be convicted of high crimes and misdemeanors by acts of decisive madness." I *Memoirs of John Quincy Adams* 299–300.

The next, and most important, judicial impeachment case not only affirmed the rule that impeachment is confined to "high Crimes and Misdemeanors," but made it clear that to warrant impeachment actual criminal conduct must be shown. The case involved a major effort by the Jeffersonians, newly in power, to remove Associate Justice Samuel Chase from the Supreme Court. As Senator Giles of Virginia openly avowed, the impeachment of Justice Chase was to be the first step by the Jeffersonians in the removal of all the Justices appointed by prior administrations, including Chief Justice John Marshall—the principal target.

Chase was impeached in the House by a vote on straight party lines, Jeffersonians against Federalists. Each of the eight articles of impeachment dealt with his official conduct during judicial proceedings and none stated a criminal offense, although each one was captioned "high crimes and misdemeanors"—the House did not then, and never has since, attempted formally to impeach for want of "good behavior." He was charged, for example with the "high crimes and misdemeanors" of using intemperate language in instructing a grand jury, in conducting a trial in an arbitrary way, and in unreasonably refusing to excuse a juror from jury duty.[4]

Chase's Senate trial turned into a great constitutional debate over whether a federal judge may be removed on charges which do not amount to "high Crimes and Misdemeanors." For the Jeffersonians, George Washington Campbell of Tennessee unsuccessfully contended that impeachment was "a kind of an inquest into the conduct of an officer . . . and the effect that his conduct . . . may have on society."

For Chase and the Federalists, counsel argued successfully that impeachment could only be had for "an indictable offense," noting that "high Crimes and Misdemeanors" were technical legal terms:

"Well understood and defined in law. . . . A misdemeanor or a crime . . . is an act committed in violation of a public law either forbidding or commanding it. By this test, let the respondent . . . stand justified or

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[1] As is indicated later in this Memorandum, the settled construction of the Constitution is to confine impeachment to charges of "Treason, Bribery, high Crimes and other Misdemeanors," and without regard to the "good behavior" provision. This Memorandum has no bearing upon the present debate between those who believe that impeachment for high crimes and misdemeanors is the exclusive avenue to remove judges, and those who contend that the Constitution permits remedies short of impeachment to deal with lapses from "good behavior" which do not amount to grave criminal offenses. With regard to this controversy, see Kurland "Constitution and the Tenure of Federal Judges: Some Notes from History," 36 Chi. L.Rev. 665 (1969); Memorandum on the Constitutionality of a Statutory Alternative to Impeachment, Submitted by the Senate Subcommittee on Improvements in Judicial Machinery, printed in the Congressional Record for June 5, 1969.

[2] Justice Story, writing a half century later but relying not only on Hamilton but also on Mr. Justice Wilson's lectures of 1804, agreed, see 2 Story, Commentaries on the Constitution, §§ 1624–26, 1631. Justice Wilson had written of Federal judges that "they may be removed, however, as they ought to be, on conviction of high crimes and misdemeanors."

[3] The removal of Pickering was sought, not because of his incapacity, but to test the procedure for purging the Federalist judges. As the Jeffersonian leader, Senator Giles of Virginia, asserted, "We want your offices, for the purpose of giving them to men who will fill them better." Historian Henry Adams observed it was "an infamous and certainly an illegal conviction." 3 Beveridge, *Life of John Marshall*, p. 157, 143.

[4] Chase was widely regarded as one of the most able members of the Supreme Court. He had been a delegate to the Continental Congress, a signer of the Declaration of Independence, a member of the Maryland Convention to ratify the Constitution and Chief Justice of his state's Supreme Court. 3 Beveridge, *Marshall*, pp. 184–185.

condemned." 3 Beveridge, *Life of John Marshall*, p. 199.

The Nation's most distinguished lawyer, Luther Martin of Maryland, on Chase's behalf reiterated the principle that only "indictable offenses" could support impeachment, arguing that any other interpretation was barred by the *ex post facto* clause of the Constitution. 3 Beveridge, *Marshall*, p. 202.

In response to the charge that Chase had given an inflammatory grand jury instruction with the intent of stirring "the good people of Maryland against their state government, and constitution," counsel asserted Chase's right to freedom of speech. He asked the Senate:

"Is it not lawful for an aged patriot of the Revolution to warn his fellow-citizens of dangers, by which he supposes their liberties and happiness to be threatened?"

The Senate was asked to decide whether Chase's appointment to the bench deprived him of the "liberty of speech which belongs to every citizen?" 3 Beveridge, *Marshall*, p. 206.[5]

The turning point came when the lead prosecutor openly conceded that impeachment *was* a "criminal prosecution." Although controlled by Jeffersonians (25 to 9), shaken by the debate and by the defenses resting on the *ex post facto* and free speech clauses, the Senate on March 1, 1805 acquitted Chase, putting beyond doubt the principle that impeachment was to be for criminal offenses only.

So it has remained in our history. The point was driven home during the impeachment of President Andrew Johnson in 1867 for alleged "high Crimes and Misdemeanors." The former Justice Curtis summarized Johnson's successful defense as resting on the proposition:

"That when the Constitution speaks of 'treason, bribery, and other high crimes and misdemeanors,' it refers to, and includes only, high criminal offenses against the United States, made so by some law of the United States existing when the acts complained of were done, and I say that this is plainly to be inferred from each and every provision of the Constitution on the subject of impeachment." 1 *Trial of Andrew Johnson*, p. 409.

In the twentieth century, only five federal judges have been impeached.[6] In *every* case, the articles of impeachment charged acts amounting to "High Crimes and Misdemeanors." Consider them case by case:

A. *Charles Swayne* (District Judge—N.D. Fla. 1903): Judge Swayne was formally charged by the House with three counts of falsely certifying to excessive traveling expenses and thereby unlawfully obtaining money from the United Sttaes, committing a "high crime and misdemeanor in his said office." He was also charged with two counts of unlawfully appropriating to his own use a railroad car for the benefit of himself, his family and friends while the railroad involved was under the receiver appointed by him. In the Senate there was much debate over whether the high crimes and misdemeanors charged had to have been committed in the discharge of Swayne's official duties—but no debate about the necessity of establishing actual criminality, which was conceded. Swayne was acquitted in the Senate.

B. *Robert W. Archbald* (Circuit Judge—Commerce Court 1912): Archbald, a former district judge and later circuit judge assigned to the Commerce Court (which had jurisdiction over ICC orders), was formally charged with inducing railroads with cases pending before him to sell or lease to him certain coal properties; with accepting $500 from a coal operator for seeking to persuade another railroad with a matter before him to lease certain coal properties to the operator; with generally speculating in coal properties while a member of the Commerce Court and with selling his services to compromise matters pending before the ICC for his own personal profit. With respect to his prior service as a district judge, he was charged with "accepting" loans from lawyers and litigants who had cases pending before him. Archbald, who admitted the factual basis for the charges but denied any criminal intent, was convicted on five counts. Senator Elihu Root, joined by Senator Henry Cabot Lodge, explained that he had voted to convict Archbald—

"Because I find that he used the power and influence of his office as judge of the Court of Commerce to secure favors of money value for himself and his friends from railroad companies, some of which were litigants in his court and all of which were under the regulation of the Interstate Commerce Commission, subject to the review of the Court of Commerce.

"I consider this course of conduct, and each instance of it, to be a high crime and misdemeanor.

"I have voted 'not guilty' upon the other articles, because while most of them involve improper conduct, I do not consider that the acts proved are high crimes and misdemeanors. . . ."

C. *George W. English* (District Judge—E.D. No. 1925): Judge English resigned after being impeached but before trial in the Senate on charges of personal corruption in the handling of bankruptcy cases, to his own personal profit and that of Charles B. Thomas, a referee in bankruptcy with whom he was charged with conspiring.

D. *Harold L. Louderback* (District Judge—N.D. Cal. 1932): Judge Louderback was formally charged by the House with improper conduct in the appointment of receivers and receivers' attorneys in bankruptcy and reorganization cases. In particular, it was charged that Louderback had improperly appointed as a receiver the son of a California Senator, to whom he owed his judicial appointment. Louderback was acquitted.

E. *Halsted L. Ritter* (District Judge—S.D. Fla. 1936): Judge Ritter was impeached and formally charged with "high crimes and misdemeanors," including: "corruptly and unlawfully" receiving $4500 out of a $75,000 receiver fee he improperly ordered to be paid to his former law partner, after another judge had set a much lower fee; committing the "high misdemeanor" of continuing to practice law and to receive fees for such practice while on the bench;[7] willful failure to report $17,300 in income on his Federal income tax returns for 1929 and 1930; and conspiracy in a champertous foreclosure proceeding. Although the Senate narrowly failed to convict him on the specific criminal charges, it did convict on a blanket charge which asserted that he was guilty of "high crimes and misdemeanors in office," specifically including "income tax evasion."

Some academics have been misled by the heated statements of disgruntled supporters of impeached judges to conclude that they have been impeached for less than criminal offenses. Professor Corwin, for example, relies upon the *Archbald* and *Ritter* cases for the proposition that in this century the meaning of "high Crimes and Misdeameanors" has broadened to include elements of "good behavior." But Archbald was charged by the House with extorting bribes from litigants before his court, with interfering in cases before the ICC for a monetary compensation, and other "corrupt conduct" for personal gain. Ritter was formally charged with receiving illegal kickbacks, with the misdeameanor "of practicing law" while on the bench, with willful income tax evasion, and with conspiracy; and having admitted receiving the fees involved and not reporting them on his income tax returns in violation of law, he was convicted under an article charging "high crimes and misdeameanors in office," and including "income tax evasions" with respect to unlawful income.[8]

IV. CONCLUSION

The constitutional language, in plain terms, confines impeachment to "Treason, Bribery, or other high Crimes and Misdemeanors." The history of those provisions reinforces their plain meaning. Even when the Jeffersonians sought to purge the federal bench of all Federalist judges, they felt compelled to at least assert that their political victims were guilty of "high Crimes and Misdeameanors." The unsuccessful attempt to remove Justice Chase firmly established the proposition that impeachment is for *criminal* offenses only, and is not a "general inquest" into the behavior of judges. There has developed the consistent practice, rigorously followed in every case in this century, of impeaching federal judges only when *criminal* offenses have been charged. Indeed, the House has *never* impeached a judge except with respect to a "high Crime" or "Misdemeanor." Characteristically, the basis for impeachment has been the soliciting of bribes, selling of votes, manipulation of receivers' fees, misappropriation of properties in receivership, and willful income tax evasion.

As Hamilton noted in the *Federalist Papers*, this stringent standard for impeachment makes the unwieldy procedure unavailable to deal with such problems as disabled judges. But that, according to Hamilton, and Story as well, was the price the Founding Fathers deliberately paid to insure the independence of the federal judiciary. If federal judges commit grave crimes, they may be impeached. If not, they are not subject to impeachment. In consequence, while the federal judiciary has over the years suffered a few judges who were unable to perform their duties,[9] since 1805 it has been

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[5] According to then Professor Frankfurter, political speeches by Justices to grand juries (in those days the Justices "rode circuit") were no rarity around 1800:

"They utilized charges to the grand juries as opportunities for popular education, Jay, Cushing, Wilson, Iredell, all indulged in the practice. . . . Having a Federalist flavor [the speeches] promptly aroused political opposition," Frankfurter & Landis, *Business of the Supreme Court*, 20–21 (1927).

[6] After Chase's acquittal, impeachment was used against judges in only two isolated instances before 1900. In 1830 Judge Peck was impeached for "high misdemeanors in office", but acquitted on a charge of having harshly sentenced a lawyer for contempt (one day in jail and 18 months suspension from practice.) The impeachment and trial of Judge Peck focused on the illegality of his action and his alleged guilty intent, not his fitness to hold office. Judge Humphreys was impeached and convicted *in absentia* in 1862 for acts amounting to treason, including aiding and abetting armed rebellion against the United States.

[7] In the Mulford Realty matter, he had written to a former client to indicate that he would continue in the case while on the banch and to demand a $2000 fee for himself—which was not reported to his former law partner. He earned his fee. From another client, he obtained $7500 for legal services in connection with several real estate transactions. Those fees were deliberately not reported on his income tax returns.

[8] Indeed, a solid majority of the Senate found him guilty of all but two of the specific charges of criminality.

[9] To deal with this problem, the Federal Judiciary Act of 1801 provided that when a federal judge could no longer discharge his duties, the circuit judges could appoint one of their number to fill his place. Thus, judge Jeremiah Smith had been designated in 1801 to do Pickering's work.

free from political purges and from harassment directed at the beliefs, speeches and writings of individual judges. In consequence, it has not been necessary to test Luther Martin's argument in the Chase case that the *ex post facto* clause of the Constitution forbids legislative punishment for conduct not defined in advance as punishable, or to measure impeachment for a judge's beliefs, speeches and writings against the flat prohibition contained in the First Amendment that Congress shall not abridge freedom of speech. History has, therefore, demonstrated the wisdom of the choice made by the Founding Fathers.

Respectfully submitted,

SIMON H. RIFKIND,
Counsel for Mr. Justice Douglas.

STRATEGIC ARMS LIMITATION TALKS

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CULVER. Mr. Speaker, the second phase of the strategic arms limitation talks has recently been concluded in Vienna with an indication that significant progress continues to be made.

The United States has been seeking discussions with the Soviet Union on limiting the arms race since 1964. The first indications of reciprocal interest appeared in 1967, and on July 1, 1968. The President announced that an agreement had been reached to open talks "in the nearest future." The subsequent Soviet invasion of Czechoslovakia followed by the U.S. election and the presidential transition period delayed further action until last November, when preliminary talks began in Helsinki.

The arms race today is costing the world $182 billion a year, almost the entire U.S. budget, and 16 times the amount of the total world investment in the potentially explosive emerging countries of Africa, Latin America, and Asia.

The ultimate hopes for SALT are that a formal agreement will be reached. That will certainly be a long and difficult process. But in the shorter term, SALT, may be of major importance just by providing the forum for a closer understanding of each other's nuclear philosophy and an unwritten agreement for mutual restraint.

A recent article in the Washington Post by Chalmers M. Roberts, ably describes the level which the talks reached before their recent adjournment and some of the issues which will be coming up during phase III, which will begin in November. I insert pertinent excerpts of the article in the RECORD at this time:

ARMS TALKS: PROGRESS AND PROSPECTS

(By Chalmers M. Roberts)

Many long months ago, when the way finally was cleared for what have become known, redundantly, as the SALT talks, some American arms controllers argued that the talking would be more important than any agreement that might be reached. Now that phase II of SALT (the four months at Vienna), has ended and phase III (at Helsinki) has been scheduled to begin Nov. 2, it appears that the talking has been highly profitable but that the agreement is vital.

Despite the official lid of silence on the substance of the talks, a number of points are clear. One is that the United States started out far in advance in its thinking, both inside and outside government, on the subject of the nuclear arms race—its problems and how it might be curbed. Some experts estimate there was perhaps a year's time gap involved.

Historically, the Soviet bureaucracy forces the diplomats, the scientists and the military to stay in their own baliwicks, sending their ideas up their own bureaucratic ladders to the top. Only then, if approved, does an idea of one group start down the bureaucratic ladder of the others. Now there is evidence that this procedure has been altered radically, that, for example, foreign office desk officers can talk directly to military counterparts and others about the issues involved in SALT.

One reason for the change has been the Soviets' observation of how the process works in the United States. Another has been a necessity born of the thousands of pages of printed hearings of last year's American ABM debate, plus the Congressional Record's account of Senate floor debate, all of which had to be absorbed. There has been more such material, though not in equal amount, pouring into Moscow this year. Another factor in the changing Soviet ways has been, the United States effort to speed up the Soviet process by letting Moscow know in advance of Vienna how it was itself proceeding. This was the so-called "building block" technique described in President Nixon's State of the World report last spring. There is evidence the Soviets have accepted the technique.

This talking out process appears to have speeded up Soviet understanding of the complex nuclear arms issue and produced some common understandings of the elements involved—elements that have no ideological coloration and are susceptible to a high degree of mathematical precision, as in the case of the laws of nature.

Because this process has proved so valuable at the SALT talks it is excepted to become a permanent part of any treaty. The idea is not to establish a new international bureaucracy but to provide, in an arms limitation treaty, for periodic Soviet-American meetings. Such meetings would offer an opportunity for one side or the other to raise what seem to it suspicious goings on that hint of treaty violation, or for one side to tell the other why it is doing this or that outside the treaty if its actions might be taken as an infringement of the treaty's provisions. For example, if the United States were to erect new radars for airways control or as part of an early warning system to protect against Soviet missiles, its actions could be construed by Moscow as work toward an ABM system banned by the treaty. Explanation, with evidence, might be vital in avoiding a crisis.

Beyond the value, both in the SALT talks and as part of a treaty setup, of the talking process, however, there remains the necessity of an agreement. SALT has made it clear beyond doubt that any treaty must be built around a trade-off of the American Safeguard ABM system for a Soviet curb on its massive SS-9 missiles. Since the talks began last November in Helsinki (phase I), both sides have proceeded with testing and deployment of these and other strategic nuclear weapons. Only a treaty will halt the process.

The treaty now in prospect, however, is limited to an initial "building block:" quantitative control. It would permit qualitative improvements in numerous respects. Most widely known among these is the continuation of multiple warhead development and deployment—the MRVs and MIRVs. The way the American treaty proposal has been framed substitutions would be permitted under a gross ceiling on missiles with a special sub-ceiling for huge missiles such as the SS-9. Thus Poseidon could be substituted for Polaris on submarines, Minuteman III for Minuteman I and II and the B-1 bomber for B-52s; each represents a major qualitative improvement. The same would be true for comparable Soviet weapons systems. The dramatic new submarine project, ULMS, however, might be inhibited by the sub-ceiling for huge missiles. That sub-ceiling would limit the size of missiles that might be deployed for this system which is still at the drawing board stage. Some ULMS concepts call for missiles beyond the proposed limitation.

But even though the treaty in prospect would basically limit only numbers, it would certainly represent a major gain. It would be the first substantive curb on the nuclear arms race in history, and beside it the nuclear test ban treaty would pale in importance.

Given the treaty now in prospect, what logically should follow is the next building block: a curb on further qualitative improvements. Continued multiple warhead testing, the initial American deployment of Minuteman III with MIRV warheads and the scheduled January deployment of Poseidon along with similar Soviet advances all make this more and more difficult as time goes on. One possibility being discussed is a second stage SALT agreement that would lower the permissible number of missiles from that set by the first agreement. But such a move would make only a dent in the problem, especially with MIRV warheads in place.

It should be observed at this point that the Vienna phase did not get as far as some in Washington hoped. Not until July 24 did the United States put forward its proposal in what amounted to one package, although the pieces had been discussed long before. And the Soviet Union simply did not make the necessary decisions before the Vienna phase closed. Part of the reason was the thinking lag, but another part, as far as can be perceived, has been Kremlin hesitancy in taking the momentous steps involved.

By now, however, SALT has reached a fish-or-cut-bait point for Moscow. A counter proposal is expected at Helsinki, and—unless the Americans at Vienna have totally misconstrued their Soviet counterparts—it cannot vary on the major premises and thus the parameters of the American proposal. It might, of course, vary in detail and quite probably will. If the Kremlin gives a "go" signal and if the counter-proposal is within range of the American proposal, it should take perhaps six months to hammer out a treaty. History teaches, as the Soviets say, that once the necessary political decisions are taken in Moscow and Washington the details are manageable.

By most accounts the Soviet military are the most resistant to, or at least suspicious of, a treaty. Yet there are military subdivisions, it is believed. The Navy wants to go on expanding its global role; the Army wants to hold onto its manpower, especially given the Chinese threat; the rocket forces perhaps may be the hardest to convince that a ceiling is acceptable.

The alternative, as the Kremlin knows, is a continuing arms race moving into new levels of strategic systems. If there is no treaty, Safeguard will proceed and might become an area defense system. There will be new bombers in larger numbers than otherwise and perhaps ULMS will get off the drawing boards. Land based missiles probably would go into hard rock silos and become mobile as well.

Billions of rubles—and dollars—are involved here. But perhaps even more persuasive to Moscow is the technological strain of a new weapons round. Currently thousands of scientists badly needed elsewhere are locked into the weapons business. The

Kremlin's answer, and the fate of the treaty, thus are unlikely to be known until sometime after Nov. 2. It will be a critical decision for the world.

JUDGE FRANK C. HAYMOND OF THE WEST VIRGINIA SUPREME COURT OF APPEALS PRESENTED WITH AMERICAN BAR ASSOCIATION'S TOP AWARD, THE ABA MEDAL—JUDGE HAYMOND HAS SERVED ON THE COURT FOR 25 YEARS—REPRESENTS FOURTH GENERATION OF HIS FAMILY TO SERVE ON WEST VIRGINIA BENCH

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, August 21, 1970

Mr. RANDOLPH. Mr. President, Hon. Frank C. Haymond, judge of the West Virignia Supreme Court of Appeals for the past 25 years, has received a high honor from the American Bar Association. Judge Haymond was presented with the ABA highest award, the ABA Medal. The award is made each year to a member of the bar who has provided outstanding service in the cause of American jurisprudence.

Judge Haymond is a highly respected citizen and is held in the high esteem by members of the bar. He is an outstanding jurist and has served his State and Nation well.

The judge is the only ABA member to have served twice on the association's board of governors.

Mr. President, Judge Haymond is to be commended for his devotion to American jurisprudence and for the discharge of responsibilities which have been placed in him.

It is my desire, Mr. President, to have the release of the American Bar Association on Judge Haymond award printed in the RECORD at this point.

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

JUDGE FRANK C. HAYMOND PRESENTED HIGHEST ABA AWARD

ST. LOUIS, Mo., August 12.—Judge Frank C. Haymond of Charleston, W. Va., a member of the West Virginia Supreme Court of Appeals, was presented Wednesday night with the American Bar Association's top award, the ABA Medal.

Bernard G. Segal, president of the ABA, made the presentation at the official Association dinner of the ABA annual meeting, which began last week in the "Gateway City" and closes Thursday. The medal is awarded each year to a member of the Bar who has provided "outstanding service in the cause of American jurisprudence."

Judge Haymond, 83, has been a judge for the past 31 years. Before that he had practiced law for 27 years. He has served on the West Virginia Supreme Court of Appeals since July 1, 1945, when he was appointed to fill a vacancy.

He was elected in 1946 to complete the unexpired term, and was re-elected to fill 12-years terms in 1952 and 1964. From 1939 to 1945 he had served as a judge of the Circuit Court of Marion County, W. Va.

In his long service to the Supreme Court of Appeals, Judge Haymond has set several state records. He is the first judge ever elected to the court three times, has served longer than any other judge, and is the only one to serve as president of the court six times.

Judge Haymond also is the only ABA member to serve twice on the Association's Board of Governors, 1943–46 and 1966–68. He has been the West Virginia state delegate in the House of Delegates for a total of 27 years, was a founding member and the second chairman of the Section of Insurance Law, and has served on a number of committees.

He also was a founding member of the Conference of Chief Justices. Judge Haymond has been vice president and a director of the American Judicature Society, and past president of the Marion County and West Virginia Bar Associations. He has served as a member of the state legislature and of the West Virginia Commission on Constitutional Revision. And he has lectured at the West Virginia College of Law.

"During his long and distinguished career on the Bench, Judge Haymond zealously pursued his duties toward the Bar," President Segal said at the presentation. "He has been extraordinarily devoted to his Association and has made major contributions to its work and progress. He richly shares credit for the leadership the Association has attained in professional and public affairs."

President Segal added that Judge Haymond "has won the high esteem and warm affection of his associates on the Bench, of the members of the Bar who practice before him, and of his countless friends and associates in the work of the organized Bar."

Born in Fairmont, W. Va., on April 13, 1887, he was graduated with distinction from Harvard College in 1910 and completed his law studies at Harvard Law School in 1912. He also holds honorary law degrees from Morris Harvey College and West Virginia University.

Judge Haymond practiced law in Fairmont from 1912 to 1939, except for military service from March, 1918 to August, 1919. He was a member of the West Virginia Legislature from 1916 to 1918 and served on several committees of the House of Delegates.

The judge represents the fourth generation of his family to serve on the West Virginia bench. His great grandfather, Thomas S. Haymond, was a justice of the peace and president of the Marion County Court. His grandfather, Alpheus F. Haymond, served on the supreme court from 1873 to 1882 and was a member of the Second Constitutional Convention in 1872. William S. Haymond, his father, was a circuit judge.

"I feel that this office offers an unusual opportunity for public service," said Judge Haymond. "And that is what I have tried to do, to the best of my ability and according to the law as I see it."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

FIFTY YEARS OF BROADCASTING

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD a brief history of Pittsburgh's excellent radio station KDKA, the world's first radio station, which this year is celebrating its 50th anniversary. The citizens of our good community can rightly be proud of the many historic firsts in the broadcasting industry that have been accomplished by KDKA radio 1020. Even today in an era of advanced communications we note in the programing of this fine station the spirit of pioneering for the future of this important medium. And though KDKA's signal today beams around the globe and has the entire world as its domain, it is especially gratifying for us to know that KDKA is the descendant of a small experimental station built in our community a half century ago.

The information follows:

PITTSBURGH'S KDKA RADIO 1020—50 YEARS OF BROADCASTING

KDKA Radio 1020, the world's first radio station, began a continuous schedule of broadcasting with the Harding-Cox elections of November 21, 1920. KDKA was licensed by the federal government on Oct. 27, 1920 and its call letters were assigned from a roster maintained to provide identification for ships and marine shore stations, these being the only regular radio services then in operation under formal license at that time.

KDKA is the direct descendant of experimental station 8XK constructed and operated by Doctor Frank Conrad from a garage at the rear of his residence in Wilkinsburg, a Pittsburgh suburb. First official record of this station appears in August 1, 1916 edition of the radio service bulletin issued by the Bureau of Navigation of the U.S. Department of Commerce. Conrad had become interested in radio in 1915, when to settle a $5.00 bet on the accuracy of a $12.00 watch made with a friend, he built a small receiver to hear time signals from the Naval Observatory at Arlington, Virginia. Experimental station 8XK was off the air due to the wartime amateur ban from April 7, 1917 until Oct. 1, 1919.

Dr. Conrad was kept busy answering mail from listeners in widely separated locations. Radio messages, in early days, were chiefly discussions of the kinds of equipment being used and the results obtained. Bored by this monotonous routine and anxious to save his voice Dr. Conrad, on Oct. 17, 1919 placed his microphone before a phonograph and substituted music for voice. Requests poured in for records to be played at certain times to convince skeptics. Because of the demand, within a few days, Conrad announced that instead of complying with individual requests he would "broadcast" records for two hours each Wednesday and Saturday evenings.

By late summer of 1920 interest in these broadcasts had become so great that the Joseph Horne Company, a Pittsburgh department store ran an ad in the Pittsburgh Sun featuring Dr. Conrad's "wireless concerts" and offering amateur wireless sets at $10 up.

H. P. Davis, Westinghouse Vice President, an ardent follower of the Conrad venture reasoned that the real radio industry lay in the manufacture of home receivers and in supplying radio programs which would make people want to own such receivers. Westinghouse officials were won to the same view

and a station was authorized, license application submitted, and election night—then only a little more than two weeks away—selected for the grand opening.

KDKA has broadcast regularly ever since and many of KDKA firsts are firsts for the radio industry.

On January 21, 1921, KDKA broadcast the first religious service live from the Calvary Episcopal Church.

On March 19, 1921, KDKA aired the first official government broadcast with members of President Harding's cabinet speaking.

On April 11, 1921, the first sports broadcast, a boxing bout for the lightweight title, Johnny Ray vs. Johnny Dundee, was broadcast from Motor Square Garden.

The first farm program was May 19, 1921.

On October 5, 1921, the first World Series broadcast was transmitted from the Polo Grounds in New York City.

A Newark, New Jersey, station WJZ was listed in the radio service bulletin of June 1, 1921, although not officially licensed until September 20, 1921, went on the air September 19 with a remote pickup from the eastern states exposition at West Springfield. KDKA, WBZ, and WJZ constituted broadcastings first group of stations under one ownership, and Westinghouse became the first such owners. Today the Group W, Westinghouse Broadcasting Company, owns seven radio stations and five television stations in the United States.

KDKA began in a tiny transmitter shack atop the East Pittsburgh Westinghouse plant. Today its 50,000 watts clear channel has been heard in every state and at sometime in every foreign country around the world. KDKA Radio 1020 has become an integral part of the Pittsburgh community through direct involvement. In cooperation with the urban coalition KDKA sponsors "Call for Action" an urban hot line for residents to get direction on solving housing and related problems. KDKA and the Allegheny Board of Trial Lawyers produce an annual "Mock Trial" hearing to spur legal awareness in the community and give encouragement to promising law students. In 1970 KDKA received the annual Judge Wallace S. Gourley Award for this service. KDKA utilizes the services of worldwide Group W and press services as well as a staff of news specialists to keep Pittsburghers informed with objective reports on their world. KDKA's "Open Mike" show features experts and personalities in the news and allows listeners a chance to talk back to newsmakers.

KDKA is proud to be the pioneer station of broadcasting and witness the growth of radio from a handful of wireless amateurs to today's industry which reaches all Americans through over 350,000,000 radio receivers.

MRS. MAXINE BROWN AND CITIZENS OF BURLESON, TEX., SPEAK OUT ON THE STATE OF THE NATION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. TEAGUE of Texas. Mr. Speaker, back in June, I received a letter from Mrs. Maxine Brown of Burleson, Tex., which letter was also signed by a number of other citizens of the same town. I believe the letter to be one of the finest I have received ever from a constituent and portrays vividly the great concern of what I believe to be the majority of my constituency on the state of the Nation. The people of Burleson, Tex., are good American citizens, God fearing, and deeply concerned for what is happening in our country as is evidenced by this letter. I urge all Members of this body who have expressed concern for the future of this great Nation to read this letter, as follows:

Congressman OLIN E. TEAGUE,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. TEAGUE: As a citizen of this country, and a registered voter, my conscience will no longer let me remain one of the silent majority.

I feel it is my duty to my country and my God to protest the major issues facing the Free Americas.

My concern ranges from the riots on our college campus to poverty on the home front, and most emphatically the course of the Vietnam war.

As we approach the middle of 1970 statistics show that interest rates are higher than they have ever been, cost of living increases with each monthly report, crime and poverty is tremendously high, and numerous other subjects reaching their peak.

Our country is in a recession because of internal problems and mismanagement.

We, the working people, have had to gird our belts, and carry the burden of the national debt, and send our fathers, sons, and husbands to fight and defend a country who apparently do not want us there. They have, however, become wealthier due to narcotics and stolen goods sold openly on the streets by Vietnamese civilians. The real tragedy aside from the death, heartbreak and broken bodies is the opportunity of industrialists to pounce on the sufferings of humanity, filling their fat pockets with additional monetary gain. Since we are in the war, let's take steps to do the job that should have been finished long ago, and bring our boys home.

It is amazing that the great minds of this world can probe outer space, place men on the moon, and design weapons to destroy nations with one push of the button. The superior intelligence of these people was a gift from our Creator, and would be much more pleasing to him if their thoughts, time and energies could be spent in creating devices for saving lives instead of total destruction.

I firmly believe the present peace movement, racial problems, and riots with moral strife have the undercurrent of communism at work. These people, most of them American citizens, are protected by our Constitution; with only a requirement for them to register as Communists. They must register, I am told, so that the government can be informed of their activities. Well, the whole world is watching as they divide our nation using a weapon dear to our hearts, a plea for peace. They nurture the minds of minorities, the emotionally disturbed, the poverty stricken and the youth of our nation whose task it will be to correct the problems we created today.

This must cease immediately if we are to survive as a people. It is imperative that the majority reign, and strongly support those who are in the position to enforce the laws of our land. These immoral Hippie Fests are allowed to exist because it is a social problem we have allowed to evolve out of the miseries of humanity. Every day people are convicted on charges of possession of marijuana and punished; yet nothing is done by law enforcement to stop these public Pot Parties. Why?

Since the surtax has been introduced, nothing constructive to my knowledge has been done on the homefront to alleviate the problems of those paying. We have homes now encircling us built with Federal Grants at the interest rate of one percent to the purchaser. A cheap home, built cheaply, with the taxpayer paying the outstanding debt of high labor and interest. In this same period, our Senate and Congress voted themselves a salary increase along with the President getting a larger sum. He also felt the need for a summer White House in California with the expense of travel, communication, installations and of course the windscreen for the pool, all at the taxpayer's expense of $60,000. Yet, we are encouraged to buy only what we need to control inflation. Well, the majority of us obviously are Indians and not Chiefs, to coin a phrase, and examples set by our leaders leaves us somewhat confused.

Because of high costs of daily living, we cannot decide whether to fence our back yard. The cost of $300 would be mere trivia to some, yet if we do get a fence that will keep at least three children out of the street.

As our representative in Congress, I have written you on separate occasions expressing my views, and have received very cordial replies stating your understanding and sympathy to my problems. Your voice in Congress is the voice of the people in your District, and we are ready to have our grievances heard. We can no longer be a silent majority weeping silent tears in privacy and praying in earnest concern for our nation, and the future of its people.

Will you help us?

Mrs. W. E. Brown, Mr. W. E. Brown, Mr. and Mrs. William H. Fox, Mrs. B. H. Colling, Bobby H. Colling, Mrs. A. L. Porter, Mrs. Earl Brown, Mrs. Irwin Cameron, Irwin Cameron, Pauline Webb, Mrs. W. A. Greer, Mr. Donny Timmis, Mrs. Donny Timmis, Mrs. Berta Bennett, Mrs. Bob Roberts, Emma Lee Love, Donald B. Trimble, Ernie E. Dill, Mrs. Mamie Dill, all of Burleson, Tex.

SECOND ANNIVERSARY OF SOVIET-BLOC INVASION OF CZECHOSLOVAKIA

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. TAFT. Mr. Speaker, as we are all sadly aware, the week of August 17 marks the second anniversary of the Soviet bloc invasion of Czechoslovakia. I am proud to join with freedom-loving people everywhere in saluting the courageous people of Czechoslovakia and to assure them that their cause has not been forgotten.

The continued Soviet occupation of Czechoslovakia is another crime against the right of a small country to determine its own destiny and aspirations. While we enjoy the individual liberties of a free society, the people of Czechoslovakia, wracked with fear and frustration, have seen the spark of freedom stamped out by the heavy boot of communism.

In times such as these, we in the United States must sustain the hopes of these people by affirming and activating our own deep dedication that they have what their country has so seldom enjoyed through the years—freedom and liberty.

POLLUTION OPINION POLL

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. KOCH. Mr. Speaker, in the next few weeks I will be sending to my constituents a brief summary of my congressional efforts with regard to the growing pollution crisis now facing our country, and a short questionnaire posing alternative steps that might be taken to help meet New York City's pollution challenge.

This mailing, which will go to approximately 170,000 households, is a product of the responses I received from my April questionnaire indicating that pollution and sanitation are uppermost in people's minds when considering all of the problems facing New York City.

With the thought that it might interest my colleagues I would like to insert at this time the complete text of my report and questionnaire:

CONGRESSMAN EDWARD I. KOCH ASKS FOR YOUR OPINION

DEAR CONSTITUENT AND FELLOW NEW YORKER: The 25,000 residents of the 17th Congressional District replied to my April questionnaire. It was an enormous response and in my June newsletter there was only time and space to report the statistical results.

Since then I have read with great interest your recommendations on how I can improve the job I am doing and, in particular, what single change you would suggest to make New York City more livable.

Over half of those responding singled out pollution and sanitation as the most obvious and obnoxious problems requiring action. People want something done about the dirty air, polluted waters and filthy streets of New York City.

Let me tell you what I've been trying to do and then ask your opinion about some proposals that constituents made when replying to my April questionnaire. I think we all have some hard choices to make if we really mean to clean up our City.

CITIZEN ENFORCEMENT OF POLLUTION LAWS

On June 29, I filed affidavits with the U.S. Attorneys in Manhattan and Brooklyn requesting prompt and vigorous prosecution of 10 industries which have been listed as polluters of major importance in New York City by the State Department of Health. I relied on the Federal Refuse Act of 1899 which provides for citizen action against those who unlawfully discharge refuse into navigable waters. In the past, the Justice Department has refused to use this potentially powerful and effective federal statute except in a very limited way. I will continue to press for strict enforcement of this important water pollution control law.

Last month I co-sponsored and testified in support of a bill which would allow an individual citizen, or group of citizens united by a common grievance, to bring lawsuits directly against those industries who threaten or those government officials who neglect the citizen's right to a pollution free environment.

WATER POLLUTION

Recently I introduced the Regional Water Quality Act which establishes a national system of special taxes levied on industrial polluters based on the volume and toxicity of each polluter's waste. Such taxes provide the best incentive for polluters to install abatement equipment at their own expense. I believe when industry is faced with paying taxes on waste, it will find it more profitable to stop polluting.

AIR POLLUTION

I have joined the formation of a Congressional Clean Air Committee, an ad hoc group of Congressmen now pressing for stronger air pollution control legislation proposed by Environmental Action and endorsed by several major conservation organizations.

I am particularly interested in getting the federal law changed so that New York can establish auto emission standards that are more restrictive than national standards. At present, California is the only state which can adopt tougher standards yet the auto pollution problem in New York City is just as bad as in Los Angeles.

If you want further details on this and other legislation proposed by our Congressional Clean Air Committee, please drop me a note.

(Space has been given for answers by two persons to allow for differences of opinion in a household.)

QUESTIONNAIRE

1. Would you favor banning all vehicles (except taxis, buses, police, fire, sanitation, commercial vehicles etc.) on a trial basis in the 17th C.D.?

2. Would you favor prohibiting all street parking Mon.-Fri. from 8–6 p.m. (except taxis, buses, police, fire, sanitation, commercial vehicles etc.) on a trial basis in the 17th C.D.?

3. Based on your current information about Con Ed's applications to enlarge their electric generating plant in Astoria (involving the issues of adequate power and clean air) do you favor the approval of such applications?

4. Would you favor outlawing the internal combustion engine by 1975 if Detroit cannot make it non-polluting even if alternative modes of propulsion (steam or battery driven cars) prove to be more costly and less efficient?

5. Do you favor banning the use of non-returnable bottles and cans for beer and soft drinks?

THE SUBTLE SUICIDE OF FREE ENTERPRISE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CRANE. Mr. Speaker, for a number of years I have extolled the virtues of the free enterprise system in as many forums as were available to me.

One of my main themes has consistently been that the American business community has not done enough to sell itself and to present its case persuasively. In addition, it has not bothered to "dirty its hands" with the business of politics. As a result of this hands-off policy, the vital political decisions are too often made by those whose interests are not the interests of the free enterprise system.

Prof. Yale Brozen of the University of Chicago has found the same situation to exist, and he has told some businessmen about the problem in no uncertain terms. I commend Professor Brozen's speech—as reprinted from the August 10, 1970, issue of Barron's magazine—to the thoughtful attention of my colleagues:

FOR SWEEPING REPEAL

I bring you a message that will hardly surprise you. Free enterprise in this country is one-quarter dead and one-quarter strangled. It is only half alive. We are the inheritors of a proud tradition of peaceful, progressive, permanent revolution through free enterprise, but we are seeing about us increasingly unresponsive rigidity that is freezing us into a mold of stagnation.

That rising unresponsiveness leaves the young with, they believe, no alternative but either to obtain political power or begin thinking in terms of violent, destructive revolution. The peaceful, constructive, continuing revolution that was the hallmark of America's past creating the greatness of America today is neither understood nor regarded as an alternative. Many among the young mouth Marxist and Maoist slogans because they are too ignorant to know that that is the poison which is sickening them. But they do recognize that sickness is in the air. (Students listening to Ramsey Clark, former Attorney General of the United States, cheered when he said, ". . . an individual has to have some power to affect the quality of his schools, the quality of garbage collection, the quality of the police protection he gets, or he's utterly helpless. This means that we've got to involve communities in political power action and we've got to do it on whatever basis is necessary.")

The young recognize the senility that is setting in, if not its causes. The cause lies in the creeping socialism we have undergone. Just look around, and you see mail delivered by a socialized enterprise; children schooled in a socialized educational system; collectivized water; compulsory government annuity insurance; research for a major industry (agriculture) done by government agencies; food inspected by another government agency, cars and trucks rolling on socialized highways, and our aged parents protected by socialized medical insurance.

In that half way house to socialism, compulsory monopoly under government regulation, we ride monopolized and regulated, if not socialized, city transit systems, commuter railroads, taxicabs, air lines, buses, and trains. Our raw materials are delivered and our products shipped by regulated trucks, trains, barge and pipelines. Our homes are heated by regulated gas. We read by socialized or regulated light. And some of us clamor for regulated prices and wage rates where they are still free, crying that only price and wage controls can stop inflation. Free enterprise is half dead and some of us are asking for a noose to strangle what still lives.

Our national malaise is that every time someone sees a problem, we think that passing a law will cure that problem. We see postal service deteriorating—pass a law to reorganize the U.S. Post Office into a U.S. Postal Service. There is poverty—pass a law to get rid of it. There is crime in the streets—pass another law. There is congestion in the airports—put in another regulation. The schools are failing to educate—pass another appropriation to give them more money. Colleges face a financial crisis—pass a law providing state aid for private colleges. Juveniles are dropping out of school or becoming delinquent—pass a law providing more counselors. Our cities are burned by rioters—pass a law making it illegal to cross state lines to foment a riot. Japanese textiles are making life tough for cotton manufacturers—pass a law limiting imports. Consumers find their appliances need maintenance—pass a law requiring mandatory guarantees.

Pass a law. Pass a law. We are asking for so many laws that Congress has to stay in session almost the year round instead of going home after three or four months as they used to do. We are getting more laws

than we know what to do with. We should pass a law against more laws. We should pass a law limiting Congressional sessions to a maximum of six months each year. Pass a law. Pass a law. It's become a national refrain. Perhaps we ought to put it to music.

How many of us think about the fact that many of the problems that confront us could be better solved by repealing a law instead of passing another law. For example, perhaps the postal mess can be solved better by repealing a law than by passing another one. What would happen if we repealed the provision in our postal laws which makes it illegal for anyone but the U.S. Post Office to provide first class mail service?

It is, of course, un-American to propose an alternative to a governmentally operated postal system. After all, Ben Franklin, a great patriot, was a founder and supporter of this governmental enterprise. Anyway, what sensible American would want to go into a business which loses as much money as the Post Office?

Believe it or not, a good many Americans seem to think that the postal business is worth entering. The Post Office investigates thirty to forty cases a year where it suspects that its monopoly is being infringed. It prosecutes fifteen to twenty cases a year.

Of course, first class mail is profitable for the U.S. Post Office and it is in this class of mail in which it has a legal monopoly. It has never bothered obtaining a legal monopoly of other classes of mail since it believed that it lost money on other classes. It was glad to have anyone who wished take these over. But, of course, who would want to get a piece of a money losing business?

A number of people evidently have been anxious to move in on this money losing business—and some have done so. Tom Murray started a service in Oklahoma City where he offered to deliver third class mail for $25 a thousand, much less than the $43 a thousand the Post Office charged. Also, he guaranteed delivery within a specified time. The Post Office' habit of frequently delivering such mail after the event had already occurred that was being announced created many customers for Tom Murray, giving him the opportunity to lose even more money than the Post Office since he was charging less and giving better service. To everyone's amazement, he is making money. Others find the opportunity to compete with the P.O. on these terms so attractive that Mr. Murray has now franchised operators or is operating himself in sixty other cities under his Independent Postal System of America banner. His 1500 bonded carriers are serving 70 million people in these sixty cities in the U.S. and Canada, and he appears to be making money.

In parcel post, United Parcel Service is competing with the Post Office. Its service is enormously superior to that of the U.S. Post Office, and its rates are lower. Where the Post Office charges $1.17 for a 10 lb. package mailed in San Francisco and delivered in Portland in eight to ten days, United Parcel charges 98 cents and delivers in two days.

These are services on which the Post Office claimed to be losing money, yet private operators are providing better service at less cost and a lower price. Think of what private operators could do for first class mail service—which has deteriorated to the point of being ludicrous. The service is so poor that many companies pay the postage they are required to pay by law for first class mail but never let their mail get near a U.S. Post Office. They deliver the mail themselves rather than lose the time involved in letting a U.S. postal employe get his hands on their messages.

If we wish to improve our mail service and reduce its costs, we don't need to sell the Post Office. All we need to do is repeal the law monopolizing the carriage of first class mail for the U.S. Post Office. Also, it would help to repeal the law monopolizing the use of a householder's mail box. The would-be competitors who are now being prosecuted for violating the law could operate. The alternative services that would become available would not only be an improvement but also would greatly reduce our vulnerability to postal strikes.

At present, a large portion of the monopoly power in the hands of the U.S. Post Office accrues to the interest of the postal unions. The result has been that postal workers in the last ten years have been winning wage increases outstripping those of industrial workers. From 1959 to 1969, postal wage rates rose by 4.7% per year while industrial wage rates rose by 4.4% a year. You might never suspect that listening to the complaints of New York postmen. Given their recent success, a continuation of a monopoly Post Office is going to result in postal wage rates rising even more rapidly in the future. Postmen received a 6% increase this year and are scheduled to receive another 8% for a total increase of 14.5% as compared to the 7.8% average unions have won this year in private industry.

Simply setting up a U.S. Postal Service will not cure that situation, as has been demonstrated by the transportation unions. With competition from potential entrants to the common carrier transportation industry barred by the necessity to obtain a certificate of public convenience and necessity, the unions in the industry have a monopoly position which has enabled them to win wage increases well in excess of those won by other workers—and they win them at the expense of other workers. The Brotherhoods, the Teamsters, and the Air Line Pilots Association are a labor aristocracy engaging in wage setting activities which depress the wage rates of workers in other industries.

The alternative to the present proposals for passing a law to reform the Post Office—which will do nothing to improve many aspects of the situation—is simply to repeal the law monopolizing first class mail.

Free enterprisers have been remiss in bringing about a free enterprise solution to the postal scandal. A bill has been dropped into the Congressional hopper by Congressman Philip Crane from Illinois repealing the monopoly provisions in present postal laws (H.R. 16691). Has the Midwest Employers Council, or any other association of free enterprisers, given Crane's bill any support? I have seen none.

The few I have talked with have been afraid of losing their subsidies. The newspapers and magazines want their postal subsidy continued. The advertisers in these media want the subsidy continued. They are afraid that the elimination of monopoly in first class mail will mean no subsidy for second class mail. So Crane's bill receives no coverage in the media and few know of this proposed solution.

I would suggest to the advertisers who complain about governmental regulation of advertising and of their businesses, of governmental competition with their businesses, and of the burden of taxes on their businesses—which in combination are strangling the free enterprise sector—that they have only themselves to blame. If they abandon the free enterprise principle when they think it is to their interest, the whole principle becomes suspect. Who is going to rally with them to the defense of the free enterprise principle when these enterprisers want it defended if they do not support it when it may cost them something. It becomes a principle with friends only in fair weather.

To heap irony on irony, the postal subsidies which the newspaper owners and advertisers think are in their interest benefit them but little. Most, if not all of the subsidy is consumed in inefficiency, not in providing cheaper service. The subsidy they think they receive at other people's expense yields so little benefit that it is more than offset by their own tax contributions to the subsidy—a tax they pay everytime they use first, third and fourth class mail as well as the directly perceived taxes paid to provide the billion dollar a year operating loss suffered in postal operations plus the taxes paid to provide the interest on the Federal debt incurred to finance postal facilities.

If you free enterprisers want to avoid suicide, you can start on the socialized postal monopoly. Get rid of the monopoly element in this socialized enterprise. Let free enterprise provide now unimagined solutions for delivering better and less costly service than that now provided by this legal monopoly. With the elimination of this socialized monopoly, there will be less opportunity for the strangulation of free enterprise and free choice via postal regulations on what may be transported in the mail as well as via the tax and cost burdens imposed on free enterprises by this creaking, inefficient, giant governmental business.

Let me turn to another area where we have passed a law—and more laws—to cure the problem when a more appropriate action would have been the repeal of a law—or of several laws. We were concerned about poverty, and we passed an Economic Opportunity law in 1964 to launch a war on poverty. Numerous programs managed by an Office of Economic Opportunity were set up. These were all presumably designed to lift the incomes of those making less than $3,000 a year. We could do more to raise the incomes of the poor by repealing laws than has been done or will ever be done by this law.

Minimum wage laws create poverty by forcing people into unemployment. Agricultural price support programs make people poor by raising the price of food and by decreasing job opportunities through the production restrictions imposed to maintain high agricultural prices. The laws regulating transportation rates prevent industry from moving to disadvantaged regions where the poor live and providing jobs for them. They increase the cost to the poor of migrating to regions where better paying jobs can be found and prevent them from curing their own poverty.

Union supporting legislation causes poverty by permitting and encouraging union power to grow to the point where it can be and is used to restrict the entrance of the poor into higher paying jobs. . . . The urban renewal program is forcing the poor out of inexpensive housing into more costly shelter. The Federal migrant housing act is eliminating the jobs available to migrant labor by forcing farmers to choose between constructing expensive housing if they use migrant labor or buying less expensive crop harvesting machinery. The tariff law is monopolizing low paying jobs for Americans in protected industries which yield only $2.00 an hour and preventing the expansion of our export industries which pay $3.00 to $6.00 an hour.

The Tennessee Valley program is subsidizing people to stay put in a region where their opportunities are poor. The Rural Electrification Program is eliminating job opportunities for farm labor and depressing rural wage rates. And the taxes levied to support these programs are reducing the rate at which we increase our stock of capital—tools, machines and other equipment—and are reducing the rate at which better paying jobs would become available if these taxes

were not levied. We could do more for the poor by the repeal of all this legislation than we can possibly do by the special enactments designed to help the poor.

That was a rapid summary of some complex pieces of legislation, but rather than elaborate on this topic, I want to take the few minutes remaining to analyze two other proposals. We are all puzzled by the fact that our children receive so much schooling but so little education. Without dwelling on this point, let me just say that this is the inevitable consequence of subsidizing teachers and schools. If we bought a product and let free enterprise compete to see who could win the customers' favor, we would get a better product. But if we subsidize production with no competition for customers, we are guaranteed either a lousy product or a terribly expensive product or both. That is why we are getting lots of schooling at great expense and little education.

How can we cure the situation? Let schools compete for customers. How can that be arranged? Stop giving money to schools. If you want to give money away for education, give the parents of school age children vouchers which they can use to pay tuition at whatever school that can attract their patronage. If it costs $600 a child to operate the Omaha school system, give the parents of your school children vouchers good for up to $600 to pay tuition at any school. Public schools would then have to compete with each other and with private schools to see whose product can attract customers. Parents who want their children in programs with an abundance of individual attention or other especially expensive features could add the $200 or $300 required to pay the tuition in schools offering such programs. Present public schools would have to compete with each other for students as well as with private schools. The badly run schools would lose out to the well run schools. Schools would become more efficient in their use of resources as well as producing a better product in the competition to obtain students.

It's time we applied the free enterprise principle to this socialized arena in order to get our children educated. It's time that we stop putting children in jails labeled school from 9 to 3 every day.

This would have the advantage not only of improving the education of our children. It would also slow the indoctrination of our children with a socialist theology. The employes of a socialized enterprise are not likely to feel much loyalty to the free enterprise principle. (There are, of course, some exceptions.) Their analysis of the virtues of socializing economic activity is not likely to be balanced with more than a passing nod to the disadvantages. Their analysis of the defects of free enterprise is not likely to be balanced with equal enthusiasm for the discussion of the advantages of a free enterprise system.

You are killing the political support for the free enterprise principle by your support of socialized schooling. If you persist in this suicidal course, you will continue to get costly education and poor education for your children and an erosion of the free enterprise arena. Free enterprise will continue to die by the salami technique—slice by slice. . . .

SENATE—*Monday, August 24, 1970*

The Senate met at 10 a.m., and was called to order by the President pro tempore (Mr. RUSSELL).

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

Eternal Father, we thank Thee for the world in which Thou has placed us. Help us to learn its laws and to trust its mighty powers.

We thank Thee for the world within us, fashioned for Thy presence—for the silent spaces of the soul and the kingdom of the mind.

We thank Thee for the world of the spirit revealed to us in the Man of Nazareth, for the vastness of His love, the purity of His life, and the grace of His forgiveness.

Let that mind be in us which was in Him that we may be gentle as He was gentle, true as He was true, brave as He was brave, loyal as He was loyal, and prompt as He to do the Father's will. Grant that we may so live this day that Thy kingdom may be advanced in and through us.

For Thine is the kingdom and the power and the glory forever. Amen.

CALL OF THE ROLL

The PRESIDENT pro tempore. Since the Senate adjourned on Friday, August 21, 1970, without a quorum, the first order of business is to obtain a quorum.

The Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 265 Leg.]

Allen	Byrd, W. Va.	Fong
Allott	Cook	Griffin
Anderson	Dominick	Hansen
Bellmon	Eagleton	Harris
Bennett	Eastland	Hart
Bible	Ellender	Hatfield
Boggs	Ervin	Holland
Burdick	Fannin	Hruska
Jordan, N.C.	McIntyre	Sparkman
Jordan, Idaho	Metcalf	Spong
Mansfield	Muskie	Stennis
Mathias	Packwood	Williams, Del.
McClellan	Ribicoff	Young, N. Dak.
McGovern	Russell	

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senators from Minnesota (Mr. MCCARTHY and Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Georgia (Mr. TALMADGE), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. PASTORE) is absent because of the death of a friend.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from New Hampshire (Mr. COTTON), the Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senators from Pennsylvania (Mr. SCOTT and Mr. SCHWEIKER), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Tennessee (Mr. BAKER) and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Iowa (Mr. MILLER) is temporarily absent.

The PRESIDENT pro tempore. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After some delay the following Senators entered the Chamber and answered to their names:

Brooke	Goldwater	Percy
Byrd, Va.	Goodell	Prouty
Case	Hartke	Proxmire
Cooper	Hollings	Randolph
Cranston	Long	Thurmond
Curtis	Magnuson	Yarborough
Dole	McGee	
Fulbright	Moss	

The PRESIDENT pro tempore. A quorum is present, and the clerk will proceed to call the roll again on the final passage of H.R. 18127, the public works appropriation bill.

The clerk will proceed to call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. Mc-