unplugging toilets or making the air conditioning system operate. The primary concern is avoiding any delay regardless of the comfort of the passengers and also to keep additional needed personnel off the payroll.

On the old North Coast Limited, we were pulling an average of ten or eleven cars, mail car, baggage car, four coaches, travelers rest, diner, slumber coach and two sleepers. The train now consists of water baggage car, two or three coaches, diner and two sleepers totaling six or seven cars as a regular train. The smallest count on this train since Amtrak took over, was approximately sixty-two passengers on the Billings, Butte Division, and the highest was four hundred and twenty (420). The average passenger load is ninety-five passengers. Amtrak is carrying about forty percent (40%) more passengers on this run then we were carrying at the same time last year.

Amtrak has come out with a notice on smoking on this train and I cannot see any way it can be made to work. As long as you have seat reservations, there is no possible way you can segregate the smokers from the non-smokers. My suggestion would be to eliminate smoking except in the rest rooms, diner and lounge car.

On January 2, 1972, passengers were not allowed to board No. 9 at Livingston because the train was filled to full visual capacity out of Billings with about fifteen people standing in the aisles and sitting on their luggage. All coach seats, dome seats, and all seats in the lounge car, were filled as well as people sitting in the rest rooms. There were also many coach passengers sitting in the bedrooms and roomettes at Livingston. There were two bedrooms unoccupied to Missoula and people were placed in these two bedrooms at Livingston. Adequate rooms or coaches are not supplied during the holidays and other periods of peak travel.

On January 2, 1972, there were four hundred and twenty (420) people on train No. 9 at Livingston. Upon inquiry in St. Paul as to where coaches were that had been used the year before, we were notified that the coaches were not fit for service and that neither Burlington Northern nor Amtrak would make needed repairs for service. People in coaches are renting pillows with no covers and people in bedrooms do not always have clean linen on beds because adequate supply of clean linen is not provided. Upon inquiry to the porter about clean linen, he makes the statement, "that's all there is, there ain't no more."

Coaches are dirty and unsanitary on the interior, windows are not kept clean, and it is impossible for passengers to enjoy the scenery on a scenic route.

The condition of the North Coast Hiawatha motive power is appalling. Much of the maintenance is done after the locomotive is placed on the train where mechanics and proper tools are not readily available. If a machinist or electrician is needed a call must be made to the roundhouse. With shop facilities at Livingston, Montana, every passenger train should move out of that point with freshly serviced locomotives in the interest of eliminating power failures and unnecessary delays.

The North Coast Hiawatha is operating on a use it or lose it basis. The manner in which it is being operated would indicate that Amtrak is preparing to lose it.

Amtak is not providing modern and efficient rail passenger service over the Southern route through Montana.

SENATE—*Tuesday, May 2, 1972*

The Senate met at 12 noon and was called to order by Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois.

PRAYER

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

Eternal source of light and life, in whose divine Fatherhood lies the hope of human brotherhood, we lift our prayer to Thee, beseeching Thee to show us the way in our striving for a better world. When we would do good, evil is present with us, and without Thee we are impotent and undone. But in Thy presence we see light to take one step at a time toward the distant goal of Thy kingdom on earth. When the spirit is willing but the flesh is weak, keep us steadfast and unmovable, always abounding in the work of the Lord. Work in and through us Thy holy will for this Nation and all mankind.

Through Him who brings peace and joy. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 2, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 1, 1972, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON GOVERNMENT SERVICES TO RURAL AMERICA—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. STEVENSON) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

Today, I am transmitting the second annual report on government services to rural America, as required by the Agricultural Act of 1970.

RICHARD NIXON.

THE WHITE HOUSE, *May 2, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. STEVENSON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 1379) to authorize the Secretary of Agriculture to establish a volunteers in the national forests program, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 5404. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes;

H.R. 9676. An act to authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee;

H.R. 12392. An act to amend title 28, United States Code, section 1491, to authorize the Court of Claims to implement its judgments for compensation;

H.R. 12652. An act to extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes; and

H.R. 13334. An act to establish certain positions in the Department of the Treasury, to fix the compensation for those positions, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the bill (S. 2713), an act to amend title 18 of the United States Code to authorize the Attorney General to provide care for narcotic addicts who are placed on probation, released on parole, or mandatorily released.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. STEVENSON).

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 5404. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes; to the Committee on Agriculture and Forestry.

H.R. 12392. An act to amend title 28, United States Code, section 1491, to authorize the Court of Claims to implement its judgments for compensation; and

H.R. 12652. An act to extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes; to the Committee on the Judiciary.

H.R. 13334. An act to establish certain positions in the Department of the Treasury, to fix the compensation for those positions, and for other purposes; to the Committee on Finance.

H.R. 9676. An act to authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee; to the Committee on Government Operations.

ENROLLED BILL PRESENTED

The Assistant Secretary of the Senate reported that on today, May 2, 1972, he presented to the President of the United States the enrolled bill (S. 2713) to amend title 18 of the United States Code to authorize the Attorney General to provide care for narcotic addicts who are placed on probation, released on parole, or mandatorily released.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

INDEFINITE POSTPONEMENT OF SENATE JOINT RESOLUTION 155

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Calendar No. 359, Senate Joint Resolution 155, relating to termination of military operations of the United States in Indochina be indefinitely postponed.

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

WORKING CAPITAL FUND FOR THE BUREAU OF LAND MANAGEMENT OF THE DEPARTMENT OF THE INTERIOR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 734, S. 2743.

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

The assistant legislative clerk read as follows:

S. 2743, to establish a working capital fund for the Bureau of Land Management of the Department of the Interior, and for other purposes.

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a public land management working capital fund. This fund shall be available without fiscal year limitation for expenses necessary for furnishing in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and regulations promulgated thereunder, supplies and equipment services in support of programs of the Secretary of the Interior which he administers through the Bureau of Land Management, including but not limited to the purchase or construction of buildings and improvements and the purchase of motor vehicles, aircraft, heavy equipment, and fire control equipment within the limitations set forth in appropriations made for the Bureau of Land Management.

SEC. 2. The initial capital of the fund shall consist of appropriations made for that purpose together with the fair and reasonable value at the fund's inception of the inventories, equipment, receivables, and other assets, less the liabilities, transferred to the fund. The Secretary is authorized to make such subsequent transfers to the fund as he deems appropriate in connection with the functions to be carried on through the fund.

SEC. 3. The fund shall be credited with payments from appropriations and funds of the Bureau of Land Management, other agencies of the Department of the Interior, other Federal agencies, and other sources as authorized by law, at rates approximately equal to the cost of furnishing the facilities, supplies, equipment, and services (including depreciation and accrued annual leave). Such payments may be made in advance in connection with firm orders, or by way of reimbursements.

SEC. 4. There is hereby authorized to be appropriated the sum of up to $3,000,000 to provide initial capital.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–766), explaining the purposes of the measure.

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

EXCERPT FROM REPORT NO. 92–766

PURPOSE

The purpose of S. 2743, which was introduced by Senators Jackson and Allott at the request of the Department of the Interior, is to establish a working capital fund for the Bureau of Land Management of the Department of the Interior.

BACKGROUND

S. 2743 is patterned after the act of August 3, 1956 as amended (16 U.S.C. 579b) which provided a working capital fund for the United States Forest Service.

Because BLM operations involve long-range or unexpected commitments of funds, a stable and flexible working capital fund will afford this agency a more efficient method of financing and accounting for various programs and service operations affecting more than 450 million acres of public lands and requiring a variety of special supplies and equipment.

A working capital fund will greatly simplify bookkeeping and contractual arrangements with suppliers and will enable BLM to take advantage of seasonal purchasing and quantity purchasing benefits.

On March 22, 1972, hearings were held before the full committee to consider S. 2743. At that time the Committee received the favorable testimony of the U.S. Department of the Interior.

COSTS

Enactment of S. 2743 will authorize the appropriation of $3 million to provide the initial capital to establish the working capital fund.

RECOMMENDATIONS

The Committee on Interior and Insular Affairs by unanimous vote of the members present in executive session on April 26, 1972 recommends that S. 2743 be enacted.

DEATH OF J. EDGAR HOOVER

Mr. ROBERT C. BYRD. Mr. President, the country, I am sure, was greatly shocked to hear today of the passing of J. Edgar Hoover.

J. Edgar Hoover was an American institution.

As much as any American who ever lived, he gave a lifetime of devoted service to his country. He was dedicated to the basic principles which have made America great. He devoted himself to the public good.

I am glad that he was permitted to remain at the head of the FBI despite his age.

Like all unusual men, he was controversial, but I believe he had many more supporters than detractors.

Under his direction, the FBI has become a symbol of efficiency, dedication to the rule of law, and incorruptibility, which has made the Bureau respected throughout the world.

The FBI, built largely by the determination and hard work of J. Edgar Hoover, and his deep love for his country, will long remain a monument to his memory, and the Bureau will bear the indelible imprint of his strong character for years to come.

Mr. GRIFFIN. Mr. President, I share the regret already expressed by the distinguished acting majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD), concerning the death of J. Edgar Hoover.

Few men are legends in their own time. J. Edgar Hoover was. He served America under eight Presidents, and built the FBI into the most respected law enforcement agency in the world.

It is the understatement of ours to say that this man will be very difficult to replace.

SEVEN OUT OF 10 AMERICANS SUPPORT PRESIDENT NIXON'S POLICY ON BOMBING VIETNAM MILITARY TARGETS

Mr. GRIFFIN. Mr. President, it is very interesting that no notice seems to have been taken of a press release issued yesterday by the Opinion Research Corp., a respected polling firm of Princeton, N.Y.

The press release reads in part:

Seven out of 10 Americans support the President's use of United States air and sea

power against military installations in North Vietnam as long as the present North Vietnamese offensive in South Vietnam continues. A survey of public reactions to President Nixon's recent televised speech in which he outlined the American position on the recent North Vietnamese invasion of the South shows the public to be solidly behind the President. In a survey conducted by Opinion Research Corporation of Princeton, N.J. respondents were read a series of excerpts from President Nixon's address and were asked for each whether they agree or disagree with the President's position. On the five excerpts tested agreement ranged from 66% to 86%. Following are the five statements tested and the results:

[In percent]

	Agree	Disagree	No opinion
"Our air and naval attacks on military installations in North Vietnam will be continued until the North Vietnamese stop their offensive in South Vietnam"	69	24	7
"I have flatly rejected the proposal that we stop the bombing of North Vietnam as a condition for returning to the negotiating table"	66	27	7
"We refuse to accede to the enemy's demand to overthrow the lawfully constituted government of South Vietnam and to impose a Communist dictatorship in its place"	67	25	8

Mr. President, I ask unanimous consent that remainder of the text to this press release, which seems to have gone unnoticed by the press, be printed in the RECORD.

There being no objection, the remainder of the press release was ordered to be printed in the RECORD, as follows:

[In percent]

	Agree	Disagree	No opinion
"Let us end the war in Vietnam in such a way that the younger brothers and sons of the brave men who have fought in Vietnam will not have to fight again in some other Vietnam at some time in the future."	86	11	

Among virtually all subgroups of the population backing for the President's position remains strong. This is true for both men and women; all regions of the country; both young and old; and Democrats, Republicans, and Independents.

The results of this survey were obtained by telephone interviews conducted among a nationwide representative sample of persons 18 years of age and over. The interviews numbered 1,024 and were conducted during the period April 27–29, 1972.

THE TRANSACTION OF ROUTINE MORNING BUSINESS

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

Is there any morning business?

DEATH OF J. EDGAR HOOVER

Mr. ALLEN. Mr. President, the Nation mourns the death of the Honorable J. Edgar Hoover, director of the Federal Bureau of Investigation since 1924. Mr. Hoover was not only a fearless and incorruptible law enforcement officer, but he was also a loyal and dedicated American whose aim in life was to support, defend, and sustain our great Republic in the lofty principles upon which it was founded.

Mr. President, for some years there has been under construction on Pennsylvania Avenue in the city of Washington a building to house the Federal Bureau of Investigation. Mr. Hoover was dedicated to the final completion of that building, and he looked forward to the time when that building would house the Federal Bureau of Investigation.

I think it was inevitable—certainly now all the more certain—that that building be named after Mr. Hoover.

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

Mr. ALLEN. Mr. President, I yield to the distinguished Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I just came to the floor. I do not want to speak out of context, but Mr. Hoover recently appeared before the Appropriations Committee. I think the Senator will observe from the printed hearing record that he thought the architecture of that particular building was the greatest monstrosity ever constructed in the city of Washington. It was his hope, therefore, that his name not be connected with the building.

Mr. ALLEN. That was the hope he expressed at that time?

Mr. HOLLINGS. The Senator is correct. That is the hope he expressed. This thing evidently was approved by some Pennsylvania Avenue commission charged with the cultural and architectural arts, or some group, and it is the second most completely wide open building that I have ever seen. There is nothing there, just some posts. It goes up gradually like a misplaced pyramid.

Mr. Hoover himself expressed deep regret that it had this design. He was proud that the Federal Bureau of Investigation would be properly housed, but he said that he hoped his name would not be connected with the building.

Mr. ALLEN. That is not the only monstrosity in the city of Washington.

Mr. HOLLINGS. The Senator is correct. I am trying to prevent a monstrosity connected with the Nation's Capitol right now.

Mr. ALLEN. Mr. President, I agree with the Senator from South Carolina.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. ROBERT C. BYRD. Mr. President, if I may be recognized, I yield my 3 minutes to the Senator from Alabama.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized for an additional 3 minutes.

SENATE JOINT RESOLUTION 229

Mr. ALLEN. Mr. President, I introduce a Senate joint resolution providing that the Federal Bureau of Investigation building be named in honor of the deceased Federal Bureau of Investigation Director, the Honorable J. Edgar Hoover.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

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

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, the Nation has suffered a great loss in the death of J. Edgar Hoover. I feel that he was one of the really great Americans of our time.

Mr. President, I do not believe in the theory of the indispensable man. I do not believe any man is indispensable. However, if through the years one were to conclude that this is a valid theory, then I think that so far as our country is concerned, J. Edgar Hoover came the nearest to filling the bill.

Mr. Hoover dedicated his entire life to his beloved country.

He dedicated every waking moment, almost, to the Federal Bureau of Investigation, having built that organization from its beginning into the great organization that it is now. It can truthfully be said that if one has seen one Director of the Federal Bureau of Investigation, one has seen them all. And what a great Director he was. What a great American he was.

It was my privilege to have known him, personally. I am very proud of that fact.

I read a few moments ago on the wire services that President Nixon had spoken of his long and close friendship with Mr. Hoover.

That brings to mind a dinner which the then outgoing Vice President Richard M. Nixon had in Washington in January of 1961, just a few days before the inauguration of President Kennedy. That was 11 years ago. Present at that dinner was Mr. Hoover.

I remember so well Vice President Nixon's tribute to Mr. Hoover on that occasion. Then after the dinner, held at a private club, Mr. Hoover and Mrs. Byrd and I, and a few others at the dinner went back to the home of Vice President and Mrs. Nixon and spent a few more hours together. Several of us sat in the Nixon kitchen with Mr. Hoover, one or two of us sipping coffee and one or two of us sipped scotch. So, I know of the longstanding friendship that existed between President Nixon and Mr. Hoover.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. ALLEN. Mr. President, if I may be recognized, I yield my time to the Senator from Virginia.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized for an additional 2 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, I understand that the distinguished junior Senator from Alabama has introduced a joint resolution to name the new building which will house the Federal Bureau of Investigation in honor of J. Edgar Hoover. I do not know of any more fitting name that could be given to that building than the name of J. Edgar Hoover. Indeed, any other name would be inappropriate.

This country of ours owes Mr. Hoover a great debt.

He dedicated all of his life to the United States. He dedicated all of his life to developing and building and maintaining the integrity of the Federal Bureau of Investigation.

I am glad to associate myself with the distinguished Senator from Alabama in urging that the new building be named in honor of J. Edgar Hoover.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I join in the joint resolution offered by the junior Senator from Alabama. In coming to the floor this morning, I had primarily in mind the matter dealing with the ship sale bill to be discussed in a few moments. I only learned of the passing of J. Edgar Hoover when I arrived here.

I had the personal pleasure in the midfifties of being associated with this distinguished public official. At that time I was serving on the Hoover Commission, investigating the intelligence activities of the U.S. Government.

We went very thoroughly into the Central Intelligence Agency, the State Department, the Army, Navy, Air Force Intelligence, the Defense Intelligence, and to some extent into the various branches of the Federal Bureau of Investigation.

In the main we had a chance to look and see the effectiveness of the Justice Department and the Federal Bureau of Investigation when the famous McCarthy case became an issue. If we would remember, Mr. President, at that time Senator Joe McCarthy would not turn over his papers to anyone. Finally he agreed to turn them over to General Mark Clark, then chairman of the task force under the Hoover Commission.

I was assigned, with others, to go over with the Federal Bureau of Investigation and Mr. Hoover personally each one of these papers and each charge. We went into the wee hours of the morning of the next day. It interested me at that time that there was not a single thing that Senator Joe McCarthy had in his so-called papers that the FBI did not have immediate notice of. As soon as I could state the name of a particular subject and reveal the next paper in the deck, immediately Mr. Hoover was on top of it and said, "Yes, we know about this one," or "We know about that one," or "We went into that before," or whatever the case was.

I found Mr. Hoover to be a very thorough, very objective, very effective, and very brilliant law enforcement officer. I realize that in the past several years his competence has come into issue. In fact, it has been suggested on this floor by some who are running for high office that if they were elected to high office their first act would be to discharge Mr. Hoover. This hurt me somewhat.

The law enforcement officers with whom I worked very closely down in my own State at the particular time, year before last, unanimously in convention passed a resolution of appreciation and thanks to J. Edgar Hoover for his leadership and direction of law enforcement in this land. These were men burdened with the duty of trying to keep peace and good order in the cities and urban areas which were then in turmoil and disquiet.

The ACTING PRESIDENT pro tempore. The Senator's 3 minutes have expired.

Mr. ALLEN. Mr. President, I ask unanimous consent that I may be recognized for an additional 3 minutes so I may yield to the Senator from South Carolina.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I thank my distinguished colleague from Alabama.

Mr. President, it so happens that this Congress passed a joint resolution dedicating May 1 of this particular year, 1972 as Law Day to that law enforcement officer. We did that after 4 years of effort, over the objection of the American Bar Association and many other groups. It only reached the President's desk on April 27, 1972, and it was signed into law too late to have effect this year. We have already reintroduced it to have it ready so it will have the right effect and be a tribute and memorial for next year, May 1, 1973.

But it was J. Edgar Hoover who gave credibility and stability to our society, to meet our needs. I saw him only 4 years ago, while conducting hearings for our distinguished colleague from Arkansas (Mr. MCCLELLAN) who could not be present at that time.

Again it was somewhat misreported in the press that we were having top secret sessions and Mr. Hoover was abrupt and would not answer questions and on occasion made misleading statements.

The fact of the matter is, the appearance was off the record before the committee and the Director of the FBI, J. Edgar Hoover, stayed for some 4 hours, and he went into every facet of law enforcement, drugs, organized crime, disruption on the campuses, the Berrigan case, and all other matters. I would agree some of his comments about the news media were not well taken, and with which I could not agree. But when it came to the man himself, I had a firsthand knowledge with him 15 or 17 years ago and firsthand experience with him 4 months ago. He impressed us at that hearing with his particular knowledgeability, awareness and objectivity of law enforcement in this country. He was not senile; he was not bullheaded; and he had not gotten, in a sense, the feeling that he was the indispensable man. In fact, we discussed this. The matter of this particular FBI building going up at an increased cost of $1 million every month, was mentioned only in comments about the overruns of the cost and distasteful design. He made comment that he could not agree with that cost overrun and could not countenance the design itself.

But the point of the Senator from Alabama in his resolution is well taken. This will be the FBI Building. Mr. J. Edgar Hoover was the FBI, and it is only appropriate that, despite those observations Mr. Hoover had to make and the misgivings he had on the particular construction, it is proper that it be named in his memory.

I would like to join the distinguished Senator from Alabama and ask him to add my name as a cosponsor on his joint resolution.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from South Carolina for his comments. As the distinguished Senator said, J. Edgar Hoover was the FBI, and it would be inappropriate for the building to be named for anyone other than Mr. Hoover.

I appreciate the request of the distinguished Senator that his name be joined as a cosponsor of the joint resolution. Mr. President, I ask unanimous consent that the name of the Senator from South Carolina be added as a cosponsor of the joint resolution, along with the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD).

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

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

Mr. ALLEN. I yield.

Mr. TALMADGE. Mr President, I ask unanimous consent that my name may be added as a cosponsor of the joint resolution.

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

Mr. TALMADGE. Mr. President, very few Americans become a legend in their own lifetime. Mr. Hoover became such a legend in his lifetime. He took over an organization that was inept and inefficient and made of it the greatest investigative law enforcement agency in America.

J. Edgar Hoover was a tough law and order man. He believed in the strength and security of our country and that every American had the right to be free and secure and in public. He believed criminals should be speedily prosecuted and convicted and sentences imposed on them. His record will precede him throughout the annals of American history. He is entitled to the respect and appreciation of all law-abiding Americans everywhere.

I thank the Senator for yielding.

Mr. ALLEN. I thank the Senator from Georgia.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Is there further morning business?

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. STEVENSON):

A resolution of the House of Representatives of the State of Missouri; to the Committee on Government Operations:

"RESOLUTION

"Whereas, the government of the United States owns vast parcels of land in many of the counties of this state; and

"Whereas, by virtue of the ownership of this land being in the federal government, these counties are denied much needed tax revenues; and

"Whereas, many thousands of acres of this federally owned land are located in some of the poorest counties of the state; and

"Whereas, these counties, like about every county in the state, are in serious financial trouble, and many of them are hard pressed to meet the day-to-day operations of county government; and

"Whereas, county government is the backbone of our federal system of government and is the local unit which provides many of the services needed and desired by the citizens therein; and

"Whereas, county government is presently the unit of government which is most in trouble and danger of extinction; and

"Whereas, although the federal government under its present system of returning funds to local units of government does provide some support for roads and education, nothing is paid to support county revenues; and

"Whereas, if the federal government were to make "in lieu" payments to the counties on the land owned by them on each acre in the same ratio that the county collects taxes on similar privately owned land within the county, much of the financial bind the counties find themselves in would be removed; and

"Whereas, legislation to provide for such an "in lieu" payment is now pending before the Congress of the United States;

"Now, therefore, be it resolved that the House of Representatives of the seventy-sixth General Assembly of the sovereign State of Missouri, meeting in Second Regular Session, memorialize Congress to pass this legislation; and

"Be it further resolved that the House of Representatives especially urge the members of Congress from Missouri to support this legislation; and

"Be it further resolved that the Chief Clerk of the House of Representatives be instructed to send suitably inscribed copies of this resolution to the Clerks of the United States House of Representatives and the United States Senate, to both United States Senators from Missouri, and to each member of the House of Representatives of the United States Congress from Missouri."

A letter, in the nature of a petition, from the executive secretary, from the Mennonite Central Committee, Akron, Pa., praying for an end to American participation in Vietnam; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 538. A bill to declare that certain federally owned lands are held by the United States in trust for the Indians of the Pueblo of Cochiti (Rept. No. 92-775).

By Mr. CRANSTON (for Mr. HARTKE), from the Committee on Veterans' Affairs, with an amendment:

S. 2354. A bill to amend title 38 of the United States Code to provide improved and expanded medical and nursing home care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to provide for improved structural safety of Veterans' Administration facilities; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes (Rept. No. 92-776).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. PROXMIRE, from the Committee on Banking, Housing and Urban Affairs:

Mary Hamilton, of Illinois, to be a member of the Price Commission.

By Mr. SPONG, from the Committee on Commerce:

Rear Adm. Allen L. Powell, to be Director of the National Ocean Survey, National Oceanic and Atmospheric Administration.

Mr. SPONG. Mr. President, from the Committee on Commerce, I report favorably sundry nominations in the Coast Guard which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

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

The nominations, ordered to lie on the desk, are as follows:

Charles E. Sibre, and sundry other officers, for promotion in the Coast Guard.

John H. Ingram and sundry other officers, for promotion in the Coast Guard.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

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

S. 3566. A bill to provide for the regulation of the process by which the people of the United States select the President and Vice President by establishing a series of five regional primary elections at which the people may express their preference for the nomination of an individual for election to the office of President. Referred to the Committee on Rules and Administration.

By Mr. MONDALE:

S. 3567. A bill for the relief of Mrs. Joycelin Bradford. Referred to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. BOGGS, Mr. BEALL, and Mr. BUCKLEY):

S. 3568. A bill to designate the Federal Bureau of Investigation building now under construction in Washington, D.C., as the "J. Edgar Hoover Federal Building." Referred to the Committee on Public Works.

By Mr. TOWER:

S. 3569. A bill to provide that persons from whom lands are acquired by the Secretary of the Army for dam and reservoir purposes shall be given priority to lease such lands in any case where such lands are offered for lease for any purpose. Referred to the Committee on Public Works.

By Mr. ALLEN (for himself, Mr. HARRY F. BYRD, JR., Mr. ROBERT C. BYRD, Mr. HOLLINGS, Mr. TALMADGE, and Mr. TOWER):

S.J. Res. 229. A joint resolution to name the new Federal Bureau of Investigation building the J. Edgar Hoover Building. Referred to the Committee on Public Works.

(Remarks on this joint resolution when it was introduced appear earlier in today's RECORD).

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 3566. A bill to provide for the regulation of the process by which the people of the United States select the President and Vice President by establishing a series of five regional primary elections at which the people may express their preference for the nomination of an individual for election to the office of President. Referred to the Committee on Rules and Administration.

PRESIDENTIAL REGIONAL PRIMARIES ACT

Mr. PACKWOOD. Mr. President, in behalf of myself and the distinguished senior senior Senator from Alaska (Mr. STEVENS), I am introducing legislation establishing five regional presidential preference primaries. In a recent speech on the Senate floor, I outlined the reasons why I consider the enactment of this proposal to be essential.

Mr. President, I ask unanimous consent that my speech of April 7, 1972, together with the text of the Presidential Regional Primaries Act, be printed at this point in the RECORD.

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

STATEMENT BY SENATOR BOB PACKWOOD ON THE SENATE FLOOR, APRIL 7, 1972

THE PRESIDENTIAL REGIONAL PRIMARIES ACT

Mr. President, today I am circulating for cosponsorship and later will introduce legislation establishing five regional presidential preference primaries. This legislation is designed to replace the present mishmash of presidential extravaganzas. These extravaganzas take the form of citrus circuses in Florida and winter carnivals in Wisconsin. They leave the candidates tired and broke. They leave the public bored or bewildered and—far too often—disgusted. Voters understandably ask, "When is this nonsense coming to an end?" In the process, the candidates lose their credibility and the office loses its dignity.

Credibility must be restored to the candidates because, without it, dignity cannot be restored to the most important office in the world. A plan must be devised that somehow, someway dramatically improves the Barnum and Bailey traveling sideshow that is in New Hampshire one week, Florida the next, and does not end until the curtain has come down a total of 24 times.

Congress must meet its responsibility of providing a vehicle for the American people to select the nominee of their party from a wide range of candidates.

I have a plan to effect this change. At the outset, however, let me emphasize that my proposal is not a panacea to cure all the ills which plague our system. It does, however, provide a change in direction which is essential if we are to restore credibility to the candidates and dignity to the office they seek.

My bill would establish a Federal primary elections commission of five members appointed by the President, with the advice and consent of the Senate. The commission would provide general administrative supervision over the regional primaries established in this bill.

My proposal establishes a system of five regional primaries throughout the Nation

Every State is included in one of the following five regions:

(A) Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

(B) Illinois, Indiana, Kentucky, Michigan, Ohio, and West Virginia.

(C) Alabama, the Canal Zone, District of Columbia, Florida, Georgia, Maryland, Mississippi, North Carolina, the Commonwealth of Puerto Rico, South Carolina, Tennessee, Virginia, and the Virgin Islands.

(D) Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin.

(E) Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

The first regional primary would be held on the second Tuesday in March, with another primary to be held on the second Tuesday in each of the succeeding four months.

The commission would be directed to meet 70 days prior to the March primary and determine by lot the region in which the first primary would be held. This process would be repeated for each of the remaining regions. In this way, the order of the primaries would not be known in advance.

Under the current system, some candidates begin their campaigns for nomination almost two years prior to the presidential election. They are able to do this because certain States have set primary dates and all of the candidate's money, energy and talent are focused on those particular States. A national primary would not change this. The date would still be known and candidates could still begin their campaigns far in advance.

Under my proposal, however, candidates would not know where the first regional primary would be held until 70 days prior to it. All candidates would be forced to shepherd their limited financial resources until they knew which regional primary would be first.

Practical politics would dictate that a candidate spend most of his available time in the region holding the next primary. In a national primary, by contrast, a candidate would be in Los Angeles today, New York tomorrow, and Florida a day later. The Boise, Idahos and the Keokuk, Iowas would never see the candidate. This whirl-wind approach would fatigue the candidates, sour the voters, and badly erode confidence in government.

In order to qualify for the ballot under my plan, a presidential aspirant must be "generally recognized in national media throughout the United States" as a candidate. Whether a candidate were so "recognized" would be determined by a majority of the commission. If he were not so "recognized," his name could still be added if he either (1) filed a petition signed by one per cent of the registered voters of the region or (2) paid a filing fee of $10,000 which would be refunded if he received five per cent of the vote in the region. A candidate could have his name removed from the ballot if he stated unequivocally in writing that he was not and did not intend to become a candidate for president.

A further weakness of the present primary system is the hit and miss method of selecting delegates to national conventions. About one-third of the States select delegates by direct election sometime between March and July.

In the remainder of the States, delegates are selected through internal party processes. There is no guarantee that delegates will represent the proportional strength of the various candidates in each State. An unjustifiable amount of time, talent, money and energy is spent by presidential aspirants in electing delegates, rather than discussing the issues. Organizers are sent to primary States months in advance. Delegates are interviewed and selected. Slates are formed. A principal campaign organizer for one of this year's major democratic aspirants has said, "the name of the game is delegates." The name of the game should be issues and philosophy. And all of this hocus-pocus delegate selection process is usually removed from and misunderstood by the people.

My proposal would change that. Delegates would not be elected to the national convention. Instead, any presidential candidate who received five per cent of the votes cast in a regional primary would be able to appoint delegates to the national convention according to the percentage of the vote which he received in each State. If a candidate received 40 per cent of the vote in a particular State, he would appoint 40 per cent of the State's delegates to the national convention. This would enable the candidate to concentrate on issues during the campaign and would insure that the delegates represented the candidate's proportional strength in that State, and were dedicated to the candidate's ideals and philosophies. The delegates would be required by law to support their candidate at the national convention until:

1. The candidate releases them; or
2. The candidate receives less than 20 percent of the vote; or
3. Two ballots have been taken.

That, in brief, is my plan. In many ways, it is a reflection of Oregon's primary law. Oregon, as you know, was the first State to adopt a presidential primary statute in 1911 and its primary has become one of the Nation's most prestigious. It is the only State which requires all "nationally recognized" presidential candidates to participate.

Mr. President, there certainly existed valid reasons during the first two decades of this century to change our nominating process. Party bosses were guilty of devious maneuvers. Political meetings were held in saloons or behind closed doors. Conventions took place hours earlier than scheduled. These were clearly the days of the backroom boys and the smoke-filled rooms.

Reformers hoped that by democratizing the nominating process the presidency could be returned to the people. This was the noble goal of those progressives who hoped to wrest the control of American politics from the ruling factions.

The system worked well, however, only so long as the Nation had less than a dozen significant primaries scattered throughout the country. With the proliferation of such primaries, this noble dream has become a nightmare. This innovative reform, conceived in logic, has been tarnished in practice.

Proposals to alter the process of selecting party nominees have been considered since the beginning of the republic. Senator James Hillhouse, for example, suggested in 1808 that we might be protected from the dangers of partisan conflict if retiring senators would simply meet annually and draw lots for a one-year presidential term.

The current presidential primary system has been under fire since primaries were first used extensively in 1912. At that time, Oklahoma Senator Robert L. Owen introduced legislation calling for the direct nomination of presidential candidates. More recently, the distinguished senior Senator from Montana (Mr. Mansfield) and the distinguished senior Senator from Vermont (Mr. Aiken) have proposed a constitutional amendment establishing a national primary for the selection of party nominees.

While I share the dismay of Senators Mansfield and Aiken, I do not believe a national primary provides the best alternative.

A national primary has certain inherent disadvantages that are eliminated by a series of regional primaries. A national primary would favor two types of candidates: (a) those with access to the national news media center in Washington, D.C. and (b) those candidates with easy access to enormous sums of money.

Under a national primary, those candidates outside Washington are placed at a distinct disadvantage. The principal wire services, the three national television networks, and most of the Nation's larger metropolitan newspapers and magazines have reporters in Washington. The media can readily receive the reaction of a United States Ssenator to a major national or international event. A governor, however, is less likely to appear on the evening television newscasts or have his thoughts published.

To understand the situation, it is necessary to recall the change which took place in the 1950's, leaving an indelible imprint on American presidential politics. That change involved a concentration of the media in Washington. More stories about government and politics emanated from Washington and fewer stories were filed from other sections of the Nation.

Governors of large States joined Governors of small States in obscurity. True, the change was gradual, but it is inevitable as the 1960's came into focus that Governors, mayors, and less prominent public officials outside Washington played a smaller role in presidential politics. The big leagues of politics switched almost solely to Washington and the limelight focused on the United States Senate.

As a result, both major party nominees in 1960, 1964, and 1968 had previously served in the Senate. And in 1972, there remains not a single serious candidate for either party's nomination who does not fall into the category of being a present or former United States Senator.

With a single national primary, this trend would undoubtedly continue. Under a regional primary plan, however, a relatively unknown candidate with leadership potential would have an infinitely better chance of securing the party nomination.

In a national primary, an unknown, competent candidate could not defeat a better-known opponent without enormous sums of money. It can be argued, of course, that the cost of campaigning nationwide would be no more than the cost of competing in five regional primaries. This may be true. But if the only primary is a national primary, an unknown candidate could not contemplate participating unless he could raise enough money in advance to guarantee that his name would become a household word. And it would be a very unusual candidate who could raise that much money "on the come."

This is not to say, Mr. President, that there are not great minds or excellent leaders in the Senate today. There are. Nor is it to say that the rich cannot be competent Presidents. They can. I do not believe, however, that it would be in the national interest to limit candidates for President to Senators or the wealthy.

Regardless of the candidates, a national primary would work to the detriment of the electorate. Voters would be forced to make their choice on the basis of slick television commercials or elaborately staged rallies in densely populated areas.

A regional primary would allow a candidate to spend a relatively small amount of time and money in order to determine whether he had widespread support. If he did well in the first primary, he would be off and running.

If he did poorly, he could avoid the embarrassment and expense of hopelessly campaigning nationwide. It would also give his supporters and contributors a chance to become involved with a more viable candidate.

He could enter his first primary and, if he did well, could marshal the organizational and financial backing necessary to garner additional support. His candidacy would have the chance to catch fire and gather momentum.

Most objective observers agree that Jack

Kennedy would not have been the Democratic nominee in 1960 had he not entered the significant primaries and won them all. The primaries were the only way he could show his support among rank-and-file Democrats to the party leaders, who generally opposed his nomination. Kennedy had to prove that a Catholic could be elected president.

In short, regional primaries would allow a candidate to gracefully withdraw if his campaign failed to catch fire. They would also allow a smoldering ember to be built into a blazing bonfire.

Under my measure, moreover, the voters would have a better chance to judge a candidate's true qualifications. "Madison Avenue" would be shelved. A more personal and direct approach would result.

The trademarks of a national primary would be "image" and "style." Neither has substance.

The trademarks of a regional primary would be "issues" and "answers." Both have meaning.

If we are to restore "faith" and "hope" to our system of government, the last thing we can afford is the "impersonal" approach that is bound to result from a national primary.

If we are to return "government to the people" and restore their confidence in that government, we have an infinitely better opportunity through the regional primary concept.

Mr. President, with the conclusion of the Wisconsin primary just 3 days ago, we have observed the results of four state presidential primaries. What, if anything, do these primaries tell us? What do they say about Hubert Humphrey, who lost in Florida without really losing? What about Ed Muskie, who won in New Hampshire without really winning? Or how about Ted Kennedy, who didn't participate at all?

The most important lesson to be learned is the folly of the current method of selecting party nominees.

We must return credibility to the candidates and dignity to the presidency. The regional presidential primary offers the best hope of attaining that admirable goal.

S. 3566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Presidential Regional Primaries Act".

FINDINGS

SEC. 2. The Congress finds that—

(1) the proliferation of elections held by States for the expression of a preference for the nomination of individuals for election to the office of President subjects candidates for nomination for election to such office to physical exhaustion, danger, and inordinate expense;

(2) there is no uniformity among State laws with respect to the effect of such elections on delegates to the nominating conventions held by political parties;

(3) the confusion caused by this lack of uniformity in State laws gives rise to cynicism, frustration, and distrust of the nomination process;

(4) the national nominating conventions held by political parties constitute an integral part of the process by which the President is chosen by the people of the United States; and

(5) in order to protect the integrity of the presidential election process and provide for the general welfare of the Nation, it is necessary to regulate the part of the process relating to the nomination of candidates for election to the office of President.

ESTABLISHMENT OF REGIONAL PRIMARIES

SEC. 3. (a) No State shall conduct an election for expression of a preference for the nomination of individuals for election to the office of President except in accordance with the provisions of this Act.

(b) Five regional primaries shall be held during each presidential election year. The first regional primary shall be held on the second Tuesday of March, and an additional regional primary shall be held on the second Tuesday of each of the 4 succeeding months. Seventy days before the date of the first regional primary, the Commission shall determine by lot the region in which that primary is to be held. The Commission then shall determine by separate lot, conducted 70 days before the date of each subsequent regional primary except the last, the region in which each subsequent regional primary is to be held.

(c)(1) At each such regional primary, there shall appear on the ballot, together with the name of the political party with which he is affiliated, the name of each individual who is generally recognized in national news media throughout the United States as a candidate for nomination by a national political party for election to such office, as determined by a majority of the members of the Commission.

(2) An individual whose name is not placed on a regional primary ballot by the Commission under paragraph (1) may have his name and the name of the political party with which he is affiliated appear on the ballot, if he is eligible for election to the office of President, by notifying the Commission in writing that he is a candidate for nomination by a political party (specifying which political party) for election to the office of President, and—

(A) presenting the Commission with a petition supporting his candidacy for such nomination, signed by 1 percent of the registered voters in the region in which he wishes to appear on the primary ballot (not more than 25 percent of the signatures necessary shall come from any State within that region); or

(B) paying a filing fee of $10,000 which shall be refunded if he receives 5 percent or more of the total number of votes cast by members of his political party in the regional primary. The notification and presentation or payment shall be made to the Commission by such date before the primary as the Commission may prescribe, but not earlier than 45 days or later than 35 days prior to the date on which the primary is to be held in that region.

(3) The Commission shall announce—

(A) a tentative list of individuals for whom votes may be cast at a regional primary 70 days before the date of that primary; and

(B) a final list of individuals for whom votes may be cast at a regional primary 30 days before the date of that primary.

(d) The Commission shall not include on the ballot of any regional primary the name of any individual who executes and files with the Commission the following affadavit, executed under oath:

I, ------, being duly first sworn, do depose and say that I am not, and do not intend to become, a candidate for nomination for election, or for election, to the office of President of the United States.

State of ------

County or city of------

Subscribed and sworn to before me this ------ day of ------, 19--.

[Seal]

Name

Title

My commission expires ------, 19 --.

(e) Subject to such guidelines as the Commission may promulgate, the regional primary shall be conducted in each State by officials of that State charged with conducting elections. Voters in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. Each voter shall be eligible to vote only for a candidate for nomination by the the party of that voter's registered affiliation. If the law of any State makes no provision for the registration of voters by party affiliation, voters in that State shall register their party affiliation in accordance with procedures promulgated by the Commission.

(f) The chief executive officer of each State shall certify the results of the regional primary held in his State to the Commission within a period of time after such date, not exceeding 15 days, prescribed by the Commission.

APPOINTMENT OF CONVENTION DELEGATES

SEC. 4. (a) A candidate who receives 5 percent or more of the votes cast by members of his political party in a regional primary shall appoint delegates from States within the region within which the primary was held to the national nominating convention held by the political party whose nomination he seeks.

(b) The number of delegates which a candidate shall appoint in any State within that region is a number which is a percentage of the total number of delegates from that State to his party's national nominating convention equal to the percentage of the votes cast by members of his party in that State received by him in the primary.

(c) If a candidate receives less than 5 percent of the votes cast by members of his political party in a regional primary, he may not appoint a delegate from any State within that region. The percentage of the votes cast for such a candidate by members of his political party in any State within that region shall be (1) apportioned among the other candidates of the same political party who received votes in that State on the basis of the number of votes received by each of such other candidates and (2) added to the percentage of the votes received by each of such other candidates in that State for the purpose of determining the number of delegates they may each appoint under subsection (b).

(d) If a candidate fails or refuses to appoint delegates to which he is entitled in any State within a reasonable time, as prescribed by the Commission, the Commission shall appoint delegates pledged to support such candidate at the national nominating convention held by his party. Such delegates shall be bound to support such candidate at the convention to the same extent as if they had been appointed by that candidate.

CONVENTION BALLOTING

SEC. 5. (a) A delegate to a convention held by a political party for the nomination of a candidate for election to the office of President shall vote for the nomination of the candidate who appointed him or for whom he was appointed until—

(1) 2 ballots have been taken; or

(2) such candidate receives less than 20 percent of the vote on a ballot; or

(3) such candidate releases him.

(b) If an individual receives a majority of the votes cast on a ballot, he shall be the nominee of that party for election to the office of President. A subsequent ballot may be taken to reflect the support of the entire convention for such candidate, but the result of the subsequent ballot shall not, in such case, result in the nomination of a different individual for election to such office.

(c) The individual who will be the candidate for a political party for election to the office of Vice President shall be selected by the convention held by that party in accordance with such procedures as it may adopt.

REIMBURSEMENT OF STATES FOR COSTS OF PRIMARY

SEC. 6. Upon application therefor, the Commission shall reimburse each State for the costs it incurs in conducting a regional primary held in accordance with the provisions of this Act. Such applications shall be submitted at such times and in such form, and

shall contain such information, as the Commission shall require.

ESTABLISHMENT OF FEDERAL PRIMARY ELECTIONS COMMISSION

SEC. 7. (a) There is hereby established a bipartisan commission to be known as the Federal Primary Elections Commission.

(b) The Commission shall be composed of 5 commissioners not otherwise employed by the Federal Government appointed by the President, by and with the advice and consent of the Senate. Each Commissioner shall be a member of a political party which polled not less than 10 million votes in the presidential election immediately preceding his appointment. Not more than 3 commissioners may be members of the same political party.

(c) The Commission shall select a Chairman from among its members. Three commissioners shall constitute a quorum.

(d) The terms of office of each Commissioner shall be 5 years, except that—

(1) the terms of office of the Commissioners first taking office shall expire, as designated by the President at the time of appointment, 1 at the end of 1 year, 1 at the end of 2 years, 1 at the end of 3 years, 1 at the end of 4 years, and 1 at the end of 5 years, after the date of the first presidential election which occurs after the date of enactment of this Act;

(2) any Commissioner appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

(3) upon the expiration of his term of office a Commissioner shall continue to serve until his successor is appointed and has qualified.

(e) The Commission shall have an official seal which shall be judicially noticed.

(f) The Commissioners shall serve without compensation; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(g) The Commission is authorized to appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, an administrative officer, and to fix his compensation, without regard to the provisions of chapter 51 and subchapter 53 of such title relating to classification and General Schedule pay rates, at an annual rate not to exceed the annual rate prescribed by section 5315 of title 5, United States Code, for level IV of the Executive Schedule.

(h) The Commission is authorized to appoint and fix the compensation of such other personnel as it deems advisable.

DUTIES OF THE COMMISSION

SEC. 8. (a) The Commission shall meet prior to each regional primary and at such other times as it deems necessary, and shall—

(1) publish tentative and final lists of the individuals for whom votes may be cast in each regional primary ballot and furnish a certified final list of such individuals to the appropriate officials of each State 30 days before a regional primary is to be held in that State;

(2) determine the sufficiency of any petition presented to the Commission under section 3(c);

(3) prescribe the date, after the date of a regional primary, on which the chief executive officer of each State shall certify the results of the regional primary held in his State to the Commission;

(4) promulgate guidelines and procedures to be followed by the States in conducting regional primaries;

(5) review applications for reimbursement submitted under section 6, prescribe the time of submission, form, and information content of such applications, and determine and pay the amount to be reimbursed to each State under such section;

6) consult and cooperate with State officials in order to assist them in conducting regional primaries;

(7) determine by lot in accordance with section 3(b) the order in which the regional primaries are to be held;

(8) receive and hold any filing fee paid under section 3(c)(2)(B) and—

(A) refund that fee to the candidate who paid it if he receives a number of votes in the regional primary with respect to which he paid it equal to 5 percent or more of the total number of votes cast by members of his political party in that primary; or

(B) pay the fee into the general fund of the Treasury if it is not refundable under clause (A) of this paragraph;

(9) appoint delegates when necessary under section 5(d); and

(10) take such other actions as may be necessary to carry out the provisions of this Act.

(b) The Commission shall report to the Congress and the President not later than 180 days prior to the date of the first regional primary to be held under this Act on the steps it has taken to implement the provisions of this Act, together with recommendations for additional legislation, if any, which may be necessary in order to carry out the regional primary system established under this Act.

DEFINITIONS

SEC. 9. As used in this Act, the term—

(1) "Commission" means the Federal Primary Elections Commission established under section 7;

(2) "region" means any of the following five regions:

(A) Region 1 comprises Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Connecticut, New York, Pennsylvania, New Jersey, and Delaware.

(B) Region 2 comprises Michigan, Illinois, Indiana, Ohio, West Virginia, and Kentucky.

(C) Region 3 comprises the District of Columbia, Maryland, Virginia, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida, the Commonwealth of Puerto Rico, the Virgin Islands, and the Canal Zone.

(D) Region 4 comprises North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Nebraska, Kansas, Missouri, Oklahoma, Arkansas, Texas, and Louisiana.

(E) Region 5 comprises Washington Oregon, Montana, Idaho, Wyoming, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, Hawaii, and Guam.

(3) "regional primary" means an election held in accordance with the provisions of this Act for the expression of a preference for the nomination of individuals for election to the office of President;

(4) "national political party" means a political party whose presidential electors received in excess of 35 percent of the total number of votes cast for all presidential electors in the most recently held presidential election;

(5) "candidate" means an individual who is a candidate for nomination by a political party as its candidate for election to the office of President;

(6) "national nominating convention" means a convention held by a political party for the nomination of candidates for election as President and Vice President; and

(7) "State" means the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, and each of the United States.

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

REGIONAL PRESIDENTIAL PREFERENCE PRIMARIES

Mr. STEVENS. Mr. President, I join the distinguished junior Senator from Oregon (Mr. PACKWOOD) in cosponsoring legislation establishing five regional presidential preference primaries. This proposal retains the important value of the current system, while avoiding the pitfalls inherent in a single national primary. It provides a dramatic improvement over the current system of selecting party nominees, the kind of improvement that is essential if we are to restore credibility to presidential candidates and dignity to the Presidency.

This is not to say, Mr. President, that there are not distinct advantages in individual State primaries. There are. They worked well, however, only so long as there were less than a dozen significant primaries. With the proliferation of State primaries, there has been a similar proliferation in the number of financially bankrupt and physically exhausted presidential candidates.

The selection of a presidential nominee should not be based on physical endurance nor upon easy access to enormous sums of money. Instead, the decision should be determined by a candidate's ability to lead or to inspire. A series of regional primaries provides the best means of achieving that goal.

Mr. President, our regional primary plan has received widespread support throughout the country. Editorial comment in each of the five regions proposed in our bill has been extremely favorable.

Mr. President, I ask unanimous consent that these editorials and articles on regional primaries be printed at this point in the RECORD.

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

[From the Brattleboro (Vt.) Reformer, Apr. 10, 1972]

REGIONAL PRIMARIES GET A BOOST

My Goodness! For the last several weeks on this page, while everyone from the New York Times to Senator George Aiken was denouncing them, we've been defending the presidential primary system. The countersuggestion made here to the Aiken-Mansfield proposal of a nationwide primary was for a system of rotating regional primaries (New Hampshire, Florida, Kansas, etc., one presidential year; Vermont, Alabama, Oklahoma, etc. another year, and so on).

Coming up now with the same idea is U.S. Senator Robert W. Packard, Republican of Oregon. He has proposed five regional primaries to replace the "present mishmash." Under a bill he is introducing, the five contests would take place, a month at a time, beginning in March of Presidential election years. The order (and possibly the states themselves) would be determined by lot.

The current system is a "mishmash", but, as the emergence of George McGovern and the decline of Edmund Muskie has shown, is a democratic method of weeding out the Image Merchants from the issue-oriented campaigners. (Seven primaries might be better than five, but that's a matter of debate).

Senator Packard is a wise man. His proposal obviously is going to draw wide attention—as shown by the fact that Senator Mansfield, coauthor with George Aiken of the National Primary idea, called it "a step in the right direction."

[From the Lansing (Mich.) State Journal, Apr. 17, 1972]

REGIONAL PRIMARIES MIGHT HELP

As the 1972 presidential primaries grind along with no clear cut decisions for the Democrats and no real contest among Republicans, it becomes more evident that some more sensible alternative is needed for the future.

The mishmash of confusing issues and election rules in the various states creates conditions where voters do not get a true picture of a candidate's strength and delegate selection procedures are nothing less than incredible.

Sen. Robert W. Packwood, R., Ore., aptly summed it up when he said: "These (primary) extravaganzas take the form of citrus circuses in Florida and winter carnivals in Wisconsin. They leave the candidates tired and broke. They leave the public bored and bewildered and—far too often—disgusted. Voters understandably ask, 'when is it coming to an end?' In the process, the candidates lose their credibility and the office loses its dignity."

Another political observer offered: "What we have is 24 different sets of rules, players and stakes."

The situation, however, is not beyond salvage. Sen. Packwood has an alternative plan which he admits is not a cure-all, but which he said could at least restore some credibility to the present system.

Packwood's idea calls for establishing five regional primaries, through congressional action, which would include all 50 states. Instead of state by state voting, the five primaries would be held in groupings of states on different dates. A federal elections commission would meet 70 days before the first regional primary and determine by lot the region in which the first primary would be held. The process would be repeated for each of the remaining regions.

Packwood believes this would be an advantage to candidates who lack the financial resources to start campaigning many months in advance of the elections in key states where primary dates are established long before the election year.

The senator also proposed a uniform delegate selection process in which candidates in the regional primaries would be entitled to delegate backing at the national convention on the basis of the percentage of the vote he or she received in each state. This is done in some states now, including Michigan insofar as the first two convention ballots are concerned, but for the most part delegate selection is hit and miss.

The Oregon lawmaker said he opposes a single national primary because it would give too much advantage to big name candidates with access to the national media center in Washington or to those with access to enormous sums of money. Regional primaries, Packwood believes, would give lesser known candidates a better chance to plan a serious campaign without going broke before he or she even gets started.

Sen. Packwood's plan seems to make considerable sense and we hope it gets serious consideration. Almost anything would be better than what the senator called the existing "traveling sideshow."

[From the Saginaw (Mich.), News, Apr. 13, 1972]

YOUNG SENATOR JOINS CALL FOR PRIMARY REFORM

Add the name of young Sen. Robert W. Packwood, Oregon Republican, to those in Congress who believe the time has come for sweeping reform in the nation's presidential primary election process. Thus one of the Senate's youngest members joins two of its respected veterans, Democrat Mansfield of Montana and Aiken of Vermont, dedicated to this purpose.

Whether Packwood can make his idea swing remains to be seen. But the 39-year-old first termer has announced he is seeking cosponsors for a bill which would reduce the total number of primaries from the present 24 to five. Essentially Sen. Packwood's plan would cut the country and its territories into five regions—thus establishing the base for five regional elections, the first to be held the second Tuesday of March and succeeding ones the second Tuesday in April, May, June and July.

Michigan, for example, in the bill Packwood intends to introduce would fall in Region No. 2 along with Illinois, Indiana, Ohio, West Virginia and Kentucky. Region No. 1 would take in all of the New England states plus New York, Pennsylvania, New Jersey and Delaware.

This is the bare bones of the legislation Packwood is now passing among his colleagues. In addition it calls for the creation of a five-member federal primary elections commission, its members nominated by the President and subject to Senate confirmation.

The real cutie in the Packwood reform proposal, however, comes in the duty it assigns to the commission. It would meet 70 days before the first (March) primary and determine by lot the region in which the first presidential preferential would be held. The young senator from Oregon believes the advantages in this would be in keeping all legitimate presidential aspirants honest, give none the advantage of a campaign or spending head start over another, force all of them to conserve their funds, time and energy.

There is something to be said for this. It has become the style today for many seeking the nation's highest office to begin hitting the road as much as two years before election day. This kind of reform could curb the appetite for travel and keep them in Washington—or wherever—and at work.

The Packwood package would also alter and standardize the traditional delegate process. Delegates would no longer be elected to the national conventions. Instead, any candidate who polled at least five per cent of the vote cast in a regional primary would appoint his delegates to the convention based on the percentage of the vote he received in the regional test. They would remain committed unless released, unless the candidate failed to draw 20 per cent of the vote at the convention—or until two ballots had been taken.

Packwood's blueprint for presidential preferential primary reform may not be perfect. We're not ready to endorse it as the best idea yet in spite of the senator's contention that it is better than the single national primary Mansfield and Aiken have expressed interest in. Likely there will be a variety of plans if Congress gives this the serious consideration it deserves before another national election year rolls around.

Perhaps one primary beats five—but five surely is better than 24. They have turned the whole system into a costly circus that wears out and financially breaks candidates and frazzles the nerves of the country every four years on schedule.

For now, Sen. Packwood should press on in search of co-sponsors. At least he's on the right track and giving a serious matter serious thought.

[From the Flint (Mich.) Journal, April 16, 1972]

INTRIGUING ANSWER TO PRIMARY FAILURES

If the current primary elections farce serves no other purpose in the long run, it is probable that it will spark some extensive reforms in our electoral process.

The lack of logic, coherence, and uniformity in the current process has already triggered a proposal by two of the nation's most prestigious legislators, Sen. Mike Mansfield, D-Mont., and Sen. George D. Aiken, R-Vt.

They are supporting legislation which would create a single national primary to nominate candidates for the presidency.

The Flint Journal joins many observers in looking at this proposal with mixed feelings, heavily loaded with reservations. Although it would probably be an improvement over the present brouhaha, it runs directly counter to several other electoral reforms which are sorely needed.

Perhaps the greatest drawback is the evident need for candidates to increase rather than decrease the huge sums of money necessary to make any imprint on the national level in an election campaign. It could strengthen the trend toward restricting candidates to the wealthy or the "adopted sons" of the wealthy.

A second drawback would be the tendency to concentrate the potential candidates among those with a national "image" and reputation, excluding many able persons outside the centers of power and population such as Washington, New York or Los Angeles.

A most interesting alternative has been offered recently by Sen. Robert W. Packwood, R-Ore.

Briefly and inadequately, this is his proposal:

Create a federal primary elections commission of five members to supervise his "regional primary" plan.

Divide the nation into five regions, each to hold a primary at a designated time with all plausible candidates listed on the party ballots.

The regions he proposes would be: (1) Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont; (2) Illinois, Indiana, Kentucky, Michigan, Ohio and West Virginia; (3) Alabama, Canal Zone, District of Columbia, Florida, Georgia, Maryland, Mississippi, North and South Carolina, Puerto Rico, Tennessee, Virginia and the Virgin Islands; (4) Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North and South Dakota, Oklahoma, Texas and Wisconsin, and (5) Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

The proposal would have the first primary held on the first Tuesday in March with successive primaries held on the second Tuesdays of the next four months.

Packwood would have his election commission meet 70 days prior to the March primary to draw lots which would determine the order if which each region would hold its election, eliminating favoritism for one area over the other except by chance.

The other major provision of his proposal would be to give each candidate convention delegates determined by his share of each state's popular vote. These delegates would be bound to be the candidate at the national convention until released by the candidate, the candidate receives less than 20 per cent of any vote or two ballots have been taken.

There are, of course, many other aspects of such a plan, and there are many questions raised by so radical a departure from our present practices.

The point will be raised that such a plan would tend to give a regional candidate a big edge if his area was selected first. This is true, but surely the opening primary would be broader and more significant than today's New Hampshire-Florida-Wisconsin openers and surely it would eliminate the practice of picking which primaries a candidate enters in order to create an illusion of strength.

Whether such a plan would increase or lessen the total expenditures in naming a candidate is open to debate, but it is reasonable to think that in contrast with a prolonged

national contest intensive regional contests could prove somewhat less costly.

The most appealing claim made by Packwood for his system, however, is his contention it would widen the base for picking presidential candidates.

"The trademark of a national primary would be 'image' and 'style'," Packwood says. "Neither has substance. The trademarks of a regional primary would be 'issues' and 'answers.' Both have meaning."

He argues that a national primary would continue the trend of picking candidates almost exclusively from among Washington figures who have access to the nation's news media. A capable but relatively unknown candidate could not contemplate participating unless he could raise enough money in advance to guarantee his name would become a household word."

On the contrary, he says, a regional primary would allow a candidate to spend a relatively small amount of time and money in order to determine whether he had widespread support. If he did well in the opening primary he would find support for further campaigning. If he did not, he could withdraw gracefully and throw his support to his choice among the more successful candidates.

On the surface, Packwood's proposal has considerable substance and appears the most attractive answer offered so far to this critical governmental problem.

[From the Chicago Today, Apr. 20, 1972]

OVERHAULING PRIMARY ELECTIONS

Coming in the middle of the long, exhausting and increasingly pointless grind of Presidential primary elections, a proposal by Sen. Bob Packwood (R., Ore.) looks as welcome as a soda fountain in Death Valley. Packwood has just introduced a bill setting up a new system of primary elections—one that would, on the face of it, retain the important values of the primary system, while keeping it from becoming the candidate-killing, credibility-destroying endurance contest it now is.

Sen. Packwood's idea is for regional primaries rather than state ones. His bill would divide the 50 states, plus Puerto Rico, Guam and the Virgin Islands, into five regional groups (Region B, for example, would take in Illinois, Indiana, Kentucky, Michigan, Ohio and West Virginia). The bill would also create a five-member federal primary elections commission, one of whose tasks each election year would be to determine by lot the order in which regional primaries would be held.

The first primary would take place on the second Tuesday in March of Presidential election years; the rest would be held on the second Tuesday of each of the four succeeding months. So the whole primary contest would be neatly partitioned into five month-long races, during which candidates could concentrate on one region at a time.

That means a candidate wouldn't have to race from New Hampshire to Florida to Wisconsin to California, desperately judging issues and images to fit each new audience. The regional campaigns would give him a range of issues broad enough to reflect national concerns, yet limited enough to acquaint him with the particular interests of each part of the country. In short, he would have time to talk sense to the voters, instead of being turned into a glassy-eyed exhibit in an extremely costly road show.

In addition to this, Packwood's bill attempts to straighten out the present patchwork system of electing delegates, which varies from state to state and which now forces Presidential aspirants to spend time, money and energy on putting together delegate slates instead of discussing issues. Under Packwood's bill, delegates would not be elected to the national convention; instead, any Presidential candidate who got 5 per cent of the votes in a regional primary would be able to appoint delegates from each state according to the percentage of votes he received there. (If Candidate X, for instance, got 40 per cent of the vote in Illinois, he could name 40 per cent of Illinois' delegates to the convention.)

The delegates, incidentally, would be bound to support their candidate only for the first two votes, or until the candidate's support fell below 20 per cent, or until he released them. So final power to select a Presidential nominee would still rest with the convention. The main difference would be that delegates would reflect their candidate's views and his proportional strength more accurately than they do now.

Packwood's proposal might be strengthened further by adding some limits on campaign spending. But as it stands, it keeps the advantages of the primary system—which would be largely junked by the more sweeping plans for a national primary—while minimizing their disadvantages. The disadvantages are so glaringly obvious right now that Congress should be ready to give this bill a sympathetic hearing. We hope so.

[From the Miami Herald, Apr. 18, 1972]

SEEKING THE BETTER PRIMARY WAY

Sen. Bob Packwood (R., Ore.) wants to do something about the Presidential primaries. He calls them a "mishmash of Presidential extravaganzas."

We have the feeling that the senator may have hit a tender spot in the nation today. So far, the Presidential road show has proved little, cost a lot, and produced only the cracker-barrel wisdom that voters are fed up with politics as usual.

"These extravaganzas take the form of citrus circuses in Florida and winter carnivals in Wisconsin," according to Sen. Packwood. "They leave the candidates tired and broke. They leave the public bored or bewildered and—far too often—disgusted.

"Voters understandably ask, 'When is this nonsense coming to an end?' In the process, the candidates lose their credibility and the office loses its dignity."

The senator then calls for a plan that "someway dramatically improves the Barnum and Bailey traveling sideshow that is in New Hampshire one week, Florida the next, and does not end until the curtain has come down a total of 24 times."

We like the way the senator states the problem. It has the ring of popular wisdom and we would expect many voters to agree that there must be a better way. It is less certain that the senator has found that better way, but certainly his proposal merits discussion and may yet prove to be what he says.

What the senator suggests is a system of five regional primaries that would begin the second Tuesday in March during Presidential election years. They would be supervised by a five-member Federal Elections Commission.

To limit the amount of advance campaigning, therefore democratizing the chances of the candidates with less money, the primaries would be held in a sequence determined by lots to be drawn 70 days before the date of the first one.

Sen. Packwood sees this as a better solution than a national primary because money would be a reduced factor; a campaign would have to reach into all sections of the country; news media centers in Washington and New York could not dominate; there would be more time for issues and philosophy than in the present scramble caused by geography and mechanics.

There is continued pressure from the voters to find a better way to elect the President. Sen. Packwood's plan deals with the 24 primaries that candidates must run this year as through a gauntlet.

Last year, there was a movement to change the system after candidates were nominated. This had to do with the Electoral College and the threat that third and even fourth party candidates could force a deadlock, throwing the election into the House of Representatives. Also involved was an effort to eliminate the election of minority Presidents (there have been 15 elected Presidents who had less than half the popular vote) through a runoff.

We have the feeling that the nation should go slow in tampering with its basic processes of government, but it seems apparent that improvements in the election system are possible. With this in mind, we think Sen. Packwood has made a contribution toward determining what they should be.

[From the Washington Post, April 18, 1972]

AN ORDERLY PATTERN OF REGIONAL ELECTIONS?

(By Kenneth Crawford)

Robert Packwood of Oregon, a freshman U.S. Senator with fresh ideas, has come up with the most plausible plan yet proposed for reform of the presidential primary election system—if it can be called a system. He suggests, in place of the present crazy quilt of state primaries, an orderly pattern of regional elections.

Like almost everybody else, Packwood has been distressed by what he calls "the present mish-mash of presidential extravaganzas," which leave the candidates "tired and broke" and the public "bored or bewildered and—far too often—disgusted." The present process, he says, costs the candidates their credibility and the office its dignity.

He would divide the country into five rationally composed areas and provide for the conduct of separate preferential primaries on a staggered timetable. A five-man commission would be established to manage this. The first election would be held the second Tuesday in March and the other four on the same date in succeeding months. Lots would be drawn to determine the order of the regional elections. The drawing would take place 70 days before each election, thus limiting the notice candidates would have and discouraging protracted campaigns.

The commission would make up a list of candidates to run in all five primaries, basing its decisions on recognition of their eligibility and qualifications by the national media, print and electronic. A designated candidate could remove his name from the list only by filing an unequivocal statement of non-availability with the commission.

A candidate not recognized by the media and therefore not listed by the commission could run anyway either by filing petitions signed by one per cent of the registered voters in an area or by paying a $10,000 fee, which would be refunded if he received as much as 5 per cent of the vote cast in a regional primary.

Convention delegates would be appointed by the candidates, not elected. Delegate apportionment would be proportional. Thus a candidate who polled 50 per cent of a regional vote would appoint 50 per cent of the region's delegates.

At the nominating convention, delegates would be obligated to stand by the candidates who appointed them for at least two ballots unless released sooner or unless their favorites received less than 20 per cent of the vote on the first ballot.

Packwood's proposed rules derive from the primary law of his own state, which was enacted in 1911, the first in the nation. Oregon lists all the "nationally recognized" candidates on its primary ballot except those who affirmatively declare themselves non-candidates. This has made the state's primary more important than the number of its voters warrants. Presidential candidacies have been made and broken in Oregon.

Introducing his "Presidential Regional Primaries Act" in the Senate, Packwood argued that it would have advantages over the national primary proposed by Majority Leader Mike Mansfield and Sen. George Aiken of Vermont. A national primary would require

a run-off if no candidate commanded a 40 per cent plurality the first time around. In effect, then, three national elections might be necessary.

This would be enormously expensive both in effort and money. Only candidates rich themselves or with access to big money could compete. Packwood thinks his system would permit candidates to get their feet wet gradually. Those who failed to do well in the first region could back away and so cut their losses. He believes the regional plan also would conserve the energies of campaigners, permitting them to concentrate in one area at a time rather than fly from South to North and East to West and back again, as they do now.

Packwood claims for his plan the additional virtue that it would give governors, mayors and other out-country leaders a fairer chance for consideration than they now have. Under the present system, he complains, the Washington spotlight has become a virtual necessity for a presidential hopeful because the media are concentrated here. In the last three presidential elections, and in the present one, he points out, the U.S. Senate has supplied most of the candidates. Regional primaries, he contends, would tend to disperse the spotlight's beams.

The regional primaries, Packwood insists, would also take some of the Madison Avenue image-making out of the selection process. Image and style, he thinks, would count for less than it does now or than it would in a national primary campaign. Electioneering, he says, would be more intimate, stressing issues and answers rather than personality sifted through television cameras.

The state-by-state primary system worked well, Packwood concedes, as long as there were less than a dozen scattered states depending upon this method of delegates selection. "But when the system proliferated to the point where more than 20 states were scheduling primaries." he says, "the noble dream of democratization became a nightmare. The innovative reform, conceived in logic, has tarnished in practice."

Packwood defeated Wayne Morse for the seat he now occupies. Since coming to the Senate the young Oregonian has done what more newcomers should do. He has remained aloof from ideological blocs and, lacking the seniority to be entrusted with heavy establishment responsibilities, he has used his time to do some thinking about public affairs. He has proposed legislation to stabilize population and attacked the seniority system which keeps congressional power in the elderly hands of the senators and representatives who have best mastered the art of political survival.

Senator Packwood's five-region primary system would group states and territories this way:

A. Connecticut, Delaware, Maine, Massachusetts, New Hampshire. New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

B. Illinois, Indiana, Kentucky, Michigan, Ohio and West Virginia.

C. Alabama, Canal Zone, District of Columbia, Florida, Georgia, Maryland, Mississippi, North Carolina, The Commonwealth of Puerto Rico, South Carolina, Tennessee, Virginia and the Virgin Islands.

D. Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas and Wisconsin.

E. Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

[From the Washington Star, Apr. 23, 1972]

THE PRIMARY EXTRAVAGANZA: TIME FOR REFORM

On they go, those weary men, shuttling back and forth between Pennsylvania and Massachusetts, trying to pick up a last few Democratic votes before Tuesday, already thinking ahead to Ohio and beyond that to Michigan, worried about money and polls and image and countless details, and wondering if they and their party can possibly survive the remainder of this year's 23-state presidential primary schedule.

It is perhaps not all that bad. At this time Senator McGovern and Governor Wallace almost certainly would argue otherwise. Yet from the vantage point of those who care about the well-being of the American political system, the current process of screening presidential candidates leaves a great deal to be desired. It is a hideously expensive, overly long extravaganza in which most of the performers, for reasons partly of their own making and partly out of their control, come off looking very bad. As with any lengthy, tedious, ill-performed show, the public is left alternately bored, bewildered and disgusted. In this case, the consequences are particularly serious, for as Oregon's Senator Packwood recently noted, the aspirants for the presidency of the United States can so easily lose their credibility, and the office itself is diminished in stature.

There must be a better way. But what? The first thing to say is that there is no perfect, or near perfect, or ideal way of operating this kind of selection process. The task boils down to a balancing act, to fashioning the least imperfect system. Several broad courses of action are open:

1. Junk the open primaries and return to a process whereby the party leaders narrow the field of presidential candidates. That is unacceptable and well nigh inconceivable. Although the old smoke-filled rooms were never as bad as legend would have it, the democratization of the presidential selection process, with the popular will directly asserted, has been on the whole a healthy development.

2. Stick to the current system, with but minor alterations. We do not think this is the answer, either. Yet it is not indefensible. The point to be made here is that, despite all the appearances of anarchy, very important benefits flow from the current system that should not be discarded.

First, as this year's Democratic primaries have shown, the candidates have been in touch not just with television cameras and party satraps but with real people—millworkers in New Hampshire, old folks in Florida, factory hands and farmers in Wisconsin. Much of this laying on of political hands ranks as hokum. But much is authentic and, we believe, good for both the candidates and the voters. Second, open primaries, judiciously spaced, serve as a valuable sifter, with the more preposterous hopefuls going early to the sidelines. Third, even an improbable lineup of primaries—New Hampshire (unrepresentative); Florida (the same); Illinois (incomplete slate); Wisconsin (a muddle of crossover voting)—gives the candidates an opportunity to respond to a passing flow of events and to grow from the lessons of either victory or defeat. Fourth, the states can formulate the kinds of election they want, a considerable virtue in this age of centralized power. Fifth, and perhaps most important, the current system provides the dark horse or insurgent a good chance to challenge the party powers and orthodoxy, by proving he can win.

3. A single, national primary. Senators Mansfield and Aiken have advocated this alternative, and it has a certain surface plausibility. We are decidedly opposed to it. Not only would it thrust upon the country the bombast of two national elections (three if a primary runoff were necessary). It would amount to a classic case of throwing out the baby with the bath water.

Out would go many of the advantages of the present system. In would come a selection process geared disproportionately to incumbents or big-money front-runners or media candidates. Depending in the vagaries of political climate, a national primary in the August of a presidential election year might well toss up an inappropriate or divisive winner whom the party at convention time would be all but compelled to support. The more it is examined, the more the national-primary idea falls of its own weight.

4. A middle course, preserving much of the best of the existing system, but streamlining the dizzying disparity of present state election laws, consolidating the number of primary dates and striking a balance between the popular will and the strength and accountability of the political parties. This is the course we believe best, with only this question: What formula can accomplish these purposes?

Here we commend for the most careful consideration two proposals that recently have come forward, one by presidential counselor Robert Finch, the other by Senator Packwood. They differ in some important details, but both aim generally in the same direction, for they are predicated on the correct belief that a federal election law must be passed, stipulating uniform rules for a limited sequence of primaries beginning in the March of a presidential election year. Under such rules, both men agree, the worst aspects of various state election laws would be eliminated. One is the winner-take-all-the-delegates law that California follows. Another is the crossover foolishness that bedeviled the Wisconsin results and is sure to do the same next month in Michigan.

Finch's plan, outlined recently in a thoughtful address, is the more loosely structured. States could opt into the federal system as they chose, with the big inducement the offer that Washington would pick up a big part of the election-cost tab. Candidates, too, would enter voluntarily, choosing to campaign in from none to some to all the states holding primaries on the same day. For the states choosing to take part, a federal commission would control the scheduling and would attempt to group states into representative cross-sections. The plan has much to commend it, although we do not see how it would cut down appreciably on the time and money spent in primary campaigning.

Packwood's idea of reform calls for all 50 states to hold open primaries, whether they want to or not. This we find very questionable. In trying to hold down the frenzy of coast-to-coast campaigning, he would divide the states into five regions, with the five primary dates spaced a month apart. Packwood also has the intriguing idea of drawing lots to determine the order of the regional elections.

The kind of protracted campaigning that has led some presidential hopefuls to set up shop in New Hampshire nearly two years before the general election would be discouraged. The Packwood proposal mandates the inclusion of all legitimate candidates in each of the primaries, a provision that on balance we believe is best. Both plans call for delegate apportionment in each state to be proportional to the voting results, and for delegates to be obligated to stand by the candidates for at least two ballots.

Many critics are sure to say that either of these plans, like the single primary, will work against the dark horse with limited means. It is a valid point. Yet there is a way to get around it. If the primary system is to be brought into coherent form, ways can be devised to provide public financing for campaign expenses, together with expenditure ceilings. Other inconsistencies, we believe, also could be worked out. For example, one sensible compromise between the Finch and Packwood plans would be to give the states the option to hold a primary but to require those that do to conduct it on one of the dates specified in the federal law.

If it is too much to expect legislation this year, it is not too much to hope for—and strongly urge—widespread discussion and debate over feasible alternatives. Not only Con-

gress but the party platform committees, the party organizations, the academics and the public all have a role to play in defining this complex problem and in committing themselves to genuine reform.

[From the Lincoln (Nebr.) Sunday Journal and Star, Apr. 16, 1972]

REGIONALIZING PRIMARIES

Sen. Bob Packwood, Oregon Republican, has come up with an election reform measure that makes more sense than the idea of Sens. Mike Mansfield and George Aiken for a national presidential primary.

Packwood would establish five regional primaries, thus staking out the middle ground between the present system of state primaries and one nation-wide contest. And the middle ground is usually solid.

Grueling as they may be for candidates and confusing for voters, there is a great deal of virtue in the present state primaries.

They force candidates to become familiar with regional concerns and needs. They insure that smaller states, like Nebraska, have a chance to see and assess the contenders. And by their very nature they test the fitness of a person—mental, physical and emotional—for the presidency.

Packwood's proposal would seem to retain most of these advantages. A serious candidate would just about have to visit all five regions and most parts of each region. The educational nature of multiple primaries, for candidate and voter alike, would survive.

Yet by limiting the number of primaries to five, Packwood would forestall their proliferation beyond the point of practicality. That point may be near, state contests having grown in four years from 13 to 24.

Regulated by a federal commission, the Packwood system would assure that all recognized candidates would be tested in each region, while providing reasonable means for a relative unknown to try his luck.

Another apparent virtue is that it would keep the national political conventions. For all their hoopla, the conventions are of some value in bringing party representatives together to fashion a platform and seek some unity of policies, philosophies and personalities.

Packwood's plan, however, would bring more order to the hit-and-miss system of choosing delegates. Each candidate would simply name his own delegates according to the percentage of votes he received in each state.

No one can guarantee that Packwood's proposal would prove superior to what now exists. But it certainly sounds better than a national primary. Congress should consider it seriously.

[From the Salem (Oreg.) Statesman, Mar. 31, 1972]

PRIMARY LIMIT

There is no better argument for a national presidential primary than the 24 separate primaries being held this year.

Primaries are valuable as a testing course for candidates. But the gantlet is getting too long. No one can be expected to hop from one state to another—and almost be in two places at once—for months. The multiplicity of primaries has diluted their individual effectiveness.

A National Institute of Student Opinion poll shows that half of the young people question the value of the individual state presidential primaries, feeling they are too limited and expensive to be justified and they really don't decide the nomination anyway.

But a single presidenial primary would mean that candidates would concentrate their efforts in the most populous states. States such as Oregon, which have been actively courted by candidates for decades, would scarcely get their attention.

Sen. Robert Packwood is promoting the idea of five regional presidential primaries, spaced far enough apart to give candidates an opportunity to give attention to each.

The order of the primaries would be by lot, with the last one or two obviously having the most impact on the party conventions. Limiting the primaries would limit costs. The present system makes it increasingly impossible for a candidate without substantial subsidy to get into the running.

The young people are right. The rush to initiate presidential primaries in each state is self-defeating. It may, however, hasten the day when a nation-wide substitute, perhaps along the lines suggested by Sen. Packwood, will be an obvious necessity.

[From the Portland (Oreg.) Journal, Apr. 17, 1972]

REGIONAL PRIMARY WORTH STUDY

The Journal has tended to favor a national primary to nominate the presidential candidates as a means of putting the power of nominating process directly in the hands of the voters.

Such a system would have the related advantage of diminishing the power plays and the obligations likely to go with them at conventions.

A few years ago, Oregon was one of the few states that gave its voters control over its delegates to the convention and offered them a choice of all candidates for the nomination.

But there has been a great proliferation of state primaries in the last few years. While this is a movement to be welcomed to the extent that it does give more voice to voters it also has led to an impossible hodgepodge of separate elections. Now half of the states have primaries. It is nearly impossible for the candidate to devote either the time or money to wage an effective campaign in each of them.

Since the trend seems to be toward voter determination of the presidential nominees, why not just go all the way toward a single nationwide primary?

No less an authority on the political process than Frank Mankiewicz, a long-time associate of both John and Robert Kennedy and now the manager of Sen. George McGovern's campaign, makes a practical point.

A single primary would tend to hand over the nominations to the persons who were recognized at the outset as the "front-runners," for whatever reason.

In 1968, he said, the race would have been between Lyndon Johnson and George Romney. This year it would be Richard Nixon and Edmund Muskie.

Smaller primaries give the dark horses a chance to prove themselves in a way that would be impossible nationwide, and also provide the test of fire for the acknowledged front-runners.

Since his candidate is one clear example of a man given little chance nationally a couple of months ago, but who has caught the attention of the nation by his performance in a couple of state primaries, Mankiewicz is close personally to the argument he is making.

But he is not suggesting that the series of individual state primaries, making virtually impossible demands of both time and money, is the alternative.

He did in fact react favorably to the proposal made by Sen. Bob Packwood, R-Oreg., of five regional primaries a month apart.

Packwood—long a student of the political system before he became a senator—put together a rather comprehensive proposal with many ideas drawn from Oregon, but limiting the primaries to five regional elections.

Some way the nominating process, as well as the actual election, must be placed more directly into the hands of the voters. Perhaps something along the lines advocated by Packwood would be a logical way to start. It would be an improvement over a growing list of separate and totally different state primaries and might be a reasonable step between the maze we have now and the single national primary.

[From the Ashland (Oreg.) Daily Tidings, April 11, 1972]

PACKWOOD PLAN DUE SOME CAREFUL STUDY

Sen. Bob Packwood has proposed a plan to improve the way the political parties choose their presidential nominees.

There's no doubt that the system can stand some improvement.

Voters nowadays are likely to be more than a little bewildered by the many primary elections and what they mean, if anything.

Packwood has proposed a system of five regional primaries, covering the entire country. The plan is better than the others that call for just one, nationwide primary election.

The regional primaries as proposed by the Oregon senator would still give some opportunity to candidates without a national political power base to test their potential for success in an election.

At the same time the selection procedure of candidates as proposed by Packwood likely would screen out those minor candidates who now clutter up the existing primary election picture.

A disadvantage of Packwood's plan would be that Oregon, for instance, would lose its own cherished primary election. Packwood said he wondered how long Oregon would retain its significance as a primary state in the face of the ever-growing number of such elections.

An indication of how the Oregon primary is likely to become less significant came this week. Sen. Edmund Muskie, lagging behind but still considered a major candidate, announced he would concentrate his remaining resources elsewhere, thereby in effect writing off the Oregon primary.

When Oregon was one of the few primary states, its significance in the presidential election process was large even though the state's population was small. Now there are more than two dozen primary elections, and Oregon's primary has suffered as a consequence.

In light of these considerations, Packwood's proposal deserves some careful study in the Congress.

[From the Albany (Oreg.) Democrat-Herald, Apr. 12, 1972]

HOW ABOUT REGIONAL VOTE

The candidates may not be tired of running yet. Yet the evidence is growing. It will be an exhausted, battered batch of presidential candidates that finishes the New York primary, the nation's last this season, on June 20.

No candidate that goes through this year's wringer of 25 primaries could think they all are necessary. Certainly the public does not. Even by the time Oregon's primary arrives May 23, 16 primaries will be down the drain. That's three more than just four years ago.

But the problem isn't simply the dizzying number of state primaries, of which there'll be 40 in 1976. Much cry for reform results from the imperfect link between the primaries and the eventual nominations.

Only Oregon, California and Massachusetts, for instance, bind their convention delegates to their primary winners. Thus, convention delegates from other states may or may not be bound to follow their state's choices. It all depends on peculiarities in state law.

This would be corrected in *Sen. Bob Packwood's* proposal for five regional primaries. It would allow candidates receiving at least five per cent of the vote to appoint their own convention delegates in proportion to the votes received. The delegates in turn would have to support their candidate for two ballots, until he received less than 20 per cent of a convention ballot or until personally released.

That is one of the more attractive features

of *Packwood's* answer to the plethora of primaries. It would make the public's primary votes count in the convention process, which now always isn't true. The convention, after all, is where final nominations are made. And despite talk to the contrary, that will be the case for some time.

[From the Grants Pass (Oreg.) Daily Courier, Apr. 11, 1972]

REGIONAL PRIMARIES

This year there are 24 primaries throughout the 50 states, with candidates hopscotching across the land to this one, then to that, with a tremendous physical toll and some of the most ineffective and wasteful campaigning possible

In fact, the very plethora of presidential candidates probably can be attributed, in part, at least, to the fact that with so many primaries, each and every one of the hopefuls can anticipate finding at least one area of the land where he can emerge with a vote of confidence. And that's what primaries are all about, since the national nomination conventions are not bound to accept primary results anyway—at least not completely.

The popularity explosion among primaries spurred Oregon's junior senator Bob Packwood, to foresee the day not far away when there might well be 50 primaries—maybe even 53 if Puerto Rico, the Virgin Islands and the District of Columbia had separate ones—and that could well spell chaos of a magnitude he didn't want to experience.

So Packwood has proposed a solution—it's one of several, but it solves some of the problems the others do not—in the form of regional primaries. His proposal, to be introduced into Congress, would divide the nation into five regions. Each would hold a primary, with all states in the region voting on the same day. The regional voting dates would be staggered, a month apart, running from March through July, and with the order of the vote being determined by lot 70 days before the first vote. This would forestall any candidate working on a particular area for months, or more, in advance of a specific voting date, to the point of either a special advantage or boredom.

Packwood envisions a national elections board to determine who would go on these primary ballots—copying most of his formula from Oregon's own system.

All generally recognized candidates, as determined from the news media, would be on the ballot unless a candidate specifically withdrew. Others could get onto the list through petition or filing.

Packwood explained that his plan is better than another proposed—that of a single national primary—because that one-shot national plan would tend to load the system in favor of those with already established names—and that would mean primarily those who serve in Washington, D.C. By going to regional votes, regional candidates might build up a national name, a fact he favors.

From the regional primaries would emerge regional winners, who would take delegates in proportion to their votes by states to the nominating conventions, where these delegates would be bound to the candidate for at least two votes.

Packwood's plan, while it appears to answer most of the questions, probably would, if put into effect, make the party conventions even more meaningless than they are becoming now, diluting the work of the party faithful who have earned the right to have a direct hand in the selection of their party's candidate. But his plan wouldn't be as divisive as 50 primaries, particularly if they all follow the trend begun in Oregon of putting everyone on the ticket for a straw vote.

It's unlikely that Packwood's, or anyone's, plan will emerge from the Congress unchanged—if at all—but it is an interesting concept to ponder. And it would put an end to a lot of the current boring week-after-week campaigning. That, alone, would be a blessing.

[From the Eugene (Oreg.) Register-Guard, Apr. 22, 1972]

PRIMARIES: THERE MUST BE A BETTER WAY

(By James Kilpatrick)

PHILADELPHIA.—The Democratic presidential hopefuls take two more jumps on Tuesday in the Grand American National Steeplechase. entries limited to lunatics and other politicians. Surely, surely, there must be a better way.

The metaphor seems apt. According to the Tom Jones tradition, the steeplechase began as a wild race among the landed gentry of 18th century England. They lined up their horses, took aim on a distant steeple, and off they went—over stone walls, chicken coops, and picket fences. They took water jumps, mud jumps, and brush jumps. They terrified the livestock and left the natives open-mouthed. They left a trail of cracked skulls and broken bones, and the weary winner limped home on a winded horse. It was, in its way, great sport.

What remains of this years' field is plunging on. The betting in Boston is that George McGovern will sail over the chicken coop of Massachusetts, while Hubert Humphrey runs around the jump instead. Here in Pennsylvania, Edmund Muskie and Senator Humphrey are galloping through a fog of intra-party politics toward a stone wall. George Wallace, the gray fox from Dixie, has been barking in Pittsburgh and Wilkes-Barre. One week from Tuesday: Indiana.

It is too late to halt the madness now. The candidates are doomed to race on to the richest prize of all—the California stakes in early June, when 271 delegates will be up for grabs in a single purse. After that, Miami. The exhausted winner will have made promises he cannot keep; he will have lost support he sorely needs. The candidates collectively will have raised and spent—or borrowed and spent—something in the neighborhood of $20 million, and the money-raising task must then begin anew.

Twenty-three separate primaries have been scheduled this spring. They are not wholly meaningless; they are telling us something: The remarkable vote for Wallace and McGovern is a manifestation of discontent that cannot go unheeded. But the primaries provide a poor measure of statesmanship: they measure stamina instead. The primaries do not clarify, they confuse.

Two proposals, one old and one new, are being advanced by way of reform. Sens. Mike Mansfield of Montana and George Aiken of Vermont have revived the idea of a single national primary. Sen. Robert Packwood of Oregon is offering a novel plan for five regional primaries instead.

The Mansfield-Aiken proposal is cast in the form of an elaborately detailed, 1,300-word amendment to the Constitution. As such, their resolution is plainly preposterous; they have written a statute, not drafted an amendment. If a change in the Constitution truly is required (authorities disagree), a single sentence would suffice, vesting in Congress the power to provide by law for a national primary system.

Viewing their resolution as a bill, many observers will find the proposal attractive. Mansfield and Aiken recommend a single primary election in August of each presidential year. If none of a party's candidates received a plurality of at least 40 per cent, a run-off would be held four weeks later between the top two. The plan has the virtue of simplicity; it has the defect of nationalizing a political process that until now has rested with the states, and it raises the expensive prospect of three national elections in a three-month span.

Packwood's alternative proposal envisions five regional primaries, one month apart, beginning on the first Tuesday in March. A five-man commission would certify candidates and supervise the balloting. Convention delegates would be awarded on a basis of proportional representation: The candidate who claimed one-third of the vote would name one-third of the delegates. The Packwood plan would retain not only the basic Federal structure but also the party conventions. It offers a vast improvement over the steeplechase madness of 1972.

Neither proposition is likely to be considered in Congress this year. But next year, when the shouting and the tumult die, sober thought must be given to a saner scheme for 1976. That year will mark the 200th anniversary of the great American Revolution. Politically speaking, it's high time for another.

[From the Oregon Journal, Apr. 17, 1972]

REGIONAL PRIMARY WORTH STUDY

The Journal has tended to favor a national primary to nominate the presidential candidates as a means of putting the power of the nominating process directly in the hands of the voters.

Such a system would have the related advantage of diminishing the power plays and the obligations likely to go with them at conventions.

A few years ago, Oregon was one of the few states that gave its voters control over its delegates to the convention and offered them a choice of all candidates for the nomination.

But there has been a great proliferation of state primaries in the last few years. While this is a movement to be welcomed to the extent that it does give more voice to voters, it also has led to an impossible hodgepodge of separate elections. Now half of the states have primaries. It is nearly impossible for the candidate to devote either the time or money to wage an effective campaign in each of them.

Since the trend seems to be toward voter determination of the presidential nominees, why not just go all the way toward a single nationwide primary?

No less an authority on the political process than Frank Mankiewicz, a long-time associate of both John and Robert Kennedy and now the manager of Sen. George McGovern's campaign, makes a practical point.

A single primary would tend to hand over the nominations to the persons who were recognized at the outset as the "front-runners," for whatever reason.

In 1968, he said, the race would have been between Lyndon Johnson and George Romney. This year it would be Richard Nixon and Edmund Muskie.

Smaller primaries give the dark horses a chance to prove themselves in a way that would be impossible nationwide, and also provide the test of fire for the acknowledged front-runners.

Since his candidate is one clear example of a man given little chance nationally a couple of months ago, but who has caught the attention of the nation by his performance in a couple of state primaries. Mankiewicz is close personally to the argument he is making.

But he is not suggesting that the series of individual state primaries, making virtually impossible demands of both time and money, is the alternative.

He did in fact react favorably to the proposal made by Sen. Bob Packwood, R-Ore., of five regional primaries a month apart.

Packwood—long a student of the political system before he became a senator—put together a rather comprehensive proposal with many ideas drawn from Oregon, but limiting the primaries to five regional elections.

Some way the nominating process, as well as the actual election, must be placed more directly into the hands of the voters. Perhaps something along the lines advocated by Pack-

wood would be a logical way to start. It would be an improvement over a growing list of separate and totally different state primaries and might be a reasonable step between the maze we have now and the single national primary.

[From the Sherwood (Oreg.) Tri-City News, Apr. 20, 1972]

PRESIDENTIAL PRIMARIES NEED CHANGE

Senator Bob Packwood of Oregon has long been a student of election laws and procedure.

From this background, he has announced a proposal for establishing five regional presidential preference primaries.

In announcing his plan and call for cosponsors he said:

". . . This legislation is designed to replace the present mishmash of presidential extravaganzas. These extravaganzas take the form of citrus circuses in Florida and winter carnivals in Wisconsin. They leave the candidates tired and broke. They leave the public bored or bewildered and—far too often—disgusted. Voters understandably ask, 'When is this nonsense coming to an end?' In the process, the candidates lose their credibility and the office loses its dignity."

"Credibility must be restored to the candidates because, without it, dignity cannot be restored to the most important office in the world. A plan must be devised that somehow, someway dramatically improves the Barnum and Bailey traveling sideshow that is in New Hampshire one week, Florida the next, and does not end until the curtain has come down a total of 24 times."

The Packwood proposal would establish a federally administered system of five regional primaries. The dates for the five regions to vote would be known only 70 days prior to being held. Senator Packwood explains this provision in this manner: "All candidates would be forced to shepherd their limited financial resources until they knew which regional presidential preference primary would be first."

Some of the provisions of the Oregon presidential preference primary would be included in that to qualify for a presidential ballot a candidate must be "generally recognized in the national media throughout the United States" as a candidate. A petition or a filing fee of $10,000 to be refunded if the candidate received five per cent of the vote in the region would provide exceptions to the general recognition method of being included on the ballot.

The latest Oregon law under which Senator Edward Kennedy is included in spite of his protests of non-candidacy would be avoided with Senator Packwood's provision that a candidate could have his name removed from the ballot if he states unequivocally in writing that he was not and did not intend to become a candidate for president.

Oregonians initially enjoyed its unique position as a state where presidential preference primaries made and broke presidential candidates. However, with 24 states now having preferences votes in one form or other Oregon is losing its distinction as the first state to adopt a presidental preference primary in 1911. The 24 states including Oregon contribute to complicating the problem of making the presidential preference take on the aspects of a circus and a sideshow.

As Senator Packwood states:

"The system worked well, however, only so long as the nation had less than a dozen significant primaries scattered through the country. With the proliferation of such primaries, this noble dream has become a nightmare. This innovate reform, conceived in logic, has been tarnished in practice."

Oregonians may not want to lose the spotlight on the political stage which they have enjoyed in presidential election years in recent years, but the situation has developed into too much of a good thing and the situation calls for a change.

[From the Seaside (Oreg.) Signal Apr. 20, 1972]

PACKWOOD'S REGIONAL PRIMARIES OFFER CHANCE FOR ELECTION REFORM

The complexity of the present method—or lack of it—for nominating candidates for president is such that a great deal of consideration is being given to a national primary. Now Oregon's Senator Packwood has offered another option, five regional primaries. Dates would not be known until 70 days prior to the election. Each candidate would be empowered to name delegates to the national convention in proportion to the votes he received. Voters would have to vote for candidates of their own political affiliation.

While either a national or regional primary would continue the process of minimizing the importance and the authority of the states, there are compelling arguments for a change, and of the two ideas we believe that Packwood's regional primaries would be the most satisfactory. For one reason they would be held at different times and candidates who do poorly in one would have the opportunity of dropping out, without the necessity for campaigning throughout the United States.

The present system is worse than chaotic. Some states have primaries in which party members are restricted to voting only for candidates of the same political party. Others permit party members to cross over. This is true of Wisconsin and the result is that election is worse than useless. Other states cling to the old process of electing delegates by caucus.

If we are to have a change in the primary system and in the process for naming candidates for president Senator Packwood's proposal seems to offer the most advantages and the least disadvantages.

[From the Los Angeles Times, Apr. 9, 1972]

NATIONAL PRIMARY IS NO PANACEA

If the findings of a recent Gallup Poll are an accurate indication, three out of four Americans are ready to scrap the present system of choosing presidential nominees and substitute, in its stead, a single nationwide primary.

There is no question that the idea of a national primary, replacing both the nominating conventions and the individual state primaries, is superficially attractive.

Any such change, however, would in fact be a grave mistake, the good intentions of its proponents notwithstanding.

Current proposals for a national primary have old and honorable antecedents, of course. The idea cropped up during the Progressive Party movement of the early 1900s. President Woodrow Wilson suggested it in 1913.

This year, presidential primaries will have been held in 23 states before the Democratic and Republican Conventions meet to nominate the candidates who will fight it out in the November election.

A lot of people sympathize with the observation by Sen. Robert Packwood (R-Ore.) that four months of primaries "leave the candidates tired and broke. They leave the public bored or bewildered and, far too often, disgusted. In the process the candidates lose their credibility, and the office loses its dignity."

Two of the most respected men in Congress—Sens. Mike Mansfield (D-Mont.) and George Aiken (R-Vt.)—have introduced a proposed constitutional amendment calling for the establishment of a single nationwide primary election. The Democratic and Republican winners would be the nominees—period. The individual state primaries would be eliminated, and the national conventions would meet only to nominate the vice presidential candidate and hammer out a platform.

As the Gallup Poll indicated, the proposal is attracting a lot of public attention and support. Before people begin taking it too seriously, however, they should ponder the strengths of the present systems as well as the weaknesses of the proposed national primary system.

Running in a series of state primaries is hard on the candidates, to be sure. But it serves to let the voters have a good look at them, warts and all. It tests their mettle—a candidate who can't stand up to the physical and emotional rigors of primary campaigning doesn't belong in the White House anyway.

The national primary, being conducted in all 50 states, would be more costly rather than less. And to make the most effective use of their campaign funds, candidates would emphasize TV—thereby giving an advantage to the candidate long on image but perhaps short on substance.

How would eligibility for the national primary be established? Overly strict rules would be undemocratic. But easy entry would mean a long ballot—and the danger that the winner would not be in the mainstream of his party.

By making the nominee completely independent of the convention of the party whose banner he carries into the election, the national primary would erode party responsibility—and therefore accelerate the breakdown of the two-party system.

Finally, it is worth remembering that, in a national primary, the advantage would go more than now to the wealthy candidate and to the initial frontrunner. It would be hard, if not impossible, for a candidate to start with a modest base and work his way into contention.

If there were a national primary this year, for example, the George McGovern forces do not believe their man would ever have got out of the starting gate.

[From the San Francisco Chronicle, Apr. 10, 1972]

PACKWOOD'S PLAN FOR THE PRIMARIES

After an early spring that has seen weary candidates slogging through the snows of New Hampshire, the swamps of Florida, the frozen corn stubble of Illinois and the blizzardy dairyland of Wisconsin, the American mass audience is, we suspect, already becoming glassy-eyed with too much exposure to televised presidential primary politics. And the year is still young.

The media have had all they could do to create interest in and squeeze significance from the successive confrontations of the Democratic challengers, and as for the Republican primaries, they have pretty much had to give up.

These separate and sovereign elections are well characterized by Senator Bob Packwood, the Oregon Republican, as Barnum and Bailey traveling sideshows.

"They leave the candidates tired and broke," Senator Packwood pronounced. "They leave the public bored or bewildered and—far too often—disgusted. In the process, the candidates lose their credibility and the office loses its dignity."

Senator Packwood is proposing a very interesting reform of our primary system—a reform of a kind which the Gallup Poll shows an overwhelming majority of the American people favor.

He is introducing a bill to establish, by Federal law, not a national primary, which has hitherto been much discussed, but five regional primaries, one to be held each

month, beginning in March of presidential election years.

The merit of the Packwood primary would, he feels, be that of enabling candidates to concentrate intensely upon the voters of the region during the month when its election is to be held. It would thus bring the candidates out among the people and somewhat de-emphasize television's impact. He assumes that regional primaries, drawing the voters of around ten States to the polls each month, would give a highly regarded but only regionally known personality, such as a governor, a chance to score a strong tally of conventional delegates from his (or her) part of the country and go with some strength to the national convention, whereas under the present system that would be just about out of the question.

This regional scheme would offer, in the end, all the voters of all the States a chance to be heard in the selection of their party's presidential nominee. It appeals to us as a likely plan for serious consideration in Congress.

[From the San Francisco Examiner, April 22, 1972]

THE PRIMARIES

It is widely contended that there must be a better way of narrowing the field of presidential candidates than the present inclusive and terribly costly system of state primaries.

What developed in our horse and buggy days strikes many people—political experts and lay observers alike—as a demanding and essentially tawdry circus in this electronic age.

Congress, once again, is considering possible solutions. Once again, the major alternative thus far has been the proposal for a single, nation-wide primary instead of the 24 locals now being held.

This time it is advocated in a constitutional amendment offered by Senate Democratic leader Mike Mansfield and Republican Senate dean George D. Aiken.

The trouble with a national primary is that it might have greater evils than the current system.

It would, for example, give an even greater advantage to candidates able to command strong financial backing. It also would tend to favor persons, especially senators, whose activities and opinions get priority attention in the news media.

An intriguing alternative has been proposed by Sen. Robert W. Packwood.

The Oregon Republican has introduced a bill calling for five regional primaries embracing every state.

They would be held once a month in a series limited to the five-month period from early March through July.

Details of the proposal are too complex to outline here, even though they are far less complicated than the wildly varied rules governing the mish-mash of contests now under way.

The advantage of the Packwood plan is—in theory at least—its claim to ensure the best benefits of the present and the suggested national primary systems.

We hope the most careful consideration is given to the Packwood alternative. On its face it seems like a viable and constructive compromise.

In the end it is quite possible that the admittedly wasteful and grueling system of old-fashioned state primaries is still the best method of testing presidential hopefuls.

[From the Santa Ana (Calif.) Register, Apr. 19, 1972]

REGIONAL PRIMARIES PLAUSIBLE

(By Art Siddon)

WASHINGTON.—Sen. Bob Packwood (R. Ore.) appears to have come up with the most plausible solution to date for replacing the present sideshows known as the Presidential primaries.

Packwood has told his Senate colleagues he will introduce a bill establishing a system of five regional Presidential primaries to replace what he called "the present mish mash of Presidential extravaganzas."

The present system crams 23 Presidential primaries into less than four months.

With only five of the primaries down and 18 yet to go, the contenders for the Democratic nomination already are showing signs of fatigue. Millions of dollars have been spent and millions more will follow with no assurance that even when it is over the Democrats will have found a candidate.

As Sen. Mike Mansfield (D. Mont.) has said, the system leaves the candidates "physically exhausted, financially deflated, and, more often than not, politically defeated."

Mansfield and Sen. George Aiken (R., Vt.) has offered their own solution—a single national Presidential primary to be held by both political parties on the same day in August.

Packwood has pointed out that this solution has several flaws.

Under the Mansfield-Aiken plan, if no candidate received 40 per cent of the vote, a runoff would be necessary. This means we could end up with what would amount to three full-scale national elections in one year to pick a President.

A national primary also would tend to favor candidates with the most news media appeal and those with easy access to vast sums of money.

"If the only primary is a national primary, an unknown candidate could not contemplate participating unless he could raise enough money in advance to guarantee that his name would become a household word," Packwood argues.

His alternative would appear to eliminate these flaws.

Packwood's bill would divide the country into five regions by population in which the primaries would be held on the second Tuesday of each month beginning in March and ending in July. The order of the primaries would be determined by lot 70 days before the first primary.

Presumably the candidate would thus not know where the first primary would be held until 70 days prior to it, and this could prevent candidates from beginning campaigns too early.

Under the national system, it would be possible for a candidate to begin campaigning as soon as he decided to become a candidate.

Packwood would keep the national conventions under his plan. The number of delegates each candidate received would be in direct proportion to the percentage of the vote he received in each state.

It seems that the regional primary system would allow a candidate to spend a smaller amount of money testing his appeal in one region before he had to commit himself to the entire race. If he found he wasn't strong, he could withdraw. In a national primary, he would be committed to an expensive nationwide campaign.

The alternative appears to be letting things continue in the direction they are now going or abolishing primaries entirely. To abolish them would leave the selection of Presidential candidates up to the party regulars at the national conventions.

Clearly the regional primary proposal is worth considering.

[From the San Luis Obispo (Calif.) Telegram Tribune, Apr. 13, 1972]

REFORMING THE ELECTION PROCESS

Most Americans assume that in a presidential election year the business of registering to vote, then voting, and then counting the votes is orderly and efficient.

The believe that the process is pretty much the same from state to state . . . and they are wrong.

Rules for registering to vote here are different from the rules there.

The presidential election ballot here might be different from the one there.

When it comes to counting the vote, one area might be honest while another is laced with fraud.

Inconsistency is rife. Nowhere is it more ludicrous than in Wisconsin where the cross-over vote is allowed.

In Wisconsin, people of either party can vote in the presidential primary of the other party. This allows partisans to cross party lines and vote for a candidate of the other party who they think will be the easiest to defeat in the general election.

Presidential candidates today are forced to adapt themselves to as many different rules as there are state primary elections. The result is exhausting and expensive for the candidates and complex and confusing to the voters.

This presidential election year as candidates speak, stumble and stump their way through 24 separate primary elections, concerned and sincere politicians are looking for a better way.

Sen. Mike Mansfield (D-Montana) likes the idea of a national presidential primary election just as we have a national general presidential election.

Sen. Robert Packwood (R-Oregon) has suggested five regional primary elections, one to be held each month beginning in March of presidential election years.

He feels the merit of his proposal is that candidates could concentrate upon the voters of a specific region during the month when its election is scheduled. This would be in contrast to this spring's schedule which saw Democratic candidates campaigning in New Hampshire, then chasing to Florida, and then challenging each other in Wisconsin.

Earlier this month in a speech in Fulton, Mo., Robert H. Finch, counselor to President Nixon, proposed a third alternative, a Federal Uniform Election Law.

The Finch plan, which he calls FUEL, is simply a ballot which separates the presidential and congressional candidates from all other state and constitutional offices to be filled in a presidential election year—a federal ballot for federal offices.

There would be the same registration standards for all voters for federal office.

If fraud in the federal voting were suspected, the ballots could be impounded and counted immediately without slowing the vote count on state or constitutional offices.

Finch believes that FUEL also would point up the need for the President to have a political majority in Congress and that FUEL should contain a comprehensive reform of the Electoral College.

It's too soon to determine whether FUEL will ignite the imagination of those interested in reforming the election process.

Right now it is yet another indication that responsible politicians are seeking a more efficient, honest and economical method of giving the citizen a direct voice in the election of federal officials.

STREAMLINING THE PRIMARIES

A P–1 View: Oregon's Sen. Robert W. Packwood has proposed an interesting alternative to the existing presidential primaries.

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demanding and essentially tawdry circus in this electronic age.

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The trouble with a national primary is that it might have greater evils than the current system. It could, for example, give an even greater advantage to candidates able to command strong financial backing. It also could tend to favor persons, especially senators, whose activities and opinions get priority attention in the news media.

An intriguing alternative now has been proposed by Sen. Robert W. Packwood. The Oregon Republican has introduced a bill calling for five regional primaries embracing every state. They would be held once a month in a series limited to the five-month period from early March through July.

Details of the proposal are too complex to outline here, even though they are far less complicated than the wildly varied rules which govern the mishmash of contests now under way. The obvious advantage of the Packwood plan is that—in theory at least—it would ensure the best benefits of the present and the suggested national primary systems.

We hope the most careful consideration is given to the Packwood alternative. On its face it seems like a viable and constructive compromise.

[From the Lewiston (Idaho) Tribune, Apr. 9, 1972]

A NORTHWEST PRESIDENTIAL PRIMARY

Sen. Bob Packwood, R-Ore., wants to replace the "present mishmash" of 23 State presidential primaries with five regional primaries that would be conducted one a month in succession.

The state primaries of the present, with all their inconsistencies, have become rather more of a joke this year than in the past. But if they are to be replaced, why bother with regional primaries? Why not skip the second step and go directly to a national presidential primary?

There is no doubt that the Packwood plan would be an improvement. It would trim the number of primaries. It would eliminate the exaggerated influence and the disproportionate expense of small primaries like New Hampshire's. Undoubtedly it would also standardize the primaries.

Under the present system, every state has a separate set of rules and therefore a separate and often misunderstood meaning. Some state primaries permit the candidates for president to decide themselves whether they will enter the contest. The more honest states, such as Oregon, place on the ballot all recognized candidates for president whether the candidates like it or not. Some of the state votes are true primaries binding that state's delegates to back at the national convention the candidate the people have chosen. Some are advisory, mere personality contests not binding on the state's delegation to the national convention. There are dozens of other variations from state to state.

Presumably Packwood's plan would eliminate that. But so would a national primary and without five separate votes. Perhaps the senator is trying to bring some order out of the present chaos without sacrificing the mounting week-to-week drama that takes place as the candidates move from one primary to the next. But that is better stage management than political science.

If Packwood's idea or a national primary ever come to pass, it will probably be some years from now.

Meanwhile, there is a simpler way to begin the march toward regional primaries if not also toward a national one. If the states of Washington and Idaho would join Oregon in holding presidential primaries, and do it on the same day, the nation would have its first regional primary.

There are strong elements of a presidential primary in the procedures Washington and Idaho Democrats are using this year to select delegates to a national convention. (See page 5 for details of the Idaho method.) But those new procedures are so complicated that it would make more sense to simply let the people of Idaho and Washington join Oregon residents in voting directly their choices for president.

And it would be one way of giving the Packwood plan a trial run in the senator's home region.

By Mr. ROTH (for himself, Mr. BOGGS, Mr. BEALL, and Mr. BUCKLEY):

S. 3568. A bill to designate the Federal Bureau of Investigation building now under construction in Washington, D.C., as the "J. Edgar Hoover Federal Building." Referred to the Committee on Public Works.

Mr. ROTH. Mr. President, for almost half a century, J. Edgar Hoover has served the American people as the Director of the Federal Bureau of Investigation. Last night this extraordinary patriot's lifetime of dedication to the preservation of democracy came to an end. It is only fitting that we today offer our gratitude for the service that he has rendered the U.S. Government.

There could be no more appropriate expression of this gratitude than the conferring of his name on the new FBI building. I cannot imagine a gesture that would have pleased Mr. Hoover more. The resolution which I, together with the senior Senator from my State of Delaware (Mr. BOGGS) introduced today would authorize naming the new FBI headquarters the "J. Edgar Hoover Federal Building."

Mr. Hoover literally spent a lifetime in service to the Federal Bureau of Investigation. On May 10, only a week away, he would have celebrated his 48th anniversary as the Director of the famed organization. When Mr. Hoover accepted the post of acting Director of the Bureau in 1924, he faced a formidable task. It is to his credit that the small, poorly organized Bureau because the world-renowned crime-fighting force that it is today. Over the years, the FBI has built a reputation for honesty, loyalty, and competence. FBI agents are accorded the highest respect of any law enforcement officials in the country.

By naming the Bureau's new headquarters the "J. Edgar Hoover Federal Building," we have an opportunity to express for our constituents the respect and admiration that millions of Americans have felt for this exceptional man. I would ask my colleagues to join with Senator BOGGS and me in expressing the gratitude of the Nation to the memory of J. Edgar Hoover.

By Mr. TOWER:

S. 3569. A bill to provide that persons from whom lands are acquired by the Secretary of the Army for dam and reservoir purposes shall be given priority to lease such lands in any case where such lands are offered for lease for any purpose. Referred to the Committee on Public Works.

Mr. TOWER. Mr. President, today, I am introducing a bill to give prior owners the right of first refusal when their lands are acquired for building dams or impounding reservoirs. Presently, the Corps of Engineers acquires land from farmers and ranchers for the purpose of building a dam and reservoir. Because construction and the impounding of the water is a very lengthy process, the corps will lease the land back to the owner so that he may continue to make productive use of it. That first lease lasts 5 years. At the expiration of this first lease, if the land is still available, the property is advertised and a lease granted on the basis of competitive bids. The corps does not consider former owners or tenants to have interest in the lands after the termination of the lease.

Mr. President, many of the owners do, indeed, have a very special interest in these lands as long as they are available. The inconvenience and cost of moving stock or facilities unnecessarily is reason enough for these owners to desire to continue use of the land. In fact, I have had several complaints lodged with my office over just this matter.

This bill, if enacted, would provide the former owners or tenants the right of first refusal during the period of their lifetime. If the former owner is a corporation, or other association, the right of first refusal is granted for a period of 50 years. The passage of this legislation will be a step in preventing an inequity, and will insure continuous, productive use of lands under Corps of Engineers control. I urge favorable consideration of this measure.

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

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

S. 3569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case where land is acquired by the Secretary of the Army for the purpose of any dam and reservoir project being carried out through the Corps of Engineers and thereafter offered for lease for any purpose the person or persons from whom such land was acquired shall during their lifetime be given priority to enter into such lease upon reasonable terms determined by the Secretary.

SEC. 2. The term "person" as used in this Act includes a corporation, company, association, firm, partnership, society, joint stock company, or other such organization as well as an individual but in any case where such term is used to apply to such an organization the term "lifetime" as used in the first section shall not exceed fifty years.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2397

At the request of Mr. COOK, the Senator from Tennessee (Mr. BAKER), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Virginia (Mr.

SPONG) were added as cosponsors of S. 2397, to amend the Airport and Airway Development Act of 1970 in order to provide that the Federal share shall not exceed 75 percent of allowable project costs except with respect to landing aids.

S. 3290

At the request of Mr. BEALL, the Senator from North Dakota (Mr. YOUNG), the Senator from Colorado (Mr. DOMINICK), the Senator from Utah (Mr. BENNETT), and the Senator from Tennessee (Mr. BROCK) were added as cosponsors of S. 3290, a bill to amend certain provisions of title 18, United States Code, relating to youth offenders.

S. 3303

At the request of Mr. PEARSON, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of S. 3303, a bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator with the consent of the farmer, and for other purposes.

S. 3495

At the request of Mr. DOLE, the Senator from Wyoming (Mr. HANSEN) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 3495, a bill to provide reimbursement of extraordinary transportation expenses incurred by certain disabled individuals in the production of their income.

S. 3530

At the request of Mr. BEALL, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 3530, a bill to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Inc.

SENATE JOINT RESOLUTION 225

At the request of Mr. GRIFFIN for Mr. SCHWEIKER, the Senator from New Mexico (Mr. MONTOYA) and the Senator from Alaska (Mr. GRAVEL) were added as cosponsors of Senate Joint Resolution 225, to prevent the abandonment of railroad lines.

SENATE JOINT RESOLUTION 229

At the request of Mr. ALLEN, the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Georgia (Mr. TALMADGE), and the Senator from Texas (Mr. TOWER) were added as cosponsors of Senate Joint Resolution 229, a joint resolution to name the new Federal Bureau of Investigation building the J. Edgar Hoover Building.

SENATE RESOLUTION 297—SUBMISSION OF A RESOLUTION DESIGNATING THE J. EDGAR HOOVER FBI BUILDING

(Referred to the Committee on Public Works.)

Mr. HATFIELD (for himself and Mr. GOLDWATER) submitted the following resolution:

S. RES. 297

Whereas J. Edgar Hoover served as Director of the Federal Bureau of Investigation from its creation in 1924 until his death;

Whereas the name of J. Edgar Hoover and the Federal Bureau of Investigation will be linked forever;

Whereas the long and distinguished service of J. Edgar Hoover in Washington deems appropriate the designation of a suitable memorial in Washington;

Whereas a facility in active use would be more appropriate than a static memorial;

Whereas a memorial linking the name of J. Edgar Hoover and the Federal Bureau of Investigation would best serve as an appropriate memorial: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Federal building under construction in the block bounded by 9th St., NW, 10th St., NW, E St., NW, and Pennsylvania Avenue, NW, in the District of Columbia, shall hereafter be known and designated as the "J. Edgar Hoover FBI Building" and that any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the J. Edgar Hoover FBI Building.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 895

At the request of Mr. PEARSON, the Senator from New Jersey (Mr. WILLIAMS) was added as cosponsor of amendment No. 895, intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

AMENDMENT NO. 1122 AND AMENDMENT NO. 1123

At the request of Mr. TUNNEY, the Senator from Georgia (Mr. GAMBRELL) was added as a cosponsor of amendment No. 1122, intended to be proposed to Senate Concurrent Resolution 33, and amendment No. 1123, intended to be proposed to House Concurrent Resolution 471.

NOTICE OF CHANGE OF TIME OF HEARING ON CERTAIN NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Committee on the Judiciary and at the request of the distinguished chairman thereof (Mr. EASTLAND), I wish to advise that the time of the hearing scheduled on the following nominations has been changed from 10:30 a.m., Thursday, May 4, 1972, to 9:30 a.m., in room 2228, New Senate Office Building:

James M. Burns, of Oregon, to be U.S. District Judge for the District of Oregon, vice Gus J. Solomon, retired.

Norman C. Roettger, Jr., of Florida, to be U.S. District Judge for the Southern District of Florida, vice Ted Cabot, deceased.

Otto R. Skopil, Jr., of Oregon, to be U.S. District Judge for the District of Oregon, vice Alfred T. Goodwin, elevated.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from Arkansas (Mr. MCCLELLAN); and the Senator from Nebraska (Mr. HRUSKA).

ADDITIONAL STATEMENTS

DEATH OF J. EDGAR HOOVER

Mr. JACKSON. Mr. President, J. Edgar Hoover achieved a unique place in the annals of American law enforcement.

As the founding father of the FBI, he created the most effective and respected law enforcement apparatus in the world. He developed a coherent approach to criminal law enforcement in our federal system. He fostered and institutionalized modern criminal investigation methods. And he worked hard to make the expertise of the FBI available to police officers throughout the country, through cooperative efforts and police training programs.

But what J. Edgar Hoover did not do is just as important. He did not let the FBI get involved in politics. He did not let the FBI extend itself into matters better handled by others. And he did not let the FBI be tainted by corruption throughout his long tenure.

In the final analysis, it is the personal qualities of J. Edgar Hoover, his courage, his integrity, his self-discipline, that live on today in the great institution he leaves behind.

THE FINANCE COMMITTEE'S WORKFARE PROPOSAL

Mr. GURNEY. Mr. President, I would like to take this opportunity to express my approval of the action of the Senate Finance Committee on Friday when it substituted a "workfare" plan in H.R. 1 for the highly questionable family assistance plan.

As I have said many times in the past, I favor virtually every part of H.R. 1 except for the family assistance plan. I think the workfare plan, with its minimum income of $2,400 a year is a definite improvement over the guaranteed—work or not—handout of $2,400 that was the heart of the family assistance plan. It is a shame that the wealthiest Nation in the world must subsidize people to get them to work, but that is far better than subsidizing them for being lazy.

There are those who have said this new plan is a barbarous throwback to the leafraking of the 1930's. I can only say that this proposal is a big improvement over the welfare mess we have now and infinitely better than putting an additional 10 million people on a giveaway program.

Moreover, this plan, although quite costly, brings a return on our investment and is more in line with the rest of the bill, which deals with people who have worked all their lives and resent being grouped with many people who have never worked and never plan to.

Mr. President, I would like to call on my colleagues to support this workfare plan which is fairer to the hard working, overburdened American taxpayer and is more consistent with the American

work ethic than any other proposal we have seen in this Congress.

THE DEATH OF DIRECTOR J. EDGAR HOOVER

Mr. PELL. Mr. President, I am sad to have learned of the death of J. Edgar Hoover, the Director of the Federal Bureau of Investigation. Director Hoover is the very symbol of the FBI that he created and to which he gave his life. His abhorrence of corruption, his high standards of law enforcement and police work, and his personal drive and courage all contributed to the making of his most important memorial—the Federal Bureau of Investigation itself. It is the most respected and competent anticrime organization in the world today.

There are very few Americans, indeed, who did not come to regard him, not only as a man who gave his life to his Government, but one who became a legend while still in public service.

Mr. John Edgar Hoover was born on January 1, 1895, in the District of Columbia and was educated in public schools. He received his bachelor of law and master of law degrees from George Washington University, and in 1917 he entered the Department of Justice. Within 2 years, he became Special Assistant to the Attorney General. From 1921–24, he was Assistant Director of the Bureau of Investigation; and in May of 1924, he was named Director of the Federal Bureau of Investigation.

His dedication and accomplishments did not go unnoticed; for on March 8, 1946, he was presented the Medal for Merit by the President of the United States. On May 27, 1955, President Eisenhower awarded him the National Security Medal for his outstanding service in the field of intelligence relating to national security. President Eisenhower, on January 27, 1958, presented Director Hoover the "President's Award" for dedicated Federal civilian service. J. Edgar Hoover was a recipient of numerous honorary degrees and awards of merit: outstanding among these was one given on April 28, 1958, from the U.S. Chamber of Commerce, known as the Greatest Living American Award. Finally, I would like to note that the U.S. Senate in 1961 passed a resolution commending Hoover on 37 years of dedicated service to the United States as Director of the Federal Bureau of Investigation.

J. Edgar Hoover will long be remembered as a man of dignity and strong ideals, who gave the Bureau its reputation of being the most professional law-enforcement activity, not only in these United States, but throughout the world. It is my hope that the new FBI building now under construction, the completion of which J. Edgar Hoover will unfortunately be unable to see, will be dedicated as a memorial to this singular American.

URGE PRESIDENT NIXON TO SIGN S. 2713 TO PROVIDE DRUG TREATMENT AND REHABILITATION FOR FEDERAL OFFENDERS ON PROBATION AND PAROLE, INCLUDING THOSE DEPENDENT ON AMPHETAMINES AND BARBITURATES

Mr. BAYH. Mr. President, I wish to commend the Members of the House who by a voice vote of 323 to 0, May 1, 1972, passed S. 2713, a bill to provide care for narcotic addicts and drug-dependent persons who are placed on probation, released on parole, or mandatorily released.

The Senate passed S. 2713 by a voice vote on March 3, 1972.

The bill was favorably reported by the Committee on the Judiciary on February 29.

The Narcotic Addict Rehabilitation Act—NARA—was enacted by the 89th Congress in response to the narcotic problem in this Nation during the mid-1960's. The act embraces the view that narcotic addiction is a disease that should be treated rather than viewed as a matter for punitive penal action. Its declaration of purpose in favor of civil commitment for treatment, in lieu of prosecution or sentencing, was a legislative landmark—a turning point in the Federal approach to drug addiction.

At least 30 percent of the 11,000 people annually committed to serve sentences in Federal prisons have drug-related problems, or have been convicted of drug-related crimes. However, NARA excludes the following adjudicated Federal offenders from authorized rehabilitation programs:

First. An offender who is convicted of a crime of violence.

Second. An offender who is convicted of unlawfully importing or selling or conspiring to import or sell a narcotic drug, unless the court determines that such sale was for the primary purpose of enabling the offender to obtain a narcotic drug which he requires for his personal use because of his addiction to such drug.

Third. An offender against whom there is pending a prior charge of a felony which has not been finally determined or who is on probation or whose sentence following conviction on such a charge, including any time on parole or mandatory release, has not been fully served: *Provided*, That an offender on probation, parole, or mandatory release shall be included if the authority authorized to require his return to custody consents to his commitment.

Fourth. An offender who has been convicted of a felony on two or more prior occasions.

Fifth. An offender who has been committed under title I of the Narcotic Addict Rehabilitation Act of 1966, under this chapter, under the District of Columbia Code, or under any State proceeding because of narcotic addiction on three or more occasions.

Consequently, only 1 or 2 percent of addicted or drug-dependent offenders have qualified under the special sentencing provisions of NARA.

There is an urgent need for legislation to assure that drug treatment and rehabilitation programs will be accessible to Federal offenders who are ineligible for treatment under NARA. Our bill meets this need.

S. 2713 authorizes an expansion of drug treatment and rehabilitation to those otherwise ineligible Federal offenders who are under community supervision or mandatory release. The community-treatment phase authorized by S. 2713 complements the drug abuse programs already undertaken by the U.S. Bureau of Prisons for non-NARA addicts in the institutions located in Lewisburg, Pa.; Terre Haute, Ind.; Petersburg, Va.; El Reno, Okla.; Lompoc, Calif.; and Fort Worth, Tex., under general authority to provide for the treatment, care, rehabilitation, and reformation of Federal offenders (18 U.S.C. 4001).

Yet, an institutional program cannot fully prepare these individuals for their return to the community. Aftercare and counseling in the community is essential to assist these non-NARA Federal offenders in establishing a drug-free and crime-free life style. S. 2713 authorizes such aftercare as a necessary adjunct to the supervision already provided by U.S. Parole Officers.

S. 2713 also authorizes community-based drug treatment for offenders who have not taken part in an institutional drug program. Individuals on Federal probation or those released outright from a Federal prison would be eligible for treatment. U.S. probation officers would be provided an alternative to revocation of probation and incarceration of an addict or drug-dependent person.

As originally introduced by Senator HRUSKA, S. 2713 offered community drug treatment and rehabilitation only to narcotic addicts. Although I supported the bill as introduced, it was my judgment that the scope of S. 2713 should be expanded.

Through the series of hearings on amphetamine and barbiturate abuse conducted by the Juvenile Delinquency Subcommittee, of which I am chairman, I have become increasingly aware of the widespread abuse and dependency on these and other similar dangerous substances. Barbiturate addiction is often more severe and debiliating than heroin addition. Considerable criminal activity is associated with the abuse of amphetamines and barbiturates and with efforts to obtain these dangerous substances.

My amendment, adopted by the Subcommittee on National Penitentiaries, and favorably reported by the Judiciary Committee, expands the community services available under S. 2713 to Federal offenders who are dependent on amphetamines, barbiturates, and other controlled nonnarcotic dangerous substances.

The rationale for this amendment is similar to that which led Congress to enact the Comprehensive Drug Abuse Prevention and Control Act of 1970, which authorized the expansion of treatment and rehabilitation programs under the Community Mental Health Center

Act and the Public Health Services Act to include drug abusers and drug dependent persons as well as narcotic addicts.

I urge President Nixon to sign S. 2713 to assure that the broadest range of treatment and rehabilitation is made available to narcotic addicts and drug dependent persons who are subject to Federal jurisdiction and control.

J. EDGAR HOOVER

Mr. DOLE. Mr. President, in the death of J. Edgar Hoover America has lost its foremost soldier in the fight against crime and lawlessness. From its beginnings he embodied and exemplified the Federal Bureau of Investigation and its traditions of excellence, integrity, and accomplishment. The FBI's reputation as the foremost organization of its kind in the world was built in large measure because Mr. Hoover set the highest and most stringent standards for himself and those who served under him through nearly a half a century and under eight Presidents.

Mr. Hoover's death leaves a void which can never be completely filled. But his career will always stand as a model and an ideal for others who undertake the challenges of serving their country and its people.

INTERNATIONAL TRADE POLICY

Mr. PELL. Mr. President, the position of the United States in international trade, and the strength of the U.S. dollar in international monetary transactions remain matters of continued concern. Mr. Eliot Janeway, the distinguished economist, recently presented a lucid analysis of the problems and policies that underlie the dollar and trade problems confronting our country. I ask unanimous consent that Mr. Janeway's column from the Chicago Tribune-New York News Syndicate, be printed in the RECORD.

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

TWIN TRADE POLICY CALLED MISCALCULATION

(By Eliot Janeway)

NEW YORK CITY.—1972's new dollar anxieties have already turned last December's "Smithsonian" dollar deal into a scrap of paper. The renewed weakness of the dollar in European exchange markets is calling for a hard look behind the obvious marketplace question about what's likely to happen next.

Policy, not action, is being called into question by the visible and admitted failure of the December dollar devaluation either to stabilize old dislocations, or to avoid new ones. The arrival on the Washington scene of a new Secretary of Commerce in the midst of a sputtering commercial and financial crisis is a good time for policy review.

What is the most urgent need of business?, is the obvious question to begin with. What does the United States Treasury need now from American business?, is the critical second question. Are present government operations aimed at helping business to help itself and, therefore, to help the government?, is the "last line" question.

ANSWER THE QUESTION

The stockholders' equivalent of a living wage, plus cost-of-inflation adjustment, is the answer to the first question: higher pretax profits is the term for it. The answer to the second question—what the U.S. Treasury needs from business—is as simple.

Just as business always needs a minimum profit to stay in business, so government now needs business profits—and tax revenues from them—maximized if it is to stay in the business of governing. After all, the federal government is a full 50 per cent partner in business profits.

The normal pushing and shoving of American pressure group politics usually obscures this vested interest of the government—and of everybody dependent on the government—in rooting for business to earn more profits in order to pay more taxes. But the bad news surfacing now about higher tax rates coming for nonbusiness taxpayers is serving grim notice that, when the bell tolls for business profits, it tolls for nonbusiness taxpayers too.

TWIN POLICY PACKAGE

In this day of neatly pre-packaged, sloganized thinking, Commerce Secretary Peter Peterson is taking his new office with a proprietary package of twin trade policies. The idea is to export high technology products and let America's trading partners pay for them by importing low technology products.

It sounds like a better deal than it is—for American business, for the American government, and for the economic society whose prosperity depends on the profitability of their partnership. The idea of exporting high technology products and accepting payment by importing low technology products did indeed pay off before the present trouble started.

But that was while the dollar was still above suspicion, not yet under it. That was while overtime was still giving a lift to the labor market, before unemployment was loading a drag on to it. That was while the confidence of Americans in their own affluence was still bolstered by their ability to buy more services from each other instead of selling more goods to their competitors.

SOME STUBBORN PROBLEMS

This twin policy associated with Secretary Peterson's deserved reputation for salesmanship would be paying off still if the weakness of the dollar, the strength of unemployment, the jitteriness of business confidence, and the jump in government borrowings were not, individually and together, stubborn problems of crisis proportions.

The fact that they are, however, is not altogether unrelated to how well this twin policy of exporting high technology products and importing low technology products paid off in the past.

The trouble is that it paid off for the countries on the receiving end of America's high technology products and of the American business investments that sent them overseas. In fact, it paid off doubly for these same countries. They were also on the sending end of the low technology products America has been buying on an ever larger scale.

TIME TO ASK

It is high time that Americans stopped to ask why their government had such little trouble selling this twin policy to America's competitors. The monthly flow of dismaying dollar trade returns, and the daily flow of storm warnings against the international dollar, are providing the answer. Both counts measure the trouble America has bought her way into by overstaying with this twin policy.

Looking behind the sloganized facade and into the marketplace reality, explains why this trade miscalculation has been subsidizing strength for America's competitors and underwriting weakness for America.

High technology products are capital intensive; and their export sales are literally bought with the capital outflows that finance them. Low technology products are labor intensive; and importing them yields jobs to the countries manufacturing them.

The dollar glut abroad and the job shortage here at home did not just happen. To recall a forgotten bitterness from the last depression, "We planned it that way."

THE GENOCIDE CONVENTION: DELAY OF IMPLEMENTING LEGISLATION

Mr. PROXMIRE. Mr. President, it is now over 2 months since the distinguished Senator from Pennsylvania (Mr. SCOTT) introduced legislation to implement the Treaty for the Prevention and Punishment of Genocide.

For 24 years this Chamber has had the treaty before it and for 24 years we have refused to take action. During that time we have seen violence and acts of atrocity flare up around the globe, and yet we have failed to act. One reason for our inactivity was ostensibly the treaty's ambiguity and the absence of clear-cut legislation to implement it effectively. That argument was finally laid to rest with the well-defined and comprehensive legislation introduced by the minority leader.

Still, after these many years of waiting, the Senate continues to drag its feet. Favorable action by the Foreign Relations Committee and the introduction of implementing legislation have had little effect. Two months ago the last meaningful obstacle in the treaty's path was removed and immediate action should have been taken. The United States should reassume her position of moral leadership in the world community.

Therefore I urge my colleagues to prevent further delay and immediately take up consideration of the genocide treaty.

FEDERAL RETIREES

Mr. GURNEY. Mr. President, despite considerable publicity and much debate concerning the plight of our senior citizens, the situation facing the Federal retirees of this Nation, whose fixed incomes have been hit so hard the last few years by inflation, has received little attention.

The number of retired Federal employees continues to increase, but just numbers hardly tell the whole story. What we are talking about is people—people who need help. I have received many letters from Federal retirees who have watched the rampant inflation of recent years eat deeper and deeper into their meager pensions. As a moving letter by one of my constituents, Mr. John Connor of Hollywood, Fla., so eloquently points out, Federal salaries have increased sharply while civil service pensions have not begun to keep pace with the cost of living. Action needs to be taken to correct this inequity, for reasons Mr. Connor puts forth in the most poignant terms. I, therefore, ask unanimous consent that Mr. Connor's letter be printed in the RECORD.

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

HOLLYWOOD, FLA.,
February 20, 1972.

HON. EDWARD J. GURNEY,
U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR GURNEY: This will acknowledge receipt of the "Congressional Record" reprint, Vol. 118, Washington, Monday, February 7, 1972, No. 15, containing your remarks pertaining to "The State of the Aging".

As you are aware, from past correspondence exchanged between us, I am retired under the U.S. Civil Service Retirement System. Therefore, as you are also aware, I am living on an annuity the amount of which is fixed by the Congressional legislation enacted to govern such an annuity. From events that have occurred since my retirement in 1957, I have come to the conclusion that I have lived too long.

To justify such a statement, the entrance salary to the Grade from which I retired in 1957 has increased over one hundred per cent, according to the last Government Salary Schedule available to me, while my annuity has increased slightly over twenty-two per cent during the worst years of the inflationary spiral experienced in many years of our economic history. However, at this late date, I have abandoned all hope for improvement in the status of the older U.S. Civil Service Retiree.

Those who have been retired for a number of years under the Social Security and Railroad Retirement Acts have not fared any better than the U.S. Civil Service Retiree but all are trying to make out as best we can and, above all else, to stay well.

Under Florida's new Law requiring reexamination of automobile drivers every two years, many senior citizens have been denied the right to continue driving their cars. I agree, this Law was enacted as a measure of safety. Nevertheless, it has imposed a definite hardship on many due to the lack of adequate public transportation in the Hollywood area, as well as adjoining areas.

An article appeared in today's issue of the "Miami Herald" which I am enclosing herewith. It is quite appropriate to your above referenced remarks on "The State of the Aging". Thought you may like to read it.

Will not burden you with further comments pertaining to the aged and aging. At my age, the greatest fear that one has, I believe, is that of a prolonged illness at the tremendous cost of hospitalization and medical care, today. And, the so-called "Nursing Home" has, or is becoming a mere constituent part of huge organizations which have become cognizant of their financial income value by the ever-increasing cost to the patient who must remain therein, yet, providing a minimum of services to the patient.

Keep up your good work in this field of endeavor and some day I am sure it will prove beneficial to the "senior citizen".

Best regards and all good wishes.

Sincerely,

JOHN C. CONNER.

UNIONS, ECONOMISTS, AND REALITY

Mr. HARRIS. Mr. President, the Federationist, the official monthly magazine of the AFL–CIO, published in April 1972 a highly provocative article on the political and economic views of economists as opposed to trade union leaders. The author of the article, the distinguished economist Robert Lekachman, concludes that so-called conservative trade union leaders are more radical on the real issues of fair taxation and income distribution than most liberal economists.

Lekachman points out that men like George Meany have made an important discovery which some economists are still striving to understand. This is the indisputable fact that private power and political influence are significant sources of income and wealth.

Mr. President I ask unanimous consent that Mr. Lekachman's provocative article be printed at this point in the RECORD.

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

UNIONS, ECONOMISTS AND REALITY

(By Robert Lekachman)

"The subject of power in American life—political, economic and their intimate relationship to each other—is essentially a mystery. It ought to be a prime area for academic inquiry, but only a few of the less timid—C. Wright Mills, John Kenneth Galbraith, Paul Sweezy, Paul A. Baran and Robert Heilbroner—have attempted it," economic reporter Bernard Nossiter said recently in a book review.

Two of the five economists Nossiter mentioned are dead and the others—Galbraith, Sweezy and Heilbroner—are frequently viewed with suspicion by their colleagues.

And one might add that a second major topic on which amazingly little recent work has been done by the academics is the distribution of income and wealth. Notable exceptions—Robert Lampman of the University of Wisconsin springs instantly to mind—do exist, but the most casual of inspections of the American Economic Review's annual lists of dissertations implies that when a graduate student analyzes inequality it is probably in order to construct a mathematical model elegant enough to earn him his doctorate. All too rarely does the dissertation focus upon the gritty statistics of income and wealth distribution. Still less frequently does the apprentice scholar seek to improve the data or bring them up to date.

In so saying, I allege neither malice nor corruption on the part of my brethren in the academic community. There is no need to be sensational, for elements of technical convenience complement the ideological predispositions of a rather conservative guild as sufficient explanation of the condition.

For most academic economists, unions rank low on their research agenda. In the opinion of a significant professional minority—and this minority is by no means quarantined in Chicago and the outposts of the conservative "Chicago school" of economic thought—unions are a harmful form of market corruption, amounting at worst to monopoly.

Milton Friedman, headmaster of the Chicago school and former adviser to Barry Goldwater, has expressed this position: "Unions have . . . not only harmed the public at large and workers as a whole by distorting the use of labor; they have also made the incomes of the working class more unequal by reducing the opportunities available to the most disadvantaged workers."

In what follows I do not so much argue that unions are in some sense "right" as that my profession is wrong, or at kindest seriously limited, in its version of reality. Why, from the union side, does economics so often appear irrelevant? The beginning of an answer is in the familiar observation that unions prosper as political organizations possibly even more than as economic organizations. Even an oversimplification of union objectives to the single goal of wage-bill maximization does not escape the political. Whose wage bill? Over what period? By whose choice? Politics are arguments within unions and between unions. The shape of an actual contract negotiation inevitably reflects membership moods—prone in recent times to reject the bargains made by union officials—the political strength of these officials and union rivalries and relationships.

This repeats the banal. It is possibly less banal to claim that on serious issues of national importance the natural tendency of many economists, among them charter members of the New Frontier-Great Society wing, is to perceive reality at an angle quite distant from that of even conventional labor leaders. A recent example of the situation is in the differing reactions of the business, labor and academic fraternities to the wage-price freeze featured in Phase 1 of the New Economic Policy.

BUSINESS REACTION

When the National Association of Business Economists surveyed its members in September, the Wall Street Journal said their responses approximated "a composite forecast of the economy in 1972 that sounded as if it were written by a White House speechwriter: Strong steady growth with declining inflation and unemployment and rising profits and stock prices."

The happy group endorse both the wage-price freeze and the continuing controls promised (threatened?) in Phase 2. They corporatively predicted that the gross national product would in 1972 obligingly mount to $1.143 trillion, a salutary $93 billion higher than 1971. Moreover, the real gain in output was estimated at 5.5 percent. Consumer prices were to edge upward by a mere 3.2 percent and unemployment downward to 5.5 percent by mid-1972 and 5.1 percent by year's end. As for corporate profits—best news of all, a euphoric 12 percent improvement over 1971 was expected.

LIBERAL ECONOMIC REACTION

I say at once that I share many of the opinions of Arthur Okun, Walter Heller and Gardner Ackley and for present purposes I take these three—each a chairman of the Council of Economic Advisers during the Kennedy-Johnson years—to be appropriate representatives of Democratic liberalism.

What could I say other than "right on" to Okun's Sept. 1 Joint Economic Committee testimony which castigated the favoritism of the original Nixon proposal to grant corporations a permanent 20 percent tax reduction and a much smaller and more belated concession to consumers? Since in print and lectures I have been screaming for three years for wage and price controls, again I joined Okun in welcoming the freeze. I am in even stronger accord with Heller's stress on the need for enlarged public investment and his warning that unwise tax concessions perilously narrow the resources available.

I don't doubt that the unionists and the liberal economists readily agree on such postures as these. But the liberal economists stopped well short on a road the unionists wished to travel much further. Thus Ackley as "firmly opposed" to "any limitation on profits." "Profits," he argued, "have been excessively low and should be allowed to rise." He dismissed suggestions for an excess-profits tax as a "lousy idea." For his part, Okun joined to similar judgments on profit limitation a 5 percent standard for wage improvements during Phase 2. In doing so, they were in line with most economists, who oppose excess-profits taxes on theoretical as well as administrative grounds. But there are some striking exceptions, among them Henry Wallich, a usually conservative columnist for Newsweek magazine, Lawrence Klein, a leading mathematical economist at the University of Pennsylvania and a group of MIT economists.

I do not wish to exaggerate the differences between unionists and liberal economists. Both groups favor tax benefits to low-income groups, generalized income maintenance, public service jobs and a rich mixture of expenditure on social and environmental projects. Nevertheless, the economists favor these good things within important restraints which in the end separate them from their occasional allies in the trade union movement.

The constraints are of three kinds. In the first place, economists favor social improvement in concert with other objectives, notably renewed economic growth. In the attempt jointly to maximize several desired goals, trade-offs are inevitable. It is tempting for the economist to include among the trade-offs the sanctity of union contracts or

immediate improvements in the equity of income distribution.

Second, liberal economists tend to be both judicious and flexible sorts who look rather further into the future than labor leaders can afford to. Of course, when discussing rapid conversion flexibility it is no more than fair to award the Order of Practicality, first class with palms, to Nixon economists like Paul McCracken, Harold Passer and Herbert Stein who have swallowed numerous pre-freeze demonstrations of the unwisdom of the very control abominations that they have retained their positions to design.

By and large liberal economists, keeping an eye cocked toward political tendencies and political possibilities, will accept many half loaves or even thick slices in preference to no bread at all. Laden as it is with coercive features, the Family Assistance Program may nevertheless be endorsed on the grounds that it is a first step toward a negative income tax. An inequitable tax program may also be accepted if it also promises desired economic stimulus.

The third restraint is by far the most important. It is the reminder that liberal economists are economists still. Like their conservative colleagues, liberal economists preserve faith in markets. They tend to believe that markets, with all their imperfections, do allocate resources with reasonable efficiency. And with all its inequities, the existing structure of income distribution does roughly measure a collective market judgment upon the comparative contributions of different human beings and different non-human resources. It is hard to avoid thinking that opposition by liberal economists to excess-profits taxation is additionally justified by the absence of any sense of the overpowering inequity of the existing distribution of income by size and function.

As University of Chicago economist George J. Stigler pointed out a dozen years ago in his book, "The Politics of Political Economists," their training has a conservative influence on economists. Thus despite the tendency on the part of many of his colleagues to support causes of which Stigler disapproved, he believes "that the economics profession has been basically more conservative than the educated classes generally. Even the extremes of professional opinions have been less than those outside the profession." There is little need to linger on the familiar evidence for this conclusion. Economists believe in the absence of free lunch. They are addicts of marginal change and devotees of the market as not only a delectable instrument for the registration of consumer choices but just about the only hope of economics as a scientific pursuit. In fact, little has changed since John Stuart Mill asserted in 1848, "only through the principle of competition has political economy any pretension to the character of science."

Overall, economists will display a very general and abiding reluctance to interfere too massively in the operations of the market.

LABOR REACTION

Long before Aug. 15, 1971, AFL–CIO President George Meany had signified his support of an "equitable" income policy which pressed with equal weight upon labor and nonlabor forms of income.

His response to the Nixon program was vehement:

"Today's political cliche—'reordering national priorities'—has been applied with a vengeance by President Nixon. But he applied it in reverse," Meany said in an article in the Washington Post.

"Unprecedented and unhealthy tax relief to corporations would be the ultimate effect of the keystone of the President's new economic program. It would reverse progress in America. The government of compassion which many believed had come into being would be halted. Corporate profit-and-loss charts—not the public need—would have first priority. The poor, the cities and states, federal employes, wage and salary earners—all would foot the bill and the sole beneficiaries would be the wealthy and the corporations."

Meany then proceeded to oppose specific Administration tax proposals as a "radical departure from the concept or a graduated income tax based on ability to pay." As Meany interpreted its impact, the investment tax credit promised little for employment, threatened a tax loss to the U.S. Treasury of $70 billion during the ensuing 10 years and involved a shift of tax burdens from corporations to middle- and low-income taxpayers.

No doubt Meany too has his schedule of tradeoffs. But the overwhelming emphasis upon jobs and equity strongly implies a weighting system different from that of the liberal economists. Indeed the excellent publications of the AFL–CIO repeatedly and ingeniously stress equity, redistribution of income, enlargement of the public sector, universal health care and jobs, job, jobs. In this vein, Nat Goldfinger, director of research, opposed accelerated depreciation on behalf of the AFL–CIO at Treasury Department hearings last summer and a federation pamphlet, "Public Investment: America's New Frontier," made a strong contemporary case for a Galbraithian emphasis on the public sector. The same series included an analysis of the impact of conglomerate mergers as an issue of economic power.

At the national level, the official literature of the trade union movement perceives American society in terms long associated with the "old left." This is to say that in its public positions, the allegedly conservative AFL–CIO is far more concerned than any but a small fraction of economists with concentration of economic power, monopoly and the maldistribution of income, wealth and power.

No doubt I have said enough to suggest answers to the two queries which run through these speculations: Is the academic wisdom really "wise?" Do unions see some things in the real world that the economists don't? My answers are, respectively, no and yes.

On a series of issues which concern trade unions, the standard academic position is, if not unwise, at the least, conservative. Certainly this is true of the immediate issue of wage-price controls. New guidelines of the Kennedy-Johnson variety, tied to national productivity trends, are recipes for the freezing of functional income shares and reaffirmations of the desirability of economic growth as the drug of choice for the ills of the unemployed, black and poor. By implication, these guidelines accept existing distributions of income as, if not just, tolerable.

It is hard for a profession which by and large exaggerates the role of competitive markets not to believe in the general equity of the prices, wages, incomes and ultimate wealth that these markets generate. It is equally true that specialists who encounter notorious difficulty in making interpersonal welfare comparisons and other troubles in the measurement of publicity produced utilities are likely to be tempted by the virtues of tax reduction which leave unchanged the relative position of the economic actors and enlarge the scope of private markets.

Those economists should be honored who have bent their energies to enlargement of the public sector and resistance of the efforts of the unneedy to widen further the loopholes through which inordinate quantities of new wealth flow to them. Is it not odd, nevertheless, how little economic wisdom is available in support of limitations of private advertising, genuinely redistributive taxation and confiscatory inheritance levies? Possibly it is still more odd how little theory seems to apply.

Aside from issues of growth, economists as specialists, as distinguished from economists as politicians, trade union aides, presidential appointees, speech writers or plain citizens, have amazingly little to say about the major social and economic issues that afflict their society. Long ago John Maynard Keynes expressed the hope that "If economists could manage to get themselves thought of as humble, competent people on a level with dentists, that would be splendid." Few of his contemporaries could have confused Keynes with the model dentist. The pity is that our profession is in a fair way to approximating Keynes' dream and supplying technical analyses, like dentures, to anyone who happens to want them.

The contemporary cliché asserts that unions have become increasingly conservative as their members have risen into the middle class and acquired the standard American package of consumer goods car, color TV, air conditioning, barbecue pit and boat. As books like George Washington University's Sar Levitan's collection, "Blue-Collar Workers," and Brendan and Patricia Coy Sexton's "Blue Collars and Hard Hats" usefully demonstrate, not all union members are middle class, many have improved their economic circumstances very little in recent years and large numbers have collected the items in their standard package by dint of moonlighting or the full-time labor of their wives. It doesn't take much of a recession to remind "affluent" unionists just how precarious their recent gains are.

Meany, a Vietnam "hawk" and a hardline anti-communist, often is perceived as an unmitigated domestic conservative or even reactionary. It is, therefore, interesting that the "conservative" head of the "establishment" AFL–CIO—by distant craft origin a plumber—comes on remarkably radical by comparison with most liberal economists. Even a Meany lives on the edge of the class struggle.

The union experience dictates the ideological stance. At the plant level, local officials struggle hard over job definitions, work rules, new processes, retimings and the minutiae of rest breaks, locker-room facilities, vacation schedules and sick leaves. At contract time, national bargainers fight hard over the division of the sales dollar. Time and again, friendly or hostile Presidents pleasingly or painfully influence the course of negotiations. An armory of federal laws awaits the selective enforcement of Secretaries of Labor and Departments of Justice. On occasion, Congress intervenes. As the external battle is waged, private intraunion fights between old and young, blacks and whites, newcomers and veterans, males and females and skilled and unskilled operatives must somehow be adjusted.

In the end what unions in general can get is no doubt related to productivity just as economists allege. But ordinary unionists or even their leaders ought to be pardoned if they interpret the negotiating process as an exercise in the uses of power. In many or most of the industries in which unions operate successfully, large corporate units sufficiently control their markets that they pass on to their customers the larger wages they agree to pay their employes. Wage restraint on the part of unions is at least as likely to swell corporate profits as it is to moderate corporate prices.

The union model of reality focuses upon politics and power rather than free markets and marginal productivity. Like all models of reality it contains distortions and oversimplifications. Still, when unions assume that in the American economy income and wealth are generated by private and public power as well as by more conventional economic processes, then unions have come to terms with an important aspect of the real world. Yale University's Charlies Reich, in his pre-Greening of America phase, made a fruitful insight when he conveyed a generalization of the notion of private property.

I do not allege that George Meany has enrolled himself in the senior auxiliary of Consciousness III. I do mean that unions have long taken it for granted that private

power and political influence are significant sources of income and wealth. I should guess that few intelligent unionists would be startled by the items which appear on Reich's little list of public largesse: income maintenance via welfare, social security and veterans' pensions; government jobs protected by civil service; occupational licenses; bus, trucking, airline and taxi franchises; subsidies to farmers, shipbuilders and so on; access on concessionary terms to grazing, mining and lumbering on public lands; subsidized commercial mail delivery, cut-rate savings-bank and home construction insurance; and free technical information for farmers and corporations. From a Reichian standpoint, Nixon's NEP is a massive exercise in the creation of new property. One can readily identify the lucky winners: industries menaced by imports, the auto industry and the machine tool industry for a start.

By their own lights and mine, unions are right to struggle ferociously over the membership of entities like the Pay Board and Price Commission. If businessmen, apparently forsaking old ideologies, gave three rousing cheers for NEP, it must have been because they had confidence in the good will and practical sympathy of President Nixon's operatives. If the unions reacted with suspicion and hostility, it was because they agreed with the business diagnosis. Necessity compels unions to struggle at every political level for practical advantage.

If you agree as I do with Arthur Burns when he wistfully notes that markets do not work as they used to—if they ever did—or if you perceive market power dominant in manufacturing and medicine, then you are likely to share my conclusion that unions because of their essential economic and political role and despite the middle-class aspirations of some of their members and the hawkishness of some of their leaders, are likely to be both more realistic and more radical than most economists.

SHIPBUILDING WASTE

Mr. PROXMIRE. Mr. President, the Navy, with some justification, has pointed to the changing nature of the Soviet naval military threat and to the need to modernize the U.S. fleet in support of its request for new shipbuilding funds. But the Navy has wasted and mismanaged so much of the funds appropriated to it for shipbuilding purposes that it is difficult to understand how the Navy would solve the problems it has identified, even accepting the Navy's analysis, with more money. The more we give the Navy for shipbuilding programs, the more it seems to waste. The past decade reflects a record of unprecedented mistakes, misguided efforts, and poor results in the shipbuilding program.

A major source of the mess in shipbuilding is the incredible amount of shipbuilders' claims. At present, they total nearly $1 billion. These claims, which seem to be the Navy's way of paying for cost over-runs, have been handled in a way that is so grossly negligent that in some cases, malfeasance is suggested.

A prime example is the claim of the Avondale Shipyards, Inc., arising out of a contract for the construction of seven destroyer escorts. The original amount of the contract was $81.1 million. Last year, the Navy informally, in a closed-door session between flag rank officers and corporate executives, agreed to an "out of court" settlement of $73.5 million, about 90 percent of the value of the contract.

A funny thing happened to this settlement on the way to the pay officer. A civilian claims review group, headed by Gordon W. Rule, rejected the claim on the grounds that it lacked substantiation. This was the first time the Rule group had rejected a claim. Then a funny thing happened to the Rule group.

First, Mr. Rule was eased out of his position. Second, the group itself was abolished and the function of reviewing claims was turned over to a board of admirals.

Meanwhile, Avondale threatened to stop work on the remaining ships if the Navy did not pay it a large chunk of the claim "settlement." The Navy, rather than abiding by the judgment of its own claims review group, proceeded to give Avondale $25 million as a "provisional" payment on its claim. Avondale had previously received $23.5 million as a provisional payment, so that it now is assured of nearly $50 million on the claim.

Not only has the Navy compromised its own negotiating position, it has kowtowed to a crude form of contractor intimidation.

The Navy likes to talk about bargaining chips when it comes to confronting the Soviet threat, but it has a hard time standing up to the threats from its own contractors.

In a lead editorial on April 20, 1972, the Wall Street Journal comments on the sordid claims situation which was disclosed in recent hearings by the Joint Economic Committee. This excellent editorial reviews the facts surrounding the Avondale claim and comments favorably on a suggestion made to the Joint Economic Committee by Gordon W. Rule.

Mr. Rule, who has publicly complained about political interference with the orderly settlement of major shipbuilding claims, would substitute the horse-trading procedures which are now followed by the Navy with an independent assessment of the claims' merits. He would accomplish this worthwhile goal, in part, by imposing a rule making it improper for Members of the House or Senate to intervene directly or indirectly with Pentagon officials while the claims are being adjudicated. In effect, he would surround the claims proceedings with the same stature and dignity of a law suit and, hopefully, elected politicians would refrain from interfering with the claim just as they now refrain from interfering with litigation.

As the Wall Street Journal comments, "These are reasonable proposals."

I ask unanimous consent, to have printed in the RECORD at this point a copy of the editorial that appeared in the Wall Street Journal April 20, 1972.

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

THE CLAIMSMANSHIP GAME

Former Deputy Defense Secretary David Packard last month issued a plaintive appeal for reform in the manner the Pentagon does business with defense contractors. He addressed himself to the way contractors buy into contracts and the way they are bailed out after they get into difficulties: "We are going to have to stop this problem of people playing games with each other. Games that will destroy us, if we do not bring them to a halt."

Sen. William Proxmire, chairman of the Joint Economic Committee of Congress, has been conducting hearings on the military procurement system, and the House Armed Services Committee this week has been examining specific contract controversies. One case examined at length by Sen. Proxmire's committee has been especially revealing and to the point, indicating a need for reform clearly exists.

It involves Avondale Shipyards, Inc., a division of the Ogden Corp., which a decade ago contracted with the Navy to build seven destroyer escorts for $81.1 million. Two years ago, Avondale put in a claim for another $158.3 million it said would be needed to complete the ships. A year ago, the Navy negotiated a tentative settlement of $73.5 million on this claim.

That should have ended it, except for a civilian claims review group under Gordon W. Rule, the Navy's civilian director of procurement control. The Avondale settlement was the first the Rule group refused to recommend in its three years of existence. It argued the claim lacked substantiation. Whereupon the Avondale-Ogden lobby campaigned to get the $73.5 million anyway. The Louisiana congressional delegation—a mighty group that includes the chairmen of the Senate Appropriations and Finance committees, the chairman of House Armed Services Committee, and the House Majority Leader—put the pressure on.

Mr. Rule publicly complained about this congressional interference, without success. First, the Navy Material Command peeled off $23.5 million to keep the ship's abuilding while negotiations continued. Then, when Admiral I. C. Kidd took over the Command, the company announced it had stopped work on the ships and wouldn't proceed until it got more money. Mr. Rule pleaded with the admiral to resist, to hold Avondale to its contract. But the admiral finally said the Navy needed the ships, and peeled off another $25 million. Avondale went back to work. Mr. Rule, told his group was going to be "reorganized," resigned from it.

It would be useless now to criticize the personalities involved in this Avondale affair and hope that next time they would try harder to serve the public interest. Clearly, the system itself has to be changed, as Mr. Packard so strongly argued.

Sen. Proxmire thinks he sees a solution: Take procurement away from the Pentagon and create a separate civilian agency to handle the contracting and claims settlement for the military. Then, at least the service chiefs—who go caps in hand to Congress for weapons and manpower—will not be put in the position of having to say "no" to a member of Congress when asked to "expedite" a claims settlement.

It may yet come to that. But there should be less severe moves that could have the same effect. Mr. Rule, for example, suggests that instead of horsetrading on claims, the Pentagon should independently assess the worth of a claim, accept it, reduce it, or reject it. If the contractor is dissatisfied, he would have to go through an appeals process carrying the burden of proof. Throughout, Mr. Rule proposes treating these claims "as an adversary proceeding just like a case in court."

He would also invest those proceedings with the stature and dignity of litigation. "There should be a canon of ethics in the Bar Association," he says, "that should preclude lawyers running to Congress, calling up the Secretaries, doing a lot of things they wouldn't do for a case in court." He suggests a similar rule for the House and Senate, making it "improper for members of Congress as they are doing today to call constantly, to have meetings, call people up to the Hill, go down and sit with the Secretary, to talk about claims while they are being adjudicated."

These are reasonable proposals. Not that they would eliminate all the jockeying for advantage bound to take place where big

contracts are at stake, but they would at least be a good start toward some reasonable rules for the claimsmanship game.

SUPPORT FOR KLEINDIENST NOMINATION

Mr. DOLE. Mr. President, the Committee on the Judiciary has—for the second time—voted a favorable recommendation on the nomination of Richard Kleindienst to be Attorney General of the United States.

Mr. Kleindienst is a highly dedicated, diligent, and respected public servant. He has served for the past 3½ years as Deputy Attorney General and in this capacity has established a well-deserved reputation as one of this country's most vigorous law-enforcement officers and a highly able administrator.

Mr. Kleindienst's abilities and qualifications have been widely recognized and praised by his colleagues in the bar, Government officials on both the State and national levels, and by President Nixon.

The President submitted his nomination with the intention of maintaining and building upon the high standards of professional competence, integrity, and effectiveness established in the Department of Justice under Attorney General John Mitchell.

Mr. Kleindienst's service as Deputy Attorney General, his years as a lawyer in private practice, and his demonstrated capacity for leadership in public service provide the strongest assurance that he will fill this highly important office in such a way as to be a further credit to his distinguished career, to the administration he has served, and to President Nixon.

Mr. President, I intend to vote to confirm Mr. Kleindienst's nomination, and I urge the Senate to give this matter the prompt and expeditious consideration which it deserves.

HOOVER'S FBI, A GREAT LEGACY

Mr. PROXMIRE. Mr. President, J. Edgar Hoover was the length, breadth, and shadow of the FBI. He was their only Director. And under his leadership it became the most respected police organization in the world.

The FBI is the great legacy of J. Edgar Hoover. What a rarity it is that a police organization can be completely free of even the hint of scandal or corruption.

This Nation owes an unusual debt to Mr. Hoover. Ironically that debt is in the very area in which he was most vigorously criticized. He developed a police force consistent with democratic principles. He did this because he insisted on indoctrinating his agents with as zealous a dedication to our civil liberties as to their determination to enforce the law and protect this Nation against its enemies in peace and war.

THE FLORIDA JETPORT CONTROVERSY

Mr. JACKSON. Mr. President, the April issue of Traffic Quarterly includes a provocative comment on the Florida jetport controversy written by two former White House fellows, John M. McGinty and Gerald L. Snyder. They point out, as many of us are aware, that the decision to stop construction of a new jetport in the Big Cypress Swamp has not ended the threat to the Everglades National Park. As the search for a new jetport site continues, we should give careful study to their proposals for using modern transportation technology to solve the basic land use problems involved in building new jetports.

Mr. President, I ask unanimous consent that the article by Messrs. McGinty and Snyder be printed in the RECORD.

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

A VICTORY FOR CONSERVATION?—THE FLORIDA JETPORT CONTROVERSY

(By John M. McGinty and Gerald L. Snyder)

(Mr. McGinty has been in architectural practice with The McGinty Partnership since 1961 and has also taught architectural design at the University of Houston and Rice University. In 1967–1968 he was on leave of absence, serving one year as a White House Fellow and Assistant to Secretary of the Interior, Stewart L. Udall. His responsibilities there included the development of environmental planning programs for the public lands and territorial possessions of the United States. He is a graduate of Rice University and Princeton University and is currently President-Elect of the Houston Chapter of the American Institute of Architects.)

(Mr. Snyder is a Chartered Financial Analyst who has worked with major investment and banking concerns and served as a consultant to the Overview Corporation in developing a compatible environmental and economic solution to the Florida Jetport site selection controversy. He received his B.A. degree from Yale University and the Master of Business Administration degree from the Harvard Business School. Mr. Snyder was also a White House Fellow, working as Special Assistant to Alan S. Boyd, former Secretary of Transportation, in the areas of leasing, urban mass transit, and airport financing.)

During the Great Jetport Controversy—from the fall of 1969 until President Nixon ruled out the possibility of locating the facility in the Big Cypress Swamp in January 1970—an alternative was brought forward but completely overlooked by decisionmakers, for political reasons and because of a barrage of publicity from conservationists. The proposed solution linked the jetport builders with the conservationists to preserve the Park and, at the same time, to take a step into the twenty-first century with a quantum jump in the application of known transportation technology.

A reexamination of the history of the controversy—and a reexamination of the proposal—may illustrate how seeming adversaries could work together for conservation and progress in their mutual best interests. The concept proposed in this article on the Florida jetport controversy was advanced almost two years ago. However, before the concept was articulated most national magazines already had published articles calling for abandonment of the jetport from the selected site, and it was too late politically to reconsider the merits of a "clean" airport. Now, with passage of time and a reduced emotional atmosphere, a sober reexamination of the concept is appropriate, especially since the Department of Transportation has recently awarded a major consultant contract to select a site. Public attention focused on the remote landing strip concept would cause a thorough examination of its merits and could lead to eventual preservation of the Everglades.

THE PORT AUTHORITY CASE

No serious questions have ever been raised as to the need for a new regional air facility in southern Florida. The Greater Miami system of airports constitutes one of the busiest operational areas in the nation. In July 1969 an Air Transport Association report predicted a potential of 50 million passengers for the system by 1985. This study confirmed estimates of the Port Authority dating back to 1952. Recognizing that the present facility would be saturated by the early 1970s, their plan was to build first a single runway to accommodate the training and transition flights that presently comprise nearly one-third of the operations at Miami International Airport, and then to use the time thus gained to plan and build a regional commercial jetport. The site selected was a 39-square-mile tract adjacent to the Tamiami Trail and astride the Dade and Collier county lines. Construction of the training strip was begun and planning commenced for an integrated highway and high-speed ground line spanning the forty miles to Miami, along with master planning for the terminals and support facilities within the site itself. In November of 1969 the training runway was completed and ready to begin flight operations.

There were many good reasons for the choice of this site. Although not yet seriously overcrowded, Miami International Airport has had a definite negative impact on the urban environment. Normal take-off patterns are directly over the central city, and this poses a constant noise and air pollution problem as well as imminent danger to thousands of people. A distant site for aircraft operations, as all cities are discovering, is the only logical solution to these problems.

From the viewpoint of air traffic, the Big Cypress site was also ideal. It presented no conflicting patterns with the crowded coastal airdromes, and, for this reason, the Federal Aviation Administration (FAA) was an early supporter of the location.

The paradox of the controversy is that while the Dade County Port Authority was both creative and far-sighted in the selection of a site away from the densely populated coast, they failed to recognize that a project of such magnitude would surely have a great environmental impact.

And, they selected a site in the headwaters of Everglades National Park.

IN CONFLICT WITH ECOLOGY

Geographically, Florida from Lake Okeechobee southward to Florida Bay is similar to a teaspoon. Along each coast is a ridge of some ten to fifteen feet in elevation. Between them is a vast, complex aquatic system called the "River of Grass" that drains imperceptibly toward the southwest. Where this fresh water meets the sea it forms a rich nursery for innumerable varieties of marine life and is the foundation for a pyramid of wildlife of all forms.

This "climax region," including Florida Bay, is the Everglades National Park. But the park does not include the entire system of interdependence. Actually, it comprises only one-third of the area, and therein lies the problem. Everything that occurs above the park—drought, drainage, flood, fire, population, land development—has a direct effect on the park itself.

The western half of the water system, consisting primarily of the Big Cypress Swamp, remains largely virgin but highly vulnerable. It is privately owned and already the subject of land speculation over its potential for being drained and filled as sites for suburban and retirement homes. This Big Cypress area was the location selected by the Dade County Port Authority for their training runway and eventual regional jetport.

BASIS OF CONTROVERSY

As the dimensions of the Port Authority's plans became public, the inevitable questions arose and controversy mounted. Under the leadership of conservationist groups, the Port Authority was challenged and engaged in continuing public debate. The U.S. Interior Department, custodians of the National Park, were somewhat slower to react; but, recognizing their direct vested interest, they soon joined the debate. After a flight over the training runway Secretary Walter Hickel denounced the site as one of the worst places he had ever seen for an airport. Since Dade County is a Democratic stronghold in a largely Republican state, this pronouncement escalated the controversy into the political arena and reduced the opportunity to implement any solution based on a rational analysis of the situation.

The national administration was now committed to both sides of the issue. The Department of Transportation had been an early ally of the airport planners and the FAA had contributed both money and early approvals to the site selection and planning process. Therefore, it was decided that an interdepartmental task force should be established to reconcile these viewpoints and to evaluate the impact of the proposed facility in the interests of the United States Government, which, of course, included the park. This was done in early 1969, and the Interior portion of the team, headed by Dr. Luna Leopold of the U.S. Geological Survey, made a thoroughly scientific and substantive report that was released in September 1969.

The major conclusion was that the inevitable *urbanization* of the Big Cypress lands surrounding the jetport would be fatal to the park. The air operations themselves were seen as potentially controllable, but the urban build-up was not. The Leopold Report warned of pollutants that would affect water quality; of draining that would affect water quality and periodicity; of habitat modification that would affect rare and endangered species of wildlife; and of the impact that noise and air pollution would have upon the Miccosukee Indians and visitors to the National Park wilderness.

At the same time, another study was made by an interdisciplinary team organized by the National Academy of Sciences. This study corroborated the scientific findings of the Leopold Report but went on to insist that the jetport itself was crucial only as a potential stimulant to the land speculation and development already at work in the Big Cypress Swamp and that simply removing it would not save the park. It saw that the basic need was a program for permanent preservation of the Big Cypress that would take into account the water needs of the park as well as those of the developing urban strip along the west coast.

Armed with such weighty evidence and with potent allies, the conservation groups began a campaign of national publicity: stories and pictures appeared in *Life, Look, Sports Illustrated, Time, Business Week* and other national publications.

OVERVIEW

Meanwhile, the Dade County Commissioners recognized that their port authority was rapidly getting into an untenable position and took steps to put the program on sounder footing. They employed former Secretary of the Interior Udall's environmental consulting group, Overview, to take an unrestricted look at the situation and to recommend a course of action that would take full cognizance of the total range of environmental issues involved.

After a month of reconnaissance and field work, a memorandum was sent to the former secretary from his team in Miami, sketching a radically new type of airport and, simultaneously, a way to permanently save the Everglades and Big Cypress.

Beginning with the Dulles Airport model where the people-scaled terminal facilities and the jet-scaled landing facilities are physically separated. Overview proposed to explode this germinal idea to its logical conclusion. Instead of a one-mile separation between people and planes, there would be fifty miles. The landing area would be a remote enclave with no terminal, properly located away from the population centers. The terminal would be in the city where the people want to go, with other modes of urban transit easily accessible.

The *only* link to the runways would be a rapid relay system with 200-mile-per-hour aeromobiles shuttling passengers and freight between the terminal in the city and the airplane itself. No highway would be permitted. Overview observed that even today the technology is available for such a rapid relay system. For example, a tracked air cushion vehicle has already been tested at 240 miles per hour in France. Other studies are under way for its use in the Los Angeles International Airport system. This vehicle can travel over a trestle supported by columns that would in no way impede or alter water flow in the conservation area. It can carry eighty passengers and can be modified to take freight or fuel. It can maneuver off its track—which could be significant in operations on the airfield apron. By the time the jetport would be ready to use these vehicles, their technology could only be improved.

The implications of such a design to the Florida situation were immediately apparent. Noise and danger would be kept out of the urban centers where its environmental impact is greatest. Population build-up around the landing area would be prohibited, thereby eliminating the greatest threat to the headwaters of the park. Local contamination by the airport itself would be minimal because all the people-oriented facilities, such as food and hotel service, car rental, and shopping, would be kept in the city. Nothing would be left but the planes, and technological advances again provide for optimism. For instance, aircraft engine manufacturers have agreed to meet virtually "smokeless" standards by 1972, and there has been steady progress in noise reduction. The landing area would be a clean capsule with its internal life support systems self-contained and controllable. Possibly a small transfer lounge would be available and served only by the aeromobile for passengers going from one plane to another. (In the Miami area transfer passengers are not a large factor.)

As noted in the Leopold and National Academy of Sciences studies, even limited development around the airport could have devastating effects on the ecology of the entire watershed system south of the airport. In order to assure no build-up along its route and to prevent any stops or stations developing in the future, Overview proposed that the aeromobile route traverse the inviolate Conservation Area 3. Under no circumstances could the system be compromised for the traditional type of multistop mass transit facility. It was to be a specialized design for speed and direct service only to the remote point. This was a far cry from what the port authority had envisioned—a huge multi-mode highway corridor.

Overview also proposed the acquisition of the Big Cypress Swamp. They concurred with the conclusion of the National Academy of Sciences Report: "In consequence, the establishment of a large part of the Big Cypress Swamp as a natural conservation area appears necessary both to the preservation of the park and to orderly development along the coast of Collier County. It is imperative that approval for any jetport site in South Florida be contingent on the establishment of this water conservation area and the other safeguard measures discussed in this report."

However, the Big Cypress Swamp, as it affects the park, consists of approximately 1200 square miles of privately held land. Speculation on land around the training site has driven land values to the point where outright public acquisition is beyond normal possibility. The area, once owned by a handful of individuals, has been subdivided into some 30,000 parcels. It took the Federal Government about 20 years to come forth with even the minimal funds necessary to acquire the last inholdings in the park—some $20 million. To expect the government to purchase a tract as large is the Big Cypress would be highly wishful thinking. But, if the remote landing area concept proved feasible, two new factors could ameliorate this condition.

First, once a commitment was made to the new airport concept, land speculation would be over and prices should revert back to their normal level. Second, the extremely favorable economic parameters of the rapid relay shuttle system indicate the possibility of an "environmental surcharge" on the passengers and cargo using the system. Based on projected passenger counts and cargo tonnage, Overview predicted such a surcharge could finance the issuance of revenue bonds for the *immediate* purchase of this land prior to actual airport operations, thus making the plan credible and minimizing the risk. Such bonds were seen as salable when backed by the collateral of the land itself.

A modest rapid relay charge of $2.00 per passenger would compare favorably to charges of the traditional multimodes such as busses, limousines, taxis, and helicopters with rates ranging from $6.00 to $20.00. At $2.00, the rapid relay system would have projected annual passenger revenues of $100 million by 1985, plus freight revenues. Because there would be no cost for the right of way, and because of the extremely simple nature of construction, along with the unusually flat topography, payback of the installation system probably could be achieved in two or three years. With an environmental surcharge of $0.50 per passenger, plus a levy on freight based on ton-mileage, the conservationist could raise at least a *half billion dollars* and, through issuance of a 30-year bond, buy the entire Everglades.

Once the Big Cypress was acquired, Overview proposed that an in-depth ecological study be made and that the final disposition of the land be dependent on the results obtained from the study. A hypothetical model was advanced that showed a small addition to the park along its northwest border, a state water conservation district adjacent to the west coast ridge, and the remainder (including the airport site) as a wildlife sanctuary or recreation area administered, possibly, by the Audubon Society with funds generated by the continuing environmental surcharge.

Although fully cognizant of the fragility of the concepts and the numerous unanswered questions they raised, the Overview team felt them worthy of investigation before a preemptive decision was made to relocate the site outside the Big Cypress Swamp. This was a critical point. Unless the remote landing area were located somewhere in the Big Cypress, the port authority, although it might have the funds, would not have the legal authority to exercise its right of eminent domain to acquire the entire area as an integral buffer zone to the airport proper.

Only a remote landing strip type of airport would be environmentally acceptable in the Big Cypress. At the same time, if such an airport were there, *it alone could provide the legal and financial means for achieving permanent protection of the Big Cypress and thus the Everglades Park.* Together, Overview felt, these two concepts might create a symbiotic coalition for the genuine resolution of the question.

Public reaction to the idea in Miami was enthusiastic. After a Udall briefing, the *Miami Herald* ran a masthead editorial on Sep-

tember 14 lauding the plan and concluded that the only thing possibly wrong with it was that it "sounded too good." The Port Authority was a reluctant bride. They continued to underestimate the political power of the conservationists and never really believed that such a radical departure from their original plans would be necessary in order to protect their initial investment.

With the clear vision of hindsight it seems obvious that the main problem with the Overview concept was its timing. In August, a representative of a leading conservation group made the comment to the Overview team that "if someone would hand me the deed to the Big Cypress, I would reconsider my position." However, when Overview proposed to do just that, he was unwilling. The conservationists had equated saving the Everglades with moving the airport. The public tumult, with its oversimplifications, had catapulted the conservationists to a position of power. To restudy the question, they felt, might allow public interest to flag and give the Port Authority the upper hand again. Such a chance could not be taken, and the anti-jetport campaign was increased.

At a press conference in August, Governor Claude Kirk, facing a reelection struggle, came forth with an offer of "free" state land for the jetport—in Republican Palm Beach County. It was, of course, politically unfeasible for Dade, the only county with the resources to build and operate the jetport, to negotiate such an arrangement, but the conservationists seized on the offer as the one remaining weapon they needed. Under Section 4-F of the Transportation Act, the FAA is required to withhold airspace approval for facilities impinging upon national parks *if there is an alternative location.* This was their trump card. Some seventeen conservationist groups threatened to file a lawsuit under this proviso and pressed the Republican administration into a hasty and politically expedient submission. Without federal approvals, Dade County could not proceed on any course and was therefore forced to acquiesce in the agreement signed on January 15, 1970. The site of the airport would be moved, *and the Everglades lost, not saved.* The inexorable pressures of the private developers assuredly will now, in the not too distant future, utterly and irrevocably destroy the unique wonders of the Everglades.

POST MORTEM

This then was the "victory" which the President applauded. Many others have saluted this apparent turn-about in official policy toward the environment. Not too long ago, moving the airport might indeed have been considered a victory for conservation, but the magnitude of the struggle which we face today for a clean and humane environment requires partnership, not polarity. The old shibboleths holding that progress is the inevitable harbinger of environmental despoilment are out of date.

If there is hope for the preservation or restoration of life-supporting natural habitats in our country, the key must lie in the very technology that threatens it. Thirty billion dollars just to clean up the Great Lakes; the rebuilding of virtually every municipal sewage system in the country; the refitting of thousands of manufacturing plants to clean up the air; the remolding of a wantonly consumptive society; and, eventually, the acceptance of population limits for our land—these tasks simply cannot be done without harnessing the same technical and economic dynamos that have given us our costly affluence.

In his final report to the Dade County Commission, Stewart Udall called for a new social policy whereby those whose activities pose a threat to our common environment should bear the burden—and the cost—of preserving it. Such a policy could be the beginning of a new era of environmental responsibility in which conservation would be a creative science instead of a lost cause.

Man, if he is to live at all, must learn to live at peace within his world—not walled off from it. And if there is hope for achieving such a goal, it will require more from our leadership than empty words betrayed by the hypocrisy of political expediency. It will require statesmanship and commitment to purpose, and from those who would wear the label of "conservationist" it will require positive performance.

THE KLEINDIENST NOMINATION

Mr. DOMINICK. Mr. President, several weeks ago, when the Judiciary Committee unanimously ordered Richard Kleindienst's nomination reported favorably, I announced my support for it. I said I thought he had beeen an excellent Deputy Attorney General, and that he would be an excellent Attorney General.

Mr. President, nothing has happened since then to change my mind.

So, I would now like to take this opportunity to reaffirm my strong support for the nomination of Richard Kleindienst to the office of Attorney General and to express my hope that it will be quickly confirmed.

FOREIGN SERVICE GRIEVANCE—NEWS ARTICLES

Mr. BAYH. Mr. President, my proposal for a Foreign Service grievance procedure has been the center of a long debate within the State Department and between the Department and Congress. The debate has intensified since the Foreign Relations Committee unanimously attached grievance legislation to the State Department authorization bill.

In order to provide my colleagues with some reference points in this debate, I ask unanimous consent that a series of relevant newspaper articles be printed at the end of my remarks. These articles document three important factors: The great potential for injustice in the Foreign Service, the legislation's aim of providing simple due process, and the State Department's opposition to the legislation.

The legislation was attached to the authorization bill because for 9 long months the Department had refused to analyze my grievance bill on its merits. I believe a careful reading of the record will indicate that unfortunately the Department is still responding politically rather than substantively. The Department's reaction is in direct opposition to Foreign Service employees who helped draft the original legislation, have officially supported S. 2659 for nearly a year, and believe congressional action is needed. I urge those interested to read the articles.

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

[From the Indianapolis Star, Jan. 9, 1972]

WIDOW FIGHTS SAME BUREAUCRACY THAT DROVE DIPLOMAT TO SUICIDE

(By Myra McPherson)

WASHINGTON.—Every day Cynthia Thomas goes to work at the place she feels killed her husband—foggy bottom's sprawling State Department.

Last May, a month after her husband shot himself to death in their Washington home, she was offered a job by Deputy Undersecretary of State for Management William B. Macomber. Jr. and took it. She had her reasons, the most compelling one the fact that she was broke. Two years before, her husband, a foreign service officer, had been "selected out (fired)" without a pension at the age of 46. He repeatedly tried to get a State Department hearing about what he felt was unjust treatment.

He sought hundreds of jobs, painstakingly sending out more than 2,000 applications in two years, and found himself a stranger in civilian life—either overqualified or overaged for what was available. Following him around, for every prospective employer who cared to check, were State Department statements that he was asked to leave because he "couldn't meet the competition." Debts mounted and in his last days he considered a job as night waiter.

Instead, Charles Thomas decided to end it all, thinking, one friend surmised, that he was probably worth more to his wife dead than alive. As a widow she now gets $5,500 a year from a government pension to support their two children, Zelda, 6, and Jeanne Marie, Thomas' teen-aged daughter by a former marriage and now Mrs. Thomas' adopted daughter.

Thomas' suicide could have been just a tragic personal incident, but because of smoldering discontent within the State Department it became the catalyst for one of the bitterest and most protracted controversies concerning hiring policies the State Department has faced in recent years.

The Orwellian phrase "selected out," means simply that one is fired. It is the State Department's system for weeding out people as they move up the career ladder. Proponents of the system call it getting rid of dead wood, critics consider it a cutting down of officers in an arbitrary, capricious, subjective ruthless manner.

Since Thomas' suicide, the system and those running it have been under fire from people both within and without the State Department. "It's sad to say, but in death Thomas may do more to change things than anyone else living," said one foreign service officer (FSO).

Cynthia Thomas and various FSOs are leading an ongoing struggle to torpedo Former Personnel Director Howard Mace's appointment as ambassador to Sierre Leone. A close colleague of his boss, Macomber, Mace has been called the "executioner" by some FSOs who say he is responsible for letting go increasing numbers of veteran FSOs like Charles Thomas. Mace's future as ambassador is now cloudy.

Macomber thinks of the anti-Mace people as a small band of dissidents and denies offering Cynthia Thomas a job was an "act of conscience."

In a three-hour interview Macomber said, "I talked to someone who knew her and said, 'Please tell here after this funeral business to see me.' We do for our widows in straitened circumstances." Asked how many were offered jobs, Macomber said, "Well, there are others." An aide later called to say there were at least four widows given State Department jobs in recent years.

Today Mrs. Thomas writes reports in the science adviser's office as an FSO Class 5, one rank below her husband when he was selected out after 18 years of service. One irony is she finds some of her husband's old reports useful in her work. She makes almost $15,000 a year.

Mrs. Thomas also fights for legislation to change the department, and still carries on her struggle to get her husband reinstated posthumously to the top rank of FSO 1 and to elevate him to ambassador. She says Macomber told her if they made one exception, all the other selected outs "would be coming out of the woodwork." Macomber denies saying that and adds that he reviewed the Thomas case and saw no "reversible error."

Mrs. Thomas at 35 is a slim, attractive brunette, who once considered the foreign service.

A roommate at Sarah Lawrence, where Cynthia majored in international relations, remembers her as a "warm, bubbly, carefree bobby soxer." Still warm, she is also nervous and intense now. But her eyes glow as she talks of her husband.

"He was hard working, a brilliant writer, a generalist in the real tradition of what it used to be."

Mrs. Thomas was in her mid 20s when she met her husband in New York where she was working as a Time magazine researcher to support her embryonic acting career.

It was a quick romance, and they were married in February, 1964.

Then 41, Thomas, nearly 6 feet, blond and young looking, already had lived a life of great diversity and had acquired a cool intellectual reserve that belied his years of struggle as an orphan. He grew up in the home of an older sister at Fort Wayne, Ind., graduated fourth in his high school class, went to Northwestern University on a full scholarship, worked as busboy, janitor, and farm worker to supplement it. "He even peeled onions in a Chinese restaurant," his widow said.

After graduating with a B.S. in economics and government, Thomas was a Navy fighter pilot in World War II, then went to Northwestern Law School, again on scholarship. Later he earned a doctorate in international law and international relations from the University of Paris, became fluent in French and Spanish and had an elementary knowledge of German, Italian and Portuguese.

His first State Department job in 1951 was as political consul at Monrovia, Liberia. Then came jobs as acting consul general in Ghana and economic and commercial officer in Morocco. Thomas seemed to be moving up the ladder well, was put in charge of the Moroccan desk at Washington, then became a delegate to the United Nations General Assembly, then Haiti, where he got good reports and his wife said he ferreted out two Communist parties where none was thought to exist.

After their wedding, the Thomases were sent to Mexico. "I remember I felt I was the luckiest person in the whole world." Zelda was born there and Cynthia acted in a play in Spanish.

But things were not going that smoothly. Joseph Montllor, an immediate supervisor, wrote in 1964, after knowing Thomas briefly, that he showed a "lack of forceful personality to exert leadership." His reason? Thomas did nothing about dismissing his secretary, an acknowledged, and aged, bad typist.

In her testimony before the Senate Foreign Relations Committee concerning Mace's qualifications for ambassador, Mrs. Thomas said, "That is a very tender story because that secretary could have been my husband's mother—she was an older woman and was near retirement."

This report, which went into the files to be seen by the selection committee who decides whether a man is promoted, left in his class, or selected out, was unknown to Thomas for several years.

Two years later, an extremely laudatory report by Foreign Service inspector, Robert McClintock, was lost, misfiled in the records of another Charles W. Thomas. In it, McClintock recommended that Thomas receive immediate promotion to Grade 3 and be assigned to the National War College.

Macomber says the report arrived late anyway, two days after the selection boards met for that year, and that it was put back in time for the next year. However, the error was found, not by State Department officials, but by Thomas, who discovered it when he returned to the states in 1967.

Mrs. Thomas hinges much of her argument on the fact that such "personal blunders" came at a crucial time in her husband's career. The "time in class"—the length of time a FSO is allowed to remain in one grade—had been shortened arbitrarily from 10 to 8 years. This meant that in 1966 he was in his middle years in grade, a time when most are considered for promotion, the State Department theory being that a man who has been in class too long apparently doesn't have the stuff to go higher or he would have been promoted sooner.

An outsider gets extremely confused trying to understand the State Department's basis for letting a man go or promoting him. Not only is the McClintock letter filled with praise ("one of the most valuable officers . . ." "an excellent drafting officer . . ." "promotion long overdue"), so are all of Thomas's other reports in his file except the Montllor letter.

In 1967 first secretary of the embassy Duncan MacKay wrote that Thomas was "suitable for advancement to the highest rank" and spoke of his "brilliantly drafted reports."

Even a special plea from American Ambassador Fulton Freeman, who headed the Mexican embassy, failed to help Thomas. "Surprised and disappointed" Thomas was not on the 1968 promotion list, Freeman wrote that Montllor's comment that Thomas was "not ready for promotion" was "needlessly and unfairly prejudicial and was directly contrary to my own judgment."

He said not only was it a "miscarriage of justice," but added, "I feel even more strongly that the Foreign Service stands to lose an able, effective, competent, dedicated and sincerely respected team if the Thomases are forced to resign because of time-in-grade—a loss which at this critical juncture of the Foreign Service can ill be afforded."

At the time he was selected out in 1968, Thomas' widow testified at the Mace hearings, "he was serving as chief spokesman for the U.S. government at the UNESCO general conference in Paris, Chairman of the U.S. National Commission for UNESCO, Alvin Eurich, wrote "one of the reasons for our notable success in shaping the UNESCO program—was the excellent work done by FSO Charles W. Thomas." He added that his "cool head, easy way with people, linguistic ability and understanding of the political implications of UNESCO's ramified science programs made him a very effective negotiator."

The last efficiency report was a plea to keep Thomas. "In the half year since we first learned of Mr. Thomas' imminent departure," his supervisor wrote, "We have been unable to find a replacement" after a look at personnel files of those "quite senior in rank." He asked to retain Thomas by "converting him to foreign service reserve status," but administration technicalities prevent such a solution.

Larry Cummings, an aide to Senator Birch Bayh (D-Ind.) who tried to get Thomas a hearing before his death, said, "I was appalled at the high recommendations. I saw his entire file. Based on records like that how do you take 200 guys and rank them?" Macomber replies "You'd be amazed at how easy it is to rank these men." As good as Thomas' files were, he said, others were better.

One big problem is reading fitness reports—whether those of the State Department, military or large comporation bureaucracy—is the tradition of polite, semantic exaggeration. In a system where "good" can mean "less than acceptable" and "excellent" mean "good," reviewers learn to read between the lines.

There is, however, no record kept of how one ranks someone against others in his class. In an answer to an appeal Cynthia Thomas wrote to Elliot Richardson in May of 1969, the then acting secretary of state replied, "My review of his situation disclosed that it is not possible to reconstruct precisely the process of comparison with his class 4 peers. No independent records are kept describing particular decisions made during this comparative process, which is, of course, the key to promotion in the continuously narrowing senior officer classes."

Macomber was asked if he said anything unfair about no records being kept of "a comparative process" which is in Richardson's terms the "key is promotion." Macomber said no. He says "It's for the individual's protection.

"The jury doesn't keep records either, does it? One reason is we want to be careful, the last thing we want to show is how someone ranked with others to prejudice next year's panel."

Macomber states Thomas was rated consistently in the middle of class and repeats you'd have to look at all the officers' files in his rank (which are not available) to understand why he was not promoted.

Macomber declined to speak on the record about Thomas. His only observation, after repeated questioning, was that Thomas "was reserved, didn't make friends easily . . . was, some say, withdrawn."

There is no such "withdrawn" phrase in any of the files that, purportedly, only the selection committee sees. However, here were some between-the-lines hints that Thomas could be considered an aloof intellectual to some of the more traditional State Department FSOs.

But even those were countered by another reviewing officer. In Haiti an efficiency report noted that Thomas had been assessed as reserved and not easy to know. "These observations are I think valid, but should not be taken to suggest that he is shy or retiring, rather he is a serious person who takes considerable pride in being objective and unemotional. He is not given to socializing with his superiors, but he develops business contacts carefully and methodically, so that he has an unusually wide range of acquaintances among Haitians," wrote the supervisor.

Mrs. Thomas says theirs was a "different lifestyle" from some of the envoys she described as "enjoying the wine, the servants and associating only with other Americans." The Thomases got to know the intellectuals, the thinkers of the countries they were in, she said.

Mrs. Thomas testified that all personnel letters attempted to convey the "simple impression my husband merely did not measure up to the competition. What they conspicuously failed to mention to senators or prospective employers" asking for an explanation of her husband's status "were the blunders attendant to the misfiling" of report and the "extensive commendations received and ignored by these same personnel authorities."

She repeated the other day, "The whole thing was like a nightmare. Charles was never given a chance to correct it." One problem, an FSO 2 said, is that "the victim who complains is put through a meat grinder. If he writes a rebuttal it mustn't sound like sour grapes."

Macomber consistently says, "Not everyone can be promoted" and that laudatory letters from ambassadors, such as Thomas had, are the rule, not the exception. However, Ambassador Freeman, talking on the phone from his California home, said his Thomas letter was a highly unusual one for him to write.

"There was nothing mediocre about Thomas. He was outstanding. I've seen all the documents in the Thomas case and am pretty well convinced there is real cause for grievance. As far as I'm concerned the State Department attitude is a little too late and too little.

"That was only one of two such instances I can remember becoming personally in-

volved in eight years as ambassador. Both cases I lost. I was very much aware Thomas was in fifth year in class and once you've gone past that you've gone beyond the rubicon as it were. The last three years in grade your chance is practically nil. And there is a stigma about being selected out that is not true if one leaves the military."

Freeman said, with a laugh, "Maybe there was a personal vendatta against me. My letter may have done more harm than good. God knows I've stuck my neck out around there. I could have been the kiss of death."

The hours that the Thomases spent on appeals yielded only frustration. Thomas took with him one year's salary, $17,000 before taxes, but since he took it all at once, the tax bite came out all at once too. The ego bruising went on daily. Thomas had gotten to the final stages in an interview for a job with Mobil Oil in Nigeria. He brought his wife up to New York for the ultimate interview.

Then there was a final question. "Isn't 50 the magic age?" Meaning isn't that the year one can retire with a pension and why wasn't he waiting a few more years.

Mrs. Thomas reflected, "My husband had to say he was being asked to leave. What more do you have to say?"

All the law firms were hiring young men. In his last days. Thomas was a public defender of the indigent at $7.50 an hour when he could find a case. Mrs. Thomas edited a science book of her father's and got paid for that. Two nights before her husband's death, she cooked a dinner for a party, for money, and her husband delivered the food.

"Three days before he died, I asked, 'Isn't it time to ask a favor of somebody?" and he said, "No, I stand on my record.' I said, 'You're a purist and he said 'A profound one.' "

The day he shot himself, Thomas was resting upstairs and told his wife, 'I'm going to take out the $10,000 in the annuity fund at State and open a law office in town." Mrs. Thomas recalls, "I felt relieved."

She still is searching for an explanation of why he killed himself. "He never acted as if this had got him down. Maybe he thought if he took that money out and anything should happen to him. I would have nothing. Maybe it was out of some crazy love for us. Maybe he didn't want to live to be a shadow of himself in his time."

Now, Mrs. Thomas says, she justs wants to "close this chapter and put it all behind me. But I want justice for Charles and all the others first."

[From the Sunday Star, Apr. 23, 1972]

THE FEDERAL SPOTLIGHT—SENATE RIDER SPURS STATE'S GRIEVANCE ROW

(By Philip Shandler)

The Senate Foreign Relations Committee has dropped a bomb on the State Department—a rider on the department's fund-authorization bill which would require a comprehensive grievance procedure for Foreign Service officers.

The tremors have reached the White House and department friends in both the executive and legislative branches have been asked for help in mapping a counterattack.

The legislation would shift control of grievance-handling away from management, and open it to the kind of scrutiny that is anathema to bureaucratic managers.

The measure would effectively wipe out State's unique autonomy in dealing with its professionals.

William B. Macomber, deputy undersecretary for administration, acknowledged that some officials feel that "everybody might as well simply be under Civil Service."

He emphasized, however, that he opposes any move in that direction.

He denied reports that Secretary of State William B. Rogers had angrily ordered a study of legislation that might indeed convert the elite Foreign Service officers to ordinary civil servants.

* * * * *

The Senate committee has been concerned with revamping the personnel system of the Foreign Service for almost a year, in the wake of the suicide of Charles W. Thomas, who had been "selected-cut" of the service without a pension and couldn't find equivalent work.

Macomber has since spearheaded a move for a number of changes, including an "interim" grievance setup that could be modified, he said, in negotiations with the representational organization that employes are to pick in the coming weeks.

However, the two groups vying to exclusively represent the workers—the American Foreign Service Association and the American Federation of Government Employes—both have called for establishment by law of the kind of grievances procedures they want.

And they have found sympathy in the Senate Committee and with Sen. Birch Bayh, D-Ind. Bayh, who is not a member of the committee, has acted at an external prod.

The other day, for example, after the committee—unable to get Rogers to testify publicly on personnel problems—approved its grievance rider 12–0, Bayh announced he'd seek even stiffer legislation.

The rider, engineered by Sen. John Sherman Cooper, R-Ky., calls for establishment of a grievance board consisting of someone picked by the secretary, someone picked by the employe-representation group, and a third picked by the two.

Bayh, however, believes the board should be more independent and more clearly arbitration-oriented. He wants the selections to be made from a panel of 15 persons submitted by the American Arbitration Association.

But even as is, the rider is fiercely opposed by management.

Macomber asserted in a telephone interview that it would shift control of the Foreign Service "from the secretary of State to the chief judge of the Court of Appeals," because it provides for judicial appeal of grievance decisions.

And it would be "limitless" with regard to what constitutes a grievance—"it could be anything you like," he said.

Macomber stressed that management is not alone in its criticism. Both the Senior and Junior Officers Association have started petitions opposing the legislation, he said.

And while there was no confirmation of the reported civil service legislation study, a Civil Service Commission official did say a statement of opposition to the bill is being prepared, in response to a request from the White House's Office of Management and Budget.

Another source said discussions have been held with Sen. Gale McGee, D-Wyo., a member of the Foreign Relations Committee and chairman of the Post Office and Civil Service Committee, to test receptivity to counter-legislation. This could not be confirmed.

Macomber did say that "there's going to be a lot of education" of different people about the legislation in the days ahead.

In the Senate, the day of reckoning is just ahead: The authorization bill is expected to be debated later this week.

The Foreign Relations Committee has agreed to take testimony on Tuesday from John D. Hemenway, a selected-out Foreign Service officer, on what Hemenway says are gross violations by the Foreign Service of its on standards and regulations for promotion.

The International Law Committee of the Federal Bar Association recently expressed "strong support" of the Bayh bill.

And the April journal of the Foreign Service Association—which long has been regarded as an echo of management—contains an editorial accusing the Board of the Foreign Service of being a "prestigious rubber stamp for management. . . ."

That, coming from a former friend, reportedly was the unkindest cut of all to management and generated the talk of a shift to Civil Service.

[From the New York Times, Apr. 24, 1972]

EMPLOYEE GRIEVANCE PLAN IRKS ROGERS

(By Benjamin Welles)

WASHINGTON, April 23.—Secretary of State William P. Rogers was reported today to be incensed over a recent Congressional move to legislate a semi-independent grievance procedure for State Department employes.

Last Tuesday the Senate Foreign Relations Committee—after months of pressure from representatives and individuals with grievances against the Foreign Service—voted to attach the new procedures as a rider to the authorization for the State Department's $555-million budget for next year.

If approved by Congress, the new procedure would sharply curtail the State Department's virtually exclusive control over its 3,500 Foreign Service officers and 20,000 other employes.

Mr. Rogers is said to be especially angered that Foreign Service officers themselves helped prod the Senate into action.

Last spring, for instance, William C. Harrop, then head of the American Foreign Service Association—the major State Department union—urged Congress to write grievance legislation for the department.

SUICIDE FACTOR

The Senate panel's action stems largely from concern following the suicide last April of Charles W. Thomas, a 48-year-old Foreign Service officer who was "selected out"—dismissed—without pension in 1969 after 18 years of service.

Critics have testified to Congressional groups that although the State Department has had a grievance system of its own since 1946, it has quietly blocked virtually all grievances until the recent publicity.

The new procedure voted Tuesday would create a three-member grievance board before which any officer or employe, whether on active duty or separated from the service, or a surviving spouse or dependent could lodge a complaint against "any claim of injustice or unfair treatment."

The board would comprise "independent, distinguished citizens" who would serve for two years at $36,000 a year. One would be named by the Secretary of State and one by whatever employe organization were to be recognized as the exclusive bargaining agent of Foreign Service officers and other employes.

The two board members would, in turn, select the third. If they failed to reach agreement within 10 days, the third member would be named by David L. Bazelon, chief judge of the United States Court of Appeals for the District of Columbia.

ROGERS COMPLAINS

Mr. Rogers was reported to have complained to senior officials that the Senate bill, as drafted, would not only "make virtually everything grievable" but would also in effect "let Judge Bazelon run the State Department."

Mr. Rogers and his senior officials were said to fear not only that discipline might suffer but also that some young Foreign Service officers might use the grievance board to air discontent over the Vietnam war and other political grievances.

There were indications that ranking State Department officers were preparing both to fight the measure when it reaches the Senate floor and to influence prominent House members to kill or amend it when it reaches the lower chamber.

In recent years, as tension has grown between successive secretaries of state and

Senator J. W. Fulbright, chairman of the Foreign Relations Committee, the State Department has turned increasingly to the House for allies to block legislation that it opposes.

The key points in the Senate bill include provision for open hearings, under oath and with full due process for cross examination, for supply by the State Department of all witnesses demanded by the aggrieved party and for access to any document or information considered relevant by the board.

EXCEPTIONS PROVIDED

Findings by the board would be final and binding on the Secretary of State except in cases of promotion, assignment and selection out. In these cases the Secretary would be empowered to reject the board's findings only when he determined that such recommendations "adversely" affected foreign policy or national security. He would be required to fully document his reasoning.

The measure also bars "restraint, interference, coercion, discrimination or reprisal" against a grievance applicant and provides for judicial review of the State Department's or the board's actions.

The American Foreign Service Association, which represents about 7,000 Foreign Service officers and other employes, has strongly urged Congress to legislate grievance procedures in accordance with President Nixon's Executive Order of Dec. 24, 1971, on employe-management relations in the Foreign Service.

The American Federation of Government Employees (A.F.L.–C.I.O.), which is said to include 150 Foreign Service officers and which is competing with the Foreign Service Association for exclusive bargaining jurisdiction, is also backing the new Senate measure.

[From the Washington Post, Apr. 27, 1972]

THE FEDERAL DIARY—FOREIGN SERVICE EYES STATE BOGEYMAN

(By Mike Causey)

State Department has dropped a diplomatic bogeyman among its skittish Foreign Service staff, hinting it may lose elite corps status and its attractive pension program and be put under the Civil Service personnel system.

Foggy Bottom officials are trying desperately to rally support from the Foreign Service officers to put pressure on the Senate to reject a grievance appeals system cleared last week by the Foreign Relations Committee.

One portion of the legislation, called the Bayh-Cooper-Case bill, would set up a three-member grievance board. One member would come from State, one from an employee group and the third would be an impartial public member. The board could overturn many personnel actions now controlled largely by management.

Insiders say Secretary William Rogers hit the ceiling when the Committee bill was cleared, claiming it would give him less management authority than any other Cabinet officer. Shortly thereafter, State's top legal experts were told to find out what it would take to put Foreign Service personnel, who now have their own hiring, promotion and pay system, under the system used for civil servants.

The conversion idea was quickly scotched. State brass decided that the ruckus the rumor would kick up could be used to get the Foreign Service lobby—and the American Foreign Service Association—to use its influence on Capitol Hill to kill the plan.

Congressional staffers who pushed through the reforms—some of which were written by AFSA officials—now fear the association might crumble under pressure from State and oppose the bill they helped draft.

AFSA officials have been told by the Hill aides that if they fail to back the Bayh-Cooper-Case proposals, they can forget about any other beneficial legislation for a long time to come. AFSA has scheduled an open membership meeting today, to discuss its stand.

HILL DISPUTE BOILS—DIPLOMATIC PROMOTIONS STALLED

(By Philip Shandler)

The Senate Foreign Relations Committee held up the usually-routine annual promotion list for the nation's career diplomats and overseas information officials.

Affected are 385 Foreign Service officers and about 175 employees of the U.S. Information Agency, whose names recently were submitted to the Senate by the White House.

Usually, the Foreign Relations Committee passes along the recommendations with little pause.

On Tuesday, however, it granted an unprecedented hearing to a fired foreign service officer who challenged both the qualifications of many recommended officers, and the system by which they were selected for promotion.

In addition, at an executive session yesterday, it received a strong protest from Sen. Claiborne Pell, D-R.I.—himself a former Foreign Service officer—against a promotion-system change instituted recently by USIA director Frank Shakespeare.

These actions came against a background of a year-long protest by employee groups about the State Department's personnel policies, and recent clashes between committee chairman Sen. J. William Fulbright, D-Ark., and USIA officials.

The fired foreign service officer, John D. Hemenway, laid before the committee an analysis he had made of the State Department's Biographic Register. It showed, he asserted that many officers recommended for promotion lacked required language training.

He also asserted that department promotion boards operated "with no established standards of record-keeping, with wheeling and dealing in terms of illegal contacts (by management) with members of the boards, (and) with constantly shifting standards for promotion."

Yesterday, the committee decided to forward the allegations to Deputy Under-Secretary for Administration William B. Macomber and ask his comments, before acting on the Foreign Service promotion list.

Sen. Pell's complaint about the UHIA promotions was aimed primarily at the new system for evaluation to FSI–1, the top rank.

Departing from traditional USIA practice—and that still followed in the foreign service—Shakespeare announced recently that he would ignore the rankings for promotions prepared by the USIA selection board for the top rank, and choose from among those on the list as he saw fit.

This was attacked by some employes as political maneuvering, and Pell opposed it.

A spokesman said the committee might meet next week to reconsder the promotions, if it get plies from Macomber and other officials.

Meanwhile, maneuvering continued for and against a grievance-procedure rider attacked by the committee last week to the State Department's authorization bill.

David M. Abshire, assistant secretary for congressional relations, wrote committee member Sen. Gale McGee, D-Wyo., to outline the State Department's opposition to legislation which would provide for three-person panels to hear virtually any employe grievance, at open hearings, with prescribed access to records, and with broad authority to direct relief.

Abshire argued that this procedure would be cumbersome, time-consuming and would constitute "a serious and undesirable invasion of necessary management discretion."

EX-AIDE ASSAILS FOREIGN SERVICE

WASHINGTON, April 29.—A former Foreign Service officer has shaken the State Department by publicly charging that the department has violated its own standards for promotion and has tampered with confidential personnel files.

In a hearing Tuesday before the Senate Foreign Relations Committee, John B. Hemenway, who is now a civilian employe with the Defense Department, accused the State Department also of trying to deceive the Senate by submitting for confirmation to key posts the names of officers it knew to be unqualified.

After hearing the charges, the Senate committee asked the State Department for details of its promotion and personnel policies.

Mr. Hemenway, who is 45 years old, was dropped from the Foreign Service in 1968 while serving as chief of the Berlin section in the department. He served as an infantry lieutenant in World War II, was graduated from the United States Naval Academy in 1951 and, after entering the Foreign Service in 1951, earned bachelor's and master's degrees at Oxford as Rhodes Scholar. He is rated fluent in Russian and German.

SOUGHT REINSTATEMENT

In 1969, Mr. Hemenway filed a grievance charge against the State Department seeking reinstatement. The hearing—the first ever demanded by a Foreign Service officer and the first accepted by the department in 15 years—is being contested.

Mr. Hemenway testified that among the latest list of 23 Foreign Service officers promoted to class one, the highest grade, 35 per cent speak no foreign language while 30 per cent speak only one. The regulations, he said, call for proficiency in at least two foreign languages before promotion to senior rank.

Of the 45 officers recently promoted to class two, he said, 31 per cent speak no foreign language and 35 per cent speak only one.

Mr. Hemenway charged the management bureau of the State Department with promoting its own staff members to key assignments — including promotion panels — and with tampering with personnel files in violation of regulations.

Mr. Hemenway showed the committee copies of a staff memorandum written last Oct. 1 from John A. Stevenson, State Department legal adviser, to William B. Macomber Jr., Deputy Under Secretary for Management. The Stevenson memorandum criticized widespread illegal access by promotion panels to the "12 to 14 different" files maintained on every officer and recommended that such practices be halted.

"In the Department of State," Mr. Hemenway charged, "you can prove anything in personnel work—or conceal anything—depending upon which files you choose to select for the purpose."

Mr. Hemenway also testified that growing numbers of employes of the bureau of management are being admitted to the Foreign Service without passing examinations. In several cases he said they had "neither college degrees nor language qualifications."

A State Department spokesman, who said that he had not read Mr. Hemenway's testimony, explained that language qualifications for senior officers are "objectives" rather than minimal standards. He conceded that there had been violations of regulance through unauthorized access to personnel files but said that these practices had been stopped.

UNEMPLOYMENT

Mr. PROXMIRE. Mr. President, recently there came to my attention an April article that appeared in the London Times on the Joint Economic Committee's annual report.

It is a source of deep pride to me to serve as chairman of that committee comprised, as it is, of so many outstand-

ing Members of the Congress from both Houses.

The article in question credits the committee report for demolishing the argument advanced by Treasury Secretary John B. Connally that the United States is able to achieve full employment only in time of war. As the report pointed out, this is a falsehood and should never be accorded the dignity of espousal by a U.S. Secretary of the Treasury.

As the Times article points out, unemployment rose under President Nixon because of a deliberate policy of deflating the economy. The policy did not work. It created substantial unemployment but did nothing to alleviate price increase thereby giving this country the worst of two worlds. I ask unanimous consent to have the article printed in the RECORD.

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

[From the London Times, Apr. 4, 1972]

U.S. UNEMPLOYMENT—DISSIPATING A POLITICAL FOG TO REVEAL HUMBUG

(By Anthony Thomas)

The congressional committee system in the United States, with all its faults, provides a great national service in exposing and clarifying issues that the government would prefer to remain hidden or fudged.

It gives experts, including academic economists, a public platform. It means that the Samuelsons, Okuns and Krauses are not confined to academic reservations in which studies are circulated among a few people of great knowledge and little influence: they can really help to change the direction of policy.

This influence of outside experts is very apparent in the annual report of the Joint Congressional Economic Committee. This has 10 members each from the United States Senate and the House of Representatives and has seven economists on its staff.

The committee does not have any direct legislative authority. Nevertheless, some of its members are both very important legislators and are household names in America, including Hubert Humphrey, William Proxmire, Wright Patman, J. William Fulbright and John Sparkman.

Its primary function is to raise the level of debate on the econmy and it has performed this task brilliantly in shredding the Administration's highly politically motivated explanations for the sharp rise in unemployment in the United States since President Nixon entered the White House—from 3.4 per cent to around 6 per cent.

One Administration excuse is the Vietnam War. It argues that the low level of unemployment that prevailed in the late Sixties was brought about by the war build-up while the high unemployment that now prevails is a consequence of the winding down of the war.

The majority of the members of the Joint Economic Committee concede this argument has an appealing symmetry "that might be persuasive if it were not for the facts". They then quote statistics showing that the Sixties began with a high rate of unemployment and that this rate fell from 6.7 per cent in 1961 to 4.5 per cent in 1965, or well in advance of the spurt in defense spending.

A demolition job is then done on the (Marxist) case advanced by Mr. John B. Connally, the United States Treasury Secretary, that the United States enjoys full employment only at time of war—defined as an unemployment rate of 4 per cent of the labour force.

"Following World War Two, from 1945 to 1948", the committee majority point out, "defence spending dropped from over $80,000m (about £30.768m) to about $12,000m. Throughout that period, unemployment remained under 4 per cent and was 3.8 per cent in 1948."

Mr. Connally's case is further discredited by statistics indicating a simultaneous sharp decline in the rate of unemployment and the level of defence spending in 1954 ad 1955.

The congressional committee is similarly critical of Administration arguments that changes in the composition of the labour force, with a significantly higher proportion of young people and women than there were 15 years ago, have contributed to the recent rise in unemployment.

Comparing 1969, when unemployment stood at 3.5 per cent, with 1971, when it stood at 5.9 per cent, it finds that unemployment for white males aged 20 years and over rose by 119 per cent, for adult white females by 64 per cent and for white teenagers of both sexes by 53 per cent. The comparable figures for non-white workers are 104 per cent, 56 per cent and 28 per cent.

This does not, of course, necessarily disprove the general claim that changes in the composition of the labour force have made it more difficult to achieve in a non-inflationary manner any given reduction in the overall unemployment. But it does mean that suggestions by the Administration that this is an important new reason why unemployment has suddenly become worse are spurious.

The real reason why unemployment has risen under President Nixon is that the government thought it could cure inflation by throwing people out of work. It then found it much harder to reflate the economy than it did to deflate it and started looking for excuses.

The joint economic committee, with the help of expert witnesses, has dissipated a political fog in exposing these excuses as humbug.

THE DEATH OF J. EDGAR HOOVER

Mr. ALLOTT. Mr. President, the death last night of J. Edgar Hoover marks the end of an era. Mr. Hoover was the only man who could have founded, shaped and led the Federal Bureau of Investigation through more than half a century of outstanding service, welding it into the world's foremost law enforcement agency.

He served with incomparable skill and dedication under eight Presidents, bringing to law enforcement and investigation an innovative mind and vast administrative skills. Under his inspired leadership the FBI became a model of what a government agency can do when it brings the right man to the right job at the right time.

Mr. Hoover was the ideal choice to mold for the United States the investigative institution necessary for the complex and dangerous times in which we live.

His contributions have earned him a place of honor in American history.

STAR-BULLETIN LOOKS AT WASTE AND OVERRUNS

Mr. PROXMIRE. Mr. President, Honolulu is an American city that has great dependence on the military for its economic wellbeing. But even in Honolulu, waste in the military is not appreciated. The Honolulu Star-Bulletin makes that clear in two recent editorials.

In one, the newspaper points out that—

Incentives to waste money are built into some of the present Federal budget procedures.

It supports two proposals made recently before the Joint Economic Committee by Senator PERCY to help reverse that situation.

In the other, the Star-Bulletin supports the idea of holding contractors to their contracts.

Mr. President, because of the value of these editorial opinions I ask unanimous consent that they be printed in the RECORD.

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

REMEDY FOR OVER-RUNS

President Dwight D. Eisenhower, April 16, 1953: "Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed."

Ike's words above have been quoted from time to time, most recently in the April 9 issue of Parade Magazine.

In Washington, Sen, William Proxmire (D-Wis.) is at work trying to add a footnote to Ike's message.

His footnote: The price of those guns, warships and rockets includes millions, even billions, of dollars in cost overruns.

Testimony before Proxmire's committee shows that it is not uncommon for a Defense Department contractor to finish a job, then submit a bill for hundreds of millions of dollars extra, claiming extra costs.

Lockheed in one instance claimed pay for 243,000 man hours of extra time on a job. Navy auditors could substantiate only 25,000.

Avondale Shipyards put in a claim for $75 million extra on ship construction and held up delivery until the Navy came through with $48 million.

The way of settling these claims today is by negotiation, and that process includes getting friendly Congress members (Avondale, for example, lined up support from Louisiana's influential members of the Armed Service Committees) to pressure the Defense Department.

The competition between the high-paid staffs and lobbyists of the private contractor and the civil servants on the Federal payroll often is extremely unequal. Contractors have a good winning record in these grey areas of finance.

To make matters worse, a number of private firms offer courses in government claims negotiation, and hire government employes to lecture at them.

One such course was scheduled for last week at Walt Disney World, Fla.

Sen. Proxmire's committee recently heard some common sense suggestions on how to deal with matters like this.

The short of it is that a contractor ought to be held to the terms of his contract.

If he wants more than the contract allows be should be made to go to through an adversary proceeding having the same stature and dignity as a case in court.

Every dollar claimed should have to be justified.

More than that, as with a court, there should be no lobbying by lawyers running to Congress, calling up secretaries and applying the kinds of pressures they would never apply on a court.

Former Defense Undersecretary David Packard has seen this problem, and come up with the same remedy—hold the contractor to his contract. For the U.S. Defense Department this would be a rare and wonderful step toward sounder management of the public dollar.

INCENTIVES TO WASTE

Budget-minded U.S. Sen. William Proxmire (D-Wis.) recently sailed into Adm. Elmo Zumwalt, chief of naval operations, for an order to subordinates directing them to get every dollar appropriated by Congress spent before the end of the fiscal year.

Zumwalt's aides defended this as an effort to keep the Navy as strong as possible in the light of the tight congressional budget, and as entirely within the stated intention of Congress.

Sen. Proxmire tended to see it otherwise.

It remained for Sen. Charles Percy (R-Ill.) to focus on the inherent conflict involved and suggest some sensible remedies.

Proxmire was outraged at the prospect of playing fast and loose with the public dollar by the Navy, the likelihood that a directive like Zumwalt's would mean sloppy contracts, more overtime, higher costs, wasted dollars.

Percy made two common sense recommendations:

1. Government procedures ought to be overhauled so that departments aren't penalized for failing to spend every appropriated dollar within the appropriation year.

2. Government agencies willing to relinquish Federal funds and Federal property ought to get credit for it as an incentive to do more of this. They get none now.

Incentives to waste money are built into some of the present Federal budget procedures.

Proposals such as those made by Sen. Percy could help to reverse this situation by offering rewards for prudent management of the public dollar.

TAXES

Mr. HARRIS. Mr. President, at a time when the ordinary American is agonizing over the payment of his Federal income tax, I believe it would be of interest to him to know that 40 percent of all U.S. firms escape income taxes.

IRS statistics are the source of this figure. Available data, according to an April 7 report in the Washington Daily News, does not show how many of these firms escaped taxes because they earned no profits. But IRS officials told the Daily News reporter that most firms which pay no corporate income tax are in the loophole category.

One interesting figure compiled by the Daily News reporter concerns the oil industry. In 1970 of the 7,867 petroleum and natural gas firms, 3,928 reported no tax liability primarily because of various loopholes.

Mr. President, I ask unanimous consent that this article be printed at this point in the RECORD.

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

SOME WITH PROFITS DEDUCT AND DUCK: 40 PERCENT OF U.S. FIRMS ESCAPE ALL INCOME TAXES

(By Robert Dietsch)

Internal Revenue Service statistics show that more than 40 per cent of U.S. corporations pay no federal income taxes.

Available IRS data does not show how many of these firms have no profits and how many escaped taxes through deductions, tax credits and other so-called loopholes.

But IRS officials say most firms which pay no corporate income tax are in the loophole category.

A study of IRS reports and discussions with IRS officials by Scripps-Howard Newspapers turned up these other findings:

Of all corporations, almost 40 per cent report no taxable income—either because they operate at a loss or because they take advantake of one or more categories of so-called tax loopholes so that on paper their overall expenses and credits exceed their income.

Of larger corporations which do report taxable income, one in 10 pays no federal income tax. Again, the reason is another set of loopholes—deductions and exemptions permitted from net taxable income.

Two loopholes enable corporations to reduce their income taxes by about 15 per cent. These are the investment tax credit businesses get on spending for plant and equipment and credits on foreign tax payments.

It previously was reported by Scripps-Howard Newspapers that those two tax credits resulted in U.S. Steel, the nation's largest steel producer, paying four times as much 1971 income tax to Venezuela as to the United States.

The data on which these conclusions are based involve corporate accounting periods running from July, 1969, through June, 1970. These are the latest statistics available. But IRS sources believe the conclusions would not be significantly different if later periods were involved.

ERASE PROFITS

If anything, the number of businesses escaping income tax might be greater because of more liberal depreciation and investment credits enacted since mid-1970.

In the July, 1969–June, 1970, period, 1,670,349 corporations filed returns with IRS. Of this total, 619,807 reported no net income for tax purposes. There was no breakdown as to how many had actual losses and were able to "erase" their profits by taking deductions for things like depreciation, amortization and depletion.

Virtually all companies are entitled to deduct those three items from their gross income, just as they are entitled to deduct the cost of materials and wages and salaries.

During the year-long period, corporations deducted $55.6 billion for amortization, depreciation and depletion.

Of the nearly 1.7 million corporations, 1,050,542 told IRS they had some net income subject to tax. But of this total, only 790,363 paid any income tax.

Another 154,000 were classified as small business corporations which under federal tax law were able to pass all profits on to their shareholders, who then paid income taxes instead of the firms.

While there is no actual limit on the size of these firms, they may have no more than 10 stockholders and are mostly small.

This means that 106,179 larger firms which reported taxable income during the year actually paid no income taxes.

They were able to escape taxes mainly by taking advantage of tax credits (or loopholes) not available to all businesses. These credits which can be deducted from taxable income are principally investment tax credits and credits for paying foreign taxes.

FORTY-THREE PERCENT PAY NO TAXES

These figures also mean that out of the nearly 1.7 million corporations, 725,986, or 43 percent, paid no income tax during the year—619,807 because they either had an actual loss or reported no income subject to tax and 106,179 because they reported some taxable income but escaped paying any tax because of the investment and foreign tax credit or other deductions.

The other credits which a corporation can deduct from its taxable income include:

Losses from previous years. Tax experts call this "deducting a net operating loss carryover."

Dividends received from other corporations.

Income from a "Western Hemisphere Trade Corporation," a business operating entirely outside the United States but within Canada and Latin America.

Dividends paid on certain preferred stock.

POLITICAL ISSUE

Democratic presidential candidates have been making an issue out of tax reform, contending that the tax system is too biased in favor of business and wealthy individuals. These Democrats would reduce or end a number of tax advantages for corporations, which they call loopholes, including the 7 percent investment credit given business for new plant and equipment spending, the faster depreciation schedules and the depletion allowance.

Even some Republicans acknowledge that public interest in tax reform is growing.

Individuals as well as corporations have a number of ways to save on taxes, thru exemptions and deductions. But the reformers are generally concentrating on business taxes.

Figures on individual corporations are not available. IRS statistics deal with industries, and reflect the fact that certain industries benefit greatly from loopholes and pay relatively little income tax.

MINERS FARE WELL

Of 14,095 mining firms which filed income tax statements, 7,078—or more than half—reported no taxable income. The bulk of these firms were in the black but erased their tax liabilities by taking advantage of depletion allowances. Of the 7,017 mining firms which reported taxable income, only 4,971 paid any tax. And their tax liability, totaling slightly more than $1 billion, was reduced to $329 million because these firms got $691 million in domestic investment and foreign tax credits.

Of 7,867 petroleum and natural gas firms, 3,928 reported no tax liability. The 3,948 firms with tax liability reduced their taxes from $708 million to $136.4 million because of investment and foreign tax credits.

Salaries and other payments to corporate officers, are legitimate expenses and can be deducted from gross income for tax purposes. In 1964, the corporate officer salary deduction for all corporations was $19.3 billion. In the July, 1969-June 1970, period the total was $26.5 billion. This was an increase of almost 40 percent.

AUTOMOBILE SAFETY BELTS

Mr. STEVENS. Mr. President, when the Senator from Kentucky (Mr. COOK) introduced amendment No. 1171 to S. 3474 last Friday, April 28, he stated that the Department of Transportation plans to eliminate the safety requirement for automobile seat belts when the so-called passive restraints are mandatory.

It also seems to me a serious mistake to immediately remove the one safety item that has been proven effective while requiring something that has yet to be conclusively proven capable of doing the job well, and doing it all of the time.

There is a great deal of evidence to indicate that thousands of lives would be saved each year if a majority of motor vehicle occupants wore safety belts.

There are many people in the country today who, if given the option, would prefer to use safety belts rather than take a chance on air bags or some other new system. And, from the public evidence available, it appears that we still have considerable testing and proving to do before air bags are to be made standard equipment on all new cars.

I believe that, at the very least, safety belts should be kept in all cars,

even if other devices are available, and for that reason I support Senator COOK's proposal. But I also feel that motorists should have an option—either air bags with safety belts, one of the more advanced safety belt systems—such as the ignition interlock type.

I have reservations about how well air bags might work in the extreme temperatures of Alaska, and perhaps other Members have similar questions. It seems to me good policy to adopt a slightly more cautious approach and provide that extra measure of protection that lap belts would offer.

I hope the Secretary of Transportation will see it that way also.

FOREIGN SERVICE GRIEVANCE PROCEDURES

Mr. BAYH. Mr. President, the State Department is opposed to the Foreign Service grievance legislation reported out of the Foreign Relations Committee. I believe passage of the legislation is desperately needed; the procedures recommended by the Department have so many loopholes that they would be open to widespread abuse.

Of course, the Department has argued for nearly a year that its interim grievance procedures are completely adequate. I believe that they are not. In order to assist my colleagues evaluate the interim grievance procedures, I submit a critique of the IGP and the Bayh bill, prepared by a former lawyer in the State Department. The Department has also argued that the Bayh-Cooper legislation now before the Senate is far too strong. Study will show that the original Bayh bill is stronger on a number of points; however, the Department, during 9 months of consideration, never protested any specific provisions in my original bill. The recent opposition to the reported legislation is particularly inappropriate in view of previous departmental disinterest in provisions of S. 2023 and S. 2659.

My staff has prepared a detailed comparison of the reported legislation, the original Bayh bill, S. 2659, and the Department's own interim grievance procedures. I ask unanimous consent that a copy of this critique as well as the comparison of the IGP and the Bayh bill be printed at this point in the RECORD.

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

DEPARTMENT'S IGP VERSUS BAYH BILL

The Departmental Announcement of August 12, 1971 establishing the so-called interim grievance procedures states that: "The enclosed interim grievance procedures in certain important respects are similar to S. 2023."

An analysis of these interim grievance procedures clearly show, to the contrary, that they differ radically in almost all important elements of due process and fairness from S. 2023, the original version of the Bayh bill.

(1) The IGP denies the employee the *right* to a hearing. Numerous blocks are placed in the path of his obtaining a hearing, as indicated below.

Both the present grievance procedures (Section 1800 of FAM) and S. 2023 provide the employee the *right* to a hearing.

(2) The IGP provides a 100% Management-picked and controlled grievance hearing board and denies the employee the right to name one member of the panel.

Both the present grievance procedures (Section 1800) and S. 2023 provide for a member of the hearing panel to be named by the grievant and an impartial chairman not controlled or exclusively named by Management.

(3) The IGP continue to exclude significantly broad areas from which major grievances are most likely to arise, e.g. selection out, non-promotion, unfair reprisals and discrimination and other acts of a capricious, arbitrary or malicious nature arising in the administration of the personnel system. (It would appear to exclude these acts performed by personnel authorities.)

S. 2023 provides due process and justice through grievance hearings in all these categories where major career damage may unfairly result.

(4) The IGP rivets into the Management and Personnel offices full control over the so-called grievance machinery, staff, procedures, etc. and continues to permit them to change at will to fit narrow concepts of justice and fairness.

S. 2023 places the entire grievance machinery outside of the control and direction of the Management and Personnel authorities and provides for due process and justice as a right under law not subject to unilateral change through arbitrary revision of regulations.

(5) IGP purports to establish the grievance board within the Secretary of State's office and "independent of other agency management." Yet it is the Management and Personnel offices which develop the lists of members, name the members, provide the staff of the Board and control their salaries and facilities, have their staff present during the Board's deliberations, etc.

S. 2023 provides for an independent Board except for one member named by Management and authorizes the Board to fix the salaries of staff it will hire.

(6) IGP provides for an extended, delaying and potentially cruel career-damaging "informal consideration" of the grievance by forcing the victim to go to the very people who committed the acts complained of. This provision "legislates" some of the cruelest aspects of the Foreign Service personnel system by ignoring the human element that a man will risk his entire career by going to a grievance board only when he feels he is in extremis. Worse yet, the IGP requires that the grievant reduce the results of all these delaying steps to writing and then go to the head of Personnel with this product for further "informal" review before he can even get to the grievance board to request a formal hearing. (The record of Personnel authorities in State in re their willingness to permit formal grievance hearings is disgraceful—one in 15 years.)

S. 2023 provides for a clear and unimpeded path to the grievance board for a review of his grievance upon its merits, without subjecting him to a series of dangers or irreparable damage to his career.

(7) The IGP provides not only a most confusion and ambiguous maze of "informal grievance consideration" steps with numerous time hurdles which must be met, but when the Board is reached it is authorized to cut off his relief with a variety of other alternatives than a formal hearing. Additionally, when a formal hearing is authorized, which may well be rare, it could under the IGP wind up with only one member of the panel sitting as the Board. (663.1 (a))

Section 1800 grievance procedures and S. 2023 both provide a clear, unambiguous procedure with none of the "time bombs" and "hurdles" which are imposed by the IGP, to delay and impede justice. The grievant is guaranteed a full and impartial board under S. 2023, at least with respect to two members.

(8) IGP provides for *all* members of the Board and panels, except for the chairman and so-called "public members" to be officers and employees of the Foreign Service. This guarantees that they will all directly or indirectly come under the jurisdiction of Management and also subject to the personnel authorities for their career management.

Both Section 1800 and S. 2023 provide reasonable alternatives to the use of officers and employees of the Foreign Service in the designation of members of the Board.

(9) An incestuous arrangement is provided under IGP for the naming by the Management authorities of three agencies of two member from each agency to serve on what is not even alleged to be an impartial, unbiased grievance board.

S. 2023 avoids, with respect to at least two/thirds of the Board members, this in-house Management-oriented stacking of the grievance panels.

(10) "Public members", who are normally fine citizens but notoriously Management-oriented, are provided for by the IGP to provide public-leavening on the panels. Unfortunately, they are provided from lists maintained by the Management authorities and have themselves served on Selection Boards organized and instructed by management and personnel authorities in the State Department.

S. 2023 makes no provision for such hand-picked representatives of the Management area.

(11) To guarantee Management control of the Grievance Board, lists are prepared and controlled by "M" for selection of the Chairman and of all membership on the Board.

Neither the Section 1820 grievance procedures nor S. 2023 permit such discriminatory and arbitrary control of the grievance procedures to remain in the hands of "M".

(12) IGP does not require a transcript of record to be recorded and prepared.

Section 1820 and S. 2023 require a transcript of record to be maintained and provided to the grievant.

(13) IGP provides for the grievant to have access to the "record of proceedings" only during a formal hearing—which hearing may never be reached on the extended delays provided for—but IGP does not permit such access during the "informal reviews" stage.

Section 1820 and S. 2023 permits the grievant access to all documentation provided to the panel at all stages.

(14) IGP makes provision for the grievant to have a representative only at the formal hearing stage.

S. 2023 makes provision for the grievant to have a representative at all stages.

(Irreparable damage under the maze and ambiguities of the IGP are most likely to occur during the preliminary and "informal" stages.)

(15) Under IGP the Board decides if the employee has a grievance and whether the employee shall have a hearing. (This is merely a continuation of the illegal practices heretofore followed by the personnel authorities.)

In S. 2023 and under Section 1820 the grievant is entitled to a formal hearing. (His right is protected notwithstanding abuses by the authorities in the past. With one exception no repeat no FSO was even allowed to have a hearing in more than 15 years.)

(16) Under the IGP the grievant and his representative can only have access to agency records "as are deemed necessary by the "M" established and controlled Board. (Thus, again, "legalizing" the current illegal situation.

Section 1820 and S. 2023 provide for full access to records they require for a proper presentation of the grievance and its adjudication.

(17) The IGP places extensive restrictions

on so-called "classified and privileged material" being made available to the grievant or made a part of the record of proceedings.

S. 2023 places no restriction on the use of classified material deemed relevant to the Board's investigation of a complaint.

(18) IGP requires no oath to be taken by witnesses.

S. 2023 provides for testimony at hearings to be given under oath.

(19) IGP does not allow open hearings and severely restricts attendance at hearings only to persons having a "direct connection with the grievance."

S. 2023 provides for open hearings unless the employee requests otherwise.

(20) IGP actually provides for a grievance hearing "in absentia", conceivably as a punitive act against the employee if he, as grievant, fails to show up for the hearings.

S. 2023 makes no provision for such punitive continuation or holding of a hearing "in absentia", directed against the grievant for having dared to initiate a grievance action. S. 2023 provides that if grievant is unable to attend his representative must be present for the hearing to continue.

(21) IGP appears to make no provision for the grievant to arrange to have hostile witnesses called. The burden is placed upon the grievant to call "his" witnesses.

S. 2023 places no such burden upon the grievant to call witnesses. The Board calls all witnesses whose testimony is deemed relevant to the issues.

(22) With respect to redress and remedies for the damage underlying the grievance, the IGP is cruelly limited. No promotion may be ordered notwithstanding a finding of extreme damage to a career or promotion prospects; presumably the personnel records may be corrected after months of effort with inherent career-damaging provisions just in seeking the remedy; and a meaningless extension of time-in-grade may be ordered which is hardly of value with the recent 15 years in grade provision.

Persons already selected out even in recent weeks and months are estopped from any access at all to the IGP because they are not on the rolls as of August 12, 1971.

The IGP provides other remedies that have no bearing on the grievant's career or livelihood but have a cosmetic impact to mislead the reader.

(23) The IGP provides only for *"reconsideration* by a subsequent selection board of an employee *who has ceased to be eligible for consideration for promotion or who has been involuntarily retired* as the only remedy involving the possibility of promotion. (Sec. 667.2(5))

(Thus, a man's career must already be *dead* before the board can even recommend only *reconsideration* by a subsequent regular Selection and Promotion Board. What about the 99% of officers who may have suffered severe damage to their careers but are not yet dead?)

S. 2023 permits the grievance board to order an immediate promotion if the ends of justice and decency are thereby served.

(24) IGP appears to provide for the Board to order the reinstatement of an employee with back pay when he has been "wrongfully separated as a consequence of the matter by which the employee is aggrieved."

But this appears to be made meaningless and negated by ambiguous language (Sec. 667.2(6) which drags in the mythology of "comparison by a Selection Board" preventing such reinstatement.

S. 2023 has no such ambiguous, justice-defeating limitations on its redress and remedies.

(25) Perhaps most cruel of all, even the pathetic remedies left to the Board to propose are not binding on the agency. They are merely recommendations at best.

S. 2023 provides for the Grievance Board's decisions to be binding on the Department of State on grievance hearings.

COMPARISON OF S. 3526, S. 2659 AND INTERIM GRIEVANCE PROCEDURE

AMENDING FOREIGN SERVICE ACT OF 1946—SEC. 109

S. 3526, as reported	*S. 2659, original Bayh bill*	*IGP*
Title VI of Foreign Service Act (22 U.S.C. 981) is amended by adding at the end: "Part J—Foreign Service Grievances	Same as S. 3526	No such section; IGP is not a statute.

PROMULGATION AND REVISION OF REGULATIONS—SEC. 692

S. 3526	*S. 2659*	*IGP*
The purpose of Part J is to insure the fullest measure of due process and the just resolution of grievances of Foreign Service Officers, employees and survivors.	No statement of purpose.	The purpose is to establish uniform policies and procedures to consider and decide on grievances of Foreign Service Officers and employees. There is no mention of survivors.

PROMULGATION AND REVISION OF REGULATIONS—SEC. 692

S. 3526	*S. 2659*	*IGP*
The Secretary is allowed to promulgate and revise regulations consistent with the statement of purpose. These regulations may not alter or amend the statutory provisions for due process.	No provision for Secretary promulgating or revising regulations.	No such formal provision; Dep't. may alter at will.

DEFINITIONS—SEC. 692(1)

S. 3526	*S. 2659*	*IGP*
Any officer or employee or previous officer or employee (who is a U.S. citizen), or his survivor may file a grievance. A grievance is any complaint against any claim of injustice or unfair treatment of such officer or employee. Definition includes, but is not limited to: 1. actions leading to deprivation of due process 2. actions related to promotion or selection out 3. the contents of any efficiency report or security records 4. actions in the nature of adverse personnel action and 5. separation for cause.	Any officer or employee of the Service who is a U.S. citizen may file a grievance which must be in writing. Defines grievance and appeal as any complaint against any injustice, unfair treatment of an employee or aspect of his work situation. Definitions include but are not limited to: 1. actions leading to deprivation of due process 2. actions related to promotion or selection out 3. the contents of any efficiency report 4. actions in the nature of adverse personnel action and 5. separation for cause. Grievance does not include matters of foreign policy or the general management of the State Dep't. unless it affects a right accorded an employee. There is no specific mention of security records.	*A grievant may file a formal grievance only after informal discussions have failed.* A formal grievance must follow a complicated outline: it must be in writing; it must identify and clarify the basis of the grievance; it must specify the personal relief requested and it must contain all the correspondence made and received under the informal procedures. A grievance is defined as any matter of concern or dissatisfaction to an employee which is subject to control by his employing agency. *Matters specifically excluded are* personnel assignments, nonselection for promotion or selection for involuntary retirement, and others. There is no mention of security records or actions related to adverse personnel actions. It does not state that a *survivor* of a Foreign Service Officer may file a grievance.

BOARD AND ITS DUTIES—SEC. 692(2)

S. 3526	*S. 2659*	*IGP*
1. The board is composed of independent, distinguished, U.S. citizens, who are not officers or employees of State, USIA, or AID. The board consists of 3 members, one of whom is appointed by the Sec. of State, one of whom is appointed by the employee representative, and one who is appointed by the other 2 members. If the first two members cannot agree on a third within 10 days after the second member is appointed, then	1. The board consists of 3 members, one of whom is designated by the Federal Mediation and Conciliation Service and is designated the chairman, one of whom is appointed by the Dep't., and one of whom is appointed by the grievant. 2. All members serve for 2 year terms except the member appointed by the grievant who serves until the grievant's complaint is disposed. Members of the board are reim-	1. The nine member board is composed of: (a) Two foreign Service employees or officers, each from the dep'ts. of State, USIA and AID. These members are selected by the respective agency directors with the approval of the participating organizations. (b) A chairman which is appointed by the Sec. of State from a list approved by agency directors and participating organizations. (c) Two public members who are desig-

COMPARISON OF S. 3526, S. 2659, AND INTERIM GRIEVANCE PROCEDURE AMENDING FOREIGN SERVICE ACT OF 1946—SEC. 109

the Chief Judge of the U.S. Court of Appeals for the District of Columbia Circuit (Bazelon) shall appoint the third.

2. Members shall serve 2 year terms and receive compensation at the rate paid an individual at GS–18.

3. The board may obtain facilities and supplies, and appoint and fix the compensation of such officers and employees of the board as it deems necessary. Officers and employees so appointed are responsible solely to the board.

4. The records of the board are maintained by the board and are separate from all other Dep't. records.

5. Provisions are made to deal with additional panels.

bursed by the Dep't. for travel, subsistence and other necessary expenses.

3. The chairman obtains the facilities, supplies, and employees (fixes their compensation) of the board. The chairman also assigns the business of the board to the employees. Expenses of the board are paid out of funds appropriated to the State Dep't.

4. Records of the board are maintained by the board and are separate from Dep't. records.

There is no provision for additional members or panels. There is a specific provision for disqualifications and for filling vacancies on the board.

nated by the chairman from a list furnished by the Sec. and approved by the agency directors and participating organizations.

2. Assignments to the board are for the duration of the IGP. No compensation is specified.

3. The Sec. provides staff support to the board as necessary.

4. The records of the board are maintained by the board. Does not state that the records are separate from Dep't. records.

5. No provision for additional board members.

TIME LIMITS—SEC. 692(3)

S. 3526

1. Present Grievances: The grievant has 6 months after the occurrence of the injustice to file a grievance.

2. Retroactive Grievances: If the grievance arose prior the the date on which regulations are first promulgated, the grievant must then file within 1 year from the date of enactment. Excluded from the computation of any such period is any time during which the grievant could not have reasonably discovered the grounds which are the basis of the grievance.

S. 2659

1. Present Grievances: There is no time limit on filing of grievances which occur after enactment of this act.

2. Retroactive Grievances: The board shall receive and investigate for 1 year subsequent to the date of enactment of this act only grievances (or appeals) of a Foreign Service Officer who has departed the Service prior to the effective date of this act.

IGP

1. Present Grievances: Grievances which occur after regulations are promulgated must be filed wtihin 30 days of occurrence or the date the employee became aware of the occurrence.

2. Retroactive Grievances: A grievance which occurred prior to promulgation of IGP regulations must be filed within 60 days after promulgation of these regulations or discovery of the act or occurrence giving rise to a grievance, whichever is later.

CONDUCT OF HEARING—SEC. 692(4)

S. 3526

1. The board conducts a hearing in any case filed with it. The hearing is open unless the board determines otherwise.

2. The grievant and his representatives are entitled to be present at the hearing.

3. Testimony at a hearing is given by oath or affirmation, which any board member will have the authority to administer.

4. Each party is entitled to examine and cross-examine witnesses and serve interrogatories upon another party and have them answered.

5. Upon request of the board or grievant, the Dep't. must promptly make available at the hearing or by deposition any witness under the control, supervision, or responsibility of the Dep't. If the witness is not made available in person or by deposition within a reasonable period of time as determined by the board, the facts at issue shall be construed in favor of the grievant.

6. Hearings are transcribed verbatim.

S. 2659

1. The board must hold a hearing if an employee requests one within 30 days after filing the grievance or within 30 days of the board's notice that the record failed to sustain the complaint.

2. The hearings are open unless the grievant requests otherwise. The employee and/or his representative may be present at the hearing.

3. Testimony at the hearing must be given under oath or affirmation which the chairman shall have authority to administer.

4. Each party has the right to examine and cross-examine witnesses.

5. The board may request the Dep't. to make an employee available and if in the board's judgment, compliance with its request is essential to a full and fair hearing, the Dep't. must comply with the request within a reasonable period of time as determined by the board, or else the facts at issue will be construed in favor of the employee.

6. A verbatim transcript of the hearing is provided the employee.

IGP

1. If the grievance is not adjudicated through the informal procedures, the board may hold a hearing if in its discretion it thinks the hearing is necessary. The board conducts a hearing in any case where it determines the grievance to be a major one.

2. The hearing is not open to the public or press. The grievant and/or his representative may be present at the hearing but the hearing may proceed without them.

3. There is no mention of testimony under oath or affirmation.

4. Witnesses called by any party, including the board, shall be subject to cross-examination from all other parties.

5. The grievant has the responsibility to arrange for his witnesses to appear (grievant cannot call hostile witnesses). On request of the board, the agency must make an employee available when it is administratively practicable to do so. If it is impractical, the agency must make him available for testimony by deposition. Refusal of a witness to testify after a special request by the board may be deemed by the board to constitute an admission of the grievant's allegations concerning that matter.

6 The board may order a verbatim transcript or written summary of the hearing.

FREEDOM FROM RESTRAINT; RIGHT TO COUNSEL—SEC. 692(5)

S. 3526

Any grievant or witness involved in a proceeding before the board is free from any restraint, interference, coercion, discrimination, or reprisal. The grievant has the right to a representative at every stage of the proceedings. The grievant and his representatives under the control, supervision or responsibility of the State Dep't. are granted reasonable periods of leave to prepare and present the grievance. The same is true for witnesses.

S. 2659

Same as S. 3526 except there is no specific statement on reasonable leave for witnesses to testify.

IGP

Same as S. 3526 except it does not specifically give the grievant the right to a representative at every stage of the proceedings. Language used is "in presenting a grievance" the grievant has a right to representatives.

BOARD'S ACCESS TO DOCUMENTS—SEC. 692(6)

S. 3526

1. The board has access to any document or information considered by the board to be relevant, including but not limited to, the personnel and, under appropriate security measures, security records of such officer or employee, and of any rating or reviewing officer.

S. 2659

Same as S. 3526 except there is no specific provision for security records. Dep't. must provide information within 5 working days of request.

IGP

Board may secure "documentary" evidence during an inquiry. Refusal by an agency to comply with a request by the board for disclosure of a record may be construed by the board in favor of the grievant.

FREEDOM FROM RESTRAINT; RIGHT TO COUNSEL—SEC. 692(5)—Continued

2. Any such document or information requested must be promptly provided by the Dep't.
3. A rating or reviewing officer must be informed by the board if any of his reports are being examined.

GRIEVANT'S ACCESS TO DOCUMENTS—SEC. 692(7)

S. 3526

The Dep't. must promptly furnish the grievant and such document or information (other than any security record or the personnel or security records of any other officer or employee of the government) which the grievant requests to substantiate his grievance and which the board determines is relevant to the proceeding.

S. 2659

Much stronger: there is no specific exclusion of security records; no approval is needed from the board; and a 15-day time limit is imposed on the State Dep't. for furnishing information.

IGP

Weaker: Grievant and representative have access to records as are deemed necessary by the board. Classified and privileged material are not available to grievant without approval of board.

SECURITY CLEARANCE—SEC. 692(8)

S. 3526

The Dep't. must expedite any security clearance whenever necessary to insure a fair and prompt investigation and hearing.

S. 2659

Same as S. 3526 except purpose is to allow any member of the board, the employee, his counsel, or any witnesses to have access to classified material.

IGP

No such provision because security material is not available.

RULES OF EVIDENCE—SEC. 692(9)

S. 3526

The board may consider any relevant evidence or information coming to its attention.

S. 2659

Same as S. 3526 but more explicit: The board is not limited to court rules of evidence; cases of doubt are resolved in favor of admissibility; evidence does not have to be formally presented to the board (allows hearsay); and testimony may be received in the form of sworn affidavits or in the form of unsworn statements.

IGP

The board is not limited by legal rules of evidence. However, it must maintain reasonable bounds of competency, relevancy and materiality and have the discretion to exclude any testimony or other evidence which is unduly cumulative.

SUSPENSION OF DEPARTMENTAL ACTION—SEC. 692(10)

S. 3526

If the board determines that (A) the Dep't. is considering any action (including but not limited to, separation or termination) which is related to, or may affect, a grievance pending before the board, and (B) the action should be suspended, the Dep't. shall suspend such action until the board has ruled upon such grievance.

S. 2659

Same as S. 3526.

IGP

No such provision.

RULING BY THE BOARD—SEC. (11)

S. 3526

1. If the board determines that the grievance is meritorious in cases not relating to promotion, assignment, or selection out, then its recommendations are directed to the Secretary and are final and binding upon all parties.
2. If the board determines that the grievance is meritorious in any case relating to promotion, assignment, or selection out, then its recommendations are transmitted to the Secretary and are final and binding on all parties except that the Secretary may reject any such recommendation only if he determines that the foreign policy or security of the U.S. will be adversely affected. Any such determination must be fully documented and signed by the Secretary with a copy furnished the grievant.
3. No enumeration of possible remedies.
4. After review of the proceedings and the recommendations of the board, the Secretary must return the entire record of the case to the board for its retention.
5. No officer or employee of the Dep't participating in a proceeding on behalf of the Dep't. can prepare, advise, or otherwise participate in, any review or determination of the Secretary with respect to that proceeding.
6. There is no mention of minimum decisionmaking vote requirements.

S. 2659

1. If the board determines that a complaint relating to a grievance is meritorious, then it directs the Secretary to grant such relief as it deems proper under the circumstances.
2. With respect to complaints of adverse personnel actions, the board forwards the entire investigation records and its recommendations to the Secretary. The Secretary, within 30 days of the submission of a case relating to an adverse personnel action, must either accept the board's recommendations, return the case to the board for further investigation or reject the board's recommendations as detrimental to the foreign policy or security interests of the U.S.
3. Recommendations resolving complaints of adverse personnel actions may include extending the employee's time-in-class; the immediate promotion of an employee; removing any part of an employee's personnel record; and any other recommendations.
4. In any event, the board retains the record of the case.
5. No such provision.
6. A decision, finding, or recommendation of the board must be made only upon a vote of at least 2 members.

IGP

1. Following an investigation or hearing the board must make written findings, decisions, and/or recommendations.
2. In deciding grievances, the board has the authority to alter an employee's personnel record, to order a reversal of an administrative decision denying allowances or other compensation, to extend an employee's time-in-class, to order the reconsideration by a subsequent selection board of an employee who has ceased to be eligible for promotion or who has been involuntarily retired, or to order the reinstatement with back pay of an employee.
3. The board can only recommend to the head of an agency promotion, reassignment, or disciplinary action. Within 30 days, the head of the agency must make a written decision.
4. The record of the case is retained by the board.
5. No such provision.
6. Majority vote of members present is considered action by the board.

NOTATIONS—SEC. 692 (12)

S. 3526

The board has the authority to insure that no copy of the Secretary's decision to reject a board's recommendation, no notation of the failure of the board to find for the grievant, and no notation that a proceeding has been held, will be entered in the employee's per-

S. 2659

Basically same as S. 3526.

IGP

No notation of an employee's participation in a grievance is recorded in his personnel file except in accordance with the orders or recommendations of the board. There is no mention of notations in other Dep't. records.

SUSPENSION OF DEPARTMENTAL ACTION—SEC. 692(10)—Continued

NOTATIONS—SEC. 692(12)

sonnel record or any other Dep't. records, other than the board's records.

S. 3526

A grievant whose grievance is found not to be meritorious can obtain reconsideration only upon presenting newly discovered relevant evidence and then only upon approval of the board.

S. 3526

The board must promptly notify the Secretary, with recommendations for appropriate disciplinary action, of any contravention by any person of any of the rights, remedies or procedures contained in this part or in regulations promulgated under this part.

S. 3526

An employee can file a grievance under this part only if he has not formally requested that his grievance be considered under provisions other than this part.

S. 3526

Regulations promulgated or revised, and actions of the Secretary or board pursuant to this legislation, may be judicially reviewed in accordance with the Administrative Procedures Act. The Secretary must promulgate and place into effect the regulations provided by section 692, establish the board, and appoint one member of the board as authorized, within 90 days of enactment of this act.

RECONSIDERATION—SEC. 692 (13)

S. 2659

Same as 3526.

IGP

No such provision.

ENFORCEMENT—SEC. 692 (14)

S. 2659

Same as S. 3526 except there is no mention of regulations promulgated.

IGP

The board may recommend to the agency's head any disciplinary action. (Does this include discipline for failure to execute remedies?)

PREVIOUS FILING OF GRIEVANCE—SEC. 693

S. 2659

No such provision.

IGP

No such provision

JUDICIAL REVIEW—SEC. 694

S. 2659

No mention of judicial review.

IGP

No mention of judicial review.

THE LOCKHEED BLACKOUT

Mr. PROXMIRE. Mr. President, as those who have been following the case know, the Emergency Loan Guarantee Board, which has jurisdiction over the Lockheed loan guarantee and Mr. Connally in particular, have denied the Comptroller General of the United States access to the records of the Board.

This is a mistaken situation and an intolerable one. The GAO has general authority dating back to its inception to examine the records of the executive branch of the Government. That authority is granted by law. In every case where Congress has desired that an agency be exempt, it has specifically written that exemption into the law.

Nonetheless, Mr. Connally and the Board have both refused access to the GAO and have refused to appear before the Senate Banking Committee on the issue.

The St. Louis Post-Dispatch in an excellent editorial has condemned this action. It was not only a bad thing to give Lockheed the loan guarantee; it is even worse for public actions to be kept secret. It raises the question, What are they trying to hide?

Mr. President, I ask unanimous consent that the Post-Dispatch editorial be printed at this point in the RECORD.

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

THE LOCKHEED BLACKOUT

It was poor public policy last year for Congress to approve a $250,000,000-loan guarantee to keep the Lockheed Aircraft Corp. solvent, but that mistake having been made it is now inexcusable for Treasury Secretary Connally to deny to General Accounting Office access to certain records pertaining to the deal. By his refusal, while acting in his capacity as chairman of the Emergency Loan Guarantee Board, Mr. Connally has invoked what appears to be a bizarre interpretation of executive privilege, a tactic usually employed by a President to prevent Congress from questioning an assistant. In this case, Mr. Connally is attempting to establish a precedent for an executive agency to deny Congress access to its records.

Mr. Connally has written Comptroller General Staats that it "was not the intent of Congress that the decisions of the board be reviewed by the GAO." The facts, however, are quite the contrary. When Congress passed legislation approving the guarantee, it stipulated that a business receiving such assistance had to provide full information about its condition, a plan for spending the loan and an accounting of such expenditures. These matters clearly are under the purview of the GAO, which has almost unlimited powers to check on Government financial operations. The U.S. Government Organization Manual says the Comptroller is "authorized by law to examine any books, documents, papers, or records—except those pertaining to certain funds for purposes of intercourse or treaty with foreign nations—of any department or establishment."

Lockheed was a model of mismanagement when the Government bailed it out. The public, now that it is underwriting Lockheed, has every right to know whether funds still are being wasted. Beyond this, the Executive must not be permitted to withhold from Congress information on financial arrangements which themselves are the result of legislative authorization.

VIETNAM

Mr. BEALL. Mr. President, nearly 1 month ago, the Republic of Vietnam fell victim to a brutal and unprovoked invasion by the North Vietnamese troops, backed in large measure by other Communist nations. President Nixon, as he warned on numerous occasions, has utilized American air and naval forces with the express purpose of protecting our remaining forces and insuring that the South Vietnamese have at least a reasonable chance to preserve their territorial and administrative integrity as a nation.

Let us look at the record. By July 1, the President will have lowered our troop level from 549,000 men—when he came into office—to 49,000 men, a reduction of 90 percent during the Nixon administration. Our Government has repeatedly offered the most generous terms to the Communists at the peace table in Paris, but has yet to receive more than a barrage of worthless propaganda. Throughout, the South Vietnamese have enormously increased their capability to defend themselves.

There are those in this country who condemn our response to this invasion. Strangely enough, however, they fail to condemn the act that precipitated our defensive action. One editorial which places the current situation in, I think, proper perspective was printed in the Baltimore News-American on April 18, 1972. I ask unanimous consent that it be printed in the RECORD, so that my colleagues might read it.

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

THE BIG LIE

Hitler has been widely credited with inventing the Big Lie, which means selling an outrageous untruth so vigorously that many

people come to believe it. But Hitler didn't invent it.

Long before Hitler, Communist propagandists and their stooges were using the same technique. In their case it usually amounted to blaming an enemy for doing what they themselves already had done.

Today the Communists and their stooges—and their dupes—are still at it. And anyone who questions the remarkable efficiency of this topsy-turvy propaganda ploy needs only to consider its effectiveness in the current Vietnam crisis.

What are the facts? They are that President Nixon, for over three years, has been trying to wind down our participation in the conflict, bringing our troops home while arming our allies to defend themselves.

The facts are that the program was working, that peace and security for South Vietnam was within view. Then the aggressors from the North, armed by Moscow and Peking, suddenly launched their continuing mass invasion across a supposedly demilitarized zone.

What is the resultant propaganda? It is that our subsequent bombing on Hanoi and Haiphong, ordered by Mr. Nixon to protect our residual troops and to aid Saigon, constitutes a criminal escalation of hostilities which could spoil any friendly new accommodations with the Communist world.

The renewed fighting, in effect, becomes all our fault. Hanoi, Peking and Moscow all cry for us to stop the bombing, calling us war criminals in so many words. Incredibly, at home, leading senators and even Democratic aspirants to the White House take up the same refrain.

Now it really is incredible, this refrain from our doves—even though it is hardly new. For years they have instantly echoed and encouraged every grotesque inversion of truth by the Communist propaganda machine. In Washington yesterday, as a continuing example, Sen. J. William Fulbright had this pronouncement to make on our renewed bombings:

"I, for one, cannot possibly understand what consideration warranted these drastic measures."

Sen. Fulbright and his ilk may really not comprehend that the only reasonable response to outrageous assault is counter-attack, and that is the kindest observation possible to make about them.

The Communists, on the other hand, comprehend well that our greatest weakness lies in the foolishness of those who swallow and promote their Big Lies—such as that it is we, and not they, who are responsible for the latest explosion of hostilities in Vietnam.

THE NEW SOUTH

Mr. HARRIS. Mr. President, in the wake of the results of the Florida Democratic Primary we were overwhelmed by the contradictory analyses of scores of political commentators. And once again, many of these commentators chose to write about the so-called New South.

Richard Pettigrew, the progressive Speaker of the House of the Florida Legislature has a better perspective than most of the South of today. And Mr. Pettigrew, unlike so many others, does not see the Wallace vote as a regression on the part of Southern bigots. He says:

Granted that at least half of the Wallace vote remembered only one thing: George Wallace standing in the schoolhouse door. But the other half of Wallace's voters also see something else. In Florida, he was the only guy who they thought had the guts to stand up to the "system."

Mr. President, Mr. Pettigrew's remarks on the New South were made in a speech at Florida State University, and reprinted in the St. Petersburg Times on April 23. He explains very clearly why voters in Florida—and elsewhere—are seeking to send a message of protest to the Federal-economic complex which dominates America. In Florida, the voters chose to send that message through George Wallace. In other States, they have chosen other candidates willing to take on the political-economic power structure.

Mr. Pettigrew's article should make interesting reading for any of my colleagues interested in what is proving to be a vital new populist movement in America. I ask unanimous consent that this article be printed in the RECORD.

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

THE NEW SOUTH: ANOTHER POPULIST MOVEMENT?

(By Richard A. Pettigrew)

Ritually every four years it seems that we are afflicted with a batch of articles in the national news media about the New South.

And this phrase "The New South" means a lot of things to a lot of people.

To some it means economic resurgence in the wake of the Civil War.

To others it means the racial progress of the last decade.

There are many new Souths. And every year or so they keep getting newer and newer. And the pavement widens in cities all over the South and the neon-lit hamburger stands and mobile home lots line the entrances and exits to our cities. And we have yellow school buses taking black and white children—peacefully for the most part—to the same schools.

Granted, much of what we hail as progress has been thrust upon us. But we can't doubt that there is a New South and that every year, year after year, it just naturally keeps on getting newer.

Yet in all this picture of our national homogenization, I think we New Southerners should reassess the New South myth—should remember where this myth came from and separate ourselves from the New South proclaimed by Henry Grady and his followers in the late 19th century.

And I think we should remember that the New South of Grady and those whom scholars now call the "New South Redeemers" is still very operative as a theory of government in much of the South today.

In essence that old "New South" was a call for industrialization in the wake of the Civil War and Reconstruction.

It offered the prospect of cheap white labor. And although it took many years following reconstruction to bring the Deep South out of abject poverty, it cannot be argued that some industrialization and a "mixed economy" was essential to the well being of every southern state.

But it was done at a great cost—a cost that still has southern states as the bottom nine in almost every measure of economic position. And it was done at great expense in pride and human misery. To attract industry we prostrated ourselves before the economic barons of the North. We promised no taxes or low taxes on industry. We promised low wages. We made certain that Workmen's Comp. benefits and unemployment benefits are among the lowest in the nation. We strangled unionization and made certain that management had no interferences from employes.

And, perhaps as the crowning insult, we guaranteed the economic interests almost complete control of all governmental decisions. They became the regulated and the regulators.

In spite of the original proclamations of those like Grady who began the New South movement in the 9th century, the myth was used to hold down the populist, agrarian reformers of the 1880s and 1890s.

Many people watching the heavy vote for a tax reformer like Reubin Askew and witnessing the even heavier vote in favor of the corporate tax last November were certain that an extremely different "New South" was arising.

This newest New South would reject the industry-first, progress-at-any-price vision of the original New South Redeemers and begin what some decried as a neo-populism that would begin bringing the working wage of the average working man more in line with the national average.

And so these newest prophets of the newest New South were shocked to see the vote for George Wallace in the Florida primary. And they said that any demagogue who was willing to wave the bloody shirt of race could still attract southern whites away from a populist, reform-oriented program.

Such prophets are short-sighted. Granted that at least half of the Wallace vote remembered only one thing: George Wallace standing in the schoolhouse door. But the other half of Wallace's voters also see something else. In Florida, he was the only guy who they thought had the guts to stand up to the "system." A system which to many is oppressive and unresponsive.

There is no doubt in my mind that Gov. Askew could take his corporate tax question to the voters and today emerge with almost the same vote of the people.

It is too easy for many of us to forget that if the Wallace battle cry was busing, it was also tax reform. It was in reality a vote against "Them" as in the slogan "Send Them a Message."

Who is "Them"?

The Federal Government? Yes. But more than that. "Them" is the whole federal-economic complex. "Them" is ITT and the dropping of tax cases by the Justice Department. "Them" is the industrial polluters. "Them" is the millionaires who don't pay taxes.

What has happened is that through the many inadequacies of Congress, the whole nation has been turned into a special interest haven—a tax haven, a conglomerate haven, a haven for those who would rather pay a few thousand dollars in campaign contributions than millions in taxes or benefits to people.

The New South of special interest favors is no longer confined to just the South. All of America has been turned into the New South of the late 19th century.

So what is the "message" we are sending "Them" from this year's newest New South?

The message of the newest New South is that we have had enough of the special interest favoritism of the old "New South."

If poor southerners of both races have been oppressed by the New South myth, it is also apparent that here in today's New South we are acutely aware of the oppression of a federal government which is firmly in the hands of bureaucrats who dance to their own tune.

The vote for George Wallace is the expression of an individualistic cussedness, a go-to-hell ruggedness that is typically American but that finds itself in the extreme individualism of the Southerner.

It is an individualism that has often resulted in violence but as W. J. Cash said so eloquently in his classic book "The Mind of the South":

"But if I show you Southern individualism as eventuating in violence, if I imply that the pride which was its root was in some sense puerile, I am very far from suggesting that it ought to be held in contempt. For it reached its ultimate incarnation in the Confederate soldier. To the end of his service this soldier could not be disciplined."

There is not a little romanticism in Cash's description of the Southerner as individualist—as rebel.

And yet—as he says—there is truth.

It is the truth of the same grandsons of those men who did swing up that hill at Gettysburg. It is the truth of those Florida citizens who voted "NO" for President. It is the truth of the people who voted against the lobbyists and for the corporate profit tax. It is the truth of all of us—black and white—from the South that no man or government can cross us and get away with it. It is the same cry that began in this country when some rowdy colonists dumped tea into Boston Harbor. It is a cry that was emblazoned on a flag with a coiled snake which proclaimed, "Don't tread on me".

There has been a tendency of progressive Southerners to look at our northern counterparts and shrug our shoulders and to apologize for the Wallace vote of March.

There is no need to apologize. Southern progressives are not strangers to the futile gesture. Southern progressives have been charging up hills and getting shot down ritually for decades.

Southern progressives are perhaps the true embodiment of the same Confederate soldier who charged with Pickett into the mouth of the cannonfire—and got bloody—and took their wounded and retreated down the hill again.

But unlike Pickett's men we don't seem to learn our lessons. Because every couple of years, Newsweek or Time will discover a new set of progressive leaders in the South and will proclaim yet another "New South" and a fresh corps of young idealists will charge up the hill again.

And each time they get stronger. Sometimes we even manage to hold the crest of the hill before the counterattack by the economic interests who have for 100 years relied on racial intolerance to maintain their economic status—those who have everything to gain by keeping the low income black and white fighting each other—instead of the people who are taking advantage of both of them.

But if you think you are confused about what the South is and has been, think of those who recently visited Florida to follow the presidential primary. From all over America they came—the New York Times, the Washington Post, the Los Angeles Times, CBS, NBC, ABC, Newsweek—a month ago it seemed like an endless procession of newswriters and prognosticators all trying to get the pulse of Florida.

They spent a lot of time with Reubin Askew and many state legislators (I don't think many met Sen. William Barrow) and many of them began to think that Florida had really done an about face. Stories about progressive Florida and its progressive leadership were everywhere. And then the shock.

One is tempted to agree with Arthur Schlesinger when he concluded that "politics is random." And in many respects it must be. It could be, incidentally, that only part of Florida is really part of the South.

In Florida we have a real Republican Party, for instance, not just an assemblage of Strom Thurmond Democrats. And we must recognize that Central and South Florida did not for all practical purposes exist in 1861—and they now represent over two-thirds of the population of this state.

In the last few years Florida has changed. Whether it is a change in culture and politics or just a temporary change in leadership, one can only guess.

But look what has been done here in the last few years. While we have weathered the storms of latter day John's Committee—the campus inquisition—we have brought forward a new state constitution and a radically changed governmental structure. We have enacted sweeping tax reforms which have set the special interest lobbyists back 100 years. We have moved insurance reform and divorce reform to lead the nation. And perhaps the most important thing we have done—we have moved aggressive and innovative environmental reform which may save the quality of living in this state.

This, I think, is what is the newest "New South" is all about. It is a cry of rebellion. Not the rebellion of Confederate slave holders. But the rebellion of black and white wage earners and small businessmen who want to recapture their state governments and their federal government so that it will be more responsive to them.

The crities are unclear and muddied now. But the focus is becoming clearer with each passing day.

The votes for Wallace in Florida were votes for change. The votes for Wallace and McGovern in Wisconsin were votes for change.

I think the New South already sees the beginning of a reconciliation of the races. But it is also the beginning of a new set of battles. We will see defeats and setbacks. But we will not, I feel, become leaders of another lost cause.

Because the aim of this New South is not just a New South, but a New America. And I think this time—because our cause is just—we will win.

QUEEN ISABELLA DAY

Mr. PROXMIRE. Mr. President, the Governor of the great State of Wisconsin, Patrick J. Lucey, recently issued a proclamation declaring April 22, 1972, Queen Isabella Day.

It is only fitting that we honor this great Spanish monarch, Queen of Castile and wife of Ferdinand of Aragon. For it was her vision which led to the discovery of the New World by Columbus in 1492. Without her encouragement that voyage which opened North and South America to settlement and development by European nations might never have left its Spanish port.

Not only did Queen Isabella spur on the creation of a new society in the Western Hemisphere, but her keen intellect and determination brought great prosperity to her own Spain. Her leadership and foresight serves as an example for all of us.

Therefore I join with Governor Lucey in commemorating the five hundred and twenty-first anniversary of the birth of Queen Isabella which took place on April 22, and in urging those who value the lessons of history to examine once again the pages of glory marked by the Queen of Castile.

I ask unanimous consent to have the Governor's proclamation be printed in the RECORD.

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

A PROCLAMATION

Whereas, the great discovery of the New World in 1492 was made possible through support from Queen Isabella (1451–1504), Queen of Castile, wife of Ferdinand of Aragon; and

Whereas, that voyage opened North and South America to settlement and development by European nations, laying the foundations for contemporary American societies; and

Whereas, Spain prospered under Queen Isabella's clear intellect and resolute energy; and

Whereas, the five hundred and twenty-first anniversary of the birth of Queen Isabella will be observed on April 22, 1972.

Now, therefore, I, Patrick J. Lucey, Governor of the State of Wisconsin, do hereby proclaim Saturday, April 22, 1972, as "Queen Isabella Day" in Wisconsin and urge all citizens to reacquaint themselves with the earliest history of our Nation by honoring this Spanish Queen who was instrumental in making the voyage to the New World a reality.

In testimony whereof, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison, this fifteenth day of March in the year of our Lord one thousand nine hundred and seventy-two.

PATRICK J. LUCEY, *Governor.*

THE F–14 CONTRACT

Mr. EAGLETON. Mr. President, a little over 3 years ago the Navy announced the awarding of its lucrative F–14 fighter plane contract to Grumman Aircraft Corp., one of five aerospace firms competing for it. It has now been established that at least one of these competitors, the McDonnell Douglas Corp. of St. Louis, submitted a lower bid than did Grumman. To date, the Navy has offered the American taxpayer and Grumman's competitors no explanation for this apparent abuse of the competitive process.

The work of the Grumman Corp. on the F–14 has been characterized by numerous technical blunders and an incredible amount of inefficiency. Huge overruns have been reported and the cost of the F–14 is now an astronomical $16.8 million per unit and rising.

The normal Pentagon rationale for failing to award a contract to the low bidder is to claim that the higher bidder had demonstrated superior technical capability. Experience with the F–14 to date shows clearly that such a claim in the case of Grumman was, at a minimum, a gross exaggeration.

Now, some 3 years later, the shady details of an illicit relationship between the Navy and Grumman Corp. have come to light. Jack Anderson, in a column entitled, "The F–14 Story: An Inside Deal," may have provided an interesting insight into the circumstances of the Navy's decision to award the F–14 contract to Grumman.

If the allegations contained in the Anderson story are true, Grumman's competitors and the American public are the victims of collusion.

Anderson alleges that Capt. Joseph Rees, the former head of the Naval Air Systems Command and the Navy's F–111B program, had awarded a secret contract to Grumman in 1964 to redesign the F–111B, an equally unsuccessful predecessor of the F–14 which had been considered unacceptable by the Navy for carrier duty. With this inside knowledge, Grumman assembled a team of engineers to reconstruct the F–111B and propose a version that would be acceptable to the Navy. Captain Rees soon left the Navy and joined the Grumman Corp., where he completed the deal with maximum advantage to himself and Grumman, according to Anderson.

If these allegations are true, the 1969 competition for the F–14 contract was nothing more than a clever charade. Grumman had even more of an advantage than the proverbial "inside track." The race was over before the opening gun and Grumman had already won.

Mr. President, the Anderson column contains very serious charges of collusion between the Navy and Grumman. These charges should be thoroughly investigated and answered before this body

appropriates additional funds for the continuation of the F–14 program.

I have transmitted today a letter to the Secretary of the Navy requesting the Navy's justification for awarding the F–14 contract to Grumman over its competitors. I have also requested a response to some of the specific allegations contained in the Anderson article. Perhaps the reply will at least provide the Navy rationale for a very suspicious set of circumstances.

Mr. President, I ask unanimous consent that the article by Mr. Anderson, which appeared in the April 30, 1972, edition of the Washington Post, be printed in the RECORD.

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

THE F–14 STORY: AN INSIDE DEAL

(By Jack Anderson)

Valery Markelow, a Russian translator at the United Nations, made an unobstrusive contact with an American engineer, and intelligence officers in both nations leaned forward in anticipation.

The engineer worked for the Grumman Aerospace Corp. He had been involved in the development of the F–14 fighter, which the Navy used to call the plane of the future.

While the Russian agent curried the engineer's favor, the engineer regularly reported on his meetings to the FBI. At last the Russian made his anticipated pitch: He wanted the plans for the plane. The transfer of blueprints was closely observed by J. Edgar Hoover's minions a few weeks ago, and the thwarted spy was hauled off to await trial. Unhappily for him, the translator's job did not give him diplomatic immunity.

Even if the Russian had succeeded in sending the blueprints back to Moscow, the Kremlin would not have been able to unravel the real secret of the F–14 Gumman and the Navy had worked hard to keep it quiet—from the American people more than the Kremlin.

The truth is that the whole initial development of the F–14 was an inside deal, contrived to enhance Grumman's profits and polish the Navy brass. Along the way, a number of retired Navy officers enriched themselves, and the American taxpayers took another beating.

Historically, Grumman has had a virtual monopoly on manufacturing important naval aircraft and, not accidentally, has been a retirement home for old naval aviators with the right connections inside the Pentagon.

Grumman wrangled the subcontract to build the carrier version of the controversial, swept-wing F–111. The company, therefore, was even more aware than the public of that particular plane's failings.

Even after three drastic weight reduction programs, the F–111B was considered too heavy for carrier duty. The plane's primary mission was to carry four 1,000-pound Phoenix missiles. The F–111B, therefore, had to be big. But it also had to be light enough to be launched from carriers.

This was the situation when Grumman's old Navy pilots began chatting with their comrades still on active duty. They soon detected sympathetic vibrations in Capt. Joseph Rees, the Naval Air Systems Command's program manager for the F–111B.

As a result of these conversations, Capt. Rees awarded a secret $1,750,000 contract to Grumman in 1964 to redesign the F–111B. Grumman quietly went ahead with a study.

To save weight, the study advocated removal of features the Navy had originally demanded, such as a crew module designed to save the two pilots at any altitude and at speeds from zero to Mach 2.5.

Thanks to its inside knowledge that the Navy really loathed the F–111B, Grumman secretly assembled a team that cannibalized the plane and reconstructed it into an aircraft the Navy would accept.

Then suddenly Capt. Rees, the former F–111B program manager, left the Navy to join his many friends at Grumman. He was hired to head development of the new plane that he, in his Navy role, had commissioned at a cost of $1,750,000 to the taxpayers.

In April, 1968, the Senate Armed Services Committee voted to stop funds for further work on the F–111B, and gave the Navy $287 million as down payment to develop a substitute plane.

In the beginning, the Navy insisted its new plane should be smaller, lighter and more maneuverable than the F–111B, but should retain its engines, variable swept wings and Phoenix missile system. With amazing speed, thanks to its inside track, Grumman was able to offer an "unsolicited" proposal for such a plane.

Other aerospace firms demanded an opportunity to bid on the program. Their hasty proposals lacked Grumman's incisiveness, but nevertheless provided window dressing. Soon, Grumman was announced as winner of the competition.

While such an incestuous relationship accomplished a great deal for Grumman and some former Navy officers, it did little for the Navy or the nation.

The first F–14 off the production line—a fixed-wing plane—crashed on its second flight. The plane was plagued with weight and performance problems, and its cost has gone up astronomically.

THE CONSUMER PROTECTION ACT

Mr. BENNETT. Mr. President, although I realize that it may be some time before the Senate begins its final consideration of the Consumer Protection Act (S. 1777), a number of questions have been raised that I feel should be brought to the attention of the Senate.

Recent testimony before the Joint Committee on Atomic Energy brought out the fact that there are an increasing number of projects that are being delayed as a result of interventions and court cases instigated by environmental advocates.

While no one seriously questions the need for adequate safeguards in any project involving atomic energy or the need to consider possible effects on the environment, it is becoming increasingly evident that the overzealous activities of some environmentalists are actually doing more harm than good. It is evident that neither the economy or the average American citizen is benefited by having much needed construction held up for months in the courts.

With these experiences still fresh in my memory, I am concerned that in passing consumer protection legislation we not create a vehicle that will be used to involve business and Government agencies in an endless string of court cases and needless delays, as has been done in a number of environmental disputes.

As a means of investigating the possible effects of S. 1777 on the activities of Government agencies I contacted several of them. Typical of the response that I received was the one from the Atomic Energy Commission. Specifically, I requested that they list for me—without obligation—their activities that would become subject to outside intrusion or court appeal under the Consumer Protection Agency bills.

In their response the AEC reported that under this legislation intrusion by consumer groups would be possible in not only formalized AEC proceedings but also in such informal activities as responding to congressional inquiries, drafting and submitting proposed legislation, and other similar activities.

The obvious question arises as to whether or not this is the intent of Congress. If it is not, now is the time for us to be giving consideration to these matters rather than waiting until the legislation is in its final stages.

Mr. President, I ask unanimous consent that the letter that I received from the AEC be printed in the RECORD.

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

ATOMIC ENERGY COMMISSION,
Washington, D.C., March 17, 1972.

HON. WALLACE F. BENNETT,
U.S. Senate.

DEAR SENATOR BENNETT: The Atomic Energy Commission is pleased to reply to your letter of January 20, 1972, requesting certain information in connection with two similar bills, H.R. 10835 and S. 1177[1] each styled "Consumer Protection Act of 1971," both of which are now being considered by the Senate. In particular, you have asked for "a list . . . of the formal and informal matters or proceedings that might be subject to the [proposed] Consumer Protection Agency's intervention or participation under the House-passed bill [H.R. 10835] and the Senate version [S. 1177]".

Under both the House bill (Section 204) and the Senate bill (Section 203), the proposed Consumer Protection Agency[2] (hereafter called the "Agency" in this letter) would represent the interests of consumers before Federal agencies and in Federal courts as to matters which would "substantially affect the interest of consumers." The House bill would grant the Agency the authority to petition other agencies to initiate proceedings in such matters,[3] and it provides (Sections 204, 304) that the Agency would have the authority to intervene as a matter of right in any rule making or adjudicatory proceeding as defined in the Administrative Procedure Act (5 U.S.C. 551). As your letter notes, the comparable provision of the Senate bill (Section 203) goes further in that it provides for intervention not only in rule making and adjudicatory proceedings under the Administrative Procedure Act, with a right of judicial review of the denial of intervention as in the House bill, but also extends to "any matter . . . not involving the internal operations of such [other] Agency."

Under S. 1177 the CPA could intervene as a matter of right in "any matter or proceed-

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[1] H.R. 10835, introduced on September 23, 1971, by Rep. Holifield (and 10 co-sponsors), was reported by the House Government Operations Committee on September 30 (H. Rept. 92–542), and passed by the House on October 14. S. 1177 introduced on March 10, 1971, by Senator Ribicoff (with Sen. Javits), is pending before the Senate Government Operations Committee.

[2] The head of the CPA is designated "Administrator" in the House bill, and "Director" in the Senate version.

[3] If the cognizant agency refused, upon petition of the CPA, to initiate a proceeding, the CPA could seek judicial review of such refusal under the House bill. The Senate version provides for Presidential decision in such a case.

ing not involving the internal operations of such agency." By "proceeding" we take the bill to refer to agency "proceeding" as defined in 5 U.S.C. § 551(12), and therefore as covering both formal and informal rule making, adjudication, and licensing. We understand the exclusion of "internal operations" as covering such things as matters of internal management, routing of papers, assignment of duties, and internal delegations of authorities. AEC proceedings not involving internal operations would include the following:

1. Proceedings, including hearings, for the issuance of construction permits or operating licenses for nuclear power reactors, testing reactors, research reactors, and fuel reprocessing plants.

2. Proceedings, including hearings, where appropriate, for the issuance of licenses for possession and use of special nuclear material, source material, and byproduct material. This category would include licenses for the disposal of waste radioactive material, the licensed operation of radioactive waste burial grounds, some licenses to manufacture products containing radioactive material, and some licenses for shipment of such radioactive material.

3. Proceedings for the issuance or amendment of regulations pertaining to the issuance of licenses, or the conduct of licensed activities, included in categories 1. or 2. above.

4. Proceedings for the determination of reasonable royalty fees for patents affected by a public interest, including hearings when requested.

In addition, the following more informal matters may be covered:

1. Contractor selection actions.

2. Contract awards.

3. Assignments of a given portion of research and development to a particular organization.

4. Establishment of AEC prices for special nuclear materials; toll enrichment, etc.

The use of the term "matter" in addition to "proceeding" suggests that something other than formal and informal rule making, adjudication, and licensing may be intended to be covered by S. 1177. If this is the case, the bill would appear to include matters not commonly regarded as any "final disposition" as the term is defined in 5 U.S.C. § 551(6) and to include such matters as the following:

1. Responding to public inquiries and inquiries from members of Congress.

2. Inspections of licensed facilities.

3. Preparation for Congressional hearings and drafting and submission of legislation.

4. Deliberations with respect to contract negotiations and positions to be taken in connection therewith.

5. Telephone conversations between AEC staff and outsiders concerning any particular subject which might be under AEC consideration.

Please contact me if I can be of any further assistance.

Sincerely,

L. MANNING MUNTZING,
Director of Regulation.

J. EDGAR HOOVER

Mr. BUCKLEY. Mr. President, the death of J. Edgar Hoover is a great loss to all who love freedom. He brought to the Federal Bureau of Investigation not only superbly professional talents, but an integrity and respect for law and justice that have made the initials "FBI" synonymous with the highest standards of law enforcement. Among his most important contributions to our Nation was his forthright and eloquent defense of the principles underlying our national life against the attacks, both open and clandestine, of those who would subvert and ultimately destroy those principles. He early recognized the evil of modern totalitarianism and his superb efforts to thwart both the Nazi and Communist attempts at domestic subversion put all Americans in his debt. Today, perhaps more than ever before, our Nation needs the kind of dedication, integrity, and love of country that marked J. Edgar Hoover's life. His death, then, not only saddens all Americans but reminds us how profoundly we will miss his counsel and his wisdom.

VIETNAMESE ORPHAN ACT

Mr. TOWER. Mr. President, I am pleased to join my distinguished colleague from the State of Michigan (Mr. GRIFFIN) in cosponsoring a measure which symbolizes the best of our American instincts—the willingness to open our hearts and share our compassion with those less fortunate than we. I speak of the Vietnamese Orphan Act.

As we approach what we hope are the final hours of a very difficult war, it is fitting that we pause to consider what we can do as a nation—what we can do as individual Americans—in preparation for that peace we have fought so long to achieve.

We have spoken often of "a full generation of peace." Approximately 700,000 children, orphaned or abandoned in South Vietnam as a result of this tragic war in Southeast Asia may never fully appreciate this peace, however, unless we take steps now to help them rebuild lives marred by the sacrifices their parents have made for their nation's freedom. Just as we in the United States should not allow the freedom of an ally—a sovereign nation—to be stripped away by the communist aggressors in Hanoi, we should not now stand by ignoring the tragic innocent victims. These 700,000 children must be given an opportunity to experience and enjoy the peace for which they have suffered so much.

While the South Vietnamese Government is doing everything possible to provide care for these children, its resources, drained by the incredible cost of war, are insufficient to meet the task ahead. Private organizations in the United States and South Vietnam which have attempted to tackle this problem have met almost insurmountable roadblocks. We, in this land of abundance, enjoying the highest standard of living in the world, must not allow these obstacles to prevent us from charting a humanitarian course and relieving the misery of these children.

Mr. President, I would urge my colleagues on the Foreign Relations Committee to give their careful consideration to S. 3534, the Vietnamese Orphan Act, which would facilitate the adoption by U.S. citizens, of Vietnamese children who have been orphaned or abandoned as a result of the war in Southeast Asia. It is a measure which would extend and enforce our American tradition of helping those people throughout the world who do not share our abundance and our good fortune.

This bill would provide for financial assistance to public or private nonprofit international welfare organizations and institutions to assist them in giving legal and technical assistance to prospective foster parents. It would facilitate the transportation of these children to the United States. Further, it would authorize the President to act in conjunction with the South Vietnamese Government in providing for the health, housing, and educational needs of these orphans.

As the foster parent of a young Chinese boy living in Hong Kong, I know how much it can mean to a young child to be given a fair chance to make his own way in this world. I would like to see the helpless, vulnerable victims of this very long war be given the same chance my foster son, Ng Chung-tak, has had since I found him in 1965—a refugee of the Communist takeover of mainland China.

Mr. President, while the war in Southeast Asia has been made a political issue by some, this measure transcends partisan politics. It is a step we can all embrace. I urge its expeditious and favorable consideration.

J. EDGAR HOOVER

Mr. TOWER. Mr. President, FBI Director Hoover was, on many occasions, a most controversial figure, but his devotion to duty and his love of country were unexcelled. His diligence has been responsible for the apprehension of many of the worst public enemies of this Nation. His efforts brought the FBI from a fledgling operation, marked by scandal in the early 1920's, to an efficient, modern, and effective force against crime, bringing to bear the latest scientific techniques.

Mr. Hoover was criticized during his lifetime by those who claimed he was overzealous, those who resented his rigid regulations and those who claimed he was too old to do the job. These criticisms now serve as a monument to his determination to do an excellent job in behalf of the public interest. How much better to be criticized for zeal and determination than for lethargy which would allow criminals to roam free and which would let scandal flourish.

Mr. Hoover served in the FBI since 1924. His 49-year career was extended only through a Presidential waiver when he turned 70 years old.

He was both feared and revered. Throughout his career, he rendered most valuable public service. Replacing him will be difficult, but I urge the President to choose a successor with the same zeal, with the same determination, with the same love of country, as was characteristic of J. Edgar Hoover.

Mr. President, I would like at this time to join my distinguished colleague from the State of Alabama (Mr. ALLEN) in cosponsoring his resolution to name the new Federal Bureau of Investigation Office Building after Director Hoover. It is a fitting tribute to the man who has served the FBI and this Nation for so long, with such distinction.

USIA

Mr. TOWER. Mr. President, the argument has been made repeatedly that USIA is "a relic of the cold war," that

it is anachronistic, and that finally it is an "irritant" to the Soviet Union and thereby stands in the way of peaceful negotiations with the Soviet Union.

These charges ought to be looked at carefully, for I believe they are at the root of at least some of the complaints against the Agency.

I reject the idea that the war of ideologies is over and done with. As long as there is in this world an organized body of political thought that seeks to impose its thinking upon others by force, and as long as there are free men who will resist that effort, the war of ideas will continue, and should continue. In short, the part played by USIA in this overall effort of free men to remain free, and to spread the word of freedom to others who are seeking some degree of freedom, is as valid today as when the Agency was created. Indeed as we reduce our military forces, as we lower our physical profile around the world, and as our opposition steps up its efforts to influence the world, the need for an effective information program on our part is infinitely greater.

Now let us turn to the charge that the USIA is an irritant to the Soviet Union, and that by virtue of this irritation that is caused the leaders in the Soviet Union the cause of negotiations is somehow damaged.

There is no doubt, Mr. President, that the USIA does indeed irritate the leaders of the Soviet Union. They would be much happier if they did not have to contend with outside voices telling their people not only what is happening in the world, as we do with the Voice of America, or what is happening inside Eastern Europe, as we do with Radio Free Europe and Radio Liberty. I would readily admit, Mr. President, that these outside voices do act as an irritant to the leaders of the Soviet Union, although I would not say the same with reference to the people of the Soviet Union and Eastern Europe. After all, if they did not want to listen to these voices they could turn off the radio. The facts are, of course, that the people do want to hear, so they listen, and that is what irritates the leaders of the Soviet Union and some people in our own country as well.

But while I would agree that USIA may be an irritant to the leaders of the Soviet Union I would categorically reject the idea that this irritation stands in the way of negotiation.

As ultimate proof of what I am saying we need but to turn to recent history, within the past few days in fact.

The latest issue of Moscow's principal theoretical journal, Kommunist, carried a major article attacking USIA as "the leading U.S. governmental organ for organizing the ideological war against communism."

Then Moscow's domestic radio service, on April 18, carried a long commentary denouncing the Voice of America and other Western broadcasters for broadcasting religious programs into the Soviet Union. The spokesman claimed that USIA did not hit upon the idea of religious broadcasts by accident, but because religion is, and I quote, "the only ideology in our country which can in any way be considered to have mass appeal that is alien to Marxism-Leninism and a Communist world outlook." I ask unanimous consent that the entire article appear in the RECORD at the end of my remarks, Mr. President, and commend its reading to my colleagues. I think they will find it extremely interesting and enlightening.

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

(See exhibit 1.)

Mr. TOWER. Now to the point: While all this was going on—and it was but merely a drop in the bucket compared to the continuing anti-American, anti-USIA propaganda that emanates from the Soviet Union—while all this was going on, the very same week in fact, the leaders of the Soviet Union were huddling secretly with Mr. Kissinger, preparing for the President's upcoming trip to Moscow. Clearly the leaders of the Soviet Union have a more sophisticated view of propaganda, and its place in the world struggle, than do some in our own country who think that we may be endangering world peace by defending ourselves.

Finally, Mr. President, I might note that on that same day the Moscow Tass International Service carried an article reporting on the proposed budget cut for USIA. Needless to say they found nothing wrong with the idea. Since it is short, I would like to read it at this time:

Dissatisfaction of the wide circles of the American public with the activities of the U.S. Information Agency which spreads false propaganda materials abroad and which is trying to condition Americans in the spirit of cold war has become so wide that the Senate Foreign Relations Committee was compelled to cut off the budget for activities of the agency in the new fiscal year. During the voting on the financial bill for the State Department, the committee considerably cut down the funds allocated for U.S. Information Agency for making films, for publications, for activities of the radio station "The Voice of America", the main propaganda mouthpiece of U.S. Information Agency.

Mr. President, I hope we are able to convince the leaders of the Soviet Union, by our vote on this amendment, that there is not in fact dissatisfaction among wide circles of Americans over the activities of USIA. The cuts ought to be restored.

EXHIBIT 1

MOSCOW DOMESTIC SERVICE IN RUSSIAN 0910 GMT APRIL 18, 1972

In our programs we have more than once exposed the foreign radio voices which broadcast in the languages of the peoples of Soviet Union. We have discussed these broadcasts' general trend of hostility toward socialism, the methods of anticommunist propaganda employed in them, and the specific examples of slander against our country and against the life of Soviet people.

Today we shall dwell on a further characteristic feature of these radio broadcasts. Their organizers and authors have begun to deal with the theme of religion more frequently now. The *Voice of America*, the BBC, Radio Vatican, Munich's Radio Liberty, Radio Monte Carlo, the Ecuadorian Voice of the Andes and other similar voices enthusiastically relay church services and singing, hand over the microphone to the preachers of various religious denominations, tell of religious life abroad and also devote broadcasts to the position of religion, the church and believers in our country. What has given rise to this interest in religious themes? What aims are being pursued by the foreign radio propagandists in allotting them so much space in their broadcasts?

We asked Boris Maksimovich Maryanov, executive secretary of the magazine Nauka I Religiya (Science and Religion) to comment. He said:

This phenomenon is, of course, not a chance one. Behind this trend toward religion are to be discerned the quite definite aims and strivings of the ideologists of anticommunism, who are always seeking new means for their psychological warfare which they are waging against our country and against the world of socialism.

As you know, the ideologists of imperialism have for a long time now seen the senselessness and hopelessness of propaganda built on (particular disputes) with socialism.

They are striving to improve to the maximum their anticommunist propaganda, adapt it to the modern age and devise a thought-out system of cunning techniques and methods aimed at instilling in the Soviet citizen the desired ideas and notions. One of these techniques of anticommunist propaganda is now to deal with religious problems. Religion has not been selected for this purpose by chance. In point of fact it is now the only ideology in our country which can in any way be considered to have mass appeal that is alien to Marxism-Leninism and a communist world outlook. For this reason the bourgeois propagandists are hoping in their policy of bridge-building to depend on the believing section of Soviet society with a view firstly to achieving understanding and an identity of views with them on questions of faith and then to incite them against Communism, against the socialist system. The ideologists of anti-communism hope that by dressing up their propaganda in religious clothing they will make it more accessible in the first place to the believers in the Soviet Union. Thus they hope to instill in their minds the views and convictions desirable from the point of view of Western propagandists. A person with a divided consciousness in which the elements of a scientific world outlook coexist with religious notions and sentiments—so they argue—is more receptive to an alien ideology. Religious broadcasts tell, for instance, that the belief in God alone can be the source of high morality; that without religion man is deprived of spiritual existence; that only with the help of religion is it possible to eliminate all evil in the world, to do away with social injustice. Thus an attempt is being made to devalue the teaching of Marxism-Leninism, the program of communist construction in the eyes of the believers; to discredit communist morality, to denigrate the efforts of the fighters for peace, and so on.

Anticommunist propaganda, including radio propaganda, has evolved a system of cliches and speculative devices designed to prove that in the Soviet Union religious freedom does not exist, that the church has been driven underground, that priests and believers are persecuted and imprisoned, and that churches are destroyed. The biased and slanderous portrayal of the status of religious organizations and the position of believers in the USSR and in other socialist countries is accompanied by frenzied exaltation about religious freedoms in the Western world.

In this fashion the anticommunists are striving to instill believers in the countries of socialism with dissatisfaction for the socialist system and to push them along the path of political opposition. The propagandists of anticommunism pin special hopes on those elements—extremely small in number but still met with here and there in our country—which conceal beneath their religiousness their antisocial views and their hostility to the Soviet system and to communism. Remnants of various sects of mon-

archist and antisocial trend like the true Orthodox Christians or the groups of so-called Initsiativniki who broke away from the Evangelical Christian Baptists and who demonstratively violate the Soviet law—all these and other renegades are now the object of tender concern on the part of religious zealots abroad. Every case of a violator against Soviet laws being brought to justice is used by anticommunist propagandists for fabrications about persecution of the church and believers in the USSR.

Thus the religious problems of the foreign radio broadcasts are just one of the links in the comprehensive ideological brainwashing of Soviet people that the propagandists of anticommunism are conducting with every means at their disposal. This is why it is so important to be able to discern in this apparently inoffensive religious wrapping the poisoning sting of anticommunist propaganda and to be able to give it a rebuff by explaining its true significance to all those who have not yet realized it.

THE RESETTLEMENT OF SOVIET JEWS IN ISRAEL

Mr. HARRIS. Mr. President, I support section 101(b) of the foreign aid authorization bill which authorizes the expenditures of up to $85 million to Israel or another suitable country to assist in the resettlement of Soviet Jews or other similar refugees in that country. This support demonstrates that the plight of ordinary human beings may still have some claim on our Nation's foreign policy.

Last January I visited Israel and had occasion to visit with many Soviet professionals—doctors, dentists, engineers—who had left the U.S.S.R. to make a new home in Israel. I was impressed with the courage of these people, their willingness to sacrifice, their determination to make a better life for themselves and others. I left Israel convinced that the U.S. Congress should do what it could to persuade this administration that these people deserved our support.

Soviet professionals sometimes face unusual difficulties in adjusting to life in Israel or any other country. Doctors, for example, have to learn not only Hebrew, like every other immigrant, but also English, which is the principal scientific language of Israel. Soviet doctors, in addition, have to adjust themselves to a completely different system of medicine. Many require re-training to meet the new standards of their Israeli counterparts.

In assisting these Soviet professionals once they arrive in Israel, a major role is played by a number of nongovernmental organizations which have arisen to meet a new need. While I was in Israel, for example, I became acquainted with the work of the Israeli Organization for Newly-Arrived Professionals from the Soviet Union, the President of which is Dr. Miron Sheskin. Without the assistance of his organization, many newly arrived Soviet professionals would find the problems of adjustment to life in Israel seemingly insurmountable.

I note that the legislation adopted by the Foreign Relations Committee provides that the Secretary shall provide these funds to foreign governments "under terms and conditions he considers appropriate."

The Secretary, and the Department of State, therefore, will make all final decisions on the best use of this money. But in my view Department officials may find that the most efficient way to help the newly arrived Soviet Jews may be to make use of nongovernmental organizations which are trying to meet the special needs of the new immigrants. Since the U.S. legislation does not rule this out, I certainly hope that this possibility will be given careful study. As the number of immigrants increases, the financial pressure on these organizations becomes severe.

Mr. President, at this point I request unanimous consent that an April 16, 1972, article in the New York Times magazine entitled "The Russian Jews Wonder Whether Israel Is Really Ready for Them" be printed in the RECORD.

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

[From the New York Times Magazine, Apr. 16, 1972]

THE RUSSIAN JEWS WONDER WHETHER ISRAEL IS REALLY READY FOR THEM

(By Sol Stern)

JERUSALEM.—Immigration to Israel is called *aliyah*, meaning ascent. New immigrants are called *olim*, that is, those who are ascending. The words derive from the early pioneering days of Zionism, but, since independence, they have lost their special meaning. Refugees came to the new state from Europe and the Arab countries seeking a haven, not Zion. Israelis have come to take the constant flow of newcomers for granted, and often treat the latest immigrants with a studied indifference.

The current wave of Soviet Jews is something else again—closer to a classical Zionist *aliyah* than anything most Israelies have ever seen. For the Government, it is a Pandora's box of problems as well as a source of opportunities—in its own way a story as crucial to Israel's future as anything that happens at the Suez Canal.

The previous history of Israeli-Soviet relations hardly prepared Israelis for the exodus. Indeed, until the Six-Day War Israel went to considerable lengths to avoid any confrontation with the Soviet Union on the Jewish question. The pleas made to Soviet authorities by Israeli diplomats always discreetly emphasized the reuniting of families. *Kol Israel*, the Russian-language radio channel beamed into the U.S.S.R., avoided any discussion of Soviet Jewry.

That approach was partly successful. In the years before the Six-Day War more than 5,000 Jews quietly left Russia for Israel. And in 1966 Premier Kosygin publicly affirmed that the "humanitarian reuniting of families" was official Soviet policy.

The Six-Day War disrupted everything. As a result of it, the Kremlin severed all ties with Israel and cut off even the small trickle of immigration. That policy aroused the Soviet Jews themselves. They signed petitions, staged sit-ins, renounced their citizenship, started an underground press and, in some cases, went to jail—all for openly Zionist aims. It caught the whole world, including Israel, completely by surprise.

Israeli officials are still somewhat baffled by the zigs and zags of Soviet policy in response to the internal Jewish resistance. In September, 1968, the Soviet Union began to let out small numbers of Jews in what was apparently, according to one Israeli official, an attempt "to skim off the cream of the movement." For the next two years Jews came out at the rate of about 100 per month. Then came the Leningrad hijack trial in December, 1970—a major effort to break the movement that in fact backfired and had the opposite effect.*

In March, 1971, at the Russians' 24th Party Congress a major decision was taken to let more Jews leave, Israeli experts believe, partly because of pressure from foreign Communist parties. In the next few months Jews came out at the rate of more than 1,000 per month. A second wave came in December, 1971, while Premier Kosygin was traveling in the West.

Estimates are that close to 15,000 arrived in 1971. Observers estimate that 30,000 to 40,000 more will come in 1972. But it is not so much the numbers of immigrants as their attitudes that is beginning to perplex the Israelis. Something classically Zionist happened in the Soviet Union in the years since Israel boarded up its embassy there. The Russian Jews in Israel, in fact, resent being called immigrants. They say that their struggle in the U.S.S.R. was for the right of "repatriation," and they wonder if the Israelis are really ready for them.

The confrontation begins at Lod Airport in Tel Aviv at 5 A.M. That is the usual arrival time of the El-Al charter flight from Vienna carrying the Russians. When they started arriving in large numbers about a a year ago, there were tumultuous, emotional airport scenes, with Golda Meir often on hand. Now the reception is quiet and businesslike. The Russians themselves seem drained of emotion after, sometimes, a three-day trip by rail across Russia and then an overnight flight from Vienna. They straggle off the plane into a cordoned-off reception lounge, rubbing their eyes, still dazed by the experience.

Each plane seems to bring a cross section of Soviet Jewry. There are the deeply religious Georgians, usually arriving in large families, wearing their heavy clothes and fur hats, distinguishable by their dark, almost Oriental, features. Then there are the Jews from the Baltic states occupied by the Soviet Union in 1939. Many still speak Yiddish—some are even old Zionists. Finally there are the better-dressed and more assimilated Jews of the Soviet interior.

No matter where they come from and what their previous life-style, they almost all arrive penniless and dependent on the Government. Each adult has had to pay the equivalent, in rubles, of $1,000 for his Soviet exist visa. For many families that could have meant one or two years' salary. Each is allowed to take out only $100 in hard currency.

Minutes after they get off the plane, even before they are allowed to greet relatives and friends, they are processed by officials of the Ministry of Immigrant Absorption. They go through passport control, receive their new Israeli identity cards and get some pocket money from the Jewish Agency, the institutional arm of World Zionism which collects and disburses most of the money contributed by Jews abroad. Until 1968 the agency did the whole job of immigrant absorption by itself. Now it shares the responsibility with the Ministry of Immigrant Absorption.

After seeing the representative of the Jewish Agency, the new immigrants are ushered into a small room for the most controversial part of the airport absorption process—the assignment of housing. Professionals and

*The case of the 11 defendants put on trial for planning to hijack an Aeroflot plane in Leningrad caused a wave of protests abroad. Nine of the 11 persons who hoped to escape to Sweden and Finland and then to Israel were Jews. All 11 were convicted, but a Russian court commuted the death sentences of two Jews and reduced the prison-camp terms of a few other defendants—perhaps in response to expressions of concern in other countries and to spreading fear among Soviet Jews.

university graduates are usually sent off to temporary absorption centers or residential ulpanim (Hebrew schools), where they and their families are maintained at the expense of the Jewish Agency for five months while they study Hebrew and look for jobs. All the other new arrivals are offered immediate housing from a list of newly built flats available to the Absorption Ministry on that particular day. Most of the housing is in the new-development towns far away from the center of the country. The Government workers try to match up locations with each family's particular needs, taking into account proximity of relatives and places of employment. But there isn't a wide range of choice and the decisions are often made in 10 minutes. Within five or six hours of the plane's arrival, all the immigrants have been packed off in a taxi, with their belongings, to their new homes.

It is all a little mind-boggling to the average Israeli. The penniless immigrant in almost no time is an Israeli citizen, has money in his pocket and is settled in accommodations that many native-born Israelis find beyond their means. Young couples who have just served in the army and cannot find housing become deeply resentful. When they hear that the Russians actually complain about their treatment, the resentment often turns to hostility that could have divisive political consequences.

The issue was raised at a Jerusalem rally of the Black Panthers, the organization of young Oriental slum dwellers who have often gone into the streets to protest poverty and discrimination. One of the Panther leaders, Saadia Marciano, said: "We have no objections to the Russians coming here. We welcome them. But let them come and live in Katamon (a slum neighborhood in Jerusalem populated by North American immigrants who arrived in the nineteen-fifties). Why doesn't the Government give us the new flats? We came here first."

Ironically, there is little resentment toward the affluent American immigants who have also been coming in larger numbers recently (8,000 last year). The reason is that the Americans do much less public complaining. Most of them, moreover, have prepared for their own absorption with previous trips to Israel. They came usually with savings, an apartment and a job waiting for them, and, most important of all, some experience in how to finesse the ubiquitous Israeli bureaucracy.

For the Russians, however, a Government official's decision on a job or an apartment can have a traumatic finality. Often there is no recourse but to shout and scream. Some have staged sit-ins and near-violent protests in Government offices that have gotten big play in the Israeli press. The result has been a distorted, often trivialized, picture of what is disturbing most of the Russians.

They are, in fact, not asking for "more" privileges. What they are bitterly, sometimes desperately, critical of is the quality of the absorption process. They believe that the lack of long-term planning is threatening the future of the whole aliyah and they point, as a warning, to the small trickle of families that have gone back to the Soviet Union. (Recently there was a near-violent confrontation in Vienna between a group of Jews who had just left the Soviet Union and a small group who were on their way back.) Sources in Israel estimate that perhaps 60 families have gone back, and Soviet authorities have made much propaganda capital out of these cases of disillusionment.

One of the most frequently heard criticisms is of the processing at the airport. Many Russians have argued that the policy of assigning permanent housing on the basis of, sometimes, a 10-minute interview at the airport leads to widespread personal and social problems. The new immigrant often finds himself in a new-development town, far from friends and relatives, and without employment to match his skills. But the Government is unwilling to offer him another apartment somewhere else and, since his chances of finding housing on the private market are practically nil, he is locked into an unpleasant and sometimes frightening situation.

The Government built the new towns during the fifties and sixties in some of the more remote areas of Israel, in order to develop regional industries. The housing, thrown up in a hurry, is often bleak and unappealing. Education and social services in the towns are inferior. Native Israelis are enticed to move there by substantial bonuses and income-tax deductions. But there are still many more housing vacancies in the newer towns than in the over-crowded center of the country. The temptation is natural to move the immigrants toward the vacancies.

Spokesmen for the Russians have suggested the setting up for all new arrivals of temporary absorption centers, where job opportunities can be more carefully examined and the immigrants can get a better perspective on their new country before deciding on a place to live. Absorption officials have turned thumbs down on that proposal. They cite the additional cost involved and the Government's population policies. Hillel Ashkenazi, the Director-General of the Ministry of Absorption, explains that if temporary absorption centers were set up the immigrants might never leave, because Government housing is only available in the development towns. "There is a Government policy of spreading out the population," says Ashkenazi. "The immigrant serves that policy of dispersion."

Yehuda Dominitz, deputy director of the Jewish Agency's Department of Absorption, adds: "I know it sounds cruel to decide a man's fate in five minutes at the airport. But if we set up temporary absorption centers all sorts of subjective factors would enter in. The relatives would come and give advice. They would all try to live near Tel Aviv. We would have enormous social problems. With such methods we could never deal with an immigration of 50,000 a year. The present method is cruel but it is the best."

When leading Russian activists hear about such answers from Government functionaries, their blood starts to boil. It begins to sound a little like the place where they came from. If people are needed in the development towns, they say they are willing to serve, but they want to be involved in that decision—not herded off like refugees.

"We're Zionists," says Dr. Yaacov Schultz, recently from Minsk and now in an absorption center in Arad, a new development town. "We want to be *halutzim* (pioneers) but not forced to go anywhere. If we have jobs and can be useful, we'll live in tents."

Despite such pioneering instincts, many educated Russians find Israel disappointing on the cultural level as well. Recently a group of young academic people studying Hebrew at the *Etzion Ulpan* in Jerusalem were talking about their reactions to the new country. Most of them were from Moscow and one of the hardest things to get used to was that their new capital city was downright provincial.

"We're used to a big city that is an international cultural center," said a young woman, formerly a student at Moscow University. "But Jerusalem has no theater, no ballet. The movie theaters are dirty and noisy. The young people here are just not cultured."

On the material level the most serious complaints are heard from professionals who need retraining to meet the standards of their Israeli counterparts. Recently there was a conference of newly arrived Russian doctors. The Minister of Health was invited to what turned out to be a series of vitriolic attacks on the Israeli bureaucracy. Doctor after doctor described in detail the "run-arounds" they had been getting from health officials, hospitals, labor exchanges. They spoke about mountains of red tape, long delays, rude officials and, most of all, a sense that Israeli officials were just content to "muddle through."

"Suppose 30,000 engineers arrive here in a few years?" says Dr. Meir Gelfond, a former Moscow activist. "Soviet immigration is here to stay. We don't want to become a burden on the state. But we did expect that someone would have given serious thought to planning for a society of professionals."

Some of the more exotic job-placement problems are illustrated by Ephraim Sevela, a successful 44-year-old film writer and director from Moscow. Sevela was a principal figure in the resistance in Moscow and took part in an audacious sit-in of 24 Jews at the Supreme Soviet in February, 1971. He was permitted to leave the Soviet Union only after a petition on his behalf was signed by 30 international film personalities, including Federico Fellini, Ingmar Bergman and Laurence Oliver.

In Moscow Sevela lived a life of rare privilege. He had a car, a comfortable flat, and was allowed to travel abroad. He was a completely assimilated Russian, yet he did not feel he was a part of Russia. "I decided finally that I wanted to contribute to my own culture. I didn't want to help make a Russian culture."

Just before Sevela's departure for Israel, a top K.G.B. official who had tried to block his emigration told him, a little ruefully, that the income earned by the state from one of his films could finance the construction of a chemical factory. (Most of Sevela's films are sent abroad. One of them. "Fit for Noncombative Service," was shown in New York.) "You are like a hen that lays golden eggs. Why should we give the hen to Israel?"

After six months in Israel, Sevela is troubled; it is not clear that his new country knows what to do with the proverbial hen. Nor is it merely Sevela's personal problem. About 20 other talented Soviet film workers have arrived, and more may come. (Sevela estimated that 50 per cent of the top Soviet film people are Jews.) Almost all those already here are without work. If action isn't taken fast many of them will leave for jobs in the West. (In the past talented directors such as Claude Lelouche of France and Alexander Ford of Poland tried to settle in Israel but left because they couldn't find work.)

The problem is that the Israeli film industry is small and less than mediocre—in part, because of the limited size of the domestic market and the lack of Government encouragement. It is an anomaly that Jews in Western countries dominate the film arts, but in Israel film-making is a disaster. If the new talent from Russia were properly harnessed it could be the catalyst for a film industry that might earn great dividends in cultural prestige for Israel. It could also become a profitable export industry. Sevela's special problem demonstrates that absorption authorities must think in broader terms rather than merely fitting the new immigrants into the existing slots.

"One can be the greatest Zionist," Sevela says, "but if you have cinema in your heart and you can't work you leave. We don't want a new *galut* [exile]. I try to explain this to Government people, to people in the Jewish Agency. We all agree that if Israel can't keep the culture people from the Soviet Union then Zionism is bankrupt."

Besides the practical stumbling blocks to absorption like job and housing problems, the immigrants' own intense ideological Zionism complicates their difficulties. Denied any access to Jewish tradition in Russia, many were sustained in their struggles with the Soviet Government by their belief in Zion. But once in Zion they start to wonder where all the Zionists have gone.

"There have never been any *olim* who arrived in Israel with such high expectations and with such a lack of information about the country. They had a dream—but the realization of the dream is never like the dream itself." So says Dr. Ephraim Ahiram, research director of the Ministry of Immigrant Absorption, trying to explain why the Russians gripe so much.

Some Russians would dispute that analysis. They would put it the other way around. The Russians had plenty of information about Israel. It was the Israelis who lack information about what their Zionist brethren were up to in Russia. That, at least, is the conclusion to be drawn from the experiences of Yasha Kazakov, once of Moscow, now in the Israeli Army.

Kazakov is a slight, curly haired youth with glasses and the look of innocence. But his exploits in the Soviet Union have a kind of David-and-Goliath quality. Several days after the Six-Day War, Yasha, then a 21-year-old student at Moscow University renounced his Soviet citizenship and demanded to be allowed to go to Israel. At the time, this kind of bravura got people sent to prison, and worse. He got away with it, that is, he wasn't sent to prison. He was not allowed to go to Israel, but a year later Yasha tried again. This time he composed a scathing letter to the Supreme Soviet, signed it and smuggled copies out to the West. "I do not want to live in a country whose Government has spilled so much Jewish blood," he wrote ". . . I renounce Soviet citizenship and I demand to be freed from the humiliation of being considered a citizen of the Union of Soviet Socialist Republics."

Then came Yasha's first disillusionment: The letter was available in Israel soon after but wasn't published there until The Washington Post had picked it up six months later. As a result of the foreign publicity, Yasha got his visa to Israel and arrived here in February 1969.

In Israel he discovered, to his dismay, that there was widespread apathy and ignorance about the struggle of the Soviet Jews. Believing that the struggle should be continued from Israel openly and militantly, he gave interviews and made speeches to get the message across. But the Israeli Government was being extraordinarily cautious at the time, he feels. He was advised to play it cool.

Kazakov refused the advice, and even led a demonstration of Hebrew University students in the Knesset to protest the Government's inaction. Later, sympathizers with his cause paid his way to New York where he staged a hunger strike at U.N. headquarters, protesting the Soviet Government's refusal to let his parents out. The Israeli Government not only gave him no support, he says, but advised Jewish organizations to stay away from him. As if to prove the efficacy of the more vocal, militant approach, the Soviet Union let his parents out shortly after.

Last year, in a long interview with an Israeli journalist, Kazakov described the gap between the Zionism of Jews in Russia and what he found in Israel. His first encounters with Israeli students were so disappointing, he reported, that he was embarrassed to tell them of the Hebrew songs the young Russian Jews in the movement sang in Moscow. "They thought I was crazy," says Kazakov. "They didn't know we were part of their organic body. . . . We in Russia, being in prison, knew more about you than you knew about us." It was enough to make him believe that "in Russia exist the only Zionists in the world."

But it wasn't the students who were to blame: The Israeli Government, according to Kazakov, was responsible for the ignorance, was guilty "of being silent and silencing others." The Government was betraying the basic Zionist idea of the unity of the Jewish people. It did not understand that the struggle was indivisible.

"If you made a count of how many Jews were killed for their Zionism in *Eretz Israel* since the Balfour Declaration, you will have less than the number of Jews killed for their Zionism in the Soviet Union. . . . Our front is part of the front. Every Jew who is lost in Russia is one more part of the Jewish people."

Kazakov finally did play a part in turning around the Government's attitude, and, in so doing, almost became the cause of an internal political fight. The year of Yasha's arrival—1969—there were elections in Israel, and some members of the opposition Gahal party's parliamentary list were starting to raise the question of Soviet Jewry. One of them was Binyamin Halevi, a distinguished ex-Justice of the Israeli Supreme Court and one of the judges in the Eichmann trial. In his maiden speech before the Knesset after being elected, Halevi, accused the Government of timidity on the issue of Soviet Jews, telling the story of Kazakov and mentioning that the young man he was talking about was sitting in the gallery. Later, an official of the Government told Halevi that this part of his speech had been stricken from the record and could not be published. The official invoked the military censorship laws, saying that Halevi's statement involved security matters and might endanger Soviet Jewry.

"It [the Soviet Jews' struggle] was a political development of the first magnitude, and it was all being concealed by the Government," says Halevi. In order to force the issue into the public arena he decided to organize a public committee on Soviet Jewry composed of distinguished Israeli citizens. The newspaper Haaretz published a story about Halevi's plan—and then a strange thing happened. Halevi suddenly received a letter inviting him to a meeting to organize a public committee on Soviet Jewry, to be held in the offices of the Foreign Ministry. When he got there he realized he had been successfully coopted. The Israel Public Committee for Soviet Jewry which emerged, and of which Halevi is now a leading member, is nominally independent, but works closely with the Government. Representatives of the Foreign Ministry sit at every meeting and, according to Halevi, play "a guiding role through their control of information." Though it is not exactly what he was looking for, Halevi is satisfied that the committee and the Government are at least moving on the right track. (It was the Israel Public Committee which initiated the Brussels Conference on Soviet Jewry last year.)

The political aspects of the Soviet-Jewry question can be understood more clearly by comparing their situation with that of the 100,000 Jews in Rumania. The Rumanian Government has issued virtually no exit visas for a few years, to either Jews or non-Jews. There isn't even a policy of "reuniting families." Yet there appear to be no campaigns on behalf of Rumanian Jewry in Israel or, for that matter, in other countries where Jewish organizations are active. If Rumanian Jews are protesting, no one seems to know about it.

When questioned about the silence, Israeli officials explain that quiet diplomacy is being used and that there is no reason at this time to disrupt good relations between the two countries. There is substantial trade between the two, and the "opening to the East" which Rumania provides is important to Israel's foreign policy. It is the only East European country that did not break off diplomatic relations with Israel after the Six-Day War. In fact, in 1969, at a time when the flow of Jews from Rumania to Israel was cut off, the two Governments raised the status of their respective diplomatic missions from legations to embassies.

At the recent Zionist Congress, there were discussions about almost every problem of world Jewry—except the status of Rumanian Jews, who constitute the ninth largest Jewish community in the world. But there was a rousing ovation for the Rumanian Ambassador to Israel when he appeared as one of the dignitaries on the opening night of the congress.

Israel officials insist that strong efforts *are* being made through diplomatic channels to secure the release of Rumanian Jews. After all, they point out, such approaches worked in the past. Of the 400,000 Rumanian Jews who survived World War II, 300,000 came to Israel during the nineteen-fifties in a quiet deal with Rumania that involved payment of substantial ransom by Israel. Emigration under the agreement was interrupted in the early sixties, started again after the Six-Day War and then stopped once again by Rumania—for internal political reasons, according to Israeli sources.

As in the Rumanian case, the Israeli Government may believe that the best way to ease restrictions on Jews in Russia is friendly relations with Moscow. But the Israelis seem to want a rapprochment with the Soviet Union for broader foreign-policy reasons as well—and this appears to be a factor in their attitude toward the immigrants. While relations between the two countries have been poor, the hope that they might get better may be one reason Israel has not wanted the Russian-Jew issue to become more of a political irritant than it already is.

Israeli officials now believe the Kremlin concluded that it had blundered in severing relations with Israel. The break left the U.S. as the only big power capable of talking to both sides in the Middle East, and also cost Moscow political leverage with the Arabs. Thus recent moves such as the visit to the Soviet Union by a group of Israeli leftists, the return tour of a semiofficial Soviet delegation and the visit of Victor Louis (a reputed "unofficial" Soviet K.G.B. representative living in Paris) are seen in Israel as Soviet signals that their policy is independent and not irrevocably tied to the Arabs.

The Israelis are not displeased by such approaches. But the immigrants are worried. Many of the Russians are suspicious enough of the effect of a rapprochement on the campaign to free Soviet Jews that they oppose resumption of diplomatic ties.

Their fears are built on the fact that the Government attempts to make sure the activities of the Russian immigrants do not complicate an already sensitive diplomatic situation. Last year a Russian-language publication, *Ahm I* (My People), was started by new immigrants with financial help from the Foreign Ministry. It was closed after the second issue because it started reprinting material from the Russian underground press that the Foreign Ministry considered too provocative. Discouraged by the difficulties of using Israel as a base for a militant campaign, several top activists, such as mathematician Julius Talesin and Victor Fedoseyev, former editor of the underground Zionist publication Exodus, have gone to London to continue their work. There is particularly strong Government and Jewish-Agency pressure to keep new immigrants from speaking out for the democratic movement inside the Soviet Union. "Our experience proves that the Russians can say 'no' to the democratic movement but 'yes' to the Jewish national movement," says Yehuda Dominitz of the Jewish Agency.

An official closely involved in every aspect of Government policy toward Russian Jews offered an explanation of that policy: "We don't want to turn Israel into a general center of anti-Soviet activity. And the Israeli Government doesn't encourage that kind of activity on the part of new immigrants. We have enough problems with the Soviets on the Suez canal and over Jews. We have no interest in taking on the fight for changing Soviet society."

For that reason, the official said, the struggle should not be led by highly emotional new immigrants who might lead it in an anti-Soviet direction. If that happened it might

strengthen the hands of those in the Soviet hierarchy who want to cut off immigration. He was not unhappy, said the official, that militants like Talesin had left the country. Nor was he upset that the press abroad had picked up the story about the Foreign Ministry cutting off funds for *Ahm I*. On the contrary, it was good these facts were published. "I *want* the Russians to know that we don't give any money to anti-Soviet activities."

This approach is evident in the broadcast policies of *Kol Israel*. Russian immigrants see the radio network as a potentially powerful weapon in continuing the struggle and complain bitterly about its lack of militancy. They recall that on the day of the Soviet invasion of Czechoslovakia *Kol Israel* was giving reports on tomato and cucumber production in Israel.

The same Government official quoted above explained this as one more signal to the Russians that Israel was not interested in Soviet political problems except as they affect Russian Jews directly. The Kremlin obviously got the message: *Kol Israel* was the only foreign radio network that wasn't jammed during the Czech invasion. "If tomorrow in Russia they arrest 200 democrats, we won't mention it," said the official.

Actually, most of the new immigrants see the struggle from an exclusively nationalist perspective as a fight for Jewish rights. But some of the leading activists anguish over their obligations to democrats such as Vladimir Bukovsky, who gave the Zionist movement much assistance in Moscow and who was recently sentenced to a 12-year term. One of Bukovsky's friends is 44-year-old Michael Zand, an internationally renowned Orientalist who served a stint in a Moscow prison for his leading role in the movement. Zand is now teaching at the Hebrew University and has organized a committee of new immigrants to work for Bukovsky's release. He has also spoken out against the Government's policy of distinguishing between Jewish interests and the liberties of all Soviet citizens.

"One of the most outstanding traditions of the Jewish people is to help those who are oppressed, and especially those who help us," Zand says. "The democrats are noble people who are struggling without hope against one of the most brutal totalitarian regimes in history. They are my friends. I am Jewish, they are Russian. But they are persecuted and I was persecuted by the same totalitarian regime."

No one seems to have done any survey of the political attitudes of the Russians in Israel. But there has been a lot of worried speculation about their right-wing proclivities. Many of them express hostility to deeply cherished Israeli institutions like the kibbutz, which they identify with the Soviet kolkhoz. Labor party leaders have already issued panicky warnings to party workers about the number of Russians who have supposedly signed up with the right-wing opposition party, *Herut*.

Those who are inclined toward *Herut* seem motivated not so much by the party's social program as by its more militant Zionism, which the Russians believe leads to a stronger approach on Soviet Jewry. But, in fact, according to Yehiel Kadishai, *Herut's* parliamentary secretary, the impression of a stampede to his party is exaggerated. It is true that a number of the well-known militants have joined, but Kadishai says most of the new immigrants aren't joining anything. They are fed up with the idea of "the party."

There is little doubt, however, that on the much debated question of Israel's borders the Russians lean heavily toward proponents of a "Greater Israel." At the recent Zionist Congress there was a speech by Boris Kochubievsky, a militant from Kiev who spent several years in a Soviet prison and upon arriving in Israel immediately joined *Herut*. Kochubievsky's line was militantly nationalist and he pleaded with the Israeli Government to hold on to the territories. After the speech I spoke to Grischa Feigin, a former Red Army major and one of the few well-known activists who has joined the ruling Labor party. Feigin wanted it known that Kochubievsky didn't speak for all the Russians. What about the borders, I asked? "On that we all agree," said Feigin. "The territories, Judea and Samaria are part of Israel."

The Russian *aliyah*, 20,000-strong in the last 12 months, has already had a considerable impact on Israeli society, but it is merely the first act of the drama. Everyone in Israel is wondering about the future. How many will really come?

Estimates have ranged from as low as 50,000, the figure given by one of the Israeli leftists who visited the Soviet Union last fall, to a number in the millions, offered by some of the activists themselves. Each guess is as good as the other. There are almost no facts to sustain such estimates. But if one has to play the numbers game, there is at least one indicator that should be taken into account. We know that in order to obtain a Soviet exit visa each Jew must first get a semiformal invitation from a "relative" in Israel. The invitations are called *visovs*, and almost all of them are processed with the help of the Jewish Agency. Sources in the agency indicate that 70,000 to 90,000 *visovs* have already been sent. Since each one is for a family, this could mean that close to 300,000 are already preparing to leave. The departures, moreover, create a snowball effect: the more who leave, the more who are encouraged to think about their status and identity, and the more Soviet anti-Semitism increases, placing additional pressure to leave on those who remain.

On the other hand, the Soviet Government is likely to come up with a strategy to prevent the loss of large numbers of Jews in the nation's scientific-technological elite. Jews make up only slightly more than 1 per cent of the Soviet population, but they constitute more than 7.5 per cent of all scientific and academic workers, and more than 2.5 percent of students in higher education. On a recent list of Lenin Prize winners in science and technology, 15 per cent of the names were Jewish.

The present Soviet policy of allowing more Jews to leave is no doubt partly designed to prevent further alienation among top engineers and scientists. Nevertheless, the Government continues to crank out at an even greater speed official anti-Zionism of the most slanderous and malicious kind—one indication that the Kremlin may not have learned that such propaganda is one of the sparks that can ignite Jewish national feeling.

If the size of the Jewish exodus depends directly on Soviet policy, however, it is also closely linked to what is done by Israel. The question involves much more than the billions of dollars that the Israelis must raise to settle and retrain the Russians. In its fullest dimensions the question is a Zionist one. How much of a commitment, socially and politically, is Israel really willing to make to bring in a maximal Russian *aliyah*? Despite all the rhetoric at the Zionist Congress, that is still an open question which will be hotly debated in the coming months and years. In the process, the very meaning of Zionist principles in modern Israel will surely be thrashed out.

It may seem an irony that the Russian Jews, who are playing such an important role in a renewed Zionist consciousness, were themselves largely unaware of their Jewish identity a few years ago. Actually, it is nothing new in the history of Zionist thought. Powerful contributions to Zionist ideology have always been made by neophytes—men such as Moses Hess, Theodor Herzl and Zeev Jabotinsky, to name just a few who came to their Zionism late in life from a background of European cosmopolitanism. To the believer, the new Russian Zionists are just one more historical example of the mystery of Jewish renewal.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

FOREIGN SALE OF CERTAIN PASSENGER VESSELS

The ACTING PRESIDENT pro tempore. Under the previous order, the unfinished business will not be laid before the Senate until the Senate has disposed of H.R. 11589. Under the previous order, the Senate will now proceed to consider that bill. The clerk will state the bill by title for the information of the Senate.

The assistant legislative clerk read the bill by title, as follows:

A bill (H.R. 11589) to authorize the foreign sale of certain passenger vessels.

The ACTING PRESIDENT pro tempore. How much time does the Senator from Louisiana yield himself?

Mr. LONG. Mr. President, I yield myself 10 minutes.

Mr. President, facing reality is sometimes a difficult and unpleasant task. And so it is with the next item of business.

Today the Senate takes up H.R. 11589. The legislation would authorize the foreign sale of five laid-up U.S.-flag passenger vessels.

The SS *United States* would be purchased by the Government and placed in the national defense reserve fleet. Purchasers, terms and conditions for sale of the other five vessels would be subject to the approval of the Secretary of Commerce. The foreign purchasers would have to post bond to guaranty that the vessels would be made available to the United States in time of emergency, and the vessels could not compete with U.S.-flag passenger vessels for 2 years. The net proceeds from the sale of the vessels would have to be committed within a year to construct new cargo vessels.

These passenger vessels were once proud and majestic carriers of the stars and stripes. They were an important part of the U.S. merchant marine, our fourth arm of defense. They contributed importantly to our balance of payments and provided productive jobs for thousands of Americans.

I wish those things were still true today. But they are not. To believe so is to confuse nostalgia with reality. And to allow nostalgia to triumph over reality is to do a great disservice to our Nation, to our merchant marine, and to our seafaring men.

The present situation with respect to vessels is clearly intolerable. They have been in permanent lay-up for periods extending from 16 months to 4 years. They are making no contribution to our commerce or balance of payments. They are providing no seagoing jobs. They are straining the financial resources of companies that are already hard-pressed. And to argue that these laid up, wasting ships contribute to our Nation's pres-

tige is to make a mockery of their past grandeur.

No Senator has viewed with greater reluctance or reservation the prospect of advancing by several years the time when these vessels could be sold abroad. However, since 1965, these vessels lost over $37 million according to Maritime Administration figures. This was true even though they received large subsidies under the operating differential subsidy program. In the last full year of operation alone, the vessels lost over $10 million. And, Mr. President, to operate these vessels for a full year was costing the taxpayers almost $40 million of taxpayers' money, for the privilege of losing $10 million a year, which is utterly ridiculous.

Many factors contributed to this disastrous financial history: The impact of jet aircraft which deprived these vessels of the point-to-point transportation market for which they were designed; the fact that they are not appropriately designed and configured for the cruising trades; increases in wages and costs without improved productivity; the inability to raise rates because of intense foreign-flag competition for passengers in the cruising trades; the decline in supplemental cargo revenues as ever more efficient cargo vessels entered the competitive picture.

Recognizing the declining position of these vessels, Congress repeatedly in the last 10 years amended the Merchant Marine Act to allow these vessels to maximize revenue and minimize costs. These measures included Public Law 87–45 and Public Law 90–358. Similarly, in addition to the operating differential subsidy program, these vessels were assisted through the earmarking of funds in the Department of Defense appropriation for transportation of personnel. The most recent amendment of the Merchant Marine Act was made in the last Congress, Public Law 91–250.

Nonetheless, these vessels continued to incur staggering losses—over $10 million in the last full year of operation alone. And by the end of 1970, the last of these vessels was laid-up.

That is the reality which confronts us today. The estimated cost of layup is approximately $5 million annually or $47 million for the balance of the useful lives of the vessels. These funds are completely wasted and unproductive.

Last year, the House Merchant Marine and Fisheries Committee held hearings extending over a period of 6 months in an attempt to find a solution to the problem. Those hearings began with the avowed and strongly held objective of finding a means of operating these vessels under the American flag. Finally, after exploring virtually all proposed alternatives, the House committee concluded that massive Federal subsidies of up to $80 million a year would be required to reactivate the vessels. Therefore, the committee, consisting of 37 Members of Congress, urged enactment of H.R. 11589, with only one Member expressing dissenting views. And the House passed H.R. 11589 by an overwhelming vote.

The Senate, the Merchant Marine Subcommittee, of which I am chairman, held hearings on the passenger ship issue at which all interested persons were invited to testify. Representatives of labor, management, the administration, and others testified.

These hearings are filled with exhaustive financial data, studies, and complex projections. We asked for additional data from the companies and the Maritime Administration. Yet the inevitable conclusion is the same: there seems to be virtually no chance that these five vessels can be reactivated for American operation under foreseeable conditions.

Some of these vessels have been laid up for as long as 4 years. In that long period of time, no one has come forward with a concrete proposal and the necessary financing. I seriously doubt whether anyone will. However, in that regard, it should be noted that enactment of H.R. 11589 in no way precludes the purchase of these vessels by Americans. In fact, we would anticipate that in the exercise of his broad discretion with respect to approval of purchasers and the like, the Secretary of Commerce would give preference to any reasonable offer to operate these vessels under the American flag.

Primarily, however, I want to address myself directly to the matter of the effect of this legislation on jobs. For that is a most important matter particularly in these times of recession, high unemployment and tragic economic hardships. It has been charged that enactment of H.R. 11589 will lead to the exportation of jobs. But careful analysis indicates that under existing circumstances precisely the opposite is true. Enactment of the legislation is necessary to assure that our people will be provided jobs.

When these vessels were sailing, they provided about 3,000 shipboard positions. But the last of these jobs disappeared a year ago, and most disappeared 2 or 3 years ago. The layup of these vessels resulted in unemployment for thousands of men and grave economic hardship for their families. But that all occurred before H.R. 11589 and is certainly not a result of the legislation. There is no reasonable possibility that these ships can be reactivated without truly massive Federal subsidies. The administration has made it perfectly clear that it would vehemently oppose providing any such subsidy, which would certainly be characterized as a subsidy for the rich at the expense of the poor.

The subsidy, Mr. President, would have to be about $900 per person per 14-day cruise. Some of us on the Finance Committee are trying to obtain $200 a month for social security beneficiaries who have worked more than 30 years to earn their retirement. It is utterly ridiculous to think of paying about 10 times that much to make it possible for some wealthy American to cruise the Caribbean, enjoying the sunshine down there, while some other American is working and toiling throughout the winter up here, paying taxes to make it possible for him to live in a style that is not at all conceivable for the average citizen paying the taxes.

As a matter of fact, Mr. President, for that kind of subsidy, nearly $2,000 per person per month, it would be possible for the average workingman paying the taxes to support that kind of subsidy to take all his family on a vacation around this land with all the enjoyment any family could conceive of as a family vacation. Think of that, $2,000 a month for one person: a whole family could enjoy a sumptuous vacation with that, even by American standards. I submit that it is utterly ridiculous to think of doing it that way. Even if Congress provided the money, the administration would not spend it. So failure to enact H.R. 11589 will not create or preserve jobs.

On the other hand, under the terms of the legislation the companies are required to commit the net proceeds from the sale of these vessels to constructing new vessels within 1 year. The Maritime Administrator has estimated that this will amount to about $29.3 million, or equity for seven new ships, generating approximately 5,250 man-years of shipyard employment and 420 seagoing jobs. These vessels can make an important contribution to the objectives of the new maritime program we enacted in the last Congress.

The SS *United States*, because of its special defense features, would be acquired by the Government for the defense reserve fleet. It would be acquired at its depreciated book value of approximately $12 million. Of this amount, $6.8 million would represent the cancellation of the existing mortgage on the vessel held by the Government. The other $5.2 million would be in the form of a credit toward construction of new vessels, since, as in the case of the other five passenger vessels, the net proceeds must be committed to new construction within 6 months.

There has been some question as to whether there is any time pressure with respect to this legislation. I believe that there is for several reasons. First, the four companies involved are all in serious financial trouble and each passing day further strains that situation. Second, passenger vessels from other nations, notably Italy and England will soon be on the market thus depressing the price at which these vessels can be sold and, therefore, the number of new ships to be built. Finally, if these vessels are to be outfitted, reactivated, and scheduled for the coming cruising season it must be begun shortly. A delay now would mean no action in this Congress and would mean beginning legislation all over again in the next Congress. It would mean continuing the needless waste for an additional year or two.

In the last Congress, after many years of struggle, we were successful in getting enacted a new maritime program to revitalize our merchant marine. The Merchant Marine Act of 1970 envisions the construction of 300 new ships—which, by the way, could do the work of 1,500 present-day ships—and represented many years of effort by those committed to a new and more vigorous maritime policy. It was a long, hard struggle to get that new 10-year program enacted. The benefits of the new program, if brought to a successful conclusion, are obvious: for our commerce, our defense, our balance

of payments, and in creating jobs. However, the fulfillment of the promise of that legislation is seriously in doubt. The financial strain and economic waste of maintaining these unproductive passenger vessels, a drain of approximately $5 million per year even in layup, is one additional obstacle to success in this urgently needed effort. In 1970, we made a commitment to a future that included a vigorous and vital merchant marine by Americans, operated by Americans and flying the American flag. However difficult and unpleasant the task may be, we should not now sacrifice that commitment out of nostalgia and sentimentality.

I therefore urge enactment of H.R. 11589.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. GRIFFIN. Mr. President, is time allocated to this side?

The ACTING PRESIDENT pro tempore. The Senator from Michigan has 60 minutes.

Mr. GRIFFIN. I yield myself 5 minutes.

Mr. President, I rise in support of the pending bill which authorizes the foreign sale of five American passenger vessels—the SS *Constitution*, SS *Brasil*, SS *Argentina*, *SS Santa Paula, and SS Santa Rosa*.

Under present law these vessels cannot be sold foreign until they have been under the U.S. flag for 25 years, because Federal funds were used to construct them. There are only four U.S.-flag passenger vessels still in active service and all operate on the west coast.

For those who have had the opportunity to travel on these ships they will undoubtedly evoke fond nostalgic memories. But nostalgia is no reason for the Federal Government to pay out over $70 million annually—the amount estimated by the Assistant Secretary of Commerce for Maritime Affairs, Andrew Gibson, to put these ships back into profitable operation—so that a few people can enjoy pleasure cruises. As the report of the Senate Commerce Committee points out:

> In some instances, this would be equivalent to a subsidy of $900 per passenger on a 14-day cruise.

Mr. President, with the current attitude of the American taxpayer, I beileve it would be a gross understatement to predict that he would object to having his taxes go for such purpose.

Despite Government subsidies for the construction and operation of these vessels totaling more than $220 million, the operators of all five of these vessels were suffering substantial losses in the last years prior to layup. From 1965 to 1970, when the last ship was laid-up, these vessels lost over $37 million.

Even in layup these ships are placing a severe financial burden on the owners. Until these vessels reach the end of their 25-year statutory life and can be sold foreign, total estimated layup costs of $47 million will accrue.

Very simply it would be economic nonsense to continue such a situation. If American buyers had been willing and ready to purchase the vessels, this legislation would not have been introduced in the first place. And since the legislation was first considered in the House of Representatives more than a year ago, there has been no substantial proposal proffered by an American buyer.

The two principal objectives of the Merchant Marine Act, 1936, and its subsidy programs are to provide shipping service for the foreign commerce of the United States and for the national defense.

Neither of these objectives will be undermined by the passage of this legislation. The American-flag passenger fleet is designed for an obsolete service—point-to-point transportation. It is not designed for pleasure cruise operation.

As I indicated earlier, it would require over $70 million per year in Federal subsidies to operate successfully the laid-up U.S. passenger fleet. This amount is nearly one-third of total operating differential subsidies earmarked for fiscal year 1973. Yet, in comparison to the operating subsidies required for the handful of passenger vessels in layup, the 1973 budget request of $232 million in opertaing subsidies for cargo ships will support an estimated 205 ship years of operation.

On the other hand, the net proceeds from the sale of the ships will further our foreign commerce by allowing the construction of seven modern, highly productive cargo ships. In addition, the construction of these ships would expand shipyard employment and would provide 420 seagoing jobs.

With respect to the value of the passenger fleet for national defense purposes, concern has been voiced that the sale of the ships to foreigners would impair the sealift capability of our Armed Forces. However, in testimony before the House Merchant Marine and Fisheries Committee, the Undersecretary of the Navy, John Warner, stated:

> While the American flag passenger ships could play a useful role during emergencies their retention for this mission cannot be justified based upon Defense needs because of their high cost.
>
> It is the view of this Department that more responsive and effective administrative passenger lifts can be provided by other Department of Defense airlift/sealift programs than by reliance upon United States commercial passenger ships.

In addition, Under Secretary Warner indicated that several of the new cargo ships, such as the sea barge and the LASH, would have sealift capability.

Furthermore, the bill would require the Federal Government to purchase the largest and fastest U.S. passenger vessel—the SS *United States*—for layup in the National Defense Reserve Fleet. It should be pointed out that the bill to which Under Secretary Warner addressed his remarks authorized the foreign sale of this ship along with the five vessels covered by H.R. 11589.

Finally, H.R. 11589 would further protect the United States by requiring approval of the Secretary of Commerce for each foreign sale, including the purchaser and the terms of the sale. Also, the purchaser would have to agree to make the vessel available to the United States in time of emergency and would be required to furnish a surety bond to back up that agreement.

Thus, the main reasons behind our maritime policy are not at stake in this case unless we fail to pass this legislation. We will not improve our merchant marine by propping up a few passenger vessels as a sentimental gesture. To do otherwise will merely drain off resources vitally needed to expand our cargo fleet.

Mr. President, H.R. 11589 is not a bail-out for the owners of the laid-up vessels. The bill would require all existing debts on the vessels to be paid off and would further require the owners to invest the net proceeds of any sale into the construction of new cargo ships within 12 months after sale. This is the first time such a time limit has been placed on the owner of a passenger vessel, the sale of which has been authorized by the Federal Government.

The provisions of the bill take account of national defense concerns and should actually result in improving the American merchant marine.

There is no reason to delay further action on this bill. Jobs will not be saved by such action nor will jobs be created by further layup. On the other hand, jobs will open up if money becomes available to build new cargo ships.

Further delay will only lead to a further diminishing market for these ships. I urge my colleagues to vote for this measure.

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

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HOLLINGS. Mr. President, how is time allocated on the bill? Both sides are for it and I am opposed to it, and I would dislike to ask the proponents for time, unless they want to yield me time to oppose it.

I also have an amendment, but I do not want to use up all the time. The Senator from New York (Mr. JAVITS) also desires to speak on the amendment.

Mr. GRIFFIN. How much time does the Senator wish?

Mr. HOLLINGS. Fifteen minutes.

Mr. GRIFFIN. I yield 15 minutes to the distinguished Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Senator from Michigan.

Mr. President, the taxpayers were mentioned, and I will take these things up as they were mentioned. I was not relying on the fact that there was so much opposition to the bill. But since the taxpayers have been mentioned, I want to speak out not for the taxpayers specifically, which is a sort of unique stand for the Senator from South Carolina, but I speak out for the National Maritime Union and every facet of organized labor in America.

Joseph Curran appeared at the Senate hearings and stated categorically that he, representing Mr. Meany and the AFL–CIO, and every facet of organized labor, were 100 percent opposed to this bill. They are taxpayers.

A partial list of those in opposition, according to the RECORD on the House side, indicates the following: American Legion, Veterans of Foreign Wars, the Taxpayers Against the Ship Sale—that is a pretty good title—the Seafarers Interna-

tional Union of North America, the Economic Development Administration of New York City, Mayor Daley of Chicago, and all the rest on this list.

They are all taxpayers. I ask unanimous consent to have the list printed in the RECORD.

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

LIST

American Legion; Veterans of Foreign Wars; American Federation of Labor and Congress of Industrial Organization; the Industrial Union Department, AFL–CIO; the AFL–CIO Maritime Committee; the Seafarers International Union of North America, AFL–CIO, the Taxpayers Against the Ship Sale; Economic Development Administration of New York City;

Brotherhood of Painters and Allied Trades; Baltimore Building and Construction Trades Council, AFL–CIO; Baltimore Port Coordinating Council, AFL–CIO; Walter S. Orlinsky, President-Elect Baltimore City Council; International Longshoremen's and Warehousemen's Union; Sandford Garelick, President, New York City Council; J. B. Williams & Co. Inc.; Mayor David T. Kennedy of Miami; Mayor Stephen P. Clark of Metropolitan Dade County;

S. A. Alsop, President, Shipyard Workers, Pascagoula, Miss., and Mississippi Metal Trades Department, AFL–CIO;

Mayor Richard J. Daley, City of Chicago; Robert Kilmarx, Director, "Soviet Seapower Study," Center for Strategic and International Studies, Georgetown University; Les P. Daugherty, President, Chamber of Commerce, Galveston, Texas; Judge Louis Levinthal, Former President, Zionist Organization of America; George Toby, Chairman Jacksonville Convention and Tourist Board; Mayor Ronnie Sizemore, City of Corpus Christi; the Puerto Rican Senate.

Mr. HOLLINGS. They are fairly objective and intelligent taxpayers. Why would they ask that their opposition be registered? Does anyone think that that group would be coming to Congress and saying that they want luxury passenger vessels to be subsidized so the fat cats, as the Senator from Louisiana says, can be paid a $2,000 a month subsidy to run around on pleasure cruises? That is the way it already has been categorized here in the discussion. I would suggest to my distinguished friend that he has gotten his guaranteed income bill mixed up with the ship sale, because what we are going to do is not change the subsidy. We are not going to the payment of operating the vessels themselves. We are going to the fact of whether or not the United States of America should continue a passenger capacity on the high seas of this globe.

Admiral Mahon said a hundred years ago:

He who rules the seas rules the world.

The United States was launched as a seagoing, seafaring nation. We have been proud of that fact. I have been distressed, as a Member of the U.S. Senate, to be, in a sense, a member of the board of directors of Congress, over a corporation about to go out of business.

You cannot fly a plane, consider the SST. You cannot run a train or Penn Central. And now you cannot run a passenger vessel. We are going out of that business, too. Year in and year out, we have to say to the American people that we are going out of this business, that business, and the next.

In contrast to that, Mr. President, I believe in the old adage in the Broadway song that expresses it better:

Anything they can do, we can do better.

I think that is the American approach, and let us see what others are doing so we can do it better.

Mr. President, in Sunday's Washington Post, on page G–3, appeared a large advertisement: "The great Bermuda cruises, starting May 17, from Norfolk, by the Cunard *Adventurer*."

On page G–4 is another advertisement—"After 1,110 Years, the Vikings Return to the Mediterranean"—for passenger line service on the Royal Viking Line.

On Sunday, while returning to my duties in the Senate from my home in Charleston, two blocks from my home I passed the Norwegian passenger liner, *Skylark*. It was taking on passengers and had a big sign reading "Welcome Jeffersonians." They were not Jeffersonian Democrats. They were all from the Jefferson Standard Life Insurance Co., from North Carolina, South Carolina, and Georgia. Intermittently, every week, it has been the course for the past 2 months that these passenger liners have loaded on and have been making money on the Caribbean cruises. We know from the hearing record that they have increased from 110,000 passengers in the Caribbean trade last year—over a period of 3 years to over 700,000 last year. They are going, growing, and flourishing. There are other nations doing it however, and not the United States.

There is a vestige of the U.S. passenger business still operating at a profit, which was brought out in contradiction of the Maritime Administrator's statement that no one was making a profit. An undisputed article printed in the RECORD on February 27, 1972, about the west coast companies—that is, the American President Lines and the Pacific-Far East Lines where in an interview, and I quote John A. Traina, Jr., general manager of the American President Lines, Passenger Division.

We are no longer losing money. We made money in our passenger division last year for the first time since 1965. We made over $1 million gross revenue last year. That was hauling very little cargo aboard the two ships. We would make money even if we withdrew the cargo.

So, Mr. President, let us begin with the facts and not with this distortion about taxpayers and lush cruises and $2,000 a month subsidies for everyone that wants to go off and have a ball on a boat. We know that the passenger line service of the United States is in jeopardy. Ships have been laid up but there are still some operating at a profit. However, other countries are enjoying a flourishing trade in the Caribbean and the Mediterranean.

The State government in South Carolina, has issued bonds for the construction of a passenger dock. I allude to those loading on cruise ships one block from my home, going through the cargo terminal there, to get to the ship. They are now going to construct, in order to take on this wonderful luxury business—and it is a business, I emphasize—a passenger terminal down there. So it strikes me that we do have a going, flourishing trade.

I realize the undisputed fact that the Atlantic trade was preempted. But that does not bother me. When the shipowners had these five ships built and they purchased them, they did so with a construction subsidy of some $91 million in costs. That is what the taxpayers paid for. That is what I am worried about. The taxpayers already put $91 million into that construction and they have already put $297 million into the operation of these five ships. They were constructed in 1952 and 1958 and averaged only 15 years in service at this time. Four are 13 years old and one is 21. At the time they bought these ships they had to know that the North Atlantic trade was being superseded by the airlines. When it happened it was no great shock to them. They knew it was coming at the time they took over the business.

But, did they change, and did they start a maritime policy to take advantage of the increase that others were building vessels for, and enjoying a flourishing business in the Caribbean?

Now, on the west coast with, incidentally, Red China and the opening up of relations there, it is foreseeable that the passenger business will pick up more passengers from the west coast, and sail to ports in China itself.

Did they do that? They did not. On the contrary, all of these lines, since the passenger line business was so costly, rather than trying to adjust, tried to go over to a new area of trade instead of trying to get together with the union to see if some adjustment could be made and some other use of the vessels could be had, rather than trying that, they did not do anything.

According to the testimony of the head of the National Maritime Union, they even, as late as 1969, went along with the pension agreement for the National Maritime Union. Then, 2 months after they had negotiated it, they took four vessels and laid them up without notice to anyone. Then they tried selling.

Of course, the facts are, set out in another article. I ask unanimous consent that it be printed in the RECORD.

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

SENATE RUSHES TO MEET THE BOAT

WASHINGTON.—In the cubbyholes of the Senate, some lobbyists and legislators are racing the clock in a battle over a little-known bill dealing with the sale of passenger ships.

In this case, time is money. Perhaps as much as $20,000,000 for one shipping line alone hinges on whether the bill can be pushed through before the Senate adjourns for the year, sometime before the end of next week.

Some of the persons involved seem to have made an easy transition from government to industry. For example:

A former administrative aide to the man now in charge of the bill, Senate Commerce Committee Chairman Warren Magnuson (D-Wash.), has just been hired by the ship owners to try to lobby the measure into law quickly. He is Gerald Grinstein, who also serves Sen. Henry Jackson (D-Wash.), a candidate for the Democratic presidential nomination, as a strategist for the northwestern states.

A former lobbyist for the shippers and a past president of the American Merchant Marine Institute is now employed as chief counsel for the House Merchant Marine Committee, which has already approved the bill. He is Ralph Casey.

Two former executives of Grace Lines Inc. are now pushing the bill from within the Nixon Administration. They are Andrew E. Gibson, head of the Maritime Administration, and his assistant, Howard Casey, Ralph Casey's brother. Two ships owned by Grace Lines (which was purchased by the late Spyros Skouras in 1969 and merged into his Prudential Lines are directly affected by the bill.

The bill, H.R. 11589, was approved by the House last week, 253 to 139. It would permit five American-flag passenger ships, built and operated with more than $200,000,000 in federal subsidies, to be sold to foreign shipping interests. And it would almost certainly bring to an end the era of American-flag-transoceanic passenger service from eastern ports.

The ships involved are the Santa Rosa and the Santa Paula, owned by Prudential-Grace; the Brasil and the Argentina, owned by Moore–McCormack Lines Inc.; and the Constitution, owned by the American Export Isbrandtsen Lines.

Under the terms of the subsidies, the ships were not to be sold to foreign interests for at least 25 years after they were built. For the Constitution, that would be until 1975. For the others, which were built in 1958, the prohibition would be in effect until 1983. The companies say the ships cannot be operated at a profit even with the subsidies; all five are now inactive and have been "laid up" for one to three years.

The pressure is now on in the Senate to pass the bill before the holiday recess. Moore-McCormack has a contract to sell the ships to the foreign-flag Holland–America Lines Inc. for $20,500,000, but the option expires Dec. 31. Industry sources believe that Holland–America is having second thoughts about the purchase, and that it might not renew the option if it lapses. Even if a second option is arranged, the sources say, the sale price will probably be considerably lower.

A Holland–America representative declined to comment on the matter last night, and Moore-McCormack president James Barker could not be reached for comment. A Moore–McCormack source said that company officials were very concerned that the lucrative deal might fall through unless the Senate acted before adjourning.

At present, all sources agree, the bill's passage in the Senate remains in doubt. The commerce committee is expected to meet in closed session in the next couple of days to discuss what to do with the bill. Their problem: If the bill is brought directly to the floor without going through the committee, any senator can effectively block the bill by raising an objection. If the bill is taken through the full committee procedure, time may run out.

In the meantime, the National Maritime Union is beginning a strong effort to block the bill and to prevent the sale of ships to foreign interests, which would man them with foreign crews. In a telegram to Sen. William Proxmire (D.-Wis.), Union president Joseph Curran charged that the shipping companies were paying Grinstein, Magnuson's former aide, $100,000 for his few weeks of lobbying. Senate sources said they believed the figure to be much lower; Grinstein could not be reached for comment.

All of the parties interested in the bill have brought pressures on the senators and their staff aides in recent days. "It seems like all of a sudden all kinds of people are interested in this little old bill," said one commerce committee source.

A couple of committee staff members received calls a few days ago that they found quite puzzling. The caller in both cases identified himself as an attorney with the New York City and Washington law firm of Mudge Rose Guthrie and Alexander, President Nixon's former law firm. "The guy really didn't have anything to say," one committee source recalled. He just asked what was going on with [the ship bill]. He didn't express any views on it."

A Newsday reporter asked the former Nixon firm what its interests were in the matter and was told by one of the law firm's associates, John Manning, "I don't believe we can disclose any details of what we're working on . . . It's our policy not to get involved in discussing our business."

The Nixon administration, however, has made it no secret that it wants the bill passed. Maritime Administrator Gibson lobbied vigorously for the bill in order to secure its House passage. At one point, he spent several hours in a private meeting with Rep. Lenore Sullivan (D-Mo.), a member of the Merchant Marine and Fisheries Committee and a chief opponent of the bill, trying, unsuccessfully, to persuade her to give up her fight.

The bill is so important to the administration that it succeeded in winning special mention for the bill in an internal memorandum dated Oct. 28 that was prepared by the office of House Democratic Whip Thomas O'Neill Jr. (D-Mass.). The memo listed nine bills that had just been agreed upon by Democratic and Republican House leaders as being of "major significance." It included such headings as "higher education . . . campaign election reform . . . desegregation . . . minimum wage." But only one carried a note of emphasis: After the bill labeled "foreign sale of passenger ships" was the additional notation: "Administration wants this one."

An aide to O'Neill said that House Republican Leader Gerald Ford had informed the Democratic leadership of how strongly the administration wanted the bill.

Actually, Nixon's interest in the bill benefiting the shippers may have been preceded by a shipper's interest in the President. According to Herbert E. Alexander's book, "Financing the 1968 Election," Skouras contributed $17,450 to Republican political efforts in 1968.

Then in 1969, Skouras and his son sought to purchase the 22 ships of the Grace Line, including the two Grace ships covered by the bill, and merge them with his Prudential Lines. The deal was approved by the Maritime Administration in 1969, and the head, Gibson, withdrew from the decision because he had been a senior vice president with Grace Lines.

The federal approval came only after the investment banking firm of Dillon, Read & Co. Inc. said that it could arrange refinancing of Prudential's $45,000,000 worth of loans needed for the purchase. At that time, the White House assistant in charge of overseeing regulatory agencies, including maritime matters, was Peter Flanigan, who had recently taken a leave of absence from his former job as vice president of Dillon, Read & Co. According to sources on both sides of the Issue, Flanigan has played no role in lobbying for the bill presently before the Congress.

The justification for the subsidies is that a strong foreign trade fleet promotes trade, provides jobs and contributes to the national defense. In recent years, the government has paid up to $400 per passenger on luxury cruises to compensate American-flag owners, whose labor costs are far higher than their foreign-flag competitors.

Despite strong support, the original passenger-ship bill was almost killed in the House. The House Rules Committee voted in October to postpone action on the bill indefinitely, thus effectively killing it. At that point, the chairman of the Merchant Marine Committee, Edward Garmatz (D-Md.), whose campaigns are overwhelmingly financed by marine industries and unons, threatened to resign his chairmanship if the committee did not reverse itself and pass his bill, sources said.

Intense lobbying followed, and a compromise version was agreed upon. Two ships that were in the original bill received new dispensations in the bill now pending. The Independence, owned by American Export; is now to be purchased by Wall Street Cruises Inc., an American-flag operator that thinks it can make a go of it; the United States Lines' namesake ship, the United States, will be purchased by the government for the naval reserve fleet.

Mr. HOLLINGS. For example, the Grace Line, was sold and a substantial profit was taken off by the owners before the sale. They merged with a smaller line, the Prudential Line, and Mr. Skouras of Prudential took over from there. Grace Line was sold at a substantial loss and Prudential had to refinance its debt to borrow money for the purchase.

In other words, it was an uneconomic thing at the time and yet they did it. Now they come to Congress and say, "It is your policy that is a burden on our company."

Another thing that goes into the computer is that they have no idea, as I say, of carrying out the original commitment. They have no one in the particular business now that frankly, wants to persist in this particular service to the people of America and maintain a passenger line service whatever. The fact is, they have been taken over by conglomerates with no mission in the passenger business.

See the testimony of the Moore-McCormick president, a whiz kid who came from Harvard business school specializing in transportation matters. He knows what loses, he knows what wins, he knows how to make a profit. He starts spinning off the losers with no dedication or effort made to operate passenger ships.

Therein is where I think Congress should take action. I think that we in Congress owe a duty to the taxpayers, having put some $388 million in these five ships, to make one last effort, or as they say in the legal profession, "one last clear chance" should be taken. One last effort on behalf of the American merchant marine, should be made to try to preserve in some fashion these vessels for the U.S. flag.

Has such an effort been made that can do that? None has. The opposite has been true. Those charged as maritime administrators with this particular duty, took an opposite view of this obligation, and said we did not have the authority, that it was an economic loss, that the law was burdensome, and "let us sell out." They came before the Senate committee and testified. This was with some disappointment to me, because I have always had a high regard—and still do have—for the integrity of Mr. Gibson. I voted for his confirmation. But I could tell from his testimony, because of my long trial experience what his views were.

For one thing, when he appeared before the committee he stated there were only a few hundred jobs to be gained by

this bill. When he testified on the Senate side, he came in with a long statement, puffing his wares as we say, something like the lawyer, Melvin Belli, trying a damage suit for a dollar for each hour of pain. He cited every particular job not only on the vessel but for construction, and indicated many man-hours would be required. All of a sudden, this became the great employment bill when in reality it would create an aggregate net total of 104 jobs.

When I asked him about the Caribbean trade, he became like witnesses before the Judiciary Committee; he did not remember, he did not know. He did not know whether passenger lines were making money in the Caribbean. The Maritime Administrator should know something about competition, having been in the shipping business. He had a part in it. He had been with the Grace Line. He knew what it was all about. But he could not say they were making money. Then when he completed testifying about this, he got to the point where he thought that this Congress was responsible for the whole debacle.

Mr. Gibson's testimony on page 123 has this to say:

> I believe the present law represents an unnecessary burden upon this system.

Then he goes on and explains it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. Mr. President, would the distinguished Senator from Michigan yield me another 10 minutes?

Mr. GURNEY. Mr. President, I yield an additional 10 minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for an additional 10 minutes.

Mr. HOLLINGS. Mr. President, when we had the Maritime Administrator testifying at the hearings, I asked each time if some effort had been made to get the parties together and to knock their heads together and see if somehow, somewhere, we could preserve these vessels for the American flag.

He evaded the question every time. And the record shows that he made no final effort whatever. This dovetails with my experience of yesterday. At a hearing before the Appropriations Committee on the Maritime Commission, we had Mrs. Helen Dietrich Bentley. I do not want to misconstrue her testimony, because she had no testimony on the passenger vessels. However, she was talking about maritime policy and the construction of vessels and how, in this Government, when we think we have accomplished something, as when we approved in 1970 the construction of 300 vessels, 30 a year for 10 years, at a cost of millions and millions of dollars, that in essence was really a self-defeating bill.

She compared Japan with the United States. The Japanese can in a flash give increments for 5 years on the number and type of vessels that are to be constructed, whether cargo vessels, lighter vessels, for what shipping have on line and what character. This is all programed well ahead.

We in the United States on an ad hoc basis build a few vessels. We have a few vessels constructed without a subsidy. However, the ones that are really needed may not be built. There is no comprehensive policy. The same thing is true with this passenger line effort.

I asked Mrs. Bentley what she would do if she had the power to do something about this matter. She said that she would meet with the Maritime Commission and all other parties concerned and knock their heads together and make them get together on a programed policy so that we could compete and have a policy of the United States.

That is what I want to do. Millions of dollars have been invested and we should make an effort and have something done. This effort has not been made at all.

The fact is hearings were held on the Senate side that I did not know about. I was not here at that particular time. When the bill came from the House side it was not referred to committee and no hearings were to be held. The statement was made:

> Well, we have a contract to sell these vessels, and if the option is not exercised by December 31, millions will have been lost.

I asked them what effort had been made to use the ships. Like Representative SULLIVAN on the House side, I could not get any answer. The fact is that the Maritime Administrator has not made that effort.

As a consequence, I will offer an amendment. I will not offer it at this moment. However, I will offer an amendment to allow the General Accounting Office, under Elmer Staats, and his staff to get these parties together so that we might have a study made and find out where the losses and the profits are. We can see whether a consortium can be arranged and see whether that can be operated at a profit. They will report back by September of this year, before Congress leaves town. If this amendment carries and the bill is passed and no later action is taken by either House, this bill will become law. However, if either House disagrees by resolution, after receipt of the GAO report it will not become law.

Mr. President, I am not trying to delay this matter until next year. After 10 years of talking, we never had any very good hearings on either side and have never had this matter seriously considered by the Government.

Mr. President, let us see something about the question of jobs. We are trying not only to maintain passenger service in the American fleet, but are also trying to create jobs. I think it is highly important to sell the idea that we are going to create jobs. The fact is that they are out of jobs now. We know that the jobs are not there. No effort is being made to really operate them in any fashion. The jobs are gone. Those who are seeking the jobs are those who are opposed to the bill. I would think that a fellow would know what would be best for him, and I would think that he would know the best position to take on this measure.

Something has to be done. The Japanese have organized a consortium. The British have also done this.

When we look into the freight trade in this country, we see that it is losing money. Mrs. Bentley testified yesterday before the Appropriations Committee that we are losing money. It will not be long, if this continues, until the freight lines will be in the same condition as the passenger lines.

What I am saying is that before it is too late, we had better confront this problem in a cohesive manner. Let us not go off halfcocked about a $2,000 a month subsidy. We are not wasting any money. Over the next 5 months, the GAO can study this matter. I have talked with Mr. Staats of GAO and he says that he can make the study in that time. We can then know what the alternatives are. We can pursue a congressional policy. And when I say a congressional policy, I mean a comprehensive long-term policy. Other countries are doing it, and they are obviously making a profit. Why are we not doing it? Why are we spending millions of dollars and not doing this.

I had hearings on the Merchant Marine Academy at Kings Point, where I had the honor of serving on the board. Why are they spending millions of dollars there and at eight other marine schools in training operators who will not have any jobs to sail on American-flag vessels?

Why are we not holding hearings on this now. We have held hearings. The Director of Tourism testified at a hearing. He appeared and asked for increases of some $7 million.

The Senator from Louisiana knows that these are programs of the United States and that we ought to get in and compete. Here he is testifying as one arm of the Government that we have to get in there. Every other nation is competing. Where does this go, and who do we compete with. The director of Cunard when he testified introduced an advertisement which reads in part:

> Now you can sail from New York to Britain or France at regular fare and sail back home free. Cunard's special package includes up to 11 full days and nights on the Greatest Ship in the World and up to four days in London or five days in Paris. The free trip home is available only to those people who buy this special vacation package.
>
> This special vacation is offered for people who wish to travel out of the peak summer months.

His testimony was that after running that ad, the ship was filled in 8 days and they had to knock it out of the newspaper for the next weekend.

Others are doing it. Why can we not do it? Have we really made the effort? We have made no effort whatsoever.

The people from the Maritime industry testified before the committee of the Senator from Louisiana that they had priced themselves out of business with certain work practices and regulations and things of that kind. However, Mr. Curran said that he would cut their work force and costs by as much as 50 percent. He said they will try everything.

I will read certain parts of his testimony which I think are very significant, because he went very thoroughly into this matter.

I hold no particular brief for any one group here. This is not to support labor or to support the shipbuilders. It is to support the American taxpayer and a maritime policy. He testified as to the

various ideas they had advanced. They had made approaches to the Moore-McCormack Lines.

They called and the telephone call was never answered. They tried to get in touch. They made other proposals of reorganizing.

Then, Mr. Skouras of the Grace Lines appeared and said on page 828 of the Senate hearing transcript that—

Everything said here today we have no argument with.

The American shipowners are not shipowners. They are wizards at making money. They feel no original obligation under the commitment and no obligation to try to maintain these ships. They feel no obligation to turn these over into school ships for example and they feel no obligation to try to preserve jobs. Their headaches and problems are stockholders' profits and dividends.

With that, Mr. President, I call up my amendment and ask that it be stated so that we can bring this issue before the Senate to see if we can make one last effort.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. Mr. President, I yield myself 1 minute.

I urge the Senator not to call up his amendment yet, because we have time on the bill and I would like to respond to the Senator's argument.

Mr. HOLLINGS. I yield to the manager of the bill.

Mr. LONG. I thank the Senator. I would like to debate the bill for a few minutes.

Mr. HOLLINGS. I will hold up on the amendment.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, the Senator made a number of statements with which I find myself in disagreement. For one thing, the Senator said an effort was made to pass this bill as though it were a breeze, and that we tried to bypass the committee. I should explain to the Senate that this is a measure which has been delayed, in my judgment, altogether too long. These people are losing $5 million a year on ships that cannot make this Government a nickel.

To needlessly delay this bill is not only an injustice to the people who own these ships, but it is also an outrage to the American taxpayers. At least, that is what I think about it. We should pass this bill as soon as we can.

The bill is being opposed by Mr. Joe Curran. As far as I know that is all the opposition there is: Joe Curran. He is a great labor leader and president of the great National Maritime Union. I do not know why they oppose this bill; that is all, as far as I can detect. I say that for this reason.

It would appear that the AFL–CIO was against the bill. Yet this Senator has been supported by the AFL–CIO many times, and as a Senator managing the bill; working for it; and supporting it, as in the case of WARREN MAGNUSON, who has been supported by labor down through the years.

If that is the case, why have we not heard from Andrew Biemiller? Why has he not contacted us to go on record opposing this bill? If they were as concerned about it, as some others claim, we would have heard about it a long time ago.

I have made the statement repeatedly in Louisiana, and so much so that it is not politically wise, that if I had one union for me I would want it to be the Seafarers International Union. Why have I not heard from men who speak for the Seafarers in my State? They know there are no jobs involved in this measure. It is a matter of those ships sitting there and collecting rust, and losing $5 million, but no jobs. If they can make the money from selling the ships and building new ones, then there are new jobs, there is the potential for new jobs. They do not want to go to war with another union. It is not good business for labor leaders to fight labor leaders. Mr. Curran thinks it is a very important matter.

Then there is Mayor Daley. I admire him, but there has not been a word from him. The VFW; I am a member of the VFW and I am proud to be. I worked with them down through the years. We have not heard from them. Why? They are not deeply concerned with this measure. In my opinion, to say they are is to strain things.

The Senator said this matter grieved him. This bill should have been passed last year. Here we are into 1972. It was my hope that when the bill came over it could be promptly considered. I scheduled a hearing and I had to hold it while the Senate was in session. I am sorry the Senator from South Carolina was not there. He was notified. I conducted hearings and I obtained the facts. We referred the matter to the committee and we got the facts. Then there was the delay and the difficulty of getting a quorum. Probably the Senate could not have acted on it. A single Senator could have kept it from passing.

This year we conducted two hearings. I was at one hearing and at another hearing the Senator from South Carolina was there and I was not. I do not complain about that. I can read the record and read his questions and the answers to his questions and get information in that way. So the Senator from South Carolina has had ample opportunity to make himself heard and explain his position. He still has that opportunity.

The Senator said that others can continue to operate on the high seas and we should be able to do so. The problem is that we pay wages in some cases for some personnel as much as 10 times more than are paid on foreign ships. It requires a greater subsidy for American ships operating in competition with them. That is not a subsidy to people who own the ships. They are making less profit than is most American business. That subsidy is for workers on those ships so that they can have the kind of wage the American economy would like them to have and so they can have jobs that would have been held by foreigners or not at all. Labor gets that and all that management gets is not more than the average profit. In fact, it is less than most businesses in this country receive.

The Senator would have us believe this payment was made to management and that management got the money.

This construction subsidy; who got it? Labor got it. I am proud they did. I helped to make it that way. But our shipyards cannot compete with foreign shipyards.

I am proud to say that in Avondale, La., we have a shipyard where the average man welds more steel together than in any other yard in the country. They have the most productivity in America on a wage-hour basis. Yet we cannot compete with the Japanese because our wages are so much higher than theirs.

We need a construction subsidy, and that goes to labor. Our able and competent management for the shipyards do not make as much as the average manufacturer, and we pay that big subsidy, so our own labor can live well. I want them to have that money. I have fought for that subsidy. So management did not get it; labor got it.

Mr. President, I want to provide more jobs. We ought to be building more ships, and we ought to be competing, too. But we ought to be competing not in areas where we do it worst, but in areas where we do it best. In LASH ships, containerships and efficient cargo vessels. We ought to be doing it in areas involving large amounts of capital investment where a crew of 28 men can operate, for example, a tanker longer than three football fields, of 250,000 tons.

These are enormous, fabulous ships, which can be built in American shipyards and can be manned by a crew of perhaps 28 men and go around the world hauling a tremendous amount of cargo. We are competitive in that area. If it requires any subsidy, it does not take as much. We should be competing in the area where mechanization and American methods make it possible to have a few men hauling an enormous amount of cargo at low cost per unit.

We are less competitive in the area where we have to depend on great numbers of waiters and stewards and maids. We cannot compete there. In those areas, those who can hire Chinese from Hong Kong, Pakistanis, South Americans, can operate far more cheaply than we can, because of the low labor cost. If we compete, we do not compete very well.

There is also a psychological barrier that does not make us compete it this area. Because of the higher standard of living we try to provide for everyone in this country, it is difficult to employ people in personal service jobs.

Americans who travel on those ships complain that they do not get the same kind of service as they do on foreign ships. I can understand that, because these people have been brought up in a country where equality is the standard and where they have a high standard of living

The area where we compete best is one in which a few men can operate large equipment which can carry enormous amounts of cargo, and carry it efficiently.

So we just said that we should shift

away from where we compete poorly and move toward an area where we compete very effectively, where the subsidy—and there is a subsidy—is very small compared to what it would be in the tourist trade business.

The Senator said in his speech that the companies had no idea of carrying out a commitment when they built these ships. At the time these ships were built, the development of aircraft had not come along to the point where it is now. There were not too many transatlantic flights. People considered it a risky thing at the time these ships were built. I recall coming alongside the *United States* in a boat out of Norfolk. I was just out of the service. I was very proud of that flagship of the American fleet of the future. At that time I had flown the Atlantic. But it was not as fast, safe, or convenient as it is now.

What happened? Improved aircraft were developed, and people do not go to Europe by ship any more, not if they are in any kind of hurry. Even foreign ships, with very low wage costs—only 10 percent or less of what we pay—still cannot compete cost-wise in going over there as compared with the cost of going by jet aircraft, by fast point-to-point transportation

Yes, they had every prospect of making money at the time the ships were built. It was like the story of a friend of mine whose father captured the player piano market just about the time the record player came into existence. He captured the market at the wrong time, at the time the public no longer wanted the product. In the same way, the public did not want to go to Europe by ship any more. The public thinks of going to Europe by aircraft, because it is cheaper than going by ship, no matter how low the wage rates are on the ship.

The Senator made the further statement that the Maritime Administrator did not know what he should have known, because the Maritime Administrator did not know whether ships of foreign nations were making money in the Caribbean. The Maritime Administrator knew what he needed to know when he told us there is no way on God's green earth for Americans to make money operating in the Caribbean. I understand he told the Senator from South Carolina that he did not know whether foreigners, with their low wage scales, were making money down there. He did know they had been making money, but a lot more competitors had come in and, because of the competition, they might be making money or they might not. He did not know. But that is irrelevant. The fact is that we cannot make money without additional subsidies.

The Senator said there were two American ship lines operating on the west coast that were making money. The vice president of one of those companies told the staff of the committee, that his line is not making money on passenger ships as stated in a newspaper article. They are losing money. That leaves only one company making money. But on the west coast there is a route from the west coast to Alaska, where no one but American ships can sail. There is no competition. It may be that they are making money where there is no competition.

There is another route from the west coast to Hawaii, where one American shipping company says, with the subsidy paid, you might make a few dollars, because there is no foreign competition. Perhaps it can make a few dollars there. I do not know. But they are not companies operating in the Caribbean.

There is one route around the world in 90 days where I understand they are making money. I do know this: Operating these laid-up ships, it would cost the American taxpayers $40 million in subsidies for the privilege of making somebody lose $10 million a year.

What kind of sense does that make? Who wants to continue that? The man losing the money does not want to do it. President Nixon does not want to do it. He would probably veto such a bill if it were sent to him, on the ground that it is a very poor investment of the taxpayers' money. The Maritime Administrator has told me it is too bad, these poor vessels were taking a terrible beating, but he could not recommend paying any more subsidies.

So here we go out and pay a $40 million subsidy a year, and they say to put them back into operation. The House committee submitted it might cost as much as $80 million a year in subsidies to operate these ships, which works out to a matter of, as I said before, a $900 subsidy for one passenger to sail on the Caribbean for 14 days, or nearly $2,000 subsidy for just one passenger to lie around on the deck in the hot Caribbean sun in January—nearly $2,000 per passenger per month.

Mr. President, I am trying to get poor old grandpa $200 a month under the social security bill, after 30 years of hard work, where he earned something. What justification would I have for giving this man $2,000 a month for nothing, when he could sail on someone else's ship that would not cost the taxpayers of this country a nickel?

Mr. President, I would much rather give 10 grandpas $200 a month than give one rich man $2,000 a month to go sail in the Caribbean. How could I explain that to some workingman, when he could take his family around this country enjoying a vacation the like of which they have never seen before or since for the same amount of money? Why should we give somebody a subsidy of $2,000 a month, which is what the Hollings program would have to be, with poor people paying the taxes so the rich people could play around? Should the poor people be expected to say, "I am happy to do that, to pay a subsidy like that to let the rich people play around, because, bless us, that ship still carries the American flag"?

Mr. President, if we have to subsidize some kind of a vessel, I say let it be a shrimp boat. They do not require a subsidy. Let it be a vessel carrying oil or other cargo. They require very little subsidy. Let it be some other kind of ship.

I submit we should not try to get into that kind of business. These companies tried very hard, and lost money for many years before they gave up the ghost. They cannot compete with the low wage costs around the world, with passenger vessels. These vessels were made to be troop ships if need be, and were made for point-to-point transportation, back in the days where you had first, second, and third class.

They tell me that for the cruise trade everyone wants to be first-class. Why not? Why should I pay for an expensive cruise, and then lie in the bowels of the ship? If I am going for a cruise, I would like to be on the top deck. So it has all got to be first-class, a resort luxury type of thing. You have got to have a lot of entertaining space, to entertain all the people at one time for some of these events. That requires an entirely different type design than some of these old ships have. They are not designed for it. They are not equipped for it.

The ship operators know they cannot do it very well, and there is only one union that seems to think there is any prospect of their operating successfully in the cruise trade, and that is the National Maritime Union.

I say to Mr. Curran that if he can find somebody to buy those ships, let him do it. But it is time that the people who own the ships should be imposed on no longer, to try to operate these ships that are uneconomical and try to subsidize paying their way. To come in here with a subsidy bill to pay $900 for 14 days, or $2,000 for one passenger for 1 month, is simply insupportable, in my judgment.

Mr. HOLLINGS. Mr. President, will the distinguished Senator from Florida yield me 5 minutes?

Mr. GURNEY. I yield 5 minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the floor manager of the bill points out what he would not do, and President Nixon would not do, and we all would not do, that is to come in here with a subsidy bill for $2,000 a month for "fat cats" to lie on the top deck of some cruise ship.

I do not know of any such bill. If he wants to allude to the some $729 million that the U.S. Government has paid out in ship construction and operating subsidies, we can talk about that. But he, as the chairman of the Maritime Subcommittee of the Committee on Commerce, knows better than anyone that neither the President, Senator LONG, nor Senator HOLLINGS is for spending a billion dollars to subsidize ship operation, whether it is for people to lie on the poop deck, the after deck, or up in the smokestacks. But that is not the purpose of this bill.

The bill involves a breach of contract. What is the contract to be breached? When we constructed these vessels, at a cost to the taxpayers of $91 million, we said they shall be operated for a period of 25 years, and then, after the serviceability of the vessels was exhausted, they would be replaced in kind. That is what the shipowners have confronting them, a contract with you and me and the Government and the taxpayers, and they come to us and say, "We want to breach our contract."

I am not asking for a subsidy. The aim

is simply to try to get the boys together in a very complex problem, where the operators can talk about cost, and how they can operate. It is a Captain Blood scheme. We have a hearing, and we put in the record that the two lines on the west coast are making a profit. It has never been denied, but now comes the floor manager and says:

> They told our staff an hour ago that one of them is not making a profit.

What kind of record is that for Senators to make a judgment on? He said:

> They have been doing that for ten years, a long, hard struggle.

Well, if they have been doing that for 10 years, we could find out, as Senators, whether the line was making a profit or not. The only time they ever made that claim was to the staff counsel, an hour ago. That is another reason I name the GAO in my amendment, because they can pinpoint losses in any phase of their operations. These are investment companies, involving more companies, furniture manufacturers and other lines, engaged in part in the operation of passenger vessels and in part in something else—they are one of those conglomerates. I do not know whether they have a Dita Beard. However, that is of no consequence here.

My friend brought up the fact that if you are opposed to him, you are opposed to social security. What kind of person could go for that?

What is the fact? The fact is that my friend says that what really has happened is that he has not heard. Why, all this time he states he has not heard from Paul Hall; that there was one union down in the State of Louisiana, and he would rather have this one union on his side better than anybody else. That is the Seafarer's Union, and had not heard, he says, making it a fight between Paul Hall and Joseph Curran.

That is not the fight. The fight is between the taxpayers of the United States maintaining its U.S. flag on vessels, or turning them over to somebody else where they could go into competition with the two remaining lines making a profit, and put them out of business. As I see it, maybe I see it wrongly, but at least the GAO, after a study of 4 or 5 months, could determine whether we should be engaging in the passenger business and we should not delay it until next year. That is all he says. But Paul Hall had not come to see him. He did not hear from Paul Hall. He did not hear from the Seafarer's Union.

Mr. President, I think what we are all suffering from is a malady I was accused of some years ago, when I was floor leader for a sales tax measure for then Governor Byrnes, a former Member of this body. I had made some 72 talks on it, and when asked if I would yield, I said I would gladly yield, and the man to whom I yielded said, "The trouble with the gentleman from Charleston is that he has an impediment in his speech," referring to my Charleston accent.

I said, "The trouble with you is, you cannot listen."

Is that not our trouble? Where are the Senators? One, two, three, four that I see and the Presiding Officer—I want to include him, too. We get in here, working hot and heavy in debate, but there is no one here to listen. Everybody will come to the back door and ask the fellow standing there. The fellow at the back door will get more votes than either of us will, because we are not listening. The distinguished Senator from Louisiana has not listened.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. Will the Senator yield me 2 additional minutes?

Mr. GURNEY. I yield 2 additional minutes to the Senator.

Mr. HOLLINGS. Paul Hall, in a letter dated November 15 of last year which was made a part of the Commerce Committee record, wrote:

> Please be advised that with respect to H.R. 11589 which will permit the sale of 5 American flag passenger ships to foreign interest. I have been informed that interest in operating these ships has been shown by American businessmen. Therefore, I would appreciate delay in acting on H.R. 11589 until these prospects have been fully explored.

That is the Hollings-Javits amendment. We are trying to explore the various prospects.

> Passage of this bill at this time would foreclose any chance of saving these ships for U.S. flag operation and employment for American seamen.

Just a few weeks ago, Mr. Curran, representing Paul Hall, made this statement, which appears on page 21 of the Commerce Committee record:

> The Seafarers International Union has also joined us in opposition to the bill.

So the distinguished Senator is mistaken. He says we should compete with what we do best. What in the world is that? What have we left to do that is best in this land? If we get a textile bill, they say, "Get out of the business. The Japanese, the Koreans, and Hong Kong and everybody else can do it better." If we get the steel business, they say, "Get out of it. The Japanese and the Germans do it better." If we get into the shoe business, they say, "Go to Italy and get a pair of shoes, boy. You're wasting your time." If we go into aircraft to build the supersonic transport, they say, "Go to France and get a Concorde." With respect to trains, they say, "Go to Switzerland and take a train ride. You'll enjoy it."

Before we go completely out of business, we want to find out what Representatives and Senators think the United States can do best. It cannot win a war. All we rely on is what the Senator from Louisiana said:

> Sorry, big vessels, we got big planes.

In Congress and everywhere else there is silence. Anything we can make bigger, we will go for. What does America do best? Why can we not do this? No one wants to make an attempt. That is my objection.

All Senator JAVITS and I want is for the GAO to look at these shipping lines. They have gotten into investment companies and switched around their profits and priorities. We want that looked into and we want the groups brought together. Bring together the ship operators and others and see if we can work out a solution, and if we cannot, I will go along with the Senator from Louisiana.

If the Senator from Louisiana is prepared, I will call up my amendment.

Mr. LONG. Will the Senator withhold that?

Mr. HOLLINGS. Yes.

Mr. LONG. Mr. President, the Senator says we ought to do those things we know how to do best. He made reference to textiles. I voted for a quota on textiles.

We can earn foreign exchange to protect our balance-of-payments position at far less cost to the American people and the American economy and the American taxpayer by controlling importation of foreign textiles than by subsidizing someone to take a cruise on an American boat for $2,000 per month. I voted for trying to put America ahead with the SST.

The parallel to a quota in foreign trade is by denying foreign transportation the right to compete with our own carriers within this country. We have that. We also have it between the mainland of the United States and Alaska and between the mainland of the United States and Hawaii.

So we have limited the ability of foreigners to compete in this market. But when you are trying to subsidize, with taxpayers' money, people traveling on a Caribbean cruise, that is an area where everybody has a right to compete with one another. I submit that that is a very inefficient way of trying to earn dollar exchange. It is far more expensive to earn dollars for balance-of-payments purposes that way than any other way anyone has suggested. That is the most inefficient way to try to earn money for us.

The Senator made much of the fact that I said I had not heard from Mr. Paul Hall. I have not heard a word from him about this bill. He said that Mr. Hall wrote to Mrs. Sullivan on November 15, 1971. Perhaps he did. That is to Mrs. Sullivan; that is not to the Senator from Louisiana. That is over in the House.

What did he say? He said he understood that somebody might make an offer for some of these ships. Mr. President, that type of thing has been going on and on. Someone goes around behind the scenes and tries to get someone to make an offer for these ships so there will be a basis for postponing the consideration.

I heard that the Governor of Puerto Rico was going to make an offer, and I called him. He is willing to make an offer to buy the ships provided the U.S. Government will pay him what it costs. Theoretically, someone will come forward—and I hope they will—with a proposal that Puerto Rico buy the ships provided the U.S. Government will pay Puerto Rico to do it. Even so, under this bill, Puerto Rico could come forward if they could find an agency of the Government to put up the money.

All these offers disappear when it gets down to a question of put up or shut up. Several times someone has called one of these shipowners and said, "We would like to talk about buying your ship." Why should he not? He is praying that

somebody will make him an offer. He makes the appointment, and the man does not show up or calls and cancels the appointment. They have been through that frustrating situation before.

These people have lost more than $2 million since November 15 on these ships that are lying around rusty, which is only a half or a third of what they would cost if they tried to operate them. There is no future in this thing. The people who have operated American ships down through the years know it best of all.

The Senator said that there is no verification of this. The Maritime Administration has checked all this out. They told the shipowners, "You can't keep this up. This is a very inefficient and expensive operation that this country can't afford." We are looking at their books and do not see how they can do this. For a while, some of these shipowners had profits that they could lay against the losses of operating these passenger ships. Eventually, these losses caught up with all of them, and they are all in trouble, and they have had to come in and say, reluctantly, "We hate to get out of this business. We love it. We have been in it for generations. But we cannot continue to take this beating any longer. Please let us sell and put it into the kind of shipping we can handle." We passed laws for those ships with a subsidy that the American taxpayer is willing to sustain, based on the attitude and the reaction of the U.S. Senate and the House of Representatives when we passed a bill to build 300 supership to carry cargo in an area where we can compete most effectively.

Mr. HOLLINGS. Mr. President, will the Senator from Florida yield me 3 minutes?

Mr. GURNEY. I yield 3 minutes to the Senator.

Mr. HOLLINGS. I thank the Senator from Florida.

Mr. President, we are now off onto the question of an offer. The truth of the matter is that the proposal is not to come up with an offer. It would amaze everyone who has been connected with this particular measure if somebody made an offer under the present maritime policy of the United States.

It would be like going down and buying a passenger train. There are plenty of places to invest millions of dollars but I do not think we want to get into a questionable operation. It is said it is a glowing and a growing investment. We also said it is a glowing and growing investment in the Caribbean, to the extent that it should be investigated. What we are trying to say is that some plan be promulgated. Mr. Curran's testimony was that the Kelso plan is worthwhile trying within the Seafarer's and the Maritime Unions and could there not be some joint ownership between the union and management or the shipowners? The Kelso plan was proposed, Mr. Curran testified, but they never did produce that particular plan. The Government has not indicated any encouragement for Americans to come forth to buy or operate the ships. He said he met with the chief prospective operators. They reached an agreement on manning scales and some adjustment of the contracts.

At another point, he says that they would actually cut the cost of labor and they would have to slash it about 50 percent. They went that far but got no response—none whatsoever—to the Kelso plan or any others that were promulgated. We did not run around saying, "You are going to have to have someone come up with an offer." I have talked to the shipowners off the record and they say that the only way to do it is the way the British and the Japanese have done—on a consortium basis; but we could not get the Government and the operators and the unions together.

I did not dream up that idea. I said to the shipowners "Tell me off the record," but they do not want to get in dutch with their competitors. That would be a worthwhile approach because it is working for the British and the Japanese. So my amendment is not seeking offers but is for coming up with a plan for a merchant marine for America. We are paying to train operators in schools, we are paying for construction, and we are paying for all these other things, but we look around and we do not follow through on this. We come through with the sale of vessels, being accused of trying for a subsidy of $2,000 a month for fat cat passengers to sit up on the poop deck. But that is not the point. I would say vote for my amendment that a study be made. It is a self-executing amendment whereby if the GAO report is negative and neither house took action, then the law would take effect and the ships would be sold. I am not trying to delay or be foolish or wooden headed about this, but we have never made the effort in the U.S. Government.

Mr. LONG. Mr. President, fundamental to the Senator's argument is that the American ship operators such as Moore-McCormack have been in the passenger business for many years. United States Lines, American Export, Isbrandtsen Lines, Prudential-Grace Lines, if those people know anything about the shipping business they do know they want to get out of the passenger business. The fact is, those people lost many millions of dollars trying to compete in this area. They were being paid a $450 subsidy for one passenger for a 14-day cruise. Notwithstanding they were losing money, that amounted to a $100 loss per passenger for a 14-day cruise.

I am familiar with the Senator's idea which he just mentioned, relative to schools and hospitals. It does occur to me that by the time they consider this, plus everything else that has been suggested by the Senator from South Carolina, all of which have been explored and not proven out, they will come in and say, "Let us sell the ships and put the money into something where we can operate effectively and require far less subsidy."

The Senator has an amendment here that can lose another $3 million. The Maritime Administration knows, everybody in the business knows, and everyone on the Commerce Committee knows, and the membership of the House Committee on Merchant Marine knows, this country cannot make money operating ships in the passenger trade. It is just that simple.

Mr. HOLLINGS. If the Senator from Louisiana is prepared, I should like to discuss my amendment, if the Senator from Florida will yield me 2 minutes.

Mr. GURNEY. I yield 2 minutes to the Senator from South Carolina.

The PRESIDING OFFICER (Mr. HANSEN). The Senator from South Carolina is recognized for 2 minutes.

Mr. HOLLINGS. On page 92 of the Commerce Committee hearings the testimony was substantially correct that there would be 104 jobs created from the construction of vessels.

He said:

> Your cargo ships built with the proceeds of this bill.

So it is a great employment bill. So that we can get the fat cats off to the top deck, we are going to employ by the sale of two vessels, as the Senator proposes, that they breach their contract on, to bring 104 jobs. That does not put money into the Treasury. I say, if we could get into balance in the next 2 or 3 months, it is not going to cost the Government anything.

Let us make this one last effort and have the Defense Department, the Transportation Department, and the Maritime Commission look over the books of these carriers, if that can be done, for a number of years. The whiz kids who have taken over that business have no interest in the American taxpayers. I think it is highly questionable that they have any interest in providing passenger line capability within this country.

Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. HANSEN). The clerk will report the amendment.

The assistant legislative clerk read as follows:

> At the end of the bill, add the following new sections:
>
> SEC. 3. The Comptroller General of the United States shall make a complete study on whether it is feasible for those vessels included in this act, to be reactivated and operated as passenger vessels documented under the laws of the United States, or to be utilized in any other feasible way while remaining under the ownership and operation of United States citizens. He shall attempt to bring together the necessary parties, including labor, management and government and shall invite comments and proposals from all interested parties. A report of the study results shall be submitted to Congress not later than five months after the date of enactment of this Act.
>
> SEC. 4. (a)(1) No vessels may be sold and transferred under this Act prior to the end of the first period of 30 days of continuous session of Congress occurring after the day on which the Comptroller General submits the report referred to in section 3 of this Act to Congress. Notwithstanding the provisions of this act no vessels may be so sold and transferred if, during that 30 day period, either House passes a resolution stating in substance that that House does not favor such sale and transfer.
>
> (2) For the purpose of paragraph (1) of this subsection—
>
> (A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 30-day period.

(b) Subsections (c) through (g) of this section are enacted by Congress—

(1) as an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, repectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by subsection (c) of this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(c) For the purpose of subsections (b) through (g) of this section, "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the ———— does not favor the sale and transfer of vessels under the first section of the Foreign Sale of Passenger Vessels Act.", the blank space therein being filled with the name of the resolving House.

(d) A resolution with respect to the sale and transfer of such vessels shall be referred to a committee (and all resolutions with respect to such sale and transfer shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(e) (1) If the committee to which such a resolution has been referred has not reported it at the end of 20 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution, or to discharge the committee from further consideration of any other resolution with respect to such sale and transfer which has been referred to the committee.

(2) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to such sale and transfer), and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(3) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to such sale and transfer.

(f) (1) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to such sale and transfer, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on the resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(g) (1) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution with respect to such sale and transfer, and motions to proceed to the consideration of other business, shall be decided without debate.

(2) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to such sale and transfer shall be decided without debate.

SEC. 5. This Act may be cited as the "Foreign Sale of Passenger Vessels Act".

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, I yield myself 5 minutes, or as much thereof as I shall require.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I merely want to reiterate in brief what the amendment will do, pending the arrival of the senior Senator from New York, who is a cosponsor of the amendment. He will be on the floor shortly.

This amendment is offered only after discussing it with the Comptroller General of the United States. Why the Comptroller General of the United States? I wanted to have some objective and noninterested party who had the acumen required for the financial end, since we are talking partly about a financial problem. I wanted him to look into the matter, to look at the books, to look at the records, and to look at the profits and the potential. Otherwise I thought, as I said a little while ago, the head of the Maritime Association, Mr. Reynolds, and many other experts in and out of government, in this particular field, could be called upon, on and off the record, for their counsel.

If the amendment is agreed to, they could be brought together, and not from the viewpoint of shipowners or operators representatives. The Maritime Commission, in my opinion, has not made that effort. We could get together the Maritime Commission, the labor representatives, and other representatives and say, as the Senator from Louisiana indicates, that we have to be realistic. We are not as taxpayers going to go into a losing type of operation for passenger service. We are trying to maintain these vessels.

At the very least we should not be selling them to competitors and putting the two remaining lines who now make a profit out of business.

The Comptroller could act immediately to bring together labor, management, and Government. He could invite comment from all interested parties and could report back in not less than 5 months.

I had some misgivings that that would be sufficient time, because I knew that we would be charged with delay and carrying it over until the next Congress which would, in effect, kill it. And that was not our intent.

The Comptroller General could certainly make an important impact on this matter. What would happen then? Unless either House affirmatively turns down the GAO report, then of course the act becomes law. We can pass a ship sale bill today and not delay it long with my amendment.

I hasten to emphasize that there really has been no delay. There was a hysterical push in the closing days of the 1971 session to pass the bill but this is no delay, only a reasonable time to consider alternatives. I have held hearings along with our distinguished chairman, the Senator from Louisiana. I have conducted hearings for him. I think that I have been an active member of that subcommittee. I never heard of this particular measure until it hit our desk. And the word was that the request had been made that the bill not be referred so that we could vote on it immediately.

The Representative from my particular district, Representative MENDEL DAVIS called, and said, "Please give us a hearing." He has now had that hearing.

I had to go through the process of almost being personally assaulted with all kinds of charges, and what have you, that we were trying to snarl the deal. I told them that we were only trying to go ahead and get a hearing.

I was sure that the Maritime Administrator would come forward and thoroughly testify. We had hearings. When I asked him if he would do a study, he said that he would not try to do that. He was adamant. He even accused the Congress of being responsible, saying that we in the Senate and the House of Representatives had caused the problem. He, the Maritime Administrator, is blaming us for the debacle that the shipping industry finds itself in.

If we are to blame, then it is because we have not promulgated a policy that would bring together all members of the industry, in the construction and operation end, in an effort to solve the problem.

As I said before, Mrs. Bentley testified yesterday as the Chairman of the Maritime Commission relative to the construction end of the industry. She did not talk about passenger vessels. And I do not want to mislead anyone. I cannot say whether she would take the administration position in support of the bill.

When we were talking about the millions and millions of dollars involved, she said:

> One thing, Mr. Senator, that might interest you is that when we talked in 1970 about 300 vessels, 30 vessels a year for 10 years, that is not what we accomplished. The likelihood is that rather than 300 vessels, there will be 50 or 60 vessels, because we are going to build vessels of substantially larger tonnage.

She said that there was no comprehensive, program in the Government as to the type of vessels that would be constructed.

She said that the Japanese could tell us over the next 25 years in increments of 5 years, the type of vessels and the shipping lanes upon which they would travel and the business that they would serve. She said that they had it all mapped out and programed.

We in the United States have no program. We asked the Maritime Administrator how we would get one. He said

that the White House or the Congress could do it. We will take that up later.

We say that they could bring the parties together and knock their heads together and get a plan and a program. That is what we need, to knock their heads together, to make the labor unions become reasonable, to make the shipowners feel some responsibility, and promulgate a program within that 5-month period.

Mr. President, I yield to the senior Senator from New York, the cosponsor of the amendment, such time as he requires.

Mr. JAVITS. Mr. President, I thank the Senator from South Carolina. The reason I have joined as a cosponsor with the Senator from South Carolina is not because I have any idea as to whether it is feasible, but because he has shown me a way in which it might be done and I was attracted to the way he has advocated.

I wish to see one final effort made to preserve passenger service under the American flag. I wish to see the jobs of thousands of American seamen, many of whom are members of minority groups, preserved. I want an objective study made of the entire matter.

H.R. 11589 is an admission that our maritime policy needs reexamination. Recently, 11 U.S. passenger ships have been removed from service—five were converted into freighters, and six are ships affected by this bill. Five ships, the SS *Brasil*, the SS *Argentina*, the SS *Constitution*, the SS *Santa Rosa*, and the SS *Santa Paula*, are to be sold to foreign buyers. The SS *United States* is to be purchased for the National Defense Reserve Fleet. The five ships were constructed with the aid of about $60 million in subsidies. Section 503 of the Merchant Marine Act of 1936 requires ships built with the aid of such subsidies to remain under the American flag for 25 years. This legislation would remove that restriction.

Of the ships involved, the *Constitution* is 20 years old; the others are only 13 years old. They could provide many more years of quality service to passengers and jobs for American seamen.

Mr. President, it is true that point-to-point passenger service is dying; yet the cruise business is healthy. Cruise traffic out of Miami alone increased from 188,000 passengers in 1967 to over 700,000 in 1971. All of this business went to foreign-flag ships. And two U.S. companies continue to operate passenger service on the west coast at a profit.

Mr. President, the amendment we are offering today would direct the General Accounting Office to make a comprehensive study of the entire situation within 5 months. After receipt of the GAO report, the provisions of the bill authorizing the sale will go into effect within 30 days unless either House of Congress objects—similar to a reorganization plan.

As a member of the Committee on Labor and Public Welfare, I am deeply involved in all of the labor trouble. Indeed, I have an understanding of the matter because of my strong prounion feelings. We know of parts of our economy which might have ground to a standstill. There is the case of the railroads most recently, and the longshoremen's strike. I assure the Senate that I am thoroughly aware of that situation and also with the fact that we have priced ourselves out of the market.

Mr. President, testimony indicated that labor-management relations have improved in the past year. Labor has made great efforts to make it attractive to owners to conduct passenger operations again.

When railroad passenger service was threatened with extinction, the Congress created the National Railroad Passenger Corporation—Amtrak. Could it be that the shipping industry is in the same position as the railroads were several years ago—making no real effort to keep passenger service in operation? It has been alleged that the Maritime Administration has never really attempted to bring all the parties together to work out a solution. It is this one final attempt, Mr. President, which the Hollings-Javits amendment seeks to provide.

Mr. LONG. Mr. President, how much time does the opposition have remaining?

The PRESIDING OFFICER. There is one-half hour to each side.

Mr. LONG. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, there has been suggestion here the union might want to put its money in, too. That is their privilege. I would not advise them to do so. It would appear to be a very poor investment. I would not like to see union pension funds lose their money. That was the view of the trustees of the National Maritime Union trust fund when it was suggested they put in the pension funds to operate these ships, and no one who ever managed them thinks they could be operated successfully.

These ships were built for a purpose that no longer exists, and that is for transport point to point; not for cruise purposes but for transport purposes.

These ships were built to transport passengers from here to Europe or to South America, so there could be first class, second class, and tourist class. If they are going to operate cruise trade you do not want a ship designed in that way. You would want all one class, all first class or luxury, and hopefully all outside rooms.

Then, Mr. President, you would want a large dining hall to entertain everyone at the same time and not one dining room for first-class passengers, and another for second class and tourist class. People do not want to go on a cruise and feel that they are not being treated as first-class passengers. They want to feel they are enjoying the cruise.

These ships were not designed for cruise trade. They have been trying cruise trade because they could not make money at passenger trade. So these people who own the ships have tried everything the mind of man could conceive to make money with them and it could not be done.

They have had $370 million of government subsidy and they have lost about $36 million. So we spend $370 million to make a loss of $36 million.

These people are losing money at the rate of $5 million a year, to have the ships pick up rust and barnacles. If the Senate agrees to the amendment, it would impose on them another $2 million in addition to the $5 million they lost last year. One-half of that loss comes out of the money of the taxpayers, so it would impose more loss on taxpayers, when the logical thing would be to take something that money can be made from. There is only one shipowner on the west coast who is making money.

What is the alternative? To let these people sell the ships and then put them to something that might make money so it will not require as much subsidy, provided it is something we can use rather than not use.

These contracts are required to have a provision that if we need those ships for a national emergency we can have them back. Is that not a better deal and have them turn them back? They have to put up a bond to guarantee we can have them for troop purposes in an emergency. Is it not better to have somebody else maintain them rather than to continue to lose money in something that would no longer serve the purpose for which it was built?

There is no sense trying any other answer. If this amendment is agreed to, I will be here when the term expires saying, "I told you so," and all we will have done will be to lose another $2 million. Is it not enough that they lost $36 million when there was a Government subsidy of $370 million? Is that not enough?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. Mr. President, I yield myself 3 additional minutes.

What would it show if we had the study? It would show that it would cost a certain amount to operate these ships, or you are going to sell them. So I would say the only thing is to amend the contract.

The Senator said we want to breach the contract. Not at all. We have a bad contract as of today and it is a bad contract for the other party as of today. It looked good at the time but it is not good today. What do people do when both have a contract and both are losing money?

Let us work out something that is to our advantage. That is what we say. Let us sell these ships, for which we have no use, and having sold them, let us put this into shipbuilding for which we have a use.

The Senator has said we will not get as many jobs with those new ships as is anticipated. Perhaps not. But we are going to have at least 5,000 solid jobs for Americans to build new ships—and that is something—5,000 good, solid jobs for American shipyard workers to build ships we can use in place of ships we cannot use.

Mr. President, I was urged to offer this same amendment a year ago by a representative of the National Maritime Union. I thought about it, but I was convinced that study would not prove a thing we did not know already.

The fact is that the Maritime Administrator, Mr. Gibson, had the duty—and

he is discharging that duty—of watching the operations of these shiplines to see if they make any money, and if not, why not. This is because the Government subsidizes these companies, which keep taking that beating, trying to stay in business. He thought that it did not make sense. He said it is costing a fortune in subsidies and we cannot ask them to lose more money by subsidizing them with more money; that it makes more sense to give them subsidies for ships they can use to make money.

That is what we did when we passed a bill with reference to cargo ships, where we are a far more competitive operator than we are in operating these ships. Here are ships designed for point-to-point passenger service which is no longer being provided by anybody else. They were not designed for the cruise trade and they are poorly equipped for that. They can be used for that, but not by us, where we have to use waiters and stewards and maids to operate those kinds of ships provided by foreign labor, which would operate at less than 10 percent of what it costs to hire Americans to do that kind of work. Why not let them do it and let us manufacture and provide a service where we are more competitive? If they will remove some of the trade barriers, we can manufacture ships to provide service better than they can do it.

I hope the amendment is not agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, I yield myself 5 minutes.

Perhaps I could suggest a live quorum to get our colleagues here to hear the merits of this debate, because it has been a long and hard struggle. It is new to every Sunday who comes in to discuss it.

I first want to express my gratitude to the Senator from New York for his comments. I think he has spoken in a dispassionate manner. I say that because the Senator from Louisiana and I argue very much as we do in political campaigns. We get all heated up. But the Senator from New York, in a dispassionate fashion, has placed before the Senate exactly what is in issue.

No one is assuming that this can or cannot work, that this is or is not an unfeasible plan, but at least a try ought to be made. The companies are to operate these vessels for the American fleet for 25 years and then are supposed to provide another vessel in kind after 25 years.

These were constructed in 1958 and 1959, and have an average age of 12 or 13 years. Can anybody with any perspective then not have seen that the airline traffic was taking over the business in the Atlantic from the regular ship lines?

Incidentally, while that was being taken over, the particular trade in the Caribbean and to Bermuda began to flourish. In fact, it jumped. It went from 188,000 in 1969 to over 700,000 in 1971, and it is continuing to double again this year.

Did they take advantage of that? No. They took a powder, a bug-out, or a cop-out, and some went into the hands of investment companies who became owners without any regard or feeling or obligation under their 25-year contract, and deadlined the ships in layup and allocated all of their losses for tax purposes.

Then the Maritime Administrator says, "You are at fault." This is sort of hard for me to encompass in my mind without some effort being made by the U.S. Government to bring the parties together, to see some type of plan worked out successfully as by the Japanese or the British, which could be promulgated here in the United States.

Again, I have always had the feeling, "Anything you can do, I can do better." That is an old American song, and I believe it applies in this particular instance. I would hope it would start applying in the Congress.

The Senator from Louisiana has made the plea that our time, energies, and money should be applied to what we can do best, and I yet have to know what the suggestion is as to what we know Americans can do best. Sometimes I have my doubts when it comes to textiles or steel or shoes or electronics. They say go to Japan or Italy for your shoes. Go to Hong Kong or Korea when it comes to ships. Go to the Japanese and Norwegian and the British. Let them take over. When it comes to aircraft, let us use the Concorde. When it comes to passenger trains, use the Swiss. We do not know how to run a train.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. I yield myself 5 minutes more.

I got the feeling that I am a member of the board of directors of a business that is going out of business. We are declaring bankruptcy around here every day. We cannot get here from there. There is a problem for every solution. When in doubt, do nothing, and we are in doubt all the time.

Then they talk about saving money. I come out the front door of my home in Charleston and for two blocks I see the street lined up with automobiles. I see a sign "Welcome, Jeffersonians," from the Jefferson Standard Insurance Co., people going on a ship called the *Skylark*, a ship of a Norwegian line. I know as a taxpayer of my State that we have burdened ourselves with debt to construct a passenger terminal to take advantage of this business because we have found it is good public policy and the taxpayers support it. We have investigated and found they are making a profit. It is ongoing. It is a flourishing thing. I see that with my own eyes.

I then go to Senate hearings, and when I get to the hearings they are talking about trade, U.S. Travel Service. I used to have a good friend from North Carolina who initiated this, former Secretary Luther Hodges. Floyd Gilmore was there. I know him. He did an outstanding job. I was rather interested in his presentation—the very thing I was told by the Senator from Louisiana and the sponsors of this bill—that there was no way you can do it. Mr. Thomas of the Travel Service presented his statement. He said:

> Senator, we are not spending enough on advertising. We are not competing. We want $71 million more from you in appropriations so that we can compete and run ads.

This ad reads:

> Cunard, *Queen Elizabeth 2*, the greatest ship in the world.

These are two vessels built by reasonable, sound, and prudent people in the last 2 years. The ad reads,

> Sail to Europe regular fare. Sail home free.

Mr. President, I ask unanimous consent to insert the entire ad in the RECORD.

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

SAIL TO EUROPE REGULAR FARE, SAIL HOME FREE

Cunard announces round-trip vacations at one-way prices. From $389.

AN ALMOST INCONCEIVABLE BARGAIN

Now you can sail from New York to Britain or France at regular fare and sail back home free. Cunard's special package includes up to 11 full days and nights on The Greatest Ship in the World and up to four days in London or five days in Paris. The free trip home is available only to those people who buy this special vacation package.

This special vacation is offered for people who wish to travel out of the peak summer months.

THE GREATEST SHIP IN THE WORLD

Queen Elizabeth 2 is unquestionably the most magnificent experience on the high seas. She is twice the size of regular cruise ships. She is 13 stories high, three football fields long. But, when you're on board she is warm, friendly, intimate and very exciting.

A TRULY ARISTOCRATIC EXPERIENCE

Room for room, Queen Elizabeth 2 has the largest staterooms, wardrobes and dressing rooms of any ship afloat. For every two passengers, she has one crew member. But, like a good English butler and maid, your steward and stewardesses are there when you want them and not there when you don't want them.

EAT, DRINK, BE MERRY

Queen Elizabeth 2 serves five meals a day, including breakfast, morning bouillon, lunch in a great restaurant, afternoon tea, and a gourmet dinner.

There are nine exciting and different bars, each with its own special atmosphere, and a scotch and water costs 30¢.

And at night on the high seas, roulette, blackjack and dice games continue till dawn at the 736 Sportsman Club. And there are two orchestras, three combos, even classical concerts given at sea by various artists. And you can dance in a ballroom, or a nightclub.

THE OCTOBER 14TH SAILING

For the remarkable price of $389 you can spend five delightful days on The Greatest Ship in the World, then land in Southampton and spend two nights in a good London hotel. Here's what's included in England: all ground transportation, half-day tour of London, all breakfasts, a dinner, a night at the theater, and gratuities. All for as little as $389 or as much as $908, depending upon the accommodations you choose.

Or, for $415, you land at Havre and travel to Paris. There you spend two nights and two full days enjoying one of the most beautiful cities on earth, while staying in a charming French hotel. You'll get a half-day sightseeing trip in Paris, all breakfasts, a dinner at a Bistro, gratuities, and a boat ride on the Seine. You may, if you wish, spend as much as $940.

On October 22nd, you sail for New York.

THE OCTOBER 28TH SAILING

Your $419 fare includes a fine hotel in London for four nights, a half-day tour of London, a full day's tour to Shakespeare country with lunch, all breakfasts, a dinner at the "Talk of the Town" restaurant, a night at

the theater, and gratuities. All for as little as $419 or as much as $957.

Or, for just $451, you can spend five full days and nights in Paris. Breakfasts, a tour of Paris, a tour of Versailles, a boat ride on the Seine, and a dinner at a Bistro are included in the price. You may spend as much as $1010.

Minimum rates based on double occupancy of inside, two-bedded room tourist class. Single room prices available on request.

THE FIRST, AND LAST, OFFER OF THIS KIND?

This may be your only chance to enjoy a round-trip experience at a one-way price. For reservations call your Travel Agent or Cunard at (212 983-2512 today. For more information send in the coupon below:

CUNARD, Dept. QET9-17
555 Fifth Avenue, New York, N.Y. 10017

Sirs: Please send me the free brochure on The Greatest Ship in the World plus information on your October 14th and October 28th sailings.

Name _____
Address _____
City _____ State _____ Zip _____
Telephone _____ Area Code _____

Great ships of British Registry since 1840.

CUNARD—Queen Elizabeth 2—The Greatest Ship in the World

Mr. HOLLINGS. Mr. President, I do not think they are in the business of having fat cats sit on the poop deck at $2,000 a month. I do not think the British are going into that kind of business.

Mr. Thomas said 8 days after they approved the ad they had to cancel it because they had sold out. That is what we want to do. I listened to him there. Then comes the maritime program. We are told that in addition to Kings Point and extra dollars, we want millions of dollars more to run schools. We have to train operators for vessels. We have an on-going maritime policy of the Nixon administration. We are finally going to construct 300 vessels, 30 a year for 10 years, and we have to furnish personnel.

I inquire into this, and I find out a lot of it would depend, they think, on large-scale operations in the passenger trade to employ these trained people.

So I say, "We are paying millions to train them. Others are doing it."

Now I come around to the record, again, before this committee, and this is the uncontradicted testimony, as the Senator from Louisiana says. The article is entitled "Sail Tides of Profits." It is dated February 27, 1972—just 2 months ago. I quote from the article. It says:

The last four liners flying the American flag operate out of San Francisco and their lines' officials report increased revenues and expanding programs.

"We're no longer losing money," said John A. Traina Jr., general manager of the American President Lines' (APL) passenger division.

"We made money in our passenger division last year for the first time since 1965."

APL operates the SS President Cleveland and SS President Wilson, which this year will visit Europe, Asia and the South Pacific on a world cruise.

Pacific Far East Lines (PFEL) branched out into the passenger liner business recently with the purchase of the *SS Mariposa and SS Monterey.*

Now, this is what bothers me as a junior Senator. I admit willingly that I do not know too much about this particular business.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. HOLLINGS. I yield myself 5 additional minutes.

When I see the statement that Pacific Far East Lines branched out into the passenger line business, I figure they are reasonably sane, prudent men, in business to make a profit.

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

Mr. HOLLINGS. I yield.

Mr. PASTORE. I am rather reluctant to get into this debate, but I attended some of the hearings, as the Senator from South Carolina knows.

Mr. HOLLINGS. Yes.

Mr. PASTORE. There is a lot to be said on both sides. I think the Senator from Louisiana is very conscientious and very sincere in the position that he takes. As a matter of fact, unless something happens, as I understand, the lay-up costs are so high that if this continues at status quo, it would not be long, maybe 9 years, before these ships are nothing more than junk, and we will have nothing to deal with one way or the other.

The Senator, as I understand his amendment, has suggested that in order to get at least partial ajudication of this matter, it be entrusted to the Comptroller General of the United States to make a study to determine the feasibility of making these ships operable again. Then he goes on to say that once that report is submitted, at the end of the 5-month period, then, for the first period of 30 days in continuous session of Congress, the matter will stay abated, giving Congress an opportunity at that time to decide whether or not this legislation should more or less be repealed, the sale of the ships should be repealed?

Mr. HOLLINGS. Exactly.

Mr. PASTORE. In other words, he permits the possibility of the sale, subject to these conditions. Am I correct?

Mr. HOLLINGS. That is correct. We pass the bill subject to these conditions.

Mr. PASTORE. The subject I would like to raise is this: I do not know whether the 5-month period the Senator has chosen is an arbitrary figure or an arbitrary time, but it strikes me, as we look at this pragmatically, that if we suggest a 5-month period, that will bring us till some time in October or November. That means, if we invoke the 30-day continuous period, that will bring us to the next session of Congress.

Mr. HOLLINGS. No, sir. That is why it is designed that way. My arithmetic shows May, June, July, August and September, that that is the date they would report, and then we could act if necessary before we would adjourn—that is why it was designed for 5 months, and that is why I counseled with Mr. Staats of the GAO as to whether he could do it in that length of time.

Mr. PASTORE. I was going to suggest, in order to avoid any contention, why not reduce the period to 3 months instead of 5 months, and leave the amendment intact otherwise?

Then it could be argued that whatever is to be determined will be determined in this session of Congress. It all depends, of course, on how long the President waits before he signs it, on when the convention will be held, and on the temperament of Congress as to when it wants to adjourn sine die. But if the Senator took a period of 3 months, I see no harm that could be done to his amendment, and I think there would be more support for it.

In other words, if the President signed the bill any time before the first of June, we would have June, July, and August, then we would have a waiting period of 30 days, and that would take it deep into September or October, and that is just about the time I think we will want to go home sine die.

Mr. HOLLINGS. Mr. President, I think this is a good suggestion, and I appreciate the Senator from Rhode Island suggesting it. I ask unanimous consent that the amendment, wherein it reads, on line 7, next to the last line of section 3, "five months," that the "five" be changed to "three."

The PRESIDING OFFICER (Mr. STEVENS). The Senator needs no unanimous consent. He has the right to modify his amendment, and the amendment will be so modified at his request.

Mr. HOLLINGS. I thank the Chair and I thank my colleague from Rhode Island, because I would like to reiterate that I know I am being assisted, and I agree with the Senator from Rhode Island that the Senator from Louisiana is conscientious in his position.

We are equally conscientious. When I was asked to yield, I was pointing out that there were two lines making a profit, two in particular that cited their profit, and I quoted their vice presidents.

The Senator from Rhode Island talked about junked hulls rusting in the stream. I do not want to add to the junk. But I do not want to sell these ships to foreigners. If everything is true that the Senator from Louisiana says about the Pacific lines, if we sell these ships to foreign lines, they would be put into competition with the Pacific trade, after the 2-year prohibition in the bill and take the last remaining American-flag lines operating in this particular business, and put them into bankruptcy, or idle their going vessels, which they have operated at a profit, and have them become rusted junk. Therefore, I change the 5 months to 3, as the Senator from Rhode Island suggests.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. I yield myself 2 more minutes. I am trying to sum up, unless others wish to be heard on the amendment.

The point is then when you see others making a profit in this business, when you see others investing in the passenger service, when you see American lines making a profit, when you see the sums that this Congress has voted for training personnel, when you see the millions that we are putting in the American Travel Service to expand it, and we find out that this is all a policy promulgated on a continuation of passenger line capability, and then we come here and put them out of business, I just cannot reconcile this in my mind.

I could be very wrong. I do not say I am right. It is not a question of being right or wrong. I just do not think anyone

in Government has looked at it. I have tried to bring in the best witnesses, and I am only using an approach I thought of. Mr. Curran did not suggest this to me. He never did suggest an amendment to me. I suggested it after I was disappointed with the showing of the Maritime Administrator in the Senate hearings. But I am reconfirmed in my judgment by the appearance of the Chairman of the Maritime Commission, Miss Helen Dietrich Bentley, from the the State of Nevada. She is an outstanding maritime expert, who has worked in the field for years, and knows the story.

The PRESIDING OFFICER. The Senator's 2 minutes have expired. The Senator from South Carolina has 1 minute remaining.

Mr. HOLLINGS. I yield myself 1 more minute.

Miss Bentley said, with respect to construction, that this is what we ought to do in our Government—practically the same approach. Again, I am not misquoting her to say that she is in support, or rather that the administration supports, Senator LONG's bill. But I hope, before we go forward with it, we will put this 90-day contingency in, and provide that last 3 months' period, that last 90 days, as an effort that should be made to bring the parties together to retain, if possible, those vessels for the American flag.

Mr. LONG. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 20 minutes.

Mr. LONG. I yield myself 5 minutes.

Mr. President, all this amendment would do would be to make these companies lose more money, and all it will prove is that we were right all the time. The Maritime Administration has checked the companies; they have examined these books and have confirmed that there is no reason to think it would be different if the matter were studied from now to kingdom come.

Look at American Export Lines. They took the *Constitution* out of operation 4 years ago. Look at the chart on page 4. Operating in 1965, a $9,520,000 subsidy, they lost $960,000. The next year, 1966, a subsidy of $10,690,000, and they lost $1,950,000. The following year they got a $12 million subsidy and lost $3,480,000. The following year they got $7,990,000, and they lost $5,970,000.

This proves that if they operate, they lose a great amount of money plus the taxpayers' subsidy which goes down the drain with it. The taxpayers' subsidy is as much as 10 times what is lost in operating the ships.

Look at the *Argentina*, operated in 1965. We paid them a subsidy of $4,910,000, and they lost $1,830,000. We paid them $6,700,000 the next year, and they lost $900,000. The next year we paid $7,469,000, and they lost $410,000.

The losses of the companies are the least thing. The big loss is the loss to the taxpayer. Every time you take the ship beyond the breakwater, you are breaking the taxpayer's back; and the companies know it and so does everybody else.

It would require that we double the subsidy. It is not bad enough that these people lose money and they are begging to be let out of this mess, but every time they lose a dollar, the taxpayers lose $10.

Now we are being urged to move toward a program that they, themselves, think anyone would be a fool even to suggest—$2,000 a month for one passenger to cruise around for a month. That type of situation is utterly ridiculous. It provides no answer to go to the west coast, where only an American shipper can operate, between the mainland of the United States and Alaska, or the mainland of the United States and Hawaii, or the mainland of the United States and an American port, and say that a line is making money over there.

I submit that if these companies had any prospect of making money by operating these ships, they would be operating them and we would not have those ships tied up, and they would not be asking for the right to sell these ships.

Mr. HOLLINGS. Mr. President, I yield myself the short time I have remaining to say this:

The statement of the Senator from Louisiana is all premised on operating. These vessels are not being operated. Therefore, there is no loss other than guards to watch them. There is no operating loss, if one votes for or against the measure. It is not costing the Government or the ship operators any money in solving the situation that is stymied at the present time. Of course there are layup costs to pay but these were incurred by conscious choice by the shipowners.

The PRESIDING OFFICER. The time of the Senator has expired.

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

The yeas and nays were ordered.

Mr. LONG. 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 of the Senator from South Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Montana (Mr. MANSFIELD), are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from Georgia (Mr. GAMBRELL), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. FANNIN), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Kentucky (Mr. COOK), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. SAXBE) are detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS) and the Senator from South Carolina (Mr. THURMOND) would each vote "nay."

The result was announced—yeas 30, nays 48, as follows:

[No. 171 Leg.]

YEAS—30

Allen	Fulbright	Pastore
Bentsen	Harris	Pearson
Bible	Hollings	Pell
Brooke	Hughes	Proxmire
Burdick	Javits	Ribicoff
Byrd, Robert C.	Kennedy	Schweiker
Case	Metcalf	Stennis
Chiles	Mondale	Stevenson
Church	Montoya	Tower
Eastland	Nelson	Williams

NAYS—48

Aiken	Dominick	Miller
Allott	Eagleton	Packwood
Anderson	Ellender	Percy
Baker	Ervin	Randolph
Bayh	Fong	Roth
Beall	Gravel	Smith
Bellmon	Griffin	Spong
Bennett	Gurney	Stafford
Boggs	Hansen	Stevens
Brock	Hart	Symington
Buckley	Hatfield	Taft
Byrd, Harry F., Jr.	Hruska	Talmadge
	Inouye	Tunney
Cooper	Jackson	Weicker
Cotton	Jordan, Idaho	Young
Cranston	Long	
Dole	Mathias	

NOT VOTING—22

Cannon	Jordan, N.C.	Mundt
Cook	Magnuson	Muskie
Curtis	Mansfield	Saxbe
Fannin	McClellan	Scott
Gambrell	McGee	Sparkman
Goldwater	McGovern	Thurmond
Hartke	McIntyre	
Humphrey	Moss	

So Mr. HOLLINGS' amendment was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 641. An act for the relief of Luis Guerrero-Chavez, Guadalupe Guerrero-Chavez, and Alfredo Guerrero-Chavez;

S. 1089. An act for the relief of Robert Rexroat;

S. 1675. An act for the relief of Antonia Plameras; and

S. 1923. An act for the relief of Harold Donald Koza.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 600) expressing the sense of Congress that the body of J. Edgar Hoover should lie in state in the U.S. Capitol, in which it requested the concurrence of the Senate.

FOREIGN SALE OF CERTAIN PASSENGER VESSELS

The Senate continued with the consideration of the bill (H.R. 11589) to authorize the foreign sale of certain passenger vessels.

Mr. WEICKER. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 1, line 9 strike out "and the steamship United States";

On page 3, line 13 strike out all of Section 2 through the period on line 10, page 4.

The PRESIDING OFFICER. Will the Senator from Connecticut state whether he desires to have the amendments considered en bloc?

Mr. WEICKER. I do.

The PRESIDING OFFICER. The amendments will be so considered.

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

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, having discussed the question with the offerer of the amendment and the manager of the bill, I ask unanimous consent that the time on the amendment be limited to 20 minutes, to be equally divided.

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

Mr. WEICKER. I shall discuss the amendment briefly. It simply affects one factor in the bill. Specifically, it will bring the cost of the proposed legislation down to zero. As written at present, the bill permits the sale of five passenger ships to foreign purchasers under certain conditions.

I voted against the amendment of the Senator from South Carolina (Mr. HOLLINGS). I support that aspect of the bill. My amendment directs attention to that section of the bill which requires payment by the United States of America in the amount of $12,860,000 to repurchase the *United States* and put it in the reserve fleet for possible use as a troop ship. The amendment, however, would allow the owners of the *United States* to dispose of their vessel under the same conditions as the rest of the vessels listed in the bill. Therefore, they will not be discriminated against.

I see no obligation on the part of the Government to make this kind of outlay of funds. The reason given is that it might be necessary to use the vessel as a troop ship in the future. The same reasoning might be applied to the other passenger ships formerly operated under the American flag. The claim is that because the ship is named *United States*, it should therefore be a matter of pride that we lay out, roughly $13 million to retain it under Government control. I submit that if that type of reasoning prevails, all that we would have to do would be to go around the countryside and label something "United States" and that would enable the Government, when the time came, to buy it back. To me, this proposal is clearly for an expenditure of funds that is unnecessary for the purposes of the bill.

To state it again, briefly, the main thrust of the bill is to permit the sale of long unused passenger vessels to foreign investors, with a reinvestment of the funds in shipbuilding in the United States. I commend that aspect of the bill. But to make an exception for this particular vessel, especially when it will entail a cost of $13 million, is unwarranted and uncalled for.

The Senator from Louisiana pointed out, and excellently so, that the moneys being used to support the rich to take passenger cruises could well be used for the benefit of the poor. I say that the same reasoning should apply to this particular expenditure. Therefore, I oppose such an expenditure and hope that I will gain the support of the Senate in saving $13 million, which could certainly be spent in some better way.

Mr. LONG. Mr. President, I yield myself 3 minutes.

Mr. President, this ship could be sold in the future, of course, if the United States saw fit to sell it. However, the *United States* is potentially the best troop ship in the world. I regret that Senators do not have the House hearings on their desks, but I should like to take a moment to explain why I oppose the amendment. The average speed of troop ships is 19 knots. The *United States* moves at 33 knots. It can keep up with cruisers and aircraft carriers at their best speeds.

In terms of numbers of troops, the *United States* is capable of moving 4,600 men compared with only 2,200 on the average troop ship. So the *United States* not only can carry more than twice the number of troops, but it can move them twice as fast.

We are not completely out of emergencies yet; possibly we might need this ship. It was the view of the House Committee on Merchant Marine and Fisheries—and I think it makes sense at this point in time—that it would be well to have this ship around for a while. If we later decide we want to sell it, we could, of course, do so. Also, the House considered the enormous potential of keeping this ship in reserve.

The Senate report reads:

Of all the passenger vessels in the United States Fleet, the *S.S. United States* has the most significant national defense features, the removal or alteration of wihch would substantially reduce if not destroy the value of the vessel to the United States in times of national emergency.

So I should think the House was wise and that the Senate committee was wise in taking the view that it would be well for the U.S. Government to buy this ship and keep it for a while, to see what might develop. At a future date, it might be decided that we were not going to use the ship, and therefore could dispose of it, as we are authorizing by this bill to be done with the other ships.

I hope that this amendment will not be agreed to for the reasons I have stated, and also in view of the fact that the amendment might tie us up in a controversy with the House for some time. There might be objection on the part of the House to accepting this amendment, or it might cause the Senate to refuse to recede from it. That would occasion another delay and affect legislation which has already been delayed.

I hope the amendment will not be agreed to, although I do think that the Senator from Connecticut has made a good argument for his proposal.

Mr. WEICKER. Mr. President, I yield myself 3 minutes.

I should like to quote from the testimony of Mr. Gibson:

The Department of Defense has repeatedly testified that they have little or no use for ships as a means of transporting troops although they do consider it—they consider it to have an advantage of the type ship, the size and speed of the *United States*, in reserve.

The fact is in practically 10 years of Vietnam, few, if any, of the troops have been transported by sea. There are no Navy or government-owned troop ships transporting American troops.

Mr. President, I would not want to be responsible for putting 15,000 troops on one vessel. Certainly our experience in the latest war we have waged is that we did not use ships for the transporting of troops.

At a time when we are seeking funds for many valid transportation needs and for education purposes, it is rather extraordinary that we should go ahead and spend $13 million for the purchase of a ship.

It is rather extraordinary that we would set aside $13 million to one corporation. We are not in the business of buying ships we may sell later on or that we may use in a future conflict when all the facts and experience indicate the use of ships as a transport vehicle is on the way out.

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

Mr. WEICKER. I yield.

Mr. MILLER. I am sorry that I did not hear the Senator's opening remarks. I am curious why the Steamship *Independence* is left in.

Mr. WEICKER. I originally took the *Independence* out also. It seemed to me it left the *Independence* in limbo. We are not buying the *Independence*. But I was told by counsel for the committee there would be all kinds of legal complications if I took the *Independence* out of the bill. That is the reason.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. LONG. Mr. President, I cannot buy the argument that airpower has completely replaced seapower in warfare. If we must evacuate a great number of troops somewhere, they are going to need an airport, and if we do not have the airport, we cannot put the troops on airplanes. Helicopters do not have the range. If we are required to put these troops on a base somewhere to support an assault, or to evacuate a large number of troops, this ship could come in extremely handy. It would be a good ship to have around.

I recall some predictions about how the airlift is going to replace the sealift, and it has not proved out.

Mr. WEICKER. Mr. President, I yield myself 1 minute. I want to point out that the bill is so written that the United States can recapture these ships and use them as troop carriers.

On page 2 of the bill, line 19, subsection (b) it is stated:

The vessel will be made available to the United States in time of emergency and just compensation for title or use, as the case

may be, shall be paid in accordance with section 902 of the Merchant Marine Act, 1936, as amended.

So with the five we have agreed could be sold to foreign purchasers, we have obtained the right to acquire those ships in time of national emergency. The same would be true of the United States. I do not see why we have to get our hands on this particular one.

The PRESIDING OFFICER. Is all time yielded back?

Mr. WEICKER. I yield back the remainder of my time.

Mr. LONG. Mr. President, I hope we can let these shipowners have this relief they need.

Mr. WEICKER. I have no intention of killing the bill. I think it is excellent legislation. I do not want to pay $13 million to knuckle under to the House. This is serious business and cannot be supported by logic. Under those circumstances I call for the elimination.

Mr. LONG. You pay the $15 million but you still have the ship. That is why you are selling it to the United States for what you could get for it from a foreign power.

I yield back my time.

Mr. WEICKER. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Connecticut. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD) and the Senator from New Hampshire (Mr. MCINTYRE) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. FANNIN), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Kentucky (Mr. COOK), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. SAXBE) are detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS), and the Senator from South Carolina (Mr. THURMOND), would each vote "nay."

The result was announced—yeas 14, nays 62, as follows:

[No. 172 Leg.]

YEAS—14

Allen	Cotton	Mathias
Allott	Dole	Mondale
Beall	Fong	Proxmire
Brock	Hatfield	Weicker
Church	Hughes	

NAYS—62

Aiken	Eastland	Pastore
Anderson	Ellender	Pearson
Baker	Ervin	Pell
Bayh	Fulbright	Percy
Bellmon	Gravel	Randolph
Bennett	Griffin	Ribicoff
Bentsen	Gurney	Roth
Bible	Hansen	Schweiker
Boggs	Hart	Smith
Brooke	Hollings	Spong
Buckley	Hruska	Stafford
Burdick	Inouye	Stennis
Byrd, Harry F., Jr.	Jackson	Stevens
	Javits	Stevenson
Byrd, Robert C.	Jordan, Idaho	Symington
Case	Kennedy	Taft
Chiles	Long	Talmadge
Cooper	Miller	Tower
Cranston	Montoya	Tunney
Dominick	Nelson	Williams
Eagleton	Packwood	Young

NOT VOTING—24

Cannon	Humphrey	Metcalf
Cook	Jordan, N.C.	Moss
Curtis	Magnuson	Mundt
Fannin	Mansfield	Muskie
Gambrell	McClellan	Saxbe
Goldwater	McGee	Scott
Harris	McGovern	Sparkman
Hartke	McIntyre	Thurmond

So Mr. WEICKER's amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Do Senators yield back their time on the bill?

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

The PRESIDING OFFICER. Who yields time back from the minority?

Mr. GRIFFIN. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on final passage.

The bill (H.R. 11589) was passed.

Mr. LONG. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF THE CIVIL SERVICE COMMISSION—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

Pursuant to the Job Evaluation Policy Act of 1970, I am hereby transmitting the report of the Civil Service Commission required by that Act.

I am pleased to see that the Civil Service Commission believes that by adopting methods and techniques recommended by the Job Evaluation and Pay Review Task Force, it may be possible to make very significant improvements in the Government's job evaluation program. The Task Force has made many other recommendations which would require legislative action and which deserve more careful consideration than has been possible to date.

RICHARD NIXON.

THE WHITE HOUSE, *May 2, 1972.*

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business under the previous order.

The legislative clerk read the bill by title, as follows:

A bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

DEATH OF FEDERAL BUREAU OF INVESTIGATION DIRECTOR J. EDGAR HOOVER

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 600.

The PRESIDING OFFICER (Mr. STEVENS) laid before the Senate a concurrent resolution (H. Con. Res. 600), which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the body of J. Edgar Hoover should lie in state in the Rotunda of the United States Capitol so that the citizens of the United States may pay their last respects to this great American.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 600.

The PRESIDING OFFICER. Is there objection?

There being no objection, the resolution (H. Con. Res. 600), was considered and agreed to.

NATIONAL SECURITY STUDY MEMORANDUM NO. 1

Mr. GRAVEL. Mr. President, last week I asked unanimous consent to insert in the RECORD National Security Study Memorandum No. 1.

Mr. ROBERT C. BYRD. Mr. President, would the Senator speak a little louder?

Mr. GRAVEL. Yes. I asked to insert in the RECORD National Security Study Memorandum No. 1. Unanimous consent was objected to. At that time I stated I would attempt to bring the matter before this body at another time.

Since that time, I have had circulated to the membership copies of National Security Study Memorandum No. 1, with a covering letter. I have had discussions with the leadership and the minority leadership, and it was agreed that I would, and I am happy to do so, offer to the minority whip the opportunity to second my motion, so that we can go into closed session to take up this matter. So, in that light, in a sense of comity and good spirits and pursuant to rule XXXV, I now move that the doors of the Senate be closed and that the Presiding Officer direct the galleries be cleared.

Mr. GRIFFIN. Mr. President, I am sure the Senator from Alaska knows I will accommodate him to that extent. I second the request. I will indicate that I would like to have a live quorum call immediately, as soon as we go into closed session.

Mr. ALLOTT. Mr. President——

The PRESIDING OFFICER. The issue is not debatable.

Mr. ALLOTT. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. ALLOTT. Rule XXXV provides:

> On a motion made and seconded to close the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy, the Presiding Officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed.

I raise the point of order that the motion made is not in conformity with rule XXXV. The Senator has not said it is for the discussion of any business which may in his opinion require secrecy.

The PRESIDING OFFICER. The Chair will advise the Senator from Colorado that he is informed that the RECORD already discloses the question concerning secrecy.

The motion having been made and seconded that the Senate go into closed session, the Chair, pursuant to rule XXXV, now directs the Sergeant at Arms to clear the galleries, close the doors of the Chamber, and exclude all the officials of the Senate not sworn to secrecy.

The question is not debatable.

(At 3:45 p.m., the doors of the Chamber were closed.)

CLOSED SESSION

CALL OF THE ROLL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 173 Leg.]

Aiken	Dominick	Mondale
Allen	Eagleton	Montoya
Allott	Eastland	Nelson
Anderson	Ellender	Packwood
Baker	Ervin	Pastore
Bayh	Fong	Pearson
Beall	Fulbright	Pell
Bellmon	Goldwater	Percy
Bennett	Gravel	Proxmire
Bentsen	Griffin	Randolph
Bible	Gurney	Ribicoff
Boggs	Hansen	Roth
Brock	Harris	Schweiker
Brooke	Hart	Smith
Buckley	Hatfield	Spong
Burdick	Hollings	Stafford
Byrd, Harry F., Jr.	Hruska	Stennis
Byrd, Robert C.	Hughes	Stevens
Case	Inouye	Stevenson
Chiles	Jackson	Symington
Church	Javits	Taft
Cook	Jordan, Idaho	Talmadge
Cooper	Kennedy	Tower
Cotton	Long	Tunney
Cranston	Mathias	Weicker
Dole	Metcalf	Williams
	Miller	Young

The PRESIDING OFFICER. A quorum is present.

It has been suggested that it be appropriate to have the clerk read section 2 of rule XXXVI, which governs which persons are entitled to be in the Chamber during the closed session, so that there will be no misunderstanding.

The clerk will read section 2 of rule XXXVI.

The legislative clerk read as follows:

> When acting upon confidential or Executive business, unless the same shall be considered in open Executive session, the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the Principal Legislative Clerk, the Executive Clerk, the Minute and Journal Clerk, the Sergeant at Arms, the Assistant Doorkeeper, and such other officers as the Presiding Officer shall think necessary; and all such officers shall be sworn to secrecy.

PRIVILEGE OF THE FLOOR

Mr. ROBERT C. BYRD. Mr. President, in accordance with the policy followed heretofore by the distinguished majority leader, I ask unanimous consent that during the closed session the following Senate staff employees be permitted the privileges of the floor to perform their official duties: The Chief Reporter and the Official Reporters of Debates; the Parliamentarian, Floyd Riddick; the Assistant Parliamentarian, Murray Zweben; the Journal clerk, Bernard Somers; the Assistant Secretary of the Senate, Darrell St. Claire; the legislative clerk, James Johnson; the secretary for the majority, J. S. Kimmitt; the assistant secretary for the majority, Patrick Haynes; the secretary for the minority, Mark Trice; the assistant secretary for the minority, William Brownrigg; majority policy committee staff members Charles D. Ferris and Daniel E. Leach; the following officials for the minority: Cecil Holland and Oliver Dompierre; and the following Senate officials: Robert Dunphy, the Sergeant at Arms; William Wannall, the Deputy Sergeant at Arms; and Nicholas Lacovara, the Assistant Sergeant at Arms.

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

Mr. ROBERT C. BYRD. Mr. President, I ask that the clerk read section 4 of rule XXXVI of the Standing Rules of the Senate.

The PRESIDING OFFICER. The clerk will read section 4 of rule XXXVI.

The legislative clerk read as follows:

> Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

UNANIMOUS-CONSENT REQUEST

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that debate during the closed session not exceed 2 hours, the time to be equally divided between and controlled by the distinguished Senator from Alaska (Mr. GRAVEL) and the distinguished assistant Repubican leader, the Senator from Michigan (Mr. GRIFFIN), with the understanding that if additional time is needed, we will act accordingly.

Mr. GRIFFIN. Mr. President, reserving the right to object, it was my understanding, when the distinguished acting majority leader spoke to me earlier, that the time would be divided between the two leaders. But that is all right. I will go along with that.

Mr. GRAVEL. Mr. President, the microphones are not working.

The PRESIDING OFFICER. For the information of all Senators, the microphones are not workable because this is a secret session, and the operator is excluded from the gallery. So we will have to use our vocal chords.

Mr. ALLOTT. Mr. President, reserving the right to object, with all due deference to the acting majority leader and not in any way attempting to limit his desire to get this matter on, I must object to the time limitation.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Would the Senator object to the control of the time—whatever length of time the overall session may be—by those two Senators, up to a limit of 2 hours?

Mr. GRIFFIN. I will object to that.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. GRAVEL. Mr. President, I do not know what can be achieved by these objections, but perhaps it will develop as we move into a colloquy here on the issue.

The issue is not very complex, but it is one on principle, and because of that I think we are all qualified to discuss the principles involved.

However, I did feel that it was very pertinent to pass out these papers, National Security Study No. 1. As of last October 2, there have been 138 such studies.

This study is really the rockbed upon which the present administration has built its foreign policy. I do not want to get into the partisan aspects of it, because I think we are all able to judge that aspect of it. I should like to address

myself to the mechanical aspects of it, which of course are fundamentally involved here in our role as legislators and as we view our role within the Constitution as conduits of information to the American people. I felt at this juncture that this should be done collectively.

I am sure that there is no one in this body that can criticize the action I have taken, which is simply to ask this body, under unanimous consent, to place it in the RECORD. That consent was objected to. I have not done anything further. I now come before the full body to acquaint the membership with this. If this body is willing to put it in the RECORD, it will be done, and if it is not, then it will not be placed in the RECORD, and I will bow to the collective will of the Senate in which I am honored and privileged to serve. So I hope we can place that matter aside.

I would like to take just a moment, because I think there is a great deal of confusion as to the classification process. I had the same confusion because had it not been for my experiences elsewhere I do not think I would have become an expert in the field, and I have labored long and hard to acquire this expertise.

I am astounded by the confusion which exists not only in Congress but throughout the Nation with respect to our laws which regard to the regulations governing classification. They are simple. If I could quote what goes with the stamp—take a rubber stamp—it would be marked "Top Secret, Secret, Confidential, Restricted." We affix it to a piece of paper—before I go into that, let me say that when I was 23 years old—when I was 21 years old, I had top secret clearance. When I was 23 years old, after working at Fort Benning, Ga., being an officer and going to CIC school, I was a special agent. I became an adjutant for the Defense Level Counterintelligence Corps. I was adjutant for the CIS, which used the CIC as a cover. The CIS means "Communications Intelligence Service." My job was as a light colonel to another light colonel, who was also 23 years old, to work with him and go around Germany doing wiretapping and letter opening essentially in Western Germany.

Mr ROBERT C. BYRD. Mr. President, will the Senator from Alaska yield for a moment?

Mr. GRAVEL. I yield.

Mr. ROBERT C. BYRD. In the unanimous-consent agreement, I overlooked the necessity for asking unanimous consent that notes be taken for whatever disposition the Senate may later wish to make.

I therefore ask unanimous consent that the official reporters may be authorized to take notes of these proceedings for whatever disposition the Senate may decide later to make of the transcript.

The PRESIDING OFFICER (Mr. STEVENS). It there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. GRAVEL. Mr. President, I make these comments not to invite attention to my background, because it is already in the RECORD, but when I was 23 I could clasify as high as "Top Secret." I spent many weekends, because I had x number of safes that I wanted to use for new material so I went through and cleaned then out, and I declassified top secret material as fast as I could. My CO thought it was great, that I was being efficient in getting the job done. Out of curiosity I spent—I was a bachelor at the time—I could not speak German—but I spent a good deal of time reading through the stuff, because I was in charge of a great deal of the stuff. I came to the odd conclusion that a lot of the material was totally innocuous, such as whether a second story job was done in a foreign embassy, and I came to the conclusion that the stuff could be—the microphone is not working—we will not let that guy in—I will talk louder—what I am saying is, when I was 23 I could classify and declassify material which would have an effect on the Senate of the United States.

Mr. President, when I was 23, under some kinds of classification, I had more power than the membership of the Senate at that point in time in history, because I could decide in the national interest what they would know or what they would not know. I was on OD—officer of the day—when we had the riots in Berlin in 1954, and I was the one who transmitted that information to the White House. I was impressed with my authority at that time, although I certainly thought the Senate had more wisdom and power than I did to make important decisions.

But now, as I see it from my present vantage point, I see that 2d Lt. MIKE GRAVEL at that time could have hidden stuff from the Senate which would not have permitted it full knowledge on certain issues, which would not have permitted the Senate to make an intelligent decision, based on its lack of knowledge.

That situation is obviously ridiculous because our second lieutenants there make a determination of the classification material. In fact, the truth is, we have over 200,000 people in this country who classify and declassify information which we in this body do not see. I can only say, gentlemen, that if we do not have the authority to do it, there is no one else in this country that has, because we are the elected representatives of the people—we and the President of the United States are the final authorities. There is no one there after us. If we make a mistake, that is the last mistake that will be made.

Let me read what is on the stamp. This is where the confusion comes in. Whether intentional or not, I do not know, but Senators can judge for themselves. It states: (To be furnished.)

What that does is make reference to law, to leaning on the law, saying that anyone who violates this "Top Secret," "Secret," "Confidential," or "Restricted" warning is subject to the law. Few people go to the law.

The classification process is an Executive order. Quite obviously, an Executive order cannot stop you as Members of Congress from reading or informing yourselves on any subject, because, if that were so, that would mean that the President could pass laws more powerful than you with respect to the information process. Obviously, that could not be tolerated. We make the laws. The President enforces them. But he can issue Executive orders that govern the routing of the documents. But again, the meaning, when they lean on the law, is clear.

Let us go to the Espionage Act, sections 793–794 of the United States Code.

I am quoting from Mr. William G. Florance. Mr. Florance was, for 35 years, involved in classification for the Department of Defense. He is the foremost authority today. He is in retirement—over a year ago. Prior to retirement, he was in charge of all the work, not from the Congress, but from the Executive. He was at the Pentagon.

This is the statement.

> The sections in the espionage laws that make it a crime for an individual to use or disclose information relating to the national defense if—this is underscored—he intends or has reason to believe that the information could be used to the injury of the United States or to the advantage of any foreign nation.

Now the key operative words there are, "if he intends or has reason to believe that the information" would hurt the Nation.

Obviously, I have no such intention. I do not think anyone in this body would want to do anything that would for a flicker hurt this Nation or any human being in this Nation.

As Senators, we serve here to benefit the Nation, in accordance with the oath of office that we took.

We could put that aside. When we do that, not only ourselves but a whole host of Americans and newspapermen, also have no intention to hurt this country.

Who can subjectively deny that the Espionage Act was issued for the handling of the routing of documents and Executive orders? It is something like sin. Is it committed by accident or on purpose? It is a subjective thing. In point of fact, I quote another paragraph here:

> The most serious error is to attempt to pass off every item of information that has a classification mark as being important defense information. That is defined in the espionage law. The law is written as prohibiting disclosure of information because of classification marking rather than the substance notwithstanding the widespread application of the classification marking of information of no real significance. Since 1951, the executive order required that. . . .

And so forth. I think we have come to a very simple premise, and that is that if I were working in the Pentagon and I saw my colleague, the Senator from California (Mr. CRANSTON), working two stalls down from me and if I were to walk in his office and see a piece of paper on his desk marked "Top Secret," and it was a paper that I had seen in Izvestia, and I told him about that, he would declassify it. If I had not walked in and seen this document and told him that I had seen it in Izvestia, then under the interpretation of the law, someone who would give the information out accidentally, information that had been published in Izvestia, could be prosecuted and be hailed before a grand jury.

Classification is like sin. It is a personal thing. We cannot regulate it.

My colleague, the Senator from New

York, may consider something secret. I may not consider it secret. The Senator from Michigan may not consider it secret, but the Senator from Arizona may consider it secret. We do not reconcile that by passing a law. That is why Congress in its wisdom in passing the Espionage Act could not define this. That is why one has to have the intent that in publishing this information it will harm the country. Otherwise, why do we have to restrict the legislation?

The espionage law is a good law. It is because of some cathartic effect that it has been tied together. I do not know why, but people believe that every time we burp sideways to the people concerning classified material, we do harm to the country. Last week on Sunday, I heard the Secretary of State talk about the movement of troops in North Vietnam. I have been trained, and I do know the difference between order of battle information and troop information. Troop movements are in the order of battle information. So, when the Secretary of State was talking about the 19th Division in North Vietnam, it popped in my ear and made an impression on me.

There is nothing in here that talks about foreign troop movements. What we are talking about is interpretive facts. We are talking about the political fix of the situation. We are talking about the whole philosophical and ideological interpretation of the society of a political nation, an interpretation of what has transpired in the past. This document is 3 years old.

The only reason it is relevant is because it is upon these documents that our present policy being executed today rests. That is why. It is not relevant as to the context of it. This stuff is history. This is no more relevant than the Pentagon papers.

If I could draw a parallel—and I do this not to insult this body, but as a statement of fact—on Monday, the 28th of June, we had delivered to the Congress of the United States two boxes that were marked top secret. We were permitted to go into the room with regulations established. A Senator could not even take notes. That was like a school kid standing at a desk with someone watching him read. The policymakers of the most colossal nation in the world had to stand there like schoolboys. They could not take notes. Of course, if it were possible, one could memorize it. However, we know that we would not have time to do anything like that.

Mr. President, I checked the record. Fifteen members of the Congress went to see these records.

In the middle of October, a week before the Beacon Press published their papers, the Pentagon published the entire volure of this secret study. That was 4 months before the Members of the Congress were treated like schoolboys with regard to this information. Four months later this was published. It is good history, and that is all it is. We hope to learn by history.

My only intent in giving this to the Senate is for the information of the Senators. How can we fulfill our role as policymakers if we are not informed as well as the President? The President has more tools at his disposal, of course. We shall go into the history of how the tools have been built up.

This is one of the reasons prior to being elected that I decided that the President knows more than I about such matters and that I would defer action out of respect for the office.

However, after occupying the office and realizing the information process and how difficult it is and how little time we have, I am not prepared to defer, not when there is loss of life involved.

So, this is an effort to furnish the Senate with the same information that the President of the United States has with respect to the policy being instituted today. I want to say that to the American people because I am very concerned about this. I know that Senators all feel that secrecy is anathema to democracy. It is not any more complex than that.

When the American citizen goes to vote, if he is not informed or if he is merely half informed, he cannot vote intelligently.

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

Mr. GRAVEL. I would be happy to yield to the distinguished Senator from Rhode Island.

Mr. PASTORE. Mr. President, having been chairman of the Joint Committee on Atomic Energy, where we deal with very critical information at practically every meeting we hold, I would like to ask the Senator a question. When is a top secret a top secret classification, and who determines it?

Mr. GRAVEL. Under the regulations, it is the head of the department, the designee. We have a new presidential order in that respect. Under that definition of a top secret, it has to be the heads of departments, people in positions of authority, who pass on it. There is no question that we should shrink the number. To have 100,000 people classifying documents is ridiculous.

Mr. PASTORE. Does the Senator mean that once a document has been classified top secret, it is up to the individual whether he should reveal that information on the grounds of whether or not he intentionally intends to injure the country? Is that the only test?

Mr. GRAVEL. Mr. President, in the final analysis that can be the only test. As I posed a question to a colleague once, if a majority were to pursue actions that were immoral and the minority saw this, it would be incumbent upon the minority to do something about it.

To me, the classic example concerns Auschwitz in Germany. That camp was classified information in Germany. It probably had the highest classification. If anyone in the German Government were to have revealed the existence of Auschwitz, it would have been a crime.

At what point in history should men stand up and say that this is wrong? I want everyone to see it so that they will not have to take my word that it is wrong, but can make their own judgments. And in a democracy the risks that go with that have to be endured, because we develop an autocracy from the very fact that some people can classify documents and some people can make determinations of what is right and wrong.

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

Mr. GRAVEL. Mr. President, I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I do not quite understand. I thought the Senator from Rhode Island was speaking of his own committee rules as to the secrecy of material. In the Senate we have rules of secrecy. If a Senator violates the secrecy, say of this meeting, he is subject to expulsion under the rules of the Senate, not under an Executive order.

Mr. GRAVEL. The Senator is correct.

Mr. FULBRIGHT. I think that the Senator may be confusing Executive order with the power of the Executive to control the Congress. I thought that the Senator from Rhode Island was talking about the rules of his Senate committee.

Mr. PASTORE. No, that is not correct. I merely said that in our committee we deal with critical information every time we meet. We have documents that are marked "top secret." We have never questioned or challenged that classification.

I know that the procedure has gotten to be very sloppy over the years and has gotten out of hand. Too many documents have been classified top secret. The question is: To whom do we leave the responsibility of preventing that which may harm the security of the country? Is it going to be everyone's responsibility to determine it as he pleases and then go before a court and say, "I had no intention to injure the security of the country"?

Is it going to be up to the individual to do that, or is it going to be a governmental function that determines whether or not a document is secret or not?

I can imagine that there are many, many who think this particular study may be overclassified. I can feel that that way and say that. But the fact remains, however, I have no doubt that many documents are not so overclassified.

I do not think any individual can stand up at any time and say, "I do not think this should have been classified. I do not think this is top secret. I do not mean to injure the security of my country, I am a well-meaning man, and I am going to publish it." I do not think he can get away with it.

Mr. GRAVEL. I would like to give my answer to that.

Mr. PASTORE. Yes, I would like to hear it.

Mr. GRAVEL. I answered the question philosophically. That answer should stay there. Now, I want to answer it technically.

We, the Senate, can determine what we want to classify and we can honor that and guarantee it with our rules. We do. We can expel anyone for breaking this compact we arrived at this afternoon, which is one of silence.

The executive can do the same thing, so that when the executive comes before your committee and gives you information you agree should be classified, you

can maintain that classification. But obviously as a policymaker, if they come before your committee and have information you do not think should be classified, you obviously have a right to do what you want with that information; otherwise you may be disregarding your responsibility to the head of the AEC, and I think you are more powerful and important, because you are a Senator, than the head of the AEC. I think that is where the difference comes.

The Executive order governs the Executive. The Espionage Act governs the Executive, Congress, the press, and the Nation.

We have examples in history. Burton K. Wheeler a few days before Pearl Harbor released a study on the levels of our Air Force. It was a top secret study. He released it in Chicago. The reason was to make the case that our Air Force was not prepared to go to war. I do not know if any Senator was then a Member of the Senate, but there was an intensive rhubarb after that. Pearl Harbor overshadowed it and no action was taken against Burton K. Wheeler. These were outright details about the status of our Air Force. We immediately had an attack on us after the information was out.

Another instance occurred in Britain during the Second World War. Minister Sandys released by accident the air defense, all the technical data for the air defense of Britain. You can imagine how important that was. Right after that there occurred the blitzkrieg. They had a great debate in the House of Commons with respect to what to do about Sandys. I am sure they would like to have strung him up by his thumbs. Churchill and Attlee had a landmark debate in which it was said that they must judge him themselves, that he could not be judged by others. Nothing was done. They felt it necessary to rule in favor of the information process.

Nothing happened to Burton K. Wheeler or to Sandys.

Mr. PASTORE. May I ask another question. Let us be more specific. Let us assume that the representative or the Secretary of Defense himself came before our committee. We asked him to produce before our committee the number of bombs, atomic bombs, that have been dispersed throughout the world and where they happen to be. Let us assume that a document comes up and it is marked top secret. For some mistaken reason I get the fanciful idea that if I told the world where these bombs were somehow we would bring about everlasting peace.

Would the Senator say I have the right to divulge that information?

Mr. GRAVEL. Philosophically I would say yes. From a point of history I cited two cases where that happened and nothing happened to the individuals because they could not get to the decision-making process involved.

Second, where does the Senator's judgment begin and end? Where do we draw the line? We do not draw it to the other side of ours. We have to draw it on our side. That is what we are elected for. The people are going to elect good representatives that have good judgment and there will be elected bad representatives that have bad judgment. They will make serious mistakes. But the history of this Nation is replete with instances of our taking that risk. That is what democracy is all about.

Mr. CHURCH. Mr. President, will the Senator yield to me so that I may make an observation?

The PRESIDING OFFICER. The Chair wishes to advise the Senator from Idaho that the microphone is not working because we have no one to operate it.

Mr. CHURCH. I thank the Presiding Officer.

I suggest that it has been through a failure of the legislative process that we have unintentionally placed the Senator from Alaska in his present predicament. I think it is unfair to judge his actions without reflecting on the fact that he has had no procedural alternative but to act as he has acted, given his conviction.

We have passed a law, I must assume, that authorizes the executive branch to classify information. We all realize that far more information has been classified than probably was ever intended by the original enabling legislation.

The Senator is quite correct when he points out that there are thousands of employees in the executive branch who classify information as they please, and also that information is sometimes classified for political reasons, rather than reasons related to the national security. This has happened under both Democratic and Republican administrations and will continue to happen if the law remains unchanged.

Given that set of facts, the Senator from Alaska came into possession some months ago of the Ellsberg papers. He looked at them and concluded they were essentially historic in character. He felt the American people were entitled to know that history. He found nothing in those papers that related to the immediate situation on the battlefield or constituted any hazard to our troops engaged in the war. So he had to say to himself, "How can this information be related to the American people?" Under the existing state of the law, there was no way. Congress had reserved to itself no authority to declassify. Congress had provided no procedure by which either House could challenge the classification placed on any material by the executive branch.

Congress has simply acquiesced in the assumption of that authority by the Executive and thus imposed on ourselves the obligation to adhere to whatever decisions are made with respect to classifying information in the executive branch of Government.

So I ask you: What was the Senator from Alaska to do if he earnestly believed, as I feel he did, that this was information improperly classified, that shed new light on the efficacy of those decision which have kept us in this war?

Well, he answered that question by disclosing the information, and he relied on his constitutional immunity as a Senator of the United States to protect him against prosecution. That is a poor way of doing business, but what other way did we leave him? He is one Member who refused to stay gagged. So he took the only course available to him. He revealed the information on his own responsibility and stood on his immunity as a Senator to protect him against prosecution. It is no fault but our own that we have left ourselves in such position that no Member of this body can challenge an Executive decision classifying information, no matter how foolish that decision may be, no matter how unreleated it might be to the security interests of this country, except by violating the classification and falling back upon his congressional immunity under the Constitution.

I suggest to the Senate that there is a better way to do this. There is a way to regularize this procedure so that the Congress recovers for itself the authority to declassify information that, in the judgment of the Congress, should be made public.

Do not tell me that present procedures forbid such disclosures as the Senator from Alaska has made. They do not. What we do now is to force each Member to assume an individual responsibility and then rely upon his immunity under the Constitution to escape the consequences of his act.

So we do not maintain a secure classification system. We simply force a member to go to the extremes that the Senator from Alaska felt he was obliged to go, in order to disclose information that he believed the American people should have.

Why do we not take that burden from the shoulders of each individual Senator? Why do we not establish, as a matter of law, a procedure by which the Congress may declassify? Why does not this body assume some responsibility in determining whether or not a given memorandum, if you please, ought to remain classified? We could do that. In fact, I should like to propose an amendment, Mr. President, to the law. I would like to read it just so Members who are here may be informed. It seems to me it would go far toward regularizing procedures and that it really deserves the serious consideration of this body.

The amendment I should like to propose, reads as follows:

Either House of Congress may, under appropriate rules and by a majority vote of the members of that house present and voting, (1) declassify any material classified by a department, agency, or independent establishment of the Executive Branch of the United States government, or (2) change the classification of any such material to a lower classification. Each house of Congress is authorized to adopt rules it considers appropriate to provide procedures by which declassification or change of classification of any such material is to be considered in such house.

The second provision—perfected, I might say, by a suggestion of the distinguished Senator from New York, at the time this matter was before the Foreign Relations Committee—reads as follows:

Notwithstanding any other provision of law, no civil or criminal proceeding shall be brought or conducted by any officer or

employee of the United States Government against any person using or receiving or against any person communicating, furnishing, transmitting, publishing, or otherwise making available any material declassified under this section if that material was received or made available after such declassification.

Thus, we would regularize the law and reclaim for Congress the right to declassify information that, in the judgment of either body, acting upon a majority vote, was felt to have been improperly classified.

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

Mr. CHURCH. Yes; I am happy to yield.

Mr. SYMINGTON. If a paper is classified in the Pentagon Building or in the Atomic Energy Commission or by the State Department—in all three cases by the agencies in question—and it comes over here, as established procedure it is then that we discuss proper classification and what should or should not be declassified.

I can say in all honesty that in most cases when that is done through the proper committees we can obtain declassification of what we think is essential and at the same time we do not run into the risk not only of disclosing an effective war plan but also of hurting people who are working for this Government in foreign countries.

What worries me is that if we get into a general recision of declassification, where people who are not on the committees involved would decide as to what would or would not be done with respect to declassification, I can see where 90 percent of the time they would be right but the 10 percent could be disastrous not only from the standpoint of political operations but also from the standpoint of lives.

What I am not quite clear on is why we cannot proceed as we have done in the committee on which I have the honor to serve with the Senator from Idaho, and other committees, and argue with the various executive agencies any question as to whether a matter should or should not be declassified. Then if there is still a difference of opinion—and if it is the intent of the distinguished Senator from Idaho to pursue the matter—in the interest of the country he could bring the specific disagreements on the specific classifications in question before the Senate and have the decision made on the basis of the extended study and discussion of the agency memorandum we are trying to declassify.

I myself would have great difficulty in voting on the floor for a sweeping decision on the part of the legislative branch to declassify something which it was felt by the people we have elected or appointed should never be declassified from the standpoint of the security of the United States, and I would think we would be in a much better position to present it to the Senate or to the House—I am only speaking in an advisory way about that—and have that body do whatever it wanted to do.

Today or yesterday we finally got a release of some hearings, and I think it is fair to say I feel we got everything that was necessary to present to the Senate and to the people, on the special operations in Laos and Cambodia. There were considerable discussions and a lot of hearings, but the people got it.

If at that time I felt we had not gotten adequate information, I would have been willing and anxious to come to the Senate and say, in a secret session, "Here is the problem." But I cannot see a sweeping declassification, because I do not think, especially with respect to Senators who do not serve on the committees involved, that necessarily their opinion would be superior to those people who are also interested in the security of the country.

Mr. CHURCH. Let me say, I appreciate the Senator's comments, and I think this amendment would meet his concern, because it provides that:

Each House of Congress is authorized to adopt rules it considers appropriate to provide procedures by which classification or change of classification of any such material is to be considered in such House.

In other words, I would think that this body would do precisely as the Senator from Missouri has suggested, that the matter should lie, in the first instance, with the committee having jurisdiction, and that every effort should be made within that committee to work out an arrangement with the executive branch. More often than not such an arrangement would be worked out. But in those particular cases where the committee feels that a given piece of information ought to be made public, that it is wrongly classified, and the executive agency refuses to accede to the committee's request, and a deadlock develops between the executive and the legislative branches, then I think the question should properly be brought to the entire Senate, so the Senate can hear the case and, by majority vote, can work its will.

Look at this silly business we are in today. We have brought it on ourselves. The Senator from Alaska is going to make a motion, I understand, asking the Senate to place in the RECORD information that has been spread across the front pages of every major newspaper in the country. What an absurdity. Once this information got to the newspapers, whatever protection the original classification gave was lost. It is no longer concealed information or secret information. It is information that is as public as the reach of the New York Times and the Los Angeles Times and the Washington Post and every other newspaper that has spread it out in public print.

Now we must ask ourselves, are we going to refuse to permit information to go into the CONGRESSIONAL RECORD which has already been published and broadcast across the land?

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

Mr. CHURCH. And the reason for this predicament is that we have failed to provide for ourselves a regular way, an orderly method, for declassification.

Several Senators addressed the Chair.

The PRESIDING OFFICER. So that we may proceed with some regularity, the Senator from Alaska still has the floor.

Mr. GRAVEL. Mr. President, I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I do not think anyone can disagree with the Senator from Idaho. He is arguing that we ought to obey the law, and not violate the law. Consequently I do not think we should set a precedent of violating the law. What we ought to do is pass a resolution calling upon the administration to declassify it, because it has been published and is no longer a secret document. But for us to stand up here and vote, while it is still marked secret, to violate the law I think would be absolutely unprecedented and wrong.

Mr. GRAVEL. Mr. President, will my colleague yield on that point? If I may respectfully make a correction, and I do it most respectfully, there is no law under which that document or this document is classified, so we are using a misnomer when the Senator is talking about violating laws. We would be violating an Executive order. We make the laws, and the only law is the Espionage Act.

If Senators feel these papers will injure the United States, then obviously they should not be made public. But these papers, as the Senator from Idaho has stated, have already been made public. They have not injured this country. I think they have added a substance to the dialog that did not exist. I think the Pentagon papers added a substance to the national dialog that did not exist.

So we break no laws, and I hope we will correct our rhetoric; and as we correct it I think we should correct our viewpoint.

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

Mr. GRAVEL. I yield.

Mr. FULBRIGHT. Either the Senator from Alaska is confused, or someone is. There has been reference here by the Senator from Rhode Island and the Senator from Idaho that there is a violation of the law. I cannot figure out what law it is that is being violated. I understood the Senator from Alaska to say, and no one disputed him, that the only law is the espionage law. The espionage law does not authorize the executive, any executive, to classify anything he feels like.

I would like to ask either Senator who referred to the violation of the law what law they had reference to. I ask this for my own information. I am not aware of such a law; of course, there are a lot of laws I am not aware of, of this nature.

Mr. GRAVEL. Maybe the Senator from Idaho would like to respond.

Mr. FULBRIGHT. What is the origin of that law?

Mr. GRAVEL. I believe the confusion was caused by what I read right at the beginning. The stamp, the classification stamp that has the marking contains this paragraph which leans on the Espionage Act, and when you look at them separately you think it is against the law, but when you lay them together, you know that there is no violation of the law. There has to be intent to do harm to your country in order to violate the law.

Mr. FULBRIGHT. With all deference, I have great respect for the Senator from

Rhode Island. Did he not say that it would be a violation of the law?

Mr. PASTORE. Well, I so understand it.

Mr. FULBRIGHT. I am not trying to outwit the Senator. I want to understand the situation.

Mr. PASTORE. I have not researched the subject, and I cannot put my finger on the particular title in the Code, but I would assume, and I think this can be researched and determined, that there is some authority given to the executive department to mark certain documents secret. I do not think they are doing it willy-nilly; they must have gotten legal authority to do it.

Mr. FULBRIGHT. That is exactly what I would like to know.

Mr. PASTORE. I did not research this. I do not know where he gets his authority. All I know is that it has been going on for some time without challenge.

Mr. GRAVEL. I did.

Mr. FULBRIGHT. My understanding is that the only authority is an Executive order, Executive Order No. 10501 or something like that, which is not a law, and the violation of that by any private citizen, such as any of us, as far as I can see it, cannot be considered a crime unless you can tie it into the Espionage Act, which is quite a different thing. But I only want to understand what the situation is.

Mr. CHURCH. Mr. President, if the Senator will yield, I think the distinguished Senator from Arkansas has spoken accurately of the state of the law, at least as far as I understand it.

The executive branch, for a long time, has followed the practice of classifying materials. I had assumed that this authority had originally been conferred upon the executive branch by an act of Congress, and that the classification process is made pursuant to that act. But we do not have, as England does, a secret papers law. It is a crime in England for any paper to be revealed or disclosed that falls within such a classification.

We have no comparable law. The only criminal statute that we have is the Espionage Act, and I think liability under that act does depend upon criminal intent. So I misspoke myself when talking about the law. I did not mean to confuse anyone. What I was talking about was the regular procedure we have come to follow, the regular classification practice in the executive branch.

But that does not take any of the force from the argument I make that if we are going to permit the executive branch to classify, we ought to retain authority in Congress to declassify in cases where we think classification is inappropriate, improper, or otherwise ill-conceived. That is why I would hope that we might consider such an amendment in the near future.

Just one further remark, and then I shall be finished. If we were to adopt such an amendment, then there would be no ambiguity or confusion about an individual Member disclosing information that is classified. We would have our own rule. We would have our own regularized procedure for determining that. And when a committee failed to reach an agreement on a given case with the executive branch, we could submit it to the entire Senate, and let the Senate make its determination.

But I join with the Senator from Alaska in saying that Congress has fallen to a very low estate when it is willing to allow the Executive to make the full determination, even in cases where we cannot justify that determination, and when we provide to our own Members no means for challenging the classification or for making the information public, in a regularized way.

Several Senators addressed the Chair.

Mr. GRAVEL. I yield to the Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, I will do my best.

The Senator was talking about his proposed amendment. Is he referring to covering documents that came regularly to a committee, or would he include documents and information that came from any source?

Senators were speaking a minute ago about the violation of law. I wish I had the Pentagon papers case before me. As I recall, there is a general law against espionage, but it is very difficult to convict anyone on unless such information actually was of assistance to an enemy. I believe there is a law against members of the executive department disclosing, or whatever you call it, taking and giving to others classified information. Would the Senator, by his amendment, apply it to all information secured legally or illegally?

Mr. GRAVEL. If I may address myself to that——

Mr. COOPER. Because that has become a question before the courts.

Mr. GRAVEL. Yes. There is no law covering any member of the executive department any more than any law covering a Member of Congress or a citizen of the United States. The only law is Espionage Act. So a fellow who works for the Pentagon and gives out information, and that information is classified top secret, but it is not injurious to the Nation, there is no law to prosecute him under, because the Espionage Act is inoperative. That is why the case against Daniel Ellsberg is very minorly under the Espionage Act. They cannot get him on that. They are going to try to get him on conspiracy—which is a catch-all—or conversion, like they could probably get me on conversion if I took a Government vehicle and drove it to Baltimore and left the car there. I could be had under conversion, just as I could be had as a citizen for converting these documents. These were Government documents that I acquired—not from the Government, but through private sources. But the person who gave them to me obviously took them from the Government and gave them back to the Government, because I am still a member of the Government. So it is a conversion process. That is the only thing of which I would be guilty.

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

Mr. GRAVEL. I yield.

Mr. LONG. I looked at the memorandum that the Senator from Alaska quoted to us. I gained the impression that he could be somewhat in error in the construction he placed on it. I do not believe that his memorandum quotes verbatim what the statute says, although it may. The Senator's memorandum says—I just, am just trying to recall certain key words from it—that it would be a crime to release certain classified information if you had reason to believe that this could be used to the injury of the United States.

Mr. GRAVEL. Yes.

Mr. LONG. If the document bears the word "secret" right on there, somebody must have thought that this could be used to the injury of the United States. If you see the word "secret," it would seem to me that that puts you on notice that somebody thinks this could be used to the injury of the United States. If you are going to release it, you must know that somebody thought it should not be released, and it seems to me that that act could be construed to place a burden on you that you reveal at your peril when you judge that in no way this conceivably could injure the United States, which is a pretty difficult thing to conclude once you say that you are on notice that it is secret or top secret. Then, it seems to me, you would have to analyze that and say, "No, there is no way; I cannot conceive of any reason to think there is any way this could be used to injure the United States." You are on notice that somebody seems to think it can be the cause of injury, because he marked it secret.

Mr. GRAVEL. The Senator is correct. That is what the memorandum says.

If, in my judgment, when I see this information, when I release this to the American people, and in my judgment I think it will hurt the country, I have violated the Espionage Act. But if in my judgment I do not think this will injure the United States, if I think this will help to stop the killing of Americans, I am bound to release it, in my judgment.

As I said earlier, when I was 23 years old I had more power with respect to classification than I have today, at 41. I was a top secret control officer in Europe. I had five safes behind my desk. I had the combination. I could either classify or declassify. All the reports I wrote as a secret agent—tail jobs, opening people's mail—I had the stamps on my desk.

If the Senator from Louisiana was a Senator in 1953 or 1954, I could have put my stamp on papers that he could not see, and I do not think that is right, because I think that in 1954, if he was a Member of this body, he had more power and more judgment that I did when I was 23.

Mr. LONG. I do not know whether I had. If I saw the secret stamp on that document and I proceeded to release it, that should put me on warning that somebody thought this could injure the United States if released. It seems to me that I would have to have a pretty strong case to conclude that this could not possibly injure the United States. If something was in there that could be used by someone against the best interests of this country, it seems to me that perhaps I ought to recognize that it could be used to

injure the United States. It might not; but it could; and if I had any reason whatever to think that it could be used that way, I should not release it.

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

Mr. GRAVEL. I yield.

Mr. CRANSTON. In response to the Senator from Louisiana, I should like to say this:

Quite plainly, the fact that somebody decides to label something "secret" does not mean that he exercised very good judgment and that the security of the country is therefore involved in keeping that secret.

I have been trying to research this matter. Let me cite some examples of instances in which someone thought something should be secret.

Mr. William G. Florence, retired civilian security classification policy expert, testifying before the House committee recently, said:

> Not so very long ago, someone in the Navy Department placed the SECRET marking on some *newspaper* article (!) . . . A special directive had to be published to tell people *not* to classify newspapers.

Plainly, there was an error of judgment.

From a Wall Street Journal article of June 25, 1971:

> Today almost 25 years after the end of World War II, U.S. archives still hold some 100 million pages of classified war records. . . . The government process of declassification is haphazard and cumbersome . . .

Perhaps there was a reason at the time, but there is no reason now for most of that still to be classified.

Arthur Goldberg said, after his experience at the United Nations, in testifying before the House Foreign Operations and Government Information Subcommittee:

> I have read and prepared countless thousands of classified documents and participated in classifying some of them. In my experience, 75 percent of these should never have been classified in the first place; another 15 percent quickly outlived the need for secrecy; and only about ten percent genuinely required restricted access over any significant period of time.

Let me read again from the testimony of Mr. William G. Florence, formerly with Headquarters, U.S. Air Force. He said to the House Committee recently:

> Some time ago, one of the service chiefs of staff wrote a note to the other chiefs of staff stating briefly that too many papers were being circulated with the Top Secret classification. He suggested that the use of that classification should be reduced. Believe it or not, that note was marked Top Secret.

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

Mr. GRAVEL. I yield to the Senator from New York.

Mr. JAVITS. The thing that impresses me about this debate—with all respect to all of us—is really our lack of profound knowledge of the law, which is now going to be decided by the Supreme Court, and lack of profound knowledge of the real problems of policy which are involved.

I will give two examples. It is my best recollection—and I am being very careful in the choice of words—that the reason that dictated my suggestion to Senator CHURCH for a revision of that amendment was a section in the law which gave the Executive the power to classify documents and to punish individuals who would publish or disseminate documents so classified. So I argued that even if we declassified or reclassified, anybody publishing would still be liable under the law for having violated the fact that the Executive had classified, even if we declassified.

So the law had to be changed, and that is what Senator CHURCH cranked into his amendment.

The question of policy is very profound. You have to reconcile your privilege and mine as a Senator to have immunity, notwithstanding the high interests of the country. As to Senator CHURCH's amendment, that is what fouled us up, and that is why we did not actually plow through it with the conviction we might have in the committee—we saw that that would not stand up in the face of our immunity.

Suppose we adopt this amendment. Suppose the Senate did classify. Suppose the Senator said, "In my conscience, even if the Senate did classify, I am still going to read it into the RECORD and anybody can publish it. Then they have the recourse they had under the Pentagon papers, and nothing is going to happen to me, because nothing happened to Burton K. Wheeler."

The question I should like to ask the Senator is this: We realize how important these papers are. They are out, anyhow. There is a school that says they are not out if they are out even if the papers think they published them; it is when we publish them that they are really official and really out. I wonder whether the Senator would think it responsible, in the interest of responsibility, if some small group of Senators, elected by us, right now, should bring into the Senate a recommendation as to how to handle this situation. How do you reconcile the immunity of the individual Senator, the responsibility of the body, and some responsibility—we must recognize its existence—in the executive department for the security of the whole Nation? We have the same responsibility. Will the people be irretrievably damaged if what the Senator wants to publish tomorrow is not published for 2 weeks, so that we may really get a clear sighting, as a body, upon what piece of legislation we ought to adopt, probably separately or in the State Department authorization, upon this question, which is so vexing.

With all fairness to the Senator, I might say that whatever individuals might think about what he did or did not do, he certainly has posed a question which demands resolution.

Senator FULBRIGHT, whom I deeply honor—though on occasion I have not been able to see eye to eye with him—has had this matter very deep in his heart, the question of principle, and he has taken many hard knocks, because he simply would not allow any one man, more than himself, to have the unchallenged right to tell the American people what they should know or should not know. So I ask that question. It is more or less in the genesis of the views of the Senator from Rhode Island (Mr. PASTORE). This is a serious matter, our reconciling three sometimes conflicting points of view—the individual, this body, and the President. Should we not do our utmost to come up with a deeply considered policy, as a body, rather than off the cuff, as it were, to authorize the Senator for generalized reasons, like the public should know, or the information is being denied, a basic policy which the Senate could adopt as a body and stand on before the whole country?

Mr. GRAVEL. I candidly state that I have already made my statement as to my philosophical views with respect to the matter before us. I would be accommodating to that suggestion. It might be the judicious way to go at it. I was impressed with the offer made by the Senator from Idaho (Mr. CHURCH). So I certainly would not want to push this body into a resolution of this matter if we are imminently going to undertake a fundamental change, which is really what I am pushing for to begin with. I want to inform this body and the Nation. so that if this will act as a catalyst, to make us assert some responsibility in this area, I would be happy and certainly would be glad to accommodate the Senate as long as it will consider it with dispatch within the intent of the suggestion of the Senator from New York, realizing the timeliness of this information. So I would be prepared to accommodate whatever this body would be willing to accept in the handling and declassifying of this, and then more permanently to consider action governing its future activities in regard to this matter.

Mr. CASE. Mr. President, if I may add a footnote to the last colloquy that has just taken place, it seems to me it would be sound to end this day's proceedings with a determination that we shall not vote or be asked to vote to open the record today, but that the matter be left for consideration either by a committee or fixed on by the leadership with a later recommendation to us because, I for one, while I yield to no man in my desire that the public should know everything it can know, I am not willing now to vote to open something that I have not had a chance to read myself.

On the argument that all, substantially all, or a greater part of this material has already been made public, so therefore let the rest go out, I say that would really boomerang because the emphasis on lack of understanding for quick action is here. As the greater part of it has already been published and is in the public domain already, the public does not need to have that part, and to have this body take action on it today. Therefore, I would hope that what I sense to be the trend of the thought of the Senator from Alaska would follow out to its logical conclusion, that we might all agree with it, so far as ending today's session is concerned.

Mr. GRAVEL. If I could add, because I realize the seriousness of the way this debate has developed, I have changed my mind and I do not want to push for action today. I was just thinking more in terms of a time certain; but I will be will-

ing to throw that out the window if this body could develop a course of action—a physical course of action. That would satisfy me eminently.

Mr. FULBRIGHT. I want first to ask a question and then to comment.

The Senator from New York (Mr. JAVITS) whom I regard as one of the great lawyers, possibly the best lawyer in this body, and a former attorney general of New York State, referred to the law which authorizes the President to classify material. I have been searching. What is that law that authorizes the President to classify?

Mr. JAVITS. The Senator is right to ask that question. I said that I was drawing on my reference. That was one of the reasons I think we need a little time. It was that section that caused me to make the suggestion to the Senator from Idaho (Mr. CHURCH), which he incorporated.

Mr. FULBRIGHT. As of the moment, though, the Senator cannot think of it?

Mr. JAVITS. Right.

Mr. FULBRIGHT. For the information of the Senate we discussed this matter in the Committee on Foreign Relations. The matter was brought up in the committee by the Senator from Idaho, and the Senator from New York made his contribution, and a very forceful one, as he always does. The committee was favorably disposed—I think the majority was—but for reasons of some doubt, such as the Senator has raised here today, we did not take action. We did not vote it down, but we did not proceed with it.

What the Senator from New York has suggested is the correct way to proceed, if I may say so to the Senator from Alaska, for the further reason that the papers have been already published, practically all of them—I think all of them. But that does not minimize its importance because of what the Senator from Alaska has precipitated here in the Senate. If we proceed to do what the Senator from New York has suggested, and what was suggested in the committee, I think that would be the right way to go about it, because this is a very difficult and puzzling situation. While I have not researched it thoroughly, I have inquired in some depth, and I have not yet been able to find anyone to cite any law authorizing the President to classify as against the right of Congress to information. He took to himself, under an Executive order, as the Senator from Alaska has properly said, to regulate the executive department, which he can do, but it is not a law which applies to the public nor to the Senate. That is a further reason why I think Congress should proceed along the lines of the Senator from Alaska and the Senator from New York.

It is a very difficult question for the committee. The Senator from Missouri, now that he has gotten this final clearance, is relaxed about it. He complained about it. But he was really concerned about the difficulty in getting his hearings cleared. It sometimes took 6 months to get a reasonably simple hearing cleared. It finally worked out.

I would hope that the Senator from Alaska and the Senate as a whole will proceed as the Senator from New York has suggested. It will be very important, now that it has been raised, that we do do something along this line. I would certainly back that. I would say to the Senator that if we do this, we will have clarified one of the most puzzling and most difficult parts of law, because it has created a situation where we accuse the President of overclassifying and he is irritated with Congress as a result. It contributes to the misunderstanding and the bitterness between the executive and legislative branches.

The Senator from North Carolina, who was here earlier, has had a similar problem in his committee in the same kind of context, so I think he would be interested. I am very sorry, indeed, that he is not here, the Senator from North Carolina. He is really an expert in this field. He should be a member, I think, of any body which considers this, along with the Senator from New York.

Mr. ANDERSON. Mr. President, I have heard these comments here, that we cannot find anything in the law. Well, how do we suppose the Rosenbergs were convicted of espionage?

How do we suppose the British convicted men like Foster and Lord Hawhaw?

This is the first time I have heard these laws do not exist. I believe that they can be found on the books.

Mr. ALLEN. Mr. President, will the Senator from Alaska yield?

Mr. GRAVEL. I yield.

Mr. ALLEN. Mr President, I thank the Senator from Alaska for yielding to me. He knows the high regard I have for him, having occupied adjoining desks with him in the Senate during the entire last Congress.

However, I cannot support his position in this matter. I am a junior Member of this body, but I am still as interested as any other Senator in the history and traditions of the Senate. I do not approve of using the great U.S. Senate as a catspaw for the release of information that anyone would be unwilling to release on the street corner or in any public building outside of the Senate Chamber.

The distinguished Senator from Alaska has this information. He has had it for some time. He wants to see that it is disseminated throughout the country. However, I do not feel that we ought to allow the Senate to be used as this vehicle. If we permit this to be done this time, we are going to permit the cleaning out of every vault in the Pentagon, the cleaning out of every safe in Washinton, the dusting off of documents, and the offering of them here in the U.S. Senate.

If we are going to establish a precedent for allowing this, that is what we are going to have to face in the days to come.

This suggestion by the distinguished Senator from New York (Mr. JAVITS) merely prolongs the action. I think we ought to decide this question this very afternoon and say to the Senator from Alaska that we do not want him using the U.S. Senate to release information of this sort.

I hope that this matter will be decided right here this afternoon and that we will not leave it hanging and not let the Senator from Alaska entertain the belief that the U.S. Senate is going to allow itself to be used for the release of information that he is not willing to release on his own outside of the Senate Chamber.

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

Mr. ALLEN. I yield to the Senator from California.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from California is recognized.

Mr. CRANSTON. Mr. President, let me say first that I think the Senator from Alaska has performed a useful service in provoking this discussion and the consideration of a matter that is of very serious importance. He has not sought to release this material unilaterally. He sought to do it by unanimous consent of the Senate. Then he sought to read the material into the RECORD. It was then made plain that there would be a secret session if that was done, so that the information would still be withheld.

The Senator from Alaska followed that course and sought merely to discuss it here and not to read it, but to leave it up to the Senate to determine what it felt to be appropriate.

Many constructive contributions have been made in this matter. I think the most constructive was that of the Senator from Idaho (Mr. CHURCH), who discussed the fact that the matter of dealing with this is not how to deal with this as it relates to the Kissinger papers, but how to deal with it in the future when we have problems so that the administration will consider the careful declassification of documents when that is in order.

The Senator from New York (Mr. JAVITS) outlined his suggestion for solving the immediate problem. I came to the Senate Chamber with a procedure to do what the Senator from New York suggests might be a wise course of action in case the approach of the Senator from Alaska (Mr. GRAVEL) of simply having an up and down vote on the release of this information to the public was not decided to be the wise course to follow.

The Senator from Alaska showed himself to be very accommodating. He is prepared to leave it up to us as to whether we want to let each Senator have a chance to read the documents and form his own judgment and determine whether or not it is proper for a secret label to be on all or part of the material.

I have a suggestion, and can probably make it as a unanimous-consent request or tentatively as a motion. However, I will not do it until we have had time to consider the matter, because many of us may not think this is a proper course to take. I can propose this as a unanimous-consent request or make a motion. We can have the material, the so-called Kissinger papers, read into the RECORD, but not for open publication at this point, because it is material that a majority has not yet decided should be read into the RECORD, and we are in a secret session.

I would then suggest that the RECORD be delivered by the chief reporter to the chairman of the Armed Services Com-

mittee and that group of Senators whom I will suggest. Then we would have, I think, a group that would serve in the future under the proposal of the Senator from Idaho to look at this material and decide and report to the Senate or to release all of it, none of it, or part of it.

I would like to point out that President Nixon's new classification orders specify in the Executive order that when in the process of the consideration of declassification, the prime purpose should be to label that material that should be declassified, to entirely declassify it and not consider any document in its entirety as a really classified secret.

I would suggest that the members of the committee to discuss this matter be the chairman of the Armed Services Committee, the Senator from Mississippi (Mr. STENNIS), who is also on the Appropriations Committee; that along with him, the ranking Republican member, the Senator from Maine (Mrs. SMITH), who is also on the Appropriations Committee; and since the State Department is involved and there are reports that the State Department is involved in this report, that the chairman of the Foreign Relations Committee, the Senator from Arkansas (Mr. FULBRIGHT) also be on the committee; that the ranking Republican member, the Senator from Vermont (Mr. AIKEN), who is also on the Joint Committee on Atomic Energy, be a member of the committee; that the Senator from North Carolina (Mr. ERVIN), who is also on the Armed Services Committee and on the Government Operations Committee, and is a man who is deeply concerned about this matter and a man who is very learned about this subject of secrecy in Government, also be on the committee; and that the sixth member of the committee be the Senator from Colorado (Mr. ALLOTT), the chairman of the Republican Policy Committee and also a member of the Appropriations Committee; that the Senator from South Carolina (Mr. HOLLINGS), who is also on the Appropriations Committee and a man with experience in military intelligence operations, also be on the committee; that the Senator from Maryland (Mr. MATHIAS), who is on the Government Operations Committee and represents a different viewpoint and has also been involved in considering with great seriousness the great involvement of these matters, be on the committee; and finally that the Senator from Louisiana (Mr. ELLENDER) be on the committee as the President pro tempore of the Senate, and also as a member and chairman of the Appropriations Committee.

I think that we can rely upon the judgment of this group of Senators to decide whether any or all or part of these documents should be released. I throw this out as a suggestion for resolving the problem.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. CRANSTON. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, is that just as to the question of the publication of it or the consideration of the proposal of the Senator from Idaho?

Mr. CRANSTON. Mr. President, I am suggesting only that we consider these particular papers. The Senator from Idaho will offer his formula for future papers as an amendment to the pending subject.

Mr. FULBRIGHT. Mr. President, I am much more interested in the proposal of the Senator from Idaho than I am in the papers. I do not think that the further publication of the papers is important, except with respect to resolving the question involved here. I hope that we do not overlook the problem of dealing with the other matter which is much more important. That is my point.

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

Mr. CRANSTON. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, there are two amendments that I would like to make to what the Senator has suggested.

One is that the Senator from Alaska stay his hand and that we do not pass on anything today, reading the material into the RECORD or anything else, that we take whatever course we might decide to settle the point and not come back with a report on the whole issue, including the papers the Senator has offered to read.

As an alternatice, we might consider a group of 10 Senators, five from each side, each appointed by the respective leaders, the Senator from Montana (Mr. MANSFIELD) and the Senator from Pennsylvania (Mr. SCOTT). My guess is that is would probably be very much the same way. That is somehow the way we do things around here. We shy away from a list of names. I feel that it would be practically the same membership.

May I suggest to the Senator from Colorado that we stay our hands today. Let us not force the Senate to make a decision.

If the Senator from Alaska (Mr. GRAVEL) is willing to wait 2 weeks, it will not compromise anything. Let us attack the whole thing generically of what we should do about his statement as a whole Senate.

Let us put that into effect this afternoon. If such a motion is in order, the Senator from California can make it, or I can do it, or any other Senator can do it.

That is my suggestion, that the question of what should be done about secrecy in terms of papers which come into the possession of the Senate or any Senator should be the subject of consideration by a committee of 10 Senators, five from each side, each five appointed by the respective leaders, Senator MANSFIELD and Senator SCOTT, and also in that consideration, what should be done about the specific papers Senator GRAVEL produced, and that the committee report in 2 weeks.

Mr. HOLLINGS. Mr. President, will the Senator from Alaska yield?

Mr. GRAVEL. I yield.

Mr. HOLLINGS. I was trying to listen closely to the Senator but I was interrupted a couple of times. Did I follow the Senator's logic about he sees a Senator in a different position than the average citizen with respect to the classification or declassification of documents? Does the Senator think that we as Senators have any special rights?

Mr. GRAVEL. Under present law today, no.

Mr. HOLLINGS. You do not find we have any rights different than the average citizen. Is that correct?

Mr. GRAVEL. Except as it concerns our immunity from prosecution.

Mr. HOLLINGS. But that is not the way we set out our classification laws. Do we not pass classification laws?

Mr. GRAVEL. There are no classification laws.

Mr. HOLLINGS. Let us get to the point I am assuming the President's Executive orders have the force and effect of law. I know my friend from Arkansas assumes differently, but I know in the same breath he and I both know that if the President were caught violating the law in any way we have more ACLU's and everybody else to try to prove the President violated the law.

Mr. FULBRIGHT. I do not think he has.

Mr. HOLLINGS. But, in a legal sense, if he is.

Mr. FULBRIGHT. I did not say that.

Mr. HOLLINGS. I assume he is obeying the law with his Executive order.

Mr. FULBRIGHT. He is making regulations for control of the executive branch but that is not applicable on all citizens or the Congress.

Mr. HOLLINGS. He enacts a particular classification in accordance with law and executive authority given him by Congress.

If we have not given him that authority, the Senator from Idaho's pleading plea about what could the poor Senator from Alaska do, is answered in the next 5 seconds in his delivery this afternoon. Do what the Senator from Idaho is doing.

We, as special, privileged citizens, 100 of us, have the right, title, and interest, and only the 100 of us, to introduce a bill in the Senate. This is what the gentleman is doing. But what the Senator is trying to do here is confuse the situation by passing a law in executive session by majority vote.

I am back to the fundamental of the gentleman from Rhode Island (Mr. PASTORE) and his logic. You cannot ask us to vote to violate the law. But it is not just delaying here and getting a suit in committee and saying it has the prestige of the membership and the prestige of this group, and that we should go along with it and decide we are going to amend the fundamental law relative to classification. You would pass a law in executive session with one reading.

Mr. FULBRIGHT. I asked three lawyers, Where is the law which authorizes the President to classify? The Senator is assuming the question at issue. If he has such a law I would be glad to have him inform us. The Senator makes this assumption. I would like him to cite it.

Mr. HOLLINGS. If he has a pack of lawyers let him proceed against the President. He has had a pack of lawyers for 2 months looking at this matter. If there were any basis for that by the Senator

from Alaska he would long since have had the President of the United States in the position of violating the law. The Senator knows that too.

Mr. FULBRIGHT. No; I do not.

Mr. GRAVEL. There is a case in the courts today where the President is charged with violation of the Mansfield amendment. The Court already ruled. There is nothing anybody can do, because it is his Justice Department. If the Senator says there are people who can force the President to do something, I know differently. I know a group in New York that would like to enlist his services and they will pay well, to do what the Senator thinks should be done. Let us go back to the other point. I would be happy to comment on that.

There is no law that permits classification. The only law we operate under is the Espionage Act. So if my colleague wants to say that giving this out is breaking the law, as Senator PASTORE did, and when Senator PASTORE was challenged by Senator FULBRIGHT he said:

I do not know the law; it must be in existence.

That is the same point the Senator makes: I do not know the law, but it must be there. That is what is wrong with this country. We assume there is a law but it is not there.

Mr. HOLLINGS. Let us introduce one and spell it out.

Several Senators addressed the Chair.

Mr. ALLEN. Mr. President, I call for the regular order.

Mr. HOLLINGS. Mr. President, will the Senator yield further?

Mr. GRAVEL. I yield.

Mr. HOLLINGS. If there is a vacuum here and no law prevails, let us introduce a proper bill, debate it, have proper hearings, and decide the fundamental question.

I asked the Senator whether we are in a special or different position than the average citizen and the Senator said no. But then, the Senator wants to presume that we are. All other citizens have to respond to three readings of the law, but in executive session, and by majority vote, at his request he would have us amend the law. I do not think that is orderly, I do not think that is legal, I do not think that is appropriate or what persons charged with lawmaking should engage themselves in.

I think we should be upholding laws rather than violating them. We are not in a position of futility, like the average citizen.

Then, there was the plea of the Senator from Idaho: What would the poor man do?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HOLLINGS. Mr. President, are we on a time limitation?

The PRESIDING OFFICER. The Senator must confine himself to the question.

Mr. HOLLINGS. I will get to the question. As an individual Senator you can introduce a bill. Is that not true, Senator from Alaska? But as an individual citizen, you would have been in the soup; but what you are doing is using the Senate body and your immunity as a Senator for an improper approach, for amending the law, and if there is a vacuum, to provide the law where there is not one.

Mr. GRAVEL. The answer is I would not be in the soup any more than Jack Anderson. Nobody touched him and he has been releasing secret documents like they are going out of style. Nobody is suggesting that he broke the law, not even the Justice Department or the President.

I would like to return to the fundamental point. The premise of the Senator's question seems to indicate that if we released these it would break the law. We would not be because there is an Executive order that binds these.

Mr. HOLLINGS. If you believe that why do you not release them? Go out and release them. The Senator does not believe what he is saying. The Senator and I both believe there is a law.

Several Senators addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, the hour is getting late, and some Members are drifting away. I wonder if we might come to some conclusion rather quickly that seems to have been generally accepted on both sides, concerning suggestions made by the distinguished Senator from Idaho (Mr. CHURCH), the Senator from New York (Mr. JAVITS), Senators FULBRIGHT, CRANSTON, and others.

I merely pose the question now whether or not a Senator would be willing to present a unanimous-consent request that would ultimately lead to a regularized procedure as outlined by these various Senators.

Mr. CRANSTON. Mr. President, will the Senator yield for that purpose?

Mr. GRAVEL. I yield to the Senator from California.

Mr. CRANSTON. Mr. President, I will read the unanimous-consent agreement I propounded, modified in accordance with the suggestion of the Senator from New York.

The unanimous-consent request would be that the National Security Memorandum No. 1 be considered as read by the clerk in closed session; that the document be delivered by the Chief Reporter to a committee of 10, five to be appointed by the majority leader and five to be appointed by the minority leader; that the committee, with the assistance of sworn and security-cleared personnel of appropriate agencies of the Government, be authorized to expurgate the transcript by deleting any material, if any, the disclosure of which would adversely affect national security; that such expurgated copy be delivered to the Chief Reporter for publication in the CONGRESSIONAL RECORD within 15 days of the appointment of the committee, and that the Chief Reporter turn the original document over to the Secretary of the Senate, to be kept in secret and not to be disclosed without leave of the Senate.

Mr. GOLDWATER. Mr. President, is that the unanimous-consent request?

Mr. CRANSTON. Yes.

Mr. GOLDWATER. Mr. President, reserving the right to object, I think we are losing sight of the whole matter. To begin with, these are stolen documents, and there is a law against stolen documents or stolen anything. Each one of us has an obligation to respect classification. I do not know that there is a law that requires us to do it, but I know the FBI goes into us very carefully before we are given the right to receive or be briefed on or read anything classified.

I thought it was a disgrace this morning when I read that Jack Anderson and the New York Times had received a Pulitzer Prize. If they can get away with that and if, with all due respect, the Senator from Alaska can get away with this, there is not going to be anything left in the U.S. Government that is secret.

I can understand how it can be considered by some that this is overclassified. I think we have far too much classification. But this is not our business. I think if we got into the atomic energy field and something very top secret, in the cosmic, I do not think anybody here is cleared for it. Suppose somebody steals that and gives it to Jack Anderson or a Senator wants to make it a part of the RECORD. That is a matter of national security.

I think this is avoiding the issue. We ought not to appoint a committee. I charge that a member of this body has used stolen material and wants to make capital of it in any way he sees fit, and as a Senator I think, frankly, he should be censured, and I may offer that resolution after I have had a chance to consult with my leaders.

Mr. President, I object.

Mr. GRIFFIN. Mr. President, the word has been used——

The PRESIDING OFFICER. The Chair would inquire if the Senator from Alaska has yielded.

Mr. GRAVEL. I yield.

The PRESIDING OFFICER. The Parliamentarian advises the Chair that this is out of order.

Mr. GRAVEL. Mr. President, I yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. GRIFFIN. Mr. President, the term "stolen documents" has been used several times on the floor. I ask the Senator from Alaska, What is the source of the documents which he seeks to have put into the RECORD? Where did he get them?

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield to me?

Mr. GRAVEL. I would like to answer that question head-on. If I gave the names of the people from whom I got these documents, these people would be indicted and prosecuted. I do not intend to reveal their names. I had a native of my own State try to do it. If I did, it would go to a jury.

Mr. GRIFFIN. Mr. President, the Senator says he cannot reveal the source of his information. The Senator is asking us to take action on his good faith. I ask him again, What is the source of the documents?

Mr. GRAVEL. The sources of the documents were written by Henry Kissinger and they were put out by the White House, and how they were delivered to me is of no importance.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum——

Mr. ROBERT C. BYRD. Mr. President——

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

The PRESIDING OFFICER. Does the Senator yield?

Mr. GRAVEL. I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I do not believe that the Senator from Alaska has asked yet to put the documents in the RECORD. Am I correct?

Mr. GRAVEL. No, I have not.

Mr. ROBERT C. BYRD. We are getting off the track, in view of the fact that the Senator from Alaska has made no such request, so I wonder if we could not get back to the suggestion I made a moment ago, which I thought was a good one, to wit, that someone might wish to propose a unanimous-consent request providing for further study and action on proposals such as those that were made by the Senator from Idaho (Mr. CHURCH), the Senator from New York (Mr. JAVITS), and other Senators earlier this afternoon, so that we can get on with that business and possibly go back into legislative session soon.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. GRAVEL. I yield.

Mr. JAVITS. In the present temper of the Senate, I doubt very much that anything could be done by unanimous consent. In fact, I doubt that anything would be done.

I would most respectfully suggest, before proceeding, if the Senator will allow me, any Member tomorrow morning in the morning hour can present a resolution to appoint a committee to consider the matter. There is nothing secret about that. It is my intention to do that. I hope very much that those Senators who are interested will join me in that. On the following day the matter will be in order. Then let the Senate proceed in an orderly way.

With all respect and love for my colleagues, I do not think anything, other than that, is going to be served tonight except the exacerbation of Senators and saying things they may wish they had not said.

I would hope very much, therefore, that the session might now be dissolved.

Mr. ALLOTT. Mr. President——

Mr. GRAVEL. Mr. President, I yield to the Senator.

Mr. ALLOTT. No; I want the floor in my own right.

Mr. GRAVEL. Mr. President, I will take the advice of my colleague from New York and state any action should depend on my colleagues and the leadership to arrive at some manner and form to handle this, which I think would be proper and judicious. So at this point in time, I would end my counsel and be glad to see what action will be taken by this body, and obviously hope that action will be taken, and see what happens.

I yield to the Senator from California at this time.

Mr. CRANSTON. Mr. President, I would simply like to ask if, at the end of the debate, before we leave this closed session, I may be recognized for the purpose of simply making the motion that the discussion we have had here today be entered into the RECORD openly. I know of no partisan capital to be made of it and no secrets relating to national security have been discussed here. I think the people are entitled to know what has been said and what our thoughts are on this matter, as representatives of the people. So I ask that I be recognized for that purpose before this session ends being a closed session.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GRIFFIN. Mr. President, was a unanimous-consent request made?

The PRESIDING OFFICER. It was not made.

Mr. DOLE. Mr. President, a parliamentary inquiry.

Mr. GRAVEL. Mr. President, I yield the floor at this time. I have nothing further to say.

The PRESIDING OFFICER. The Senator from Kansas is recognized for a parliamentary inquiry.

Mr. DOLE. What is pending before the Senate?

The PRESIDING OFFICER. Presently the unfinished business is before the Senate.

Mr. DOLE. A further parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. As I understand it, the Senator from Alaska has made no motion.

The PRESIDING OFFICER. No, and it is the understanding of the Chair that the Senator from Alaska has yielded the floor.

Mr. CRANSTON. Mr. President, I move that the Senate go out of closed session——

Mr. ROBERT C. BYRD. Mr. President, I ask the Senator if he will withhold that.

Mr. CRANSTON. I yield to the Senator.

Mr. ROBERT C. BYRD. Mr. President, before we go out of closed session, I think we all ought to understand that if we do not lift the injunction of secrecy, then nothing that has been said in this debate today can be stated outside this Chamber by any Member or by any officer of the Senate.

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. I do not think that anything that has been said during the debate could properly be classified as information that should be kept secret, yet any Senator who tells, outside this Chamber, anything that went on in this Chamber, even with reference, for example, to so harmless a thing as the suggestion that there be a committee created, is subject to expulsion by the Senate and any officer of the Senate who inadvertently said the same is subject to being fired and punished for contempt of the Senate.

So before we move to go out of this closed session, I ask unanimous consent, Mr. President, that the injunction of secrecy be lifted and that the proceedings of the debate during the closed session be printed in the RECORD so that the debate may be made public.

Mr. ALLOTT. Mr. President, reserving the right to object, at the time the original motion was made to bring this body into closed session, I raised the point of order that the motion was not properly made because rule XXXV—and I read it—says:

> On a motion made and seconded to close the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy, the Presiding Officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed.

Now, I do not raise this as a point again, but are we to believe that after some 3 hours there was really no need for secrecy, and that the Senator who made the motion did not believe it required secrecy?

Mr. ROBERT C. BYRD. Mr. President——

Mr. CRANSTON. Mr. President, I believe I have the floor. I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I renew my unanimous-consent request.

Mr. FONG. Mr. President, reserving the right to object, and I shall object.

Mr. ROBERT C. BYRD. Mr. President, I hope the Senator will not object to this unanimous-consent request. Nothing secret or sensitive to national security has been divulged in this Chamber today.

Mr. FONG. I cannot see why we have a secret meeting and then go out and publish it to the whole world.

Mr. ROBERT C. BYRD. The answer to that is very simple. The Senator from Alaska had some material which he had asked to place in the RECORD a few days ago.

Mr. GRAVEL. Mr. President, if I may clarify the chronology, since the effort is being made to foist this on my back, I do not mind responsibility, but I am not going to own up to this one. The Senator from Michigan (Mr. GRIFFIN) seconded the motion. I gave him the opportunity to second it out of comity, because when I had tried to introduce this material into the RECORD, the point was made that the rule would be invoked, and that was the only way I could present it to the body.

Now the point is made that I wanted the secret meeting. I did not want the secret meeting because I contended, of course, that the material was nonsecret. I never wanted it considered secret information. It was the assistant minority leader who foisted this on me.

The PRESIDING OFFICER (Mr. BENTSEN). Senators will please cease conversations, so that all may hear the proceedings.

Mr. ROBERT C. BYRD. Mr. President, I stand corrected. I was under the impression that there was some documentary material on which there was a classified stamp, and there was some effort to place it in the RECORD recently, and that, therefore, there would be some discussion of that material which was classified as secret, thus creating the necessity of having a closed session.

But that is neither here nor there. I would hope the Senator would not ob-

ject to the unanimous consent request that the debate be made public by printing it in the RECORD.

May I say to the Senator from Hawaii (Mr. FONG) I had the clerk read paragraph 4 of Senate Rule XXXI, into the RECORD at the opening of this session, and it places an unfair burden upon every Member here and every officer of the Senate, because nothing has been said here that ought to be secret or that involves the security of this country, and yet any Senator who goes outside this closed session and divulges anything that was said—be it ever so trivial—is subject to expulsion, and any employee who goes outside this Chamber today and divulges—even inadvertently—what was said is subject to being dismissed from his job and subject also to action for contempt of the Senate.

I do not think we should put that burden upon anyone when nothing that has been said justifies secrecy.

Mr. FONG. Mr. President, I think it is most unfair to ask for a secret session——

Mr. ROBERT C. BYRD. Well, I did not do that.

Mr. FONG. And after 3 hours of debate, to go on and say we are going to publish it to the public. If it is to be a secret session, let us keep it a secret session, so that anything that has been said here will remain a secret. If you are going to have secret sessions, ask for secret sessions, and later on say, "We will publish it," who is going to stand on the floor and speak? A secret session called a secret session will later on be a public session, and we will never have a nonpublic session. That is the reason why I object.

Mr. ROBERT C. BYRD. Mr. President, if unanimous consent fails, I intend to move eventually that this be done.

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

Mr. ROBERT C. BYRD. I yield to the Senator from Vermont.

Mr. AIKEN. Will the Senator tell me, would it be a violation of the rules or of law to go out, after this meeting, and say the afternoon was wasted? Would that be a violation? As I understand it, it would be.

Mr. ROBERT C. BYRD. That would be left to the judgment of the individual Senator as to whether the afternoon was wasted.

Mr. President, I read paragraph 4 of rule XXXVI again:

> Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

I would hope Senators would not object to a request that the injunction of secrecy be lifted, because, in so doing, we are not going to endanger the security of the country. There has been nothing secret said here today, and I just think it removes a burden from any Senator who, if he is asked by anyone, has to say he cannot say a word, but if some Senator should happen to reveal, for example, that there was a suggestion that a committee be appointed to be named by the majority and minority leaders which would look into thus and so and report back by such and such a time, he would then be liable under this section.

I do not think we want to do that. I do not think we want to leave such liability, the content of the debate being what it was, upon any Senator. So I ask unanimous consent, Mr. President——

Mr. ALLOTT. Mr. President, before the Senator makes his unanimous-consent request, may I address this remark to him?

Mr. ROBERT C. BYRD. I yield.

Mr. ALLOTT. We were brought in here this afternoon, all of us, upon the assumption that there was going to be an attempt by the Senator from Alaska to introduce the documents he has in his hand into the RECORD, or some similar maneuver.

I do not know that the existence of the documents has ever been officially confirmed by the President. I am not going to get into the argument as to whether or not the President has the law behind him. But the facts are that there is plenty of law to support the violation in an espionage way of those documents.

We do not know the source of the documents. I have every reason to believe that the fact that they exist outside of the White House, whether in the hands of Jack Anderson or whether in the hands of the New York Times or the Washington Post, or any other newspaper, means that they exist illegally. A mere official reference to those documents in this body can, in my opinion, possibly be, and I think actually is, a violation of the law.

I might say that this Senator received papers from the Senator from Alaska. I was looking for another document on my desk at the time, and happened to pick up an unmarked envelope with just my name on it. Fortunately I had two people in my office at that time, both of them ranking staff members of a committee in Congress, and in looking for another paper I opened it and saw a top paper, some sort of memorandum from Senator GRAVEL. I closed it up immediately, without looking at anything further, and sent it back to him hand-delivered.

This is what I consider to be—and I do consider it to be—my duty in such a case at this time.

We have flagellated ourselves all over the place this afternoon because we have not taken care of these various laws that we might use to declassify information. But, Mr. President, the real question has not been addressed here, and to those on the other side and those of us on this side, I say this: Imagine the most desirable President you would like to see elected, and then imagine him being placed in this position, which is now rampant in this country, and to which not one word has been addressed this afternoon, really, of what we do with those people who steal papers, whether they are logically classified or not, and then sell them or give them or dispose of them for some kind of gratuity or something else of value to people who will publish them.

Believe me, if we do not face up to this basic question in the Senate, there is not a man or woman sitting in the Senate today, either under this administration or one in the future, who will not rue the avoidance of our responsibility.

So I come back to the same problem: We asked for a secret session. The document has been referred to over and over again. Under these conditions, and as a matter of principle alone, I hope that Senators will not ask to have the proceedings under this secret session exposed to the public.

Mr. HART. Mr. President, no one has suggested, have they, that we strike a medal for the fellow who stole them? I understood the Senator from Colorado to say that the law is clear, that it offends the law to steal documents. If we want to strengthen it or modify it, that is one thing. But are we not addressing ourselves to the problem in which we now find ourselves—call it ignorance or uncertainty—namely, we do not know whether when a document, stamped classified so as to prohibit its disclosure, and then is disclosed, whether this is indeed an offense under any law?

Mr. ALLOTT. Mr. President, will the Senator yield for a question?

Mr. HART. Yes.

Mr. ALLOTT. Does the Senator think that any less obligation is owed to the President and his confidential advisers to protect that confidentiality than is owed to a Senator of the United States and a man who he said was in his employ, but who has never taken the oath of office as an employee of the Senate nor been on the payroll? I think we owe that obligation.

I am all for the great, wonderful things people are saying about approaching and tackling this problem. I do not happen to be the chairman of a committee, so I cannot do it. There are chairmen of committees in the Senate who can tackle this problem, and I am sure they will. I would be happy to see them do it. I am not sure but that the executive branch would be happy to see them bring some order out of this chaos.

Mr. HART. I rose only to inquire how our action on making public the events of the last couple of hours should be affected by the respect we owe, whether the law requires it or not, to an executively classified document, which document will not be in the published RECORD. For the reason explained by the Senator from West Virginia, there being general agreement that nothing has been said that affects the security of the Nation, and knowing human nature and the energies of the press, I think we would all be more comfortable under these circumstances if we could publish the RECORD. What harm is there?

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

Mr. HART. I yield.

Mr. CHILES. Further than that, further than our own comfort and the fact that we are under an obligation of secrecy, if there is nothing in this RECORD today during these hours that in any way affects the security of this country or in any way affects the proper working of the Senate, are we not also under an obliga-

tion to go ahead and make that RECORD open to the public? Because we do have the special privilege to close these doors and to hold a secret session, and the public cannot participate and the press is not represented here. At the time we have that obligation, do we not have a great obligation—which I feel, and I think many Senators here feel—to make sure that we are not withholding anything from the public that can properly be in their domain, perhaps because of its little political consequence? I do not think this has been that kind of session in that regard. But I feel under a great obligation to see that this session is open, if we can have it open in a proper way, because I think there may be times in the future when we need to have a closed session. I do not think the public is going to stand by and allow its business to take place behind closed doors, if, when that business should be open, it is kept closed.

It is for that reason I feel under a great obligation to try to see that this session is made public.

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

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, my efforts have been futile thus far, but I am going to ask unanimous consent once again that the injunction of secrecy be lifted and that the proceedings be publicly reported in the RECORD. I do this once again, calling to the attention of Senators that if any Senator goes out of this Chamber today and the press confronts him when he has left here and asks him what goes on, he can say, "I cannot say it," and that is what I will say. But any Senator who goes out and tells anything that occurred here—even though it be of little importance—is subject to expulsion from the Senate, under the rules. I do not want any Senator—and I do not think it is fair for any Senator—to carry that burden regarding so innocuous a debate.

Mr. GRIFFIN. Mr. President, reserving the right to object, I think it would be a very interesting exercise to see how much of this we will read in the Washington Post tomorrow morning.

Mr. ROBERT C. BYRD. Very well. Any Senator has the right to object, if he wishes to do so. I am just going to ask unanimous consent again.

Mr. GOLDWATER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CHILES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHILES. Is a motion in order?

The PRESIDING OFFICER. A motion is in order.

Mr. CHILES. Mr. President, I so move, but first I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate go back into legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

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

The PRESIDING OFFICER. The motion is not debatable. The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ALLOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Will the Chair state the question?

The PRESIDING OFFICER. The motion is to go back into open session. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll, and Mr. AIKEN voted in the affirmative.

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

The PRESIDING OFFICER. One Senator has already answered.

Mr. FONG. Mr. President, a parliamentary inquiry.

The legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), and the Senator from Utah (Mr. MOSS) are necessarily absent.

I further announce that the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Virginia (Mr. SPONG) are necessarily absent.

I also announce that the Senator from Montana (Mr. MANSFIELD), and the Senator from New Hampshire (Mr. MCINTYRE) are absent on official business.

I further announce that if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. FANNIN), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

Also, the Senator from New Jersey (Mr. CASE), the Senator from Florida (Mr. GURNEY), the Senator from Idaho (Mr. JORDAN), the Senator from Maryland (Mr. MATHIAS), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. CURTIS) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 36, nays 32, as follows:

[No. 174 Leg.]

YEAS—36

Aiken	Cooper	Packwood
Allen	Cotton	Pearson
Allott	Dole	Percy
Anderson	Dominick	Roth
Baker	Fong	Schweiker
Beall	Goldwater	Smith
Bellmon	Griffin	Stafford
Bennett	Hansen	Taft
Boggs	Hatfield	Talmadge
Brooke	Hruska	Tower
Buckley	Javits	Weicker
Cook	Miller	Young

NAYS—32

Bayh	Eagleton	Montoya
Bentsen	Ellender	Nelson
Bible	Fulbright	Pell
Brock	Gravel	Proxmire
Burdick	Hart	Randolph
Byrd, Harry F. Jr.	Hollings	Stennis
Byrd, Robert C.	Hughes	Stevens
Chiles	Inouye	Stevenson
Church	Kennedy	Symington
Cranston	Long	Tunney
	Mondale	Williams

NOT VOTING—32

Cannon	Jackson	Moss
Case	Jordan, N.C.	Mundt
Curtis	Jordan, Idaho	Muskie
Eastland	Magnuson	Pastore
Ervin	Mansfield	Ribicoff
Fannin	Mathias	Saxbe
Gambrell	McClellan	Scott
Gurney	McGee	Sparkman
Harris	McGovern	Spong
Hartke	McIntyre	Thurmond
Humphrey	Metcalf	

So the motion of Mr. ROBERT C. BYRD that the Senate return to legislative session was agreed to.

OPEN LEGISLATIVE SESSION

Thereupon, at 6:15 p.m., the Senate returned to Legislative session.

Mr. ROBERT C. BYRD. Mr. President, may I say for the information of those Senators who were not present when I earlier moved that the Senate go back into open session that the issue which is at point here is as follows:——

Mr. BENNETT. Mr. President, is the Senate now officially in open session, and if so, are we violating the rule prohibiting disclosure of what took place in closed session, we being in open session at this time?

Mr. ROBERT C. BYRD. Mr. President, what I am saying is not secret.

Mr. BENNETT. The Senator is disclosing what happened in the closed session.

Mr. ROBERT C. BYRD. I am not discussing it off the Senate floor.

Mr. BENNETT. Mr. President, I do not think the rule is that tight, since we are officially in open session.

Mr. ROBERT C. BYRD. We will let the Constitution decide that. I thank the Senator for calling my inadvertence to my attention.

Mr. President, I move that the Senate go back into closed session.

Mr. FULBRIGHT. I second the motion.

Several Senators requested the yeas and nays.

Mr. ROBERT C. BYRD. Mr. President, the request for the yeas and nays is not in order on that motion.

The PRESIDING OFFICER. Pursuant to rule XXXV, the Chair directs the Sergeant at Arms to clear the galleries, close the doors of the Chamber, and ex-

clude all the officials of the Senate not sworn to secrecy.

(At 6:16 p.m., the doors of the Chamber were closed.)

CLOSED SESSION

Mr. BIBLE. Mr. President, may we have order? The acting majority leader is certainly entitled to order. Everyone ought to be heard, whatever his views.

The PRESIDING OFFICER. The Senators will cease conversation. The Senator will not proceed until the Senate is in order.

The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, for the information of those Senators who were not present when I earlier moved that the Senate go back into open session, the issue at point here is as follows, as I see it.

The discussion which occurred during the closed session today was not such as would reveal any secret information or anything that would endanger the security of this Nation. There was no effort made on the part of any Senator to include in the RECORD any documents heretofore stamped classified, secret, or otherwise.

There was merely a debate. And during the course of that debate, suggestions were made as to possible procedures that might be followed for a decision by this body for the declassification of material which might otherwise be stamped classified or secret by the executive branch.

I thought such proposals had merit. There are various Senators here who, I think, at some future date might want to submit resolutions for regularizing procedures for the declassification of documents when improperly labeled secret.

Mr. HANSEN. Mr. President, a point of order.

The PRESIDING OFFICER. Will the Senator from West Virginia yield for a point of order?

Mr. ROBERT C. BYRD. I yield for that purpose.

Mr. HANSEN. Mr. President, I observe that what is being said by the acting majority leader is being taken down in shorthand. Has provision been made that these proceedings be recorded?

The PRESIDING OFFICER. Is it out of order to ask that steps be taken that the remarks be recorded?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the official reporters be authorized to take notes for whatever disposition the Senate might later want to make of the transcript of those notes.

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

Mr. ROBERT C. BYRD. Mr. President, I asked unanimous consent repeatedly while we were in closed session that the injunction of secrecy be lifted.

There is nothing here that should be kept secret. There was a closed session. I think all Senator felt, in advance, that there was going to be some discussion of matters which should be kept secret, but as it developed there was no such secret information divulged.

That being the case I feel that the proceedings of the session should be made open to the public. I do not think the Senate should have a closed session for the discussion of secret information, and if no secret information is, in reality, therein divulged—and nobody here maintains that there was—that the proceedings should be kept from the public knowledge. I think the record should be opened.

Furthermore, if the injunction of secrecy is not lifted I would like to call to the attention of Senators the following paragraph of rule XXXVI of the Standing Rules of the Senate:

> Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

I want to say to my colleagues again that if any Senator goes out of here and is asked by the press as to what happened during the secret session, and that Senator reveals to the press or anyone else anything what went on in that session—be it ever so trivial—he has subjected himself to possible expulsion from the Senate.

So I think, first, that statements made in a closed session which do not involve the security of this country and which are not sensitive in any way imaginable, should be made public because we are not justified in withholding them from public view; and second, that we ought to lift this injunction of secrecy so that no Senator and no officer of the Senate, under such circumstances, carries the burden that is placed on him by paragraph 4 of rule XXXVI of the Senate.

Therefore, I have tried repeatedly to get unanimous consent to lift the injunction of secrecy.

Mr. President, I now move that the injunction of secrecy be lifted and that proceedings of the Senate during the closed sessions be printed in the RECORD.

Mr. GOLDWATER. Mr. President, reserving the right to object, and I will not object, although I objected before, I would like to inform the acting majority leader that, during his statement, he said no effort was made to bring this matter to a head. I would propose that we make a motion, which I will make at the proper time, directing that the papers that Senator GRAVEL tried to get in the RECORD the other day by unanimous consent be printed in the RECORD. I will not object to unanimous consent. I think the Senator probably made himself clearer than he did before.

Mr. HANSEN. Mr. President, reserving the right to object, and I shall not object, I would like to observe that, insofar as I can understand, there was nothing disclosed here this afternoon with the exception of the insertion of these documents, that some contended have been stolen, into the secret record.

With respect to those papers, it has been contended by many that all of the pertinent parts have already been published in the New York Times, the Washington Post, and perhaps some other newspapers as well.

So, insofar as the national security is concerned, it seems to me it could not be contended that there is any more reason now to make public all the transpirations of the secret session at this time than earlier, insofar as national security is concerned.

I think it resolves down to this. The Senate has been forced into an unusual situation for purposes that are devious and beyond me, to accomplish other purposes I do not understand for no good reason at all.

However, in deference to my good friend, and a person I admire very greatly, the Senator from West Virginia, our acting majority leader, I shall not object.

Mr. LONG. Mr. President, reserving the right to object, and I think I will object, it seems to me that when we are told that someone has asked for a secret session and that this is a secret session, and everyone can say without any reservation what is on his mind because it will not be released, we have the right to proceed under the theory that this is to remain a secret session.

If any single person has proceeded under the theory that we were in executive session and that that was an entire matter to be kept confidential and not spread across the RECORD, he has a right to object and to have it respected. Is that not one reason why else a secret session would be called? Would that not be one reason for calling a secret session, so a person can freely discuss what he has on his mind without being subjected to having the matter published, as I have pointed out? If any single person feels that anything has been said that he would object to having disclosed, it should not be released. I am personally inclined to resent a procedure whereby the secrecy is used to promote publicity, so the matter is going to be publicized rather than kept confidential when the idea was to keep this in the bosom of the Senate.

I think I will object.

Mr. FONG. Mr. President, will the Senator withhold his objection?

Mr. LONG. I withhold my objection.

Mr. FONG. Mr. President, it is so easy to get a secret session. The motion is made by one Senator and seconded by another and we are in secret session. It is so easy for any one of us to ask for a secret session just to focus publicity on a subject we want it focused on.

If we are going to have a secret session, let us have a secret session. If we have a secret session every Senator is free to express any opinion he wishes to express and he will be able to do so.

If we are going to follow the procedure of having a secret session and then later revealing it to the public, with everything said being revealed, I object because this is not going to be a secret session and those Senators who would be prone to speak their minds would not feel free to do so if it were not a secret session.

This would be a travesty on the word "secret" and a travesty on the time of Senators called upon to enter into a secret session, if later we publish everything that was said. This would be a

mockery of our procedure. Every time a Senator wanted a secret session all he would have to do would be to ask for it.

Mr. President, if we are going to have a secret session, let us have a secret session. Let us not dignify the action of the person who asked for it.

Mr. LONG. If the Senate were to use the procedure we have used in other secret sessions it would be all right with me. Under such procedures remarks are transcribed and anyone who cared to do so could amend or even delete his remarks and then, after the same reasonable period of time the RECORD was made public. I would have no objection to that procedure.

Mr. FONG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, I have stated the case for my motion. I respect the Senator from Louisiana for what he said. I think I have to agree with him in many of the things he has said. I do not think that Senators, however, may I say to my friend from Hawaii, are going to take undue advantage of the opportunity to call for a closed session, inasmuch as such a motion should only be made for the purpose of discussing subjects which they think require secrecy when they ask for such a closed session. The very moment the Senate goes into closed session, a motion is in order to go back into open session, and I do not think the leadership or the Members on both sides would tolerate the use of such motions merely for publicity purposes.

As to the two Senators who asked for this closed session, I think they fully intended, at the time, to make their motions to include in the RECORD certain documentary material which has had a classification of some sort stamped thereon, but during the course of the debate, they were persuaded by the arguments of the Senator from Idaho (Mr. CHURCH), the Senator from New York (Mr. JAVITS), the Senator from Arkansas (Mr. FULBRIGHT), and other Senators, that a way should be devised to govern the declassification of innocuous documents. One such procedure would be that of creating a committee to examine such material; and both Senator GRAVEL and Senator CRANSTON indicated that they were quite willing to let that committee be created, let it take a look at the material, and then rest on the judgment of that committee.

So I do not think that they took advantage of the rules here today. I think they fully intended initially to move to include into the RECORD certain matter stamped secret which they felt had been improperly classified and, therefore, ought to be made public.

I think they should be commended for having been persuaded by the arguments to desist, for the time being, at least, in moving to insert the material into the RECORD. That being the case, there is nothing in the RECORD that should not be revealed.

I have made the case for my motion, and I now repeat the motion.

Mr. COOK. Mr. President, will the Senator yield, before he makes that motion?

Mr. ROBERT C. BYRD. Yes.

Mr. COOK. I would merely add to that that the Senator from Kentucky would have no objection if tomorrow morning or tomorrow afternoon the Senator would have moved to have the Senate go into closed session and for another Senator to have seconded it. I did not speak on the subject. I was not here during the entire debate. The respective Senators who entered into the debate will have an opportunity to look at the RECORD, have an opportunity to change or alter their remarks, as the rules permit.

The Senator from California made the motion because he, on his own analysis of what was said, and the acting majority leader, on his own analysis of the discussion, have said that there was nothing in this debate that violated the respective situations concerning which we find ourselves involved in the secret session.

I must say to the Senator that there are many Senators who dutifully walk in and vote a "no" vote. They have no idea of what is in this RECORD. They have no idea of one word or one paragraph. And yet all we do is say, "We find nothing in this RECORD that is in violation of the safety of this Nation," and so forth and so forth. Yet the Senators who entered into the debate and took part in the debate should have an opportunity to look at the RECORD.

I would have no objection if the Senator made the motion tomorrow. As a matter of fact, I do not think the rule would be in here if it was not a charge against Senators that Senators themselves had to assume and Senators themselves had to abide by.

As a matter of fact, I would like to read about it tomorrow. I would like to read about it in the Washington Post because I would like to see how Senators respect the body that they are a part of.

So I only say to the Senator, if a majority of the Senators feel as the acting majority leader feels, that there is nothing in it that anybody is objecting to, that there is nothing in it that Senators who entered into the debate want to change a word of, I would suspect they would not object; but that requirement would not be in the rules if we could not live by it. It is not a bad rule that Members of the Senate are compelled to live by. What is wrong with it? Are we a bunch of blabbermouths? Are they going to decide to have a press conference? This has been my objection for a long time, because I have been in the Commerce Committee time after time in executive session, and I have read about it the next day in the newspapers and wondered how it occurred.

I can only say that maybe it is a test of our own tenor. Maybe it is a test of our own ability to in fact abide by our rules.

Mr. TOWER. Mr. President, is that a rhetorical question that the Senator posed, or does he want an answer?

Mr. COOK. If the Senator wants to have time yielded to him by the acting majority leader, he certainly can answer it.

Mr. HANSEN. Mr. President, will the acting majority leader yield for a question?

Mr. ROBERT C. BYRD. I yield.

Mr. HANSEN. With all due respect for my chairman, the Senator from Louisiana, let me just make this observation. It occurs to me that there is one significant difference in changing or correcting this secret session record. I know that I have corrected my own record many, many times. It is necessary that I do that so that people might better understand what I was trying to say. But, above and beyond that, what is said and heard in a public meeting is heard by everybody, so that a Senator changes the record and corrects the record at his own risk. If he wants to be held as one who does that habitually, he will be so regarded by the press. But insofar as what was said in secret session is concerned, no one except those of us here heard that, and I would hope that every Senator here this afternoon would agree with me that if there is any value to what was said in secret session, it ought to be recorded, if anybody is doing it, just exactly as it was said.

I simply ask my beloved colleague if he shares the feeling that I have, that there should not be any correction in the RECORD of the secret session. Does he hold that view?

Mr. ROBERT C. BYRD. I have no objection to that.

Mr. LONG. Mr. President, if the Senator will yield, suppose they took it down wrong? I have had that happen to me many times. [Laughter.]

Mr. ROBERT C. BYRD. Mr. President, I move that the injunction of secrecy be lifted and that the proceedings made during the debate be printed in the RECORD.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. DOMINICK. Is that a divisible motion?

The PRESIDING OFFICER. Technically, it could be divided—that the record be made public in one part, and that it be printed in the RECORD in the other.

Mr. DOMINICK. It was my understanding that the motion was that we go out of executive session, and the other was that the proceedings be published.

Mr. ROBERT C. BYRD. No.

Mr. DOMINICK. Perhaps the acting majority leader will repeat the motion.

The PRESIDING OFFICER. Will the acting majority leader repeat the motion?

Mr. ROBERT C. BYRD. Mr. President, I move that the injunction of secrecy be lifted and that the proceedings of the debate be printed in the RECORD.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. WEICKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Connecticut will state it.

Mr. WEICKER. The parliamentary inquiry is whether or not, after a secret has been invoked, it is a proper motion before this body to revoke that session.

In other words, it would be in the nature of an ex post facto motion.

The PRESIDING OFFICER. That has been the practice of the Senate.

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kentucky will state it.

Mr. COOK. Did we not go out of a secret session by a vote of 36 to 31, and are we not now in a new secret session, and can we, in a new secret session, take up the matters that we discussed in a previous secret session?

The PRESIDING OFFICER. The Senate is now in a new secret session, as stated by the Senator from Kentucky, and in this session we can take up matters that were discussed in the previous secret session.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. TOWER. Is the motion of the Senator from West Virginia in order?

The PRESIDING OFFICER. The motion is in order, and the motion is debatable.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Does the motion of the distinguished acting majority leader apply to the present closed session, or does it apply to the previous closed session, or does it apply to both, because the motion referred to the closed session?

Mr. ROBERT C. BYRD. Mr. President, I think the Senator has made a very pertinent inquiry, and before I respond further to the inquiry, may I say in explanation to my colleagues who perhaps were not here when I moved to go back into closed session that the motion to remove the injunction of secrecy could only be made in closed session, and could not be made in open session. That is the reason I moved to immediately go back into closed session.

Mr. President, I move——

Mr. COOPER. Mr. President, will the Senator yield briefly?

Mr. ROBERT C. BYRD. I yield.

Mr. COOPER. I think my colleague from Kentucky raised a very valid question. As I recall, I missed the first 5 or 10 minutes, and I am sure many other Senators missed a part of the session.

My own judgment is, from what I heard, that what the Senator from West Virginia said is substantially true, that there was nothing that would affect the security of the Nation.

I do recall when I came in, however, hearing the Senator from Alaska speaking about certain events that had occurred and certain decisions that had been made reflecting upon foreign policy and I think upon the war. I was not able to analyze them very accurately, because I could not hear all of them. But I do think it would be fair for the Members of the Senate, all of us, that we have a chance to look at the RECORD tomorrow and determine whether we believe any question of security was involved, and then go into another one of these sessions and vote upon it. I think that is only fair.

I do not say that in any derogation of the judgment of the acting majority leader. I say it with some sense of responsibility to all of us. I think my colleague from Kentucky raised a very important question.

Mr. ROBERT C. BYRD. Mr. President, Senators who were present, I am sure, have reached their own judgment as to whether or not anything was said during the debate that was sensitive as to the security of this country. Those Senators who may not wish to vote for the motion may vote "no."

I move, Mr. President, that the injunction of secrecy be lifted from the proceedings that occurred during the first closed session today, and that those proceedings be made public by their having been printed in the RECORD.

Mr. MILLER. Mr. President, a point of order.

Mr. LONG. Mr. President, I move we adjourn.

Several Senators addressed the Chair.

Mr. GRIFFIN. Regular order, Mr. President.

Mr. ROBERT C. BYRD. Mr. President, that is a motion that is customarily reserved for the leadership, and I hope the Senator from Louisiana will withdraw his motion.

Mr. MILLER. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLER. Do I understand the yeas and nays were ordered on a motion that had previously been put by the acting majority leader?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. MILLER. I thank the Chair.

The PRESIDING OFFICER. Does the Senator from Louisiana withdraw his motion to adjourn?

Mr. LONG. No. Mr. President, I move we adjourn.

The PRESIDING OFFICER. The question is on agreeing to the motion to adjourn.

Mr. HANSEN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. AIKEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. AIKEN. Do we go back to the pending business tomorrow, or take up new business?

The PRESIDING OFFICER. We would be adjourning in closed session.

Mr. AIKEN. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion to adjourn. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Virginia (Mr. SPONG), are necessarily absent.

I also announce that the Senator from Montana (Mr. MANSFIELD), and the Senator from New Hampshire (Mr. MCINTYRE), are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. FANNIN) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

Also, the Senator for New Jersey (Mr. CASE), the Senator from Florida (Mr. GURNEY), the Senator from Idaho (Mr. JORDAN), the Senator from Maryland (Mr. MATHIAS), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. CURTIS) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 30, nays 38, as follows:

[No. 175 Leg.]

YEAS—30

Aiken	Cooper	Packwood
Allott	Cotton	Pearson
Anderson	Dole	Percy
Baker	Dominick	Roth
Beall	Fong	Smith
Bellmon	Hansen	Stafford
Bennett	Hollings	Taft
Boggs	Hruska	Tower
Buckley	Long	Weicker
Cook	Miller	Young

NAYS—38

Allen	Eagleton	Montoya
Bayh	Ellender	Nelson
Bentsen	Fulbright	Pell
Bible	Goldwater	Proxmire
Brock	Gravel	Randolph
Brooke	Griffin	Schweiker
Burdick	Hart	Stennis
Byrd, Harry F., Jr.	Hatfield	Stevens
	Hughes	Stevenson
Byrd, Robert C.	Inouye	Symington
Chiles	Javits	Talmadge
Church	Kennedy	Tunney
Cranston	Mondale	Williams

NOT VOTING—32

Cannon	Jackson	Moss
Case	Jordan, N.C.	Mundt
Curtis	Jordan, Idaho	Muskie
Eastland	Magnuson	Pastore
Ervin	Mansfield	Ribicoff
Fannin	Mathias	Saxbe
Gambrell	McClellan	Scott
Gurney	McGee	Sparkman
Harris	McGovern	Spong
Hartke	McIntyre	Thurmond
Humphrey	Metcalf	

So the motion to adjourn was rejected.

Mr. JACKSON subsequently on May 17 said: Mr. President, on May 2, the Senate met in closed session. I was not present at thi ssession, and I was not

recorded on the two record votes which took place.

I announce my position on these votes, as follows:

Leg. No. 174, "nay."

Leg. No. 175, "nay."

Mr. ROBERT C. BYRD. Mr. President, I withdraw my motion.

In order that Senators may have an opportunity to look at the RECORD and to edit it, to expurgate whatever they wish to strike therefrom with respect to their own remarks, and at the same time to accomplish my objective, which I think is a right one—to wit, lifting the injunction of secrecy on the previous closed session—I ask unanimous consent that the notes of the official reporters with respect to the proceedings in the first closed session today be transcribed and placed in the hands of the two assistant leaders, that Senators who participated in the debate during that closed session may examine the transcript—and edit the transcript—and that the transcript then, as edited by the Senators, be printed and made a part of the official CONGRESSIONAL RECORD as of Monday of next week.

The PRESIDING OFFICER (Mr. BENTSEN). Is there objection to the unanimous consent request of the Senator from West Virginia (Mr. ROBERT C. BYRD)?

Mr. ALLOTT. Mr. President, reserving the right to object, I should like to make an inquiry of the distinguished assistant majority leader. This means, in effect, as I understand it, that every Senator could edit his own remarks or delete them. Is that so?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLOTT. I should like to pose this question to the Senator, because I believe there are two or three significant remarks in the RECORD which will have a great influence on future debate or actions on this matter. I wonder whether the Senator would consider simply deferring action on any request about the disclosure until tomorrow morning, at which time I think that many of my colleagues would perhaps be inclined to join him in lifting the secrecy bar on this meeting. I personally heard several remarks in the RECORD this afternoon which, I think, will have great significance. I address that question to the Senator. Please consider it.

Mr. ROBERT C. BYRD. It will be considered.

Mr. BROCK. Mr. President, reserving the right to object, remembering the injunction of caution raised by the Senator from Wyoming, is it the intention of the Senator from West Virginia that such corrections be of an all-inclusive nature, or should they be limited to, as the Senator from Louisiana accurately pointed out, simply a correction of a misprint or a misreporting of the actual statement?

Mr. ROBERT C. BYRD. I should think that would be the proper way, although if a Senator wanted to delete any portion of his statement he should have that right to delete it.

Mr. BROCK. If that is the case, then, I would feel constrained to object because if remarks are deleted in their entirety, then that would leave some of the other remarks out of context and make this debate nonmeaningful in terms of making an accurate report to the public. I have supported the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) throughout the entire proceedings to make this debate public, but I do not think it would serve the interests of the public to make only a part of it public and leave a false impression.

I simply must object unless there is some limitation to correcting only those which are errors in terms of reporting or in completing a statement that was inaccurate or incompletely made.

Mr. TOWER. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I yield.

Mr. TOWER. If the unanimous-consent request of the Senator from West Virginia is agreed to, will that mean the injunction of secrecy would still be in effect until next Monday?

Mr. ROBERT C. BYRD. That is right. It would be, until next Monday.

Mr. TOWER. In effect, that remains in effect on Senators, and individual Members of the Senate, too, between now and that time; is that not correct?

Mr. ROBERT C. BYRD. That would be correct, because the RECORD would not be made public until Monday.

Mr. COOK. Mr. President, reserving the right to object, and I will not object, except to say to the distinguished acting majority leader that what this Senator was really trying to get at was to give no more than a short, reasonable period of time for Senators to review their debate, to determine whether they themselves, in their own judgment, had said anything within the framework of the secret session they would consider should be deleted for the purpose of national security, or for other security purposes they might themselves individually deem objectionable to being in the public record.

I would hope that the Senator would merely consider postponing this motion until, let us say, no later than 10 o'clock tomorrow morning and allow Senators to read the RECORD, as the Senator has indicated in his motion, and then, if there is no objection by any Senator at that time, then put the entire matter on the record and get it over with and not just wait until Monday next.

Mr. ROBERT C. BYRD. May I say that nothing will be done with respect to the notes that have been taken down by the official reporters until some action is taken by the Senate in closed session, to direct what should be done with the notes.

May I say further that it is perfectly all right with me to stipulate, instead of Monday next, the day after tomorrow, but I suggested Monday as I thought some Senators might want more time with respect to——

Mr. LONG. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. Yes—just a moment—with respect to the Senator's question as to whether the material should be deleted. It was for the reasons that have been raised by the Senator from Kentucky, I believe, that—to wit, that a Senator might feel something he had said—and he would have that right to make that judgment—was sensitive and should be stricken. That is why I said I felt he should have the right to delete. It makes no difference to me personally what the Senate wants to do.

Mr. COOK. Would the Senator from West Virginia limit his motion to things that a Senator would feel would be sensitive under the respective paragraph that establishes in essence the veil of secrecy over a secret session?

Mr. ROBERT C. BYRD. I will respond to that, but first I yield to the Senator from Louisiana.

Mr. LONG. The Senator from West Virginia has the right to make the motion he did, if he wants to insist on it. Frankly, I think it would be very good to let the RECORD remain classified and confidential for a few days and let Senators have the privilege they have had in other executive sessions, to take a look at their remarks and see if they would like to have them published and, if not, to be the master of their own remarks, we might say, insofar as the sense of it is concerned. That is the way I thought it is usually done in an executive operation.

But, it would serve another purpose, to let this matter remain in the bosom of the Senate. I would be very curious to see if any of this leaks. I would venture the guess that some of these matters will not be confidential in a few days. It will test the statement, "If you want to keep a secret, do not disclose it to the Senate." It might serve a good purpose, to see exactly how good the Senate is in keeping something to itself. So, I will go along with the Senator from West Virginia in what he suggests. It is a very fine suggestion. it might be a very fine thing if we could resolve this whole thing.

Mr. CHILES. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I yield.

Mr. CHILES. I wonder whether the Senator would not consider what the Senator from Kentucky is talking about, whether the time could be shortened to a shorter time, if we possibly could, because while many of us would be amused to see what the press reports tomorrow—and I think we are talking about our remarks—many of us are looking at it not only in amusement but we are also looking at how the Senate will look in the matter. I think that is really what we should be considering here: what will the Senate look like? There probably will be some leaks. There will be reports. Then there are going to be Senators chastising other Senators because there were leaks, and all the reporting is going to be tarring the Senate.

The fact is, we are conducting the people's business behind closed doors. If we do not have to do that, we should not do it. In any period of time, in a shorter period of time, we should open up the veil of secrecy. We should do that. So I think that we should be thinking of how the Senate will look as it conducts the people's business, as we see it at 10 o'clock tomorrow morning. There will be ample time for a Senator to see if he was reported accurately or if he thinks perhaps something had better remain within the veil of secrecy. I would think

any Senator is not going to change his remarks. I think basically he is not going to. Many of us were here and did hear the debate because we stayed during the entire debate. It seems to me that would be simple then.

Mr. ALLEN. Mr. President, reserving the right to object, and I do not plan to object, I would like to suggest to the distinguished Senator from West Virginia that the Senate has not decided anything after having been in closed session for more than 4 hours. I wonder if it would not be the better part of wisdom to let this matter remain in abeyance. I assume that we will have another closed session before this matter is finally resolved. Why would it not be better for us to make that request at this time and resolve the question of whether these papers are to be allowed to be introduced into the official RECORD of the Senate rather than deciding this thing piecemeal?

If we decide to make public at this time this 4 or 5 hours of deliberation, which has accomplished exactly nothing, I think it would be better to expunge the whole thing, because tne Senate has accomplished nothing.

Would it not be better to wait until definitive and final action has been taken on the request that has not even been made by the distinguished Senator from Alaska?

If he wants to make the request, let him come in and make it and let the Senate decide that question. Let us not ask the Senate to release something that puts it in a very bad light. With nothing pending before the Senate at all and having to decide the question of going back into closed session, would there not be a reluctance on the part of Senators to engage in a free exchange in another closed session, which I assume will be called for in order to answer the question of whether the document can be introduced.

I hope that the Senator from West Virginia will wait until the Senate has decided the question, and then let the Senate decide whether to release all of the debate.

Mr. ROBERT C. BYRD. Mr. President, may I say in response to the Senator from Alabama, that I think the matter ought to be resolved here and now. If we go into open session, we cannot go into this matter again unless and until we go back into closed session. A motion to lift the injunction of secrecy would have to be made in closed session.

May I say to the Senate that some Senators have raised a question about tomorrow. The Democrats are having a caucus that is scheduled for 9:30 tomorrow morning. The Senate will not go into session until 12 o'clock noon.

I do not see why we cannot resolve this matter. The Senator from Alaska may not press his motion for a month.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order so that the Senator may be heard.

The Senator from West Virginia may proceed.

Mr. ROBERT C. BYRD. Mr. President, in the meantime every Senator is under the burden to which I have already alluded a number of times.

I selected Monday because I felt that if I were to suggest Friday, someone might say: "Let us have a longer period of time." I am agreeable to letting the date be Friday so that we do not keep the RECORD closed very long.

Mr. GOLDWATER. Mr. President, will the Senator yield for an inquiry?

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Arizona for an inquiry.

Mr. GOLDWATER. Mr. President, would the Senator's suggestion as to the revision of the remarks made today go so far as to allow the Senator from Alaska, for example, to remove from the remarks his statement to the effect that he would not divulge the name of the man who got these documents and made them available to him because this man would be immediately indicted. Would the suggestion go that far?

Mr. GRAVEL. Mr. President, I assure my colleague that I will not withdraw one word of anything I said.

Mr. HANSEN. Mr. President, reserving the right to object, and I would be most reluctant to object, unless I can be assured by the distinguished acting majority leader and the distinguished acting minority leader that any corrections will be only to make more understandable and more intelligible what was said, I think that without that sort of assurance, I would have to object.

I ask now whether it is the intention of the distinguished acting majority leader and the distinguished acting minority leader, if this unanimous-consent request should be agreed to, that any correction will simply be for clarification only and that there will be no parts of the record taken out which would leave remarks that might then follow, or which could at some later time follow, to be meaningless.

Mr. ROBERT C. BYRD. Mr. President, first of all, I would not be making this unanimous-consent request if I thought that any Senator would, thereunder, include any documentary material which was not ordered during the closed session to be inserted into the record.

Second, I would be very happy to confine my request, as best I can, to embrace the editing of the record by each Senator only in such a way as to make clear the intent of what he was saying so that the public can understand and so that there will be no danger then of appropriate paragraphs or sentences being left out which would make difficult the understanding of subsequent paragraphs or sentences.

Mr. HANSEN. Mr. President, on that basis, I have no objection.

Mr. BROCK. Mr. President, reserving the right to object, may I ask if it would be possible to amend the unanimous-consent request to 1 o'clock tomorrow afternoon so that we could have a little more time?

Mr. ROBERT C. BYRD. Mr. President, I will amend my request and I will repeat it again, to insert Friday in lieu of Monday.

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

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, what is the intent of the Senator from West Virginia as to when the secrecy will be dispensed with and eliminated? Will we do that in a subsequent secret session, or will we make that decision now?

Mr. ROBERT C. BYRD. We would make the decision now, and it would apply to a certain date, which would be Friday.

Mr. HRUSKA. Mr. President, I would be inclined on that basis——

Mr. ROBERT C. BYRD. Mr. President, this has been done before.

Mr. HRUSKA. I know it has been done before. However, many Members of the Senate were not present. They do not know what is in the record. They are not familiar with the record. They will be asked to remove the secrecy injunction without knowing what they are voting on.

Mr. ROBERT C. BYRD. Mr. President, may I say that the injunction of secrecy would not be lifted today.

Mr. HRUSKA. The decision would be made to lift it at some time in the future?

Mr. ROBERT C. BYRD. The decision would be made today to make the proceedings of the previous closed session public by printing them in the CONGRESSIONAL RECORD on Friday.

Mr. DOLE. Mr. President, reserving the right to object, I wonder if, as the distinguished Senator from Florida has indicated, the Senate is probably not being made a spectacle in what has happened.

I wonder if the Senator from Alaska might want to offer whatever he intends to offer. We are in secret session. It has been well advertised, and it has been in the papers that we are having a secret session to consider the introduction of certain material into the record. I think we can resolve the entire matter. I think it rather strange that we go into secret session at the request of the Senator from Alaska to vote upon this matter and then spend 2½ hours deciding on what other Senators must do between now and Monday morning.

Why do we not let the Senator from Alaska offer what he wants to offer? We will vote it up or down, and then we will have answered the question. Did the Senator from Alaska not call for this session?

Mr. GRAVEL. That was stated in the dialog very clearly.

Mr. DOLE. Mr. President, that can still be done by a committee. That can be done at any time.

Mr. GRAVEL. Mr. President, I was very persuaded by the argument put forth by the Senator from New York who tells me that on tomorrow he intends to offer a resolution. I think that might be the best way for this body intelligently and deliberately to act.

I see no reason to pursue that. If I could, I wish to correct the record one more time. It was not my intention to have a closed session. It was the leadership on that side which pushed me into a closed session.

Mr. DOLE. I do not quarrel with the Senator. Facts are facts.

Mr. GRAVEL. I am being criticized.

Mr. DOLE. You are being criticized.

Mr. GRAVEL. It was not my idea. I was pushed into a closed session. I felt this debate from the beginning could

have been done in public. I still feel that way.

Mr. DOLE. The Senator is not willing to ask——

Mr. GRAVEL. No. I think this should be done deliberately and the papers made public. I am willing to abide by any system which is the normal way to do it in the Senate. I do not know what more I can do than that.

Mr. ROBERT C. BYRD. Mr. President, may I say to the distinguished Senator from Michigan, the assistant Republican leader, that he was within his rights when he objected to the inclusion of the material in the RECORD some days ago; and by the same token, the Senator from Alaska was within his rights to ask for a closed session, thinking that many Senators might believe the material would be sensitive enough to require a closed session.

Mr President, I ask unanimous consent that the notes of the reporters be transcribed, placed in the hands of the assistant Republican leader and myself, to be kept by those two Senators, and that Senators who participated in the debate may have access to those transcribed notes for the purpose of editing them in such a way as to make them clear to the reading public, and that the edited notes then appear in the CONGRESSIONAL RECORD of Friday next.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I would not object to the first part of the request by the distinguished acting majority leader that the transcript be so placed and available.

I would like, however, to suggest, as the Senator from Kentucky earlier suggested, that we not make the decision tonight to lift the injunction automatically. We can vote on that tomorrow or some other time after Senators not present have had the opportunity to acquaint themselves with the record.

I would suggest that we limit the unanimous-consent request to the first portion thereof.

Mr. BENNETT. Mr. President, reserving the right to object, I would like to address a question to the distinguished acting majority leader. I realize this is probably a little irregular, but the whole process of keeping the record open for 2 or 3 days is rather irregular. I wonder if the opportunity to examine that record might be available to every Member of the Senate and not merely those who made remarks, so that some who could not get in for the debate would have a chance to examine the record.

Mr. ROBERT C. BYRD. Surely. I will modify my request accordingly, so that any Senator may have the opportunity to examine the transcribed notes.

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

Mr. ROBERT C. BYRD. I yield.

Mr. CHILES. I wonder if the Senator agrees with me that there are many of us who stayed here during the entire debate. I hear more said about the Senators who were not here and if they wanted to be here they could be here. I have been here since the entire debate started. I think most Senators now present have been here. I think there is a little more responsibility owed. We keep hearing about those who are not here. I do not know why they are not here. They could have been here if they felt it was important business. We have used references to them quite a bit. We should talk about those Senators who are here and those who did participate in the debate.

Mr. ROBERT C. BYRD. I thank the Senator. There is much justification in what the Senator has said, but I have no objection to other Senators seeing the record.

Mr. CHILES. I do not object to their seeing it, but I am saying we should not be kept from voting now because of four Senators who are not here.

Mr. ROBERT C. BYRD. No. I agree.

Mr. HARRY F. BYRD, JR. Mr. President, reserving the right to object, and I shall not object, I wonder whether it is wise for the Senate to leave here tonight with every Member of the Senate under the injunction of secrecy and every newscaster speculating what the Senate did today, and none of us, if we adhere to our commitment and responsibility, is permitted to say anything.

I am wondering if the motion offered by the distinguished Senator from West Virginia could carry a proviso that in spite of the injunction of secrecy, that the distinguished acting majority leader and the distinguished acting minority leader might jointly inform the press in general terms of what has been going on.

SEVERAL SENATORS. No, no.

Mr. HARRY F. BYRD, JR. I do not know how in the world we are going to go through a couple of days with the whole country speculating with respect to what went on during 4 hours in the Senate.

Mr. ROBERT C. BYRD. May I say in response to the Senator that the procedure I have proposed has been used before. It is a suggestion under which we could operate.

Mr. COOK. Mr. President, I might say to the distinguished Senator that that is a noble thought, but I am not sure it goes beyond that. I do not see how that could be done.

Mr. CRANSTON and Mr. STENNIS addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, the Senator from Mississippi had asked me to yield to him earlier. I now yield to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, reserving the right to object, it occurs to me that the most important matter tonight is what kind of precedent we might set.

I remember in committee sessions when we had closed sessions and I was a new Senator. I wanted to feel I was free to say what I wanted to and that the record would not be made public, at least until I had an opportunity to look at it and determine whether I was going to strike it out or not, and had the right to put it before the committee as to whether or not I would be permitted to modify those remarks substantially.

We have handled this matter several times. I am one who has been referred to, where every Senator has a right to come and look at the record and suggest changes in his remarks, or request that they be changed. As I recall, a day was set when the matter would be considered by the Senate as to whether or not it would be made public. As I recall there never was any controversy after that process was gone through.

It might be that here tonight there will not be a unanimous-consent agreement. I do not know. It might be we could not get to a vote.

In view of those circumstances would it not serve the purpose that our two leaders, who are so highly respected, and who are in a little disagreement—might it not be well, in view of all the circumstances and the lateness of the hour, to let this go over until tomorrow and let the two leaders suggest something? The acting majority leader and the acting minority leader might give a waiting period. I do not know. I do not believe there will be a unanimous-consent agreement tonight. I hope I am mistaken.

If not, perhaps the two leaders could give us a solution to this tomorrow. We would not have much time for this record to be kept secret. I do not think it should be kept secret for very long. I think the acting majority leader is right in trying to get the matter handled now.

Mr. ROBERT C. BYRD. Mr. President, may I say in response to the Senator from Mississippi that I want to do anything I can to accommodate and serve the will of the Senate. I want to see the rules upheld, and I do not want to see Senators go out of this closed session of the Senate with a burden on them that is not justified in this instance.

It is perfectly all right with me to follow the suggestion of the able Senator from Mississippi. He has been here much longer than I have. I am not wedded to the idea, I am not "set-jawed," that we have to go out of here tonight having lifted the injunction of secrecy; but I feel it is incumbent on me to do everything I can to see that the injunction is lifted on a debate, the words of which are not sensitive, and which does not contain any matter endangering the security of this country. But I think that any Senator, when he reads the full debate, would have to say that there is nothing therein which could be considered in any way sensitive. In such a situation, Senators and officers of the Senate should not have to keep their lips sealed, under the penalty perhaps of being expelled, in the one case, from the Senate, and in the other, of being dismissed from service and punished for contempt.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. ROBERT C. BYRD. I yield.

Mr. LONG. May I say to my dear friend that he need not be worried about somebody being expelled because he is a blabbermouth. We have had some of the worst blabbermouths and worst secret keepers of America in the Senate. I am not referring to the present Senate, but we are not that much better. We have had Senators who have been notorious about hearing what was said even in secret meetings to discuss military affairs at the White House and then calling a reporter and telling him what was said. So we are not all that good, as a group,

as secret keepers. It does not make a lot of difference if one is liable to punishment by the Senate. It could happen in theory, but it does not happen in practice.

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

Mr. ROBERT C. BYRD. I yield.

Mr. HANSEN. While I can understand full well the persuasive statement just made by our distinguished colleague from West Virginia, it does occur to me that this point ought to be kept in mind: When a secret session is called for, I think every Senator is thus assured by that action that it is secret, and candor is encouraged and forthrightness is urged. It may be that damage would be done to the assurance which is given by that action. Even though the national security may not be involved and there may be no risk to our country, it does occur to me that, basically, we were admonished. I took it at face value. I thought when the distinguished acting majority leader had read to the Senate what the admonition was, it meant just that. We do not have to worry about other individuals. We have one guy to be concerned about, and that is our own mouth. As far as I am concerned, I am willing to leave it and be accountable to that rule. I think it ought to be left that way. We go around, when we are campaigning, talking about what an honorable institution this is——

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. Senators will cease conversations. Will the Senator withhold his comments until the Senate is in order?

The Senator from Wyoming.

Mr. HANSEN. Mr. President, I overheard something that I would rather not have overheard. It was a very demeaning remark about me, but because it came from a dear friend, I will ignore it.

I do not think there is anything wrong with leaving it this way. We make great moment of the caliber of men that are Members of the Senate. I am not concerned about any employees around here leaking something to the press. I think it might be very interesting and perhaps even chastening to see what happens, and what appears or does not appear in the media tomorrow morning if we leave here this evening with the admonition still fully invoked.

Mr. PERCY. Mr. President, if I could have the attention of the acting majority leader for just a moment, I have not participated in the debate, so that I have no personal embarrassment as to what I may have said or what I may not have said. I think what I am deeply concerned about is the possibility of opening the Senate of the United States to ridicule. If this whole record were published, I think we would have a hard time explaining how we spent 4 hours, with many, many problems this Nation faces, and I for one shall object to publishing and going through a procedure which would enable a Senator to delete whatever the has said. I have said nothing, so I do not have to worry about it; but if some Senator says to another, "You are an s.o.b.," and he deletes that, and someone says, "You are one, too," and that is left in the record, it does not explain what he was responding to, and he is stilled by secrecy from disclosing what was deleted. I think it would be ludicrous to go through this procedure.

I do this with regret, because I want to follow the leadership as much as I can, but I could not permit us to go through this procedure, then publishing the whole record, and then opening up the Senate to ridicule.

We all, in our own families, have disagreements. I would not want the disagreements we have in our family to be published in the newspapers. That is the privilege of having a family—you can have straightforward discussions, and maybe it cleanses something out, and maybe we will not go through the same process again.

I would not want this record to be made a part of the public record. I would be ashamed, having been a Member of this body, for going through this procedure.

I object to the unanimous-consent request that has been made.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that Senators would not delete material, but would merely edit their grammar and clarify their statements for the better understanding of the public.

Mr. PERCY. As I understood the discussion before—maybe I misunderstood it—the statement was made that a Senator could delete remarks—edit, correct, or delete.

Mr. ROBERT C. BYRD. That was the first suggestion, but when objection was made, it was changed.

Mr. PERCY. Now it is left so that it is simply an editing process?

Mr. ROBERT C. BYRD. Yes.

Mr. PERCY. I am sorry. I missed that particular point. That is the part I find most objectionable.

Mr. ROBERT C. BYRD. Yes.

Mr. PERCY. Now may I ask this question? There was some question as to whether or not we were publishing just the first secret session or whether we would publish the entire secret session.

Mr. ROBERT C. BYRD. Just the first secret session, was my request.

Mr. PERCY. There is no standing request to have published anything beyond the first session?

Mr. ROBERT C. BYRD. The first session.

Mr. PERCY. Not having participated in the first session to the full extent, or at all, and having nothing in the record that I would have said, and feeling that there could not be anything that should be deleted, I could withdraw my objection, and I do withdraw my objection. I think someone should object who participated in the first session, if he wants to. [Laughter.]

Mr. FONG. Mr. President, reserving the right to object, I shall object on the ground, first, that if we are going to have a secret session, let us have a secret session. In a secret session every Senator here is supposed to speak with a frank mind, and not be afraid that his remarks will be published, and to be sure that his remarks will not be published. You are going to really stifle freedom of expression if you are going to publish everything that has been said here in a secret session.

Second, if you are going to allow the editing of remarks made, do you really have a truthful record? This record will not be truthful. It will not be truthful to the extent that it has been edited, and something that has not happened here should not be permitted to be given to the public as being said in secret. A Senator may want to edit his remarks, and in the editing he may put something substantive in there which was never spoken on the floor of the Senate, and then you do not have a true record.

In the third place, I want to say that we have not arrived at a resolution of what we were called upon to resolve. No motion has been made. No substantive agreement has been arrived at. To me we are only at the introduction of the subject. We have not even got into the meat of the subject, and yet the request is to let us publish in the record what really happened here. Actually, nothing has happened here. Nothing has happened in the last 4 or 5 hours, and I think it is a travesty on the time of the Senate to have published in the RECORD that we have not done anything.

Let us wait until we have the resolution of what we were called upon to do in secret session, and at that time decide as to whether we would like to publish it publicly or not.

I have objected.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the official reporters' notes be transcribed and the transcript placed in the hands of the two assistant leaders for examination by any Senator and for the proper editing with respect to grammar on the part of any Senator who participated in the debate, and that on Thursday of this week there be a closed session——

Mr. FONG. Mr. President, I rise to object on the same grounds.

Mr. ROBERT C. BYRD. Mr. President, if I may complete my request—that there be a closed session which would be limited to 1 hour—I remove the limitation at this time; I hope to make it later—that there be a closed session for the purpose of discussing the lifting of the injunction of secrecy and the reporting of the proceedings of the first session today.

Mr. FONG. Discussing or deciding the issue?

Mr. ROBERT C. BYRD. Deciding it.

Mr. FONG. The Senator said discussing. We will not decide anything today?

Mr. ROBERT C. BYRD. We would only decide today that the notes be transcribed—otherwise they will not even be transcribed—that they be transcribed and the transcripts placed in the hands of the assistant Republican leader and myself, and that between now and Thursday, any Senator may review them, and that Senators who made statements may edit those statements.

Mr. COOK. As to grammar.

Mr. ROBERT C. BYRD. As to gram-

mar, and that on Thursday—and I would like to say that I would move on Thursday to go into closed session. The only reason I would make the motion would be so that I could do it at a time so convenient as not to interfere, any more than we can avoid, with the rest of the program for Thursday.

Mr. FONG. And at that time we would decide what we want to do?

Mr. ROBERT C. BYRD. At that time we would decide whether or not the notes would be printed in the CONGRESSIONAL RECORD.

Mr. FONG. Under those circumstances, Mr. President, I withdraw my objection.

Mr. ROBERT C. BYRD. Mr. President, for the convenience of the leadership, I wonder if any Senator would object. I have tried to modify my request so as to meet what would be a middle ground here.

The PRESIDING OFFICER. Is there objection?

Mr. HRUSKA. Mr. President, will the Senator yield for a question?

Mr. ROBERT C. BYRD. I yield.

Mr. HRUSKA. So that we understand each other, the injunction of secrecy will continue to obtain up until the time on Thursday that we consider and make a decision?

Mr. ROBERT C. BYRD. Yes.

Mr. HRUSKA. If the discussion is not to lift the injunction of secrecy, it will continue in force; if we make a decision at that time to waive the injunction of secrecy, then we can speak?

Mr. ROBERT C. BYRD. The Senator is correct. In the meantime, the Senator from Michigan (Mr. GRIFFIN) and I would keep the transcribed notes, but would make them available to any Senator in my office or in his—in our own offices, not to be taken out—they could be examined by any Senator, the injunction of secrecy would not be lifted until Thursday, and it would not even be lifted then except by agreement of the Senate in the closed session on Thursday.

Mr. YOUNG. Mr. President, reserving the right to object, I am not going to object. I think it is a good deal.

The PRESIDING OFFICER. Is there objection?

Mr. HANSEN. Mr. President, reserving the right to object, I have two questions to ask the distinguished acting majority leader.

No. 1, is it the intention of the distinguished acting majority leader to have the rules of the Senate in force?

Mr. ROBERT C. BYRD. Mr. President, I have always sought to enforce the rules of the Senate to the best of my ability.

Mr. HANSEN. That is good enough for me.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, would it be understood that the transcribed transcript then would be available in the closed session on Thursday, to any Senator?

Mr. ROBERT C. BYRD. The transcribed transcript would be. I am going to make this unanimous-consent request just for my own convenience in knowing how to proceed with the scheduling on Thursday. Someone may object to it; I hope they will not, because I have gone as far as I can go in order to accommodate the views of all Senators, and I will do that always.

I ask unanimous consent that such closed session on Thursday be limited to not to exceed 1 hour. I should think we ought to be able to make the decision, with Senators having their opportunity to look at the RECORD in the meantime, we ought to be able to make a decision within a period of 1 hour, so as not to discommode and dislocate the other business of the Senate, which I think is equally important.

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

Mr. ROBERT C. BYRD. I yield.

Mr. AIKEN. Will the Senator permit me to commend the 32 absent Senators, who, by comparison, have done such excellent work today? (Laughter.)

Mr. HUGHES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUGHES. What is before the Senate?

The PRESIDING OFFICER. The first unanimous-consent request of the Senator from West Virginia. Is there objection?

Mr. HUGHES. Mr. President, reserving the right to object, I simply want to make the point that I have been on the floor of the Senate since 1 o'clock this afternoon. I shall not be here Thursday. I shall not have an opportunity to review the transcript.

I have not participated in the debate, so it does not make one darn bit of difference to me. But I have been listening with a great deal of interest. I do believe that this matter should be a matter of public record, and I am going to be prohibited from having the opportunity to vote on it, because I shall not be here Thursday, in order to protect those who are not here to read the transcript of the RECORD.

I would like to ask the acting majority leader if there was one word or one phrase read out of the transcript that the Senator from Alaska brought to the floor of the Senate.

Mr. ROBERT C. BYRD. Not one word of the documentary material which he brought to the Senate today.

Mr. HUGHES. I ask the acting majority leader, as he recalls it, was there one word or one statement made as to troop commitments or anything of that nature with relationship to the national security in the course of the debate today?

Mr. ROBERT C. BYRD. Not that I heard.

Mr. HUGHES. In his opinion, was anything said in relationship to the security of this country today?

Mr. ROBERT C. BYRD. In my personal opinion, nothing.

Mr. HUGHES. I have absolute confidence in the acting majority leader to make the decision for me in my absence as to the relationship to the security of our Nation of the material discussed here today, not only because of knowing his love of country and his adherence to that continuously, but also for the simple reason that nothing was said of any nature at all.

Mr. ROBERT C. BYRD. The Senator is eminently correct.

Mr. HUGHES. You know, I am a little upset by the fact that we spent 4½ hours here, and a lot more, to arrive at no decision about anything, and now we delay that 3 more days. As a result of that, I shall not be here to vote, but I hope at least to be recorded in this session, which it has not even been talked about disclosing, and in this Senator's opinion it has been most obvious why it should never be disclosed, after listening to it this afternoon, but I hope there is some method whereby I can be recorded as voting to reveal this to the American public. Is there any method that can provide that, as to the second session?

Mr. ROBERT C. BYRD. Yes. Mr. President, we have had two closed sessions. I would be perfectly agreeable to making the same request for the second closed session which was earlier made as to the first closed session, and on Thursday make a decision as to whether the injunction of secrecy should be lifted from both closed sessions. I think it should be.

Mr. President, was my first unanimous-consent request agreed to?

The PRESIDING OFFICER (Mr. HART). Not yet. Is there objection to the first unanimous-consent request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I make the same request with respect to the second closed session.

The PRESIDING OFFICER. Is there objection?

Mr. BROOKE. Mr. President, that is more dangerous than the first unanimous-consent request.

Mr. HUGHES. I agree.

Mr. ROBERT C. BYRD. My view coincides with that of the Senator from Iowa.

Mr. BROOKE. My question is, Will we have an opportunity to vote separately on the second session?

Mr. HRUSKA. Separately from the first session.

The PRESIDING OFFICER. Is there objection to the pending second unanimous-consent request? The Chair hears none, and it is so ordered.

Is there objection to the request that on Thursday there be a time limit of 1 hour—not to exceed 1 hour—during the closed session?

Mr. GRIFFIN. Mr. President, reserving the right to object——

Mr. ROBERT C. BYRD. May I finish the request?

For the purpose of discussing both closed sessions, for the purpose of making a decision with respect to the injunction of secrecy in regard to both closed sessions, and that the time be equally divided between the two assistant leaders.

Mr. HRUSKA. How much time is there?

Mr. ROBERT C. BYRD. One hour.

Mr. HRUSKA. I had not heard, except the original request, which did say an hour, and then the hour limitation was

removed from the unanimous-consent request. Has it been reinserted since?

Mr. ROBERT C. BYRD. Then, I would say not to exceed 2 hours, Mr. President—2 hours with respect to both closed sessions.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return open legislative session.

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

(At 7:51 p.m. the doors of the Chamber were opened.)

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

ADDITIONAL COSPONSOR OF A BILL

S. 2354

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Rhode Island (Mr. PELL) may be added as a cosponsor of S. 2354, the Veterans Health Care Reform Act of 1971.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW; ORDER FOR THE CHAIR TO LAY BEFORE THE SENATE THE UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two assistant leaders have been recognized, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes; and that at the conclusion of the period for the transaction of routine morning business on tomorrow, the Chair lay before the Senate the unfinished business.

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

Mr. ROBERT C. BYRD. Mr. President, what is the pending business and the pending question before the Senate?

The PRESIDING OFFICER. The pending business is the unfinished business, S. 3526. The question is on the amendment offered by the Senator from Mississippi (Mr. STENNIS), amendment No. 1175.

Mr. ROBERT C. BYRD. I thank the distinguished Presiding Officer.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 12 noon tomorrow.

After the two assistant leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of morning business tomorrow, the Chair will lay before the Senate the unfinished business, S. 3526, and the pending question at that time will be on the adoption of Amendment No. 1175 by the distinguished Senator from Mississippi (Mr. STENNIS). Debate will ensue thereon. There is no time agreement on that amendment. Rollcall votes could occur at any time during the day.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and, at 7:57 p.m., the Senate adjourned until tomorrow, Wednesday, May 3, 1972, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 2, 1972:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

I nominate, subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration:

To be lieutenants

Robert F. Buckley
Melvin N. Maki
Thomas J. Stephens, Jr.
Joseph G. Woods

To be lieutenant (junior grade)

Richard A. Shiro

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade of Lieutenant General under the provisions of section 8962, title 10 of the United States Code:

Lt. Gen. Robert G. Ruegg, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Dale S. Sweat [redacted] FR (major general, Regular Air Force) U.S. Air Force.

The following officer to be placed on the retired list in the grade of Lieutenant General under the provisions of section 8962, title 10 of the United States Code:

Lt. Gen. Alonzo A. Towner, [redacted] FR (major general, Regular Air Force, medical) U.S. Air Force.

The following officer for appointment as Surgeon General of the Air Force in the grade of Lieutenant General under the provisions of section 8036, title 10 of the United States Code:

Maj. Gen. Robert A. Patterson, [redacted] FR (major general, Regular Air Force, medical) U.S. Air Force.

Lt. Col. Charles M. Duke, Jr., [redacted] for promotion to colonel, line of the Air Force, in the U.S. Air Force, under the appropriate provisions of chapter 839, title 10, United States Code, as amended.

IN THE NAVY

Lt. Comdr. Thomas K. Mattingly II, U.S. Navy, for permanent promotion to the grade of commander in the Navy in accordance with article II, section 2, clause 2 of the Constitution.

IN THE AIR FORCE

The following Air Force officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, with dates of rank to be determined by the Secretary of the Air Force:

To be captain (Chaplain)

Carney, Robert E., [redacted]
Dabrowski, George J., [redacted]
Geiss, Harold G., [redacted]
Heffernan, Thomas A., [redacted]
Horton, Carl E., [redacted]
Kinney, James W., [redacted]
Massey, Reese M., Jr., [redacted]
Mattox, William H., [redacted]
Mellott, Howard V., [redacted]
Menninga, Arlan D., [redacted]
O'Rourke, Thomas J., [redacted]
Simonson, Andrew C., [redacted]

To be first lieutenant (Chaplain)

Bilderback, Carl E., [redacted]
Browne, Robert H., [redacted]
Callier, Samuel H., [redacted]
Carter, Wilton C., [redacted]
Clayton, Bennie H., [redacted]
Duda, Francis C., [redacted]
Engler, David E., [redacted]
Hancock, Edward N., [redacted]
Huckaday, Albert A. L., [redacted]
Jensen, Harold M., [redacted]
Lipscomb, William W., [redacted]
Matthews, Joseph C., III, [redacted]
O'Leary, Niall F., [redacted]
Reynolds, Marion S., Jr., [redacted]
Sikes, William G., Jr., [redacted]
Sweeney, Leo T., [redacted]
Thomas, Arthur S., [redacted]
White, Wesley V., [redacted]

To be captain (Judge Advocate)

Bailey, Theron S., [redacted]
Benoit, James R., [redacted]
Christo, Thomas A., [redacted]
Cole, Charles R., [redacted]
Cristal, Ronald J., [redacted]
Dakin, Timothy J., [redacted]
Dixon, Richard D. S., III, [redacted]
Dye, Donald H., [redacted]
Ellig, Robert F., [redacted]
Gorman, Richard D., [redacted]
Grablewski, John T., [redacted]
Graham, James H., Jr., [redacted]
Keeshan, James H., Jr., [redacted]
Knox, Michael R., [redacted]
Lingo, Robert S., [redacted]
McGee, Brian E., [redacted]
Muholt, Thomas J., [redacted]
Shea, Gerald C., [redacted]
Thornton, John C., [redacted]
Vansant, John D., [redacted]
Willis, William T., [redacted]

To be first lieutenant (Judge Advocate)

Allen, Robert D. M., [redacted]
Babington, Charles M., III, [redacted]
Balch, Edwin H., Jr., [redacted]
Birkel, James L., [redacted]

Burgersen, Sigurd B., xxx-xx-xxxx
Brasfield, Jeffrey H., xxx-xx-xxxx
Callinan, Michael C., xxx-xx-xxxx
Carnahan, Burrus M., xxx-xx-xxxx
Colon, Francisco J., xxx-xx-xxxx
Curbin, Norman L., xxx-xx-xxxx
Curralio, Carl A., Jr., xxx-xx-xxxx
Davis, Richard J., xxx-xx-xxxx
Deutsch, Randolph W., xxx-xx-xxxx
Dickson, Bernard A., xxx-xx-xxxx
Donat, James L., xxx-xx-xxxx
Dumerer, James E., xxx-xx-xxxx
Duval, Thomas O., Jr., xxx-xx-xxxx
Egeland, Andrew M., Jr., xxx-xx-xxxx
Eshelman, Joseph W., III, xxx-xx-xxxx
Espy, Bennie E., xxx-xx-xxxx
Finley, Gordon B., Jr., xxx-xx-xxxx
Forbes, David P., xxx-xx-xxxx
Harrington, Ellis J., Jr., xxx-xx-xxxx
Hermann, Dale M., xxx-xx-xxxx
Higgins, Robert F., xxx-xx-xxxx
Hines, Michael J., xxx-xx-xxxx
Holden, Ronald R., xxx-xx-xxxx
Holladay, Don G., xxx-xx-xxxx
Holmes, Jay H., xxx-xx-xxxx
Hornbrook, Edwin F., xxx-xx-xxxx
Hoyt, Eugene M., xxx-xx-xxxx
Jaquith, Ceceil J., Jr., xxx-xx-xxxx
Jewett, Robert T., xxx-xx-xxxx
Johnson, David A., xxx-xx-xxxx
Keam, Barret E., xxx-xx-xxxx
Keeble, Allen B., xxx-xx-xxxx
Kewin, Michael J., xxx-xx-xxxx
Kinsolving, Laurence E., xxx-xx-xxxx
Kutzan, Bruce A., xxx-xx-xxxx
Kritoff, Karl W., xxx-xx-xxxx
Kuns, Gary F., xxx-xx-xxxx
Laedlein, Charles E., III, xxx-xx-xxxx
Landsberg, William A. E., xxx-xx-xxxx
Lasater, William R., Jr., xxx-xx-xxxx
Martin, Donald J., xxx-xx-xxxx
McCabe, Harry L., xxx-xx-xxxx
McLaughlin, John J., xxx-xx-xxxx
Meek, Philip A., xxx-xx-xxxx
Miller, Gordon H., xxx-xx-xxxx
Morgan, Roy J., xxx-xx-xxxx
Murray, Kenneth J., xxx-xx-xxxx
Muxlow, Ralph W., II, xxx-xx-xxxx
O'Reilly, John F., xxx-xx-xxxx
Orton, Gary A., xxx-xx-xxxx
Peaco, James W., xxx-xx-xxxx
Prusak, Maximilian M., xxx-xx-xxxx
Prutzman, Peter K., xxx-xx-xxxx
Pyle, Ronny D., xxx-xx-xxxx
Ranciglio, Alessandro J., xxx-xx-xxxx
Robinson, Jack R., xxx-xx-xxxx
Rosson, Loren H., Jr., xxx-xx-xxxx
Russell, Rodney L., xxx-xx-xxxx
Ryan, Patrick M., xxx-xx-xxxx
Sasadu, Chester J., Jr., xxx-xx-xxxx
Scanlin, Thomas D., xxx-xx-xxxx
Schilling, Edwin C., III., xxx-xx-xxxx
Shaughnessy, John R., Jr., xxx-xx-xxxx
Smith, Richard F., xxx-xx-xxxx
Sweeney, Howard P., xxx-xx-xxxx
Tatum, Edwin B., xxx-xx-xxxx
Thumpkins, Stephen K., xxx-xx-xxxx
Tumes, Robert E., xxx-xx-xxxx
Wheeler, Jon S., xxx-xx-xxxx
Whiten, Charles W., Jr., xxx-xx-xxxx
Wickham, Richard J., xxx-xx-xxxx
Wiest, Charles L., Jr., xxx-xx-xxxx
Wilcox, Donald P., xxx-xx-xxxx
Willard, John R., xxx-xx-xxxx
Wright, Daniel P., xxx-xx-xxxx

To be major (Medical)

Gonzalez, Joe V., xxx-xx-xxxx
Guss, Kelly E., xxx-xx-xxxx
Harsa, Richard J., xxx-xx-xxxx

To be captain (Medical)

Armbrustmacher, Vernon W., xxx-xx-xxxx
Barrucas, Albert, xxx-xx-xxxx
Bickel, Rudolf G., xxx-xx-xxxx
Bills, Gary L., xxx-xx-xxxx
Bladowski, John R., xxx-xx-xxxx
Burnfleth, Leslie R., xxx-xx-xxxx
Bradley, Harold F., xxx-xx-xxxx
Campbell, John S., xxx-xx-xxxx
Cole, Lonnie A., xxx-xx-xxxx
Corpening, William S., Jr., xxx-xx-xxxx
Delemos, Robert A., xxx-xx-xxxx
Dietz, James W., xxx-xx-xxxx
Elms, John B., Jr., xxx-xx-xxxx
Eyler, Dennis R., xxx-xx-xxxx
Fielding, Steven L., xxx-xx-xxxx
Finger, Elliott R., xxx-xx-xxxx
Fushee, William S., xxx-xx-xxxx
Fuster, Jerry J., xxx-xx-xxxx
Garrott, Thomas C., xxx-xx-xxxx
Girod, Marvin G., xxx-xx-xxxx
Goodson, John P., xxx-xx-xxxx
Guise, Charles W., xxx-xx-xxxx
Hafermann, David R., xxx-xx-xxxx
Halverson, James L., xxx-xx-xxxx
Hampton, John R., III, xxx-xx-xxxx
Harris, Walter D., xxx-xx-xxxx
Hawley, William J., xxx-xx-xxxx
Henrikson, Ronald A., xxx-xx-xxxx
Herpin, Daniel A., xxx-xx-xxxx
Hoff, Ted E., xxx-xx-xxxx
Holmes, Scott L., xxx-xx-xxxx
Hood, Royce E., Jr., xxx-xx-xxxx
Jacobs, Robert L., Jr., xxx-xx-xxxx
Jernigan, John F., xxx-xx-xxxx
Kaminski, Paul F., xxx-xx-xxxx
Kaplan, Peter D., xxx-xx-xxxx
Kennedy, James J., III, xxx-xx-xxxx
Krege, John W., xxx-xx-xxxx
Lefrak, Stephen S., xxx-xx-xxxx
Loftus, Paul M., xxx-xx-xxxx
Lovelace, Raymond E., xxx-xx-xxxx
Luetje, Charles M., II, xxx-xx-xxxx
Mahady, Ivan B., xxx-xx-xxxx
Martindale, Richard E., Jr., xxx-xx-xxxx
Mazzola, Robert D., xxx-xx-xxxx
McGee, James W., IV., xxx-xx-xxxx
Michaelson, Edward U., xxx-xx-xxxx
Millett, David P., xxx-xx-xxxx
Murphy, Matthew P., II, xxx-xx-xxxx
Nelson, Wilner N. J., Jr., xxx-xx-xxxx
Novicki, Donald E., xxx-xx-xxxx
Osteen, Frank B., xxx-xx-xxxx
Patrick, John W., xxx-xx-xxxx
Plager, Stephan D., xxx-xx-xxxx
Posey, William C., xxx-xx-xxxx
Quinn, Robert J., II, xxx-xx-xxxx
Reider, Daner R., xxx-xx-xxxx
Riveracorrea, Hector P., xxx-xx-xxxx
Schwartz, Jonathan M., xxx-xx-xxxx
Singal, Sheldon, xxx-xx-xxxx
Snider, William J., xxx-xx-xxxx
Taylor, William M., xxx-xx-xxxx
Thomas, Robert F., xxx-xx-xxxx
Tobias, Thurman E., xxx-xx-xxxx
Trick, Lorence W., xxx-xx-xxxx
Verwest, Hadley M., Jr., xxx-xx-xxxx
Walchner, Andreas M., xxx-xx-xxxx
Wertz, Andrew W., xxx-xx-xxxx
Wiesmeier, Edward, Jr., xxx-xx-xxxx
Wilder, Thomas C., Jr., xxx-xx-xxxx
Worrell, Aubrey M., Jr., xxx-xx-xxxx
Yankowsky, William C., xxx-xx-xxxx

To be first lieutenant (Medical)

Abraham, David A., xxx-xx-xxxx
Alexander, Johnny B., xxx-xx-xxxx
Baskin, Harold F., xxx-xx-xxxx
Blumberg, Lawrence B., xxx-xx-xxxx
Boyd, Carl R., xxx-xx-xxxx
Bradshaw, Michael T., xxx-xx-xxxx
Burner, William L., III, xxx-xx-xxxx
Canon, Dennis L., xxx-xx-xxxx
Coburn, Bry H., xxx-xx-xxxx
Coudon, Wilson L., xxx-xx-xxxx
Davis, William M., xxx-xx-xxxx
Day, Ralph W., xxx-xx-xxxx
Duner, Howard C., xxx-xx-xxxx
Dursu, Michael A., xxx-xx-xxxx
Duncan, Roy D., xxx-xx-xxxx
Elliott, Paul T., xxx-xx-xxxx
Feray, Cotton D. E., xxx-xx-xxxx
Fisher, George H., xxx-xx-xxxx
Flanagan, Kirby J., xxx-xx-xxxx
Floyd, John L., Jr., xxx-xx-xxxx
Foster, James E., xxx-xx-xxxx
Gardner, Albert E., xxx-xx-xxxx
Gehring, Gordon G., xxx-xx-xxxx
George, Percy A., xxx-xx-xxxx
Gibb, Paul D., xxx-xx-xxxx
Gilstrap, Larry C., III, xxx-xx-xxxx
Glass, Thomas F., III, xxx-xx-xxxx
Griffin, John J., xxx-xx-xxxx
Harper, William F., xxx-xx-xxxx
Harris, Melvin E., xxx-xx-xxxx
Hastings, John R., xxx-xx-xxxx
Henderson, Judson S., III, xxx-xx-xxxx
Henderson, Richard A., III, xxx-xx-xxxx
Huffman, Gerald E., xxx-xx-xxxx
Huffman, Peter F., xxx-xx-xxxx
Huwiler, William E., Jr., xxx-xx-xxxx
Isernamaral, Jesus H., xxx-xx-xxxx
Jackson, Bruce G., xxx-xx-xxxx
Johnson, Benny D., xxx-xx-xxxx
Jordan, Guillermo H., xxx-xx-xxxx
Kee, Jimmy W., xxx-xx-xxxx
Kish, Karl K., xxx-xx-xxxx
Klarich, John D., xxx-xx-xxxx
Lambert, Joseph G., xxx-xx-xxxx
Lee, Dennis R., xxx-xx-xxxx
Lyle, Russell R., xxx-xx-xxxx
Mack, Leo W., Jr., xxx-xx-xxxx
Makar, James, Jr., xxx-xx-xxxx
Mann, Paul M., xxx-xx-xxxx
McClusky, Oliver E., xxx-xx-xxxx
McCullough, James A., xxx-xx-xxxx
Miller, Bruce D., xxx-xx-xxxx
Mills, William C., III, xxx-xx-xxxx
Moll, Jacob T., xxx-xx-xxxx
Moon, Michael R., xxx-xx-xxxx
Murray, Harry M., xxx-xx-xxxx
Orrison, William G., xxx-xx-xxxx
Paige, Robert W., xxx-xx-xxxx
Parent, Richard E., xxx-xx-xxxx
Patton, Clifton M., Jr., xxx-xx-xxxx
Paullus, Wayne S., Jr., xxx-xx-xxxx
Pedro, Steven D., xxx-xx-xxxx
Pickett, James D., xxx-xx-xxxx
Player, David M., xxx-xx-xxxx
Pritchett, Paul E., xxx-xx-xxxx
Ramus, William D., xxx-xx-xxxx
Randall, Eugene H., xxx-xx-xxxx
Randol, James R., xxx-xx-xxxx
Risser, Christian Frederick, xxx-xx-xxxx
Rist, Toivo E., xxx-xx-xxxx
Roberts, Thomas H., xxx-xx-xxxx
Rogers, William D., Jr., xxx-xx-xxxx
Ruark, Glen W., xxx-xx-xxxx
Sanwick, Steven M., xxx-xx-xxxx
Sbardella, Edward F., Jr., xxx-xx-xxxx
Schriever, Gerry J., xxx-xx-xxxx
Smith, Wayne E., xxx-xx-xxxx
Sostre, Samuel, xxx-xx-xxxx
Sox, David W., xxx-xx-xxxx
Spadoni, James R., xxx-xx-xxxx
Steinbacher, Carl B., xxx-xx-xxxx
Stump, Alfred L., xxx-xx-xxxx
Sykes, James D., xxx-xx-xxxx
Thomas, John H., xxx-xx-xxxx
Thornton, William V. S., xxx-xx-xxxx
Tolley, Douglas G., Jr., xxx-xx-xxxx
Tremblay, Normand F., xxx-xx-xxxx
Trevino, Alfred O., Jr., xxx-xx-xxxx
Vandersarl, Jules V., xxx-xx-xxxx
Vicik, Gary J., xxx-xx-xxxx
Wardinsky, Terrance D., xxx-xx-xxxx
Wells, Thomas T., xxx-xx-xxxx
Westmoreland, Daniel K., xxx-xx-xxxx
Whelan, Gerald P., xxx-xx-xxxx
Witt, Terry J., xxx-xx-xxxx

To be captain (Dental)

Aarestad, Jack C., xxx-xx-xxxx
Aussiker, William H., xxx-xx-xxxx
Began, Thomas J., xxx-xx-xxxx
Burbey, Mark A., xxx-xx-xxxx
Coleman, Robert M., xxx-xx-xxxx
Dinitz, Fred P., xxx-xx-xxxx
Fisher, Howard E., xxx-xx-xxxx
Heldridge, John E., xxx-xx-xxxx
Lawless, John E., xxx-xx-xxxx
Nielsen, Adrian M., xxx-xx-xxxx
Russ, Richard J., xxx-xx-xxxx
Russmeisl, Roman W., xxx-xx-xxxx
Santaniello, Guiseppe P., xxx-xx-xxxx
Young, Stephen L., xxx-xx-xxxx

To be first lieutenant (Dental)

Appeldoorn, Ronald E., xxx-xx-xxxx
Biddle, Harold H., xxx-xx-xxxx
Cook, David A., xxx-xx-xxxx
Cooper, James W., xxx-xx-xxxx

France, Richard A., xxx-xx-xxxx
Gieser, Dennis P., xxx-xx-xxxx
Goopil, Michael T., xxx-xx-xxxx
Hansel, John R., xxx-xx-xxxx
Hebda, Thomas W., xxx-xx-xxxx
Kreig, Louis T., Jr., xxx-xx-xxxx
Langston, John R., xxx-xx-xxxx
Nemcic, Steven D., xxx-xx-xxxx
Neudigate, William C., xxx-xx-xxxx
Parr, William D., Jr., xxx-xx-xxxx
Sinko, Robert M., xxx-xx-xxxx
Steegstra, David A., xxx-xx-xxxx
Steinhoff, Earl D., xxx-xx-xxxx
Stevens, Fredric D., xxx-xx-xxxx
Swain, Dennis M., xxx-xx-xxxx
Thompson, Larry D., xxx-xx-xxxx
Westbrook, Steve D., xxx-xx-xxxx
White, John H., xxx-xx-xxxx
Williams, Howard J., xxx-xx-xxxx

To be captain (Nurse)

Anderson, Robert J., xxx-xx-xxxx
Dunahue, Joanne T., xxx-xx-xxxx
Friday, Blanche B., xxx-xx-xxxx
Johnson, Mary K., xxx-xx-xxxx
Sexton, James W., xxx-xx-xxxx

To be first lieutenant (Nurse)

Abbott, Henry M., xxx-xx-xxxx
Anderson, Ingrid L., xxx-xx-xxxx
Bachman, Lynne M., xxx-xx-xxxx
Bailey, Raynelle, xxx-xx-xxxx
Bare, Linda Ann, xxx-xx-xxxx
Barry, Margaret J., xxx-xx-xxxx
Biron, Monique C., xxx-xx-xxxx
Blanco, Barbara A., xxx-xx-xxxx
Bowar, David R., xxx-xx-xxxx
Bramble, Elizabet A., xxx-xx-xxxx
Brockett, Wynona, xxx-xx-xxxx
Campbell, Patricia E., xxx-xx-xxxx
Casey, Ann E., xxx-xx-xxxx
Chura, Virginia M., xxx-xx-xxxx
Clagett, Frances N., xxx-xx-xxxx
Clark, Joseph E., xxx-xx-xxxx
Clark, Mary E., xxx-xx-xxxx
Clements, Barbara A., xxx-xx-xxxx
Cundran, Kathleen M., xxx-xx-xxxx
Daigneault, Regina L., xxx-xx-xxxx
Dicke, Marilyn A., xxx-xx-xxxx
Dinklage, Kathleen M., xxx-xx-xxxx
Dunkle, Louise J., xxx-xx-xxxx
Elliott, Barbara A., xxx-xx-xxxx
Evans, Tommie L., xxx-xx-xxxx
Faison, Barbara A., xxx-xx-xxxx
Forsythe, Christine J., xxx-xx-xxxx
Fox, Jacqueline G., xxx-xx-xxxx
Gallo, Agatha M., xxx-xx-xxxx
Gans, Genevieve A., xxx-xx-xxxx
Gathright, Linda A., xxx-xx-xxxx
Gilbert, Kathleen S., xxx-xx-xxxx
Goodwin, Lynn A., xxx-xx-xxxx
Gorder, Clevius D., xxx-xx-xxxx
Gould, Roberta L., xxx-xx-xxxx
Grubor, Darlene A. M., xxx-xx-xxxx
Hale, Georgia A., xxx-xx-xxxx
Hall, Jacklyn I., xxx-xx-xxxx
Halterlein, Kathryn, xxx-xx-xxxx
Henderson, Mary L., xxx-xx-xxxx
Herne, Veronica E., xxx-xx-xxxx
Hodgson, Jean, xxx-xx-xxxx
Jones, Carolyn R., xxx-xx-xxxx
Keith, Joan L., xxx-xx-xxxx
Kenlin, Julianne M., xxx-xx-xxxx
Kirk, Harold E., xxx-xx-xxxx
Klein, Kathylou A., xxx-xx-xxxx
Krawec, Mary A., xxx-xx-xxxx
Kuhlmann, Joanne A., xxx-xx-xxxx
Kunkle, Mary L., xxx-xx-xxxx
Lamborn, Vicki L., xxx-xx-xxxx
Lane, Martin, xxx-xx-xxxx
Lynn, Marie E., xxx-xx-xxxx
Marlin, Carolyn E., xxx-xx-xxxx
McGee, Jane E., xxx-xx-xxxx
McHale, Susan M., xxx-xx-xxxx
McNerney, Rosemary P., xxx-xx-xxxx
Meador, Penelope M., xxx-xx-xxxx
Menzies, James A., xxx-xx-xxxx
Mercer, Kathleen Marie, xxx-xx-xxxx
Milec, Ann M., xxx-xx-xxxx
Miller, Helen E., xxx-xx-xxxx
Mortensen, Chris L., xxx-xx-xxxx
Murphy, Ruth E., xxx-xx-xxxx
Murray, Patricia L., xxx-xx-xxxx
Nancarrow, Ruth L., xxx-xx-xxxx
Neeb, David E., xxx-xx-xxxx
Nicholson, Lindy L., xxx-xx-xxxx
Norris, Mary L., xxx-xx-xxxx
Ohhata, Eileen M., xxx-xx-xxxx
Parkes, Alvin E., xxx-xx-xxxx
Perry, Ada S., xxx-xx-xxxx
Rafter, Myrna L., xxx-xx-xxxx
Ramold, Theresa A., xxx-xx-xxxx
Reid, Jean M. G., xxx-xx-xxxx
Rhone, Judith A., xxx-xx-xxxx
Rugenes, Kathryn A., xxx-xx-xxxx
Sailors, Brenda J., xxx-xx-xxxx
Scholz, Nancy M., xxx-xx-xxxx
Seibold, Margaret A., xxx-xx-xxxx
Shuckey, Carole M., xxx-xx-xxxx
Shuler, Betty J., xxx-xx-xxxx
Sims, Sonia, xxx-xx-xxxx
Spaulding, Penelope, xxx-xx-xxxx
Strauser, Sandra L., xxx-xx-xxxx
Tarp, Clarence D., xxx-xx-xxxx
Turkelson, Richard H., xxx-xx-xxxx
Tribble, Evelyn C., xxx-xx-xxxx
Troutman, Frederick W., xxx-xx-xxxx
Uhing, Dorothy J., xxx-xx-xxxx
Usry, Robert E., xxx-xx-xxxx
Van De Car, Jane E., xxx-xx-xxxx
Vanduyn, Beverly C., xxx-xx-xxxx
Wagstaff, Cathy L., xxx-xx-xxxx
Werth, Susan A., xxx-xx-xxxx
White, Cheryl A., xxx-xx-xxxx
Whitlock, Martha A., xxx-xx-xxxx
Wight, Wendel H., xxx-xx-xxxx
Wysocki, Judith P., xxx-xx-xxxx

To be second lieutenant (Nurse)

Kuhlman, Marie A., xxx-xx-xxxx
Rettig, Cathryn J., xxx-xx-xxxx

To be captain (Veterinarian)

Bruner, Richard H., xxx-xx-xxxx

To be first lieutenant (Veterinarian)

Anspaugh, Victor E., xxx-xx-xxxx
Beach, Ronald T., xxx-xx-xxxx
Booth, Dean L., xxx-xx-xxxx
Card, Richard E., xxx-xx-xxxx
Crisman, Russell O., xxx-xx-xxxx
Easley, James R., xxx-xx-xxxx
Grant, John B., III, xxx-xx-xxxx
Herbold, John R., xxx-xx-xxxx
Holland, James M., xxx-xx-xxxx
Huber, Stephen F., xxx-xx-xxxx
Jernigan, Douglas K., xxx-xx-xxxx
Lammers, William E., xxx-xx-xxxx
Lawer, Daniel R., xxx-xx-xxxx
Miner, Judson C., Jr., xxx-xx-xxxx
Mull, Donn A., xxx-xx-xxxx
Perce, Richard A., xxx-xx-xxxx
Rawlings, Clarence A., xxx-xx-xxxx
Rogers, William A., xxx-xx-xxxx
Rowles, Donald R., xxx-xx-xxxx
Sumers, Rick A., xxx-xx-xxxx
Splitter, Gary A., xxx-xx-xxxx
Taylor, Robert A., III, xxx-xx-xxxx
Wilson, Theodore, Jr., xxx-xx-xxxx
Young, John T., xxx-xx-xxxx
Zacek, Ben A., xxx-xx-xxxx

To be captain (Medical Service)

Cragin, Murray, xxx-xx-xxxx
Harsanyi, Charles A., xxx-xx-xxxx
Rutledge, Philip E., xxx-xx-xxxx
Simpkins, George R., xxx-xx-xxxx
Williams, Richard C., xxx-xx-xxxx

To be first lieutenant (Medical Service)

Mayu, Billy W., xxx-xx-xxxx
McGough, Richard G., xxx-xx-xxxx
Quintana, Jose B., xxx-xx-xxxx

To be second lieutenant (Medical Service)

Call, Scott J., xxx-xx-xxxx
Carlson, Paul R., xxx-xx-xxxx
Carpenter, Dale S., Jr., xxx-xx-xxxx
Edwards, Robert P., xxx-xx-xxxx
Eickhoff, Darrell E., xxx-xx-xxxx
Farmer, Mavoric J., xxx-xx-xxxx
Fessler, David J., xxx-xx-xxxx
Fleming, Eugene C., xxx-xx-xxxx
Gonzales, Eugene, xxx-xx-xxxx
Greene, Hedley W. D., xxx-xx-xxxx
Hanko, James F., xxx-xx-xxxx
Head, William C., xxx-xx-xxxx
Hettick, Larry K., xxx-xx-xxxx
Hooper, James J., xxx-xx-xxxx
Howard, Mark J., xxx-xx-xxxx
Jeffrey, James R., xxx-xx-xxxx
Law, Michael D., xxx-xx-xxxx
McAlpin, Brian A., xxx-xx-xxxx
McDonald, Kent R., xxx-xx-xxxx
McGaughy, Thomas B., xxx-xx-xxxx
Reecer. Philip E., xxx-xx-xxxx
Russell, John P., xxx-xx-xxxx
Schweitzer, Eric C., xxx-xx-xxxx
Smith, Ross C., Jr., xxx-xx-xxxx
Sorum, Larry N., xxx-xx-xxxx
Tremblay, William G., xxx-xx-xxxx
Vandehey, James T., xxx-xx-xxxx
Waggoner, Jerry L., xxx-xx-xxxx
Wyrick, Michael K., xxx-xx-xxxx

To be major (Biomedical Sciences)

Endicott, James E., xxx-xx-xxxx
Gasaway, Donald C., xxx-xx-xxxx

To be captain (Biomedical Sciences)

Brumlow, William B., xxx-xx-xxxx
Daley, Peter S., xxx-xx-xxxx
Diers, Harold W., xxx-xx-xxxx
Kane, Donald A., xxx-xx-xxxx
McKissick, Jack E., xxx-xx-xxxx
Mehlan, Edmund F., xxx-xx-xxxx
Mudge, Stephanie E., xxx-xx-xxxx
Murphy, John G., xxx-xx-xxxx

To be first lieutenant (Biomedical Sciences)

Bargren, Gerald L. K., xxx-xx-xxxx
Cissik, John H., xxx-xx-xxxx
Ferguson, Janet L., xxx-xx-xxxx
Garrett, Hershel A., xxx-xx-xxxx
Howard, Jay M., xxx-xx-xxxx
Kasben, Kathleen M. E., xxx-xx-xxxx
Kuzma, Robert J., xxx-xx-xxxx
Lecain, William K., xxx-xx-xxxx
Padalino, Joseph R., xxx-xx-xxxx
Russi, Nunzio J., xxx-xx-xxxx
Russell, Lonnie D., Jr., xxx-xx-xxxx
Skidmore, Dorothy R., xxx-xx-xxxx
Snedecor, Susan A., xxx-xx-xxxx
Siec, Paul J., xxx-xx-xxxx
Underwood, Frances V., xxx-xx-xxxx
Woodhouse, Robert J., xxx-xx-xxxx
Zellers, Robert H., xxx-xx-xxxx

To be second lieutenant (Biomedical Sciences)

Albright, Stephen L., xxx-xx-xxxx
Alworth, Gary M., xxx-xx-xxxx
Anderson, Michael P., xxx-xx-xxxx
Bowles, Charles K., xxx-xx-xxxx
Browne, Michael H., xxx-xx-xxxx
Carter, Robert L., xxx-xx-xxxx
Coburn, Middleton J., xxx-xx-xxxx
Cross, Thomas E., xxx-xx-xxxx
Ferrell, Jack G., Jr., xxx-xx-xxxx
George, Larry C., xxx-xx-xxxx
Greer, Willis A., xxx-xx-xxxx
Kaneshiro, Duane K., xxx-xx-xxxx
Lamb, Neil J., xxx-xx-xxxx
Lefon, Carter C., xxx-xx-xxxx
Lemuns, Jimmie G., xxx-xx-xxxx
McAndrew, James A., Jr., xxx-xx-xxxx
McDermott, Henry J., xxx-xx-xxxx
Morris, Vincent L., xxx-xx-xxxx
Mudryk, Victor, xxx-xx-xxxx
Patrick, Clarence S., xxx-xx-xxxx
Porter, Paul F., xxx-xx-xxxx
Prather, Jefferson B., xxx-xx-xxxx
Rice, Robert M., xxx-xx-xxxx
Rock, James C., xxx-xx-xxxx
Rogers, Timothy P., xxx-xx-xxxx
Ross, Jerry W., xxx-xx-xxxx
Smith, Michael F., xxx-xx-xxxx
Spangler, Stanley G., xxx-xx-xxxx
Stoflet, Yvonne C., xxx-xx-xxxx
Sweeney, Stephen J., xxx-xx-xxxx
Termaath, Stephen G., xxx-xx-xxxx
Warford, Harry S., xxx-xx-xxxx
Warnken, Reimund G., xxx-xx-xxxx
Wasem, Gary A., xxx-xx-xxxx

To be first lieutenant (Medical Specialist)

Keller, James L., xxx-xx-xxxx