SENATE—*Friday, September 22, 1972*

The Senate met at 9 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

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

Almighty God, into Thy hands we commend ourselves this day. Let Thy presence be with us to its close. We pray Thee to teach us step by step what we do not know, preserve in us what we do know, correct us when we are mistaken, strengthen us when we fail, preserve us from all falsehood, and cause us to grow in the things of the spirit. Enable us to feel that in doing our work we are doing Thy will, and that in serving others we are serving Thee. Let not our prayers end upon our lips, but send us forth from our prayer with power to work Thy will in the world.

We pray in His name who did Thy will to the very end. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 22, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

H.R. 6575. An act to amend the act entitled "An act to provide for the disposition of judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma," approved October 31, 1967 (81 Stat. 337);

H.R. 7616. An act to amend section 715 of title 32, United States Code, to authorize the application of local law in determining the effect of contributory negligence on claims involving members of the National Guard;

H.R. 8215. An act to provide relief for certain prewar Japanese bank claimants;

H.R. 12207. An act to authorize a program for the development of tuna and other latent fisheries resources in the Central, Western, and South Pacific Ocean;

H.R. 14173. An act for the relief of Walter Eduard Koenig;

H.R. 15865. An act for the relief of Richard L. Krzyzanowski;

H.R. 15927. An act to amend the Railroad Retirement Act of 1937 to provide a temporary 20 per centum increase in annuities, to simplify administration of the act, and for other purposes; and

H.J. Res. 1193. Joint resolution to provide for the designation of the week which begins on September 24, 1972, as "National Microfilm Week."

The ACTING PRESIDENT pro tempore (Mr. ALLEN) subsequently signed the enrolled bills and joint resolution.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 21, 1972, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, the Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs, the Committee on Finance, and the Committee on Labor and Public Welfare may be authorized to meet during the session of the Senate today.

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

EXECUTIVE SESSION

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

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

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

U.S. ARMY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The second assistant legislative clerk read the nomination of Vice Adm. Walter L. Curtis, Jr., to be vice admiral.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. MARINE CORPS

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the Air Force, in the Army, in the Navy, and in the Marine Corps, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

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

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished Senator from Pennsylvania (Mr. SCOTT).

Mr. SCOTT. Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Florida (Mr. CHILES) for 15 minutes.

GOVERNMENT IN THE SUNSHINE

Mr. CHILES. Mr. President, in 1967, when I was a member of the Florida State Legislature, we passed what is referred to as the "Government in the Sunshine Law." I think it has done as much or more than anything else to improve government in Florida. The law is brief and simple, saying that all meetings of government agencies must be in the open.

On August 4, I introduced a bill, S. 3881, which would establish this same kind of sunshine law on the Federal level. The response to this measure has been encouraging. Seven Senators have joined with me in cosponsoring the measure: Senators PROXMIRE, STAFFORD, HART, TUNNEY, PACKWOOD, GRAVEL, and HARRIS.

John W. Gardner, chairman of Common Cause, sent me a letter giving his strong encouragement and calling S. 3881 "undoubtedly one of the most significant and far-reaching proposals to be placed before the Congress in years."

Mr. President, I ask unanimous consent to have Mr. Gardner's letter printed in the RECORD.

There being no objection, the letter

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

COMMON CAUSE,
Washington, D.C., August 25, 1972.

Hon. LAWTON CHILES,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHILES: Common Cause congratulates you for your introduction of legislation that would open most secret meetings in the Legislative and Executive Branches of the national government. We have strongly supported and advocated this concept since our earliest days and are greatly pleased with the farsighted leadership you have provided on this fundamental issue. As you may be aware, Common Cause was successful in having the 1972 Democratic platform call for the enactment of precisely the kind of legislation you have introduced.

S. 3881 is undoubtedly one of the most significant and farreaching proposals to be placed before the Congress in years. The bill offers a whole new vista to the citizenry. It will increase public knowledge about government and encourage greatly increased citizen participation in their governing institutions. Both the Congress and the Executive Branch, in doing their business more openly, will become far more responsive to the public will. This fundamental change in our governmental processes would go a long way towards arresting the declining confidence of the people in their elected representatives.

We will be happy to provide you every possible assistance in seeking passage of the legislation, including obtaining co-sponsors in the House and Senate, pressing for prompt hearings and working to spotlight the legislation nationally for press and civic attention. We presently enjoy an excellent working relationship with Mr. George Patten of your staff, and will be in touch with him shortly.

You are to be commended for your considerable sensitivity to the concerns of the public and the urgent need to revitalize and reform the government.

Sincerely,

JOHN W. GARDNER.

Mr. CHILES. Mr. President, in Common Cause's Manual for the 1972 congressional elections entitled "Operation Open Up the System," my sunshine bill is referred to in the following way:

For the first time the public has an adequate, comprehensive piece of legislation dealing with the open meetings question. . . . (pp. 11–12)

I have also received a letter from Dick Fogel, the chairman of the Sigma Delta Chi freedom of information committee. Sigma Delta Chi is the professional journalistic society. Mr. Fogel has also offered his support for the bill.

I ask unanimous consent to have his letter printer in the RECORD.

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

SIGMA DELTA CHI,
August 29, 1972.

Senator LAWTON CHILES,
U.S. Senate,
Committee on Government Operations,
Washington, D.C.

DEAR SENATOR CHILES: I was delighted to get your letter describing your efforts to have a federal open meeting law adopted.

You may be sure I am anxious to help in any way I might and hope you will call on me.

My files contain a large amount of reference material on the development and adoption of California statutes on the subject, the primary one being the Brown Act. Included are papers acquired during my years as Chairman of the California Freedom of Information Committee and member of the Advisory Council to the State Information Policy Committee of the California Legislature. I also have a file on my testimony in support of the Ketchum Bill which was designed to apply open meeting provisions to the California Legislature.

If any of this would be of use to you please let me know.

On behalf of our society I commend you for your efforts and wish you success.

Yours sincerely,

DICK FOGEL,
Chairman, Sigma Delta Chi
Freedom of Information Committee.

Mr. CHILES. Mr. President, numerous editorials have been published in newspapers throughout Florida, most of which have given wholehearted support to the idea of extending to the Federal level the sunshine law that Florida enacted several years ago.

I ask unanimous consent to have these editorials printed in the RECORD.

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

[From the Miami News]

LAWTON CHILES AND GOVERNMENT-IN-THE-SUN

(By Jask Kassewitz)

When the U.S. Senate spent the first week of May in secret debate over classified Vietnam data, freshman Sen. Lawton Chiles, for one, took a dim view of the closed goings-on.

"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," said the Florida Senator, who has already shown persuasive talent for a tough job in his first 20 months of service in Washington.

Last week Chiles introduced legislation, patterned after a Florida statute, that would outlaw secret meetings within the congressional and executive branches of government. His only exceptions would be with matters relating to national security and defense, disciplinary proceedings that might adversely affect an individual's reputation and meetings related to a government agency's internal management.

Chiles, concerned with the amount of public business transacted behind closed doors in Washington, admittedly faces a tough road. "One senator told me the other day that he had heard about my bill, and he thought that some check ought to be placed on the executive branch," Chiles said in a telephone conversation yesterday. "But when I told him the bill would also apply to both houses of Congress he backed off pretty fast.

"I am in the process of mailing copies of the bill to my colleagues and inviting cosponsorship. So far, two Democrats and two Republicans have responded favorably and this is most encouraging. Senators Proxmire (D.-Wis.), Hart, (D.-Mich.), Packwood, (R.-Oreg.) and Stafford (R.-Vt.) have said they will join with me.

"Sen. Abraham Ribicoff (D-Conn.), chairman of the subcommittee on government reorganization, also is interested and he's promised to hold hearings next year. It's too late for 1972. We're recessing for two weeks for the Republican convention and Labor Day, and then hope to adjourn the annual session by Oct. 1.

"My greatest problem will be to get the bill to the Senate floor. That's what happened when we first tried to pass the Sunshine Law in Florida. No one wanted to vote against it but no one was in a hurry to let the bill onto the floor, either."

Senator Chiles takes exception to a report in another newspaper that he opposed the Florida law. "I've always supported it," he said, "although years ago when we first started talking about it I had some reservations. I voted for the provision in the new state Constitution which allows the Senate to meet in secret only to discuss removal of someone from public office. Interestingly enough, the state senate hasn't used that provision since the new Constitution went into effect." (The Florida law has proven highly successful in opening state government doors to public exposure.)

The Senator quickly discovered that secret meetings involve horse-trading on the part of many Congressmen. While 37 per cent of all committee meetings in 1971 were held in executive sessions, 97 per cent of all meetings dealing with the final form of legislation were secret. Chiles also learned that the art of compromise is a vital part of politics: "When it comes time to 'mark up' a bill, quite often a Senator or Representative isn't anxious to let the public know how he voted on a variety of amendments that involve compromise."

The Congressional Quarterly, which helps newspapermen keep an eye on what is going on in Washington, reflects that committees on which Chiles serves are not completely averse to private meetings. The Agriculture and Forestry committee, for example, met 58 times in 1971 with 19, or 33 per cent, closed. The Government Operations committee met 93 times, only nine of which were in secret, while the Joint Congressional Operations Committee met three of nine times in executive session.

It may be that the Senator's desire to have government in the sunshine already is having its effect. If he can persuade the entire Congress to his position, he'll deserve a medal of sorts.

[From the Tampa Tribune, Aug. 7, 1972]

MAKE PUBLIC A PARTNER

Florida and several other states have profited greatly from Government-in-the-Sunshine laws. It follows that the Federal Government would too.

Florida Senator Lawton Chiles has introduced a bill to abolish secret meetings in Congress and the executive branch of government. His bill would exempt discussion of national security and those matters specified by law as confidential. Internal agency business and personnel disciplinary proceedings so would be excluded.

Senator Chiles' proposal to force public business in Washington into the open faces rough going. Traditionally, officials contend that government will be hampered if the public knows too much.

The opposite is true in Florida's experience with its Sunshine Law. Florida citizens are better informed than ever before at all levels of public business. Elected groups such as School Boards or County Commissions are restrained from making secret decisions before official meetings, then rubberstamping them in public. We know of no one person or administrative act which has been hurt by public disclosure.

Secret dealings with officials and contractors and suppliers have been greatly reduced. Just last week a Circuit Court judge in Charlotte County held a contract with a property reappraisal firm was invalid because negotiations were conducted in private by the County Commission.

There have been half-hearted attempts in Washington to open the doors slightly in Congressional committee rooms and there has been a little declassification of bureaucratic documents on the executive side.

But the public still distrusts Big Government. It is suspicious, and rightly so, of behind-the-scenes activities which leave undisclosed the real reasons for legislation or executive decisions.

By passing Senator Chiles' bill, Congress

can heed the public's demands that it become more of a working partner in government.

[From the Palm Beach (Fla.) Post, Aug. 29, 1972]

SUNSHINE FOR WASHINGTON

Most freshmen congressmen who come to Washington take little notice of the committee room doors that swing closed so often when the public's business is being transacted. That's the way their state governments operated and the off-the-floor secrecy only seems natural.

But Sen. Lawton Chiles (D-Fla.) has watched Congress conduct from a refreshingly different viewpoint. He came to the Capitol following three years in the Florida Senate under the state's government-in-the-sunshine law. The contrast made such an impression on Sen. Chiles that he recently introduced a federal version of the progressive Florida law.

"Since I came to the U.S. Senate," he told his colleagues in introducing the bill, "I have become very disturbed by the great amount of public business I have found being conducted behind closed doors and by the attitude of secrecy I've seen in our federal agencies. I'm not surprised that people are suspicious of our motives and are losing confidence in their government when they are shut out of the decisionmaking process."

The floor debates and votes that the public is allowed to witness are rarely as important as the action inside the committee rooms. It is here that the fate of bills is initially decided and most changes in legislation are made. Yet, incredibly, 97 per cent of the Senate committee meetings where critical votes were taken on bills in 1971 were closed to the public and press. More than one-third of all congressional committee meetings were held in secret last year.

Sen. Chiles' government-in-the-sunshine bill would require all government agencies, including Congress and regulatory commissions, to open nearly all of their meetings to public scrutiny. Advance notice and transcripts of these meetings also would be mandated. The only closed-door sessions would be those dealing with national security, routine internal management and personnel disciplinary proceedings. But even these understandable exceptions would have to be closely watched for abuses.

Congress has no one but itself to blame for the tarnished public image brought on by powerful committee members wheeling and dealing in secret. It simply is twisted democracy when senators and representatives do not air their debates and votes on public matters in full view of the public.

Florida's experience with open meetings has been a healthy one and the lawmaking process has not been hindered. That would hold true for Congress.

The credibility loss of the executive branch in recent years has made trust one of the big issues of the 1972 campaign and undoubtedly for many campaigns to come. Unless Congress reforms its secretive ways it is likely that many congressional candidates will find themselves in the same credibility gap. Sen. Chiles' federal sunshine bill offers a means of restoring public confidence and it ought to be adopted as quickly as possible.

[From the Miami Herald, Aug. 6, 1972]

A NATIONAL SUNSHINE LAW COULD REVIVE CREDIBILITY

Nothing in the statutes, we are convinced, has made a greater contribution to good government in modern Florida than the state's pioneering Sunshine Law.

Nothing more could improve the quality and revive the credibility of federal government, we are equally convinced, than a national Sunshine Law as proposed by Lawton Chiles, Florida's walking senator, who helped to pass the Florida statute when he was a state legislator.

Sen. Chiles has introduced a federal version of the Sunshine Law in the 92nd Congress. It would eliminate most secret meetings in the legislative and executive branches of government, particularly those in the close-mouthed regulatory agencies which wield such power over individuals and businesses.

Florida's law, which applies to government even down to the level of the village council, has brought the people's business out into the light with remorseless prosecution of those who have disobeyed it. Secret wheeling and dealing is largely a thing of the past. Sunshine, we suggest, is the quantity which has helped to identify the State Legislature as among the top four in the nation.

Every old ink-stained Washington hand knows that gathering information for public consumption is an ordeal. Arrogance has grown with the federal bureaucracy. On the legislative side, as Sen. Chiles points out, 36 per cent of all congressional committee meetings are closed to the public. It is committee, of course, that Congress really legislates.

It took half a dozen years of pushing and hauling to get the Sunshine Law adopted in Tallahassee. Even its opponents (and Sen. Chiles once was one of them) defend it today as a necessary good rather than a political evil.

The first principle of a free society is the "consent of the governed." That consent cannot be obtained in star chambers or the dark cabinets of the political connivers. The breath of freedom is in the fresh air.

As distinct from state affairs, there are areas of federal responsibility which require some confidentiality, although not as much as is often exercised not just to protect state secrets but rather to protect bureaucratic error.

Even within these limitations a federal anti-secrecy law which opens up the people's right to know about their government could become the most vital of all modern governmental reforms.

We wish Sen. Chiles well. He is already booted. Now for the spurs.

[From the Tallahassee Democrat, Aug. 23, 1972]

MORE SUNSHINE NEEDED ON GOVERNMENT ACTIVITY

U.S. Rep. Dante Fascell of Miami has joined Sen. Lawton Chiles in his effort to bring more "sunshine" into activities of the federal government. Fascell takes the position the American people have a right to know what their government is doing.

There is no question about that, but both Congress and the executive branch have been reluctant in the past to take the public into their confidence. The kind of legislation proposed by Chiles and Fascell is much needed.

The government in the sunshine bill which Fascell has introduced in the House is identical to the one previously filed by Chiles in the Senate. It requires that, except in certain instances, all meetings of any federal agency at which any official action is considered or discussed shall be open to the public.

The exceptions apply to matters affecting national security, internal management of an agency, discussions which might reflect adversely on the character or reputation of an individual, and things which are required by law to be kept confidential.

The bills require that all meetings of congressional committees be open to the public, that public notice of meetings be given and that a transcript of all meetings be made available to the public. Cabinet level departments as well as regulatory agencies and commissions would be required to comply.

Since he came to the Senate last year, Chiles says he has become disturbed by the great amount of public business conducted behind closed doors and by the attitude of secrecy in federal agencies. "I'm not surprised that people are suspicious of our motives and are losing confidence in their government when they are shut out of the decision-making process," he says.

Chiles recalls that he functioned under the Florida sunshine law for three years, as a member of the State Senate, and as a result, he says he is totally convinced the lawmaking process was not inhibited or damaged.

We agree with him that closed doors are not necessary to the sound resolution of conflicting views. Florida government and citizens have benefitted from the law, and a national law should be of great benefit to the nation.

The stated aim of the federal sunshine act is to regain public confidence and strengthen the democratic process itself by letting the sunlight in.

The essential point, however, is that the American people have a right to know what their government is doing. And as long as the doors stay closed, there isn't much chance of exercising that right.

[From the Jacksonville (Fla.) Times-Union, Aug. 6, 1972]

A "SUNSHINE LAW" FOR THE NATION

For years congressmen have railed against government secrecy, while conducting secret meetings themselves on matters which had no bearing on national security.

They have zeroed in on secrecy in the executive branch of government. And the source of the outcry has been predictable.

If the Democrats were in the White House, the cry against secrecy came primarily from Republicans. If the Republicans were in the White House, the outcry has been primarily from Democrats.

Yet during all of this time, Congress has had the power to do something about secrecy—both in the Congress and in the executive branch.

In fact, only the Congress can do something which will stand over a period of years. The executive can promulgate rules for the various executive agencies and bureaus but these can be wiped out by a change in the White House.

It has been, therefore, passing strange in an election year to hear the Democrats at their convention in Miami pledge to do away with unnecessary secrecy in government when they have had overwhelming majorities in both houses of Congress for the past 14 years and have failed to take the actions they now say are needed.

In fact so great was the Democratic majority at one time that a party wheelhorse once pokingly suggested on the Senate floor that a Republican be put in the Smithsonian Institution so future generations could see what one looked like.

Florida Sen. Lawton Chiles has introduced a "government in the sunshine" law for the federal government similar to that passed, several years ago, for state government in Florida.

This development is a commendable and refreshing change from the approach taken by others, which was merely sound without action.

We agree with Chiles that the Legislative Reform Act of 1970—designed to open the closed doors of congressional committees—has failed to do so.

His assessment is backed up by reports that the number of closed or executive sessions is as great as it was before passage of the law.

The practices of federal government secrecy have developed over many, many years and are now so imbedded in the federal

bureaucracy and in Congress that it will take a strong measure to change what has become an official way of life.

However, it can be done and it should be done.

And the entire governmental process should be the better for it, despite all the arguments that it will suffer.

If the public is privy to the pro and con discussions which precede government decisions, it is much more likely to accept these decisions as being the right ones.

When they are merely served up without prior public discussion, then they are more likely to be suspect.

There are some major difficulties in fashioning a federal law as opposed to a state law because the federal government, and the federal government alone, is engaged in national security matters, and in delicate negotiations with foreign governments.

However these difficulties are not insurmountable. Sensible exceptions can be made in such a measure, with common sense acting as a guide.

While the senators are about this task, they might include penalties for breaches of secrecy in those cases in which they believe secrecy to be essential to the national interest.

A measure such as that proposed by Chiles is long past due. Congress should give it priority attention.

[From the Stuart (Fla.) News, Sept. 7, 1972]

LAWTON CHILES PRAISED FOR "SUNSHINE" ATTEMPT

We commend U.S. Senator Lawton Chiles for introducing a Federal "Government in the Sunshine Act" to make the Congress do business out in the open, except on matters that might jeopardize national security. The closed-door policy in Congress is contrary to the spirit of our Constitution and the intent of its framers. The public business should be conducted in public.

[From the Daytona Beach Journal, Aug. 23, 1972]

FLORIDA LAWMAKERS SEEK FEDERAL LEVEL "SUNSHINE"

If two Florida members of Congress have their way, the national lawmaking body will have to reform itself as the Florida Legislature did a few years ago.

The House and the Senate would have to conduct their business before the eyes of the public, instead of in the recesses of closed committee rooms.

Earlier this month, Sen. Lawton Chiles introduced a Federal Government in the Sunshine Act. Last week, his move was championed in the House as Rep. Dante Fascell of Miami introduced a companion bill there.

Sen. Chiles is a good candidate for moving toward such a reform. He had three years in the Florida Senate under our Government in the Sunshine law. He said he became "totally convinced the lawmaking process was not inhibited or damaged. Closed doors are not necessary to sound resolution of conflicting views. Florida government and citizens have benefited greatly from the law."

He left that open way of governing to go to Washington and become a part again of government in secrecy as it had been practiced so widely in the Florida Legislature prior to the Sunshine law.

Chiles was appalled when he read a Congressional Quarterly report that showed that in 1971 36 percent of all congressional committee meetings were closed; that 97 percent of the Senate committee meetings specifically designated as business sessions—where the critical action and votes on bills were made—were closed to the public and press.

"Even if no hanky panky is going on, the cloak of secrecy heavily implies its possibility," he said.

But there's more than a possibility. Behind the closed doors of the House Rules Committee this Summer, Chairman William Colmer of Mississippi threatened to hold up other vital legislation if the committee did not issue the antibusing legislation this segregationist wanted passed. This was reported by two prying reporters who managed to get an inside track through members who opposed Colmer's methods.

But letting the public in on what is going on in this manner simply is not good enough. "Leaks" can't always be reliable. They are not a substitute for an on the spot newsman.

Says Chiles: "We must open the doors—and windows—and let the disinfecting sunlight in. We can but gain—better lawmaking, greater public confidence, strengthening of the democratic process itself. This is the aim of my Sunshine Act."

That proposed act would require all meetings of government agencies to be open to the public with the exception of matters relating to national security and defense, those now required by law to be kept confidential, strictly internal management problems and disciplinary proceedings which could affect adversely an individual's reputation.

Congressional committee meetings also would be opened, with the same exceptions. Violations could take a committee or an agency into court, just as has been done with government bodies in Florida.

Fascell concurs with Chiles' reasoning, and adds: "The American people have the right to know what their government is doing. It is no wonder that many of our citizens have lost confidence and trust in government, since so many of its official proceedings are held in secret."

We wish these exemplary Florida politicians luck. It would provide quite an honor for this state if they succeed in imposing open government rules at the federal level where abuse is rampant.

[From the Sebring (Fla.) News, Aug. 17, 1972]

SUNSHINE

Claiming there is need to open doors and gain better lawmaking, better public confidence and a strengthening of the democratic process itself, Sen. Lawton Chiles has introduced a national-government-in-the-sunshine-bill.

The bill would virtually eliminate secret meetings in the Congress and the executive branch of the federal government. Exceptions would be in matters relating to national security and defense, matters required by other law to be kept confidential, meetings related solely to an agency's internal management, and disciplinary proceedings which could adversely affect an individual's reputation.

Chiles said the legislation was adapted from Florida's government in the sunshine bill, which has been highly successful and beneficial to the public.

We applaud the Senator for his action. It is time the people were told many things which have been hidden from them, either by secret meetings or classified material. Too often, we feel, the meetings served selfish interests with favors for the few, or the secrecy covered goofs or improper actions.

[From the Port Lucie (Fla.) Mirror, Aug 24, 1972]

SUNSHINE IN WASHINGTON

Efforts of Sen. Lawton Chiles to bring some Florida "sunshine" to Washington, D.C., deserve the support of every member of Congress.

Opening government to the public is so important in these times of credibility confusion that the Congress should lead the way.

A few states, led by Florida's now famous "Government in the Sunshine" law, have passed laws opening government to public inspection. The responsibility rightfully lies with Congress to make open government a national effort, required in every state.

Elected officials have found that the "Government in the Sunshine" law is easy to live with, once they got used to it. Some procedures had to be changed, but the officials who have the best interests of their employers, the people, at heart have, in the main, supported the open meetings-records concept.

Chiles has introduced a bill that would require all meetings of government agencies to be held open to the public, with the exception of meetings related to national security and defense, matters specifically required by law to be confidential, agency internal management, and disciplinary proceedings dealing with an individual's reputation.

Also, the law would require agencies to adopt procedures for advance notice of meetings, Congressional committee meetings would be opened, transcripts of meetings would be made available, and gives the right to the public to sue for court enforcement of the law.

Chiles has experience with the "sunshine" demands. He stated, "I functioned under Florida's Sunshine law for three years in the Florida Senate and am totally convinced the lawmaking process was not inhibited or damaged.

"Closed doors are not necessary to sound resolution of conflicting views," he added.

It would be a bright day if the Congress passed Chiles' bill, a very bright day for America.

[From the Brooksville (Fla.) Sun-Journal, Aug. 22, 1972]

SUNSHINE AND MR. CHILES

Florida's leading the way toward opening closed doors in Washington and letting the sun shine in.

We were most pleased that our favorite United States senator, Lawton Chiles of Lakeland, took the cue from his service in the Florida senate and introduced a federal "government in the sunshine" bill which would virtually eliminate secret meetings in congress and the executive branch.

Senator Chiles has long been a champion of open government, holding to the theory that the public's business should be public business.

In Florida he helped enact the model "sunshine" law which has opened countless meetings of city and county commissions, school boards, and hundreds of other public bodies to the people these agencies serve.

Senator Chiles knows the Florida "sunshine" law makes for better government, more responsible and more responsive government. He knows it works—and his splendid aim is to make it work on the national government, where secrecy is a way of life.

A companion bill has been introduced in the House of Representatives by Congressman Dante Fascell (D-Miami). We hope that our district's congressman, Rep. Bill Chappell (D-Ocala) will support it.

But, of even more importance, is the swift support Senator Chiles found for his measure from both Democratic candidates for congressman from our new district.

Both candidates for the nomination, State Sen. Bill Gunter of Orlando and Miller Newton of Pasco county, have endorsed the Chiles measure and promised their support of federal "sunshine," if elected.

Perhaps similar statements will be forthcoming soon from the Republican candidates for the office.

"Since I came to the U.S. senate last year," Mr. Chiles said, "I have become very disturbed by the great amount of public business I have found being conducted behind closed doors and by the attitude of secrecy I've seen in our federal agencies.

"I'm not surprised that people are sus-

picious of our motives and are losing confidence in their government when they are shut out of the decision-making process."

We're proud of Senator Chiles and his efforts. We commend him for standing for right. And we urge him to push with all the vigor at his command to the end that his fine program will be enacted.

[From the Clewiston (Fla.) News, Aug. 24, 1972]

SUNSHINE LAW FOR NATION, TOO

Claiming there is need to open doors and gain better lawmaking, better public confidence and a strengthening of the democratic process itself, Sen. Lawton Chiles has introduced a national-government-in-the-sunshine-bill.

The bill would virtually eliminate secret meetings in the Congress and the executive branch of the federal government. Exceptions would be in matters relating to national security and defense, matters required by other law to be kept confidential, meetings related solely to an agency's internal management, and disciplinary proceedings which could adversely affect an individual's reputation.

Chiles said the legislation was adapted from Florida's government in the sunshine bill, which has been highly successful and beneficial to the public.

We applaud the Senator for his action. It is time the people were told many things which have been hidden from them, either by secret meetings or classified material. Too often, we feel, the meetings served selfish interests with favors for the few, or the secrecy covered goofs or improper actions.

[From the Lakeland (Fla.) Ledger, Aug. 14, 1972]

"SUNSHINE" IN HIGH PLACES

Much of the remainder of this page today is devoted to a statement made by U.S. Sen. Lawton Chiles on the floor of the Senate as he introduced a proposed federal "Government in the Sunshine" law.

Senator Chiles makes an eloquent and convincing argument in favor of the right of a free people to know what their government is doing, and how.

The Senator's bill, patterned after the Florida law, provides for open meetings of all federal governmental agencies and bodies at which official action is considered, discussed or taken, except for actions or discussions relating to national defense and security or where secrecy is required by law.

Quick passage of the Chiles bill is hardly likely, desirable as it is for the public interest.

As the Senator notes in his statement, secrecy has become a byword in government, at all levels, and we cannot foresee wide support for "sunshine" among the officeholders and the bureaucratic agencies of government.

Still, we commend Senator Chiles for introducing the measure and are confident he will push hard for its ultimate adoption.

Actually, if all our elected and appointive officials cared as much for the people they serve as Senator Chiles there would be no need for his bill.

[From the Fort Myers News-Press, Aug 17, 1972]

OPEN THOSE DARK WASHINGTON DOORS

During the past decade roughly four out of every 10 Congressional committee sessions were held behind closed Washington doors.

The example of elected members of the Senate and House conducting "public" business where the public is not allowed is a bad example to set for hired bureaucrats setting their own rules for withholding information. Many citizens are frustrated in dealings with the federal office maze. There is a sense of a lack of communication between many voters and the officials they have empowered through the ballot. Now is a good time to think about opening some of those sealed federal portals.

Sen. Lawton Chiles, D-Fla., is trying to get a little "sunshine" into the federal decision making process. Last week he introduced a campaign to pass a federal open meeting law based on this state's "government in the sunshine law," requiring public bodies in Florida to openly conduct both their business and the preliminary meetings where thought patterns are developed.

The idea that our Congress needs "sunshine" comes as a surprise to many people who, like the emperor worshippers of the Roman Empire, feel national political office holders have risen above mere mortality to the Olympian heights of divinities.

Whether classified as divine or not, the federal decision making process should be open to the public, at least where sensitive national security matters are not being discussed.

Most states have some type of law allowing public inspection of official documents, just as there is a federal freedom of information law regarding the classification of certain documents. About 40 states require at least some public policy-setting meetings to be open to the public. The state attorney general's rulings on the Florida law apply it to many informal meetings between elected officials where they might discuss public policy and form opinions which would be reflected later in official meetings.

The U.S. House of Representatives permitted newsmen to attend its meetings two days after organizing in 1789. The Senate got around to a similar policy six years later. Congressional publication of its official proceedings came in 1834. Yet during the 1960s approximately 40 per cent of committee sessions, where facts were learned and minds were set, still were not open to the public. Nor are they now.

Chiles said his proposed federal law would require regulatory bodies, such as the Interstate Commerce Commission and Civil Aeronautics Board which control freight and passenger rates, to hold open meetings.

The military and the courts would be exempt, as would disciplinary dealings with an employee's character.

It should be great fun to watch the progress of Chiles' proposal—if it is not killed in some closed door session.

[From the Ocala (Fla.) Star-Banner, Aug. 10, 1972]

A FEDERAL SUNSHINE LAW

Wholehearted support from every member of Florida's congressional delegation should be forthcoming now that Sen. Lawton Chiles has introduced a federal government in the sunshine bill that would virtually eliminate secret meetings in the Congress and the executive branch of the federal government.

Since Florida was among the pioneer states in establishing a law requiring public officials to conduct the public's business in the open, it is only appropriate for this state's lawmakers in Washington to support Chiles' legislation.

As we have noted numerous times in recent years, Florida's government in the sunshine law is one of the finest pieces of legislation ever turned out by the legislature.

It not only has brought government out into the open from behind closed doors and pulled shades, it has forced public officials to be more on the alert and cognizant of the issues before them.

It is true there are instances when the Florida law is being violated or circumvented. But the fact still remains, the law has eliminated much of the secret wheeling and dealing of the past.

Congress sorely needs to do something to improve its image with the citizenry. Its credibility, as well as that of the executive branch, definitely should be upgraded.

By curtailing secrecy, by making decisions in the open, the lawmakers could take a giant step toward eliminating suspicion and distrust.

It is essential for the public to believe in the government and to have faith in those who make the decisions that affect the lives of all of us.

This faith and confidence is hard to come by when 36 per cent of all congressional committee meetings over the course of a year are closed.

The cloak of secrecy pulled over any function heavily implies that something is going on that is not in the best interest of the public. Discussion about national security, of course, is the exception.

Sen. Chiles deserves the applause of citizens all over this land. It is indeed refreshing to see a member of Congress recognize the impropriety of conducting the public's business behind closed doors. It is equally pleasing to see Sen. Chiles introduce his legislation.

The task ahead of him is not going to be easy, by any means.

But then it took a long time, far too long, to get the sunshine bill through the Florida legislature. Hopefully, with the full support of his colleagues from Florida, and with members from both Houses it will not take as long to secure approval of the House and Senate.

[From the Jacksonville Journal, Aug. 9, 1972]

FAINT RAYS OF SUNSHINE

There seems to be some hope that the long-criticized habit of federal bureaucrats to label official documents needlessly with "top secret," "secret" and "confidential" stamps is being brought under some sort of control.

But, even if those rubber stamps are stopped in midair, we'd still have administrative agencies taking official action behind doors closed to the public and we'd still have congressional committees holding secret sessions.

It is in these latter two areas that Sen. Lawton Chiles of Florida has taken action, and we wish him success as he tries to get a federal "government in the sunshine law" enacted similar to the law that is already on the books in Florida.

The celebrated case of the Pentagon Papers alerted the American public to the vast tonnage of public records that are hidden from public view by being classified as information vital to national security.

In the aftermath of the publication of the Pentagon Papers, various officials estimated that 20 million pieces of overclassified information are lying unseen in government files. A congressional committee was told that probably one-half of one per cent of that information truly related to national security and thus deserved to be stamped "secret."

As a result of such testimony, the Nixon Administration set up the Classification Review Committee last year. And, last week, the committee reported that, in the past two months alone, 27,348 government employes have lost the right to classify documents as top secret, secret or confidential.

But the classification committee can do nothing about closed-door actions by federal administrative agencies or by congressional committees. It is on these problems that Senator Chiles has focused this attention.

"Since I came to the Senate last year," said Chiles, "I have become very disturbed by the great amount of public business I have found being conducted behind closed

doors and by the attitude of secrecy I've seen in our federal agencies."

We hope he gets his law enacted. It should stop such shenanigans as closed-door congressional hearings into the degree to which astronauts have been involved commercially, if at all, during tax financed space missions. We fail to see any justification at all in making such hearings secret.

[From the Pahokee (Fla.) Everglades Observer, Aug. 10, 1972]

WE NEED MORE "SUNSHINE"

U.S. Senator Lawton Chiles has introduced a Federal "Government in the Sunshine" bill which would virtually eliminate secret meetings in the Congress and the executive branch of the federal government.

Exceptions would be in matters relating to national security and defense, matters required by other law to be kept confidential, meetings related solely to an agency's internal management, and disciplinary proceedings which could adversely affect an individual's reputation.

Sen. Chiles said the legislation was adapted from Florida's government-in-the-sunshine bill which was approved in 1967 when he was in the state senate.

"Since I came to the U.S. Senate last year," he said today, "I have become very disturbed by the great amount of public business I have found being conducted behind closed doors and by the attitude of secrecy I've seen in our federal agencies.

"I'm not surprised that people are suspicious of our motives and are losing confidence in their government when they are shut out of the decision-making process."

He added, "All of us know the feelings of alienation and frustration many people have toward government these days. As government has grown, it seems to have gotten further away, out of the reach of people "It's not responsive enough; there's too little communication and understanding and trust."

The Senator said he believes this public discontent is in part due to government secrecy, "in most cases, totally unnecessary secrecy." He concluded the need is now to open the doors and gain better lawmaking, greater public confidence and strengthening of the democratic process itself."

We couldn't agree with Senator Chiles more. He is to be commended for coming up with the legislation on a federal level that Florida has adopted state-wide. We need protection from cloak-room politics at every level of government.

[From the Clearwater (Fla.) Sun, Aug. 16, 1972]

A GOOD BILL

U.S. Sen. Lawton Chiles of Florida is trying to remedy an evil in governmental operations that everybody has talked about for years, but no one does anything about.

He has introduced a federal "Government in the Sunshine" bill which would virtually eliminate secret meetings in the Congress and the executive branch of the federal government.

Only exceptions would be in matters relating to national security and defense, matters required by law to be confidential, meetings related so solely to internal management, and disciplinary proceedings.

Chiles said he adapted the bill after Florida's government-in-the-sunshine law.

It's a good idea; we hope it passes.

[From the Orlando Sentinel, Aug. 11, 1972]

GOVERNMENT SECRECY CRITICIZED

Editor: Re: Aug. 5 story about Sen. Lawton Chiles, he is certainly advocating a law which could prevent the total bankruptcy of our nation.

It seems certain that the vast majority of our nearly tax-defeated citizens in Florida, and throughout the nation, will applaud Sen. Chiles' effort to get passed a "federal government in the sunshine law," which, at least, might prevent some of the backroom financial flim-flamming of America's middle class taxpayers which should have been stopped a century ago.

As Sen. Chiles said in that story, "I am not surprised that people are suspicious of our motives and are losing confidence in their government when they are shut out of the decision-making process." Also, he mentioned the prime cause of our nation's problems when he said, "Public discontent is due in part to government secrecy which, in most cases, is totally unnecessary."

Too often the wishes of the majority are circumvented on behalf of partisan (or personal) goals. Then such goals are cunningly disguised as public needs and Americans have more unnecessary taxes heaped upon them each year.

BARRY CRIM.

DELAND.

[From the Sanford (Fla.) Herald, Aug. 7, 1972]

LAURELS FOR CHILES AND CRANSTON

Public thanks is due two United States Senators who have introduced bills which can do much to assure continuance of the confidentiality right which a free press must have and to shed light on meetings of Federal authorities and congressional meetings.

Senator Alan Cranston of California is the one whose bill consists of a single sentence: "A person connected with or employed by the news media or press cannot be required by a court, a legislature, or any administrative body to disclose before the Congress or any Federal court or agency any information procured for publication or broadcast."

The vigilance of the California Democrat is noteworthy. For he had detected the basic damage to a free press which could come from a Supreme Court ruling that the press does not inherently possess a confidentiality privilege as part of its first amendment rights. The bill, introduced on June 30, should be passed and with such a majority that the message could not be lost.

Florida's own junior Senator, Lawton Chiles, is the legislator who has just introduced a "Government in the Sunshine Act" with which he "seeks to assure the openness of our governmental processes and to restore public confidence in those processes."

Senator Chiles had gone to Washington after having experienced the benefits which the Florida government in sunshine law has bestowed on the people of our State.

Once there he became "very disturbed by the great amount of public business being conducted behind closed doors and by the attitude of secrecy I've seen in our Federal Government agencies."

A legislator of action, the Lakeland Democrat prepared the act which is now before the Senate and bolstered its presentation with a quotation from the famed Supreme Court Justice, Louis Brandeis, who wrote in 1913:

"Publicity is justly commended as a remedy for social and industrial disease. Sunlight is said to be the best disinfectant and electric light the most efficient policeman."

What appears to be the motivation in both of these instances is the sincere desire of the Senators to do what can be done to stop the continuing loss of public confidence in government.

This is a dangerous situation. To remedy it by responsible journalism is the key treatment. Senator Cranston makes such reporting possible.

To bring government processes—wherever possible—out of the shadows, the Chiles prescription, is to restore confidence. Each is important. Together they are unbeatable!

[From the Naples (Fla.) Daily News, Aug. 8, 1972]

MORE "SUNSHINE" EVERYWHERE

Florida's Senator Lawton Chiles wants to eliminate virtually all of the secret meetings now taking place in the congressional and executive committees of the national government. And he has introduced a federal "government in the sunshine" bill which, if approved by the House and Senate, would go a long way in removing what Chiles describes as the "alienation and frustration many people have toward government."

Chiles thinks government is not responsive to the citizenry it represents, fails to let the public in on the public's business, thus planting the seeds for suspicion and lack of confidence.

"Since I came to the U.S. Senate last year." Chiles says, "I have become very disturbed by the great amount of public business I have found being conducted behind closed doors and by the attitude of secrecy I've seen in our federal agencies . . . in most cases, totally unnecessary secrecy."

The Florida senator, who helped pass this state's own sunshine law, does not favor delivering the nation's military secrets to the enemy, wants no part of endangering national security. But he obviously fears big-government control of public information more than he fears the occasional leak of security matter.

Any erosion of the Florida sunshine law is being watched very carefully not only by elected officials like Senator Chiles but by the courts themselves which have been loath to make any exception to the requirement for open meetings. The original complaint against the Sunshine law (approved in 1967) was that the open-meeting requirement would only drive state and local officials into secret pre-conference agreements which then would be formally ratified at subsequent public meetings.

But in a major Florida Supreme Court decision (1969) the justices ruled that such circumvention was contrary to the intent of the legislature, and that the open-door ruling applied to all meetings dealing with the public's business. Thus, the "entire decision-making process" of government is subject to the Florida act, not just formal meetings or voting sessions.

The Florida court's ruling in this case went to the heart of the matter: The public is not only entitled to know the final decision of the governmental body but it is entitled also to know the arguments pro and con that went into the arrival at the decision.

The sunshine law, as it works in Florida, may sometimes inconvenience governmental bodies but one has only to look to neighboring counties to discover that the law has teeth, that it is being applied by the courts as the legislature intended, and that breaches are not considered trivial matters.

Several other states have gone the "sunshine" route and we believe that many more will follow. Senator Chiles is not alone in sensing that the American public wants to know more, not less, about what makes our government tick, and as time goes by the demand for open doors along all government corridors will be more and more insistent. It seems unnecessary even to plead the case.

[From the Winter Haven (Fla.) News-Chief, Aug. 10, 1972]

LET THE SUNSHINE IN

Our own Senator Lawton Chiles has proposed a "Federal Government in the Sunshine" law just as we have in our state. He feels, and rightly so, that the people of the nation are entitled to know about the operation of their government. He feels that entirely too many decisions are being made behind closed doors and that we would have a much better Federal government if they were made out in the open.

Obviously, the only thing that must be done in secrecy is the handling of our national security, and even there a great deal of it could be done before the public. We know for sure that there would be less doubt as to how the government operates and people would have more respect for the government if they knew from day to day just what is going on. It's a great law and should receive the backing of the people of the nation.

[From the Gainesville (Fla.) Sun, Aug. 13, 1972]

A LITTLE DAB WILL DO

Lawton Chiles, who got to the U.S. Senate by tromping the length of Florida on his feet, is now trying to unlock doors with his tongue.

We refer not to a gymnastic feat, but oratory. And it will take a great deal of oratory to charm the doors of the federal government into opening for public inspection.

That is what Senator Chiles wants to do. He has introduced a Government-in-the-Sunshine bill to open federal-level meetings to the public. Amongst the briefcase and satchel toters, this ranks second only to playing spin-the-bottle with an aged hyena.

So that is why Senator Chiles has resorted to oratory, even to quoting former U.S. Justice Louis D. Brandeis: "Publicity is justly commended as a remedy for social and industrial disease. Sunlight is said to be the best disinfectant and electric light the most efficient policeman."

The Chiles Sunshine Law requires Congress and federal agencies (excluding the courts and the military) to conduct meetings in public unless the matter (1) affects the national security, (2) relates to internal management of the committee or agency, (3) reflects adversely on the reputation of an individual, or (4) is already secret under other laws. Just any ordinary citizen can take a closed door compliment to the nearest federal district court—which makes enforcement easy.

Senator Chiles says he got his idea for a federal Sunshine Law from the Florida Sunshine Law enacted in 1967. He freely compares the two favorably.

That is carrying things a bit too far, because the Florida law is brief and tight as a drum with no exceptions to closed meetings—although the Florida Supreme Court has waffled a bit and installed a few semantic shutters.

The Chiles federal-level bill, on the other hand, is loaded with such exceptions as "internal management" and "national security" and matter which "tend to reflect adversely" on any individual. When the Senate Committee on Standards and Conduct probes a Senator caught with his hand in a lobbyist's pocket, you can bet your kingdom that meeting will be closed because it will "tend to reflect adversely." Some senators will go further and argue the "national security" is endangered.

With a law riddled like that, who needs Swiss cheese?

So the comparison between Florida law and the Chiles bill is not really cricket. But the federal government is so secretive that even Swiss cheese is an improvement.

Last year in the Senate alone, 30 per cent of the committee meetings were behind closed doors. Senator Chiles is a member of the Joint Congressional Operations Committee and the Agriculture Committee—both of which met 33 per cent in secret.

In the U.S. House at the other end of the hall, things are worse—with 41 per cent of the meetings secret. Our Second District Rep. Don Fuqua, for example, is a member of the Science and Astronautics Committee (24 per cent secret) and Government Operations (22 per cent secret).

The Chiles bill will not eliminate a great deal of that secrecy. But we are reminded of a Brylcreem television commercial of a decade ago, which proclaimed "a little dab will do ya."

We will settle for that.

[From the St. Petersburg (Fla.) Independent, Aug. 8, 1972]

CHILES TRYING TO PRY OPEN THE NATIONAL DOOR

What the public doesn't know, it can't condemn or praise.

That has been the working policy of the federal government. It emanates from the Congress, where elected, tax-paid officials hide to perform the public's business.

Small wonder, therefore, that the bureaucracy created by Congress and thus further removed from the public feels unobliged to allow public access to its policymaking meetings.

First term U.S. Sen. Lawton Chiles of Florida may be a bit brash with his proposed federal version of a "government-in-the-sunshine" law.

However, a little temerity may be what an encrusted Congress and bureaucracy need to be awakened to the public's displeasure with government in secrecy.

Chiles proposes open meetings for all congressional and bureaucratic sessions, except those dealing with national security and defense, others expressly closed by law, internal management, and disciplinary problems of a federal agency.

His exemptions may be too vague.

But his broadside attempt to open the federal government to public inspection is the first crack of sunlight we've seen in Washington in a long time.

Chiles wisely quotes former Supreme Court Justice Louis D. Brandeis:

"Publicity is justly commended as a remedy for social and industrial disease. Sunlight is said to be the best disinfectant and electric light the most efficient policeman."

An informed electorate is the only sure guarantee of an enlightened democratic society.

But when that electorate's very own business is conducted in secret, the fiber of the republican democracy is shredded.

Particularly appealing about Chiles' proposal is its expression that Congress would open its own doors and then properly assert its control over the bureaucracy by also opening to the public doors to the mass of regulatory agencies that govern our lives—the Interstate Commerce Commission, Federal Trade Commission, Civil Aeronautics Board, Federal Communications Commission and scores of others.

In many ways, Americans are more governed by a series of initials—ICC, FCC, FTC, CAB, and perhaps one day a Department of ETC.—than by the officials they have elected.

True to his campaign pledge, Chiles is seeking to bring government closer to the people.

"Only with such openness can the public judge and express, through its vote or voice, whether governmental decisions are just and fair," he says.

Floridians right now should exact pledges of support for the Chiles measure from every person who seeks election to the Congress.

We would expect members of the current Florida congressional delegation to record their endorsement of federal government in the sunshine.

We see few exceptions to the axiom that the public has a right of free access to the conduct of its own business. Sunshine laws have succeeded in Florida and at least five other states. It's time the principle was applied by our national government.

[From the Boca Raton News, Aug. 6, 1972]

THANK YOU, SENATOR CHILES

If Florida Senator Lawton Chiles has his way, sunglasses may soon become a necessity for our federal officials.

Chiles has introduced a Federal Government in the Sunshine bill, which would virtually eliminate secret meetings in the Congress and the executive branch of the federal government.

His proposed legislation is adapted from Florida's government-in-the-sunshine bill which was approved in 1967.

The Florida senator probably will have major problems getting such legislation approved by his colleagues. We wholeheartedly support the measure and we're hopeful our readers will express their support to their U.S. senators and representatives.

Chiles' timing in introducing the bill is probably the best thing he has going, since our elected federal officials, who have always declared they believe in and support open government, will be forced to either support or reject the Sunshine Law proposal in an election year.

The bill would provide exceptions in matters relating to national security and defense, matters required by other law to be kept confidential, meetings related solely to an agency's internal management and disciplinary proceedings which could adversely affect an individual's reputation.

Those exemptions should give the bill enough flexibility to allow its adoption.

Past proposals calling for "open government" have been shot down by our elected officials, who declare closed meetings are necessary, especially in the area of our national security and defense.

In introducing the legislation, Chiles said, "Since I came to the U.S. Senate last year, I have become very disturbed by the great amount of public business I have found being conducted behind closed doors and by the attitude of secrecy I've seen in our federal agencies.

"I'm not surprised that people are suspicious of our motives and are losing confidence in their government when they are shut out of the decision-making process."

Chiles' words probably will not be popular with his colleagues, but the majority of citizens in this country surely agree with him.

People in this country today feel they are being ignored by the elected officials. That, we think, is why the George Wallace presidential campaign was so successful.

Chiles says government is not responsive enough. He charges there's too little communication, understanding and trust, and he believes a great share of the problem is due to government secrecy. "And," he said, "in most cases, it's totally unnecessary secrecy."

The Sunshine Law has not given Floridians total trust in their elected officials, but it definitely has helped restore honesty to government.

We think a federal Sunshine Law could have the same impact and we salute Sen. Chiles for introducing the bill.

[From the Tampa Times, Aug. 5, 1972]

SUNSHINE IN CONGRESS

Sen. Lawton Chiles made political history a few years ago when he spurned a Cadillac-style campaign for the U.S. Senate seat and chose to walk the roads and residential streets of the state to carry his message to the people.

The voters of the state responded by giving Chiles a thundering majority. His success was so dramatic hundreds of politicians around the nation spent their campaign funds on hiking shoes instead of billboards and prime television time in an effort to follow in Chiles' footsteps.

But now Florida's junior senator has chosen a tougher task for himself—the task of letting a little fresh air and sunshine into the musty committee rooms of the United States Congress.

In a bill filed yesterday, Chiles attempted

to pass on the major provision's of Florida's law to the benefit of the people in the United States.

The Chiles bill would require all congressional committees and all federal authorities with the exception of the courts and the military to hold meetings open to the public.

The Florida senator watered down the bill somewhat for the protection of national defense and security, and in certain other highly sensitive areas, but the thrust of the legislation is to give the public a far more open view of the workings of the federal government than is now available.

Not many citizens are familiar with the secretiveness of the federal government in Washnigton. Most would be shocked to know what a vast amount of legislation is sent to the floors of the house and senate from closed committee rooms. Trading of votes for favors, and compromises not necessarily in the public interest are major factors in the wording of new laws.

Matters are considered in secret session that would appear to have no relation to national security. For instance, during the past few days doors were slammed shut by the Senate Space Committee on a hearing into the smuggling of certain contraband items, by astronauts, on the Apollo 15 trip.

Here is a case where taxpayers spent millions to send these men on a moon mission, and from reports there were plans for a tidy private profit by parties still unknown. After a five hour secret session on the matter the committee chairman, Sen. Clinton P. Anderson, would give no indication if any of the information gathered from witnesses would ever be made public.

Another example: A hearing will be held next Tuesday in "closed executive session" of the powerful Senate Public Works Committee on a bill tailored specifically for Texas permitting the state to circumvent federal environmental safeguards in construction of a controversial freeway through scenic urban parkland. A torrent of similar legislation for other areas in the nation is expected to follow.

These are only a few examples of the type of information handled by congressional committees behind a shroud of secrecy.

The Chiles bill is only one step needed in a full code of reform for both the legislative and executive branch of federal government.

Optimism about the passage of Chiles bill in the near future could only come from those unfamiliar with the power of the gerontocrats of Capitol Hill.

It took six years, and the defeat of the Porkchop Gang, to get the sunshine law through the Florida legislature. It may take even longer at the federal level. But the change is necessary if confidence in government is to be restored.

Chiles had the courage to set a new style of campaigning in Florida and sparked a dramatic change in many other states. Perhaps other young progressive senators will be willing to follow his footsteps in support of the national sunshine act.

[From the Miami News, Aug. 8, 1972]

RIGHT TO KNOW

We've always been guided by two principles in this business: The public needs to know what is going on, in and out of government; and public representatives need to communicate freely with the public.

Take the latter first. The U.S. Supreme Court recently said a newspaperman no longer has the right to protect the confidentiality of his source of information. This hits close to the heart of a free press. We feel, of course, the news media need and should have maximum legal protection to meet their responsibilities in a free and open society.

Sen. Alan Cranston of California has introduced a one-sentence bill which would restore the privilege that the Court has seen fit to remove. The bill reads: "A person connected with or employed by the news media or press cannot be required by a court, a legislature, or any administrative body to disclose before the Congress or any federal court or agency any information procured for publication or broadcast."

We subscribe to Senator Cranston's proposal because all other press confidentiality laws (17 states have them) to some degree contain loopholes which could lead to repressive restrictions.

No less important is the bill introduced on Friday by Sen. Lawton Chiles of Florida to open all government processes to public view. Mr. Chiles, who strongly supported a "government in the sunshine" statute when he was in the Florida Senate, would have his legislation apply to all federal regulatory agencies and committees of the Congress, exempting only the judiciary and military.

The senator expresses surprise that so much of the public's business is conducted behind closed doors in Washington. He shouldn't be surprised. The federal agencies have practiced it for years and as recent as February of this year, a survey indicated 36 per cent of all congressional committees were meeting in secret.

Government in the sunshine is being practiced with success in the senator's home state. There is no reason for federal bureaucrats to close the doors when the press and the public show up. If the public is losing confidence in government, it is because of being shut out of the decision making process.

A government that operates in secret is on the road to tyranny.

Mr. CHILES. Mr. President, I have also received quite a bit of mail from Floridians, as well as citizens across the country expressing their interest and support.

Mrs. Dorothy Tomlinson of Madeira Beach, Fla., wrote:

Hope that your government in the sunshine for the U.S.A. legislation is adopted. This law would make it easier for the people to choose their leaders.

Mr. Robert W. Burdick of West Palm Beach told me:

Thank you very much for introducing a federal "government in the sunshine" bill in the Senate. We have needed the introduction of such a bill for a long time . . .

Ethel L. Redditt of Tampa wrote:

Congratulations on your trying to bring the people's business out in the open . . .

Mr. President, I ask unanimous consent to have several examples of the kind of letters I received printed in the RECORD.

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

JACKSONVILLE BEACH, FLA.,
August 16, 1972.

The HON. LAWTON CHILES,
U.S. Senate,
Washington, D.C.

DEAR LAWTON: Just a brief note to let you know how pleased we were to read of your proposing a "Florida in the Sunshine" type bill for our Congress.

I serve on a local hospital board and we have to advise the local press and all concerned in our community of any little meeting that we have. It seems if we have to do this type of thing, there is no reason why the Ways & Means Commitee should not have to do the same, or other Committees that are running our Federal Government.

Thanking you again for the great job you are doing as our Senator.

Very sincerely,

GEORGE E. PHARR, *C.L.U.*

PS: I am enclosing a clipping of the bill I refer to above.

CLEARWATER, FLA.,
August 5, 1972.

DEAR SENATOR CHILES: Would you please send me a copy of your "Gov't in the Sunshine" bill.

I appreciate your efforts for this much-needed reform, and I'm sure that Common Cause and the League of Women Voters here will be interested in supporting your bill.

Thank you.

GERTRUDE DESJARDIN.

DEAR SENATOR CHILES: More power to you in your effort to ban most closed sessions of congressional committees and Federal regulatory agencies. The people are dealing with public business. What have they got to hide?

Sincerely,

Mr. and Mrs. ROBERT E. STEARNS.

BARTOW, FLA.,
August 19, 1942.

Hon. LAWTON CHILES

DEAR SIR: I like the little papers "Lawton Chiles Reports," very much.

This copy has some very pertinent problems.

I like the Sunshine Law very much. I probably will never be in a place to attend any conferences but it gives one a feeling that if I wanted to I could.

I saw in this morning's paper that Rep. Fascell has introduced a bill quite similar to yours. I wish you both success and hope its passage won't be held up 10 years.

I also hope the Mass Transit conference will bring results.

We have visited Disney World from Bartow by bus and it is a nice way to get there.

Yours truly,

MRS. STANTON LANDER.

Mr. CHILES. Mr. President, I am more convinced than ever that there is little case to be made for any secrecy in Government outside of certain special areas dealing with the national defense and security. Our government in Florida is not perfect now by a long shot—but it sure is more open. I do not suffer under any illusions that a Federal Government in the sunshine law is going to erase every trace of public suspicion. But I do believe it will help enormously to open up our system to the people it is supposed to be serving. This opening up cannot help improving the system itself and begin the slow restoration of the public's confidence in their elected representatives and their government as a whole.

No one can deny the feeling of alienation that so many of our citizens feel today toward their Government. It is a kind of social desease that is still spreading. For a variety of reasons people have become suspicious of a Government they feel is all encompassing and yet out of touch with the people it is supposed to be serving. Many people feel that their public trust is being betrayed.

In fact, a recent study by Arthur Miller, a political scientist from Ohio State University, showed that the American people's trust in their Government dropped nearly 20 percent from 1964 to 1970. Using data provided by the University of Michigan's Survey Research Center, Miller devised a "cynicism scale." He found that over this 6-year period, the

broad segment of people who were questioned as to their trust in American institutions answered in ways that clearly indicated distrust, alienation, and cynicism.

Mr. President, I ask unanimous consent to have an article published in the Washington Post on September 10, 1972, concerning the Miller study be printed in the RECORD.

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

TRUST IN GOVERNMENT IS SAID TO DECLINE—CYNICISM RISES

(By H. D. S. Greenway)

The American people's trust in their government dropped nearly 20 per cent from 1964 to 1970, according to Arthur Miller, a political scientist from Ohio State, and public trust among blacks dropped at twice that rate. That segments of the population are alienated from the government is not surprising, Miller said, but he views the rapid degree of change in only six years as "somewhat alarming."

Using data provided by the University of Michigan's Survey Research Center, Miller has devised a "cynicism scale" which he presented Thursday in a paper to the annual meeting of the American Political Science Association here.

Over a six-year period a broad segment of people was questioned as to their trust in American institutions and their answers were rated as to degree of alienation and cynicism. Twenty per cent of those polled in 1964 distrusted the government but by 1970 the figure had risen to 39 per cent.

During the 1964–1966 period public trust among blacks actually rose, according to the "cynicism scale," while public trust among whites began a steady decline. After 1966, blacks began to lose faith in government more rapidly than whites but prior to 1968 blacks still "demonstrated more trust in the government than whites," Miller said. By 1970 a "reversal" had occurred with (56 per cent of all blacks queried mistrusting the government), as compared to 35 per cent among whites.

American cynics can be broken down into "left cynics" and "right cynics" on the Miller index. Blacks comprised 38 per cent of all "left cynics" and 99.7 per cent of all right cynics were white. "One-third of the cynics of the left were under 30," Miller said, while only 12 per cent of rightist cynics were young. In general, however, Miller found far more discontented people over 60 than among the under-30 group.

Cynicism cuts across party lines, but while independents are cynical because they see too little difference between the Democrats and Republicans, blacks are cynical because they see too much difference between the major parties. Blacks perceive the policy gap between parties as "so large that the Republican Party is not a viable alternative, thus, ironically, also resulting in a lack of choice for them."

Increasingly Miller found that Americans are satisfied with neither party and the findings "demonstrate emphatically" that "distrust of the government was related to the dissatisfaction with both parties . . ."

A feeling of inability to influence government was also a prime cause of discontent. "Those who felt they had very little impact on government were the most cynical."

While confidence in the electoral system among whites dropped from 65 per cent to 60 per cent during the six-year period, black trust in elections dropped from 66 to 41 per cent.

Mr. CHILES. Mr. President, I believe a good deal of the growing disenchantment with the Government that the Miller study points out is due to the aura of secrecy that surrounds many aspects of it—in most cases a totally unnecessary aura of secrecy. There is, to my way of thinking, no real reason for the number of closed meetings held by Government boards, commissions, or other agencies. I believe closing the doors to these meetings and shutting out the public automatically makes the public wonder what in the world is really going on behind them.

Now I must admit that at the beginning stages of "Government in the Sunshine" back in Florida, I questioned whether or not we could operate effectively out in the open. Many people shared my feelings. But now, after our Government in the sunshine law has been in effect for several years, we share the same proud conclusion: We can operate just fine. In fact, we can operate better because with those open doors also comes the public's confidence. Business goes on as usual—except business goes on even more effectively. It is the public's business that we are talking about and now at last, in Florida, the public is allowed in on it fully.

Mr. President, most public officials are hard-working, dedicated, individuals. But as honest as they are, they still have difficulty keeping the public's trust, eliminating doubt or suspicion concerning their integrity. Closed doors imply "hanky-panky." The credibility of the majority of honest, hard-working public officials is destroyed by the unnecessary aura of secrecy that surrounds many aspects of Government decisionmaking.

My bill provides for open meetings of all Federal governmental agencies except the courts and the military. In particular, it applies to Federal regulatory agencies and commissions, such as the Interstate Commerce Commission, the Federal Trade Commission, and the Civil Aeronautics Board—which are responsible for serving the public interest. It would apply to the committees of Congress also, which have for too long conducted too much of their business behind closed doors.

Mr. President, I was pleased to see that a plank in the Democratic Party platform for this year is concerned with openness in Government and that legislation has now been approved by a Senate-House conference which would open up meetings of the multitude of so-called advisory commissions. In the Senate this effort was led by Senators METCALF, PERCY, and others. I was glad to join with them in that effort. And I am delighted that some of my Republican colleagues in the Senate have joined me in cosponsoring my sunshine bill. This effort to open up Government to the people is clearly not a partisan issue and I would hope we could work together effectively toward that end.

I am hopeful that hearings will be held on my proposal for sunshine government early next session. And I want to stress that I sincerely hope this whole area will be completely gone into and thoroughly studied. I am and will remain completely committed to the idea of opening up government to the people—the memory of my campaign is still vivid—the memory of listening to the people complain about the "bigness," and the remoteness, the unapproachable nature of big government—how they felt left out and were distrustful of what was going on "inside." But though I am wedded to the idea of sunshine Government I am not wedded to the specific language of my bill—I realize there are problems involved. I am aware that certain exceptions to open meetings have to be made. Exceptions are provided in the bill as written, to include—cases where matters to be discussed include national security, internal management of a committee or agency, or matters which may tend to reflect adversely on the character or reputation of a witness or any other individual. But these exceptions may need expanding, or more precise definition. Complete hearings on this whole area are certainly necessary so that we can have input from everyone involved and come up with the best possible bill.

We must start now—here—to expose our governmental process to the fullest extent possible. We must open the doors and windows and let the disinfecting sunshine in. Our efforts to open up Government to the people can only lead to better lawmaking and greater public confidence in our governmental system.

I am pleased that some of the cosponsors to the bill and other Senators have joined me here this morning to consider some of the issues and problems—as well as challenges involved in Federal "Government in the Sunshine."

Mr. HART. Will the Senator yield?

Mr. CHILES. I yield to the distinguished Senator from Michigan, whom I am delighted to have as a cosponsor on the legislation.

Mr. HART. Mr. President, I join the Senator from Florida in support of S. 3881, a bill he most appropriately has dubbed the "Government-in-Sunshine Act." The Congress has considered this area before. Just in the past several years we have passed the Freedom of Information Act and the Legislative Reorganization Act of 1970—both designed to open up the processes of government to the public.

But these actions are not enough. We still receive complaints that Federal agencies hold back needed information, and certainly the arguments of the past months over classification procedures indicate that the rules are hazy, if indeed they exist at all. And an analysis of the Congress' actions following passage of the 1970 Reorganization Act shows that about one-third of all committee meetings in 1971 were held in secret.

Credibility is surely an overworked word, but describes one attribute that our people are looking for in their Government. In this electronic age of instant communication, secrecy would seem to have no place, except in the most sensitive of areas, which are well-defined in S. 3881. Certainly passage of the bill would help remove suspicions about motives and doubts about integrity existing today. Senator CHILES distinguished public service in heading this effort.

When President Woodrow Wilson addressed the Congress on the great issue

of peace, the first of his 14 points was "Open covenants—openly arrived at."

Today in the midst of difficulties abroad and at home, the advice is equally well taken. S. 3881 would enlarge our freedoms and bring increased respect and support to our Government.

I would hope the party caucus in Congress also will be conducted "on the record" and "in the open." Actions by the caucus affect the public's business. We who are members of these caucuses are not operating a fraternity house, we are doing business for and in ways directly affecting these people, the public. The people should know what we are doing or not doing, in committee and in caucuses.

Mr. President, I express appreciation to the Senator from Florida for undertaking leadership in this effort. In addition to his great ability, he brings to us his rather recent experience, specifically his experience in the Florida Legislature during the period in which he served in that body.

Even some of us who have long felt that the doors should be open to permit the public to know what we are doing in our committees and deciding not to do in our committees would be desirable. Nonetheless, I have an uneasy feeling that perhaps we do not recognize what may be very disabling consequences of that action.

The Senator from Florida (Mr. CHILES) can testify from direct experience that opening the doors does not have adverse serious side effects. Those of us who never served in a body where the doors are literally open would not be able to testify.

It is for this reason, among others, that I am delighted that he is giving leadership and that in doing so is rendering a very significant public service.

I share with him the opinion that the committee will permit us very early in the next session to act. I hope and believe we will act prudently.

I would suggest that perhaps, while it is not a function of the Senate by statute, we consider seriously the proposal that our own party caucuses also be open because what we do or decide not to do in a party caucus affects completely the right of the public to know.

We are not a group sitting around in a caucus trying to run a fraternity house, although one gets the uncomfortable feeling that that is the level at which we operate in our caucuses.

We are about the public business and our performance inside a caucus would be more sensitive and likely to be more responsive if that door also was open.

The bill of the Senator from Florida has enough trouble as it is without adding caucuses to it. I welcome the chance to raise that issue, and I thank the Senator.

Mr. CHILES. I thank very much the Senator from Michigan for his remarks.

Again, I appreciate very much his support. I think one of the problems that he raises in the bill is the problem of education. I can remember well in Florida that when we were first taking up the sunshine bill many of us felt—and I was one of those—that we were just not going to be able to operate efficiently if we were to do everything in the open, that we had better hold some things back. I was thinking, as the rest of them were, about the public interest, as it were. I think everybody in this body really thinks mainly about the public interest. But we found that when we did open meetings up, we could operate just as well.

I do not think we will find anybody in Florida in the legislature or basically in government that wants to go back to the old practice, because the side effects of the sunshine legislation are so good that we do not have the leaks that go out to the press. As the Senator knows, we do not now have any secrets in any of these committee meetings. It depends on who leaks the information and how they leak it.

We do not have any secrecy even in our party caucuses, as the Senator knows, because the person leaking it can slant it and often does. That is one of the problems we have. It often proves very embarrassing to Senators and other agencies of government. It happens that way, too.

We would be much better off if those things were public, because if we had a record and if someone were not quoted correctly, he could stand exactly on the record.

Mr. HART. We tend to be very oversensitive and to get mad at the press when we see something reported as occurred in a committee meeting. We ought to get mad at ourselves if the press report is inaccurate, in all probability it is, because we slammed the door in their face.

We would not let them in to see the whole business. Depending on who says what occurred after it is over, that is inevitably the way the press is going to report it.

Mr. CHILES. That often results in public opinion being misguided, because someone is biased or partial and gives his impression of what took place, or his interpretation of an action another Senator took and before long you have a biased public opinion that does not relate to the facts.

Mr. HART. You have a biased public opinion, and a group of Senators, each one looking at another Senator, trying to figure out who is going to distort what he is in the business of doing. That poisons the well.

Mr. CHILES. I hear the remark made as perhaps the Senator does with respect to markup sessions.

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

At this time, in accordance with the previous order, the Chair recognizes the Senator from Oregon for not to exceed 15 minutes.

Mr. PACKWOOD. Mr. President, I am delighted to join the distinguished Senator from Florida in the cosponsorship of this measure.

I served in the Oregon Legislature, but I did not have the same experience the Senator from Florida had, because in Oregon such meetings have always been public.

Our constitution in Oregon, which was adopted in 1857, provides:

> The doors of each House (of the Legislature), and of committees of the whole, shall be kept opened, except in such cases as in the opinion of either House may require secresy (sic).

But the custom and usage with respect to the latter clause relating to secrecy never has been used so our meetings always have been open and, therefore, I did not have the Senator's experience where meetings were closed, or wonder what would happen if such meetings had been open to them. As a new legislator I became accustomed to having people present, just as a trial lawyer in open court, and we paid no attention to the fact that people were there listening.

Mr. CHILES. That is true. It did not inconvenience the work done. If it was a markup session people could sit and listen to everything that took place but they did not participate. We took testimony, but certainly there would come a time when public testimony would be closed; you would not hear from the public but they would hear your thoughts and the tradeoffs, and they would know what led to the final votes on the bill, rather than to see an expunged record where the public would not know what happened up to that point. That is what causes suspicion.

Mr. PACKWOOD. The closest State to the State of Oregon is the State of Washington. They had a very powerful rules committee through which all legislation had to be channeled. They would determine in secret session the calendar for the day, and you never knew who voted for a bill or who voted to kill it. They could not understand how any public body could operate in public because they thought that without having the right of being able to shut the people out, the legislators would be afraid to express their opinions.

I keep coming back to the point that once you are used to the banter and the give and take in a closed session, it goes on also in an open session.

Mr. CHILES. I am delighted to have the Senator's experience in Oregon. I am sure things went on just as well in Oregon and with much more public confidence.

Mr. PACKWOOD. It is attributable to the fact that the public knows it has the right to come in. Often they do not exercise that right. Now and then there might be an emotional reaction, but by and large they knew that they could come to the meetings and testify if they wished. They knew they had the right, and that is what was important.

Mr. CHILES. In Florida the sunshine bill opened up all meetings. We found more difficulty in school board meetings in the counties. They are the ones who found no way to operate, in some county and city commissions. Most test cases under the Florida law happened to involve school boards. They had to settle these issues and they had to have votes, and there were a couple of suits that were actually filed for injunctions against that kind of meeting. Now, they carry on their business just as everyone else.

There is one other thing I want to point out. Florida had a legislature that was less than mediocre when I went there in 1959, controlled by special interests. I think we represented more pine trees than people, and everything about it diminished the public confidence. Florida is now rated by the Citizens Committee on State Legislatures, which did a survey, as third or fourth in the Nation. One of the leading things that brought them that rating was the openness brought about by the sunshine bill. Everybody in Florida is proud of that and one of the chief benefits of the sunshine bill was that it opened up public confidence and revitalized public confidence so that more people like to run for the State legislature because it is something not held in great disrepute as it once was, and there is something interesting about participation.

Mr. PACKWOOD. I was glad to hear the Senator's colloquy with the Senator from Michigan (Mr. HART) about what leaks out of a meeting when a meeting is closed, and if something is reported by the press maybe they slant it because they do not know what happened.

In the 3½ years I have been here I do not believe that in any secret session any single thing has even been done in committee that would not have been done if the doors had been wide open and loudspeakers were blaring the proceedings out into the hallways.

Mr. CHILES. I am glad to hear the Senator's experience in that regard. In the time I have been here it has been beyond me why I was in a closed session and what was the reason or the need for the closed session because I never saw anything done that could not have been done in public. It creates a distrust that we bring upon ourselves, when there is no reason for it.

I am certain that there are times when the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations deal with sensitive areas in regard to the national interests of our country, and those meetings should be closed. We certainly are allowing that to happen. I do not touch that, or anything that deals with sensitive security issues. But why in the Committee on Agriculture we close the doors during the markup of a bill is beyond me. It is beyond me why that is necessary because there is nothing secret.

Mr. PACKWOOD. It brings on a feeling of frustration because what you are doing is so important you wish people could hear and see what you are doing because you regard it as of monumental significance. When the doors are open, still no one comes in except one or two people from the press who come to cover it.

Mr. CHILES. That is true. In the Committee on Government Operations we were dealing with the consumer protection bill. From that meeting there came news stories or comments made about the statements of several Senators that were incorrect, and which did a disservice to those Senators. Had the meeting been open so members of the press could have viewed their actions, Senators would never have had the comments made about them that were misinterpreted and which worked a disservice on the Senators and their image because it was not fair.

Mr. PACKWOOD. On two occasions since I have been here, when we had oral yea and nay votes in committee, I had my vote misrepresented in the press. It was not deliberate. I am sure someone asked, "How did the vote go?" and somebody said, "The vote was 9 to 6," and they got the vote mixed and I was shown as being on the opposite side that I actually voted on, because people could not see for themselves.

Mr. CHILES. Those are things that work to the disadvantage when hearings are closed.

Mr. PACKWOOD. I am delighted to have a chance to join the Senator from Florida in cosponsoring the bill.

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

Mr. CHILES. The Senator from Oregon has the floor.

Mr. PACKWOOD. I yield.

Mr. PROXMIRE. I simply want to commend the Senator from Florida and the Senator from Oregon on the position they have taken that we have a greater public disclosure of our committee sessions, and especially the critical markups.

There are only two reasons I can think of that would justify secrecy: No. 1, where it affects the national security; and, No. 2, where it would affect the reputation of a particular individual when that is to be discussed in detail and where certain information had been brought out that could not yet be confirmed. But the overwhelming majority of markups should certainly be open and public.

The Senator from Oregon (Mr. PACKWOOD) and I serve together on the Banking, Housing and Urban Affairs Committee. I cannot remember a single executive session that could not have been open to the public with greater public understanding and greater public information and I think probably greater public interest.

What I have heard discussed between the Senator from Florida and the Senator from Oregon with respect to misrepresentation of activities of the committee members is true. That committee, like all committees, has considerable pressures imposed on it. There have been reports with respect to members of it that were inaccurate and which unfavorably affected that member. If the press could have participated and heard the discussions and observed the votes on the various amendments—the most critical operation in the whole committee process—this erroneous impression could not have taken place.

The reason we do not do that is the result simply of inertia and because it has not been brought before the Congress for action before. I am so glad that two relatively young Senators have had the initiative and the courage to do this.

Mr. PACKWOOD. I may ask the Senator from Wisconsin a question. How long has he been on the Banking, Housing and Urban Affairs Committee?

Mr. PROXMIRE. Fifteen years.

Mr. PACKWOOD. Can the Senator recall anything the committee ever did that could not have been done in the open?

Mr. PROXMIRE. I certainly cannot. We have no jurisdiction with respect to national security or foreign policy. We have some very limited jurisdiction with respect to emergency stockpiles, and so forth, but that information could be made public. No, I cannot think of any instance whatsoever, including the discussions of confirmations of individuals, because these have been the kinds of discussions which would have been perfectly all right to have made public.

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

Mr. PACKWOOD. I yield.

Mr. SYMINGTON. I would join my colleagues from Wisconsin, Florida, and Oregon in protesting the degree of secrecy now characteristic of our Government. In the years I have been in the Senate, it has become ever more clear, especially in the field of national defense, that we have wasted and are wasting literally billions of dollars, much of which is secrecy, primarily because of excess in the nuclear field; secrecy that is wholly unwarranted. There is no reason why the American people should not know more about why this great new force has changed, or should have changed, any informed concept of how to defend the United States. We all know the ease and celerity with which we could use domestically the billions of dollars that could be saved in the defense field and much of that saving could be accomplished if we would eliminate all this unnecessary secrecy.

It is my understanding this is going to be talked about later this morning, but I would join the Senator from Wisconsin (Mr. PROXMIRE) in commending the Senator from Florida (Mr. CHILES) and the Senator from Oregon (Mr. PACKWOOD) for bringing this matter to the attention of the Senate. This whole idea of excess secrecy, whether for patriotic or political or whatever gain, is becoming a curse on the American system.

Mr. PACKWOOD. I appreciate that. If the Senator from Missouri, with the perspective he has because of his background as a former Secretary of the Air Force and now, for years, as a member of the Armed Services Committee, and one of its very distinguished members, believes we could have saved money if we had held open hearings, if he can say that with his experience, if he can say that with the experience he has had, then there certainly could not be, exept in a very few cases, any justification for closing these hearings at all.

Mr. CHILES. Mr. President, I am delighted to have the remarks of the distinguished Senator from Wisconsin and the distinguished Senator from Missouri. I think it points up again that we are operating because of habit and inertia, as the Senator from Wisconsin has pointed out, and the idea that because we have always done it this way, we should continue to. I think the problem is one of education—to have everyone really look at and to weigh the effect

of continuing in that habit, continuing in the old way against what we see is the greatest problem facing us in the country today, and that is the alienation of people toward their Government. Anything we can do to change that I think is the major role of one in public office to try to change, and certainly a major role of one in the Senate.

The hallowed tradition of the Senate has been that this body has always been the one that in this country has had the confidence of the people over the years; that it provided for stability, and provided for leadership, and was a check on the executive. I think now we are operating from our past status, perhaps, but we are not challenging today and the problems in the country today, and if the Senate is going to continue to live up to any of that tradition, then it must look at the facts of today and what is the feeling of the vast multitudes of our people.

Mr. PACKWOOD. I think we can look right around here at the way we conduct our business on the floor of the Senate. I can only think of two instances in 3½ years when we closed the doors of the Chamber. One dealt with the ABM question. The Senator from Missouri very ably led the opponents in that debate. We had a closed session then. I can think of one other, in those 3½ years, which was a matter dealing with national security. All other times the sessions of the Senate have been open to the galleries. I do not know why the committees cannot operate that way.

Mr. CHILES. I can recall one closed session which we might have been much better off if it had not been closed.

Mr. ROTH. Mr. President, I wish to commend the junior Senator from Florida for his contribution to open Government. Governmental secrecy is a problem to which I have given considerable thought myself. My efforts have been directed toward establishing a Commission on Executive Secrecy to review classification acts and practices and make recommendation for reforms, and toward providing that meetings of agency and Presidential advisory committees be open to the public.

I think that one of the great merits of S. 3881, the legislation that is being offered by the Senator from Florida, is that it reminds us that secrecy is more than an executive branch problem and that it hides from public view not just documents, but processes of Government as well. S. 3881 would limit secrecy in both the executive and the legislative branches by requiring that all meetings and hearings of governmental agencies and congressional committees would have to be open to the public except for certain reasons defined by law. A further contribution of this legislation is that it requires notice of meetings and provides that transcripts must be available to the public.

I would like to address more specifically the question of congressional secrecy, because too often we in Congress tend to view secrecy in Government—and its attendant credibility gaps—as problems originating with and largely confined to the executive branch. But, this is not true. It has become almost an established rule of thumb that all committee business, except for hearings, be conducted in executive session. This practice closes to the citizens of this country a crucial part of the work of their Congress, because in executive sessions compromises are made, the language of bills is changed, and votes are taken which may determine whether the bill is ever brought to the floor. And, in fact, it is not just the meetings of the committees that are restricted, but almost all other aspects of committee work as well.

There are, of course, reasons why these practices have grown up and been maintained. Legislators feel the need for having a relatively apolitical atmosphere, away from the lobbyists, and conducive to the efficient and objective consideration of legislation. Thus, despite the 1970 Legislative Reform Act, the Congressional Quarterly estimated that last year 97 percent of Senate business meetings were closed to the public.

Unfortunately, committee secrecy opens the opportunity for a number of abuses contrary to the spirit of democratic procedure. A minority in powerful committee positions can sit on legislation they oppose in committee or engage in delaying tactics shielded from the purview of the media and public. Bills can be held in committee almost until they are ready for floor action, telescoping the opportunity available for legislators who are not on the committee to study the legislation. Secrecy may give an advantage to special interest groups who have the resources to keep informed on the proceedings on a bill through friends on the committee staff.

Finally, the use of secrecy provides an opportunity for the selective and biased release of news on committee business through leaks. In a recent case involving a committee on which I serve, supporters of a particular piece of legislation leaked distorted stories about the activities of the opponents to the press. Because the committee had been in executive session, there was no way that the media could corroborate the reports being given to them. I deplore this tactic, even though I was a supporter. This illustrates the possibility that ineffective secrecy may be worse than effective secrecy. The public is not merely uninformed, it is misinformed.

Mr. President, the effective and equitable working of democracy requires an accurately informed electorate. The dilemma of secrecy involves striking a practical balance between this need and the requirements of committee secrecy for certain instances. The bill offered by the Senator from Florida offers four guidelines for which secrecy may be maintained: These are for matters involving national security, the internal management of a committee or agency, the reputation of an individual, and other business for which secrecy is required by law. This is the proper approach. We should define those areas which must be secret and then insist that everything else should be public.

I must confess, however, that I am still unsure what the practical implications of the language of S. 3881 would be. I should like to hear more about how similar legislation has worked out in Florida and California, and I would like to know more about how this legislation would affect the executive departments. I hope therefore that the Committee on Government Operations will expeditiously proceed to have hearings on this legislation as well as other legislation along this line. The issues, however, are extremely complex, and I am not at all certain that the secrecy in Government dilemma can be handled adequately in the Congress without the active participation of experienced members of the executive branch, the media, and the public. This is why in S. 3787 the senior Senator from North Carolina and I proposed a 6-month Commission to deal with executive secrecy thoroughly and make recommendations to the Congress. Maybe such a Commission could be expanded to include the matters that have been so ably presented by the Senator from Florida, should such a course turn out to be desirable.

In closing I wish once again to commend the Senator from Florida for this legislation. It is good legislation, important to the American people and deserving of our utmost attention.

Mr. RIBICOFF. Mr. President, I want to express my personal support for S. 3881 which has been introduced by Senator CHILES. That bill provides that meetings of Government agencies and of congressional committees shall be open to the public. I have long been a supporter of the principle that the operations of government should be opened as fully as possible to the purifying effects of public light. Very often the intricacies of government seem to be hidden behind a veil of confusion simply because critical meetings and sessions of various governmental units are closed to the public. The later reports of what went on at the meeting of any public body are often not complete. Such meetings usually involve good faith attempts to solve the complex problems which public officials in all branches of government face. If the meetings were open to the public we could eliminate all confusion concerning what actually happens and increase public understanding and support for public institutions. This bill will create the vehicle for introducing the purifying effects of public light into all meetings of Federal agencies and congressional committees.

As a member of the Committee on Government Operations I look forward to working with Senator CHILES in drafting and securing passage of this legislation.

I have had the pleasure this session of working with the distinguished junior Senator from Florida on the Committee on Government Operations. His concern for making the machinery of government more responsive to the needs and demands of the individual citizen is quite commendable. His work on legislation to create the Consumer Protection Agency provided wise counsel, and the benefit of his vast experience in government at all levels was invaluable. In the executive

committee sessions, as that legislation began to take its final form, his comments and amendments were extremely useful. Much of the strength of that legislation can be traced to his suggestions in those committee sessions. In addition, his support for the underlying concepts of the legislation was helpful in explaining the bill. He is truly an example of the ideal in public officials who are responsive to the expectations of the individual citizens.

The continuous aim of such public officials is to see that the governmental machine functions as smoothly as possible, and equally to try and insure that the public citizen understands how the Government functions. This is essential if the individual citizen is to feel that he has an opportunity to affect the operation of his Government. My hope is to begin to take up hearings on this bill at the earliest opportunity in the coming session and to produce visible results.

The concept which Senator CHILES hopes to bring from his home State to Washington is quite encouraging. I think that it is but another example of ways in which the Federal Government can be improved by practices and procedures developed and tested on the State and local level. I have no doubt that the experience which Senator CHILES has had with open governmental practices in Florida will be of invaluable assistance as we transplant the process to Washington soil. I again congratulate the distinguished Senator from Florida and repeat my enthusiasm as I look forward to working with him in developing this legislation.

I would like to add that the approach which S. 3881 reflects in its attempt to open the operations of government to the public is very much like that which has been developed in S. 3970, which Senator PERCY and Senator JAVITS and I have sponsored. The aim of that legislation is also to make the operations of government more responsive to the public by the creation of a public advocate for consumer interests. I am encouraged that such legislation as these two bills is being developed to make the Government responsive and comprehensible to the public.

ORDER OF BUSINESS

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

Under the previous order, the Chair recognizes the Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 15 minutes.

REPORT OF THE McGOVERN PANEL ON NATIONAL SECURITY

Mr. PROXMIRE. Mr. President, yesterday a group of American citizens supporting Senator McGOVERN's position on defense convened a panel to discuss his defense proposals vis-a-vis the administration's. That panel is made up of a most impressive group of Americans, including Chairman Paul C. Warnke, former Assistant Secretary of Defense; Clifford L. Alexander, Jr., former member of the National Security Council staff; Clark M. Clifford, former Secretary of Defense; Charles L. Schultze, former Director of the Bureau of the Budget; Herbert Scoville, Jr., former Deputy Director, Central Intelligence Agency; Gene La Rocque; Lt. Gen. James M. Gavin, former U.S. Ambassador to France; Floyd Smith, president of the International Association of Machinists and Aerospace Workers; and a number of other very distinguished, outstanding Americans.

I ask unanimous consent that the entire list of the panel members and the report be printed at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. PROXMIRE. Mr. President, the defense policies of the Nixon administration are bringing this Nation to the brink of serious military and financial crisis.

Because of mismanagement and waste, the Pentagon has already priced itself out of some areas of the weapons market. The Pentagon is not able to purchase the kinds and the numbers of weapons required for national defense due to the squandering of billions of dollars on gold-plated, overpriced, and unnecessary gadgets.

Now a similar mess is occurring in the area of military manpower. The administration is abandoning the draft, but it is not abandoning the wasteful and foolish manpower policies that made the draft inefficient as well as inequitable.

As a result, we are fast approaching the time when we will not be able to afford the military manpower that is required for defense. If the present trend continues, we will soon price ourselves out of the manpower market as well as the weapons market.

A basic and thoroughgoing reform of the Department of Defense and of defense policy is needed if we are to avoid the twin catastrophe that confronts us.

There have been many opinions expressed on the distinguished Senator from South Dakota's position on defense. I think much of it has been understood, and some of the criticism has been misguided, but Senator McGOVERN is the only candidate who has set forth, in specific detail, a blueprint of exactly what he thinks is wrong with our operations and has submitted also an alternative proposal.

This is most constructive. It is unfortunate that it has not been given the attention it deserves. Whether one disagrees—and I am sure that, for good reasons, many people, in good conscience, disagree with what Senator McGOVERN has proposed—the fact that he has offered a detailed blueprint I think deserves commendation.

Senator McGOVERN has proposed to reform defense policies while retaining and refining our essential military strength. I believe the kinds of changes that Senator McGOVERN has urged can actually increase our military strength and improve our real national security. I say that although I have also made it clear that I disagree with Senator McGOVERN on some of the specific proposals he has made, I think he cuts too deeply, but I think that can be reconciled, as I shall point out a little later.

When you slice the fat and eliminate the waste in an organization, you do not weaken it—you strengthen it.

Straightening out the procurement mess and shaping up manpower policies will save the taxpayers billions of dollars and contribute to a leaner, tougher Military Establishment.

The problem of cost overruns in weapons has grown steadily worse under the Nixon administration. The C-5A, the F-14, the Cheyenne helicopter, the LHA, the Gama Goat, the B-1 bomber, the Safeguard ABM, and numerous other major programs involving billions of dollars in cost-overruns, technical performance failures, and schedule delays have found safe refuge under the present administration.

Today, we are spending more and receiving less for our procurement dollar than ever before.

The General Accounting Office's report that 77 weapon systems are now estimated to cost $28.7 billion more than was originally planned, and that had the quantities of many of those weapons not been reduced, because of the cost squeeze the overrun would have totaled nearly $40 billion, is a record of unparalleled Government mismanagement.

In the military manpower area, the problem known as "grade creep" together with other inefficiencies threaten to defeat the purposes of an all-volunteer army.

You know, Mr. President, it is a shocking fact that there are more three-star and four-star generals and admirals in uniform today than there were during World War II when there were 12 million persons in the armed services compared to 2.4 million on active duty today. There are 5,000 more colonels, lieutenant colonels, Navy captains, and commanders today than there were in 1945 despite the fact that there are about one-fifth the number of men and women in the armed services today than there were then.

Support combat ratios are equally out of line. According to the Brookings Institution only about 15 percent of the military personnel have a combat job with the primary mission of firing weapons at the enemy. The remaining 85 percent provide support services.

The Military Establishment today is dependent upon gold-plated weapons which cost too much and too often do not work and with a manpower force that is top heavy with top brass.

These are some of the reasons why I believe we are paying more dollars for defense, but receiving less defense for our dollars under the Nixon administration.

What can be done to bring about the changes that are needed to streamline our forces and to enhance national security?

The first priority, in my judgment, is to get the fat out of the system, and to do this we have to make substantial cuts in defense spending. I do not believe we can reform military policy if we continue the lavish, gold-plated, brass-topped spending that makes military excesses possible.

Second, we have to make hard decisions about specific programs. We are not going to improve procurement by floating phrases such as "fly before you buy" at the same time that we shy away from difficult reforms, and do not follow a fly-before-you-buy policy.

We need to restore maximum competition in the awarding of defense contracts, instead of simply "negotiating" them with an elite group of favored giant firms.

The fact is that we now have the smallest percentage of procurement by advertised competitive bidding we have had in 20 years. As Admiral Rickover has testified, negotiated bidding costs an average of 20 percent more than advertised competitive bidding. It is hard to get advertised competitive bidding; you have to break your weapons systems down into smaller components. But it can be done, and the savings can be substantial.

We need to develop prototype weapons whenever feasible and to test and evaluate them before deciding to go ahead with production. The administration has only given lip service to this concept.

The administration has said that they believe in a fly-before-you-buy policy, but they have ignored it in weapons system after weapons system.

The Pentagon ought to be required to follow a strict truth-in-procurement policy. Requests for new weapon programs ought to be accompanied by candid, realistic estimates of their full long-term costs, before Congress is asked to approve and fund them.

We ought to establish a full-time professional corps of program management and procurement officials and make them responsible for the acquisition of weapons, instead of appointing political hacks and rotating military personnel for short tours in the complex business of defense contracting.

You know, what is wrong is that we have people come in to handle our procurement after having served for years at sea with a fleet, or having served in a capacity overseas with the Air Force; they come in and are given the job of being top procurement officials when they do not have the background or the professional expertise. They expect to retire within a few years, and unfortunately, as we have disclosed, a very large proportion go to work in the defense industry itself. Yes, there is both a lack of professional competence and a conflict of interest.

We ought to have complete records and a central inventory of all major weapon programs and an information system so that Congress and the public can know the status of those programs. Problems have often been concealed from Congress and the public until it became too late to do anything but pay for the mistakes.

Just a few minutes ago, the Senator from Oregon and the Senator from Florida were discussing the importance of opening up our legislative program more to the public, and I could not agree with them more. But certainly the procurement situation should be opened up to the public, too, and far more than it has been.

EXHIBIT 1

REPORT OF THE MCGOVERN PANEL ON NATIONAL SECURITY

PRESENTED BY

Co-Chairmen: Paul C. Warnke, former Assistant Secretary of Defense; Clifford L. Alexander, Jr., former member of the National Security Council staff; and Herbert F. York, former Director of Defense Research and Engineering.

Vice Chairmen: Clark M. Clifford, former Secretary of Defense; Charles L. Schultze, former Director, Bureau of the Budget; Herbert Scoville, Jr., former Deputy Director, Central Intelligence Agency; Gene La Rocque, Rear Admiral, U.S. Navy (retired), former Commander, Carrier Task Group, Sixth Fleet; James M. Gavin, Lt. General, U.S. Army (retired), former U.S. Ambassador to France; William Proxmire, United States Senator; and Floyd Smith, President, International Association of Machinists and Aerospace Workers, AFL–CIO.

Executive Director: John Silard.

Executive Secretary: Reuben McCornack.

Advisory Committee: Joel Bergsman, Economist, The Urban Institute; Bill Broydrick, Legislative Assistant to Representative Les Aspin; Adrian S. Fisher, former Deputy Director, U.S. Arms Control and Disarmament Agency; Sanford Gottlieb, Executive Director, SANE; Ross Hamachek, defense analyst, attorney; Richard Kaufman, attorney, economist; Edward King, Lt. Colonel, U.S. Army (retired); Josephine Pomerance, Co-Chairman, Task Force for the Nuclear Test Ban; and Walter Slocombe, attorney.

PANEL MEMBERS

The following people have been consulted in the drafting of the Report of the McGovern Panel on National Security and concur in the general conclusions of the report:

Ted A. Adams, Jr., Graham Allison, Gabriel A. Almond, J. Sinclair Armstrong, Christopher Arterton, John Baker, Robert S Benson, Robert L. Bernstein, Hans A. Bethe, Hon. John L. Burton, Abram Chayes, Mike Conlee, Hon. Joseph S. Clark, Benjamin V. Cohen, James A. Donovan, Col., USMC, (Ret.), Marriner S. Eccles, Robert Eisner, Bernard T. Feld, and Muriel Ferris.

William Wallace Ford, Brig. Gen. USA, (Ret.), Leslie H. Gelb, Alexander L. George, Margaret Lynch Gerstle, Rick Gilmore, Marvin L. Goldberger, Phil G. Goulding, Sam B. Griffith, II, Brig. Gen. USMC, (Ret.), A. F. Grospiron, G. Sterling Grumman, Morton Halperin, John D. Hayes, R. Adm., USN, (Ret.), Anthony B. Herbert, Lt. Col., USA, (Ret.), Paul Jennings, Paul R. Keys, George B. Kistiakowsky, and Betty G. Lall.

Laurence S. Legere, Col., USA, (Ret.), Amelia C. Leiss, Hon. Sol Linowitz, Franklin A. Long, Tom Mason, Robert McGarrah, David E. McGiffert, Seymour Melman, Matthew Meselson, Ellis Mottur, Frances Murphy, Henry R. Myers, Henry E. Niles, Arthur S. Obermayer, Joel Primack, Barnard Rapoport, George Rathjens, Victor A. Reuther, and Leonard Rodberg.

Bruce M. Russett, Erwin A. Salk, Stanley Sands, Mark Schneider, Enid Curtis Bok Schoettle, Ivan Selin, David M. Shoup, Gen., USMC, (Ret.), Peter Stockton, Arnold E. True, R. Adm., USN, (Ret.), Frank von Hippel, Bernard S. Weiss, John H. Whitaker, David C. Williams, Harold Willens, Leonard Woodcock, Jerry Wurf, Frederick S. Wyle, and Adam Yarmolinsky.

I. THE NATURE OF NATIONAL SECURITY

(Presented by Vice Chairman Clark M. Clifford)

Military power is essential to our national security. But national security does not rest exclusively or even primarily on that military power. To think and act as if it did, in today's world and with today's problems, is delusive and destructive. The Nixon Administration's conceptions of national security and foreign policy reflect this fallacy.

We continue to meet military strength to prevent any possibility of attack on our own territory or on allies whose independence contributes to our safety and well-being. But the forces we need for this purpose can be armed and maintained at a cost significantly less than that which we now pay. There must be a new and searching look at the uses and limits of military power, for this is the prerequisite to achieving a new and sensible ordering of priorities and to avoiding the folly of excessive reliance on armed might as an instrument of foreign policy.

Our international influence is best achieved by the attention our society exerts upon other nations, particularly upon those who now grope for an identity and political form of their own. But unless we find and use the funds that are necessary to deal with our own pressing social, economic and environmental problems, we will be unable to regain the common sense of national purpose, the trust and confidence in each other that are the foundations of our true security. If we cannot again become a society that operates effectively to ensure the health and welfare of all our people, we will cease to attract other nations and thus forfeit our influence.

We cannot cope with our internal problems in the final quarter of the Twentieth Century if we continue to devote the major share of controllable federal revenue to military purposes. Nor are dollar costs alone the most damaging aspect of the present trend. The more ominous consequence of the great increases which will be built into future defense budgets if we embark upon the new, unnecessary weapons programs now proposed by the Nixon Administration in that they can be rationalized only by resort to unreal hypotheses and by evoking baseless fears.

Our mounting domestic difficulties will not go away. If we ignore them because we are transfixed by the remote risks of external aggression and the even more remote danger of penetration by an alien ideology, our national security will indeed be in grave danger. If, instead, we demonstrate the wisdom to take a proportioned view, to maintain those arms and armed forces actually needed to meet any realistic threats to our physical security, we will find the strength to deal both with these threats and with our corrosive domestic problems as well.

A sound start toward this objective is to abandon the mindless rhetoric that now dominates much of the debate about military spending. The Nixon Administration suggests that less lavish expenditures would make us a second-rate power and would eliminate our ability to negotiate effectively with our international competitors. It characterized any attempt at significant reallocation of federal funds as a turn toward isolationism that would endanger world peace. Such loose charges rest on an outmoded and unsound concept of the role of military force in the modern world. We are a first-rate power not only because of our military might, but because we combine vast and diversified economic and technical strength with solid yet flexible democratic institutions. We have more than adequate military strength to preserve our status. What we need is to pay more attention to the future of our political and economic institutions. The Nixon Administration, however, continues to burden our economy with inordinate defense expenditures based on its erroneous assumption that mere military power can achieve peace and stability.

Implicit in the Nixon military planning are three outmoded conceptions about our national security and the military power we need to protect it:

1. that it is our responsibility and destiny

to undertake *unilaterally* the policeman's role throughout the world;

2. that our military might should play a decisive role in influencing the political development of other nations;

3. that numerical superiority in weapons connotes, in itself, an improvement in national security.

History has given us special responsibilities in Europe and Israel—responsibilities we will never abandon. Nor can we ignore our formal commitments to Japan, Korea and other nations, even though time has altered their significance. Our commitment to NATO is fundamental and should be supported by American forces sufficient both to deter attack and to maintain the sense of confidence in Europe that attack is remote. With our military aid and in the absence of Soviet intervention, Israel has shown the ability to take care of itself. Present developments on the Korean peninsula give hope that this lingering sore may at last be healed. Japan grows steadily more capable of self-defense except against the nuclear threat. If civil or local war should break out elsewhere, we should make manifest our national interest and concern through diplomatic representations, offers of mediation, economic assistance, and support for multilateral peacekeeping initiatives sponsored by the United Nations. But beyond these steps, military restraint by the United States can do far more to restore stability to troubled places than any indulgence in the pernicious notion that through the use of American armed force we can effect a better, more democratic situation.

We have been told by the President that America must remain the "peacekeeper in the Asian world." And in his recent appearance before the Republican Convention's Platform Committee, Defense Secretary Laird urged there be no "abandonment of the nation's role in helping to maintain peace." We have indeed a responsibility to help in maintaining peace. But it is a responsibility that can rarely be discharged by the introduction of American firepower. Long and painful experience suggests that this leads not to peace but to political dependence, agony and devastation for small countries and to the dire risk of confrontation between the nuclear powers. The time has surely come to renounce any American right or duty to use military force in other peoples' internal quarrels. We have no manifest authority from mankind to impose our brand of justice as we see fit.

The second outmoded concept of national security is that American armed forces should play a decisive role in the political development of other nations—in particular, that it can be effective in arresting tendencies toward acceptance of a Communist form of government. There was once a time, following World War II, when the spread of Communism was synonymous, or nearly so, with the spread of Russian power. But that time is long since past. At least since the Sino-Soviet split in 1957, Communist ideology has been increasingly a relative doctrine, showing itself in widely differing forms, usually in countries with rigid socio-economic structures or vast disparities between rich and poor. Manifestations of Communism in the contemporary world are not necessarily related to Soviet or Chinese power. From these facts we need to derive two policy guidelines: First, the threat to us arises from Soviet, and to a lesser extent from Chinese, power; Communist ideology unconnected to Russian or Chinese power is not a serious threat, however baleful we may regard it. Second, like all other ideas, the Communist idea cannot be suppressed by military force. It can be defeated by a better idea.

Our nation has been slow to recognize these important distinctions. Even after the fragmentation of the Communist movement was far advanced, we feared the spread of national liberation wars in which insurgents (often calling themselves Communists) might, with outside help, overthrow Westward-looking governments. In response we developed doctrines and techniques of counter-insurgency and cast ourselves in the role of shoring up all such governments, no matter how dictatorial or corrupt, because they were faced with internal rebellion that called itself communist. Painful experience has now shown us that where a government sympathetic to the United States cannot maintain a broad base of support, even with our economic and military aid, in intervention of American troops is not a solution to its political problems. *A government that is not safe from its own people cannot be saved by American military force.*

Yet immediately after propounding the ambiguous Nixon Doctrine in Guam in 1969, President Nixon told Thailand's military rulers that America would be proud to stand with that government "against those who threaten it from abroad or from within." And reports from Defense Secretary Laird have in the past listed "political agitation" and "insurgency abroad" as threats our armed forces must be prepared to counter. This year's statement omits any such explicit reference, but we still hear disquieting suggestions of the need to cope with "less sophisticated forces" and "the ever-present danger of modern revolutionary warfare." Such expressions look too much like mirror images of the Brezhnev doctrine by which the Kremlin seeks to justify military intervention in Eastern Europe when internal developments threaten the doctrinal purity of another socialist state. A budget which aims at the capability to meet such objectives is not only excessive—it is incompatible with our national security.

The place for ideological competition is not the battlefield but in the free marketplace of ideas and in the quest for social and economic advances. In that arena we can compete with confidence and pride. Our Declaration of Independence affirmed the right of a people to alter or abolish its form of government. No foreign government should look to us for protection from internal change. Counter-insurgency is neither a workable nor a worthy purpose for the application of American military power.

Our collective security arrangements with certain nations help to prevent the proliferation of nuclear weapons and reduce the danger of war. But the maintenance of these arrangements does not require us to intervene in every local conflict throughout the world in a futile attempt to demonstrate the credibility of American security guarantees. It is a false and dangerous doctrine that every local triumph of revolutionary groups somehow weakens the security of Japan, Israel and Western Europe, and therefore demands our intervention. Indeed as Vietnam has amply demonstrated, undertaking such ventures diverts our energies and attention away from building lasting relationships with our allies and ends up weakening the fabric of international relationships upon which our security ultimately rests.

The third outmoded concept is the attribution of political value to the possession of military hardware far in excess of any practical purpose. Repeatedly, the Nixon Administration has claimed political as distinguished from military value for our profligate defense expenditures. We are told that, regardless of the enduring reality of the strategic balance, the mere appearance of Soviet numerical advantage in any weapons category could have a debilitating effect on our foreign policy and would erode the confidence of our allies. We are, for example, urged to worry about the increased number of sailing hours chalked up by the Soviets in the Mediterranean, and this becomes an argument for adding to an American naval capability there that already dwarfs that of the Soviet fleet.

Where a numerical advantage or disadvantage in any part of the arms arsenal is without military meaning, it can have a political meaning only if we give it one. The present attempt to maintain an American edge across the entire range of weapons grossly distorts our allocation of available resources, yet nothing is added to our national security. The Soviet Union has shown it can endure the fact that we have 16 aircraft carriers and they have none. We can surely endure numerical inferiority in certain weapons categories without danger to our real security. Such asymmetry is explicitly recognized in the Interim Offensive Agreement. Indeed the idea of total symmetry is unreal. Our present strategic deterrent is more than adequate for the present and foreseeable future. It is more than adequate to serve as a basis for further SALT talks that are aimed at further control and reduction of strategic arms. These facts would be quite apparent if the Nixon Administration would simply stop "poor mouthing" our capability and viewing the near-term future with spurious alarm.

This report shows that the current U.S. course is the wrong course. It also outlines a new approach to national security. Those who argue that this new approach means a return to isolationism are deceived by their own narrow definition of our national security and of the policies needed to ensure it. For just as our national security itself means more than military power, so our interest in the world and in the preservation of world order involves much more than foreign bases and troops abroad. A pervasive involvement with other nations in trade, in investment and in monetary arrangements is not isolationism. On the contrary it constitutes the basic fabric of world order. We need strong and ready armed forces, but we also need realistic recognition that our armed forces constitute only a moderate part of our international influence and prestige. Only through such recognition can our defense budget be brought within more reasonable bounds.

The following sections of this paper outline our national security needs and how they can be met. The first deals with this stultifying impact of our present military expenditures on our domestic economy and our domestic programs. Next discussed is the vital issue of Strategic Nuclear Forces and what we need to be sure they are never used. Our requirements for General Purpose Forces are then reviewed in the context of what is necessary to deter or meet any military assault on our vital interests. The key issue of military manpower is considered against the current background of poor morale and an unsatisfactory ratio of combat to support forces. The enormous waste and the urgent need for reform in weapons development and procurement are then detailed.

Finally, this report deals with the question of converting to more peaceful and productive uses those industrial facilities now unnecessarily devoted to production of weapons of war. The Nixon Administration seeks to frighten the workers of America into the belief that our economy cannot stand peace. This Marxist notion that a free economy requires the artificial stimulus of war has no legitimate place in our political debate. The genuine needs of our society can be met only if we muster all available talent and technology. These precious assets should not be squandered on the making of arms that yield us no return.

II. The Military Budget and National Priorities

(Presented by Vice Chairman Charles L. Schultze)

Even a society as rich and productive as the United States does not have the materials, machinery and scientific talents we devote to military purposes, the less we have

available for building schools, taking vacations, cleaning up pollution, providing health care, or creating more livable cities. Aircraft carriers and nuclear missiles are costly because they use resources which could otherwise be employed to produce needed goods and services. Outlays for military forces represent tax dollars which might have been left in the hands of private citizens to spend on their own needs, or which might have been employed to meet pressing needs for public services. Americans are willing to make the necessary sacrifices to buy the forces required to provide for the nation's security. But no American should be asked to contribute his hard earned tax dollar to financing unneeded weapons and expensive boondoggles.

Overspending on weapons and armies is more dangerous than overspending on peacetime goods. If we build too many schools or develop to many national parks, we may indeed be able to meet less of our other needs than we should. But at least the extra schools and parks are good and useful things. Excessive military spending, however, does not give us more national security than we need. Beyond a certain point, increased military spending sets off another round in the world arms race, at the end of which both we and other nations will have less, not more, security against attack and destruction.

At the present time over 30 cents of every federal tax dollar goes directly into military spending, and another 10 cents is neded to pay the budget costs of past wars (veterans' benefits and interest on the debt). This year (fiscal 1973) the military budget alone will cost the American taxpayer $78 billion—not counting the additional $5 billion paid out for interest and veterans' benefits stemming from past wars. The 78 billion dollar military budget each year:

Amounts to over $1,200 for every family in the United States.

Is twice as much as federal, state and local governments together spend on grade school and high school education and fifteen times what the federal government itself spends on such education.

Would pay *eight times* over what government and industry spend each year to clean up air and water pollution.

The future course of military spending, as planned by the Nixon Administration, will add dramatically to these huge costs. The current crash military program calls for a massive step-up in spending on new weapons in almost every category, from nuclear missiles to aircraft carriers to airplanes. Under these plans military spending will reach $100 billion by 1977, a rise of almost 33 percent in four years.[1] The current Nixon budget provides the first installment for this expansion, by asking Congress for a $7 billion increase in military funds.

The current Administration's military budgets pose, in starkest terms, the choice between buying unneeded military weapons and meeting high priority domestic needs. In spite of a strategic arms treaty, a thawing of cold war hostilities, and its own expressed concerns about "excessive government spending," the Administration has launched a new round of escalating military budgets. What will this unneeded crash military program of the Nixon Administration cost the American people:

The $22 billion *increase* in annual defense spending now contemplated by the Nixon Administration by 1977 equals $350 for each and every family in the United States.

The increase alone could: (i) pay for an allotment of $15 per pupil to improve the quality of education and alleviate the burden of local property taxes devoted to schools; *and* (ii) finance the entire cost of the federal grant program for sewage disposal points; *and* (iii) with the money left over pay for all the costs of the currently proposed revenue sharing program for state and local governments.

Every unneeded B-1 bomber with the Administration proposes to buy will cost $50 million; with the money for just *one* bomber, some 1500 poor and moderate income families could be provided the assistance to own or rent decent housing for thirty years.

Every Trident submarine and every nuclear aircraft carrier will cost over $1 billion apiece—the cost of each one would pay for a new mass transport system for a major city.

Each F-14 fighter plane will carry six air-to-air missiles costing one-quarter of a million dollars apiece, so expensive that they can hardly ever be fired in practice: a load of missiles for a single F-14 would pay for a year's Head Start Program for 1000 disadvantaged children.

Unneeded weapons, excessively complicated, and uncertain to work effectively when the crunch really comes, padded by cost over-runs and expensive gimmickry, do not add to the national security. And because modern weapons have become so costly, every one of them takes a massive toll of the taxpayer, either in extra taxes he must pay or in truly vital public services he must do without.

At the same time that this huge and unnecessary expansion in military spending is being put in motion, the Administration has been wringing its hands over increased domestic federal expenditures, claiming that growth in federal civilian outlays has caused the inflation. While his Secretary of Defense is browbeating Congress for a $7 billion increase in military appropriations, President Nixon vetoes an appropriation bill for health, education and welfare because it contains $1.8 billion more than he recommended. In the words of the Nixon veto message. "Exceeding my budget recommendation by $1.8 billion, this bill is a perfect example of that kind of reckless federal spending that just cannot be done without more taxes or more inflation. . . ." Apparently $1.8 billion for aid to central city schools, mental health, community health grants and medical research is inflationary while a $7 billion increase for piling arms on top of arms is not. (In fact, in the case of school aid and mental health, the original Nixon budget did not even provide enough money to cover the erosion inflicted by inflation.)

The Administration lobbied vigorously and used every influence it could muster to initiate the crash development of the new Trident missile submarine, even before the latest improvements have been completed on existing submarines. The crash nature of the program poses grave risks of bottlenecks and technical failures and huge cost overruns and will add about $2½ billion to the military budget each year for many years to come. Yet, at almost the same time, President Nixon vetoed a child care and child development bill aimed at providing decent day care arrangements for the children of working mothers.

The Administration has given a clear view of where its priorities lie. Through a combination of misguided budgetary and economic policies it incurred a budget deficit of $23 billion in the fiscal year just ended, is well on its way to a record-breaking deficit of over $35 billion this year, and faces the prospect of large deficits in fiscal years 1974 and 1975. At the same time it has committed itself to a major new expansion in the arms race, adding tens of billions of dollars to the budget. Confronted with the deficit-producing consequences of its past economic policies, worried about the political consequences of inflation, but still obstinately committed to major increases in the military budget, it has chosen the only strategy left open. By pressure on Congress, vetoes of civilian appropriation bills, and a constant drumfire of talk about "excessive spending," it first seeks to cut back domestic programs. But knowing deep down that this will not succeed—it is also seeking to blame the Congress for the eventual tax increase which its own military spending will inevitably require—after all the $1.8 billion "saved" by vetoing the HEW appropriation bill is only one-fourth of this year's $7 billion rise in military appropriations.

ARE LARGE DEFENSE BUDGETS NEEDED FOR ECONOMIC PROSPERITY?

Full employment and prosperity do not depend upon large outlays for defense. There is no law of nature or of economics which says that workers producing airplanes must produce those airplanes or nothing else; that returning Vietnam veterans can do nothing else but soldier. Workers are employed because their employer can sell the goods or services they produce. If military procurement is cut, the demand for peacetime goods and services—public and private—must be correspondingly raised to harness the released work forces to meet tangible domestic needs. The federal government has the responsibility and the means to make sure that the necessary peacetime markets are, available, and that adequate transition measures are provided for those whose jobs are affected during the periord of change. When the demand for swords abates, the demand for plowshares can and must be increased.

Time and again over the past three and a half years, the Nixon Administration has blamed rising unemployment and a sagging economy on cutbacks in military spending and lower combat activity in Vietnam. Unemployment is the price of peace, according to this view. It is the same view espoused by Marx and Lenin, who preached that the free enterprise system would collapse without the stimulus of heavy arms spending. This view of free enterprise is just as false coming from a Republican administration as it was coming from Marx and Lenin.

There are two basic elements of a policy to make sure that military budget cutbacks do not lead to unemployment:

1. As fewer dollars are spent on military goods, additional dollars must be promptly channeled into the purchase of peacetime goods. The government has three ways of ensuring that this will happen. First, dollars cut from the defense budget can be used for other high prioritry public needs—better schools, pollution abatement equipment, national park development, urban transit, and the like. Every dollar so devoted will lead to the hiring of women and men by an equal—indeed in most cases by a larger—amount than the corresponding defense dollar. Second, dollars cut from the defense budget can be handed back to the taxpayer in various forms, so the taxpayer can spend the money to buy more of the things he or she needs. Greater demand for automobiles, appliances, clothing, and recreation will lead to higher employment. Third, by pursuing a policy of low interest rates, the government can stimulate the building of houses and an expansion of private investment, both of which lead to greater employment and earnings.

The proper mixture of additional public spending, tax cuts, and monetary ease designed to offset the impact of lower military spending is a subject over which reasonable people can differ. But whatever the combination, the federal government can insure the additional markets for peacetime goods and services which will guarantee productive employment for those previously turning out weapons of war. Indeed, conversion from a war to a peace economy need not be an occasion of unemployment. It can be a welcome opportunity to employ women and

[1] *Setting National Priorities: The 1973 Budget*, Brookings Institution, Washington, D.C., 1972.

men in producing the goods for a peacetime economy to enjoy.

2. An additional set of policies which must be adopted to accompany reductions in military spending encompasses conversion measures for specific localities and particular skills. Even when the government undertakes actions to stimulate overall markets and employment, it will still be necessary to deal with special problems which arise in areas heavily dependent upon defense contracts and among workers with special skills. It is neither fair nor efficient to make a few workers pay all the costs for a conversion program that benefits the entire nation.

Both of these policies require advance planning. It takes time to plan and launch new peacetime public ventures. Monetary policy acts to stimulate housing and investment only after some time lag. Consequently, reductions in military spending and the offsetting measures to stimulate peacetime markets must be carefully scheduled in advance, so that as the one is reduced the other is increased in a timely fashion. Waiting until military spending has been actually cut back before beginning the counter measures is a policy guaranteed to result in unemployment.

The Nixon Administration refuses to engage in such planning. The prior Administration had developed a series of plans for dealing with defense cutbacks, through a special planning committee headed by the then Chairman of the Council of Economic Advisors. The Nixon Administration ignored these plans and did not develop any of its own. As a consequence of neglect by the federal government, hundreds of thousands of defense and aerospace workers—as well as returning Vietnam veterans—have been added to the already swollen ranks of the jobless. For the first time since the United States became an industrial giant, the citizens of a Japanese city (Kobe) have donated a ton of foodstuffs to needy Americans in Seattle. Many of the recipients were unemployed scientists, engineers, and technicians; an estimated 100,000 of these highly-skilled professionals are now needlessly jobless throughout the country.

The response of the Nixon Administration to this situation has been to blame unemployment on the "transition from a wartime to a peacetime economy," while giving no advance notice of layoffs, providing no leadership to the concerned groups, and offering miniscule but highly-publicized retraining programs to a handful of unemployed scientists and engineers. The full burden of layoffs has fallen on the employees and their communities. But it was not the cuts in military and aerospace spending alone that caused the present high unemployment. It was the cuts, combined with an anti-inflation program that sacrificed workers' jobs in an attempt to stabilize prices, and combined with inexcusable refusals to do anything but "rely on the free market economy" and on inadequate unemployment compensation to assist unemployed workers in making the transition to other jobs.

Our plans for insuring a fair and prosperous transition to a less wasteful level of military spending are set forth in a subsequent section of this paper.

There is one special aspect of the military procurement budget which is sometimes used to justify unnecessarily high defense spending. Because there is often a very large scientific and technological component to modern weapons, it is alleged that their production stimulates technological advances and thereby benefits the rest of society. To a limited extent that is true. But production and deployment of technically advanced weapons is an exceedingly inefficient way to provide for civilian technological improvement. If we want to find out something about technically advanced mass transit systems or novel pollution control methods, we are far more likely to do so by devoting research dollars to those specific purposes than by giving dollars to the Pentagon for more overkill in nuclear weapons and hoping that somehow, something with peactime uses may result. The only reason that defense spending seems to benefit civilian technology is that we have been much more willing in the past to lavish money on defense than on civilian research.

Developing a specific program to channel part of those defense dollars into peacetime purposes would not only help meet some of the nation's most pressing problems, it would also provide highly useful employment to scientists and engineers previously engaged in defense production.

CONCLUSIONS

In 1953, President Eisenhower warned that:

"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.

"The world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, and the hopes of its children . . . This is not a way of life at all, in any true sense. Under the cloud of threatening war, it is humanity hanging on a cross of iron."

Mindful of those warnings, we conclude that:

1. It is now more clear than ever that we must eliminate unnecessary military spending if we are to achieve sustained full employment and true security.

2. Under the current programs of the Nixon Administration the military budget will expand dramatically over the next several years, increasing by $22 billion and reaching $100 billion per year by fiscal 1977.

3. The true cost of that expansion lies in the urgently needed public and private goods and services which will have to be foregone to pay for unneeded weapons and forces.

4. Given the military priorities and budget policies of the Nixon Administration, both inflation and a tax increase will shortly become inevitable.

5. The Administration is seeking to avoid the onus of such an increase by attempting to blame growing civilian expenditures for budgetary problems, which in fact have been created by its military priorities and high-unemployment economic policies.

6. Presidential vetoes of civilian appropriation bills will damage important social programs, but will not "save" enough to avoid the inflation and tax increase towards which Administration policies are headed.

III. STRATEGIC ARMS

(Presented by Vice Chairman Herbert Scoville, Jr.)

BASIC OBJECTIVES

The overriding objective of the United States strategic arms policy must be to insure that nuclear warfare never breaks out. In the less than thirty years since the destruction of Hiroshima and Nagasaki by two fission bombs dropped by slow propeller-driven aircraft, the United States and the U.S.S.R. each have deployed more than 1,500 strategic ballistic missile delivery systems equipped with several thousand fusion devices that cannot be recalled once launched or intercepted by the other side. This is the chilling reality of the present nuclear age. A strategic nuclear exchange between the U.S.A. and the U.S.S.R. would mean the end of both countries and at least the northern hemisphere as we know it today.

Absolute defense against nuclear attack is impossible, and, given the destructive power of even a few nuclear weapons, a partial defense is of no value. The basic mission of the U.S. strategic forces is thus to prevent devastation by deterring nuclear aggression. This means maintaining the unquestionable ability to absorb a first strike and retaliate with enough force to inflict unacceptable damage in return, thus preventing nuclear war against the U.S. by making it an act of national suicide for the aggressor.

Agreements for arms control—properly negotiated and carried out—are an important step in reaching the basic objective of mutual nuclear deterrence. The SALT agreements—agreements which are based on preparations begun under Democratic leadership but which were delayed by Nixon tactics—could be such a step. By placing formal restraints on certain offensive and defensive strategic nuclear weapons systems, they could make possible further restraints—either informally, through mutual restraint, or formally through SALT II agreement. The Nixon Administratoin, however, seems determined to use the SALT agreements as a hunting license to step up the arms race in all areas not strictly covered by SALT. At best this course of action is a misguided approach to the objectives of the U.S. in the field of strategic arms. At worst, this course of action is a cynical perversion of the purposes of the SALT agreement. In either event, it has the effect of a sabotaging of the major bi-partisan effort to reduce the intensity of the arms race by using it as an excuse for intensifying the arms race. It is tragic that this process was begun before the ink was dry and has continued throughout the process of ratification.

The potential advantage of the SALT agreements is that they recognize the existence of *mutual* deterrence. To support the objective of mutual deterrence, we must not only have the forces necessary for a secure deterrent, but we must adopt a national attitude and program which understands and recognizes the present strength of that deterrent on both sides and does not appear to undercut the security of the Soviet deterrent or to belittle the strength of our own.

Having at last achieved—through SALT—a recognition that world security rests on enduring mutual deterrence, we must not now use the agreement as an excuse for embarking on the development of new weapon systems which can only feed a new arms race and thus undermine enduring mutual deterrence. Take, as one illustration, the Multiple Independently Targetable Reentry Vehicles (MIRV's). The U.S. originally embarked on its program for developing MIRV's because of a concern that a massive Soviet ABM deployment might neutralize our strategic power and thus erode the security of our deterrent. With ABM treaty in the SALT agreements, this cannot happen. There is therefore no reason for us to develop more advanced MIRV systems. There is every reason for not doing so because this could persuade the Soviets that we are attempting to develop a first-strike capability and threaten the very viability of SALT.

At the same time we should not belittle the strength of our own deterrent. We have recently been subjected to a stream of misleading statements of U.S. weakness or inferiority, based on meaningless numerical comparisons. It may well be that the Soviets see these statements as what they are—crude attempts to blackmail the Congress and the public into approving funds for many additional weapon systems. But should the Soviets take these official statements seriously—a possibility which we cannot exclude—they may believe we have doubts about the credibility of our deterrent—a belief that might encourage adventurism on their part. A graver risk is that this false "calamity—howling" will confuse and alarm our allies. It should stop.

The Nixon Administration gives a variety of excuses for its strategic weapons acceleration. Some of its spokesmen profess their adherence to the concept of nuclear superiority. But nuclear superiority has little

meaning when both the U.S. and the U.S.S.R. can kill tens or hundreds of millions of people even after having been subjected to an all out surprise attack. Today, both sides have and can retain strategic parity; at the same time, it is doubtful if either side has or can ever have precise numerical parity. Strategic parity is a situation in which neither can attack the other without receiving a devastating blow in response. In strategic parity neither side can disarm the other by means of a first strike.

Today, both the U.S. and the U.S.S.R. have a parity of this kind. The U.S. has in the neighborhood of 6,000 strategic nuclear warheads which can be used to attack targets in the Soviet Union. More than 3,000 of these can be launched from submarines which are invulnerable for the foreseeable future. As of today, the Soviets have no way of destroying our landbased missile deterrent, and an important fraction of our intercontinental bombers can become airborne, and therefore can evade attack, on very short notice. The primitive Soviet ABM installations cannot significantly reduce the ability of our missile warheads to reach their targets, and the ABM Treaty formally perpetuates this situation. The Russians, who possess a sophisticated offensive missile force, also have a secure deterrent in which they can have confidence. Strategic parity is a fact of life today and will remain so for the foreseeable future.

Other administrative spokesmen attempt to justify sabotaging SALT by citing the necessity of developing weapons with a counterforce capability. This would serve only to increase the risk that our people might be subjected to a preemptive nuclear attack. A serious attempt by the U.S. to develop counterforce weapons for attack on the nuclear weapons of the Soviet Union could only create fears of U.S. aggression since such weapons would be undistinguishable from those needed for a first strike. Moreover, it would violate the underlying assumptions of SALT if we seek to acquire the very weapons that we seek to preclude from the Russian arsenals. This would erode the present state of stable mutual deterrence and diminish U.S. security.

None of the rationalizations for new strategic weapons programs are persuasive. None rest on valid security grounds. This escalation could only disserve the basic objective of stable deterrence.

STRATEGIC FORCES TO MEET THE BASIC OBJECTIVES

Since effective deterrence of nuclear attack on the United States or its allies is the fundamental goal of our strategic plans, the U.S. must maintain an alert, modern, invulnerable strategic force which friend and foe alike will recognize as able to produce unacceptable destruction in a retaliatory attack. Our strategic force should be sufficiently large and varied to insure the invulnerability of the force as a whole to a first strike and its ability to respond and reach selected targets regardless of Soviet defenses. But each separate element of the force need not be invulnerable under every contingency as long as the overall deterrent is not impaired. Procurement of additional weapons, when those we have are enough to destroy the Soviet Union as an organized society, is not required merely because this is permitted by SALT. There are only 219 Soviet cities with a population of over 100,000, most of which can be devastated by a single nuclear warhead. Today we have almost 6,000 warheads and are adding to this number at the rate of three per day.

To match the Soviet Union or any nation weapon for weapon is a blind alley, not the path to security. Military security, not political expediency, should be the criterion for procurement of new weapons. Not a single one of the accelerated strategic weapons programs which the administration has sought since the Moscow Agreements can be defended on security grounds. All of them threaten the gains to peace made possible by those agreements.

The McGovern deterrent will be composed of 41 Polaris-Poseidon submarines, 1,000 land based ICBMs in hardened silos, and 200 intercontinental bombers. These forces can deliver in the neighborhood of 6,000 nuclear weapons on the U.S.S.R. with yields that range from several times to more than 100 times the power of the Hiroshima bomb.

The primary element in our strategic forces is, and should continue to be, the ballistic missile submarines. The present Polaris-Poseidon submarines are invulnerable to antisubmarine warfare (ASW) for the foreseeable future; the very nature of a system which might destroy this submarine deterrent is unknown. In the unlikely event that a new ASW development ever threatened the submarine deterrent, its deployment would require years and would be readily detected long before it threatened a sizeable fraction of our fleet and in ample time to allow for effective counter measures.

The McGovern Polaris-Poseidon force will have a capability of launching more than 4,000 warheads, each with power about 3 to 13 times that of the Hiroshima bomb, and the ABM Treaty has eliminated any concern that the Soviet Union could neutralize this deterrent power. Thus there is no military requirement for installing further MIRV warheads on this force at this time since even a small fraction of the existing force can devastate the Soviet Union. The Polaris-Poseidon fleet should be kept up to date, but the replacement now of these submarines by the new large and expensive Trident submarines is unnecessary when there is no threat to Polaris.

By 1978, when the first Trident would be available under Administration plans, the oldest of the Polaris ballistic missile submarines will have been operational only 18 years, the prime of life for a well-designed naval vessel, particularly one that is capable of extensive modernization and overhaul. Trident would be expensive. This submarine missile system would cost more than $30 billion at a unit cost of $1 billion. Moreover, building it now, when the nature of any possible future threat cannot be foreseen, could even reduce our security. The new and expensive fleet might give a false sense of security because it is not adapted to the actual threat that has arisen. It seems far wiser to wait and see what threat may develop since we will have adequate lead time if any break-through in ASW techniques in fact occurs.

The submarine missile deterrent is now supported by a force of land-based ICBMs and intercontinental bombers, but even if these should become increasingly vulnerable, there is no requirement of expensive replacements or additions. The multi-billion dollar B-1 program would add nothing of significance to our strategic strength. ICBMs and bombers play only a supporting role to the invulnerable submarine force. Furthermore, there is no reasonable scenario by which both the bombers and land-based missiles can be destroyed simultaneously.

ABM defenses of the National Command Authority at Washington, D.C., or of the ICBM site at Grand Forks, both of which are permitted but not required under the ABM Treaty, are of little value to our security. The Washington system would be similar to the Soviet Moscow defense which military authorities generally agree can be easily overwhelmed. The ability of the National Command Authority to operate effectively would not be enhanced by the additional few seconds or minutes which an ABM defense of Washington might possibly provide. The Washington ABM is of no value against the emerging Chinese threat, and at best of very little value against nuclear accidents. Despite its uselessness, the Nixon Administration has proposed to spend $3–$5 billion on its deployment. A Democratic Congress has wisely rejected that proposal. We must no longer seek parity in Russian mistakes. The ABM defense of the Minuteman site is neither necessary nor effective for protecting our deterrent in light of the Moscow Agreements. We should seek a complete ABM ban in future SALT negotiations but, whether or not this is achieved, our ABM program should be concentrated on research on better systems as a hedge against abrogation of the Treaty, rather than on the deployment of expensive hardware for which there is no need. Nor is there need to spend large sums of money for sophisticated systems of bomber defense. Now that we have recognized in the Moscow agreements that there is no workable defense against missiles this kind of expenditure is an exercise in futility.

Research and Development on strategic weapons should be supported on a broad basis so that scientific advances can be used where necessary to assure the maintenance of an effective U.S. deterrent. This objective can be obtained most effectively by a broad-based research program and by the avoidance of the commitment of large sums for final development and procurement of new weapons systems. Our present Defense R & D programs should be recast to give greater emphasis toward developments at the frontiers of science instead of spending large sums on applying technology of the past to unnecessary weapons of the future. This would be the best counter to the dangers of "technical surprise."

Sound strategic planning requires a broad base of solid information on the weapons programs of potential adversaries so that we can estimate not only present, but future capabilities in time to take any required counteraction. U.S. intelligence activities must be carried forward at a level necessary for sound unilateral weapons decisions making; and also to verify that arms limitation agreements do not jeopardize our security. Misleading use of intelligence predictions must no longer be used to inflate our military budgets or panic the country into rash military action.

ARMS CONTROL

Arms control is the most effective and least expensive way of halting nuclear escalation and thus reinforcing the stability of the mutual deterrent. Limiting the Soviet weapons buildup by agreement is far safer than attempting to acquire a capability to destroy these weapons in a nuclear exchange. It also costs less!

The Moscow ABM Treaty placed a useful limit on ABM systems, albeit at a higher level than might have been possible. By itself, this Treaty reinforces a state of mutual deterrence. The ABM Treaty should be supported and, insofar as possible, strengthened by attempting to negotiate a complete ABM ban.

The Interim Agreement on Offensive Weapons places a numerical freeze on landbased ICBM deployments and a ceiling on submarine missiles. The Interim Agreement could be a limited but useful first step provided that both nations exercise restraint in their continuing offensive weapons programs. It should be supported, but on the realistic basis that it, too, reinforces mutual deterrence and not on the unrealistic basis of President Nixon's statement of June 29th, that without the Moscow Agreements the Soviets would, in five years, have had 1,000 ABM's, 1,000 ICBM's, and more than 90 missile submarines. This misleading statement is inconsistent with all predictions as well as his own previous statements and those of other senior administration officials.

The restrictions in the Interim Agreement on replacing old missiles by new ones are

quite loose, however, and indeed encourage such a practice. We should avoid this pitfall and instead exercise mutual restraint so that it may be possible to take steps to start controlling the qualitative race on strategic offensive weapons. The loopholes in the Interim Agreement must be closed, and its tacit endorsement of technological competition must be reversed. Arms control agreements must not become the excuse for escalating arms budgets. The administration requests for accelerated strategic weapons programs immediately after signing the Moscow Agreements are inexcusable in this period when our national resources should be committed to our most urgent national needs.

Every effort should be made to achieve control on MIRV's, whose acquisition by the Soviets could, if they were sufficiently accurate and numerous, cause concern that they might be a threat to the landbased portion of our deterrent. Actions taken during the last three years both in negotiations and in our unilateral MIRV deployments, and in particular our widely published plans to develop a hard target MIRV, preclude any meaningful efforts to restrict this potentially destabilizing type of weapon. Restraint in our development programs must be exercised and a realistic proposal for limiting MIRV developments must be put forward. The proposed U.S. development of an advanced accurate MIRV system for destroying hard targets such as missile silos will be of no real use to us and its only an invitation to the USSR to develop a system which at some future date might threaten our Minuteman.

The Chinese cannot for many decades develop strategic forces which could in any way threaten the U.S. deterrent: However, in time, the Chinese can acquire an independent deterrent of their own, and no military action on the part of the United States can prevent this. The best means of restraining Chinese nuclear developments will be in the area of arms control and a primary objective of our strategic policies should be to attempt to open a dialogue with the Chinese in this area.

We should negotiate a comprehensive nuclear test ban, which would not only restrain the never ending qualitative improvements in nuclear weapons, but which, together with the Non-Proliferation Treaty, would also decrease the risks that other nations will acquire them and plunge us all into a nuclear catastrophe. If serious negotiations on a test ban treaty are undertaken the pressures on China and France to join arms control discussions would be greatly increased. Despite major improvements in seismic verification capabilities and greatly decreased requirements for additions to our already large variety of tested nuclear explosives, the Administration has not changed its negotiating position on a comprehensive test ban from that which existed in 1963. The difficulty of reaching agreement for on-site inspections no longer is a reason for not negotiating a test ban. It is now merely an excuse.

The life of our submarine missile deterrent force can best be extended by negotiating controls on antisubmarine warfare techniques and tactics, which have particular application to the destruction of ballistic missile submarines. This would be more effective and far cheaper than building an expensive replacement for Polaris.

The practice of procuring weapons as "bargaining chips" for arms control negotiations must be discontinued. The true bargaining chip is the ability or threat to buy, not the purchase itself, because experience has shown that once the weapons system is acquired it is not likely to be negotiated away. It has been demonstrated by the Moscow Agreements that procuring weapons for negotiating purposes only serves either to increase the levels of the armaments on both sides, or to prevent achieving any limitation at all.

The application of the "bargaining chip" theory by the Nixon administration led to the expensive decision to commence deployment of the Safeguard ABM. As a result, the ultimate treaty permits a limited ABM which neither we nor the Soviets need. The application of the "bargaining chip" theory led to our premature MIRV development. This itself has made it difficult if not impossible to obtain agreement on a general ban on MIRV deployment. It provides a stimulus to a Soviet MIRV deployment which could again spur the nuclear arms race.

We should not make the mistake again.

CONCLUSIONS

(1) The overriding objective of our strategic nuclear policy is to deter any nation from initiating a nuclear attack against the United States or its allies. Our policy must be to obtain this objective through secure mutual nuclear deterrence. Arms control agreements—properly negotiated and carried out—are essential steps in carrying out this policy.

(2) The Moscow SALT agreements are important in that they recognize the existence of secure mutual nuclear deterrence. They should be supported by a policy of mutual restraint in those areas not foreclosed by provisions of the agreement. The agreements should not be sabotaged—as the Nixon administration proposals would do by using them as a "hunting license" for expensive new weapons systems not only rendered unnecessary by the ABM ban but also threatening the continued viability of SALT itself by persuading the Soviets that we are attempting to undermine mutual deterrence.

(3) Nuclear superiority is meaningless when both the U.S. and the USSR have today sufficient weapons to kill tens or even hundreds of millions of people. Today the two nations have a strategic parity of deterrence and this condition will continue for the foreseeable future; however, numerical parity in each type of strategic weaponry is a false goal in light of the wide differences between the two countries in technology and geographic factors.

(4) The Polaris-Poseidon fleet should not be replaced now by the Trident submarine system. This replacement is unnecessary; there is now no serious threat to the security of the Polaris-Poseidon system. This replacement would be expensive, it would cost at least $30 billion; and it could even be dangerous, since its design and deployment, before we know a future threat, could give us a false sense of safety if any unanticipated threat should develop.

(5) The two ABM systems permitted but not required under the SALT agreements do not contribute to our security and should not be developed. Our ABM program should be concentrated on research rather than on deploying expensive systems that we do not need.

(6) Weapons procurement must not become the slave to technological innovation. New weapons systems should be developed only when they implement our basic objective of maintaining a secure nuclear deterrent. Research and development should be pushed on the frontiers of science, but not for replacing today's weapons with yesterday's technology.

(7) A major effort must be made to further our national security through arms control, with particular emphasis on strengthening the Moscow agreements by placing limitations on destabilizing qualitative innovations and by bringing China into arms control discussions. The fallacious "bargaining chip theory—which" has already resulted in an unnecessary and expensive ABM deployment and a treaty permitting ABM systems which neither we nor the Soviets need—must be abandoned.

IV. GENERAL PURPOSE FORCES

(Presented by Vice Chairman Gene La Racque, Rear Admiral, U.S. Navy, retired)

Four of every five dollars in the total defense budget are used to pay for general purpose forces: ground combat divisions of the Army and Marine Corps, tactical aircraft, naval warships (except ballistic missile submarines) and the airlift and sea-lift forces required to support deployment of these elements. We should rely upon general purpose forces to deter conventional aggression by the Soviet Union or China and, should deterrence fail, to defend and counterattack.

Our general purpose force posture is plagued by waste and inefficiency. The United States should have a leaner, tougher military force, but one that is fully adequate to meet American commitments and interests in the 1970's. To do this will require that outmoded concepts and wasteful practices be jettisoned and that a new approach be taken to revitalize America's general purpose military force.

A. A NEW APPROACH TO GENERAL PURPOSE FORCE PLANNING

Planning for today and tomorrow, not yesterday. Significant political changes have taken place in the world during the past decade. Economic growth in Western Europe has continued and there has been clear progress toward a detente between our major NATO allies and the Warsaw Pact countries. At the same time, hostility between the Soviet Union and China has deepened, and a sizeable part of the increase in the Soviet military budget during the late 1960's was used to finance a buildup along its China border. We still need a strong military force to protect our interests against possible Soviet or Chinese aggression. But our assessment of the world-wide "threat"—and the forces needed to meet it—must take account of these and other significant political changes.

Policy must determine forces, not the other way around. Responsible military planning must overcome inertia and the pressures of vested interests in order to eliminate older and less effective weapon systems, excess force units, and surplus bases. The fact that the United States now has some 300,000 troops in Europe 25 years after the end of World War II is not by itself sufficient justification for retaining that number there indefinitely. Nor should we allow existing forces and bases elsewhere to create new political commitments to host countries or to generate pressures for military solutions to essentially political and social problems. We must maintain and deploy forces to meet commitments, not find commitments to justify forces and bases.

Our allies must bear their proper share of the collective burden. Most of our general purpose force expenditures are designed not to protect the continental United States against conventional attack, but to aid other countries in the defense of their own people and territory. United States interests are well served by commitments, such as those to Europe, to Japan and to Israel, and they must be honored. But we must not ignore the capabilities of our allies when we plan our own force structure. Nor should we bear a disproportionate share of the collective defense burden.

In weapons development policies, technology should not become an end in itself, and intraservice rivalries should be curbed. The military services in recent years have shown a tendency to acquire weapons which have been more noteworthy for their technological complexity than their basic military effectiveness. All too often, these excessively complex weapons have performed worse under combat conditions than the less exotic systems they were designed to replace, or the simpler weapons in the enemy's inventory.

Moreover, the high unit costs of these new weapons have a dangerous effect on our force structure. As the Senate Armed Services Committee noted last year:

"If we can afford a permanent force structure of only one-fifth as many fighter aircrafts or tanks as our potential adversaries—because our systems are about five times more expensive than theirs—then a future crisis may find us at a sharp numerical disadvantage."

We must also put an end to wasteful parochialism among the military services in the weapons procurement process. There is no demonstrable reason why each service must have its own close support aircraft, its own heavy lift helicopter, its own early warning and reconnaissance planes, and its own fighter planes. The F-4, for example, has served successfully as the firstline fighter for the Air Force, Navy and Marine Corps. Commonality must not be stressed to the point where important and incompatible capabilities are compromised, but the individual services must complement each other in defending the United States and not just compete with each other for the largest share of the United States defense budget.

Support elements for our combat forces must be in proportion to our combat capability. We have military forces for their combat capability. Support elements are justified only to the extent that they are needed to maintain that capability. At present, however, our military forces have too few fighters and too many rear echelon support, staff, and administrative personnel, and this "teeth-to-tail" ratio is out of balance. We now have assigned to top-level headquarters (corps-level and above) enough manpower to man nine additional Army divisions. This situation has grown worse under the Nixon administration because cuts in support manpower have not kept pace with cuts in combat forces.

Force planning must take account of our mobility and our potential mobilization. Geographical considerations, coupled with our naval power and airlift and sea-life capability, give us a worldwide mobility potential that is vastly superior to that of the Soviet Union or China. There can never be enough forces at any single place where fighting may start to cover every conceivable contingency. Therefore, we should deploy overseas only the forces required to make clear our determination to use military force in defense of our interests, to repel any limited conventional attack and to blunt larger attacks until reinforcements can arrive. To support these active duty forces we need a revitalized and modern mobilization capacity; this would significantly improve our overall capabilities while at the same time it would decrease correspondingly, the size of our more costly active forces deployed in the United States and abroad.

We should continue to dismantle our excessive and anachronistic overseas base and deployment structure. For example, there is no military need for our residual forces in Korea, and our commitment to the security of Japan can be abundantly demonstrated in other ways. Agreement has already been reached with the People's Republic of China to remove the troops in Taiwan. The remote threat of Soviet or Chinese aggression against our Pacific allies can be adequately deterred and, if necessary, repulsed, by our airpower and the Seventh Fleet. The greater part of the more than 125,000 military personnel still engaged in fighting the Vietnam war would, of course, be returned to the United States with the termination of that tragic and misguided involvement.

Planning should recognize the potential for arms control agreements covering conventional, as well as nuclear arms. If the United States limits its forces and deployment only to those it genuinely needs, then it would encourage other nations to exercise similar restraint, because it would be in their own interest. If our restraint is reciprocated by our potential adversaries, the forces genuinely needed by both sides will be able to decline further, and both express and tacit agreements restricting mutual force deployments should become easier to achieve. If this restraint is not matched, further reductions would have to be deferred, but the forces retained would be sufficient to safeguard our interests.

Adoption of these new force planning principles is urgently needed, but they must be carried out in such a way that disruption and dislocation will be minimized both at home and abroad. On the domestic front, this will require an effective program of economic conversion to insure that affected industrial workers and geographic areas do not alone pay the price for restoring a balance to our national priorities. Internationally, changes in forces and deployments will have to be taken gradually and in full consultation with our allies. Through careful planning and consultation, both allies and potential adversaries must be made to understand that a new approach to force planning maintains forces which are fully adequate to meet our international needs and obligations.

B. APPLICATION OF THE NEW PRINCIPLES TO THE DEFENSE POSTURE

Applying these new force planning principles to produce a detailed defense program is an immensely complicated task, and a variety of alternative programs consistent with the principles can be constructed. The following illustrative examples show how these principles might be applied to specific elements of America's general purpose forces.

Tactical Air Capabilities. Increased emphasis should be placed on the most important tactical air missions: battlefield air superiority and close air support. Deep interdiction of logistics and communication lines, the limited effectiveness of which has been amply demonstrated in Indochina, should be relegated to a subordinate role. The ability to meet these high priority tactical air missions can be assured by the development of low cost air superiority aircraft (a lightweight fighter) and close support aircraft (the A-X) designed from the bottom up specifically for these missions.

Naval Forces. We can reduce the number of aircraft carriers in the fleet, while maintaining and in some areas increasing our naval forces devoted to other missions now providing tactical air power. Aircraft carriers have become increasingly vulnerable to new air, surface, and submarine weapons which have been developed during the past decade. In light of this vulnerability and the high costs of sustained carrier operations, the Air Force should have primary responsibility for providing tactical air support to our ground forces. The Navy's principal missions should be to keep sea lanes open and to provide a capability for mobile force projection into areas of critical concern. Since there are now 16 aircraft carriers, six of which (counting one nearly complete) were commissioned since 1960, there is no need for the new aircraft carrier, the CVN-70, which according to the Pentagon, will cost $1 billion. Similarly, the very large naval escort construction program currently underway should be scaled back substantially.

Land Forces. We must give full effect to the increased capabilities which can be achieved through better utilization of our mobilization capabilities and an improvement in our "teeth-to-tail" ratio. It would be possible for us to maintain virtually unchanged combat capabilities at substantially reduced costs if we eliminated unneeded command and support personnel, and returned to a concept of field deployment more spartan than our current overseas American suburbs.

C. OUR COMMITMENTS

Although new conditions will require review of military commitments made in other times and circumstances, the United States will obviously continue, in its own interest, to be associated with various forms of joint defense arrangements in many areas—NATO, Europe, Israel, Japan, Australia, and New Zealand, to name only the most obvious. The ability of forces planned under the guidelines outlined above to meet our commitments in the future is illustrated by consideration of the cases of NATO Europe and Israel.

NATO. The security of Europe is a joint interest and a joint responsibility of the United States and other NATO nations. In the unlikely event of a full-scale war in Europe, the full potential of NATO and the Warsaw Pact forces, including their mobilization potential, would be brought to bear. Accordingly, United States forces deployed in Europe must be sufficient, together with their allied counterparts, to leave no doubt about the seriousness of our military commitment to Europe and to convince the Warsaw Pact that any idea it may have about a "quick victory" or military threats for political purposes is impossible.

The American political commitment to NATO requires a substantial investment of military forces. But there is no legitimate requirement indefinitely to keep the current 319,000 level of European deployment. A reduced number, properly constituted, deployed, and equiped, backed by a revitalized mobilization and re-inforcement capability would do the job as well. Any reduction in U.S. forces in Europe must be preceded by extensive consultations with our NATO allies although the ultimate decision on the redeployment of a sovereign nation's forces must rest with that nation.

NATO forces in Europe must always be capable of effectively blunting any Warsaw Pact advance in its early stages. An improved United States mobilization capability would enable NATO at least to match Warsaw Pact forces in the event of full mobilization capability on each side, even after reductions in U.S. deployed forces in Europe. This balance of conventional military forces, coupled with the risks of nuclear escalation inherent in a major conventional conflict backed by a firm American commitment should be fully sufficient to deter the outbreak of large-scale conventional conflict in Europe.

Israel. We must give full support to Israel's defense of her right to live within secure and defensible borders.

Military equipment. Israel has dramatically demonstrated to the world that, given the necessary tools, she can defend herself against the threats posed by her neighbors, singly or in combination, but Israel must be provided both the credits and military material needed to deter such aggression and to defend herself should hostilities again occur.

American presence. The United States must maintain forces of its own in the Mediterranean to symbolize our resolve to neutralize any threat to Israel's security involving the Soviet Union. Actual use of these forces would be necessary only in the event of direct intervention by Soviet combat forces. Israeli leaders have themselves emphasized their confidence in their ability to cope with local threats without direct United States involvement. Nevertheless, the continued peacetime presence of the Sixth Fleet is essential to signal our interest in the Middle East and to deter Soviet pressure on Israel.

D. WHAT IT MIGHT TAKE TO DO THE JOB

The prospects of a conventional war with the Soviet Union have reduced over time and today they must be considered remote, if not inconceivable, given the terrible risks of escalation of nuclear war. But until there has been a basic change in the nature of international relations, the United States,

along with its allies, must continue to have sufficient general purpose forces to give credibility to our support of alliance obligations, both in our diplomatic efforts and, if need be, in warfare. Waste and inefficiency debilitate our forces. We must endeavor to make them "lean" and combat ready.

What are the "threats" that U.S. armed forces manpower must defend against? The Defense Department has postulated the "threat" of Soviet aggression in Europe in these terms:

"While we do not consider aggression by the USSR likely in the present political climate the fact remains that the Soviets have a vital interest in preserving the status quo in Central Europe. A crisis that *could* lead to a conflict *could* arise if the political situation substantially changed in a way which threatened the USSR or its hegemony over Eastern Europe. Such a crisis *could* escalate to hostilities." (emphasis added)

To meet this rather vague and unlikely "threat" the United States is currently keeping 319,000 military personnel on duty in Europe. This is a greater number than we had there immediately prior to the Berlin buildup of 1962. These military people are assigned as follows:

U.S. EUROPEAN MANPOWER LEVELS

	Total manpower	Combat [1]	Support [1]
U.S. Army, Europe:			
Divisions	64,736	27,210	37,526
Division support	89,145	37,440	51,705
Berlin brigade	3,860	1,621	2,239
Missile forces	21,218	8,912	12,306
Strategic intelligence and security	32		32
Other service support	801		801
DOD/joint activities	726		726
Free world support	294		294
General support forces	2,901		2,901
Other commands/agencies	14,678		14,678
Total	198,391	75,183	123,208
Other elements:			
U.S. Air Force	50,000		
U.S. Navy Europe and 6th Fleet	20,000		
Command, intelligence and communication	50,000		
Grand total	318,391		

[1] Computed on the Army division combat to support ratio of 42 to 58 percent.

There are an additional 225,000 military sponsored dependents in Europe. Considering the emergency need to evacuate them, it is important to note that approximately 25% of these dependents are under three years of age.

A smaller amount of U.S. conventional manpower stationed in Europe could actually provide as much "flexibility" as the present force without lowering the nuclear threshold—and at far less cost. However, the present number of GIs stationed in Europe has been termed sacrosanct because of their supposed role as "hostages" and "bargaining chips" in vaguely projected discussions of Mutual Balanced Force Reductions by NATO and the Warsaw Pact. Agreements between NATO and the Warsaw Pact on mutual troop reductions should be pursued, but should not hold up measures to improve the efficiency of U.S. forces by substantially thinning out unneeded non-combat personnel.

In Asia, despite the improving climate in relations between North and South Korea, and a North Korean offer for a mutual reduction of military forces, the U.S. continues to station 40,000 military personnel in South Korea. One infantry division of less than 15,000 men is the principal combat element of this U.S. force. There are few, if any, valid military reasons for continuing (as we have for 22 years) to station an infantry division—backed up by thousands of support troops—in South Korea. The South Korean Army proved its combat effectiveness in the Korean War and more recently in Vietnam. It is nearly twice the size of the North Korean Army and is backed up by a large trained militia. There are no Soviet or Chinese divisions stationed in North Korea. U.S. manpower deployments in South Korea long ago finished their original mission of bolstering South Korea's fighting ability. They now serve no legitimate military purpose in the defense of U.S. National Security and should be withdrawn.

In Southeast Asia the Nixon Administration continues to deploy roughly 125,000 military personnel in support of the armed forces of South Vietnam. U.S. military personnel have been advising and supporting these armed forces since 1956. If after a period of sixteen years of support South Vietnamese forces are still unable to "hack it" on their own, then the time has come to realize that further support and advice would be to no avail and to cease to deploy American military manpower in such a purposeless mission.

CONCLUSIONS

1. Realistic assumptions and principles must be utilized in planning our general purpose force structure. These guidelines include the following:

(a) Policy must determine forces, not vice versa.

(b) Our allies must assume a proper share of our common defense burden.

(c) Forces should be prepared for today's conditions and tomorrow's, not World War II.

(d) Combat-to-support and enlisted-to-officer personnel ratios should be much higher than at present.

2. The application of the current guidelines will enable us to meet our commitments at a reduced cost due to the creation of a lean, hard fighting force with capabilities superior to the current fat military establishment. Specifically:

(a) Reduction in our forces currently stationed in Europe can be achieved without weakening our NATO commitment.

(b) We can and must provide Israel with the military equipment it requires to cope with local threats and at the same time our military presence in the Mediterranean must dramatize our determination to protect Israel's security.

(c) Unneeded and wasteful overseas developments and bases must be eliminated.

V. MILITARY MANPOWER

(Presented by Vice Chairman, James M. Gavin, lieutenant general, U.S. Army, retired)

The cost of manpower is more than half of this year's defense budget. Manpower has been by far the biggest single factor tending to increase military spending. Between fiscal years 1964 and 1973, the Defense Department's budget rose by $25.7 billion. More than 80 percent of this increase, or $20.8 billion, came from increased pay and allowances for military personnel and civilians employed by the military.

This sharp increase in the total *cost* of manpower has occurred despite the fact that during this same period *manpower itself* declined by 326,000 people.

No American can begrudge our fighting man the increases in pay and improvement in conditions which still fail wholly to compensate for the hazards, disruptions—and dedication—of their jobs. But the total costs for military manpower are so high as to suggest that more efficient use of manpower is an important place to find defense budget savings.

TOP HEAVY FORCES

The central problem is that our increasingly costly manpower is not being used efficiently.

Our military forces are growing more and more top-heavy with officers.

This fiscal year one active duty officer or noncommissioned officer is budgeted for each lower-ranking enlisted person (privates, seamen and airmen). At the end of 1969 this ratio was one-to-two.

This year there is one general or admiral for every 1,840 personnel. At the end of 1969 this ratio was one to 2,900.

To maintain these excessive ratios of senior officers, our military forces contain unnecessary layers of command.

The cost of maintaining the headquarters represented by these layers of command throughout the U.S. Armed Forces is $3.8 billion this year.

MEN AND FIGHTING UNITS

There has been a steady decline in manpower efficiency in another sense. Year by year more and more men are required to operate elements of our fighting forces. The Brookings Institution, in its study of the fiscal 1972 budget, found that the total Army manpower per active division had increased by 19 percent since 1964. It found that Navy manpower per ship increased 28 percent, and Air Force manpower per aircraft rose 16 percent during the same period. During this period the ratio of combat to support personnel in each service remained about the same—an indication that, while manpower per unit increased, combat effectiveness did not. The percentages of "combat skill" personnel in each service are:

	Percent
Army	25
Navy	11
Air Force	5
Marines	28

Admiral Moorer told Congress February 17, 1972, that while U.S. ground combat divisions had gone through improvements as to their equipment during the preceding year, ". . . the overall readiness of these forces has temporarily declined." He attributed this decline mostly to "severe personnel turbulence caused by heavier than expected cuts in the FY 1972 personnel strengths." It would be more accurate to say that the decline came from poor management of personnel rather than from cuts themselves.

A Defense Department rationalization has been that increased firepower of weapons enables us to kill massive numbers of people with fewer Americans assigned to combat duty while more Americans are assigned to support. But Vietnam is a vivid demonstration that this formula does not necessarily mean military success. As the numbers of combat soldiers were lowered, we compensated with greater use of weapons of large scale destruction—artillery shells, airborne rockets and bombs—which have killed many civilians, both in North and South Vietnam. But this indiscriminate use of firepower has done nothing to improve the prospects for an effective and accepted government in South Vietnam.

ROTATION

Servicemen in the U.S. military are transferred from post to post far too frequently. This year the Defense Department is budgeting for 87,800 non-productive personnel in transient status between assignments. This is 3.7 percent of total manpower. A further example: In fiscal 1971 the Army made 1,895,000 Permanent Change of Station (PCS) moves among its forces totaling 1,228,000—an average of 1.5 moves per man during the year.

The President's Blue Ribbon Defense Panel recommended in July, 1970, that this unnecessary rotation be reduced. It said:

"Officers and enlisted men are rotated among assignments at much too frequent intervals. It is clear from the evidence that rotation practices which have been followed result in (a) excessive and wasteful cost (b) inefficiencies in management and (c) difficulty in fixing responsibility."

However, except for reduced coming and going from Vietnam, there has been no basic change in the rotation policy throughout the services.

The constant moving about is costly in human terms. Frequent separations hurt family life and morale. Endless rotation brings financial problems which cause skilled personnel to leave active service in search of more stable careers. Too many of the assignments involved in the rotation are ones which military personnel realize have little or nothing to do with defense of their country. This kind of duty dims the prospects of an all-volunteer Army no matter how much the pay. It makes for boredom, idleness, busywork and lack of sense of fulfilling national purpose. It results in low morale, low retention rates of personnel in the services and increased drug abuse in the armed forces.

In many cases the constant change means that military personnel never learn more than the rudiments of their jobs. Sometimes there are more tragic consequences. The Secretary of Defense has allowed the Army to rotate combat commands in Vietnam every six months. This has ensured that a larger number of career officers could get their "tickets punched" with combat command time—essential for promotion. But it also results in less experienced leadership in combat. No doubt some of the 55,000 soldiers killed in Vietnam have paid with their lives for this inexperienced leadership.

JUSTICE

The state of military justice also relates to efficiency of manpower. The U.S. military receives an extra allotment of personnel from Congress to make up for those confined in the stockade and the brig. In fiscal 1972 this allotment was 24,000 men. The figure does not include man-hours lost in non-judicial punishment. Military justice is in dire need of overhauling to make it comparable with civilian systems.

Military justice has never been an adequate resource for legal redress by those in the lower ranks. Far too many of our servicemen view military courts as an instrument for punitive measures, rather than as a forum for a fair, impartial hearing of their legal grievances. Servicemen have too long forfeited their basic constitutional rights. An oath to defend one's country should not warrant an acceptance of second-class citizenship status. Minority servicemen, who have historically represented a disproportionately high percentage of the lower military ranks, have borne the weight of punitive dispensations by the military courts. Black G.I.'s compose 30.6% of those confined in the Army's world-wide stockade facilities, over 54% of those in Air Force confinement facilities, 16.2% of those in the Navy brigs and 21% of those in Marine stockades. Less than 1% of the military lawyers are Black.

There is an undeniable need to redefine, to broaden and protect the constitutional rights of servicemen. Possibly a better system of military justice would result in less manpower being wasted through punishment for offenses which are technical transgressions of military tradition rather than true crimes. More importantly, it would improve manpower efficiency through better morale, and it would correct a serious national shortcoming.

Testimony received before hearings conducted by the Black Congressional Caucus raised serious questions about discriminatory use of pre-trial confinement in the military. The members of the Caucus recommended the establishment of more explicit pre-trial confinement conditions and a complete revision of the uniform code of military justice which would remove from its jurisdiction offenses covered by existing civilian law.

RACISM

Reasoning that racism impairs defense readiness and operations, the official policy directives of the Department of Defense strongly condemns racial discrimination. Much was done in the Kennedy and Johnson years to ensure equality of treatment for all military personnel. Yet the Congressional Black Caucus has reported in its hearings that this policy is sometimes subverted by lower grade commanders and senior non-commissioned officers, the people with whom the G.I. deals most of the time. Mr. Wallace Terry, former Saigon Chief for Time magazine, in testimony revealing findings from a study he conducted in 1969, states:

"Seventy-two percent of the Black enlisted men said that the military treats Whites better than Blacks, forty-eight percent of the officers agree. In the questions of promotion, sixty-four percent of the Blacks felt that Whites are promoted faster than Blacks, forty-five percent of the officers agree. Half of the Black enlisted men and twenty-nine percent of the Black officers believe that Blacks are getting more dangerous duties than Whites. Sixty-one percent of the enlisted men and forty-one percent of the officers believe Whites are winning more medals than Blacks . . ."

According to the Caucus report, Black servicemen represented 12.1% of all enlisted personnel in 1971, but Blacks were vastly overrepresented in the low-skilled combat specialities (16.3% Black) and in the services and supply specialities (19.6% Black). They were far underrepresented in the communications and intelligence specialities (7% Black) and in the electronics equipment speciality (4.9% Black). Only 2.2% of all officers are Black.

Racism also arises in the military's medical operations. The Army makes no provisions for testing Black inductees for Sickle Cell Anemia. There have been instances where those evidencing various forms of the disease have been denied medical discharges. The Air Force, on the other hand, enforces regulations barring personnel who show the sickle cell trait from flying status. Yet, further research is required before it can be adequately determined that having the sickle cell trait alone is a sufficient basis for restricting personnel from flying status.

A disproportionately high number of less than honorable discharges are given to Black G.I.'s. Recent Department of Defense figures show that of the total discharges given Blacks in 1970, 5% were given under conditions other than honorable, as compared to only 3% given to Whites under the same conditions. Thus discriminatory practices continue to plague the minority servicemen from induction through discharge. A growing number of Black veterans have issued complaints charging the Veterans Administration with discriminatory practices in providing technical training and educational opportunities. The under-trained veteran returns to the job market at a disadvantage.

It will be claimed that much progress has been made. But there can be no excuse for any discrimination against those members of minority groups who serve in our armed forces. Awareness of the problem and determination to end it are essential.

DRUG ABUSE

Drug abuse in the armed forces is widespread. In 1970 the Navy and Marine Corps discharged, or took disciplinary action against 12,000 men for drug addiction or drug related offenses. Thirty to forty percent of the addicts serviced by this country's drug rehabilitation and treatment programs are ex-servicemen. There have been over 6,000 drug connected other than honorable discharges issued since the onset of our military involvement in Vietnam. The Department of Defense estimates that a minimum of 300,000 servicemen have become drug users in Vietnam. The Veterans Administration handles less than 500 of the estimated 40,000 ex-servicemen addicts in New York—and V.A. primarily offers methadone treatment.

Congressman Morgan F. Murphy (R-Ill) and Congressman Robert H. Steele (R-Conn) issued a study on the "World Heroin Problem," submitted to the Committee on Foreign Affairs. The study reveals the U.S. military's handling of the drug problem in South Vietnam. The military has launched a four-point program consisting of education, amnesty, rehabilitation and suppression. Materials used in the education program have been criticized as inappropriate and ineffective. The amnesty program promises freedom from punishment in return for accepting medical treatment. Military officials, fearful that the program would provide a vehicle for escaping military duty, have limited the servicemen to one request. In 1971, 3,458 addicts in the service participated in the drug rehabilitation program. The recidivism rate was reported at 25%. However, follow-up and back-up services provided by the program are nominal. Military authorities have no adequate, reliable procedures for early detection of drug addiction. It is estimated that 10 to 15 percent of the Vietnam servicemen below the rank of sergeant are on heroin.

Congressman John Murphy (D-N.Y.) recently stated in a news conference at the National Democratic Club, that "The crisis of drug abuse facing the military is beyond the capacity of the individual services to cope with . . ." In March, 1971, Mr. Murphy introduced a Bill calling for more extensive use of other existing Federal programs for the treatment of G.I. addicts and an end to regulations which require dishonorable discharges for addicts. Much more definitive supports are needed for soldiers who are victims of this dread problem. Under the Nixon administration G.I. drug addiction has reached epidemic proportions.

RESERVES

On August 21, 1970, Secretary of Defense Melvin R. Laird announced a major shift of policy—that National Guard and Reserve units, instead of draftees, would be relied upon to back up active forces in future emergencies. Unfortunately, in their present state of training, equipment and coordination with active forces, these reserves are simply not yet up to that job.

In fiscal 1971, we spent $2.6 billion on the drill pay of 874,344 of these reserve forces. Of that number 720,760 were without prior military obligation. In their first six months they were given basic, advanced or specialist training, then were assigned to part-time training with reserve specialist training, then were asigned to part-time training with reserve units. This part-time training has often been ineffective. Too often men assigned to reserve units are given duties different from the specialties in which they were trained initially. Too often they must train with obsolete equipment under officers not familiar with current military techniques. During the Vietnam buildup, when a million young Americans were being drafted, roughly another million were allowed to remain in paid status in the reserves.

This country is now spending $500 million per year replenishing equipment of the reserves—a totally inadequate level if they are to have a real mission. It makes no sense to spend billions on reserve pay while giving

these forces marginal training and hand-me-down weapons. The United States spends more equipping foreign armed forces ($1.4 billion in fiscal 1971) than it does equipping its own reserves.

The Marine Corps' reserve division is considered available for combat within 60 days. But none of the ten National Guard divisions which back up the active forces could be deployed in that time. Some would take six months.

CONCLUSIONS

1. The U.S. armed forces must be made more efficient in their use of manpower by eliminating costly, unproductive and unnecessary uses of personnel

(a) Excessive ratios of officers to enlisted personnel should be reduced. We do not need one commissioned or non-commissioned officer for every enlisted man.

(b) Excessive layers of command designed to employ more top level officers should be eliminated.

(c) The alarming trend in which it takes more and more personnel to man a given combat capability should be reversed.

(d) Excessive rotation of military personnel, which is costly, inefficient and bad for morale, should be reduced.

2. The Defense Department has announced that reserves, rather than draftees, will back up active U.S. forces in a future emergency. But the reserves at present are clearly not up to this job. They are poorly trained and equipped. There is no real plan to coordinate them with active forces. The reserves could be improved, military strength greatly enhanced and money saved through the following steps:

(a) Assign more of the increasingly costly active Army manpower to combat divisions, ready for quick deployment with their own initial support forces.

(b) Organize U.S. Army reserves to be ready to provide longer-term sustaining support for the active divisions—a role now requiring many of the more costly active forces. Such noncombat support roles are frequently similar to civilian skills of reservists. Even with minimal training they could be rapidly mobilized for support roles—more rapidly than they can be for combat roles.

(c) National Guard Forces, which in peacetime are under state jurisdiction, would remain organized to provide back-up combat divisions. But, with active divisions in a higher state of readiness, the Guard divisions could be mobilized under a longer, and more realistic, time schedule than is presently the case.

Such a plan would have many benefits. It would result in greater combat readiness and capability. It would use the costliest manpower where it does the most good. It would give the Army reserves a role within their capabilities. It would put the National Guard on a realistic mobilization schedule. It would involve for the first time true coordination of reserve and active forces. It would save money.

3. Military forces made leaner by increases in efficiency such as those described here will be better fighting forces. Although the rising cost of manpower is such a major force pushing defense budgets up, important savings are possible by eliminating wasteful manpower practices.

4. The present system of military justice must be overhauled to provide our servicemen with rights comparable to civilians. The importance of this transcends the money savings which might result. Servicemen should not become second class citizens when they swear to defend our country.

5. Discrimination in the armed forces, in all its forms, against any race or minority must be rooted out.

VI. MILITARY PROCUREMENT

(Presented by Vice Chairman, Senator WILLIAM PROXMIRE)

The procurement of major weapons systems has become characterized by mismanagement and inefficiency. Fat, waste, schedule delays, and performance failures have become the hallmarks of the weapons acquisition process. The present situation is not only costly in terms of dollars that could be better spent elsewhere, it is a direct cause of economic inflation.

Misguided government policies have helped bring about a deterioration of the proper relationship between the Department of Defense and defense contractors. Giant firms often receive special and favorable treatment while medium and smaller sized firms are gradually being driven out of the defense business. The Pentagon feeds on the technological expertise of industry in order to satisfy its appetite for new and unnecessary weapons. Too many giant contractors, on the other hand, end up soaking the public for billions of dollars annually at the same time that their uneconomic practices make them dependent for their very survival upon the Pentagon's indulgence.

More than a decade ago, President Eisenhower in his farewell address noted that the conjunction of an immense military establishment and a large arms industry was new in the American experience and he told Americans that they "must guard against the acquisition of unwarranted influence whether sought or unsought, by the military-industrial complex." Reform of the procurement system should be aimed at restoring a sound partnership between the Pentagon and defense contractors based upon a genuine understanding of the public interest. It will not mean the loss of our defense industry, but rather the development of economically sensible practices by both government and industry—practices that will benefit the two partners and provide for the common defense at a reasonable price.

Under the present system of procurement, the incentives are almost the reverse of what they ought to be. No one is motivated to build reliable weapons at the least possible cost. Pentagon officials constantly strive for weapons that are more sophisticated in the hope that they can do more things. The result is a proliferation of expensive weapons that are burdened with unneeded complexity and "gold plating."

Contractors are also unlikely to reduce costs under current policies. In their efforts to obtain new contracts, they frequently make promises about costs or technical risks that are unjustified. Sometimes these unjustified promises are recklessly transmitted to Congress to expedite appropriation requests.

Government regulations designed to guard against contractor "buy-ins," cost overruns, and other problems are sloppily enforced if at all. The government's contractual rights are often waived or ignored. Instead of trying to manage programs efficiently, cutting costs, taking steps to correct problems and enforcing its rights under the contract, the Pentagon's typical reaction is to pay for all cost overruns, accept late deliveries, and be satisfied with poor performance. Defense management has been transformed into a search for the perfect bailout for each sick weapon program.

As a result, the cost of weapons systems has skyrocketed to astronomical heights and the United States may be pricing itself out of the military market. Unless there are fundamental changes in the way weapons are procured, we must either accept fewer planes, ships, and tanks for the same missions, or devote even more of our resources to national defense.

Some of the procurement problems that have been identified pre-date the Nixon Administration, and a number of currently mismanaged weapon programs originated before President Nixon took office. But since then, the Administration's disregard of experience and seeming indifference to waste have been responsible for a series of procurement disasters that are costing American taxpayers billions of dollars.

The C–5A cargo aircraft program is a classic example of mismanagement and inefficiency in military procurement. Originally, 120 C–5As were supposed to cost $3.4 billion. Because of huge cost overruns, the Pentagon decided it could not afford to buy all the planes it once contended were necessary for national defense. The program was therefore cut back to 81 planes. Now it is estimated that the 81 planes will cost the government $4.5 billion—over a billion dollars more, but for one third fewer planes.

In addition, numerous structural defects have been discovered in the C–5A. Wings have cracked in tests, an engine ripped off a plane while it was preparing to take off, landing gear systems have failed repeatedly, and two C–5As have been totally destroyed in accidents. The Air Force, which has obscured the truth about the defects in this program from the American people, has nevertheless accepted delivery of the C–5As knowing they have numerous major deficiencies and has agreed to pay the entire costs of correcting the deficiencies, as well as the costs of the two planes that were demolished.

More and more American dollars are being used to buy less and less real national security. It is anticipated that the F–14 aircraft will cost $20 million apiece. The original estimate for the costs of this program was $11.5 million each. It is interesting to note that the Soviet Union is able to produce its Mig 21 fighter (in U.S. dollars with U.S. labor costs) for approximately $2 million each. For the same number of dollars, the Russians can put 10 planes in the air against one American aircraft. Although the F–14 is a decade newer than the F–4, there are disturbing doubts about whether it was the right aircraft for us to build in the first place.

Two of the largest shipbuilding programs begun by the Navy in recent years have so many problems and are in such great difficulty that there is a serious question as to when, if ever, either one will be ready for service. The first, called the Landing Helicopter Assault Ship, or LHA, has so far experienced a cost overrun of about $500 million and is at least 24 months behind schedule. The Navy reduced the size of the LHA program from 9 ships to 5 ships and will have to pay the contractor around $100 million for the privilege of changing its mind about the number it believes it wants. Congress has already appropriated a billion dollars for this program and not a single ship has been completed, although work has been under way for several years.

Another large shipbuilding program is the DD–963, a new series of destroyers. Like the LHA, mistakes and mismanagement on this project have reached scandalous proportions. Costs have increased by a billion dollars and undoubtedly will continue to climb. As with so many Pentagon programs, delivery schedules will not be met and the delays could be as much as a year or more.

An Army program called the Gama Goat reveals the irresponsible and careless way tax dollars have been handled by the Nixon Administration. The Gama Goat is a truck that the Army planned to buy for $5,000 apiece to replace an older model that cost $4,100 each. It was supposed to be able to travel over difficult terrain and through water as a carrier for artillery pieces with weapons mounted on it. To perform these tasks, it had to be durable and reliable.

None of the promises made for the Gama Goat have been fulfilled. Its unit cost is now more than $15,000 each and going up. It cannot be used to carry artillery pieces. It is inadequate as a platform for mounted weapons, and when it goes into the water, it sometimes sinks. Numerous components have been found defective and unsafe. Deliveries have been running a year late. The first 4,400 Gama Goats accepted by the Army were too faulty to be used and had to be placed in storage until repairs could be made. The vehicle was supposed to have the capability of completing 10,000 miles without a major failure, but it is so unreliable that the Army had to downgrade this requirement to a mere 75 miles. No private consumer would be satisfied with any new vehicle which had only a 75 mile warranty.

After the expenditures of $400 million and five years of disappointing results in developing the Cheyenne helicopter, the Army was recently forced to cancel what had turned out to be a wasteful and extravagant attempt at constructing a close-support aircraft.

Upcoming programs threaten to repeat the recent miserable performance of the Pentagon. The Army is currently promoting its new SAM–D missile. Original price estimates for the missile program were $2.5 billion, but now, even in the planning stages, the price tag has been increased to $5.2 billion. And, with a realistic assessment of the threat and its utility, SAM–D might well be the kind of weapon that should be scrapped.

The examples of waste, mismanagement, and inefficiency are not unique to the C–5A LHA, DD–963, Gama Goat, Cheyenne, or the SAM–D. It is practically impossible to find a major weapon system with which this Administration has been associated that has not suffered a large cost overrun, important technical deficiencies, or significant delays in scheduled deliveries. The most recent figures prepared by the General Accounting Office show that the costs of 45 major weapons have increased by $36.5 billion over the amount originally planned for those same weapons. These overrun costs would have been even higher if all of the contracted weapons had been built.

It is a shocking fact that the Pentagon itself does not know the complete number of major weapons currently in progress. According to the General Accounting Office, the Pentagon does not maintain a central file on the total number of weapons being acquired or their costs.

The relationship between the Pentagon and the defense industry is characterized by a series of abuses that make a mockery of free enterprise and the contract system of procurement.

Most major contracts are awarded through negotiations between the Pentagon and a select elite of corporate giants rather than through competition. In 1971, only 10.7 percent of the $34.5 billion in defense contracts was awarded competitively, the lowest level of competition in 20 years. The dominance of the big corporation and the lack of real competition adversely affects small business. In 1971, the small business share of defense contracts amounted to only 16.4 percent of the total, the lowest level in eight years.

About $14 billion worth of government-owned land, buildings, and equipment bought and paid for with taxpayer money, has been put into the hands of defense contractors—supposedly so they can be used on defense contracts. Most of this government-owned property is held by the giant firms, and investigations by Congress have disclosed that, instead of being devoted to defense contracts, it is often used without proper authorization on commercial work. Large amounts of equipment are simply hoarded by contractors who have no immediate use for it, while the government buys identical or similar new equipment for others who do need it. The Pentagon does not keep adequate inventories or utilization records for billions of dollars of this government-owned property.

Government-owned property in the hands of defense contractors has become a giant subsidy. It increases defense profits, encourages contractors not to invest their own capital, and permits the large firms to engage in unfair competition against small contractors and against firms who do not have defense contracts.

Profits on many large defense contracts are beyond the level of what is fair and reasonable and can only be categorized as excessive.

An inspection of 146 contracts held by some of the largest defense contractors revealed an average profit rate of 28.3 percent on their capital investment and 56.1 percent on total equity capital. Defense profits of some firms have averaged nearly 100 percent per year on capital investment. These windfall profits are another example of how the present procurement system disserves the public interest.

What can be done to improve the military procurement system?

CONCLUSIONS

1. The first step should be to restore maximum competition in the awarding of defense contracts. This can be accomplished by reversing the trend toward the use of negotiation by breaking out subsystems and components of major weapon systems for competitive bidding and by developing a sound system of competitive prototypes.

2. Whenever prototype development is feasible, each new weapon system should be independently tested and evaluated by a group which is not connected with any of the military services. Independent test and evaluation will reveal early in a program the technical difficulties that exist before a weapon is put into full scale production. New weapons should be selected on the basis of their low price, high military effectiveness and, whenever feasible, on a competitive prototype basis.

3. A strict Truth-in-Procurement policy should be followed. Requests for new programs should be accompanied by candid, realistic estimates of full long-term costs so that Congress and the public will be aware, before approval is given, of the total expenditures that will be required. The needed cost estimating and program analysis capability should be established independent of the program advocates.

4. Program management and procurement are handled today as routine service assignments. A full-time professional corps should be created to deal with these specialized functions.

5. Complete records and a central inventory of all major weapons should be maintained and kept up-to-date.

6. A comprehensive information system should be established to provide Congress and the public with periodic and timely reports of the costs, technical performance and delivery schedules of all major weapon programs.

7. Pentagon experimentation with a "Should Cost" analysis technique has identified potential savings of 30–45% in program costs. This technique for identifying major opportunities for reducing the costs of weapons development and production should be actively implemented and aggressive action taken to realize the potential savings.

VII. Conversion of Defense Production To Meet Domestic Needs

(Presented by Vice Chairman Floyd Smith)

THE PROBLEM

Previous sections of this report have shown that military spending can be cut substantially without diminishing the nation's security and without causing added unemployment. However, in order to achieve this, the Federal Government would have to act to ensure sufficient total demand to provide the necessary jobs, and as a matter of fairness, should assist those individuals and communities affected by the transition. These steps are made particularly necessary by the size and special nature of the industry most directly affected by such a shift in priorities.

One of the by-products of federal policy and expenditures during the cold war and the race to the moon has been the development of a new part of the economy: the defense-aerospace sector. Part military establishment, part private corporation—but all guided by federal policies—the defense-aerospace sector reaches into every corner of the country. By 1971, six million Americans were directly dependent upon military spending for their livelihoods. Of this number, 2.8 million were in the armed forces, one million were civilian employees of the Defense Department, and 2.2 million were directly employed in private industry providing goods and services to the military. Additional millions of citizens were economically dependent upon these six million individuals.

The lives of these Americans are directly affected whenever federal policies change. And changes in spending patterns are frequent. They do not result only from the conclusion of arms control agreements or the winding down of wars. They occur whenever a weapons system or military installation is judged unnecessary or a contract is awarded to one firm rather than to its competitors. The Federal Government has a responsibility to assist those whose lives are disrupted by such shifts in the spending of its funds.

Changing national priorities and an altered international situation have generated opposition to massive defense expenditures and major defense industry layoffs have been experienced in recent years. Yet, since President Nixon took office, the Federal Government has taken only the most limited actions, and has done no planning to cushion the impact of shifts in federal spending on these workers, communities, and industries that have become dependent on federal contracts.

The full burden of layoffs has fallen on the employees and their communities. The unions deeply involved in military-aerospace work see the loss of jobs in this sector as part of a broader design by the Nixon Administration. A statement adopted unanimously by the UAW Conference on Conversion on Feb. 19, 1971, blames the Nixon "game plan" of fighting inflation "not by putting pressure on the corporations that were forcing up prices but by slowing the pace of the economy and, as a result, throwing several million workers—both blue-collar and white-collar—into the streets."

Reginald Newell, Associate Director of Research for the International Association of Machinists and Aerospace Workers, told a conference of metal workers in Bremen, Germany (Jan. 14–15, 1971): ". . . The aerospace workers who have lost their jobs are victims of not just one recession but two. For the planned turndown in defense has coincided with an equally planned cyclical turndown for the economy just at the point when the defense effort started to wane. Jobs were lost in both the defense and non-defense sectors."

THE SOLUTION

The basic requirement for a smooth transition to civilian production is a sound economy with enough jobs nationwide to employ everyone able to work. By contrast with the present situation; this means the creation of millions of new and useful jobs.

The welfare of the worker and his family must be put first in planning and then carrying out this shift to new public priorities. In that regard, it must be recognized that

the generation of new jobs takes time. New government programs must be organized. New equipment has to be built and installed. New skills must be developed. While these steps are being taken, special measures will be needed to help affected defense and aerospace workers over the period of transition.

A. NEW JOBS FOR UNMET DOMESTIC AND PUBLIC NEEDS

Reductions in military spending need not mean increased unemployment. In fact, it is possible to achieve full employment—if we will only spend the money necessary to meet our urgent domestic needs. Such jobs, since they will supply goods and services which the American people require on a continuing basis, will provide a much more stable job situation than our defense and aerospace workers have known in the past. No longer will they be subject to the vagaries of defense contracting. They will provide public services and consumer goods for which a growing America has a constant and expanding demand.

Studies prepared for Senator McGovern, based on phased reductions in military spending of $8 billion each year over four years, show *a net gain of 1.5 million jobs during that period*. This calculation is based on the assumption that half the savings would go to civilian government expenditures, one-fourth to personal consumption (through a cut in taxes), and one-fourth to construction.

And a study by the U.S. Bureau of Labor Statistics, *"Post-Vietnam Economy, 1975,"* found that state and local spending for health and education would generate a significantly higher number of jobs per unit of expenditures than military spending.

The shopping list of unmet public needs is so long it would require years of vigorous effort merely to clear away the backlog. As a minimum, we must place high on this shopping list: public transportation, housing, development of new energy sources, air and water pollution control, solid waste disposal and recycling, expansion of recreation facilities, health care, drug abuse prevention and rehabilitation, crime prevention, and meaningful education for Americans of all ages.

If we spend the money necessary to meet these urgent public needs, we will have to construct, equip, staff and maintain new and expanded facilities of unprecedented scope and variety. For example, the Council on Environmental Quality has estimated that the costs of pollution controls to meet current standards in the 1970's will be $287 billion. This is the equivalent of about three years of military spending at today's levels. At that level of activity, we would soon find a shortage, not an excess, of available workers.

Without awaiting the first reductions in military spending, a new Administration would rapidly ask Congress to authorize job-generating programs to begin to meet these needs. As the military budget is cut and tax reforms achieved, additional funds would become available for new public investment.

The backlog of unmet needs offers a new opportunity to introduce long-range planning for economic development. A series of TVA-like regional economic development agencies might be established to share the role of planning with the Federal Government. These regional agencies should begin the process by making an inventory of regional needs, and should become increasingly important as centers of initiative for economic development and local participation.

To meet these needs the Federal Government—as well as regional state and local government units—would have to offer many new contracts to private firms. Defense and aerospace firms would have their chance along with others to bid competitively for these contracts. Defense aerospace companies have achieved technological marvels by pooling the labor of highly skilled men and women, the systems approach in engineering and great productive resources. The same combination can be applied to civilian pursuits. Companies and workers presently engaged in defense and aerospace would thus be able profitably to help meet a growing domestic agenda.

Technical innovations by companies and individuals working in the space program have already found their way into such earth-bound improvements as better kitchen appliances, farm equipment, sewing machines, radios, medical instruments, tools, ships, airplanes, comunications, weather forecasting and storm warning. Firms should now be encouraged to pursue improvements of this kind directly with less reliance upon indirect spinoffs. The special talents and resources already concentrated in the defense-aerospace firms are, for instance, readily transferable to work on environmental pollution problems of all kinds; space satellites can transmit information, analyze weather, identify natural resources and detect corn blight and other dangers in agriculture; quiet, clean and dependable transportation systems are needed, including new types of passenger trains and short and vertical take-off airplanes; traffic control systems for cities, airports, and sea lanes must be developed; production of computerized medical diagnostic systems and intensive care units can absorb the skills of our defense engineers and skilled workers; and the development of new methods of energy production, transport, and storage, particularly in ways that will reduce the environmental impact of our growing energy consumption, can use the best talents of our scientists and engineers.

Federal funds must be invested in research and development in the entire broad range of civilian needs. In addition, the Federal Government should consider support for research with purely commercial applications, especially in the case of smaller firms, and should facilitate the employment of scientific and technical workers by local and state governments.

Some military-oriented firms have already converted part of their production to civilian work. Between 1960 and 1972, for example, TRW Corporation reduced the military share of its business from 75% to about 18% of the total. Its workforce expanded during that period from 20,000 to 75,000. Major contracts on the Bay Area Rapid Transit System (BART) in the San Francisco area are already held by aerospace companies. A California aerospace firm also holds a contract on the Metro subway system in Washington, D.C. Raytheon, a Massachusetts defense contractor, now derives most of its income from the sale of refrigerators, stoves, and the design of chemical plants.

Skills as well as entire enterprises can be transferred to civilian work. One study by the Department of Labor analyzed 127 occupations in which 5,600 workers were employed in the California missile industry. Their conclusion: "The skills employed in 121 of the 127 occupations . . . were found to be transferable without major retraining." Even when the new products do not require the "high technology" that has characterized defense and space production in the past, the individuals involved can quickly make the transition and can soon be producing quality products for the civilian market.

However, defense-aerospace firms have received no guidance or encouragement from the Federal Government, and most of them have not planned for conversion to civilian work. Abraham Ribicoff, chairman of the Senate Subcommittee on Executive Reorganization and Government Research sent a questionnaire to major industries and contractors requesting information on their plans to convert to peacetime pursuits. In a report released in September, 1970, Senator Ribicoff commented: "Most industries have no plans or projects designed to apply their resources to civilian problems. Furthermore, they indicated an unwillingness to initiate such actions without a firm commitment from the government that their efforts will quickly reap the rewards to which they are accustomed. Otherwise, they appear eager to pursue greater defense contracts or stick to proven commercial products within the private sector."

The Federal Government must now make a firm commitment to new priorities and funding in civilian areas that will induce these firms to make the shift.

B. AID TO WORKERS AND COMMUNITIES

Workers and communities in which they live should not be penalized for the past negligence of the Federal Government and of defense managements. Individuals who are laid off must be offered income support, retraining opportunities, continued health insurance and portable pensions until a new job is found. Similarly, the Federal Government should stand ready to guarantee employment to those who are unable to secure work in the private sector.

A very simple but essential means of cushioning the impact of shifts in spending is to provide ample notice to the companies and employees whenever a change can be foreseen. Defense procurement plans could be established—subject to changes in military threats—at least three and possibly five years in advance.

We believe that a combination of full-employment policies and special measures to aid employees and communities during the transition from military to civilian work would, indeed, ease this transition. Our proposals, however, raise a broader question of public policy. If the defense-aerospace employees whose livelihoods are affected by federal policies deserve certain kinds of assistance, should not other workers whose livelihoods are affected by federal policies receive comparable assistance?

A recent precedent has been established through collective bargaining by providing long-term income security for employees thrown out of work on the railroads under the Amtrak system. What, then of the workers who lose their jobs because federal environmental standards are imposed on their employers? Or those displaced by new technology which has been subsidized by the federal government? Or those whose jobs are lost through shifting patterns of world trade? We believe that a single national policy should be formulated to provide assistance to all workers whose livelihoods are adversely affected by major national policy decisions of the Federal Government.

FEDERAL LEADERHIP

The process of converting portions of the defense and aerospace industry to peacetime activities cannot be carried out by the Federal Government alone, nor by one central authority. Private firms, labor unions, civic and educational organizations, professional and trade associations, and state and local governments must be participants in the process. Yet the history of the past two decades should teach us that these groups are reluctant to initiate the required actions without leadership by the Federal Government. That leadership must come from an Administration whose top priority is to provide a meaningful and socially productive job to every American seeking work.

Useful work for all, particularly in helping meet America's public needs, must receive an unstinting commitment on the part of the Federal Government. Evidence of a firm commitment to this goal would come through the creation of a Special Action Group on Peacetime Jobs in the Executive Office of the President. This group would prepare the new approaches and eliminate bureaucratic

inertia and indifferences which have plagued the conversion process until now.

LOCAL ACTION NOW

Interested citizens can begin immediately to prepare the way for peacetime conversion. The groundwork should be laid now in local communities across the country.

The single most useful project which can be undertaken locally is a double inventory—an inventory of unmet public needs and an inventory of available defense-aerospace resources. A comparison of the results can suggest the degree to which these domestic needs might be met through conversion of local military-oriented facilities.

How many new classrooms are needed in the community? How many hospitals? Subway cars? Sewage plants? Drug centers?

What kinds of equipment do local defense plants and military installations possess? What kinds of skills? How many workers? How much space? If there are no local military-oriented firms, are the civilian companies involved in meeting the local needs.

Teams of citizens from different backgrounds—labor unionists, engineers, economists, professors, housewives, businessmen, architects, students—can work together, with the aid of local officials, to find this information. Much of it exists in the relevant local government and private agencies. A local delegation can determine whether arms and aerospace industry management is planning for civilian production and encourage such activity.

Whatever information is assembled should be publicized as widely as possible in order to stimulate a community dialogue on peacetime jobs and new priorities.

CONCLUSIONS

1. A small minority of Americans—workers in defense and aerospace industries—must no longer carry the entire burden of achieving new national priorities.

2. The creation of millions of new jobs is the most important step that the Federal Government can take to assure a successful conversion from military to peacetime pursuits.

3. The unique technological capacities of defense and aerospace workers can be shifted to areas of unmet public needs, including housing, transportation, pollution control and health care.

4. The Federal Government must take the leadership in planning for the transition, encouraging firms and communities to develop their own plans as well.

5. Workers must be provided with income support and other forms of assistance during the period of transition.

6. Citizens should begin now, in their local communities, to inventory their needs and resources, to facilitate the process of transition.

GENERAL CONCLUSIONS

For several years now, the size of the defense budget has commanded national attention and sparked Congressional debate. The time has come to face the real issue. This involves more than just the level of military spending; it concerns the meaning of national security itself.

Does our national security rest on the achievement of ever greater military power? Will we be secure as a nation if military expenditures continue to dominate the federal budget? Or does national security depend also on the condition of our nation at home; on the balance between the common defense and domestic tranquillity; on the progress and prospects of all our citizens?

We recognize the need for the military strength that will provide the unquestionable capability to defend ourselves and our interests from physical attack. But we also believe that national security requires a federal budget which does not sacrifice our other vital needs in such areas as health, transportation, housing, pollution control, education, and the other ingredients of a successful society. If the costs of our weapons, our troops and our wars are allowed to bankrupt our ability to provide a decent life for our people at home, then we have military power without national security. The total available for public needs cannot fairly be expanded by adding to the heavy tax burdens of the average American. Today the quality of life for millions of our citizens is steadily eroding while pressing domestic needs are postponed for still another unnecessary or even dangerous weapons system.

Even from the limited military perspective, the Nixon Administration management of our defenses has been marked by failures—the failure to bring about the promised end of the Vietnam War, the failure to achieve efficiency and economy in weapons development and procurement, the failure to make effective use of expensive manpower. But the more basic flaw in the Nixon Administration's military spending policies is that they ignore the larger view of our national security. New weapons ideas are pursued and outmoded armaments are continued in heedless disregard of their practical value. Even worse, billions are squandered on weapons systems we should know to be useless, with the feeble excuse that these will be valuable "bargaining chips" to be traded away in some future international negotiation. The Administration spent billions on an ABM "bargaining chip," although both we and the Russians knew that no existing ABM technology could protect against nuclear devastation. We're left with the ABM build-up, but the billions are gone forever. They could have been used for housing and food, hospitals and roads, and the other goods and services we desperately need at home.

Now, with the initial SALT agreements but a few months old, the Administration wants to buy more "bargaining chips," at a cost of many more billions, in the form of a new nuclear submarine force, a new strategic bomber fleet and new warhead systems. Both we and the Soviets know that nuclear war means annihilation for both our societies, and each side has invulnerable nuclear retaliatory power to assure deterrence. New "bargaining chips" are thus simply more waste of our valuable resources. They don't improve the chances of further agreements. They and the whole "bargaining chip" approach only fuel the competition and tension which make effective agreed controls more difficult.

We need the military power to deter or repel attacks on our own shores and on the countries whose defense is essential to our interests. But we have that necessary military power in abundance. We can retain it under a rational program which builds piece by piece to meet real threats, not imaginary ones. Billions upon billions in our present budget go for types of military capability we do not need and should never use. Billions more go for bases and forces abroad that are excessive, inordinately expensive and unrelated to genuine security requirements.

The time has come to begin a broadened and balanced approach towards national security and national priorities. The papers in this study, prepared by recognized experts and reviewed by a broad-based citizens' panel, have examined from that new perspective the four major areas of U.S. military expenditures—strategic arms policies, general purpose forces, military manpower, and military procurement. The conclusions emerge:

Military strength remains essential, but there are very real limits to the capability of such strength to enable us to attain our international goals of a secure and stable peace.

For the United States, national security and international strength begin at home. Continuation of Nixon military policies will mean vast increases in costs—unjustified by any military needs. These increases, and the excess in current budgets, rob urgent public and private needs.

The objective of our strategic nuclear forces can only be deterrence of nuclear war, which no one could win and against which there is no effective defense. Our strategic deterrent—and our forces are now more than ample for deterrence—must be maintained. But America must also refrain from accelerating the nuclear arms race, as proposed by the Nixon Administration, by programs which are not just unneeded and wasteful, but actually make the strategic balance less stable, and future arms control harder to achieve.

We can maintain the general purpose forces we need for our own defense and assistance to countries, such as Israel, Japan and NATO Europe, to whose defense we are properly committed, at lower cost in dollars and men. To do this we must realistically assess threats and contingencies, insist that allies bear their fair share of the burdens, and stop "gold-plating," and bureaucratic rivalries which are making weapons costs skyrocket.

Our military manpower policies must be fundamentally reformed. Measures such as eliminating top-heavy headquarters, cutting back on overblown support echelons, ending wasteful and disruptive personnel management and relieving pressures for careerism and orthodoxy will not only save money, they will restore morale and pride in service in our military forces.

The sorry and familiar spectacle of uncontrolled waste and profiteering in procurement must be halted. Both the way in which weapons decisions are made and the system of defense procurement contracting and management contribute to the present intolerable waste and both must be corrected.

Finally, a new approach to defense policy must ensure that workers, industries and regions now heavily dependent on defense work not bear unaided the burden of the necessary changes. With proper advance planning—which the Nixon Administration has totally neglected—and switching funds into urgent government and private programs, local unemployment and dislocation can be minimized, and the total number of jobs significantly increased.

Under Nixon, military programs present and planned have expanded far beyond our reasonable needs for weapons and forces, while military efficiency and morale have declined. We call for a new approach which would substitute for inexorably growing military spending a new program which is concrete and cost-effective.

With the elimination of wasteful and dangerous elements in our present budget the United States would still retain more than enough in nuclear forces to prevent any use of foreign nuclear power, and more than enough in conventional forces to protect our vital interests abroad, such as Western Europe and Israel.

The savings generated by this realistic approach would make available from the federal budget a new ordering of national priorities. With the ending of the undue military drain on our resources, the health and happiness of our people at home could be more adequately served through expansion of federal aid in transportation, environment, medical care, environmental protection, education, housing and other vital areas. Workers no longer needed for deadend military production could quickly be put to work producing goods and services that improve the quality of life, not the quantity of death. The domestic areas which should and would receive greater national support would yield new and more secure jobs. The United States can have prosperity with peace and without

the artificial prop of unnecessary military spending.

* * * * *

We offer this report in the hope of fostering the growing national dialogue concerning the proper balance between our military and domestic expenditures and the proper management of our military establishment. The subjects we have analyzed are difficult and not free from controversy. But in the long run we believe that forthright public discussion of these questions will improve our national decision-making process. Such improvement is needed, for the personal security and welfare of millions of Americans are at stake in the achievement of a more balanced national budget, which makes adequate provision for our military strength and yet makes available the dollars and resources needed for a strong society. Both are essential to our national security.

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

Mr. PROXMIRE. I am happy to yield to the distinguished Senator from Missouri.

Mr. SYMINGTON. Let me congratulate the able Senator from Wisconsin. He, more than anyone, has contributed to informing the public about the unnecessary excess cost of defense spending, including the size of actual cost overruns as against estimates in many areas.

As example, take the main battle tank. Its development was begun and continued without much publicity, as is true of so many other weapons systems. Secrecy was involved. The secrecy was broken. Now the program is scrapped.

Many of us thought the Cheyenne helicopter was unsound because of both cost and mission. We were argued down. Now it has been voluntarily scrapped by the Army, at a cost of over $400 million to American taxpayers.

Most important of all was the fight led by the able Senator from Wisconsin against the anti-ballistic-missile system. Some of us opposed this theoretical masterpiece for many reasons, primarily because of its inability to work as planned, and the ease with which it could be saturated. We objected without success for a long time. Now the entire program, in effect, has been scrapped, but it has cost the American people unnecessarily billions upon billions of dollars.

Mr. PROXMIRE. Mr. President, if the Senator will just yield for a moment, let me say that the Senator from Missouri led that fight. The Senator from Wisconsin was delighted to be among the troops and spear carriers supporting him.

Mr. SYMINGTON. The Senator is kind but not entirely accurate.

This week we entered into discussion of the Trident submarine. For years a new nuclear carrier was rejected on the grounds it cost too much money and was becoming vulnerable. These new Trident submarines cost $400 million apiece more than the most expensive aircraft carrier ever built—10 submarines for $13,500,000,000. The Senator from Wisconsin recently told the Senate that in the Pentagon now the plan is to have 16 of those submarines, not 10. That would be a cost of $21,600,000,000 for 16 ships. Where is that kind of money going to come from?

Here is an interesting aspect of this submarine problem: In the SALT agreements arranged in Moscow by President Nixon and Dr. Kissinger, we agreed on 710 launchers as the maximum number we could have. The Soviets' newest submarines, the Yankee class have only 12 launchers. The Polaris has 16, the planned new Trident 24. Therefore, we are voluntarily agreeing to have eventually less than 30 submarines, as part of our arrangement with the Soviet Union, despite the fact that, as everyone knows, the great advantage of such submarines is the capacity to disperse our nuclear missiles.

I am not as well informed on this subject as the able Senator from Wisconsin, but would ask if, to the best of his knowledge, what I have stated is correct.

Mr. PROXMIRE. The Senator is far better informed than I or almost any other Senator I know of. The Senator is absolutely correct. The point the Senator has made today, and what I think we should recognize, is that what we do to our dispersal situation is very important. If we concentrate on a small number of submarines, the name of the game is becoming more an more to locate the enemy submarines and eliminate them. So we would be far more vulnerable and less effective in providing a believable deterrent against a first strike.

I ask the Senator from Missouri, who is an outstanding expert both on foreign policy and defense policy, if that is not correct.

Mr. SYMINGTON. It is assuredly correct. Based on the 950 launchers we allow the Soviets, it means that, whereas we will be limiting ourselves to 30 submarines, we are allowing them some 80 submarines of latest design.

Mr. PROXMIRE. So it is not only a matter of wasting money but also a matter of having a less effective military force, something that I think has been badly overlooked in assessing the whole McGovern approach. He is not interested in enfeebling our force; he wants a stronger force.

Mr. SYMINGTON. The American people have the right to ask why.

Once more, we get back to what was brought up by the Senator from Florida and the Senator from Oregon, this question of unnecessary secrecy. Why is not the security of the United States just as important a matter to all the people of the United States as it is to Members of Congress? I do not question anybody's motives, but why should we be the only ones who know about the reasons for decisions that many of us believe to the point where they could destroy the value of the dollar?

Mr. PROXMIRE. I thank the Senator.

I want to make one more point. I should like to point out that what Senator McGovern, has said is that over 3 years he would make this reduction. Each year there would be a reduction in military spending. However, that reduction, it seems to me, would take cognizance of what is going on in the world. It would take cognizance of what the Soviet Union does. Many able people argue that when we go up with our military spending, the Soviet military spending goes up; and they argue that if our military spending went down, perhaps theirs would go down. That may or may not be realistic.

In order to understand what Senator McGovern is driving at, you have to understand this point fully. He has made it clear that he would not permit the United States to become a second-class power; he would not permit the United States to become inferior. I think this would safeguard our position and be consistent with his argument. He would like to have us go down to $55 billion, but only if we can be consistent with maintaining full military security.

Mr. HUMPHREY. Mr. President, I am pleased to join with Senator Proxmire and other Senators in drawing attention today to the distinguished document on national security produced by a panel of advisers for Senator McGovern. This panel represents an assembly of distinguished men and women whose advice and counsel is a credit to the Democratic presidential candidate, as well as to themselves.

I would like to draw particular attention to chapter III of this report, the chapter entitled "Strategic Arms." This chapter, done under the chairmanship of Mr. Herbert Scoville, Jr., focuses on what I consider to be the crucial issues affecting our overall nuclear strategy and negotiating posture for future arms limitation and disarmament agreements. It puts into proper perspective the utility of particular weapons systems for our defense, and the disutility of blind support for any strategic weapons endorsed and designed in the name of American national security. It points out very clearly the underlying principle for successful negotiations in noting the potential advantage of the Moscow agreements.

The potential advantage of the SALT agreements is that they recognize the existence of mutual deterrence. To support the objective of mutual deterrence, we must not only have the forces necessary for a secure deterrent, but we must adopt a national attitude and program which understands and recognizes the present strength of that deterrent on both sides and does not appear to undercut the security of the Soviet deterrent or to belittle the strength of our own.

I think this brief paragraph summarizes well what this debate is all about. It states how we can place a lid on defense expenditures, how we should evaluate our own defense requirements, and how we can best continue the momentum which is building to halt the arms race and achieve general and complete disarmament.

There is nothing utopian about this desire, and this chapter on strategic arms discusses the realities of what we face in an objective, deliberative manner. It places the emphasis exactly where it should lie—on mutual restraint, to be exercized by all nuclear powers, particularly the Soviet Union and the United States. The emphasis should not be on bargaining chips, if the chips mean rushing headlong into new programs which offer little promise of providing any additional security and, instead, offer much more certainly of a continued destabilizing arms race with the Soviet Union.

For a politically charged season, this document warrants bipartisan review. It warns us of the possible costs of going

full steam ahead on such systems as the Trident submarine, the B-1 bomber, or an advanced accurate MIRV system capable of destroying hard targets such as missile silos. The lessons of the past are telling enough for us to realize that these are not chips to bargain away as far as the Russians are concerned. From their point of view they are new, offensive threats, inviting a new comparable response in the Soviet Union's accelerated effort to achieve equality and then superiority in its nuclear arsenal with the United States. Not only are these weapons destabilizing, but their cost is phenomenal. Their production merely promotes on the part of both ourselves and the U.S.S.R. an expanded arms race.

Instead, this report suggests what many of us in the Congress have also been suggesting for some time. It offers the principle that we should substitute for weapons development a concentration of our efforts on negotiating qualitative controls like some arrangement with respect to antisubmarine warfare capabilities, in the next round of SALT. It stresses the importance of concluding a comprehensive test ban as a means of discouraging further proliferation of nuclear weapons to presently nonnuclear countries. The comprehensive test ban would also put a damper on the entire arms race as this report points out so effectively. It is the comprehensive test ban, and preparation for SALT II which are the chips of the McGovern panel report. They are the chips we can and should advance as the most realistic way to obtain arms control agreements. They are the chips that I have urged this Government to hold for some time now.

The panel report discusses other aspects of our national security in considerable depth. It is a document which is worthy of our attention and has been endorsed by Senator McGovern. I commend it to the attention of my colleagues in the Senate and congratulate Senator McGovern for soliciting the advice and recommendations of this most distinguished and respected panel of qualified experts in the field of national security.

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

Mr. PROXMIRE. My time has expired.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. However, the distinguished Senator from Arkansas has the next 15 minutes, and he can be recognized in his own right.

Mr. FULBRIGHT. I only wish to invite the Senator's attention to an article in today's Washington Post confirming exactly what he said about Soviet spending going up if ours goes up. It is a discussion by Mr. Victor Zorza of the effect of the Jackson amendment. The counterpart of the Jackson school of thought in the Kremlin is saying exactly what was said here in the Senate. We are increasing military spending so they, too, go up. We cannot rely on anything but armed force. They cannot rely on our good will or trust or confidence; and, vice versa, we cannot rely on them.

This confirms what the Senator has said.

Mr. PROXMIRE. I thank the Senator.

Mr. FULBRIGHT. I congratulate the Senator for the exchange he just had with the Senator from Missouri. I have heard them say this before. I think the logic of what they say, both from a financial point of view and from a military point of view, is unanswerable.

The Senator from Missouri and the Senator from Wisconsin have expressed plain commonsense in what they have said about the concentration of so much money in a few Trident submarines, which will obviously be more vulnerable than the smaller submarines. It simply reflects an obsession, a kind of madness or foliede grandeur, to try to prove that we can build the biggest of everything—the biggest submarine. Whether it is good or not, it is the biggest.

Mr. PROXMIRE. If it is not the biggest, it is certainly the most expensive and costly.

Mr. FULBRIGHT. It is both. We build the most expensive buildings, and too often the ugliest, and we are doing it right now, and it is the same in this field. It is a madness that has afflicted us, and we have not yet found the cure.

The Senator from Wisconsin and the Senator from Missouri have stated it in language that is understandable. Why there is not a greater response in this body and in the public is beyond my comprehension.

Mr. SYMINGTON. Mr. President, will the Senator yield on his time?

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. Let me read into the RECORD at this point remarks made by a well-known and distinguished admiral. He states—and this is much of the whole story, right here—

> The military services in recent years have shown a tendency to acquire weapons which have been more noteworthy for their technological complexity than their basic military effectiveness. All too often, these excessively complex weapons have performed worse under combat conditions than the less exotic systems they were designed to replace, or the simpler weapons in the enemy's inventory.

I say to the Senate that is exactly what I found out when visiting the battle areas in the Vietnam theater: These theoretical engineering geniuses back here designing weapons systems so complex they could not be utilized properly in actual combat.

Mr. FULBRIGHT. The Senator is absolutely correct. One need not go to the battleground. One can watch the wheels fly off the C-5A when it lands in this country. One need not go any place else. They fall off right here, before the television camera. The Senator need not go there to see the F-111 fall out of the skies. They have fallen out of the skies I do not know how many times.

Of course, they were a complete bust, a complete waste of money—$7 or $8 billion between the two. On the C-5A, the overruns alone are somewhere in the neighborhood of $2 billion, if not more. So the Senator need not go very far to see these examples.

Having no useful mission to perform, the technologists are simply trying to demonstrate their dexterity, just to prove they can do something. It reminds me of the old Meccano set—just keep piling it on bigger and bigger, until it collapses.

POLITICAL SPEECHES IN THE SENATE

Mr. FULBRIGHT. Mr. President, I was a little taken back yesterday by the rather vicious attack by the distinguished Senator from Pennsylvania upon those of us who feel it is our duty to present our views in a public forum. The only public forum we can afford is the floor of the Senate. We cannot afford to buy television time, as the Republicans do. We do not have $45 million or $50 million to purchase television time. The only recourse we have is the time on the Senate floor, even though nobody is here to listen.

We have done what we can to put into the public domain basic facts regarding the state of the Nation. For the Senator from Pennsylvania to take offense at this, it seems to me, is a little out of order.

I was previously a little dubious as to whether it was worthwhile to say anything in the Senate, until the Senator from Pennsylvania, indicated that it was getting under his skin, that he did not like it. Therefore, I decided that it was worthwhile to proceed. Whether or not anybody listens is debatable, but the facts are there for the taking by the press or anybody else.

I confess, in the first place, that much of this is not new, the only thing that puzzles me is that, having been in the public domain, having been available, there has not been a greater recognition of its significance.

RECORDBREAKING DEFICITS AND RECORDBREAKING MILITARY BUDGETS

Mr. FULBRIGHT. Mr. President, the Senate is considering a proposed $250 billion ceiling on Government spending in the near future.

I find it highly ironic that the Nixon administration, with its recordbreaking budget deficits, is now talking of a limitation on spending. This administration has consistently worked to increase spending—for the military, for the space program, for bailing out mismanaged corporations, such as the Lockheed Corp., and the Penn Central Corp., and for a host of foolish foreign ventures which I will discuss later, because as I understand it, when the morning hour is over, we will go right on to foreign aid. So I will go into the foreign ventures in greater detail then.

I invite attention to the fact that the House, bemused as it is with the foreign field, just yesterday voted an enormous amount of money for foolish foreign ventures, which will, of course, go to conference, and we will hear more about that later.

President Nixon has, it is fair to say, worked to cut spending in some areas. That is, he has worked in areas of health, education, and community development to restrict expenditures, and also in one area about which I feel particularly sad, and that is public broadcasting. Public

broadcasting was one area in which there was some reasonable possibility that the views and facts presented in the Senate could be presented to the public. Public broadcasting has been much more interested in and has given much more time relative to its resources to the presentation of hearings of the Senate and the House and the other activities of Congress than have commercial broadcasters because such programs can hardly find commercial sponsors. It is difficult to get commercial sponsors for coverage of any hearing in Congress. I regret very much that the President vetoed the bill for public broadcasting.

Mr. President, the indisputable fact is that the deficits accumulated under President Nixon are the largest in history except for World War II. Likewise, it is indisputable that the military budget under the Nixon administration is the largest in history and has increased yearly. All this from a man who, 4 years ago, was promising a balanced budget and who now boasts of "winding down" the war in Southeast Asia, of an "era of negotiation" and a "generation of peace," while spending more and more for military purposes and for public relations activities.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a table showing the budget deficits accumulated under the Nixon administration.

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

DEFICIT OF FEDERAL FUNDS

(Administrative budget)

Fiscal year:	*Billions of dollars*
1970	−13.1
1971	−30.0
1972	−28.9
1973	*−37.8

* Estimated figure—source: Office of Management and Budget.

Mr. FULBRIGHT. Mr. President, it is the administrative budget—not the so-called full employment budget or any other accounting gimmickry—which is the basis for calculating the national debt, now at about $450 billion. About $110 billion of this total—roughly one-fourth of the national debt—will have been accumulated under the Nixon administration. I might add that the Nixon economists have an extremely poor record in forecasting deficits, having never yet come close to the actual figure. There are many independent experts who feel that the 1973 deficit will exceed $40 billion.

I cite these figures because it is important to understand what the Nixon defict spending is doing to the Nation's financial condition. The one major factor in building these staggering deficits has been the President's insistence on escalating the military budget.

There have been reports this week of studies which show that the military budget will soon reach $100 billion annually, based on current programs of the Nixon administration. In fact, the overall costs for military and military-related programs has already gone well past $100 billion under Mr. Nixon. The Joint Economic Committee has calculated that the fiscal 1973 request for spending authority for military and related expenditures, including veterans' benefits and most of the interest on the national debt, at about $120 billion. Although President Nixon boasts that "only" 32 cents of every budget dollar goes for military purposes, I calculate that actually about 62 cents of every tax dollar goes for military and related expenditures or for the space program.

Let us look at some of the specific effects which Mr. Nixon's policies have had on our lives and our economy.

COST OF THE WAR

On September 13, I spoke at some length in the Senate about the cost of the war in Southeast Asia under the Nixon administration. The figures I cited tell a tragic story.

Since Mr. Nixon became President, almost 20,000 Americans, 89,000 South Vietnamese and 450,000 enemy soldiers have died in the conflict—more dead than the population of five of our States. Since his inauguration, almost 108,000 more American servicemen and 425,000 South Vietnamese have been wounded.

The rolls of the POW's and the MIA's lengthen each day American involvement continues. Seventy-six more Americans have been taken prisoner and 466 more are missing since this administration took office. According to press reports, 84 Americans have been lost over North Vietnam since last March; in all 175 fliers are missing, 72 have been killed, and 55 wounded.

During the Nixon years a total of 3,529 aircraft—fixed wing and helicopter—have been lost in Southeast Asia. Eighty-four aircraft have been lost over North Vietnam since the resumption of the bombing in April. The cost of each F-4 shot down over North Vietnam would pay for an annual salary of $9,000 to 30 schoolteachers.

Ten B-52 sorties would provide $2,000 scholarships to 210 needy students or build a 22-bed nursing home. The cost of an average month's sorties would approximate the administration's attempted cutback of $47 million in the school lunch program last year—a cut that would have reduced the number of students assisted by 600,000.

The $52 million cost of the 105 helicopters lost in the 1971 invasion of Laos equals the cost of 17 local health centers which could each treat 40,000 persons annually.

We spent $400,000 to build "isolation wards" at Con Son Prison in Vietnam, an amount which would have allowed construction of 20 badly needed public housing units for the elderly.

Earlier this year a $445,000 movie theater was opened on the American base at Long Binh, Vietnam. The 20,000 military and civilian personnel there at the time had their choice of more than 100 movies each evening, plus bowling alleys, massage parlors, male beauty salons, swimming pools, 60 bars and vast sports facilities. I do not know what the poor people of Vietnam will do with these luxurious facilities. Contrast this extravagance with the Nixon administration's efforts to cut off all Hill-Burton grants for hospital construction in this country.

Using the executive branch's extremely conservative figures, by the end of the current fiscal year the Nixon administration will have spent more than $54.5 billion on incremental war costs, only slightly less than the amount spent in the Johnson war years, or $260 for every man, woman and child in the United States.

Somehow many Americans have been deceived into believing that our involvement in the war has ended. The President would like the American people to believe that only the 37,000 Americans in Vietnam are involved in the war. In truth there are some 150,000 in the Far East involved, either directly or in support operations. According to the Defense Department, 148,200 members of the Armed Forces received hostile fire pay—combat pay—in June.

The Washington Post has labeled Mr. Nixon the "greatest bomber of all time," a title he justly deserves. During the Nixon years more than 3.7 million tons of bombs and other air munitions—2 tons every minute in recent months—have been used to devastate the people and landscape of Indochina.

Mr. Nixon's overall bomb tonnage can be compared to the 2 million tons dropped by the United States on two continents in World War II, and 1 million tons in Korea, the 33,000 tons used by the British in Malaya. Mr. Nixon's tonnage is the equivalent of 185 Hiroshimas, roughly one a week according to figures compiled by Project Air War.

Every American should know that this war is costing the Nation at least $20 million a day. Thus we spend more on the war in 3 days than all the municipalities and counties in Arkansas combined will receive in a year under the proposed revenue-sharing legislation as approved by a House-Senate conference.

Of course, much of the cost of the Nixon war will be paid for by the children and grandchildren of current taxpayers in the form of interest on the debt, veterans' benefits, and social consequences such as the drug addiction of veterans and resultant crime.

Probably the most devastating impact on the lives of every-day Americans has been the inflation created and nurtured by the war. From January 1969 to June 1972, the consumer price index rose 17.2 percent. Regrettably, many Americans do not seem to realize how much the excessive military spending has contributed to inflation, although every grocery shopper can readily testify to the increased prices.

The pockets of all Americans have been picked by President Nixon's failure to keep his campaign pledge to end the war. When he came to office, the average American worker was earning $118.13 per week, measured in 1967 dollars. By June 1972, the Nixon war and economic policies had reduced workers' real weekly earnings to $108.31. Thus the Nixon policies have taken $10 out of every worker's weekly paycheck.

Of course, as I have frequently stated,

the real cost of the war cannot be measured in dollars or statistics. Prof. Henry Steele Commager comments on this in a review of Richard J. Barnet's book, "Roots of War," in the October 5 issue of the New York Review. Professor Commager, one of our most distinguished historians, writes of the war's cost:

It includes the tangible burdens like payments on the debt which is saddled on future generations—Nixon's business-minded administration has managed to add some seventy-five billions to that debt in three years—or the increased cost of everything, or the ceaseless waste of the natural resources of the entire globe. It includes impalpable but ultimately more costly things like the waste of talent and of labor on the work of destruction rather than their application to the work of construction; it includes the distraction of the best minds of this and other nations from the tasks of true statesmanship, and the steady deterioration in the quality of life for the majority of the American people, not to mention the Vietnamese; it includes forcing other nations to follow the American example of distraction and waste in sheer self-defense.

OTHER MILITARY COSTS

Mr. Nixon's tragic excesses have by no means been limited to the war in Vietnam. As I mentioned earlier, his overall military budget is the largest in history.

For example, the Center for Defense Information estimates that the United States will provide more than $9.5 billion in military assistance to foreign countries this year. That is about five times as much as the Nixon budget provided for higher education and vocational education combined.

While the Nixon administration has poured billions into dubious military projects, funds for a number of vital domestic programs have been impounded. At the end of fiscal year 1972, the Nixon administration was impounding some $10 billion in fund appropriated by Congress and intended to be spent primarily for domestic development purposes. This administration obviously preferred to put funds into foreign military aid.

Among the funds impounded by the administration have been appropriations for water and sewer systems, rural electrification loans, highway construction, urban mass transit and airport facilities.

Of particular importance in Arkansas is the Farmers Home Administration grant and loan program for water and systems for small communities. Such systems are the backbone of growth for our smaller towns and by aiding their development we can ease the burden on our urban areas. However, for fiscal 1973 the President asked no new funds for FHA water-sewer grants, proposing only to spend a portion of the $58 million impounded in fiscal 1972. In fiscal 1971, only $44 million was allocated by Mr. Nixon from a $100 million appropriation.

In Arkansas alone there are 145 unfunded applications for $35 million in loans and grants. Nationally, an estimated 34,000 towns of under 5,500 population lack adequate water systems and 49,000 lack adequate waste disposal systems. Twenty to 25 million rural Americans lack running water in their homes. Thirty million families are using waste disposal systems that dump untreated effluent into our soil and surface waters.

In comparison with the massive military budget, the $58 million impounded by the administration is miniscule. That is the same amount the administration proposes to spend for research and development on the F–14A—just 1 year of R. & D. on one project. Overall, the F–14 is a $5.3 billion program; 314 are scheduled to be built at a cost of $17 million each. The total current annual budget for the University of Arkansas Medical Center in Little Rock is less than the cost of one F–14.

Each F–14 will carry six air-to-air missiles costing one-quarter of a million dollars each. A load of missiles for a single F–14 would pay for a year's Headstart program for 1,000 children.

In addition to the funds for water and sewer system grants for small communities, the Nixon administration has also impounded funds for the Department of Housing and Urban Development water and sewer grant program for cities. This year the President proposes to spend only $200 million and that comes from funds impounded in fiscal year 1972. Although there is a multibillion dollar backlog of requests for water-sewer grants, the administration wanted to spend $225 million this year for purchase of six Boeing 747 jets for an airborne command post for use by the President and other members of the National Command Authority. However, the Department of Defense already has a sizable fleet of airborne command posts, having spent nearly $600 million for such purposes. The Committee on Appropriations of the House of Representatives recently rejected this request, I am pleased to say, on grounds that it was premature and unjustified.

The Nixon administration has given its strong backing to the C–5A aircraft, which has had a cost overrun approaching $2 billion—almost as much as the total 1972 budget request for the Environmental Protection Agency.

The $36.5 billion overrun on 45 weapons systems under development is equivalent to estimated Federal expenditures for health programs in 1972 and 1973, including medicare and medicaid. The irony is even greater when you consider that health service and medical care in this country are extremely costly and that many of our citizens cannot pay for and do not receive adequate health care.

Although the drug problem is a critical one in our society—heightened by our involvement in Southeast Asia—and although President Nixon claims drug education is one of his highest priorities, the drug education budget for fiscal 1972 in the Office of Education was $13 million—one-fourth the cost of just one C–5A plane.

The administration strongly backs spending $1 billion for another nuclear aircraft carrier, a vulnerable ship which is essentially of an "interventionist" nature. Likewise it wants to build a large number of the Trident—ULMS—submarines at $1 billion apiece. The cost of each one would pay for a new mass transit system for a major city.

But the Nixon administration has made its priorities all too clear. While continuing to increase military expenditures, the President takes pride in having vetoed funds for health, education, and other constructive programs. While we expend billions for overseas military activities, millions of Americans are living blighted lives in urban and rural slums; millions of children are denied adequate education; millions of citizens fail to receive adequate health care; and some Americans even go hungry.

The PRESIDING OFFICER (Mr. HOLLINGS). The time of the Senator from Arkansas has expired.

Under the previous order, the distinguished Senator from Michigan (Mr. HART) is now recognized for not to exceed 15 minutes.

Mr. HART. Mr. President, I will be glad to yield 5 minutes of my time to the distinguished Senator from Arkansas, if he wishes to continue.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 additional minutes.

Mr. FULBRIGHT. I appreciate that very much.

I should like to summarize what I have just said simply by saying that the enormous impact of the war, apparently, has not come home to the American people. I say that judging from the reaction to the efforts on the part of some Senators and others to stop the war. The constant reiteration of the seriousness of this condition has not, apparently, gotten through to the American public.

One of the principal reasons, I think, is that the cost of inflation is always a delayed cost. We have seen this occurring in other countries—in practically all the major European countries, Germany and France, particularly, and in Italy, Spain, and other countries—and, for a time, in Japan. That is, the creeping cost of inflation comes on gradually. Its effect may not be dramatic enough at one time to cause any political reaction. It is actually a little bit like taking dope or alcohol. In the process, it is rather pleasant and everyone thinks he is a little bit better off because, more dollars and more money are in his pocket. But the eventual cost has always proved to be disastrous.

That is what I was leading up to earlier. The effect is most serious because it not only undermines the economy of government, but also undermines the confidence of the people in their leaders and in their Government, after they begin to feel and to pay the real price of inflation. It eventually catches up with the poor people and all of those who are on pensions, on retirement, on fixed salaries such as schoolteacher—all these people feel it the most.

People who are not speculators pay the price of the cost of printing the money to pay for arms, as we are now doing. Eventually it has the most evil effect on the poor people. Speculators who can purchase land, stocks, and things of that kind can always protect themselves. They are the kind of people who make enormous contributions to the Republican finance campaign. Inflation means very little to these people. It is sad, but that

is the way it is. This undermines the allegiance of a people to their society.

In recent debate here the Senator from Washington (Mr. JACKSON) said that he is primarily interested in the security of the United States, a free enterprise democratic system. I say that the policies he advocates, and those of the Nixon administration are the principal things undermining the security of the country and undermining and discrediting the democratic free enterprise system. These excessive military expenditures are undermining the faith and confidence of the people of this country in their economic and political system.

I think that the evidence is beginning to appear. Certainly the evidence concerning the economic conditions is very clear. We have significant inflation and unemployment in the country.

However, the final effect is the feeling of futility and frustration of the people that they cannot do anything about the situation, that the country is too big, that there is no way to do anything, effective to influence the course of events.

That is certainly true in the Senate itself. Many of us share the feeling much of the time that it is hopeless. The debates on the floor are very rarely over the merits of any measure. The debate simply centers around whether the administration is for or against a proposal.

In the case of the Jackson amendment to the interim agreement, very little was said, except on the part of a few people, about whether this was good or bad and only a few people argued on the merits of the measure. Much of the debate centered around: "Are you sure the President is for it, and if you are sure he is for it, that is enough for me."

This shifts responsibility from ourselves. This is always characteristic of an abandonment of the democratic process. People become so enamored of their leader's thinking, they ignore the merits of the measure. This signifies the beginning of an authoritarian system. And let us not forget, three-fourths of the people in the world today are living under an authoritarian system of government.

I would like to point out that when we come to the foreign aid bill we will see that 25 of the 64 governments to which we give aid are dictatorships. We are giving more aid to dictatorships than we are to democratic countries.

The deterioration of our economy is critical. Inflation, fed by massive military spending and resulting deficits, is undermining our democratic system.

The PRESIDING OFFICER (Mr. HOLLINGS). The time of the Senator has expired.

THE NATIONAL DEFENSE

Mr. HART. Mr. President, as always the Senator from Arkansas has made his point in a very excellent manner. Speaking from the background of his rich experience, his understanding, and sensitivity, he has, I believe, expressed eloquently the concerns that not enough of us share, but which an increasing number of people in the country are coming to share.

Mr. President, I have not found anyone in or out of Congress who wants to make America insecure. I think that everyone seeks to insure the security of this country. However, there is disagreement as to the definition of security and what is a sound national defense program.

Mr. President, a sound national defense program should be based on these assumptions:

First. Our defense clearly must be strong enough to deter others from starting a war against us and to support commitments vital to the security of our Nation.

Second. Our defense programs should seek to dampen rather than to inflame the costly and dangerous arms race.

Third. Inasmuch as the strength of a nations is no less dependent on the strength of its economy, the well being of its people and the vigor of their spirit, the defense program should divert as little money as possible from unmet domestic needs.

In turn these assumptions rise from three hard, inescapable facts of life.

First, the United States cannot be, if it ever could, a world policeman, nor can it or should it seek to direct political developments of other nations through its military strength.

Second, there is no security in an ever-spiraling arms race, only the growing insecurity resulting from the development and spread of weapons which if used, either by design or accident, could destroy us all.

And third, even with large Federal budget deficits we are depressingly far from providing the necessary Federal support for education, housing, and health, for both people and the environment.

As just one example, perhaps without exception people in this Nation would agree that the Great Lakes are a resource worth saving and improving. However, under this administration's spending priorities, the Federal Government could not fund a $141 million antipollution program for the lakes as recommended by the Environmental Protection Agency, an agency headed by its own appointees.

President Nixon's administration apparently ignores most of these considerations. Let me explain.

In order to discourage other nations from launching a nuclear war we must be able to withstand a first-strike attack with sufficient power remaining to inflict an unacceptable amount of damage on the attacking nation.

At present, our 41 nuclear-powered submarines alone have enough warheads to attack 3,000 separate targets in Russia. In addition, of course, we have strategic bombers and our land-based missiles which can inflict still more damage on the attacker.

In all, we have twice as many nuclear warheads as Moscow.

Yet, the administration, even after negotiating an agreement with the Soviet Union to limit antiballistic missile defense systems to the point of uselessness, wants to spend even more money on still more weapons.

This administration wants to have four times the number of nuclear warheads possessed by Moscow.

This administration wants a new submarine fleet years before the present one can even be considered as obsolete, and a fleet, which will be a less credible defense because it will concentrate our sea-based missiles on fewer submarines.

Perhaps if this Nation had an unlimited amount of money we could honor such requests—folly through it would be—without damage to the effort to make our Nation strong at home.

The fact is, to repeat, we do not have that bottomless bag of money.

Even under the present $78 billion Pentagon budget, 30 cents out of every Federal tax dollar goes to the Pentagon.

That breaks down to $1,200 in taxes for each American family, or to twice the amount of money all levels of government spend on elementary and secondary education, or to eight times what this administration and industry are willing to spend to clean the air and water.

On top of this, the administration wants to pile the costs of unneeded new weapons which may well push the Pentagon budget from $78 billion to more than $100 billion before 1980.

If we take that projection and add to it the President's statement that he plans no tax increase in his next administration, the statement of the former Secretary of the Treasury that there are no Federal tax loopholes to close and the fact of an existing $25 billion budget deficit, we have every reason to fear that the Great Lakes antipollution program—or any other new effort on the domestic front will not be adequately funded during 4 more years under the present administration.

Perhaps one of the more ominous Pentagon programs now underway is the research and development project called ABRES—advanced ballistic reentry system.

This project has been described in various ways, but no matter how named, it cannot help but be viewed by other nations as an attempt to develop a missile with the accuracy to knock out an enemy's retaliatory nuclear forces.

Put another way, this project could easily become a first-strike offensive weapon designed to knock out the enemy's deterrent force.

History reminds us that even the hint of the development of a new offensive weapon sets off a new escalation in the arms race—a race to develop a defense to thwart and an offense to match or exceed the threat of a breakthrough by the other side.

And the result is the world is closer not to security, but to the final explosion of manmade weapons.

So not only is the administration's Pentagon budget excessive at the cost of domestic programs, it could also unsettle the arms race at a time when, because of SALT, this Nation should be doing all it can to reverse the awful march to oblivion.

There are prudent ways to cut back on Pentagon spending.

First, the administration can resist pressure for profits from the defense industry and order only those weapons needed to provide a credible defense. I submit the credibility of our defense is not enhanced by the possession of four times rather than just two times the number of warheads possessed by Moscow nor by adding still more to our overkill capability.

Second, the administration can make clear by the type of weapons it chooses to develop that it wants to reverse, not encourage, the arms race.

Third, it can inject the cost discipline of competition into the defense industry by requiring that bidders develop prototype models, with the contract going to the firm which has the best test model.

This is not a new concept. The Antitrust and Monopoly Subcommittee held hearings in 1968 and 1969 on the question of competition in the defense industry.

At the end of those hearings, the subcommittee recommended the prototype approach to defense procurement, a recommendation then endorsed by the General Accounting Office.

Such an approach has not been implemented even though cost overruns and project failures have continued to mount. One prime example is the case of the C–5A aircraft, where the estimated cost of $3.4 billion for 120 planes has skyrocketed to $4.9 billion for only 81 planes. And tragically, two of the planes have crashed and an engine fell from the wing of a third while still on the ground.

And finally, we can reduce Pentagon spending by prudently cutting back on overseas deployment of U.S. troops, reductions worked out through negotiations and consultation with our allies.

Also, the administration can demand more efficiency of our military. Today the trend seems to be toward a military force top heavy with senior officers.

Today we have more colonels and naval captains for 2.3 million service personnel than we did for a 12 million person force in World War II.

But to bring about this change in policy the Nation needs an administration which recognizes:

That the well-being of a nation's people is as important to the national security as the might of its armaments;

That the arms race diminishes rather than enchances the national security;

That efficiency should be demanded of the Pentagon and the defense industry.

And yes, we need an administration that understands our proper role in international affairs, and, recognizing that we have no vital interest in Vietnam, will end all our involvement in that tragic conflict.

As individuals we would do well to heed these words of President Eisenhower:

> 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.

And as a nation, which has seen SALT come to reality, let us respond to this challenge with the understanding offered by President John Kennedy after the Nuclear Test Ban Treaty had been reached with the Soviet Union:

> Today we may have reached a pause in the cold war—but that is not a lasting peace. A test ban treaty is a milestone—but that is not the millennium. We have not been released from our obligations—we have been given an opportunity. And if we fail to make the most of this moment—then the shaming indictment of posterity will rightly point its finger at us all.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order the Senator from Minnesota (Mr. HUMPHREY) is to be recognized at this point.

Mr. ROBERT C. BYRD. Mr. President, I have been called by the Senator's office and asked that the order be vacated. I, therefore, make that request.

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

The next order is for the Senator from West Virginia, ROBERT C. BYRD, to be recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the next two orders be reversed in sequence.

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

The Senator from Pennsylvania is recognized for not to exceed 15 minutes.

Mr. SCOTT. I thank the distinguished Senator from West Virginia for his courtesy.

THE POLITICAL CAMPAIGN

Mr. SCOTT. Mr. President, I rise because I must, as I have stated on previous occasions, whenever the complaint is made about alleged and sundry crimes and misdemeanors.

It appears to me what is going on is that my colleagues on the other side are in reality bewailing the consequences of their own actions. Everything of which they complain, whether they are even accurate or not—and there is substantial doubt on that score—arises from legislation which this Congress passed and for which most of them voted.

Of course, the junior Senator from South Dakota did not vote, but that is part of his life style. He appeared for about one-fourth of the votes. I will get into that.

But the rest of us have exercised our responsibilities in voting, and the laws have been passed and administered, and conditions have resulted from them.

Ill it becomes us to complain of that which we have created and to bastardize our own progeny.

The Senator from Arkansas, for example, grieves and asserts in the course of his apologia sua juris that the reason for this eerie complot of rhetoric and logorrhea is because they do not have as much time on television as is available to the administration.

Anyone who watches television knows we are already beginning to be inflicted with the television commercials on the other side, and my side has not begun any process of inflictment yet. What we have heard has been only from the other side.

As to not having enough money, Senator MCGOVERN has 29 millionaires who have filed so far in support of him. One would assume that among 29 millionaires funds could have been gotten for a little spot of television now and then.

What is the candidate talking about on television? Why, he is discussing drugs and crime. I heard him last night say we have to get on top of the crime problem. Yet when it comes to voting he is on the bottom of the list.

During this very week the Senate has considered and passed bills for the compensation of victims of crime, a convention on narcotic drugs, a provision to provide insurance for law enforcement officers disabled or killed in the line of duty, a bill for the protection of foreign officials in this country, a drug treatment program, a convention for the suppression of the unlawful seizure of aircraft through hijacking, and action pertaining to crimes aboard aircraft.

While he might have been doing something, he was talking. He was keeping his engagements and talking about the credibility gap. He was telling the whole Nation how strong he feels on crime but he was not here to answer the bugle call of Senate responsibility. He was telling the public he wanted to get on top of the drug situation, but it was his colleagues who were meeting the test of their electoral function.

He was saying he worries about drugs and crime, but we worry about GEORGE who is is not here to worry about drugs and crimes with us. We grieve at the absence of the Senator. We grieve because we do the work, and our work is made a little more onerous through the absence of a colleague. He has not appeared to testify, so far as I know, in hearings. He has not sponsored a successful bill. He has cosponsored, in absentia, other bills, and from time to time his name has been removed if that cosponsorship proves embarrassing. He has not been here to vote.

So it comes with ill grace not having enough money for television, when the television only portrays nonperformance.

I say to the Senator from Arkansas he does not know how lucky he is, because if there were more television, there would be more displays of the gap between promise and performance. I think this argument of poor mouth is used to conceal poor arguments.

Then we heard something about the war, as we always do from the Senator from Arkansas, one of its early supporters, as was the Senator from South Dakota (Mr. MCGOVERN). But what we do not hear is that last week there was not a single American soldier killed in Southeast Asia in combat, and that compares with 250 to 300 casualties a week at the peak of the war.

And what we hear is complaint of defense spending. Every cent of that defense spending was voted by Congress. In fact, in the 1971 budget, America's priorities were quietly but dramatically reordered, and Congress participated in that. For the first time in 20 years, the money spent for human resource programs was greater than the money spent on defense.

In 1972, spending for defense was increased to carry out the Nation's strategy for peace. But even with this increase, defense spending has dropped from 36 percent of total spending in 1971 to a budget request of 34 percent in 1972, and budget requests for human resources programs continued to rise as a share of the total to 42 percent of total spending in 1972. And for 1973 the budget was 45 percent for human resources and 32 percent for defense spending, a virtual reversal from the previous administration's 1968 budget.

So that the only proper way to look at this is to see whether we are providing well for our domestic needs as we reduce the cost of the Vietnam war from $30 billion a year to $6 billion a year, and as we reduce the number of troops there from 520,000 to 27,000, and as we take the draftees from Vietnam and send no more back, and as we approach a zero draft next year.

These are real accomplishments. These are genuine achievements against the poor mouthing and the bleeding at every pore because there is a poverty in the other camp. It is a poverty which is a poverty of ideas and it is a poverty of issues. Senator McGovern is losing that war on poverty every day.

And there is more good news that has just come over the wires in the last 10 minutes:

> The rise in living costs slowed below President Nixon's target goal of 3 percent in the first year of his wage-price control program, the Government reported today.

That is the program Senator McGovern was not here to vote for on December 1, last, but it is a program which he says should have begun 2 or 3 years before.

The news from the ticker tape continues:

> In the 12 months ending in August, the first year of the economic stabilization program, the consumer price index rose .9 percent.

That is less than 1 percent—

> This compares with a rise of 4.4 percent in the preceding 12 month period, the Bureau of Labor Statistics said.
>
> The report said living costs in August rose two-tenths of 1 percent, half the previous month's rise.
>
> The Bureau also reported that the average paycheck of some 50 million rank-and-file workers rose to $137.23 a week and that, after allowance for inflation, the past year's increase in purchasing power was the largest of record.

So the working man and woman are making higher salaries than ever in their lives. There are more people employed in America than were ever employed in the history of this country. The pattern for inflation now is not only checked but is being quite obviously won.

These are achievements, these are accomplishments, and they stack up against the complaints and the quivering efforts of the other side to create an impression, contrary to fact, that things are not as good as they could be under the candidate of the opposition. All this steam generated by speakers on the other side will not suffice to push up the long hill the little engine that couldn't.

I yield back my time.

ORDER RESCINDING RECOGNITION OF SENATOR ROBERT C. BYRD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the special order entered for the distinguished Senator from West Virginia to speak at this time be vacated.

The PRESIDING OFFICER. 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.

PROPOSED PARTICIPATION OF THE UNITED STATES IN THE INTERNATIONAL EXPOSITION ON THE ENVIRONMENT—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. Hollings) laid before the Senate the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to Section 3 of Public Law 91–269, I am herewith transmitting to the Congress a proposal for participation by the United States Government in the 1974 International Exposition on Ecology and the Environment to be held at Spokane, Washington. This proposal includes a plan prepared by the Secretary of Commerce in cooperation with other interested departments and agencies of the Federal Government, in accordance with Section 3(c) of the referenced law.

On October 15, 1971, I advised the Secretaries of State and Commerce that the Spokane exposition warranted Federal recognition in accordance with Section 2(a) of Public Law 91–269. On November 24, 1971, upon request of the United States, the Bureau of International Expositions in Paris, by unanimous vote, officially recognized the event as a Special Category exposition.

I have determined that Federal participation in this exposition is in the national interest and I fully support the Secretary's plan for such participation. In essence, this plan calls for the construction of a Federal pavilion. The pavilion has been conceived and developed with a view to maximizing residual use benefits to the Federal Government at the conclusion of the exposition.

Congressional authorization is required as a prerequisite to United States participation in a Federally recognized domestic-international exposition. Legislation is also required in order to establish the other authorities necessary to effect the proposed participation, as well as to authorize appropriations. The appropriations necessary to carry out this plan are estimated at $11.5 million.

I urge that the appropriate legislation, which I am transmitting herewith, be given prompt and favorable consideration by the Congress.

RICHARD NIXON.

THE WHITE HOUSE.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Hollings) 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.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited to 3 minutes each.

SENATOR GEORGE McGOVERN

Mr. MANSFIELD. Mr. President, I did not hear all the speeches, political and otherwise, which the distinguished Republican leader has just referred to, but it appears to me that Senator McGovern must be like Banquo's ghost, because it seems to worry the distinguished leader of the Republican Party in the Senate that Senator McGovern is not here. He is out seeing the people, as he should be. He is out trying to tell them what his views are, what he stands for, and what the issues, in his opinion, consist of. I think that anyone who is running for the Presidency of the United States should be out among the people, and not among his colleagues back in Washington, D.C. The people deserve to be informed fully on the issues, so that they will have the opportunity to judge where each candidate really stands.

To listen to the distinguished Republican leader, it would appear that we are living in Utopia—we have no problems, everything has been solved by this administration, and all we should do is not rock the boat.

Well, I am glad to hear that the rate of inflation has been reduced from 4.2 or 4.3 percent to 3 percent over the past year as far as food prices are concerned. I am happy to note that the percentage of unemployment has been reduced from 6.1 to about 5.6. But I am not happy to note that in excess of 5 million Americans are still without jobs.

I am not happy to note that the war in Indochina is still going on, and I do consider it good news and I am grateful and thankful that no Americans were killed in Vietnam last week, because there is always that possibility. I believe there were seven wounded. And then, of course, there are the figures for the South Vietnamese, our allies, and their casualties, I think, number something on the order of 2,000.

We are, as the distinguished Senator

has said, spending $6 billion a year in Vietnam, and that figure has been reduced from a high of $28 billion. But we have dropped more bombs on all of Indochina, by three times, than we did in the Second World War and the Korean war, and that includes all theaters of operation in the Second World War itself.

I am sorry that the distinguished Senator from Arkansas, whose name was called into question, is not here at the moment, but I did hear part of his speech. I thought that his arguments were valid—at least the part I listened to. We do have the war in Vietnam with us. We do have the number of POW's increasing, and we do have no solution in sight.

It is my opinion that, until and unless the war in Vietnam is concluded, there will be no possibility of achieving the kind of stability that we desire, Republicans and Democrats alike, in this country, and begin the healing process of the cancer on the soul of this Nation and on the soul of the body politic in America that this war has been responsible for creating.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, I yield my 3 minutes to the distingiushed majority leader.

Mr. MANSFIELD. So I wish GEORGE MCGOVERN well. I shall support him, to the best of my ability, and with the fullness of my energy. I want him to continue to go out among the people and to do what he can to bring the issues home, because if we are going to have a two-party system in this country, I think the candidates ought to get out and mingle with the people, discuss the issues, and consider the possibility of face-to-face meetings in debate and otherwise. The American people should be permitted to make a valid choice, a rational choice—not purely an emotional choice, based upon the type of direction each candidate wishes to lead this country.

May I say that I have noted with interest that every statement GEORGE MCGOVERN makes is immediately covered by the Republican opposition, and if it is not answered in kind, some announcement is made from the White House which takes away some of the publicity which the Democratic candidate seeks to achieve.

I think this in indicative of a well run campaign, a very smooth campaign, and in my opinion an overorganized campaign, because if the Republicans keep up this kind of a campaign, what they are going to do is paint GEORGE MCGOVERN as little David with a little slingshot fighting against Goliath and the Philistines. The American people have a liking for the underdog. I would urge the Republicans to keep up the kind of campaign which they have been conducting. It is a great campaign. It is a smooth campaign. It is an efficient campaign. No angles are left uncovered.

But I think that if it continues—and I hope it does—it will mean a very strong boost for GEORGE MCGOVERN in the country, and will make him a more formidable contender in the future ratings than is the case at the present time and hopefully will result in his election in the only rating that counts—the rating by the people on election day, November 7, 1972.

Mr. SCOTT. Mr. President, under the morning hour, I want to pay tribute again to the distinguished majority leader for his bravery and his gallantry, because all week we have heard spokesmen here who have epitomized the fact that Senator MCGOVERN is away from the Senate and the Senate is running away from MCGOVERN. This is the first time all week—and I have been waiting here patiently— that any Senator has had the bravery that the Senator from Montana has. He has served in all branches of the armed services and now embarks on this further perilous road by undertaking the task of indicating his support for the candidate of the opposition. Mr. President, that is gallantry beyond the call of duty.

I do hope, speaking of ghosts, that the candidate of the other side will arrive here on Halloween, and we can then celebrate the return of the spirit and the reunion with the shade, and have the opportunity to see in living color and in the full flesh our missing colleague whose absence we have been so busy deploring.

Finally, as to the casualties of the South Vietnamese, surely no one would argue that those people should not, of their own choice, defend their freedom. To argue that they should not continue on with this war against the vicious, brutal aggressor would be to argue that the South Koreans were not justified in defending their freedom against North Korea, or that the Israelis are not justified in defending their freedom against the Arab aggressors.

Therefore, it seems to me, yes, we must admit that casualties occur; yes, we have to admit that those casualties are serious and we deplore them; but those casualties continue because the enemy is an aggressor against the South Vietnamese, and they are fighting for their freedom and liberty and their self-determination; and we are, of course, relieved of much of that burden because of the Vietnamization of the war and our withdrawal from active combat.

So I would say to our absent colleague, "Come home, George. Come home at least for Halloween, and we will get the pumpkin out and light the candle for you, and we will have some of your colleagues, or at least one of them, make a speech in praise of your efforts."

Mr. MANSFIELD. Mr. President, if no other Senator desires to speak, may I be recognized again?

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I appreciate what the distinguished Republican leader has said about GEORGE coming home on Halloween, which is just about 7 days before election, as I recall; and I thought we had an agreement that we were going to try to get out the first part of next month.

Mr. SCOTT. The Senator has trapped me there.

Mr. MANSFIELD. No; I have not trapped the Senator. But frankly, I have no compunction whatever in working for, endorsing, and supporting fully and enthusiastically the candidacy of GEORGE MCGOVERN. He is the candidate of our party, and he has earned that nomination and earned it the hard way. I feel that it takes no bravery and it takes no courage for a Democrat to stand up and be counted in support of the nominee of his party.

I intend to do all that I can to see that Senator MCGOVERN is elected; and despite the odds, we will wage the fight, and David will make himself felt against Goliath when the showdown comes on November 7.

Speaking of Vietnam, I cannot bring myself to be reconciled to the fact that since this war started—and it goes all the way back to Democratic administrations; I am not trying to lay the blame on anyone in particular, because there is enough blame to go all the way around—303,387 Americans have been wounded through the 16th of September 1972; 45,857 Americans are dead because of combat; and 10,274 Americans are dead because of noncombat activities. The total death toll is 56,131 Americans. The total casualties are 359,518 Americans through September 16, 1972.

But that is not the whole story. We find, for example, that as far as the total deaths of the other free world forces, those allied with us, are concerned, the number is 5,179. As far as the Republic of South Vietnam is concerned, the total deaths number 178,952. As far as the other side is concerned—the North Vietnamese and the Vietcong, and I assume this includes the Khmer Rouge and the Pathet Lao—the deaths total 992,361.

Mr. President, all of these people are human beings. All of them had the spark of life in them. All of them were entitled to look to a reasonable future regardless of their color, their beliefs, their backgrounds or whatever.

So I would say in conclusion, Mr. President, yes, this is an issue which can be discussed, which has been discussed, and will undoubtedly continue to be discussed. We have good candidates for both parties. The people have to decide, but I would hope the matter would be decided, not in the Senate, but rather by the country.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, I yield to the Senator from Pennsylvania.

Mr. SCOTT. I thank the Senator. I shall be very brief.

Just relating back to the analogy of David against Goliath, it occurs to me that what laid Goliath low was rocks in his head, and I hope my party will be warned by that analogy.

Mr. MANSFIELD. But the rocks came from the slingshot, as I recall.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate pro-

ceed to the consideration of items on the calendar beginning with No. 1134, up to and including No. 1140.

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

J. B. RIDDLE

The bill (S. 2300) for the relief of J. B. Riddle was considered, ordered to be engrossed for a third reading, 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 the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J.B. Riddle of Fort Worth, Texas, the sum of $4,800 in full settlement of all his claims against the United States arising out of the displacement and relocation of his business in 1967 in connection with a federally assisted construction project. The said J. B. Riddle is ineligible for relocation payments under the Advance Acquisition of Land Program of the Department of Housing and Urban Development as a result of his reliance on certain misinformation he received from the city of Fort Worth, Texas.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

NATIONAL BETA CLUB WEEK

The joint resolution (S.J. Res. 251) to designate the week which begins on the first Sunday in March of each year as "National Beta Club Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week which begins on the first Sunday in March of each year as "National Beta Club Week", to recognize the National Beta Club for its dedication to the positive accomplishments of American youth and to encourage the furthering of its goals to promote honesty, service, and leadership among the high school students in America.

NATIONAL LEGAL SECRETARIES' COURT OBSERVANCE WEEK

The joint resolution (H.J. Res. 807) authorizing the President to proclaim the second full week in October of 1972 as "National Legal Secretaries' Court Observance Week" was considered, ordered to a third reading, read the third time, and passed.

DONATIONS OF SURPLUS PROPERTY TO PUBLIC MUSEUMS

The Senate proceeded to consider the bill (S. 164) to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to public museums which had been reported from the Committee on Government Operations with an amendment to strike out all after the enacting clause and insert:

That section 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)) is amended—

(1) by striking out "and (C) public libraries." at the end of the first sentence of paragraph (3) and inserting in lieu thereof "(C) public libraries, and (D) public museums."; and

(2) by adding at the end thereof the following new paragraph:

"(8) The term 'public museum', as used in this subsection, means a museum that serves the general public free and receives its financial support in whole or in part from public funds."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DONATIONS OF SURPLUS PROPERTY TO STATE FISH AND WILDLIFE AND OUTDOOR RECREATION AGENCIES

The Senate proceeded to consider the bill (S. 244) to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus property to State fish and wildlife and outdoor recreation agencies which had been reported from the Committee on Government Operations with an amendment to strike out all after the enacting clause and insert:

That section 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)) is amended—

(1) by inserting "fish and wildlife protection and conservation, outdoor recreation research development," before "or civil defense" in the first sentence of paragraph (1);

(2) by striking out the last sentence of paragraph (3) and inserting in lieu thereof the following two sentences: "Determination whether such surplus property (except surplus property allocated in conformity with paragraph (2) of this subsection) is usable and necessary for purposes of fish and wildlife protection and conservation or outdoor recreation research development, or for research for any such purpose, in any State, shall be made by the Secretary of the Interior, who shall allocate such property on the basis of needs and utilization for transfer by the Administrator to such State agency for distribution to fish and wildlife or outdoor recreation agencies. No such property shall be transferred to any State agency until the appropriate Secretary has received, from such State agency, a certification that such property is usable and needed for educational, public health, fish and wildlife protection and conservation or outdoor recreation resource development purposes in the State, and until the appropriate Secretary has determined that such State agency has conformed to minimum standards of operation prescribed by the Secretary for the disposal of surplus property.";

(3) by inserting after "Welfare" in paragraph (5) the following: ", the Secretary of the Interior,"; and

(4) by adding at the end thereof the following new paragraphs:

"(8) The term 'fish and wildlife agencies' as used in this subsection, means any department, agency, or instrumentality of any State having responsibility for the administration of laws and programs relating to protection and conservation of fish and wildlife in such State, including, but not limited to, fish and game licensing laws.

"(9) The term 'outdoor recreation agencies', as used in this subsection, means any department, agency, or instrumentality of any State having responsibility for the administration of laws and programs relating to the development of outdoor recreation resources in such State."

SEC. 2. Section 203(n) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(n)) is amended—

(1) by striking out "either such officer" in the first sentence and inserting in lieu thereof "any such officer";

(2) by inserting after "Welfare," in the first and third sentences "the Secretary of the Interior,"; and

(3) by inserting before "or civil defense" in the third sentence "fish and wildlife protection and conservation, outdoor recreation resource development,".

SEC. 3. The first sentence of section 203 (o) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)) is amended—

(1) by inserting "and the Secretary of the Interior" after "Welfare"; and

(2) by inserting "or fish and wildlife or outdoor recreation agencies" after "institutions".

Mr. STEVENS. Mr. President, in an effort to improve the quality of life in this Nation, we have made many demands upon State governments. This is particularly true in the area of protection and improvement of our environment. The passage of Senate bill 244 would go a long way toward assisting State governments meet their responsibilities as well as strengthening the Federal-State partnership in this area. This would allow surplus Federal personal property to be donated to State agencies charged with the responsibility of preserving, protecting, and increasing our fish and wildlife population. It would also allow State agencies to receive Federal surplus property to develop outdoor recreational areas.

Fish and wildlife constitute a vital resource to this Nation. It seems to me a matter of commonsense and good judgment to allow these State agencies to receive unused surplus Federal personal property to strengthen and improve this vital resource.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROGRAM INFORMATION ACT

The bill (S. 718) to create a catalog of Federal assistance programs, and for other purposes was considered, ordered to be engrossed for a third reading, 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,

SHORT TITLE

SECTION 1. This Act may be cited as the "Program Information Act".

DEFINITIONS

SEC. 2. For the purposes of this Act—

(a) The term "Federal domestic assistance program" means any activity of a Federal

agency which provides assistance or benefits, whether in the United States or abroad, that can be requested or applied for by a State or local government, or any instrumentality thereof, any domestic profit or nonprofit corporation, institution, or individual, other than an agency of the Federal Government.

(b) A "Federal domestic assistance program" may in practice be called a program, an activity, a service, a project, or some other name regardless of whether it is identified as a separate program by statute or regulation. A program shall be identified in terms of differing legal authority, administering office, funding, financial outlays, purpose, benefits, and beneficiaries.

(c) "Assistance or benefits" includes but is not limited to grants, loans, loan guarantees, scholarships, mortgage loans and insurance or other types of financial assistance; assistance in the form of provision of Federal facilities, goods, or services, donation or provision of surplus real and personal property; technical assistance and counseling; statistical and other expert information; and service activities of regulatory agencies. "Assistance or benefits" does not include conventional public information services.

(d) "Requested or applied for" means that the potential applicant or beneficiary must initiate the process which will eventually result in the provision of assistance or benefits.

(e) "Administering office" means the lowest subdivision of any Federal agency that has direct operational responsibility for managing a Federal domestic assistance program.

EXCLUSION

SEC. 3. This Act does not apply to any activities related to the collection or evaluation of national security information.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAMS

SEC. 4. The President shall transmit to Congress no later than May 1 of each regular session a catolog of Federal domestic assistance programs, referred to in this Act as "the catalog", in accordance with this Act.

PURPOSE OF CATALOG

SEC. 5. The catalog shall be designed to assist the potential beneficiary to identify all existing Federal domestic assistance programs wherever administered, and shall supply information for each program so that the potential beneficiary can determine whether particular assistance or benefits might be available to him for the purposes he wishes.

REQUIRED PROGRAM INFORMATION

SEC. 6. For each Federal domestic assistance program, the catalog shall—

(1) identify the program, including the name of the program, the authorizing statute, the specific administering office, and a brief description of the program and its objectives;

(2) describe the program structure, including eligibility requirements, formulas governing the distribution of funds, types of assistance or benefits, and obligations and duties of recipients or beneficiaries;

(3) provide financial information, including current authorizations and appropriations of funds, the obligations incurred for past years, the current amount of unobligated balances, and other pertinent financial information;

(4) identify the appropriate officials to contact, both in central and field offices, including addresses and telephone numbers;

(5) provide a general description of the application process, including application deadlines, coordination requirements, processing time requirements, and other pertinent procedural explanations; and

(6) identify closely related programs.

FORM OF CATALOG

SEC. 7. (a) The program information may be set forth in such form as the President may determine, and the catalog may include such other program information and data as in his opinion are necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal domestic assistance program.

(b) The catalog shall contain a detailed index designed to assist the potential beneficiary to identify all Federal domestic assistance programs related to a particular need.

(c) The catalog shall be in all respects concise, clear, understandable, and such that it can be easily understood by the potential beneficiary.

QUARTERLY REVISION

SEC. 8. The President shall revise the catalog at no less than quarterly intervals. Each revision—

(1) shall reflect any changes in the program information listed in section 6;

(2) shall further reflect the addition, consolidation, reorganization, or cessation of Federal domestic assistance programs;

(3) shall include such other program information as will provide the most current information on changes in financial information, on changes in organizations administering the Federal domestic assistance programs, and on other changes of direct, immediate relevance to potential program beneficiaries as will most accurately reflect the full scope of Federal domestic assistance programs;

(4) may include such other program information and data as in the President's opinion are necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal domestic assistance program.

PUBLICATION AND DISTRIBUTION OF THE CATALOG

SEC. 9. (a) The President (or an official to whom such function is delegated pursuant to section 10 of this Act) shall prepare, publish, and maintain the catalog and shall make such catalog and revisions thereof available to the public at prices approximately equal to the cost in quantities adequate to meet public demand.

(b) There is authorized to be distributed without cost to Members of Congress and Resident Commissioners not to exceed five thousand copies of catalogs and revisions.

(c) There is authorized to be distributed without cost to Federal agencies, State and local units of government and local repositories not to exceed twenty-five thousand copies of catalogs and revisions as determined by the President or his delegated representative.

(d) The catalog shall be the single authoritative, Government-wide compendium of Federal domestic assistance program information produced by the Government. Specialized catalogs for specific ad hoc purposes may be developed within the framework of, or as a supplement to, the Government-wide compendium and shall be allowed only when specifically authorized and developed within guidelines and criteria to be determined by the President.

(e) Any existing provisions of law requiring the preparation or publication of such catalogs are superseded to the extent they may be in conflict with the provisions of this Act.

DELEGATION OF FUNCTIONS

SEC. 10. The President may delegate any function conferred upon him by this Act, including preparation and distribution of the catalog, to the head of any Federal agency, with authority for redelegation as he may deem appropriate.

WOODSY OWL

The Senate proceeded to consider the bill (S. 3947) to prevent the unauthorized manufacture and use of the character "Woodsy Owl," and for other purposes, was announced as next in order.

The Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with amendments Cal. No. 1140, S. 3947, Agriculture and Forestry on page 2, line 22, after the word "or", strike out "name."; and on page 3, after line 15, strike out:

"This section shall not make unlawful the use of any such emblem, sign, insignia, or words which was lawful on the date of enactment of this Act.

So as to make the bill read:

S. 3947

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture may, under such arrangements and terms and conditions as he deems suitable, establish and collect use or royalty fees for the manufacture, reproduction, or use of the character and name "Woodsy Owl" and the associated slogan, "Give a Hoot, Don't Pollute", originated by the Forest Service, United States Department of Agriculture, as a symbol for a public service campaign to promote wise use of the environment and programs which foster maintenance and improvement of environmental quality.

SEC. 2. The Secretary of Agriculture shall deposit into a special account all fees collected pursuant to this Act. Such fees are hereby made available for obligation and expenditure for the purpose of furthering the "Woodsy Owl" campaign.

SEC. 3. As used in this Act, the name or character "Woodsy Owl" means the representation of a fanciful owl, who wears slacks (forest green when colored), a belt (brown when colored), and a Robin Hood style hat (forest green when colored) with a feather (red when colored), and who furthers the slogan "Give a Hoot, Don't Pollute", which was originated by the Forest Service, United States Department of Agriculture, as a symbol and slogan for a public service campaign and to promote wise use of the environment and programs which foster maintenance and improvement of environmental quality.

SEC. 4. Chapter 33 of title 18 of the United States Code is amended by adding after section 711 a new section to be designated section 711a, as follows:

"§711a. 'Woodsy Owl' character, slogan, or name.

"As used in this section, the name or character 'Woodsy Owl' means the representation of a fanciful owl, who wears slacks (forest green when colored), a belt (brown when colored), and a Robin Hood style hat (forest green when colored) with a feather (red when colored), and who furthers the slogan 'Give a Hoot, Don't Pollute', which was originated by the Forest Service, United States Department of Agriculture, as a symbol and slogan for a public service campaign to promote wise use of the environment and programs which foster maintenance and improvement of environmental quality.

"Whoever, except as authorized under rules and regulations issued by the Secretary of Agriculture, knowingly manufactures, reproduces, or uses the character 'Woodsy Owl', the associated slogan, 'Give a Hoot, Don't Pollute', the name 'Woodsy Owl', or facsimiles or simulations of such character, slogan, or name in such a manner as suggests the character 'Woodsy Owl' shall be fined not more than $250 or imprisoned not more than six months, or both.

"A violation of this section may be enjoined at the suit of the Attorney General

upon complaint by the Secretary of Agriculture."

SEC. 5. The analysis of chapter 33 immediately preceding section 701 of title 18 of the United States Code is amended by adding at the end thereof:

"711a. 'Woodsy Owl' character, slogan, or name.".

Mr. SCOTT. Mr. President, reserving the right to object—and I will not object—what is a "Woodsy Owl"?

Mr. MANSFIELD. I think it has something to do with the Forest Service and a campaign to bring about protection of the environment.

Mr. SCOTT. If it is for the ecology or for motherhood or for the flag, I have no objection.

Mr. MANSFIELD. Or for the Republican Party.

Mr. SCOTT. Or for the Republican Party.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

PUBLIC BROADCASTING: NEW CHIEF, NEW POLICY

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an account of an obituary of a fine idea. Only a few years ago, many of us had great hopes that there could be established in this country a nonpartisan, objective, public broadcasting network, worthy of our great country. England, Canada, and Japan, among other countries, have accomplished this goal.

I think that they have fine public broadcasting networks and products as well. Those public broadcasting companies have produced some of the finest films, films which we have rebroadcast having obtained them from those networks in recent years.

It is a great tragedy that our efforts were not more successful—and I refer, of course, particularly to the Presidential veto of the bill we had passed—and the account of the demise of independent public broadcasting will sadden everyone interested in the future progress of our country.

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

[From the Washington Post, Sept. 21, 1972]

PUBLIC BROADCASTING: NEW CHIEF, NEW POLICY

(By John Carmody)

After two days as chief of the nation's public broadcasting industry, Henry Loomis has announced a tough new policy toward programming, including the controversial area of public affairs.

The new president of the Corporation for Public Broadcasting, who lives in Middleburg, Va., said yesterday that he had "never seen a public TV show." But he laid it on the line: CPB with its hands-off policy on programming, "had tried to duck its responsibility and it wasn't successful."

In a separate session before the PBS board of directors meeting here and in a half-hour, nationwide closed-circuit broadcast with the network's 225 station managers, Loomis said:

The CPB, formerly only a management "umbrella" for public broadcasting, will take a strong role in determining daily program content over the nationwide PBS network.

"Instant analysis" and other public affairs programming techniques that mimic commercial TV practices probably will be dropped.

Long-range financing for public broadcasting will not be pushed for at least several years.

While it eventually should be "much more," funding is currently at a satisfactory level.

"The cultural field" and programs directed at a "specialized" audience, rather than mass audiences, should be stressed.

Loomis' views are virtually identical to those of the Nixon administration and congressional opponents of public TV over the last year. His appointment as CPB president has been expected by industry sources following the takeover of the 15-member CPB board this summer by an administration majority. Former Rep. Tom Curtis of Missouri, a longtime Republican, was named board chairman last month.

Public television programming, particularly in the area of public affairs, has brought criticism in the last year from the adminisration, Congress and some local station managers.

Loomis said the corporation would at present not actively seek long-range financing, which had been called essential to proper programming by its supporters in the industry and in Congress, where backers were mostly Democrats.

"We'll be trying for that one a couple of years from now," he told the station managers. President Nixon vetoed a two-year funding plan in June.

As Loomis sees it, the industry, founded in 1968, should be pleased with its present 30 per cent annual growth. (The funding is $45 million this year.) "It's possible to get too much too soon," while staff excellence and expertise lags, he told the PBS board.

Following Loomis' appearances yesterday, industry sources took a wait-and-see attitude. They suggested he had not had time to be properly briefed since accepting the $42,500-a-year job, which he starts officially on Oct. 1.

Loomis told a reporter later that when approached about the job following the resignation of John Macy Jr. as CPB president in August, he had asked, "What the hell is it?"

An independently wealthy man, Loomis said he had long regarded his previous service in important posts in the Departments of Defense, HEW, USIA and at the White House during the last 20 years as "nonpartisan."

"I always considered myself what the British call a 'permanent undersecretary,'" he said yesterday. "But four years ago (when Mr. Nixon appointed him to the USIA, where he is currently deputy director), I changed. Mr. Nixon was my guy in 1968 and I feel very strongly about it this election year."

In hinting that the "instant analysis" of major political events will be dropped, he said public affairs programming should only "supplement and enrich" what is offered by commercial networks. He later told a reporter that he was "concerned about the propriety of using public funds to be competitive with commercial networks" in any area of broadcasting.

Loomis asked PBS station managers to do "much more in the cultural field." The role of public broadcasting is to direct programming to a specialized, not a mass audience, he said. An example would be "a program of an excellent cultural nature that is too expensive for the commercial networks to do."

Loomis' remarks yesterday were in line with Nixon administration criticism of public television beginning last October with an attack by Dr. Clay T. Whitehead, director of the Office of Telecommunications Policy.

The CPB was formed in 1968, a year after President Lyndon Johnson successfully backed a public broadcasting bill. Under Macy, the new corporation took over what had been the loose-knit educational TV network and, as PBS, with federal equipment and programming money, grew to the present 225 TV stations and hundreds of public radio outlets.

Last fall, the political roof fell in on Macy. The PBS (and the Ford Foundation) pushed through a public affairs outlet in Washington. The National Public Affairs Center for Television promptly hired liberal correspondents Sander Vanocur and Robert MacNeil at high salaries, which drew even Democratic criticism in Congress.

A series of controversial network shows as well as a marked increase in the PBS national audience attracted further notice for the public network. In June, Mr. Nixon vetoed a two-year $65-million authorization for CPB. Macy, in ill health, subsequently resigned, along with other top CPB aides.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN), laid before the Senate the following letters, which were referred as indicated:

REPORT ON DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense Procurement from Small and Other Business Firms, for fiscal year 1972 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

PUBLICATION OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a publication entitled "Typical Electric Bills, 1971" (with an accompanying document); to the Committee on Commerce.

PROPOSED DISTRICT OF COLUMBIA TORT CLAIMS AND CLAIMS PROCEDURE ACT

A letter from the Assistant to the Commissioner, the District of Columbia, transmitting a draft of proposed legislation to define the scope of tort liability of the Government of the District of Columbia, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

PROPOSED CREATION OF AN INTERNATIONAL CENTER

A letter from the Assistant Secretary for Congressional Relations, transmitting a draft of proposed legislation to create an International Center to make sites available for chanceries of foreign embassies in Washington and for a new headquarters for the Organization of American States (with an accompanying paper); to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HRUSKA (for Mr. COOK), from the Committee on the Judiciary, without amendment:

S. 3756. A bill for the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, and F. Clyde Wilkinson (Rept. No. 92-1200);

H.R. 6467. An act for the relief of Harold J. Seaborg (Rept. No. 92-1205);

H.R. 7946. An act for the relief of Jerry L. Chancellor (Rept. No. 92-1204);

H.R. 10012. An act for the relief of David J. Foster (Rept. No. 92-1206);

H.R. 10363. An act for the relief of Herbert Improte (Rept. No. 92-1209);

H.R. 12099. An act for the relief of Sara B. Garner (Rept. No. 92-1207);

H.R. 12903. An act for the relief of Anne M. Sack (Rept. No. 92-1208);

S. Res. 132. Resolution to refer the bill (S. 2026) entitled "A bill for the relief of the Eriez Magnetics Corporation" to the Chief Commissioner of the United States Court of Claims for a report thereon (Rept. No. 92-1202); and

S. Res. 290. Resolution to refer the bill (S. 3451) entitled "A bill for the relief of the Crown Coat Front Company, Incorporated," to the Chief Commissioner of the United States Court of Claims for a report thereon (Rept. No. 92-1203).

By Mr. HRUSKA (for Mr. COOK), from the Committee on the Judiciary, with an amendment:

S. 3008. A bill for the relief of August F. Walz (Rept. No. 92-1210);

S. 3055. A bill for the relief of Maurice Marchbanks (Rept. No. 92-1211); and

H.R. 11629. An act for the relief of Cpl. Bobby R. Mullins (Rept. No. 92-1212).

By Mr. HRUSKA (for Mr. COOK), from the Committee on the Judiciary, with amendments:

H.R. 11047. An act for the relief of Donald W. Wotring (Rept. No. 92-1213).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

H.R. 9501. An act to amend the North Pacific Fisheries Act of 1954, and for other purposes (Rept. No. 92-1201).

Mr. MAGNUSON. Mr. President, H.R. 9501 would amend the International North Pacific Fisheries Act of 1954. It is needed due to the fact that certain provisions of the International Northwest Atlantic Fisheries Act of 1950 are incorporated in the North Pacific Fisheries Act by reference, and some of these provisions have been amended by Public Law 92-87.

Title I of H.R. 9501 would amend the North Pacific Fisheries Act to take these amendments of the Northwest Atlantic Act into account. Thus H.R. 9501 will enable the North Pacific Act to stand alone. There is also clarifying language to transfer fisheries responsibilities from the Department of Interior to the Department of Commerce.

Title II provides for alternate U.S. Commissioners so that the United States will not be at a disadvantage when other nations are represented by their full complement.

The bill would make payment of expenses for a limited number of Commission advisers mandatory, rather than discretionary as at present. Also, Commissioners would be appointed for staggered terms so that not more than one of the Commissioners' terms would expire in any year. The appointments would be for 4-year terms.

By Mr. AIKEN, from the Committee on Agriculture and Forestry, with amendments:

S. 3973. A bill to establish a system of wild areas within the lands of the national forest system (Rept. No. 92-1214).

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, with an amendment:

S. 3659. A bill establishing a commission to develop a realistic plan leading to the conquest of multiple sclerosis at the earliest possible date (Rept. No. 92-1215).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. BENNETT, from the Committee on Finance:

Darrell D. Wiles, of Missouri, to be a judge of the U.S. Tax Court.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. HANSEN (for himself and Mr. MCGEE):

S. 4021. A bill to construct an Indian Art and Cultural Center in Riverton, Wyo., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON (for himself, Mr. JACKSON, and Mr. CHURCH):

S. 4022. A bill to provide for the participation of the United States in the International Exposition on the Environment to be held in Spokane, Wash., in 1974, and for other purposes. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HANSEN (for himself and Mr. MCGEE):

S. 4021. A bill to construct an Indian Art and Cultural Center in Riverton, Wyo., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

INDIAN ART AND CULTURAL CENTER ACT

Mr. HANSEN. Mr. President, today I am introducing legislation on behalf of myself and my distinguished colleague, Mr. MCGEE to construct an Indian Art and Cultural Center on the campus of the Central Wyoming College near Riverton, Wyo.

In my work with the Senate Interior Committee I have the opportunity of listening to testimony and working with various Indian groups from all over the United States.

The social, historic, and cultural contribution of these people deserve the constant and continued recognition of all Americans.

The legislation which I am introducing today will highlight this contribution and will hopefully lead to the realization of several years of intensive, cooperative planning and research with Indian citizens from throughout the mountain area.

As introduced, the bill envisions the establishment of an Indian Art and Cultural Center that would serve the students of Central Wyoming College campus located on the Wind River Reservation in Wyoming.

The proposed center is endorsed fully by the Joint Business Council of the Shoshone and Arapahoe Tribes. In this regard, I ask unanimous consent that a letter endorsing the Indian Arts and Cultural Center to the president of Central Wyoming College be printed at this point in the RECORD.

Mr. President, I am proud to sponsor this legislation with my colleague, Senator MCGEE, and I urge its early approval.

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

SHOSHONE & ARAPAHOE TRIBES,
Fort Washakie, Wyo., August 22, 1972,
Dr. WALTER PALMBERG,
President, Central Wyoming College,
Riverton, Wyo.

DEAR DR. PALMBERG: Mr. Bob Rowan, Home-School Coordinator, met with the Joint Business Council on August 16, 1972, regarding the building of an Indian Arts and Cultural Center at Central Wyoming College.

The Business Council voted to endorse the Indian Arts and Cultural Center.

However, we would like to request more emphasis on sound educational programs, such as developing a lab, audio visual aids for use in elementary schools; and for this to be built more on the philosophy of quality education rather than just an Indian Arts and Cultural Center.

Sincerely yours,

ROBERT N. HARRIS, Sr.,
Chairman, Shoshone Business Council.
JESSE MILLER,
Chairman, Arapahoe Business Council.

ADDITIONAL COSPSONORS OF BILLS AND JOINT RESOLUTIONS

S. 3659

At the request of Mr. WILLIAMS, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 3659, a bill establishing a commission to develop a realistic plan leading to the conquest of multiple sclerosis at the earliest possible date.

S. 3814

At the request of Mr. TUNNEY, the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Montana (Mr. MANSFIELD), the Senator from Maine (Mr. MUSKIE), and the Senator from Rhode Island (Mr. PASTORE) were added as cosponsors of S. 3814, a bill to amend the Bank Secrecy Act.

S. 3880

At the request of Mr. JORDAN of Idaho (for Mr. SCHWEIKER) the Senators from Minnesota (Mr. MONDALE and Mr. HUMPHREY) were added as cosponsors of S. 3880, the National Diabetes Education and Detection Act.

S. 3989

At the request of Mr. ROBERT C. BYRD, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of S. 3989, a bill to deduct from gross tonnage in determining net tonnage those spaces onboard vessels used for waste materials.

S. 4001

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of S. 4001, the social security measure which would raise the amount of earned income from $1,680 a year to $3,000 a year before any penalties would be imposed: the Senator from Colorado (Mr. ALLOTT), the Senator from New Hampshire (Mr. COTTON), and the Senator from Arkansas (Mr. FULBRIGHT).

I think this brings the number now to a total of 73 cosponsors.

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

Mr. AIKEN. Mr. President, I ask unanimous consent that the name of the Senator from Colorado (Mr. DOMINICK) be added as a cosponsor of S. 4001, the social security bill introduced by the Senator from Montana (Mr. MANSFIELD) and myself a couple of days ago.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 296

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at its next printing, the names of the distinguished senior Senator from Georgia (Mr. TALMADGE) and the distinguished junior Senator from Georgia (Mr. GAMBRELL) be added as cosponsors of Senate Resolution 296, a resolution to designate the Old Senate Office Building as the "Richard Brevard Russell Office Building."

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

CONSUMER PROTECTION—AMENDMENTS

AMENDMENT NO. 1568

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

Mr. ALLEN (for himself, Mr. ERVIN and Mr. GURNEY) submitted an amendment intended to be proposed by them jointly to the bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

AMENDMENT NO. 1570

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

Mr. ALLEN (for himself, Mr. SPARKMAN, Mr. BAKER, and Mr. BROCK) submitted an amendment intended to be proposed by them jointly to the bill (S. 3970), supra.

FREE ENTRY OF CARILLON FOR MARQUETTE UNIVERSITY—AMENDMENT

AMENDMENT NO. 1569

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

Mr. BEALL submitted an amendment intended to be proposed by him to the bill (H.R. 3786) to provide for the free entry of a four-octave carillon for the use of Marquette University, Milwaukee, Wis.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ROBERT C. BYRD. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Donald D. Forsht, of Florida, to be U.S. marshal for the southern district of Florida for the term of 4 years, vice Loren Wideman, retired.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Friday, September 29, 1972, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ANNOUNCEMENT OF HEARINGS ON CITY COUNCIL NOMINATIONS

Mr. EAGLETON. Mr. President, the Committee on the District of Columbia will hold a hearing at 10 a.m. on Monday, September 25, 1972 on the nominations of Jerry A. Moore, Jr., Marjorie H. Parker, and Rockwood H. Foster to the District of Columbia City Council. Additionally, the committee will hear testimony on S. 3593, to increase the compensation of members of the City Council, and S. 3966, to authorize a Federal payment for the construction of additional rapid transit facilities. Anyone wishing to testify on any of these matters should contact the staff director of the District of Columbia Committee, Mr. Robert Harris, at 6222 New Senate Office Building.

NOTICE OF HEARINGS ON REGULATION OF THE SECURITIES INDUSTRY

Mr. WILLIAMS. Mr. President, I wish to announce that the Subcommittee on Securities will be conducting hearings on the regulatory structure of the securities industry on October 3 at 10:30 a.m. in room 5302, New Senate Office Building.

If you wish to submit a statement for the hearing record, please contact Stephen Paradise, Committee on Banking, Housing and Urban Affairs, room 5308, New Senate Office Building, telephone number 225-7391.

ADDITIONAL STATEMENTS

SOUTH CAROLINIAN NAMED CONSUMER ADVOCATE OF POSTAL SERVICE

Mr. HOLLINGS. Mr. President, I am pleased to invite the attention of Senators to the recent appointment of Mr. Thomas W. Chadwick, a native of South Carolina, to be Consumer Advocate of the U.S. Postal Service.

Mr. Chadwick attended the University of South Carolina at Columbia. He was a reporter and columnist for the State newspaper at Columbia. He has had extensive government service and has served in a variety of offices in the Postal Service for the past 7 years.

Mr. Chadwick will represent the postal customer and will suggest new methods and techniques for solving postal customer complaints.

I ask unanimous consent that a news release dated September 8, 1972, announcing Mr. Chadwick's appointment, be printed in the RECORD.

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

THOMAS W. CHADWICK

Postmaster General E. T. Klassen today named Thomas W. Chadwick, a veteran postal official and former South Carolina newsman, to be Consumer Advocate of the U.S. Postal Service.

Mr. Chadwick has been instrumental in the organization and production of each of six National Postal Forums—annual meetings designed to foster an exchange of ideas and views between Postal Service management and mail customers—and was Director of the last five.

He succeeds Mr. David Ordway, who was recently appointed Assistant Postmaster General (Product Development).

"With his experience in dealing with the needs of mail customers, especially through our annual Forum, Tom Chadwick is well suited for his new role as 'ombudsman' for mail users," Mr. Klassen said.

"The only thing we in the Postal Service have to sell is service. Tom Chadwick will be an important link with the unrepresented mail user, seeing that we respond to the public's needs."

Mr. Chadwick was born November 28, 1923, in Charleston, S.C. and attended the University of South Carolina at Columbia. He was a reporter and columnist for The State newspaper at Columbia, S.C., and has 10 previous years government service as a press secretary.

He has been with the postal system seven years, serving successively as Special Assistant to the Assistant Postmaster General (Finance and Administration); Deputy Director, Customer Relations Division; Director Complaints Analysis Division; and Manager, Special Projects Division and Director, National Postal Forum.

Since entering postal service, Mr. Chadwick has received awards for Meritorius Service, Superior Accomplishment, and Distinguished Service.

He is married to the former Betty Joyner of Moncks Corner, S.C. They have three children: Alice, 17; Thomas, Jr., 8; and Carlton, 6.

TUNNEY-GURNEY ANTITRUST BILL

Mr. GURNEY. Mr. President, I was pleased to join yesterday with the distinguished Senator from California (Mr. TUNNEY) in cosponsoring legislation which would amend the antitrust laws so as to make more information available to the courts, and to the public, about proposed consent decree settlements of antitrust cases.

Through its history, the Nation has been committed to the ideals of freedom and the free enterprise system. Competition between entrepreneurs at the marketplace has been considered by most to be indispensable to the production of quality goods at the lowest possible prices. Producers and consumers alike benefit when no one company or corporation controls an industry to the extent that competitive producers can be driven out of the market or that prices can be set at arbitrarily high levels.

Just as Government is charged with the responsibility of protecting the rights of individuals in a political and social sense, so, too, does it have an obligation to protect their rights in an economic sense. For this very reason, starting with the Interstate Commerce Act in 1887, antitrust legislation has been passed to protect businessmen and consumers alike from monopolistic practices that act in restraint of trade. The Sherman Act, the Clayton Act, and the creation of the Federal Trade Commission are but a few examples of our efforts to insure that the free enterprise system remains free and competitive.

The need for effective antitrust legislation is just as important today as it ever was, and while the laws on the books have served us well, changing times always leave room for improvement. In recent years we have seen a dramatic increase in the number of conglomerates or holding companies—huge corporations that have interests in a wide range of industries.

There is nothing necessarily wrong with size, per se, and in many cases the industries involved may benefit, but unless a watchful eye is kept on such developments there is a danger that the interests of the public may be done a disservice.

The key here is information, information on what is being contemplated, how it came to pass, what the public impact might be, and how individuals affected might obtain recourse in case of injury. With present-day business dealings more complex than ever, the public has a need for a greater amount of information than ever if its interest is to be best served. And that is exactly what this bill proposes to do—make more information available to all concerned.

Specifically, this bill establishes a specific but reasonable set of standards and guidelines to govern the settlement of antitrust cases and, in particular, the procedure by which consent judgments are entered into. This bill basically expands upon existing law and does not work undue hardship upon any one. In my view, its passage would have the positive effect on enhancing public confidence in the way antitrust cases are being handled.

Basically, the bill can be divided into three sections. The first section would require that any consent decree proposed by the Justice Department must be filed with the court and published in the Federal Register 60 days before it is intended to take effect. At the same time the Department would be required to file a "public impact" statement listing information on the case, the settlement proposed, the remedies available to potential private plaintiffs damaged by the alleged violation, a description of alternative to the settlement, and the anticipated effects of such alternatives.

As it stands now, these consent decrees must be filed with the court 30 days in advance and similar public impact statements are already required in other areas by the National Environmental Protection Act. The extra time and additional information that this bill requires is for the purpose of encouraging and, in some cases, soliciting additional information and public comment that will help the court decide if the consent decree should be granted. To ensure that public comment receives consideration, a further provision requires that the Justice Department file a formal response to it.

As to whether or not the consent decree should be accepted by the court, this bill requires that the decree be accepted only after the court has determined that it is in the public interest. This is a particularly important provision since, after entry of a consent decree, it is often difficult for private parties to recover damages for antitrust injuries. In some cases, the court may find that it is more in the public interest, for this reason and others, for the case to go to trial instead of being settled by agreement.

However, the consent decree is an important and useful tool of law enforcement and it is not the purpose of this bill to undo its effectiveness. Instead, the bill provides that proceedings before the district court in connection with either the decree itself or the required public impact statements are not admissible as evidence against any defendant in any antitrust action nor may they be used as a basis for introduction of the decree itself as evidence. By declining to give it prima facie effect as a matter of law, the consent decree is thereby preserved as an effective tool of law enforcement.

The other sections of the bill raise the penalties for criminal violations of the antitrust laws and improve the appeal procedures in antitrust cases. Both are needed. The present maximum fine of $50,000 is an inadequate deterrent against violations and providing for immediate Supreme Court review of those cases of general public importance can only benefit everyone concerned. If we are to be effective in our efforts to promote free enterprise and discourage monopolistic activity, we must be firm, must be fair, and we must ensure that the public interest—the rights of individuals to buy and sell goods at the marketplace without undue interference—be protected.

THE GAMBRELL-SPARKMAN AMENDMENT TO S. 3337

Mr. GAMBRELL. Mr. President, on September 13, 1972, during the debate on S. 3337, the senior Senator from New York (Mr. JAVITS) asked that additional information be furnished for the RECORD regarding the amendment which I offered on behalf of the senior Senator from Alabama (Mr. SPARKMAN).

Mr. President, I ask unanimous consent to have printed in the RECORD a statement providing additional information concerning this amendment.

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

STATEMENT

The Gambrell-Sparkman amendment to S. 3337 does not in any way detract from the additional incentives given to the MESBIC program by that bill. The Committee on Banking, Housing, and Urban Affairs agreed with the Administration that several major changes were necessary to attract more sponsors and more private capital to the MESBIC program, as well as to keep some of the present MESBICs active and viable concerns. There was no dissent from that position expressed during the Committee's consideration of S. 3337.

The amendment offered by Senator Gambrell on behalf of Senator Sparkman and adopted by the Senate on September 13 merely improves the overall legislation.

The amendment has two provisions. First, it would bring more private capital into the SBIC industry by permitting the Small Business Administration to provide leverage beyond the present limitation. Ever since the 1967 Amendments to the Small Business Investment Act were enacted, SBICs with private capital above $3.7-million have been discriminated against, for they have not been able to obtain any leverage on their capital in excess of that amount. By doubling the ceiling, SBICs will be able to leverage their private capital up to about $7-million.

The second part of the amendment would allow smaller SBICs to qualify for the so-called third-dollar leverage if they specialize in making equity investments, rather than straight loans. This third tier of leverage was authorized for the first time in the 1967 Amendments to the Small Business Investment Act, but it was limited to SBICs with private capital above $1-million. The 1967 innovation has served its purpose well, because SBICs are now making more investments and fewer loans now than they were prior to 1967. On the other hand, there is no reason why SBICs with private capital below $1-million should not be given the same inducement to invest, rather than lend, so the Gambrell-Sparkman amendment to S. 3337 provides that all SBICs with private capital above $500,000 should be eligible for third-dollar leverage if they meet the necessary criteria.

Incidentally, S. 3337 as reported from the Committee, allows MESBICs to leverage all their private capital without any ceiling whatever; the Gambrell-Sparkman amendment does not give this privilege to regular SBICs. Under the bill, MESBICs with private capital of $500,000 or more are entitled to third-dollar leverage.

SBA data show that regular SBICs have made far more dollars available to minority businessmen than have MESBICs over the

past three years. Regular SBICs have made these loans and investments with a combination of motives—both through hardheaded business decisions and through a desire to bring the disadvantaged into the mainstream of our economic life. Regular SBICs will continue to be the major source of equity capital for disadvantaged businessmen, even after we buttress the MESBIC program through the passage of S. 3337.

Along the same line, it is the larger SBICs which have the staff and financial resources to take on the riskier and more demanding minority investments. For that reason, the Senate action in authorizing additional leverage for these larger SBICs is most relevant to the reason for considering and passing S. 3337: the assistance of the minority and disadvantaged businessman.

The Sparkman-Gambrell amendment will *not* in any way detract from the MESBIC program itself. The heart of S. 3337 relates to the low-cost Federal funding available for MESBICs; the amendment does not give regular SBICs that advantage. Regular SBICs will continue to buy their leverage with an SBA guarantee in the public securities markets and will have to pay the going cost of money. Under S. 3337, MESBICs will receive subsidized loans from SBA and will be able to sell preferred stock to SBA. It is apparent, therefore, that no conflict exists between the two segments of the SBIC program, or between the Administration's MESBIC bill and the Sparkman-Gambrell amendment.

The Senate Banking Committee, incidentally, received testimony in favor of the Gambrell-Sparkman amendment while it was considering S. 3337, so this matter did not come before the Senate without a hearing and without discussion.

To sum up: the amendment to S. 3337 has the potential to assist all types of small business and it augments, rather than subtracts, from the additional incentives given MESBICs under the bill.

MULTIPLE SCLEROSIS—A CHALLENGE TO THE MEDICAL PROFESSION

Mr. ROTH. Mr. President, the disease multiple sclerosis—MS—which is notorious for its uncertainty and incurability, presents a constant challenge to the medical profession in this country. Efforts to discover a cure for this disease deserve a commitment of support from the Congress. This disease, often called the "crippler of young adults," is not contagious, nor could it be termed a "mental" disease. It is a neurological disease—one which impedes the proper performance of such important body functions as walking, talking, seeing, hearing, eating, tying a shoelace, or opening a door. The tragic influence of such an illness has been underscored by a U.S. Public Health Service publication which states that—

> Neurological ailments add up to the leading cause of permanent disability and the third cause of death in the United States.

Mr. President, currently pending before the Health Subcommittee of the Senate Labor and Public Welfare Committee is a measure which, if passed, could assist the medical profession of our country in finding a cure for this dreadful disease. The National Advisory Commission on Multiple Sclerosis Act, H.R. 15475, would establish a body of professionals which would meet, for a period of 1 year, to determine the most effective means of finding the cause of and cure for multiple sclerosis. The Commission would then make a report of its findings, including any legislative recommendations, to be transmitted to the President and the Congress.

This bill is the product of hearings held last May by the House Interstate and Foreign Commerce Committee, which sought to develop legislation leading to the conquest of multiple sclerosis. Six weeks ago, it was passed by the House of Representatives by a voice vote. Should it become public law, the Secretary of the Department of Health, Education, and Welfare would be directed to appoint a nine-member Commission, of which five members would be drawn from the advisory council to the National Institute of Neurological Diseases and Stroke, with the remaining positions filled by qualified public representatives.

As estimated by the House Interstate and Foreign Commerce Committee, this Commission would cost the Federal Government less than $25,000 for its year-long operation. This initial investment will, hopefully, produce long-term gains for the American public. Since this disease generally strikes young adults between the ages of 20 and 40—an age bracket which continually expands—it is evident that until a cure for MS is found, the overall cost of this disease to the average American taxpayer, in both financial commitment and productivity loss, will continue to rise.

Mr. President, in supporting the formation of this national Commission, I would like to take this opportunity to salute the efforts of the thousands of MS volunteers who annually devote much of their time and energy in helping to achieve victory in the battle against MS. To each of these unselfish individuals, we owe our thanks. I also applaud work done by the many State and local organizations which lead the crusade against this savage crippler. Statewide organizations, such as the Delaware Chapter of the National Multiple Sclerosis Society, to which I am honored to serve as an honorary board member, provide clinical care and consultation to MS patients in need of assistance.

In closing, Mr. President, I strongly urge Senators to join me in support of H.R. 15475. As a result of its passage, millions of Americans might be spared the suffering which accompanies MS.

THE BANK SECRECY ACT

Mr. TUNNEY. Mr. President, for several months now I have spoken out time and time again against the Orwellian tactics of our Government agencies in conducting secret surveillance of the bank accounts of citizens.

I did so because I believe that the Government should not be allowed freely to intrude upon, indeed, trample upon America's banking privacy. For as we all know, a person's political, business, and personal life may be scrutinized in detail by examining his bank account.

For these reasons, in July, I introduced a bill (S. 3814) to amend the Bank Secrecy Act. The Bill would prohibit banks from disseminating financial records to anyone, including the Government, without first obtaining the account holder's consent, or be served with a subpena or court warrant.

Last week, a three-judge district court in San Francisco held unconstitutional a portion of the Bank Secrecy Act. Although the holding was fairly narrow, the words of the court were not:

> Banks have traditionally returned, either directly or through the clearing house, all checks each month to the original drawer of the checks. It would seem reasonable therefore, for the drawer of a check to regard himself as the real owner of his checks, subject only to normal banking processing, and to expect that detailed information shown only on the face of his checks will not be automatically broadcast throughout the vast government bureaucracy without at least some notice, summons, subpena, or warrant in connection with some legitimate pending inquiry.

During the hearings on my bill before Senator PROXMIRE's Financial Institutions Subcommittee, the Government witnesses admitted that they conduct secret monitoring of bank accounts frequently and with the full cooperation of the banks involved. Mr. Lynch of the Justice Department opined that no additional legislation is required because the "conscience" of the investigating agent and the "responsibility" of the bank manager would suffice as "inherent controls."

The constitutional handwriting is on the wall, Mr. President, to use a well-worn cliche. The need for congressional action is very evident. It is imperative that Congress act as quickly as possible to stop the abuses of our law enforcement agencies, while at the same time allowing them the full and adequate means to pursue crime-stopping effectively and constitutionally.

I ask unanimous consent that the complete text of the court's opinion be printed in the RECORD.

I also include as cosponsors for S. 3814 the following Senators: BAYH, CANNON, HUGHES, HUMPHREY, MANSFIELD, MUSKIE, and PASTORE.

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

[U.S. District Court, Northern District of California]

Fortney H. Stark, Jr., et al., Plaintiffs, vs. John B. Connally, Jr., Secretary of the Treasury of the United States, et al., Defendants. No. 72 1045; The California Bankers Association, Plaintiff, vs. John B. Connally, Jr., Secretary of the Treasury of the United States, et al., Defendants; No. 72 1157)

MEMORANDUM OF DECISION

Before: HAMLIN,* Circuit Judge, EAST and SWEIGERT, District Judges.

Judge SWEIGERT: Plaintiffs in No. 72 1045 include several named individuals who are bank customers, also the American Civil Liberties Association, suing on behalf of itself as a bank customer and also on behalf of such of its numerous members as are also

*Judge Hamlin dissents in part.

bank customers; also a bank—the Security National Bank. The only plaintiff in No. 72 1157 is the California Bankers Association, suing on behalf of its membership, which comprises all California banks.

These plaintiffs seek to enjoin the Secretary of the Treasury from enforcing the provisions of the so-called Bank Secrecy Act, enacted by the Congress on October 26, 1970, to be effective May 1, 1971, and the Regulations issued thereunder on March 31, 1972 (but by their own terms not effective until July 1, 1972) upon the grounds that such enforcement poses grave and irreparable injury to their constitutional rights — their right to freedom from unreasonable search; their constitutional right of privacy; their privilege against self-incrimination; their right to due process as it may affect banks and bank customers, and also the right of private association protected by the First Amendment.

The Bank Secrecy Act (12 U.S.C. 1829b; 31 U.S.C. Secs. 1051–1122) requires banks and similar financial institutions to keep certain records and authorizes the Secretary of the Treasury to require such institutions and persons participating in transactions with such institutions to report financial transactions to the Secretary for the stated reason (Sec. 1051) that such records and reports have a high degree of usefulness in criminal, tax and other regulatory investigations.

The record-keeping provision of the Act is 12 U.S.C. Sec. 1829b—implemented by Treasury Regulation 31 C.F.R. sub-part C, Secs. 103.31–103.37. Section 1829b (b) (c) (d) broadly requires financial institutions to maintain, not only customary ledger card records for commercial and savings accounts, but also to maintain microfilm of all checks, drafts or similar instruments drawn on or presented for payment or received for deposit or collection—an authorization which the Secretary has implemented (Regulation 103.31–103.37) with exceptions only for large accounts involving dividend, payroll or employee and medical benefit checks.

The temporary restraining order heretofore issued in this case has not been directed to the record-keeping provisions of the Act, and since we find no constitutional violation in these record-keeping provisions, as such, we reject plaintiffs' contentions insofar as those portions of the Act are concerned.

Turning, however, to the reporting provisions of the Act, those provisions are contained in Title 31 U.S.C. Secs. 1081, 1082, 1083, 1101 and 1121 and have been implemented by Treasury Regulations 31 C.F.R. Part 103, sub-part B, Secs. 103.21–103.26. These reporting provisions fall into two categories: (1) Those relating to *foreign* financial transactions (Secs. 1101 and 1121), and (2) those relating to *domestic* financial transactions (Sec. 1081).

Since, in our opinion, the reporting provisions relating to foreign transactions present no great problem we will first dispose of plaintiffs' challenges to those provisions.

REPORTING OF FOREIGN FINANCIAL TRANSACTIONS

31 U.S.C. Sec. 1101 (Reports of Exports and Imports of Monetary Instruments) provides in substance that whoever knowingly transports monetary instruments from the United States or into the United States or receives such at the termination of the transportation to the United States in an amount exceeding $5,000 shall file a report in such form and detail as the Secretary may require setting forth certain specified (sub. b) information—with certain qualifications (sub. c) as to common carriers.

Regulation 103.23 (Reports of Transportation of Currency or Monetary Instruments), implementing Section 1101, excepts transfers through normal banking procedures and makes some other exceptions (sub. c).

31 U.S.C. Sec. 1121 (Foreign Transactions) provides in substance that the Secretary of the Treasury, having due regard for the need for controlling export and import of currency and also due regard to avoidance of unreasonably burdening legitimate transactions with foreign financial agencies, shall by regulation require residents of the United States, who engage in any transactions with a foreign financial agency, to maintain records or file reports, or both, setting forth such of the certain stated information as the Secretary may require. (See also, Sec. 1122).

Regulation 103.24, implementing Section 1121, provides in substance that each person subject to the jurisdiction of the United States, having a financial interest in a bank, securities or other financial account in a foreign country, shall report such relationship as required on his federal income tax return.

We are of the opinion that these portions of the Act, dealing with export and import of monetary instruments and with foreign monetary interests or accounts, do not violate any constitutional provision.

First of all, there is the general rule (which must always be the point of departure in cases calling for judicial review of legislation enacted by the Congress), that the wisdom of legislation and the need for it are matters for the Congress to decide and the Courts should not substitute their judgment for that of the Congress. (See, Justice Stewart dissent in *Griswold* v. *Connecticut*, 381 U.S. 479 (1965) at 526. The foregoing reporting provisions of the Act are limited to a narrowly described area of international financial transactions and the Congressional decision falls within the general rule.

The Supreme Court, when dealing with matters of reporting to and surveillance by the executive, has traditionally recognized a distinction between domestic surveillance, on the one hand, and surveillance where foreign nations are involved, pointing out that what might be impermissible in domestic cases may be constitutional where foreign powers are involved. See, *United States* v. *United States District Court*, —— U.S. —— (6/19/72) (slip opinion pp. 10–12; p. 23).

Furthermore, the Act contains procedural protections applicable to its provisions for reporting these foreign transactions. For example, with respect to enforcement of Section 1101, the Act (Section 1105) provides that, if the Secretary has reason to believe that monetary instruments are being transported without reporting or with false reports, he may apply to the Court for a search warrant. Similarly, with respect to enforcement of Section 1121(b) (foreign transactions) that section provides that no person required to maintain records under the section shall be required to produce or disclose the same except with a duly authorized subpoena or summons as may be otherwise required by law.

We conclude that these provisions violate no constitutional guarantee and that, since these provisions, requiring report of certain foreign financial transactions, are clearly separable from provisions pertaining to the reporting of domestic financial transactions, plaintiffs' motion for a preliminary injunction as to the former is denied.

REPORTING OF DOMESTIC FINANCIAL TRANSACTIONS

A more formidable problem is presented by the Act's provisions authorizing the Secretary to require reporting to him by financial institutions, and also by persons participating in transactions with them, of domestic financial transactions.

31 U.S.C. Sec. 1081 (Domestic Currency Transaction-Reports) provides that transactions involving any financial institution shall be reported to the Secretary at such time and in such manner, and in such detail, as the Secretary may require, if they involve the payment, receipt or transfer of United States currency or such other monetary instruments, as the Secretary may specify, in such amounts, denominations, or both, or under such circumstances, as the Secretary shall by regulation prescribe.

Section 1082 provides that the report of any such transaction shall be signed or otherwise made both by the domestic financial institutions involved and by one or more of the other parties thereto or participants therein as the Secretary may require.

Regulation 103.22 (Reports of Currency Transactions), which partially implements these sections, requires financial institutions to report transactions involving currency of more than $10,000.

It will be noted that, although to date the Secretary has required reporting only by the financial institutions and then only of currency transactions over $10,000, he is empowered by the Act, as indicated above, to require, if he so decides, reporting not only by the financial institution, but also by other parties to or participants in transactions with the institutions and, further, that the Secretary may require reports, not only of currency transactions but of any transactions involving any monetary instrument—and in any amount—large or small.

Since, as already noted, the record-keeping provisions of the Act require banks to microfilm all checks, drafts or similar instruments drawn on or presented to or received for deposit or collection by a bank, and since, as noted, the Secretary may require reporting not only by the bank, but also by the other parties to, or participants in, any bank transaction, the required report can include, not only the bank's usual record of its customer's account, but also such information as is disclosed on the face or back of any check, draft or similar monetary instrument—i.e., information concerning the identity of the persons, firms or organizations with whom the drawer has chosen to deal and, further, such additional "detail" concerning the transactions "as the Secretary may require" from both the bank and other parties or participants.

These reporting provisions of the Act must be considered along with other general provisions, e.g., Section 1053 which vests broad power in the Secretary to prescribe such regulations as he may deem appropriate to carry out the purposes of the Act; also under Section 1055 the Secretary may make and revoke exemptions from the Act's requirements as he may deem appropriate; these exemptions may be conditional or unconditional, by regulation or by order or by licensing, and they may relate to particular transactions or to particular parties. The Secretary has broadly implemented these authorizations in his Regulation 103.45, providing that in his sole discretion he may by written order make exceptions or exemptions or impose additional record-keeping or reporting requirements authorized by the statute or otherwise modify the requirements of the regulations.

Further, Section 1061 provides that the Secretary of the Treasury shall, upon such conditions and procedures as he may by regulation prescribe, make any information set forth in the required reports available, for any purpose consistent with the provisions of the Act, to any other federal agency at its request.

The question is whether these provisions, broadly authorizing an executive agency of government to require financial institutions

and parties to or participants in transactions with them, to routinely report to it, without previous judicial or administrative summons, subpoena or warrant, the detail of almost every conceivable financial transaction as a surveillance device for the discovery of possible wrongdoing on the part of bank customers, is such an invasion of a citizen's right of privacy as amounts to an unreasonable search within the meaning of the Fourth Amendment.[1]

That there is such a thing as a constitutionally protected "right of privacy" has been recognized by the Supreme Court in such cases as *Griswold* v. *Connecticut*, 381 U.S. 479 (1965); *Katz* v. *United States*, 389 U.S. 347 (1967) and most recently in *United States* v. *United States District Court*, ——— U.S. ——— (June 19, 1972).[2]

In *Katz* v. *United States*, supra, the Supreme Court, holding that government eavesdropping violated the right of privacy upon which a person relied while using an otherwise public telephone booth, said: "The Fourth Amendment protects people, not places. What a person knowingly exposes to the public, even in his own home or office, is not a subject of Fourth Amendment protection. See, *Lewis* v. *United States*, 385 U.S. 206, 210 (1966); *United States* v. *Lee*, 274 U.S. 559, 563 (1927). But what he seeks to preserve as private, even in an area accessible to the public may be constitutionally protected. See, *Rios* v. *United States*, 364 U.S. 253 (1960); *Ex parte Jackson*, 96 U.S. 727, 733 (1877) . . . No less than an individual in a business office, in a friend's apartment, or in a taxicab, a person in a telephone booth may rely on the protection of the Fourth Amendment. One who occupies it, shuts the door behind him, and pays the toll that permits him to place a call, is surely entitled to assume that the words he utters into the mouthpiece will not be broadcast to the world. To read the Constitution more narrowly is to ignore the vital role that the public telephone has come to play in private communication."

Harlan, J., concurring at p. 360–361, concerning what is meant by privacy, added: "My understanding of the rule is that there is a two-fold requirement, first that a person have exhibited an actual (subjective) expectation of privacy and, second, that the expectation be one that society is prepared to recognize as 'reasonable'."

In the recent case of *United States* v. *United States District Court*, ——— U.S. ——— (6/19/72) the Supreme Court, considering a presidential claim of legal right to wire tap telephone conversations (without court approval) when deemed necessary to protect the nation from attempts of domestic organizations to attack and subvert its existing form of government, again unanimously held that the Fourth Amendment shields such a conversation from surveillance; that the government's duty to safeguard domestic security must be weighed against the potential danger that unreasonable surveillances pose to individual privacy; that Fourth Amendment freedoms cannot be properly guaranteed if domestic security surveillances are conducted solely within the discretion of the executive branch without the detached judgment of a neutral magistrate, especially when resort to appropriate warrant procedure would adequatey serve the legitimate purposes of domestic security searches.

In *City of Carmel* v. *Young*, *supra*, the California Supreme Court, citing the principle laid down by the Supreme Court of the United States in *Griswold* v. *Connecticut*, *supra*, held that a statute requiring public officials and candidates for public office to disclose investments in excess of $10,000 although a laudable and proper legislative concern with possible conflicting interests of public servants, was, nevertheless, an invalid intrusion upon the right of privacy protected by the Fourth Amendment.

Does the constitutional principle laid down by the Supreme Court in the above cases apply in the present case where the government claims legal right to maintain routine surveillance, without summons, subpoena or warrant, over the details of citizens' financial transactions with banks and similar financial institutions for the broadly stated purpose of helping executive agencies of the government to investigate, not only tax and criminal matters, but also other unspecified "regulatory investigations"?

At the outset we must note the holdings in this and other circuits that communications between banks and their customers are not privileged communications in the technical sense of that term; that bank customers have no rights in bank records; that such records may be subpoenaed from the bank, even over the objection of the depositor, notwithstanding the fact that the records concern the customer's account; that customers have no standing to object to subpoenas requiring their bank to produce records of the customer's accounts and that the production by the bank of its records under subpoena is not, as to the customer, either a Fourth Amendment illegal search and seizure nor a Fifth Amendment self-incrimination. *Harris* v. *United States*, 413 F. 2d 316 (9th Cir. 1969). See also *Galbraith* v. *United States*, 387 F. 2d 617 (10th Cir. 1968); *Application of Cole*, 342 F. 2d 5 (2d Cir. 1965); *De Masters* v. *Arend*, 313 F. 2d 79, 85 (9th Cir. 1963).

It seems, therefore, that bank customers have no recognizable right to claim invasion of their privacy merely because a government agency, by summons or subpoena, requires a bank to produce the bank's own records pertaining to the customers' financial transactions.

It will be noted, however, that the cases enunciating this rule all involved situations in which (1) the government agency was seeking only the bank's own records of the customer's account, and (2) the government agency was following established procedures for obtaining such records by means of judicial or administrative summons, subpoena or warrant, e.g., 26 U.S.C. Sec. 7602 et seq., and (9) the government agency was seeking records claimed to be relevant and material to a specific matter then under inquiry, i.e., the correctness of a particular taxpayer's return.

In the operation of the domestic financial transaction reporting provisions of the Act here in question, none of these elements are present.

The power of the Secretary under the Act in question to require reports is not limited to the bank's own records or to information based thereon, e.g., the bank's ledger card record of the state of the customer's account or its own deposit slips or passbook entries. As already indicated, the Act goes much further to authorize the mandatory disclosure of information obtainable from microfilming checks and drafts and also detail information required from the parties to and participants in each transaction.

We do not consider it necessary to pass upon the technical question whether customer's checks, as such, become the property of the bank during the banking process. We do note, however, that banks have traditionally returned, either directly or through the clearing house, all checks each month to the original drawer of the checks. It would seem reasonable therefore, for the drawer of a check to regard himself as the real owner of his checks, subject only to normal banking processing, and to expect that detailed information shown only on the face of his checks will not be automatically broadcast throughout the vast government bureaucracy without at least some notice, summons, subpoena or warrant in connection with some legitimate pending inquiry.

Certainly, at least, a bank customer reasonably expects privacy concerning details of his personal financial affairs not shown on either the bank's own records or on the face of the customer's checks and which must be disclosed only by the report required of the bank customer, himself, as a party to or participant in a financial transaction.

It would seem that, within these limitations, and within the meaning of *Katz*, supra, a bank customer does expect a degree of privacy in these matters and that such an expectation is one that society has been prepared to recognize as "reasonable."

As stated by the Supreme Court of California in *City of Carmel* v. *Young*, supra (Burke, J.) (p. 268): "In any event we are satisfied that the protection of one's personal financial affairs and those of his (or her) spouse and children against compulsory disclosure is an aspect of the zone of privacy which is protected by the Fourth Amendment and which also falls within that penumbra of constitutional rights into which government may not intrude absent a showing of compelling need and that the intrusion is not overly broad" . . . "the law must be shown necessary and not merely rationally related to the accomplishment of a permissible state policy. *Griswold* v. *Connecticut*, *supra*, 381 U.S. 479, 497. The breadth of legislative abridgment must be viewed in the light of less drastic means for achieving the same basic purpose. *Shelton* v. *Tucker*, *supra*, 362 U.S. 479."

The Act challenged in our pending case makes no provision for any summons, either judicial or administrative, as the means whereby the Secretary can demand reports from banks and their customers concerning the details of their financial transactions. He is empowered to peremptorily require such reports routinely—automatically—from the banks and from all parties and participants in financial transactions without any procedure whereby either the bank or the customer may in advance test the reasonableness of the demand.

Sections 7602 et seq., of the Internal Revenue Act of 1954 (26 U.S.C.), already above mentioned, establish procedures whereunder the Secretary of the Treasury, for the limited purpose of ascertaining the correctness of an individual's tax return, may summon the person liable or any person having possession or care of books of account relating to the business of that person or any other person, to appear and to produce such records and to give testimony as may be relevant or material to such inquiry.

Under these procedures the ultimate enforcement of the summons can be judicially controlled when challenged either by the bank or by the customer-taxpayer himself as an intervening third party interest whose financial transactions are involved. *Reisman* v. *Coplin*, 375 U.S. 440 (1964).[3]

The Act here in question contains no such procedural safeguards with respect to reporting of domestic transactions as are contained in this existing law whereunder the Treasury is already given ample but orderly opportunity to investigate tax violations by citizens.

Further, the Act presents the question whether there is any reasonable relationship between the end sought to be achieved, i.e., possible assistance to the government in its

Footnotes at end of article.

investigations of citizens, on the one hand, and on the other hand, the peremptory, sweeping, unsafeguarded reporting provisions which it authorizes the Secretary to require.

There can be no question about the power of Congress to require records and reports from business entities and citizens (*United States* v. *Morton Salt*, 338 U.S. 632 (1950)); *Provided, however*, That any such records or reports bear some reasonable relationship to the matters under inquiry. See *Federal Trade Commission* v. *American Tobacco Co.*, 264 U.S. 298 (1924), where the Court held that "a governmental fishing expedition into private papers on the possibility that they may disclose evidence of a crime, is so contrary to first principles of justice, if not defiant of the Fourth Amendment, that an intention to grant the power to a subordinate agency will not be attributed to Congress unless expressed in the most explicit language" . . . and . . . "access is confined to such documents as are relevant evidence to the inquiry or complaint before the commission. . . ."

In *Shapiro* v. *United States*, 335 U.S. 1 (1948) at 32–33 the Supreme Court recognized that "There are limits which the government cannot constitutionally exceed in requiring the keeping of records which may be inspected by an administrative agency and may be used in prosecuting statutory violations committed by the record keeper himself," adding, "But no serious misgivings that those bounds have been overstepped would appear to be evoked when there is a sufficient relation between the activity sought to be regulated and the public concern so that the government can constitutionally regulate or forbid the basic activity concerned and can constitutionally require the keeping of particular records subject to inspection by the administrator."

Various tests have been formulated to ascertain the reasonableness of a search and seizure, e.g., a search is unreasonable when "it is out of proportion to the ends sought" (*McMann* v. *Securities & Exchange Commission*, 874 F.2d 377, 379 (2d Cir. 1937, J. Learned Hand), "balancing the need to search against the invasion which the search entails." *Camara* v. *Mun. Ct.*, 387 U.S. 523 (1967); "a nexus . . . between the item seized and criminal behavior." *Warden* v. *Hayden*, 387 U.S. 294, 307 (1967).

As compared with the relatively specific and certainly vital national interests involved in *United States* v. *United States District Court*, supra, i.e., subversion of our form of government, which the Supreme Court has held, nevertheless, insufficient to justify invasion without prior judicial approval, of conversational privacy by wire tap surveillance, the stated reason given in the Act now in question, for invasion of bank customers' reasonable expectation of a degree of privacy, i.e., the mere general possibility that such surveillance will help in criminal, taxation and unspecified governmental investigations, is far more vague and far less convincing.

The same may be said of *City of Carmel* v. *Young*, supra, wherein the court held that even such an important and specific subject of legislative concern as conflict of interest among public employees was insufficient to justify an overbroad invasion of one's right of privacy in his financial affairs.

How far-fetched is the relationship between the surveillance authorized by this Act and the general expectation that it may uncover wrongdoing is indicated in its legislative history wherein an Assistant Secretary of the Treasury, testifying before a Congressional Committee stated: "We believe that the imposition of an all-encompassing requirement to photograph all checks drawn on U.S. banks . . . could be impractical, wasteful, and counter-productive. In excess of 20 billion checks are drawn annually in the United States and flow through the banking system and only a small percentage of these are likely to be of use in criminal, tax or regulatory investigations and proceedings." Senate Hearings, p. 178.

Similarly a Commissioner of Internal Revenue testified as follows: ". . . Realistically, however, the creation of a mass of paper beyond our capacity to digest and utilize could have the effect of submerging and making unobtainable information of special interest to us. In other words, a rifle rather than a shotgun may represent the best approach to the problem." House Hearings, p. 68.

Remarkably, the government in its brief (7/13/72, p. 5) seems to recognize these considerations by interpreting the reporting provisions of the Act to mean that: "... Nothing in the statute gives the government any greater right to *access* to bank records than it possessed before. Consequently, *whenever the federal government desires to inspect any bank records kept under the provisions of the new statute, the federal government must resort to using an administrative summons or judicial subpoena as it did in the past*. Upon the issuance of such a summons or subpoena, if the bank customer felt that the use of the summons or subpoena constituted an illegal search and seizure under the Fourth Amendment, that contention could be contested in court in the same manner as it heretofore has been contested." (emphasis added).

Of course, if the government intends to obtain the information contemplated by the reporting provisions of the Act only through use of administrative summons or judicial subpoena, as it has done in the past under existing law, then one may well question the need for this new legislation. However, we must look, not merely to what the government says it intends to do, but to the much broader authorization of the Act itself.

For the reasons above set forth we are of the opinion that the Act in question, insofar as it authorizes the Secretary to require virtually unlimited reporting from banks and their customers of domestic financial transactions as a surveillance device for the alleged purpose of discovering possible, but unspecified, wrongdoing among the citizenry, so far transcends the constitutional limits, as laid down by the United States Supreme Court for this kind of legislation, as to unreasonably invade the right of privacy protected by The Bill of Rights, particularly the Fourth Amendment provision protecting "the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures."

We therefore, deem it unnecessary to consider plaintiffs' claims based upon the Fifth Amendment privilege against self-incrimination, the Fifth Amendment requirement of due process, and the First Amendment protection of freedom of association.

Plaintiffs' motion in the above consolidated cases for a preliminary injunction is granted to the extent of enjoining defendant from enforcing the reporting provisions of the Act concerning domestic financial transactions—but in no other respect.

This Memorandum constitutes the findings and conclusions of the Court within the meaning of Rules 52 and 65 of Federal Rules of Civil Procedure.

Dated: August 4th, 1972.

O. D. HAMLIN,
Circuit Judge.
WILLIAM G. EAST,
District Judge.
W. T. SWEIGERT,
District Judge.

HAMLIN, Circuit Judge, dissenting and concurring:

I concur in that portion of the majority opinion in the above case which upholds the constitutionality of 31 U.S.C. §§ 1101, 1121 and 1122, and the Treasury regulations implementing said sections.

I respectfully dissent, however, from that portion of said opinion which holds that 31 U.S.C. §§ 1081, 1082 and 1083 relating to domestic banking transactions are unconstitutional.

As I see it, there is no essential difference between the statutes covering domestic and those covering foreign banking requirements. The majority opinion refers to no authority which is directly on point. The references therein to cases involving conversational privacy are to me inapposite. Any person or organization using banks for their own purposes does so knowing that the Code sections in question permit access to bank records by the government and reports by the banks concerning those records.

Courts should be slow in finding a Congressional enactment unconstitutional.

In this case, if any hardship result by reason of these statutes, application can be made to Congress for relief.

FOOTNOTES

[1] It will be noted that anyone who refuses to so report does so upon peril of criminal prosecution under Section 1058.

[2] See also, *Doe* v. *McMillian*, 442 F.2d 879 (D.C. Cir. 1971); *York* v. *Story*, 324 F.2d 250 (9th Cir. 1963); *Zimmerman* v. *Wilson*, 81 F.2d 847, 849 (3d Cir. 1936). But see, 25 F. Supp. (1938), aff'd in 105 F.2d 583, 586 (1939); *Dietmann* v. *Time*, 284, F. Supp. 925 (C.D. Cal. 1966); *City of Carmel* v. *Young*, 2 Cal. 3d 259 85 Cal. Rptr. 1 (1970); *Brex* v. *Smith*, 146 Atl. 34 (New Jersey 1969).

[3] It is true that in *Donaldson* v. *United States*, 400 U.S. 517 (1971) the Court limited to some extent the holding of *Reisman* that the customer-taxpayer would have a right to intervene in the summons proceedings, holding that such a right to intervene is not absolute; that for example, there would be no right to intervene when the taxpayer has no proprietary interest in the summoned records (his sole interest being that they presumably contain details of payments to him); that, since he has no other protectible interest by way of privilege or otherwise, he had no absolute right to intervene; that as IRS summons may be issued in connection with a tax investigation if it is issued in good faith and prior to any recommendation for criminal prosecution. But, as pointed out by J. Douglas, concurring (p. 536), a taxpayer would clearly have standing to raise a claim of violator of his constitutional rights if a third party were ordered to produce records belonging to the taxpayer, citing *United States* v. *Kordell*, 397 U.S. 1, 7; and *Reisman* v. *Coplin*, 385 U.S. 440, 445. Further, legislation is now pending in Congress to modify any effect of *Donaldson* by providing that the government, when acting under IRS statutes, must first get the consent of the bank customer or show cause to obtain bank records concerning the customer.

RESPECT FOR FLAG AT OLYMPICS

Mr. SCOTT. Mr. President, a fellow alumnus of Randolph-Macon College, A. Purnell Bailey, and his family recently wrote me a letter reflecting on another disturbing facet of the XX Olympiad. The letter was written to Olympic Boxing Gold Medalist Mr. Sugar Ray Seales. I ask unanimous consent that the letter be printed in the RECORD.

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

A. PURNELL BAILEY,
McLean, Va., September 10, 1972.
Mr. SUGAR RAY SEALES,
Olympic Gold Medal Winner,
Washington, D.C.

DEAR MR. SEALES: Congratulations on winning a great fight at the Olympics and winning the Gold Medal!

Even more, congratulations on your respect to the flag of our country and to all of us in the United States who supported our Olympic contestants. Your hand over your heart was a symbolic moment of respect to our country, and a word of thanks to all of us who participated in sponsoring our athletes.

Earlier in the Olympics we were distressed at the disloyalty of two contestants who literally "thumbed their nose" at the country which supported them. You had better stuff in you and we are grateful.

We are sending a copy of this letter to the President, to the Olympic officials, to our Senators and Congressmen to express to them our pride and gratitude for you, your loyalty to our country, and for your fine skills.

We are grateful, too, to the excellent station (WMAL–TV in Washington: Channel 7), advertisers, and others who brought us the events as if we were there. We were in Munich and Augsburg a week before the Olympics and wished we could have stayed for the events.

We are PROUD of you, and PROUD of the country to which we give our respect and loyalty!

Our congratulations to your family, too;
Yours cordially,
A. PURNELL BAILEY,
RUTH H. BAILEY,
JEANNE P. BAILEY.

TOWN HALL OF LOS ANGELES

Mr. TUNNEY. Mr. President, in 1937 a group of civic minded men founded Town Hall of Los Angeles. The founders sought to realize through civic education and study the ideals of democracy in an enlightened and harmonious community.

Today, under the outstanding leadership of Rolland D. Headlee, Town Hall continues its dedication to those ideals in a world and Nation grown increasingly complex during the 35 years since Town Hall was founded.

Town Hall maintains an impartial position as an open forum for examining questions of vital interest to the public by providing more than 250 meetings a year for over 6,000 community leaders and concerned citizens of diverse backgrounds.

Town Hall is recognized as the most important public forum in southern California. As one who has been privileged to participate, I can attest that the discussion is frank and open, the questions often difficult and provocative.

For these reasons, and more, the California State Legislature recently commended Town Hall and Rolland D. Headlee for outstanding public service in promoting civic education in Los Angeles and Orange County. I join the State Legislature and members of the California delegation to Congress in commending Town Hall and its executive director.

EXTENDED BENEFITS UNEMPLOYMENT COMPENSATION PROGRAM BARS PAYMENT IN NEW JERSEY AND NINE OTHER STATES

Mr. CASE. Mr. President, I ask unanimous consent to have printed in the RECORD a news release by me relating to the extended benefits unemployment program.

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

NEWS RELEASE

(Senator CASE condemns action of Senate Finance Committee in retaining provision of extended benefits unemployment compensation program which bars payment in New Jersey and nine other States—declares intention to fight action on Senate floor)

As the law is now written—and the Committee has done nothing to change it so far as the immediate future is concerned, it includes a Catch-22 type provision which cuts off benefits in states such as New Jersey solely because their unemployment rate has remained at a persistently high level.

Under the terms of this provision, the 13-week extension of unemployment benefits authorized by this act cannot be paid unless a state has an unemployment rate which is at least 120 percent of the rate prevailing in that state in the corresponding period of the two previous years.

On September 12, I and a number of my colleagues withdrew legislation we had offered to strike this provision of the act on the assurance of the Finance Committee's chairman that we would have his active cooperation in getting this bill through the Congress this session.

The Finance Committee has acted and has included as a rider to H.R. 640, reported yesterday, an amendment which purports to remedy this injustice. By this rider differs greatly from the legislation we earlier had agreed to withdraw at the chairman's behest. It eliminates the 120 percent requirement only for states already receiving these benefits. It does nothing for the ten states, including New Jersey, New York, California, and Connecticut, which recently lost their entitlement because of the 120 percent provision.

The basic objection to the original 1970 act still stands.

The original 1970 act was designed to deal with the then-rapid surge in unemployment. How the jobless would be assisted if the unemployment rate remained on a high plateau simply was not dealt with.

Now we are paying the price of this oversight. Twenty states, all with unemployment rates high enough to otherwise entitle them to these extended benefits, have been triggered out of entitlement solely because of a levelling-off in these rates. Truly, this represents a cruel "Catch-22" logic that I am certain that the Congress never intended.

In my own state of New Jersey, unemployment stands at 7.3 percent of the work force—far above the national average and above the rate of a year ago. Yet, on August 18 of this year, 24,000 workers in my state lost their entitlement to these extended benefits—not because the economic situation is improved, but because conditions have not gotten worse at a fast enough pace to satisfy the requirements of existing law.

Jobless workers in New Jersey have been exhausting their normal state unemployment benefits at a constant rate of 10,000 per month. As in many other states, most will have no other recourse except to go on the welfare rolls—and this at a time when state and local governments across the country literally have their backs against the wall financially. The Federal Government finances 50 per cent of the cost of this program of benefits.

I urge my colleagues to rectify the oversight in the present law and support the amendment which I will offer to strike entirely the "120 percent requirement" of the Federal-State Unemployment Compensation Act of 1970.

AN UNUSUAL WYOMING CORPORATION

Mr. HANSEN. Mr. President, I invite the attention of Senators to an article entitled, 'The Wind River Indians Go into Business," published in the September 17 Empire magazine of the Denver Post.

The article is significant for three reasons. First, it shows that the Indians can be motivated into helping themselves. This bottom-up approach mentioned in the article, whereby the Indians are stockholders as well as the suppliers of crafts, is one which gives the Indians pride in their heritage along with the financial means of experiencing capitalistic growth and profits.

Second, the Nation as a whole will be much better off if operations such as this Wind River Native Crafts, Inc. continues to prosper. This corporation has revitalized the craftsmanship of the Indians of the Shoshone and Arapaho tribes. Indian crafts are an important part of the American heritage which must not be lost as the younger generations grow up in an ever-changing world.

Third, authentic Indian crafts of the quality required by this Wyoming corporation have heretofore been much too sparse. This fact has led several foreign manufacturers to produce Indian items and sell them to unsuspecting tourists as the real thing. As more of these Indian products become available, perhaps Americans will be made aware of the beauty and quality of the authentic items.

I might add that one of the outlets for these native Indian crafts is the Indian Arts Museum of the Colter Bay Visitor Center in the Grand Teton National Park. This visitor center, established through the generosity and interest of Laurence Rockefeller, contains one of the truly outstanding exhibits of Indian native costume pieces, artifacts, and other memorabilia of their earlier culture. During this last July and August it was estimated that more than 2,000 people per day went through the museum, proving it to be one of the most interesting display areas within the Park. Members from both the Shoshone and Arapaho tribes participate by helping with both the Indian Arts Museum and the accompanying Indian craft shop.

Mr. President, I ask unanimous consent that the article about an unusual Wyoming corporation owned by some very unusual stockholders be printed in the RECORD.

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

THE WIND RIVER INDIANS GO INTO BUSINESS

(By Zeke Scher)

Auditors in the Small Business Administration offices in Washington, D.C., alertly discovered last February that something unusual was afoot on the Wind River Indian Reservation of west-central Wyoming.

It was so unusual, in fact, that SBA thought its computers were on the blink. So they checked, and came up with the same results—more than 300 SBA loans on the reservation within three months. And each of them for exactly $250.

Indeed, something very unusual was going on. Shoshones and Arapahos, historical enemies who live at separate ends of the 2.2 million-acre reservation, had joined to form a business corporation that was revolutionizing their crafts industry. And the SBA loans were financing it.

A paleface couple from Chicago, who live on an old allotment within the reservation, hatched the idea. A remarkable 40-year-old Arapaho woman is making it work.

The Chicagoan is Albert Charles Cook, a white-haired, 50-year-old furniture merchandiser who ran out of breath two years ago during the business ratrace. It wasn't the competition; it was the lungs. Emphysema was the problem. Wyoming was the answer.

In February 1970 he and his pretty wife, Elizabeth, moved out of their 61st floor Lake Point Tower apartment and headed for their summer home in the foothills of the Wind Rivers near Burris, Wyo. You know where that is—west of Crowheart, between Fort Washakie and Dubois, just off U.S. 26 and 287. The census lists the population of Burris at 10, but that may be high.

Cook got his first look at western Wyoming in 1965 while buying wood parts at a Riverton furniture plant. He visited a dude ranch at nearby Dubois, and by that fall was owner of a quarter section of Wyoming.

Cook gave a local contractor, Phil Spencer, a free hand in building a summer home on the land. In six months he'd finished a handsome log structure on the upper edge of a bowl-like pasture commanded by a resident bull elk.

For the next four summers the Cooks and their four children—Carolyn, now 18, Frederick, 22, Stephen, 23, and Charles, 25—came west to enjoy Wyoming.

The Cooks are a sociable couple. Soon they were inviting neighbors to dinner. Among them were two Shoshone couples, Herman and Wallace St. Clair and their wives.

Conversation got around to reservation-made crafts—or rather, the lack of them. Cook was surprised he couldn't find any to buy. The St. Clairs mentioned that Bobbie Hathaway, the Wyoming governor's wife, was encouraging the creation of a guild to promote crafts work.

The guild made slow progress. A recent reservation economic report said the guild over a three-year period purchased $6,000 worth of craft goods from members.

After the Cooks became year-round residents in 1970, they got to know more of their neighbors and the neighbors got to know the Cooks. Both Al and Elizabeth had been very active in Illinois civic affairs—PTA, symphony, Scouts, hospitals, politics—and it wasn't natural for them to be sit-at-homes. However, as johnny-come-lateles on an Indian reservation, they weren't about to try and take over.

But in May last year, a question from a group of Indians fell on sympathetic ears: "Can you help us?"

The Cooks felt a properly organized and efficiently run cooperative enterprise—with knowledgeable merchandising—could succeed in promoting the crafts that many of the 4,435 Indians on the reservation were capable of producing in volume. It certainly was needed, what with a 47 per cent unemployment figure.

The Cooks spent many hours talking with tribal leaders and anyone else showing an interest—Congressmen, Bureau of Indian Affairs (BIA), Agriculture Department and a myriad of federal economic development agencies. All offered encouragement but little else. The SBA said it couldn't loan money to a cooperative. That last rebuff rang a bell.

Last July the Cooks checked with the Wyoming Secretary of State's office and drew up articles of incorporation for an enterprise to be known as Wind River Native Crafts Inc. Stanford St. Clair, a Shoshone and rancher at Crowheart, and his Arapaho wife, Leona, helped recruit a board of directors—three Shoshones, three Arapahos, a Bannock and two ex-Chicagoans.

A year ago the document was filed in Cheyenne. Purpose of the new corporation: To do everything necessary to promote, manufacture and sell authentic Indian crafts, such as beaded moccasins, elk hoof bags, war bonnets, claw necklaces, beaded buckskin belts, braid wraps, bolo ties, headbands, dolls and various ceremonial apparel.

Stock in the corporation could be purchased only by craft producers and then only one share each.

With corporate papers in hand, Cook returned to the SBA and asked for a loan of $25,000, if you please. The SBA said no, then maybe. Finally, the federal agency agreed to provide $15,000 if others put up $10,000.

The Wyoming Industrial Development Commission kicked in $2,500. Two Riverton men—publisher Roy Peck and banker Harmon Watt—also loaned $2,500 each as a civic gesture. And so did Albert Cook.

On Oct. 27, with the $25,000 banked, the corporation made its first purchase, a Chevrolet van to reach "stockholders" around the big reservation. The corporation also signed a one-year lease on the former M&R Grocery store building at Crowheart for headquarters.

The Cooks and the St. Clairs got into the new van Nov. 1 and made their first recruiting visits. In two-hour visits to Fort Washakie, Arapahoe and Ethete (pronounced E-thtee), they got 25 signatures. The word began to spread.

Al Cook was well aware that if the Indians were to be encouraged to produce quality craftwork in volume, they would have to receive compensation promptly. But between production and retail sale would be a lag. The $25,000 would soon be used up before money began to come in. So where could additional funds come from to pay the Indian workers as soon as they brought in their goods?

Between approval of the initial SBA loan and the first sign-ups, Cook and federal officials figured out an ingenious way to finance the operation.

Each crafts producer who agreed to become a stockholder also filled out an SBA application for a $250 loan, to be co-signed by the corporation.

Without the corporate backing, the loans probably would have been rejected as bad risks because most of the Indians had neither assets nor business experience.

As each loan was approved, the money went into the corporation treasury for purchasing crafts from the Indians, promoting their sale and obtaining raw materials for resale to the tribesmen. The corporation agreed to pay off each loan at a rate of $5 a month.

Success of the sign-up campaign amazed the Cooks, the same way Washington SBA officials were surprised by the deluge of $250 loan applications. By Jan. 1, there were 200; by Feb. 15, 300; by July 1, 500.

No one promised to make the Indian craft producers rich. They were to be paid reasonable wholesale prices, which was a lot better than the bottle of whisky or other barter many had been getting. A sure market and instant cash payment were the major incentives.

But there was the capitalistic profit angle too, perhaps a little obscure for the average reservation Indian to grasp. At the end of the fiscal year—next Sept. 30—the board of directors will study the profit and loss sheet. If there is a profit, this will be distributed among the stockholders as in most corporations. However, the dividend to each stockholder will be based on the amount of crafts he's sold to the corporation during the year.

All this sounded fine, but the entire operation depended on some very practical business considerations:

How would craft prices be fixed for the Indian producers?

How would quality standards be set, maintained or raised so the products would be in demand?

How would the crafts be marketed, if and when an inventory was compiled?

Anyone undertaking to appraise the artistry of Arapaho and Shoshone craftwork faced the prospect of an Indian war. Could one Indian tell another Indian that his work was "wrong"? (Indian crafts must not only show good workmanship; they must be right—the way they're supposed to be.) Could an Indian avoid criticism if he happened to set one price for a fellow tribesman and a lower one for a member of another tribe?

(In addition to Shoshone and Arapaho, there are Sioux, Comanche, Bannock, Ute, Navajo, Mescalero Apache and Taos Pueblo Indians who are stockholder-producers.)

The "impossible" job of appraiser was accepted by Leona St. Clair. A 40-year-old enrolled Arapaho, she is married to a Shoshone and is the mother of six. Her paternal grandmother was a Gros Ventre, her mother Arapaho.

Leona took the title of manager and bookkeeper. She circulated a news letter announcing she would buy on a regular schedule; Mondays and Fridays at the shop set up in the Crowheart headquarters; and on successive Wednesdays at the Great Plains Hall in Arapaho, the Community Hall in Ethete and the Rocky Mountain Hall at Fort Washakie.

She met with older women of the tribes and drew up a tentative price list as a guide. She studied the "right" crafts so she could explain the reasons for her prices—or for rejecting items.

"I knew many needed a lot of encouragement," she says. "Some of their work was very poor. At first it took me all day to handle 30 people and explain what was needed to improve.

"Members of the Joint Tribal Council came to me and asked why I was turning people away. I told them I wanted better work and that I would turn down poor work even from the president of the United States."

The job took its toll, emotionally and physically. While Leona appears businesslike, she is highly sensitive to the needs and feelings of the Indians.

"At first I didn't think I could take the pressure," she says. "People would demand a price, I'd explain what I could pay and we would argue. I worried about what would sell, what should I stop buying, what the right price.

"I had terrible headaches and the doctor gave me some pain killers. I determined that I would not let people upset me and I don't argue any more. Now I set a price and it's take it or leave it."

On a recent buying day at the Ethete Community Hall, the line of waiting producers extended some 50 feet, from the end of a long table where Leona sat, to the front door. They came with their products in paper bags or held under shirts, jackets or shawls to protect them from a gentle rain. They ran the gamut in age and appearance, from a few teen-age long hairs to wrinkled and gray senior citizens who usually are the best craftsmen.

As the Indians moved down the table they could select a wide variety of raw materials. These could be deducted from their payments when they reached Leona. She, meanwhile, was pricing, buying, explaining and then writing checks. Leona started at 10 a.m. and didn't get up from the table until 5:30 p.m.

The producers also wanted great patience. Many waited in line for as much as two hours. Some chatted quietly; most stood silently. Waiting children were less patient, running about the hall or even crawling about Leona's feet beneath the table. At noon, Ethete women provided for $1 a meal of boiled dried elk, chokecherry gravy, fried bread and coffee.

By day's end 96 craft producers had received checks totaling $3,769.65.

Each week, Leona's purchases have surpassed the entire three-year total reported by the old guild. At the present rate, the corporation business will total $250,000 in direct payments to the Indians this year. Hopefully, the merchandise can be resold for $500,000, making the corporation the largest local private enterprise other than a few ranch operations.

"I've seen great improvement in workmanship in a very short time," Leona says. "They take more pride in their work. I know they don't like to be rejected in front of the crowd. That's one of the big reasons they're improving."

During *Empire's* visit, only a few bickered with Mrs. St. Clair. "You gave me $5 last time," a woman objected.

"I will give you $4," Leona repeated, ending the debate. Later, Leona rejected a fan made of dyed turkey feathers.

She calmly explained that a good fan must be symmetrical—feathers from the left wing should be on the left, from the right wing on the right and the tail feathers in the center. Eagle feathers are best. It is illegal to deal in them but when a dead eagle is found, the feathers may be used. Ofter these show signs of scorching where a bird has struck power lines.

No plastic is permitted. Real bone (from Italy!) is used in various ceremonial pieces. Beads must be glass. Indian tanned buckskin, rawhide, porcupine quills, elk hoofs, woods, stone arrow points, shells, hair, skins; these are the raw materials. While sinew is preferred in bindings, invisible threads are acceptable.

The finished products are of such increasing quality and beauty that Cook has had little trouble in lining up prestigious outlets, including the Denver Art Museum, Field Museum of Natural History in Chicago, Wyoming State Museum in Cheyenne, Whitney Gallery of Art in Cody, the Indian Arts Museum at Grand Teton National Park, and gift stores in Laramie, Casper, Jackson, Estes Park and Dodge City.

An old friend in Chicago, Bruce Beck, provided Cook and the corporation with a colorful insignia—a red rose next to a blue morning star—which with a fact tag is attached to each item. Photographer Allen Snook has taken a series of vivid transparencies for an upcoming brochure.

For all his efforts and expertise—the United Nations had Cook advise Taiwan on marketing their wood products—he receives no pay. In fact, he can't even get a discount at the Crowheart shop—although Mrs. Cook is one of their best customers. (Stockholders are given 10 per cent off retail when they buy another artist's work, but the Cooks can't become stockholders unless they learn to make items good enough to pass Leona.)

The economic transfusion has had noticeable effects on the reservation. School teachers have commented on the newer and cleaner clothing worn by the children. Families that doubled up in crowded quarters are moving into separate homes. Car payments and other bills are being paid. Among individual Indians the interest rate on savings accounts has become a matter for discussion.

When George Quiver, Old Man of the Arapaho Tribe, told Leona, "What you are doing is good," that meant something. And so did graying Winnie Shot Gun's comment: "You're feeding me."

"If a dividend is paid after September," says Leona, "we will really boom. Most of the Indians don't understand the future dividend prospects."

Good-neighbor Cook feels many of the federal programs flop because they try to build from the top down.

"If Indians are going to run a company they have to know how it's done," he says. "You have to start by building up and establishing a dependable source of goods. They have to understand how society operates.

"We've proposed to the Bureau of Indian Affairs that they survey all the reservations and see what is being produced, find the key people and start the building process—from the bottom up. I can envision corporations like ours in Montana, Utah, Idaho, South Dakota—and we could centralize merchandising for them right here in Crowheart."

Al Cook is breathing easier these days. He's scaling new heights—including those Wind Rivers—and the old emphysema doesn't seem to bother anymore. Good work is heap good medicine.

FAIR LABOR STANDARDS ACT CONFERENCE

Mr. EAGLETON. Mr. President, I noted in the RECORD of September 21, 1972, that there was some discussion in the other body regarding the need for a conference on the Fair Labor Standards Act amendments and the parliamentary situation involved therein. I hope that the other body will be able to resolve its difficulties and that we can get together with them and work out a just and equitable bill. I have always been in favor of the protections offered to workers by the minimum wage legislation and have worked actively for its passage. In going in conference as a Senate conferee I expect to be guided by the Senate's views in regard to this legislation. However, I wish to make it clear that if I am appointed a conferee by the Senate I shall work to obtain a bill agreeable to both Houses.

I noted that during the course of the colloquy in the other body, a colleague of mine from my home State of Missouri indicated that he had voted for a bill similar to the Senate-passed bill because "it did not cover such seasonal employment as the cotton gin operations, which occupy a very special category and a very special situation." Missouri cotton gins operate for a very short time each year but operate for many hours during each of these days that they are in operation. I am informed by those involved in this operation in Missouri that the loss of the overtime exemption will result in an exorbitant increase in ginning costs to the farmers and that such increased costs would be passed on to the consumer.

It is my hope that if and when a conference is held matters such as this can be equitably adjusted in the best interests of all of the people, both of Missouri and the Nation.

SOVIET UNION EMIGRATION FEES

Mr. BEALL. Mr. President, I join today with many other Senators and many of my fellow Americans to protest the recent decision by the Soviet Government to require the payment of exorbitant fees, under the guise of "educational taxes," for the privilege of leaving the Soviet Union.

The imposition of such a barbaric ransom is nothing more than a campaign of extortion perpetrated against a group of people that have suffered too long at the hands of dictatorial suppression. It is a policy which violates the fundamental human right of a person to live where he choses, and, as such, cannot be tolerated by freedom-loving peoples.

Indications are that these fees will reach levels of between $5,000 and $37,000 per emigrant. This amount is in addition to the requirement that emigrants surrender homes and possessions without compensation and must also forfeit pensions and other benefits. Together they form an economic barrier equal in purpoes to the barrier of brick and steel standing in Berlin.

I strongly urge that our country make absolutely clear, in both words and deeds, that the people of the United States will not stand idly by and watch international blackmail being committed. The Soviet Union should be put on notice that, such actions will have a deep and immediate effect on the relations between our two nations that could seriously jeopardize the historic progress made in the last few months. This policy violates all norms of human decency, and I call upon the Soviet Union to end it now.

THE HIGH COST OF NIXON

Mr. MOSS. Mr. President, in 1968 Richard Nixon was accused of using "Madison Avenue" techniques to get himself elected President. Someone, in fact, went so far as to write a book about how Republican strategists had "sold" Nixon to the American people much in the way television ad men used to sell cigarettes.

The name of that book was the "Selling of the President, 1968." It turned out to be a bestseller.

This year, we read daily about the attempts of Nixon strategists to "buy" his reelection. Using the most unscrupulous methods. Maurice Stans and his associates have planned to raise $60 million in an effort to convince the American people that "Nixon is still the one."

With all this concern over the "buying" and "selling" of Mr. Nixon, it might not be a bad idea to judge the Republican Presidency the same way we do any other product.

First of all, let us look at the price tag. Today a loaf of bread costs the American

consumer about 30 percent more than it did when Nixon took office. Hamburger has gone up about the same amount.

Then there are other things. Take the cost of home maintenance, for example. It now costs about 35 percent more to get your furnace repaired than it did in January 1969, about 40 percent more to get the average living and dining room painted.

Medical costs have risen too. A visit by a physician today costs 23 percent more than it did when Nixon was inaugurated, a hospital room 41 percent more, an operation 38 percent more.

Just about everything has gotten a lot more expensive. And now the Republicans are talking about starting a national sales tax on top of it.

Then, of course, there is the situation regarding wholesale prices. In the last 9 months, they have risen 5.9 percent. That's not only higher than before the 90 day wage-price "freeze" but the highest in 20 years. That means that retail prices are bound to go up even further in the next few months.

Let us look at some of the other costs we have had to pay for the Nixon Presidency. Future generations, for example, will have to make good on the $90 billion deficit the Nixon administration has rolled up. That is a full 25 percent added to the national debt in less than 3½ years.

Then there are other "hidden" costs. Back in 1969, for example, the United States used to export more goods than it imported. Now, we buy more goods than we sell abroad. This, unfortunately, gets to be expensive. In fact, it has cost our country about 400,000 jobs a year.

That brings us to the biggest cost of the Nixon Presidency. When the Republicans took office, we had "full employment." Now we have the highest jobless rate in a decade. For two million American workers, the Nixon administration has cost them their livelihoods.

All in all, we have paid quite a price to have Richard Nixon as our President. But let us look at the product. For such a steep price we must have really been getting a quality item.

In October of 1968, candidate Richard Nixon said:

> I do not believe that the American people should be forced to choose between unemployment and un-American controls.

Under Nixon, we have had both: the highest national rate of unemployment in 10 years together with the most unprecedented government intervention into the market place in history. On top of it we have had the worst price inflation in 20 years. Prices have, in fact, risen at a rate four times as fast as under the Kennedy-Johnson administrations.

This all brings us to the issue of "fiscal responsibility," an issue the Republicans have been talking about for years. Unfortunately, however, they do not behave in office the way they are fond of preaching out of office. Under Nixon, not only have prices risen at record-high rates, but the Government's own fiscal condition has deteriorated to the point that, 3 years running, the Republicans have rung up the highest deficits since World War II—and there is no relief in sight.

The President has admitted that one of the big reasons for the deficits is the amount of unemployment in the country. So many people are out of work that Government revenues have been chopped to recession levels.

This leads us to the administration's performance in providing jobs these last 3 years. In December of 1970, Congress passed the Manpower Act, a bill which would have created hundreds of thousands of jobs in the public sector. The President vetoed the measure.

In July of the following year, Congress moved again to institute a major public works program aimed at cleaning up the environment and cutting unemployment. Nixon again vetoed the measure. One month later, in fact, he cut Federal manpower levels by 5 percent. And this was a time when unemployment across the country was at its highest.

In terms of his performance in creating jobs, President Nixon has been far more adept at rhetoric, particularly on the subject of the "work ethic." In 1970, for instance, when unemployment rose to 4.9 percent, he blamed it on inflation. We had to cut back on output, he said, to stabilize prices.

In 1971, when unemployment went up to 5.9 percent, he blamed it on the veterans on the job market.

In 1972, at the beginning of this year, when unemployment remained at the 6-percent level, Nixon said there were too many women and young people on the labor market.

In terms of long-term economic reform, President Nixon has denied there is even a need for it. Under his administration, antitrust actions have been subdued even though the giant monopolists maintain prices at the highest level they can get away with. One economist estimated that the monopolistic corporation adds $45 billion a year to consumer costs by his price-setting habits.

On the subject of tax reform, the President's Treasury Secretary says there's no such thing as a "loophole."

The Republicans, however, say they have performed well, in one area of tax policy. They have cut corporate taxes by 15 percent, the greatest business tax cut in history. They have used accelerated depreciation allowances, investment credits, special tax "deferral" benefits for exporting firms, every gimmick in the book, to make things easier for the big corporation. The consumer, the average workingman—they say, does not need any breaks. In fact, they now want to start a new "value-added" or national sales tax to shift a little more of the burden from the corporation onto the individual.

All in all, the American voter never knew what he was bargaining for when he "bought" Richard Nixon back in 1968. And if President Nixon is really being "bought" and "sold" the way it now appears, it might be a darn good time that we all got a refund.

CBS PROMOTES A PHONY PRODUCT

Mr. SCOTT. Mr. President, for the past few days we have called attention to the egregious inaccuracies of the media, particularly TV news programs, in their reporting of the United States-Soviet Union wheat purchase agreement. Without bothering to check the facts, they have given currency to the worst kind of innuendoes and outright falsehoods.

For example, "ABC TV-News" reported that most farmers had sold their wheat before the agreement was announced. In fact, as late as a week later, of the total 1972 crop plus farmer-owned carryover into 1972, 83 percent was still owned by farmers on July 15.

The National Observer for September 23, 1972, contains a long article by Daniel Henninger demonstrating again the carelessness of the media. This time it is CBS radio which reported at face value—perhaps I should say "shilled" a product which was claimed to be an effective substitute for DDT with none of the latter's bad side effects.

In fact, Mr. Henninger demonstrates the claims to be deliberately false. The "inventors" of the product made statements as to their own professional expertise and as to tests made with the product which are shown to be completely without foundation. CBS radio in effect hustled the product on a program designed to help the poor consumer.

The product itself turned out to be an insecticide which has been on the market for over 30 years.

I would suggest that both radio and TV news gatherers take another look at the product they are turning out. They are wasting a very precious ingredient called credibility.

Mr. President, I ask unanimous consent that the article and a letter from CBS promoting the phony product be printed in the RECORD.

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

MIX ECOLOGY, DDT, AND HUCKSTER DUST AND OUT COMES EMTEX

(By Daniel Henninger)

Five years ago, says Alan Becker, "a group of concerned business people who wanted to do more than talk" got together to find a replacement for DDT, the highly toxic insecticide that was showing up in birds' eggs, the ocean, and mothers' milk. After much research they found a replacement for DDT and called it Emtex. Becker says Emtex kills pests as effectively as DDT but, unlike DDT, is biodegradable and almost nontoxic to humans.

When the Government banned DDT, on which the agriculture industry had come to rely heavily for pest control, it admitted there was no completely safe DDT substitute. So development of an acceptable replacement for DDT would be surprising and welcome news. Thus when Alan Becker came forward with Emtex, he and his new company, Ecological Manufacturing Corp. (EMC), got a lot of attention.

FABRICATIONS ABOUT EMTEX

Becker spoke of his wonderful new insecticide on the *Barry Farber Show*, an evening talk program carried by WOR Radio in New York City and syndicated to 38 states. Both the Associated Press and United Press International sent out stories on Emtex; UPI called it "the ecology movement's dream product." An interview with "Dr." Alan Becker was carried on July 20 by more than 245 affiliates of the CBS Radio Network. On Aug. 17 Sen. Birch Bayh, Democrat of Indiana, inserted in the Congressional Record several news stories about Emtex and EMC. And on

Sept. 10 the New York Times published a letter from Becker explaining why his product is superior to DDT.

An intensive investigation by The National Observer reveals that many of the assertions made by Becker for himself, his company, and his product—assertions that were given wide distribution by major news organizations—are fabrications. Among The Observer's findings:

Becker has misrepresented his professional background in a securities filing with the U.S. Securities and Exchange Commission (SEC).

To dramatize his contention that Emtex poses no threat to humans, Becker says that 20 volunteer prisoners safely ingested Emtex in a test conducted for EMC at a Pennsylvania prison. The prison's officials told The Observer that no such test was conducted there. A Becker aide confirms this.

Though Becker admits that Emtex is methoxychlor, an old and infrequently used insecticide, he says EMC has improved methoxychlor significantly. But in applying to register Emtex with the Environmental Protection Agency (EPA), the company submitted no original scientific data to support that claim. In fact, all the data that EMC did submit were published prior to 1950—by others. An EPA spokesman says it would be "impossible" for EMC to say truthfully that Emtex is an improved methoxychlor product.

Informed of The Observer's findings, Becker categorically denied them.

Becker says he has received "thousands of letters from MDs and PhDs lauding our work and lending support." Within 60 days, he says, Emtex in aerosol cans will be marketed for use against household pests; he expects to market Emtex to bulk users within six months. He says he is negotiating distributorships with major companies—which he won't identify—in the United States, Africa, and Europe.

In several conversations Becker noted repeatedly that Ecological Manufacturing recently "went public." His letter in the New York Times' Sept. 10 business section, ostensibly rebutting an earlier article by a DDT manufacturer, says his company "is currently using the proceeds from a public stock offering to prepare to manufacture and set up for distribution a refined form of methoxychlor that will be marketed under the trade name of M.T.X." (EMC recently changed its product's name from Emtex to M.T.X. Since it is better known as Emtex, this article will continue to call it that.)

EMC did market 200,000 shares of new common stock at $2.50 a share last July. Evidently bolstered by news stories lauding Emtex, the over-the-counter stock hit $8 before dropping back. Last week it traded at about $5.50 a share.

HIS BACKGROUND SOUNDS GOOD

Those 200,000 new shares are half of EMC's total stock. When those registered shares were sold, Becker and several other persons deposited 200,000 unregistered shares in an escrow account at People's Trust of New Jersey, Hackensack. Becker deposited 146,250 unregistered shares, or 36.6 per cent of EMC's total stock, worth about $800,000 at last week's prices. The escrow agreement stipulates, however, that the escrowed stock may not be sold or transferred until it is registered with the SEC.

In the stock-offering circular that EMC filed with the SEC, Becker lists this position among several he has held:

"Plant manager of Pralex Corporation, Christiansted, St. Croix, U.S. Virgin Islands, where his duties consisted of the starting up of an antibiotic drug manufacturing operation, supervising two manufacturing locations, eight laboratory technicians, 50 production workers, buying of equipment, and the contracting with builders, electricians, and other subcontractors. He was liaison officer with the U.S. Virgin Islands government and the U.S. Food and Drug Administration."

THE REAL MANAGER DEMURS

When that statement was read to Jack N. Walter, plant manager at Pralex in the Virgin Islands since August 1968, he replied: "That all sounds very, very good. But that's never been the case." Walter says Pralex employed Becker for six months in 1969 as a quality-control laboratory technician. Becker "had no control or authority over anybody else or over any production," says Walter. Contrary to what Becker told the SEC, Walter adds, Pralex has never had more than 15 employes—and certainly never 50—at its St. Croix plant. He fired Becker for incompetence in December 1969.

Walter's statements regarding Becker's position and responsibilities with Pralex are corroborated by Nat Getrajdman, general production manager of Zenith Laboratories, Inc., Northvale, N.J. Zenith hired Becker and sent him to Pralex, a wholly owned Zenith subsidiary. "When this fellow was hired up in New Jersey," says Walter, "he had the people up there believing that he was quite a hot-shot. As it turned out, he talked himself into something he couldn't handle."

Becker replies: "Mr. Walters [sic] was hired to replace me. I broke *him* into the job."

EMC's offering circular states that Becker signed a consent order with the New Jersey Bureau of Securities last January. In a consent order, an alleged offender agrees to stop committing the acts complained of, without admitting guilt. Joseph F. Krupsky, chief of the securities bureau, says Becker was cited for selling unregistered securities of Ecological Manufacturing Associates, Inc., EMC's predecessor company. In signing the order, Becker agreed not to participate in any securities transactions in New Jersey for two years. (EMC is incorporated in New York.)

Becker, who is 29, told The Observer that he holds a doctorate in organic chemistry from New York University. The NYU recorder's office, however, says it has no record of ever issuing any Ph.D. to an Alan Becker.

Still, in several letters to The Observer, George Bernard, manager of press services for CBS Radio, refers frequently to "Dr." Becker. Besides his position at CBS Radio, which sent out Becker's interview to its network affiliates, Bernard is EMC's public-relations director. His letters to The Observer on EMC's behalf were written on CBS Radio stationery.

"PROOF" OF EMTEX'S SAFETY

The *piece de resistance* of Becker's Emtex promotion is his claim to have tested the insecticide orally on the Pennsylvania prison volunteers. According to Becker, 20 volunteers each ingested five milligrams of Emtex (methoxychlor) and within 48 hours excreted 98 per cent of it. The test was supposed to prove Emtex safe not only as an insecticide (it's long been known from tests on animals that methoxychlor is excreted rapidly and is relatively nontoxic) but also as a pharmaceutical or drug—though neither Becker nor anyone else has ever suggested a pharmaceutical use for methoxychlor. Becker also claims to have conducted a similar Emtex-ingestion test on himself and 10 friends.

Becker told The Observer that the testing was done last September at the Medical Research Center in Holmesburg Prison, Philadelphia, by the "University of Philadelphia." The Associated Press story said the test was conducted "under the direction of the Pennsylvania Medical School" and with "the approval of the Food and Drug Administration." Becker says a "Mr. McBride" was his liaison at Holmesburg.

Louis S. Aytch, superintendent of prisons in Philadelphia says his office must approve all tests conducted with prison volunteers. He has no record of tests performed at Holmesburg for Ecological Manufacturing Corp.

The current Directory of American Medical Education has no listing for either a University of Philadelphia or a Pennsylvania Medical School. If either school exists, it is not listed in any of the standard directories of U.S. colleges and universities.

The "Mr. McBride" with whom Becker says his company worked at Holmesburg is Solomon McBride, administrator of Ivy Research Laboratories, Inc., a Philadelphia firm that has tested drugs on volunteers at Holmesburg. McBride has no official connection with the prison. He says Ivy did not conduct tests for EMC, which he says he had never heard of before. However, McBride did recognize the name of Henry C. Nathan, EMC's vice president.

According to Becker, Nathan was in charge of EMC's test program at Holmesburg. When Nathan's name was mentioned to him, McBride said it sounded familiar but he couldn't place it. When told that EMC was once located in Northvale, N.J., McBride recalled that he had dealt with Nathan some years ago at Zenith Laboratories, also of Northvale, when Ivy was testing penicillin for Zenith. This is the same Zenith that hired Alan Becker in 1969 and sent him to the Pralex Corp., also a penicillin manufacturer.

NO RECORD OF A DOCTORATE

Though Nathan lists several past employers in EMC's offering circular, he omits mention of Zenith Laboratories. Getrajdman of Zenith would not discuss Nathan with The Observer beyond confirming that Nathan once worked there.

Among his credentials in Ecological Manufacturing's offering circular, Nathan lists "a Ph.D. from Columbia University (1966.)" The registrar's office at Columbia has a Henry C. Nathan in its files but has no record of a doctorate ever being awarded to him.

Nathan now insists that he is not an officer of EMC, and says the offering circular states that EMC "intends" to hire him. The circular clearly lists him as EMC's "vice president and [a] director." Nathan teaches anatomy and physiology at Hunter College in New York City.

Contradicting Becker, Nathan says Emtex never was tested on the prisoner volunteers. Instead, he says, he spoke to Ivy's McBride by phone about doing such tests, adding that McBride "hasn't done anything for us yet. We haven't given him anything to test. The only thing we gave him was technical information on methoxychlor."

If EMC actually had conducted its test at Holmesburg, of which there is no record or recollection, it would have violated Food and Drug Administration (FDA) regulations, which require that researchers first obtain an "investigational new drug exemption," or IND, before conducting such tests. In January 1971 Becker came to Washington, D.C., to obtain an IND for his prison tests. He didn't get it.

"The Government is ponderous," says Becker. "They are a slow-moving group." EMC performed the test without an IND, says Becker, because, "We have a certain amount of latitude." Becker maintains that Nathan is still trying to get the IND.

As evidence of his dealings with the FDA, Becker refers to a letter from FDA's Dr. Marvin Saife that is imprinted with a reference number, RF-963-I. He also says EMC has been in touch with FDA's Armand Welch, who, as Becker put it, "has to do with paper shuffling."

THE FDA'S SPECIAL FILE

Welch says he directed Becker to Joseph Hackett of the Bureau of Drugs, who told Becker that his application for an IND lacked the name of the test's supervising doctor

and a test protocol. Once Becker submitted a complete application, Hackett said, the FDA must, by law, act on it within 30 days. The FDA says it never heard from Becker again. Welch, the "paper shuffler," says the RF number to which Becker referred is part of a system Welch set up several years ago: RF stands for "reject file."

Ecological Manufacturing is also using the U.S. Department of Agriculture (USDA) to promote Emtex. On its own stationery, EMC has printed—under the heading, "USDA APPROVAL"—a USDA release that seems to recommend methoxychlor as a substitute for DDT. Senator Bayh mentioned this "USDA recommendation of the [DDT] substitute" and included the department release in his Congressional Record insertion lauding EMC.

The release calls methoxychlor "one of the *new* chlorinated hydrocarbon insecticides . . ." (emphasis added). Methoxychlor is not new; it has been available for more than 30 years. Asked to identify the release, Becker said it was dated March 24, 1949; it is so identified in the company's offering circular. A close reading of the 23-year-old release indicates that the USDA was recommending methoxychlor only as a substitute for DDT to control flies on dairy cows.

Becker also says that the USDA and "various groups" are working with Ecological Manufacturing to develop Emtex. He identified one of his Agriculture contacts as Dr. Daniel Rosenfeld (*sic*) of "labeling certification." Dr. Daniel Rosenfield of USDA's Food and Nutrition Service says Becker asked him about two years ago for the name of someone who could tell him about pesticide regulation. Nathan says Rosenfield had nothing to do with EMC, that he is "just a friend" with whom Nathan worked years ago at the Union Carbide Research Institute in Tarrytown, N.Y. Rosenfield says Nathan also called him more than two years ago—when Nathan was still with Zenith—to tell him about what apparently was Nathan's work for EMC.

BANKS ASK ABOUT EMTEX

Despite all the favorable, free publicity Emtex has received, EMC has never sold any insecticide. And it cannot sell any until its product labels are registered with the Environmental Protection Agency. Becker says EMC is working with EPA on this. Asked to identify his contacts at EPA, Becker leaves the phone, returns shortly, and says, "I can't lay my hands on the EPA file." Later he says his EPA contact "does not want his name made public at this time."

A spokesman for the Pesticide Regulation Branch of EPA says no one there has dealt personally with Alan Becker, but that several banks have asked EPA for information about Emtex. An Illinois bank had a loan request from a distributor wanting to sell Emtex, the EPA spokesman says. He wouldn't identify the banks. The banks asked whether methoxychlor was a new product; EPA told them no. In fact, the EPA has registrations for more than 100 methoxychlor products.

The spokesman also says the pesticide division has informally asked the Federal Trade Commission (FTC) about the possibility of investigating EMC for fraudulent advertising. The EPA was suspicious of the widespread publicity Emtex has received. A staff member of the FTC's Division of National Advertising says the commission did not act against EMC because the FTC was not aware of any paid advertising by the company.

NEW APPLICATION, OLD DATA

Last week the EPA received an application from Ecological Manufacturing, dated Aug. 15, 1972, for registration of Emtex as an aerosol insecticide and as a commercial insecticide. According to EPA officials, EMC's application makes no reference to a human-toxicity test at Holmesburg Prison. Furthermore, the citations in EMC's supportive data are all dated prior to 1950, which agency officials say would seem to indicate that EMC hasn't conducted any tests of its own on Emtex.

In its stock-offering circular, EMC lists product-testing expenditures of $2,030 between November 1970 and June 1971 and of $82 from June 1971 until last April. Upon hearing the $82 figure, an EPA official laughs: "You couldn't even get abstracts printed for $82." The circular says, however, that Becker and Nathan spent $125,475 for "research and development" before incorporation.

Becker has never denied that Emtex is essentially methoxychlor, an insecticide discovered by the Swiss in the 1930s and sold here for years by E.I. Du Pont de Nemours & Co. But he claims to have improved methoxychlor by purifying it and by turning it into a fine, white, crystalline powder. Because his methoxychlor is over 95 per cent pure instead of the normal 88 per cent, says Becker, less Emtex is required to do the same job.

PURIFICATION ISN'T ENOUGH

Scientists familiar with methoxychlor are skeptical when told of Becker's claims for methoxychlor. None commented on Emtex itself, because none knew exactly what Becker had done to this methoxychlor.

Edward F. Knipling, science adviser to the administrator of the U.S. Agricultural Research Service, says methoxychlor does have specific uses, "but it certainly is not a registered replacement for all uses of DDT before it [DDT] was banned."

Stanley Hall, chief of the research service's chemicals co-ordination laboratory, says it sounds as though Becker may have recrystallized the basic methoxychlor compound, a well-known process that would change the chemical into a fine white powder and push its purity past 95 per cent. Hall says purified material is necessary for aerosols; otherwise the nozzles clog.

Hall doubts that purification would improve the insecticidal properties of methoxychlor, which he deems rather ineffective for pest control. Speaking of Du Pont's experience with methoxychlor, he says: "It's one of those things where Du Pont bet on the wrong horse and carried it along for a good many years. If they had been a small company, they would have gone under."

Methoxychlor "really can't be a replacement for DDT," Hall says, because its chemical structure is similar to DDT's. Insects that were building up a resistance to DDT are most likely cross-resistant to methoxychlor, he explains. "You couldn't kill houseflies with it."

(CBS RADIO)

INVENTOR OF DDT REPLACEMENT, NONTOXIC TO HUMANS, HEARD FIRST, NATIONALLY, ON "THE BUYER'S SCENE"

JULY 24, 1972.

A commercial insecticide as effective as the government-banned DDT, but harmless to humans and pets?

Yes, said Dr. Allan Becker to CBS News Reporter Christopher Glenn during the scientist's first nationwide broadcast interview. Becker, a 29-year-old Ph.D. in organic chemistry, was heard during the Thursday, July 20 CBS News broadcast "The Buyer's Scene"—on the CBS Radio Network.

Becker, President of Ecological Manufacturing Corporation of North Bergen, New Jersey, told Glenn his firm is about to market the product under the trade name of Emtex.

"Emtex," noted Becker, "is a very broad spectrum item. It will kill mice, rats, roaches, lice, ticks, fleas and a vast array of crop infestations. It works also as a fungicide on molds which attack plants."

Becker explained that Emtex, the company's trade name for methoxychlor, is unlike DDT, "which is stored in the body fat. Emtex is excreted in a 48-hour period of time. This," he emphasized, "has been documented through various human toxicology studies."

In discussing the wide-range application of Emtex, Becker said: "This type of product can be used not only agriculturally, but in food processing situations as well as in the home for silverfish, rodent and roach control, with virtually total safety to humans and pets."

Emtex, Glenn reported, is currently used only by exterminators. "The new ban on DDT will change all that, however, and it's for sure that Ecological Manufacturing Corporation has itself a hot product."

BART BEGINS OPERATION

Mr. WILLIAMS. Mr. President, an important advance in our Nation's efforts to alleviate the growing problem of urban traffic congestion was made this month when the Bay Area Rapid Transit—BART—system began operations near San Francisco. As author of the Mass Transportation Act of 1964, and the Urban Mass Transportation Act of 1970, I have closely watched the development of BART, which has been financed with local, State, and Federal funds. According to reports, this new system began operation on September 11 without a single serious hitch, and began immediately to provide San Francisco area commuters with exactly the type of quick and comfortable transportation it had promised.

Although BART's initial operations are limited to a 27-mile segment, it will within 3 years encompass 34 stations throughout the San Francisco metropolitan area. BART's comfortable trains travel at speeds up to 70 miles per hour, providing convenient alternatives for commuters seeking to avoid frustrating traffic jams.

Mr. President, urban planners across the country will be carefully watching BART to see how systems of this type can be used to provide practical means of alleviating traffic congestion and air pollution from automotive exhausts. I ask unanimous consent that an article describing BART's first day of operation 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, Sept. 12, 1972]

SAN FRANCISCO TRANSIT SYSTEM OPENS

(By Wallace Turner)

OAKLAND, CALIF., Sept. 11.—One leg of the Bay Area Rapid Transit district's new system opened to paying passengers today in a nearly flawless display of what electrified rails can provide in what may be their last stand against the automobile.

A segment of the new transit system, stretching from a station nestled between freeways near the Oakland-Berkeley city line to a station that is 27 miles south in what once was a farming community called Fremont, was opened today. When completely in use next year, the system will be 75 miles long.

Still to be opened are lines north to Richmond, scheduled next month; a line east to Concord, early next year, and a line beneath San Francisco Bay and across San Francisco, in mid-1973.

The delays come from a shortage of the specially designed cars and from a need to finish some remaining parts of the San Francisco portion of the system. The system is made up of specially designed equipment,

ranging from the rubber supports on the ties to muffle the rails to the "no hands" train controls, which are operated by computers.

ONE MINOR FAILURE

The complicated system for handling passengers, selling tickets and computer control developed only one minor failure, according to Bill R. Stokes, general manager of the line.

Computer control of one train faltered, just as the train was at the Union City station where the main repair yards are located. The train was shunted off and replaced.

The paying customers, who had waited in line for up to an hour or more to get on the trains, got just what had been promised to them.

The trains moved at speeds of up to 70 miles an hour, but starting and stopping was smooth and quiet. The clean cars, with big windows, were comfortable with overstuffed seats.

The automated ticket system worked well, and was backed up by change makers that turned dollar bills into three quarters, two dimes and a nickel. The stations are well-lighted, spacious, and conveniently served with signs.

Construction of the $1.4-billion system started 10 years ago, with funds provided by local property taxes, some Federal grants and state subsidies. But court suits that tested the enabling legislation delayed the effective start of building until about 1965.

200,000 RIDERS EXPECTED

By 1975, BART, as the system is known here, expects to be carrying 200,000 people a day between the 34 stations on the lines.

This traffic will create new patterns of business activity, and the economic benefit of these changes already has been built into some of the construction that has gone on since engineers tentatively established routes and stations.

For example, since 1962, an $11-million shopping center has been built near Fremont Station, which is the southern end of the East Bay line. The land there was in farms, and was bought for as little as 30 cents a square foot; recent sales have been at $7 a square foot.

There also has been a tremendous surge in building activity in San Francisco's financial district, with office towers sprouting throughout the area. Recent property acquisitions in the financial district have been at prices up to $500 a square foot, two and three times the top prices of a decade ago.

TRAIN STARTS AT NOON

The lines of paying passengers began to form today about 11 A.M. The first train left at noon.

About 800 persons were waiting at the McArtur Station, which will be the northern terminal until November, when the line opens into Berkeley and Richmond.

There were loud cheers when the first train pulled out, those aboard congratulated each other. Some wore buttons that said: "I was there. Day One." They had been distributed by A–C Transit, a bus line that will be partially displaced by BART.

Tomorrow will be the first test of the line for commuters. The system will begin operations at 6 A.M. and run until 8 P.M. Monday through Friday only. As more cars become available, service will be expanded, but the system's managers said they wanted to avoid the crowds of sightseers on weekends.

TRIBUTE TO WESTINGHOUSE DEFENSE AND ELECTRONICS SYSTEMS CENTER AEROSPACE DIVISION, OF BALTIMORE, MD.

Mr. BEALL. Mr. President, I wish to pay tribute today to an organization that has done much in its 20 years of existence for its State and its Nation. This year, Westinghouse Defense and Electronics Systems Center Aerospace Division of Baltimore marks two decades of service to its community and country. I want to extend my congratulations to all those connected with Westinghouse as they reach this significant milestone and offer my best wishes for an even more successful future.

As a Marylander, I am well aware of the many major contributions to the economy of my State that Westinghouse has made in recent years. Corporation operations have expanded to a point where more than 10,000 persons are employed at the center.

Nationally, the Defense and Electronic Systems Center provides a valuable cornerstone in the defense of our country, and has been a leader in the entire defense industry.

I commend Westinghouse on this noteworthy event. They have compiled a record of which to be proud.

SALES OF WHEAT TO RUSSIA AND CHINA

Mr. YOUNG. Mr. President, charges, mostly politically motivated, continue to be leveled against the recent sales of wheat to Russia and China. Most of these charges are inaccurate and false. These accusations cannot help being of deep concern to those interested in further expanding badly needed export markets, not only for grains, but other farm commodities.

If the Russians were half as sensitive as we are, they would look elsewhere to buy wheat, other farm commodities, and other things in the future rather than to be subject to all the criticism of this purchase of wheat.

The charges are many and varied. Some claim that Russia needed this wheat so badly that we could have forced them to pressure the North Vietnamese to conclude the war in Vietnam in exchange for the sale of wheat. These critics argue that the Russian wheat crop was down 20 percent and that, if they did not get this wheat from us, they would be in desperate shape.

Russia is normally a wheat exporting country and normally carries a sizable reserve. They are a government that can make their people sacrifice and they could well have gotten along with the wheat they had and what they could have acquired from other exporting countries without this purchase from the United States. Undoubtedly they needed wheat, and they found the U.S. price favorable.

It could hardly be otherwise since the price of wheat in most farm areas had reached the lowest point in May of this year of any time since 1944. It has increased considerably since the Russian sale, but the price is still below what is termed, by Government standards, to be a fair price.

There has been much erroneous propaganda regarding the export subsidy program. A great many people have come to believe that the exporters are the beneficiaries of this export subsidy. Nothing could be further from the truth. Since it goes to make up the difference between the world export price and our now higher domestic wheat price, it is actually the producers who are the beneficiaries.

It is interesting to note that in the last sizable sale of wheat to Russia during the Kennedy-Johnson administration the export subsidy on durum wheat was 84 cents a bushel and on hard red winter wheat it was 65 cents. Much of the wheat for the present sales required a very small export subsidy. The Department of Agriculture placed a ceiling of 47 cents a bushel on the amount of export subsidy that could be paid. This is a far better deal than our previous sale of wheat to Russia.

Much of the propaganda against this wheat sale is designed entirely for political purposes. Some believe that if they can discredit the sale, farmers and consumers will be dissatisfied and President Nixon will lose votes in his campaign for reelection. Nothing could be further from the truth. This sale of wheat has made possible fairer prices for producers at less cost to the Federal Government for farm programs and has greatly increased business for industry. It also improves our deteriorating balance of payments to the rest of the world by approximately $1 billion.

Mr. President, I have before me an editorial entitled "Wheat Sales" published in the September 20, 1972, issue of the Renville County Farmer, at Mohall, N. Dak. This weekly newspaper is right in the heart of the wheat producing area of North Dakota. The editor, Gerald A. Emerson, reflects very accurately and succinctly the reaction of farmers and everyone living in our wheat-producing areas. Since sizable sales of feed grains are involved, no doubt farmers in other areas will be equally relieved with better prices. It is an editorial that I hope Members of Congress, the press, and everyone else will read if they want to get accurate information on how people in the farming areas of the United States feel.

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

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

WHEAT SALES

We are glad they sold the wheat to Russia and we think everyone in rural America should be glad. We grow wheat for food. It is not feeding people while it is stored in government warehouses for years on end. In fact, to meet the first export commitment, government grain that had been in storage since 1968 was loaded. There is grain stored in granaries of Towner County that has been held that long. This is depressing to the grain market and depressing to people who so efficiently grow the food.

It seems to be fashionable in an election year to gripe about everything that is done, and cast doubts on the motives of the opposing parties. This is depressing, too. The export houses that have handled these sales are the same ones, and the same method that has been used, under Democrat or Republican administrations for the past 100 years. The government is not equipped to load and sell wheat exports. They never have been and the first delivery had to be NOW.

There may be merit in looking into the possibility of government handling of grain

exports in the future as hopefully the export market expands. However, it would mean setting up another bureau, another set of government employees and another possibility for graft. We are not well enough informed on export subsidies to judge. If this would be a savings or not. Cargill says they will not know for a full year if they will make the 1 cent per bushel they hope to clear for their part of the sale.

For what it is worth, we are the only nation which turns these exports over to private enterprise for sale, but this has been done since the beginning of our exporting history and to change it would presumably mean that the entire export industry should be nationalized.

If there has been some hanky-panky with government employees leaving the Department of Agriculture to work for export houses, it should be looked into. However, since this is still a free country where a man can quit one job of his own free will and take another that offers him a better opportunity, it is hard to see how he could be stopped without taking the same freedom away from every other worker.

Sales of farm products to Russia were discussed everyday for months before the Nixon trip, by the news media, as one of the things that it was hoped would be accomplished. That this would affect the prices of grain should have been no surprise to any knowledgeable farmer or farm organization and we doubt the winter wheat farmer with his tens of thousands of granaries rushed his grain to market this summer at the prices he could get then. It just did not make sense.

Certainly the expected good prices for the future in farm products is what is the most important thing now. This could never happen with bulging farm and government granaries with tax monies being eaten up in storage.

We all know that North Dakota farmers are able to grow more wheat if they are allowed to do so and still get a decent price with a decent market. Efficiency is not our problem. Production, with good weather, could be doubled and think what this would mean in the gross income of our state?

Millers who demand a raise in the price of flour to bakers know that flour is aged before it is sold, so they will be selling to the bakers for a long time the flour milled from $1.25 wheat. They would be losing no money to keep the price the same for sometime to come. We all know the cost of wheat has little to do with the cost of bread, for 70 loaves of bread are made from the flour in one bushel of wheat. However, human nature seems to prevail in all segments of the economy and an opportunity to pass the buck is seldom missed.

The projected billion dollar sale will be no small gain for the American taxpayer, in the stability of foreign balance of payments. In addition, payback on grain loans already sealed by the government, which farmers can redeem and sell at 30 cents to 40 cents more a bushel will help both the farmer and the national treasury.

If wheat goes into hungry peoples' stomachs it is certainly better than laying in granaries. For years we considered it good business to give millions of bushels to India just to get it out of the country and no one griped. Now when it is being SOLD everyone is grumbling that the other guy might get a bigger piece of the pie.

COEXISTENCE AND COMMERCE

Mr. CHURCH. Mr. President, Samuel Pisar is a leading American international lawyer and author. A member of the Washington, D.C., California, and London bars, he is the author of a widely read book on East-West trade entitled "Coexistence and Commerce." Mr. Pisar gave the keynote address to the 95th annual meeting of the American Bar Association in San Francisco on August 15, 1972.

In his address, Mr. Pisar suggests a framework of solutions to the permanent—not the transient—problems of economic intercourse between free enterprise and state enterprise societies. Because of the peculiarities of East-West trade, Mr. Pisar urges "a separate and independent system of international regulation—a model code of ground rules specially conceived to mitigate the distortions of direct business dealings and to safeguard the general structure of world commerce as it strains to accommodate the growing phenomenon of total state trading."

I ask unanimous consent that the complete text of Mr. Pisar's address, "Coexistence and Commerce with Russia and China: Ground Rules for East-West Trade," be printed in the RECORD.

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

COEXISTENCE AND COMMERCE WITH RUSSIA AND CHINA: GROUND RULES FOR EAST-WEST TRADE

(Keynote address by Samuel Pisar)

Mr. Chairman, fellow members of the Bar, you have honored me with a challenging assignment—to set the stage for today's deliberations on an important and timely issue, an issue which commands not only our professional interest, but also our human concern with economic prosperity, with political morality, with international understanding and with peace itself.

What I have to say begins with two toasts, proposed at two fateful moments in our nation's history, by two distinguished members of the Bar. One was uttered by Richard Nixon last May in the Grand Kremlin Palace at a banquet which rivalled in lavishness that offered the President in Peking only three months earlier. To the enthusiastic applause of Soviet Russia's top leadership, the President declared: "Economic cooperation will benefit both our nations. The two largest economies in the world now exist in relative isolation. The opportunity for a new commercial relationship opens up a strong potential for progress to our people."

The other toast was uttered by Alexander Hamilton. In 1787, speaking of East-West trade between George III's England and George Washington's America, he reminded the young republic that "the spirit of commerce has a tendency to soften the manners of men and to extinguish those inflammable humors which so often have kindled into wars." These words express an ethic which is deeply rooted in the United States' tradition. I call this ethic "Coexistence and Commerce."

Amid the doubts that assail us today at home and abroad, we find comfort and safety in the old image of the Yankee trader. We realize that in the long run the best guarantee of our security lies not in our costly and far-flung military arsenal, but in our superior capacity for economic progress, and the human freedoms that go with it. These are America's true weapons, and they are weapons of peace.

In this light it is easier to understand why we have recently reversed 25 years of foreign policy—policy which embargoed all meaningful commerce with Russia, China and their respective allies, policy which removed from our reach a market comprising one third of mankind, policy which our business community, our labor force and our balance of payments can no longer afford.

Today there is a clear realization on both sides that the economic systems of communism and capitalism will survive into the indefinite future. Neither side will voluntarily dismantle its own social structure or overwhelm the other with thermonuclear force. This stalemate between the two contending spheres of our politically divided world holds the relatively cheerful prospect of coexistence and, with luck, cooperation and competition.

A long neglected, complex task of construction now awaits statesmen, businessmen and lawyers on both sides of the ideological barrier: how to devise adequate techniques for commerce between free enterprise societies such as America's, Japan's and Western Europe's and state enterprise societies, such as Russia's, China's and Eastern Europe's. For if East-West trade is to realize its full potential in an improving political climate, the institutional framework within which it is currently conducted must adapt. This conclusion is derived from experience with the negotiation of transactions, the performance of agreements and the adjudication of disputes.

The interest in trade has become genuine and mutual. To the West, economically congested and thirsting for new outlets, the communist world is a vast market not only for the conventional export and import of physical commodities, but also for the more sophisticated forms of patent licensing, direct investments and joint ventures in production, distribution and management. To the East, technologically backward and increasingly consumer-oriented, the capitalist world is a rich store of advanced industrial goods, services and ideas. On both sides, a new breed of pragmatists is experimenting with radically different forms of business intercourse in a world economy that is rapidly becoming transnational and transideological.

The evidence is abundant. More than half a century after the Bolshevik revolution the Soviet Union, which once proclaimed the goal of economic autarky, has embraced world commerce on an unprecedented scale in terms of volume, variety and geography. Western, particularly American, capital and know-how, are being openly courted to help modernize retarded industries and to mine and market the untapped Siberian wealth of gas, oil, lumber, copper and nickel. East European state companies and West European private companies are setting up production ventures in common, with mutual profit as a principal objective. More surprisingly, even China is reversing the course of her foreign trade from the communist camp to the capitalist world.

If these developments augur well for the future of cooperation and peace, they nonetheless focus attention on problems which are deeply embedded in the divergent systems and in the conflicting attitudes which gave them growth.

For decades Western firms have addressed the communist markets on a catch-as-catch-can oasis. Those initiated in the arcane mysteries of the subject have learned of necessity how to improvise solutions to recurrent problems. This is particularly evident with Japanese and West European businessmen who, through experience, have far outdistanced their American counterparts in the East-West commercial arena. But makeshift improvisations can hardly furnish the foundation for a new era of flourishing transideological trade.

The difficulties which plague East-West economic relations are more than a simple emanation of deliberate government policies. Many of the obstacles have sprung up spontaneously from the interaction of two antithetical systems, like weeds in an unhealthy soil. Even if communist and capitalist business organizations religiously observed all the established customs and laws of the international marketplace, and political tensions disappeared with the wave of a magic wand, the institutional and technical problems would remain.

The widespread belief that communist states disregard the sanctity of contractual obligations and the rule of law has been disproved. Both morality and legality are today strongly adhered to, at least in the realm of East-West economic arrangements. In order to gain respectability and acceptance in the preponderantly capitalist setting of world commerce, communist enterprises have made a commendable effort to conform to the standards and practices which have been the common heritage of merchants since time immemorial. Nonetheless, the dissimilarity of Eastern and Western economic structures, the different frames of reference within which domestic and foreign business are conducted, the intrusion of extreme ideological precepts and the absence of a common body of legal principles distort the process of trade in a manner never anticipated by those who have built the ancient foundations of orderly economic life.

The communist nations of Europe and Asia have also fashioned novel institutions. These institutions cannot be judged from the vantage point of our own ideas about economics, property, profit and law. Just as England, in her own time, gave form to a body of practices which gradually acquired universal repute as the lex mercatoria, so the Soviet Union, China and other like-minded nations can justifiably claim the right to forge original methods for the convenient conduct of their foreign trade.

A new source of difficulty arises in the opening field of economic cooperation. To date, only camouflage accommodations have been practicable in this field in order to respect the rigidities of Marxist-Leninist dogma. Thus, profits are euphemistically expressed in terms of royalties or service fees, rather than dividends. The substitute for foreign ownership of socialist means of production is a transfer of title to plant and equipment, coupled with a lease-back arrangement. A semblance of equity control is obtained by means of a carefully drawn management contract. Whenever a transaction is deemed advantageous, the communist partner spares no ingenuity to meet his capitalist partner half-way, and in the process pragmatism somehow triumphs over doctrine. But the development of ideologically compatible devices to sustain the growing shift from traditional commodity trade to more ambitious forms of joint ventures is still in an embryonic and precarious stage.

Obstacles to normal commerce and competition arising from fundamental differences between the two social systems, rather than from lingering political hostility as such, may be illustrated by means of a few representative examples. These examples extend to both the micro-economic and macro-economic levels of East-West relations and demonstrate the need for a wholly new regulatory approach.

The Eastern economy is essentially secretive and unresponsive to normal market forces. A foreigner has no reliable basis for gauging business prospects. Since purchase and production patterns are governmentally decreed, Western firms cannot hope to sell in proportion to real demand unless their products have appropriate priority in the state economic plan.

Further, they cannot effectively outbid competitors from other countries enjoying market access under bilateral commercial agreements or fraternal socialist preference. Even if a private company has confidently submitted the most attractive commercial offer to an Eastern state monopoly, it may be disqualified by an unexplained veto based on national policy considerations. This results from the monolithic structure of the communist systems and the fusion of all economic and political authority under the same roof.

Scarce hard currency and gold reserves push the Eastern monopolies toward strictly balanced trade, tied transactions and compensatory deals, often requiring Western sellers to make unrelated counter-purchase commitments as a condition of placing their orders. Unless the goods received in barter are staple commodities the Western firm is forced either to become the reluctant distributor of unwanted merchandise or to pass up the chance of trade altogether.

Although the communist economies are attempting to decentralize their international dealings, Western traders are still generally required to transact business through intermediary export-import monopolies. As a rule they cannot negotiate directly with end-users of industrial products, plants or technology. They cannot (except in Yugoslavia and Rumania) acquire equity or participate in the profits of local companies. Nor can they, normally, establish representative offices, attend to on-the-spot maintenance of their equipment, hire local help, or utilize many other facilities which are available in an open economy.

The distortions of competition are comparable. To be sure, no cohesive case of mischievous market disruption has so far been made out against the Eastern monopolies. Neither Russia nor China, much less the smaller communist countries, have shown any desire to misallocate their resources to adventurous business forays. But the fact remains that private Western firms find themselves occasionally embroiled in an unequal competitive contest with free-wheeling state enterprises, particularly in the politically sensitive, less developed areas of the world.

Because it is characteristically a large scale exporter and importer with a cavalier attitude toward profit, a state monopoly has a natural propensity to dislocate established patterns of trade even when its motives are economically legitimate. All that is needed is an administrative decision to sell or buy taken at the apex of the governmental trade apparatus, and the flow of goods is automatically pumped into or out of the economy regardless of the interaction between national costs and international prices.

The borderline between healthy competition and harmful disruption is blurred, at best. For example, classical Western safeguards against dumping are ineffectual in their application to communist export monopolies, since costs and prices are arbitrary notions in the East. On the other hand, in a centrally planned economy the issue of anti-dumping controls does not even arise. Were the gates of the U.S.S.R., China or Cuba suddenly thrown open to unimpeded merchandising from abroad, their markets would remain impervious to underpriced or injurious disposal. If the goods are required under the government import plan, the low price is welcomed. If they are not considered essential, they cannot enter in the first place, let alone threaten local industry.

By the same token, in a market system reciprocal most-favored-nation undertakings and tariff reductions usually lead to increased imports. In the case of a planned economy the impact of such arrangements is largely meaningless, since the state alone decides what is to be bought. The protectionism is complete and invisible.

Similar difficulties arise in the negotiation of commercial treaties with communist countries, in the operation of international legal conventions of which they are members and in their participation in various multinational organizations. Global arrangements such as the General Agreement on Tariffs and Trade or the International Monetary Fund cannot accommodate Eastern state trading and Western private trading side-by-side under the normal operation of their existing rules and procedures.

It would be misleading if my bill of complaints were addressed to the Eastern countries alone, and if Western attitudes and practices were depicted as lilly-white. The long-standing legislative and administrative American market and other markets of the West are a matter of public record. So are the discriminatory limitations on exports and credits required by Eastern purchasers. Many of these restrictions and limitations are predicated on political relationales which have long ago lost their validity. Most notable among them are, of course, the United States export controls which withhold the supply of goods and data to Eastern countries because of their presumed strategic significance, notwithstanding the fact that the same goods and data are often readily available from competing Western sources.

Beyond that, entirely conventional institutions and practices are frequently as unacceptable to the communist as to the capitalist side of a transaction. Thus, in the event a commercial dispute requires litigation (and a fair number do), communist enterprises are no less reluctant to submit to the "bourgeois" courts, laws and procedures of the West, than capitalist enterprises are to face the communist courts, law and procedures of the East.

Various proposals have been advanced from time to time with a view to placing the conduct of East-West trade on a more satisfactory footing.

Some authoritative legal scholars, in West and East, believe that the requisite solutions will emerge sponstaneously, because commercial law and practice everywhere tends inexorably away from the strictures of nationalism and ideology, toward conformism. Essentially, they appear to endorse the view of Lord Mansfield, the great eighteenth century judge who, in the best rationalist tradition of his period held that the theoretical foundations of all mercantile rules were nothing more than universal common sense and reason in action—a manifestation of the natural law of mankind.

As a practitioner, my observations prompt me to dissent from this verdict. Experience in the front lines of East-West trade shows that the trend toward universality is more apparent than real, more semantic than conceptual. In practice, that which looks standard and conventional becomes distorted, owing to the deep underlying divergence between the two systems of economic organization.

It has been seriously suggested that a non-communist country could counter the Eastern government monopolies with state corporations of its own, and several have done so. To create an exclusive national channel for the exchange of goods and services, however, would be tantamount to emulating totalitarian trading methods and inviting serious and probably irreversible inroads into a domain, which market economies prefer to leave in private hands. The Frankenstein features of such a monster, effective though it might be as a vehicle for trade and competition with collectivist Eastern economies would be more alarming than comforting to those whom it was designed to protect.

It has also been suggested that communist countries be invited and various global arrangements, multinational organizations, multilateral conventions and uniform laws for the coordination of procedures and practices pertaining to foreign trade. This is, unfortunately, impractical. Progress toward uniformity presupposes an underlying similarity or affinity of institutions. In the absence of a common core of social, economic and juridical concepts the search for uniformity seems futile.

Theoretically, business relations between private firms and state monopolies could be made the subject of separate national laws. A legislature can authoritatively condition all purchases and sales involving wholly planned economies upon compliance with special statutory terms. However, this mode of regulation would yield highly undesirable

by-products. Entire branches of law would require piecemeal amendment, with resultant disturbance to the overall legal order.

In the short term, the bilateral treaty remains an unquestionably convenient instrument for the regulation or trade between a government operated and a market oriented economy. Aside from dealings with matters of direct concern to the two states themselves, such treaties can prescribe proper conditions for contractual relationships between private and public enterprises. Through a comprehensive document of this type, the requisite regime could be externally installed without disturbing the logic and unity of locally established practices and laws.

In the ultimate analysis, the peculiarities of East-West trade are unique; the solutions must, therefore, also be unique. For this fundamental reason economic intercourse between free enterprise and state enterprise societies require a separate and independent system of international regulation—a model code of ground rules specially conceived to mitigate the distortions of direct business dealings and to safeguard the general structure of world commerce as it strains to accommodate the growing phenomenon of total state trading. In my opinion, this approach is superior for conceptual as well as practical reasons. It pursues the aims sought through the other approaches without inviting any of their drawbacks—the fear of exclusive trade channels, the impracticality of unified norms, the dislocation of general laws and the fragmentation of bilateral treaties.

It would be neither realistic nor just to demand deep unilateral changes in the Eastern economies or their foreign trade organizations. Crucial to any workable code would be a negotiated exchange of concessions and assurances, with each side giving up something of value to gain something in return. The difficulty of reaching such a settlement cannot be underestimated, but once accomplished, it would be largely self-enforcing. Each country would hesitate to violate any rule, for fear of losing privileges the other rules afforded. Not judicial compulsion, but the expectation of mutual advantage would be the engine of compliance. Such are the intrinsic checks and balances that organized business life can generate for its own protection.

In the near term, it would be a delusion to expect communist and capitalist states to conclude a full-blown convention for transideological trade. But a new opportunity to move toward satisfactory guidelines is provided by the U.S.-Soviet Commercial Commission established last May. The success of future efforts in this forum, jointly undertaken by representatives of the two principal poles of Eastern and Western economic organization, could have exemplary value for all free enterprise and state enterprise countries, and lead to the ultimate goal of a universal charter of fair practices for East-West trade.[1]

IN PROTEST OF SOVIET EXTORTION

Mr. WILLIAMS. Mr. President, within recent weeks we have once again become painfully aware of the insidious practice of discrimination against Jews by the Soviet Government. Soviet authorities have instituted a new system of heavy exit fees ranging from $5,000 to $25,000 for educated Jews who wish to emigrate to Israel. The Soviet Government's convenient excuse has been that the fees are repayment for state-financed education. However, since state education is the only kind available or permissable, it is clear that this new ploy is one of extortion and exploitation.

Concerned individuals throughout the world have condemned this deplorable policy of buying and selling human beings. Sadly enough, this practice has a historical precedent, dating back to the czarist days. In the mid-19th century, Russian serfs were considered commodities, the property of their owners. The price varied, depending on the serf's abilities and education. It is, indeed, ironic that in this case education has become a definite detriment to these modern serfs of the Soviet Government.

It has become clear that more and more Jewish intellectuals and technicians have been applying for exit visas. Reportedly, invitations have been sent to some 80,000 Soviet Jews by Israeli relatives. These invitations are among the conditions for applications to the Soviet passport office for exit permits. More than one-third of the families include at least one professional. In the past, Soviet Jews wishing to emigrate have traditionally been harassed and threatened upon application for permission to emigrate.

Yet this new measure, totally unjustifiable, all but curtails the feasibility of emigration. We cannot and must not stand by and watch fellow human beings be ransomed off for their level of education.

I firmly believe that we must voice our protest loudly as well as show by our diplomatic actions that we view this new policy as revolting and totally unacceptable. I insist that we completely drop the idea of granting most-favored-nation treatment to the Soviet Union until this despicable practice is curtailed. Granting most-favored-nation treatment would indicate a total ignorance and apathy for Soviet discriminatory practices. Future American-Soviet agreements should be based on mutual respect, yet when the Soviet Union persists in disregarding basic human rights and human dignity, there is no basis for respect.

We are a nation which advocates freedom, justice, and human dignity. We cannot degrade ourselves and these ideals by granting trade concessions to the Soviet Union when the very same government flagrantly violates the ideals we cherish. Public outcry has, in the past, influenced the Soviet leaders to alter certain policies. Let us hope that our vocal protest as well as diplomatic actions in this instance will have the same effect, and that those Soviet Jews wishing to emigrate will be able to do so freely rather than for a ransom.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. The time for morning business having expired, morning business is concluded.

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 a bill (H.R. 16705) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1973, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 672. Concurrent resolution commemorating the 200th anniversary of Dickinson College; and

H. Con. Res. 701. Concurrent resolution commending the 1972 U.S. Olympic team for their athletic performance and Mark Andrew Spitz, in particular, for his unparalleled achievement in the 1972 Olympic games in Munich, Germany.

HOUSE BILL REFERRED

The bill (H.R. 16705) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1973, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on the Judiciary:

H. Con. Res. 672. Concurrent resolution commemorating the 200th anniversary of Dickinson College; and

H. Con. Res. 701. Concurrent resolution commending the 1972 U.S. Olympic team for their athletic performance and Mark Andrew Spitz, in particular, for his unparalleled achievement in the 1972 Olympic games in Munich, Germany.

UNFINISHED BUSINESS LAID ASIDE

The PRESIDING OFFICER. Under the previous order, S. 3970 will be laid aside, and it will remain in the laid-aside status until a time later in the day to be determined by the majority leader or his designee.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER (Mr. HOLLINGS). Under the previous order, the

[1] The content and rationale of a proposed charter of fair practices for East-West trade is set forth in chapter 25 of the author's "Coexistence and Commerce" (McGraw-Hill, New York 1970).

Chair lays before the Senate H.R. 16029, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Foreign Assistance Act of 1972".

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 2. Section 234(c) of the Foreign Assistance Act of 1961, relating to the Overseas Private Investment Corporation, is amended by striking out "(1) accept as evidence of indebtedness debt securities convertible to stock, but such debt securities shall not be converted to stock while held by the Corporation" and inserting in lieu thereof "(1) in its financing programs, acquire debt securities convertible to stock or rights to acquire stock, but such debt securities or rights shall not be converted to stock while held by the Corporation".

REFUGEE RELIEF ASSISTANCE

SEC. 3. Section 491 of the Foreign Assistance Act of 1961, relating to refugee relief assistance, is amended by striking out "1972" and "$250,000,000" and inserting in lieu thereof "1973" and "$100,000,000", respectively.

ASSISTANCE TO WAR AND FLOOD VICTIMS

SEC. 4. Part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapters:

"CHAPTER 10—ASSISTANCE FOR WAR VICTIMS IN INDOCHINA

"SEC. 495. ASSISTANCE TO WAR VICTIMS IN INDOCHINA.—(a) The Congress affirms the willingness of the United States to share the burden for the immediate and postwar relief and rehabilitation of the people and nations of Indochina, including South Vietnam, North Vietnam, Laos, and Cambodia.

"(b) The Congress urges the President to begin immediately the preparation of plans and proposals outlining programs and institutional channels through which the United States Government may support and participate in the postwar relief and rehabilitation of the people and nations of Indochina.

"(c) The Congress further urges the President to solicit the cooperation of other governments in submitting to the United Nations Secretary General a proposal for convening, as soon as practical, an international conference to help determine humanitarian needs among the people and nations of Indochina and to explore approaches to the task of postwar relief and rehabilitation, including the kinds of international arrangements to carry out this task.

"(d) The Congress further urges the President to solicit the cooperation of other governments in submitting to the United Nations Secretary General a proposal to establish as soon as practical an autonomous Fund of the United Nations for Indochina (FUNI) to receive contributions for humanitarian purposes in Indochina and to support the task of postwar relief and rehabilitation under international auspices.

"CHAPTER 11—PHILIPPINE DISASTER RELIEF

"SEC. 497. PHILIPPINE DISASTER RELIEF.—Notwithstanding the provisions of this or any other Act, the President is authorized to provide, on such terms and conditions as he may determine, relief, rehabilitation, and reconstruction assistance in connection with damage caused by floods in the Philippines during 1972. Of the funds provided to carry out this part, $50,000,000 shall be available only to carry out this chapter. Such assistance shall be distributed, to the extent practicable, under the auspices of or by international institutions and relief agencies or United States voluntary agencies."

MILITARY ASSISTANCE

SEC. 5. Chapter 2 of part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(1) In section 504(a), relating to authorization, strike out "fiscal year 1972" and insert in lieu thereof "fiscal year 1973".

(2) In section 506(a), relating to special authority, strike out "1972" wherever it appears and insert in lieu thereof "1973".

(3) At the end of such chapter 2, add the following new section:

"SEC. 515. LIMITATIONS ON AVAILABILITY OF FUNDS FOR MILITARY OPERATIONS.—No funds authorized or appropriated under any provision of law shall be made available by any means by any officer, employee, or agency of the United States Government for the purpose of financing any military operations in Thailand by any military forces, other than the national forces of Thailand or the United States, unless Congress has specifically authorized or specifically authorizes the making of funds available for such purpose."

SECURITY SUPPORTING ASSISTANCE

SEC. 6. (a) Section 532 of the Foreign Assistance Act of 1961, relating to authorization for security supporting assistance, is amended by striking out "fiscal year 1972 not to exceed $618,000,000" and inserting in lieu thereof "fiscal year 1973 not to exceed $550,000,000".

(b) Chapter 4 of part II of the Foreign Assistance Act of 1961, relating to security supporting assistance, is amended by adding at the end thereof the following new sections:

"SEC. 534. REFUGEE ASSISTANCE IN CAMBODIA.—The President is authorized to provide humanitarian assistance, on such terms and conditions as he considers appropriate, to refugees and war victims in Cambodia. Of the funds appropriated pursuant to section 532 for the fiscal year 1973, not less than $2,000,000 shall be available until expended solely to carry out this section.

SEC. 535. ASSISTANCE TO SOUTH VIETNAM CHILDREN.—(a) It is the sense of the Congress that inadequate provision has been made (1) for the establishment, expansion, and improvement of day care centers, orphanages, hostels, school feeding programs, health and welfare programs, and training related to these programs which are designed for the benefit of South Vietnamese children, disadvantaged by hostilities in Vietnam or conditions related to those hostilities, and (2) for the adoption by United States citizens of South Vietnamese children who are orphaned or abandoned, or whose parents or sole-surviving parent, as the case may be, has irrevocably relinquished all parental rights.

"(b) The President is therefore authorized to provide assistance, on terms and conditions he considers appropriate, for the purposes described in clauses (1) and (2) of subsection (a) of this section. Of the funds appropriated pursuant to section 532 for fiscal year 1973, $5,000,000 shall be available until expended solely to carry out this section. Not more than 10 per centum of the funds made available to carry out this section may be expended for the purposes referred to in subsection (a)(2) of this section. Assistance provided under this section shall be furnished, to the maximum extent practicable, under the auspices of and by international agencies or United States voluntary agencies.

"SEC. 536. HUMANITARIAN ASSISTANCE IN SOUTH VIETNAM.—The President is authorized to provide humanitarian assistance, on such terms and conditions as he considers appropriate, to refugees, civilian war casualties, war orphans, abandoned children, and other persons disadvantaged by hostilities or conditions related to those hostilities in South Vietnam. Of the funds appropriated pursuant to section 582 for the fiscal year 1973, not less than $70,000,000 shall be available, until expended, solely to carry out this section. Of the funds appropriated under section 532 of this Act, including any such funds made available to carry out this section, not less than $18,000,000 shall be allocated for project assistance in South Vietnam for public health services and war victims.

"SEC. 537. CENTER FOR PLASTIC SURGERY IN SAIGON.—Of the funds appropriated pursuant to section 532 for the fiscal year 1973, not less than $715,000 shall be available solely for furnishing assistance to the Center for Plastic and Reconstructive Surgery in Saigon."

TRANSFER BETWEEN ACCOUNTS

SEC. 7. Section 610(a) of the Foreign Assistance Act of 1961, relating to transfer between accounts, is amended—

(1) by inserting immediately after "except that" the designation "(1)"; and

(2) by inserting before the period at the end thereof a comma and the following: "and (2) no funds made available for any provision of part I of this Act may be transferred to, or consolidated with, funds made available for any provision of part II of this Act (including chapter 4 of such part II)".

PROHIBITIONS AGAINST FURNISHING ASSISTANCE

SEC. 8. Section 620 of the Foreign Assistance Act of 1961, relating to prohibitions against furnishing assistance, is amended by adding at the end thereof the following new subsections:

"(x) No assistance, other than training, may be furnished under part II of this Act (including chapter 4 of such part), and no sale, credit sale, or guaranty with respect to defense articles or defense services may be made under the Foreign Military Sales Act, to, for, on behalf of the Governments of Pakistan, India (including Sikkim), Bangladesh, Nepal, Ceylon, the Maldive Islands, or Bhutan.

"(y) None of the funds authorized to be appropriated by this Act may be used to provide any kind of assistance to any foreign country in which a military base is located if—

"(1) such base was constructed or is being maintained or operated with funds furnished by the United States; and

"(2) personnel of the United States carry out military operations from such base;

unless and until the President has determined, and informed the Congress in writing, that the government of such country has, consistent with security, authorized access, on a regular basis, to bona fide news media correspondents of the United States to such military base. The President shall not exercise any special authority granted him under section 614(a) of this Act with respect to this section."

ALLOCATION AND REIMBURSEMENT AMONG AGENCIES

SEC. 9. Subsection (a) of section 632 of the Foreign Assistance Act of 1961, relating to allocation and reimbursement among agencies, is repealed.

LIMITATIONS ON CAMBODIAN ASSISTANCE

SEC. 10. Section 655 of the Foreign Assistance Act of 1961, relating to limitations upon assistance to or for Cambodia, is amended—

(1) by striking out "$341,000,000" and "1972", wherever they appear in subsections (a) and (b) and inserting in lieu thereof "$275,000,000" and "1973", respectively; and

(2) by inserting in subsection (g), after "section", a comma and the following: "or any amendment thereto,".

FOREIGN MILITARY SALES

SEC. 11. The Foreign Military Sales Act is amended as follows:

(1) In section 23, relating to credit sales, strike out "ten" and insert in lieu thereof "twenty".

(2) In section 31(a), relating to authorization, strike out "fiscal year 1972" and insert in lieu thereof "fiscal year 1973".

(3) In section 31(b), relating to aggregate ceiling on foreign military sales credits, strike out "fiscal year 1972" and insert in lieu thereof "fiscal year 1973".

(4) In section 33(a), relating to aggregate regional ceilings, is amended by striking out "$100,000,000" and inserting in lieu thereof "$150,000,000".

EXCESS DEFENSE ARTICLES

SEC. 12. (a) Section 8(b) of the Act entitled "An Act to amend the Foreign Military Sales Act, and for other purposes", approved January 12, 1971, as amended, is amended by striking out "$185,000,000" and inserting in lieu thereof "$150,000,000".

(b) Section 8(e) of such Act is amended by striking out "prior to July 1, 1972".

HOSTILITIES IN INDOCHINA

SEC. 13. Funds authorized or appropriated by this or any other Act for United States forces with respect to military actions in Indochina may be used only for the purpose of withdrawing all United States ground, naval, and air forces and protecting such forces as they are withdrawn. The withdrawal of all United States forces from Vietnam, Laos, and Cambodia shall be carried out within four months after the date of enactment of this Act: Provided, That there is a release within the four-month period of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, and an accounting of all Americans missing in action who have been held by or known to such Government or such forces.

AZORES AGREEMENT

SEC. 14. Commencing thirty days after the date of enactment of this Act, no funds may be obligated or expended to carry out the agreement signed by the United States with Portugal, relating to the use by the United States of military bases in the Azores, until the agreement, with respect to which the obligation or expenditure is to be made, is submitted to the Senate as a treaty for its advice and consent.

PROHIBITING OGLIGATION OR EXPENDITURE OF FUNDS FOR CERTAIN AGREEMENTS TO WHICH THE SENATE HAS NOT GIVEN ITS ADVICE AND CONSENT

SEC. 15. No funds may be obligated or expended to carry out any agreement entered into, on or after the date of enactment of this Act, between the United States Government and the government of any foreign country (1) providing for the establishment of a military installation in that country at which combat units of the Armed Forces of the United States are to be assigned to duty, or (2) revising or extending the provisions of any such agreement, unless such agreement is submitted to the Senate for its advice and consent and unless the Senate gives its advice and consent to such agreement. Nothing in this section shall be construed as authorizing the President to enter into any agreement relating to any matter, with or without the advice and consent of the Senate.

APPLICABILITY OF SECTIONS 14 AND 15 TO THE EXPORT-IMPORT BANK OF THE UNITED STATES

SEC. 16. The provisions of sections 14 and 15 do not affect the authority of the Export-Import Bank of the United States, in accordance with its established procedures and practices, to consider and act on any application for a guarantee, insurance, extension of credit, or participation in an extension of credit with respect to the purchase or lease of any product by any foreign country, or an agency or national thereof.

ILLEGAL INTERNATIONAL NARCOTIC TRAFFIC STUDY

SEC. 17. (a) It is the sense of the Congress that the control of illegal international narcotic traffic is essential to the well-being of the United States; that illegal international narcotic traffic is now a major enterprise involving complex operations in numerous countries in all parts of the world; and that such traffic continues to take place in countries which receive economic and military assistance from the United States, including assistance to carry out antinarcotic drug programs.

(b) On or before the expiration of the one hundred and eighty-day period following the date of the enactment of this Act, the Bureau of Narcotics and Dangerous Drugs shall prepare and submit to the Congress a report, in two parts, concerning the illegal international narcotic traffic.

(c) The first part of such report shall include a survey of (1) the cultivation and processing of narcotic drugs (which are illegal in the United States) in each country where these operations are known to, or believed by, the Bureau of Narcotics and Dangerous Drugs to occur; (2) the routes of transportation of such drugs to the United States; (3) the means by which such drugs are brought into the United States; (4) the financial and banking arrangements which support such illegal international narcotics traffic; and (5) changes in the international patterns of cultivation, processing, and shipping of such drugs for the United States markets which, in the opinion of the Bureau of Narcotics and Dangerous Drugs, have occurred since calendar year 1969, and an evaluation of those changes.

(d) The second part of such report shall include—

(1) a list of the countries which, in the opinion of the Bureau of Narcotics and Dangerous Drugs, are currently major centers in illegal international narcotic traffic;

(2) a summary of the programs and other actions undertaken by such countries for the suppression of such traffic; and

(3) an evaluation by the Bureau of Narcotics and Dangerous Drugs of the effectiveness of such programs and actions, including reasons for their effectiveness or ineffectiveness.

(e) Each Federal department or agency having the responsibility for the conduct of the foreign affairs of the United States, or for programs and other actions related to the suppression of the illegal international narcotic traffic, shall, upon the request of the Bureau of Narcotics and Dangerous Drugs, make available to the Bureau such information and other assistance as may be so requested.

PUBLIC LAW 480

SEC. 18. Section 104(c) of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out the semicolon at the end of such section and inserting in lieu thereof a comma and the folowing: "except that no agreement may be entered into under this subsection (c) unless such agreement has been specifically authorized by legislation enacted after the date of enactment of the Foreign Assistance Act of 1972;".

Mr. FULBRIGHT. Mr. President, the Senate should have a strong feeling of deja vu in considering the bill before it. Twice within the last year the Senate has defeated a foreign aid bill only to see it resurrected. Like Banquo's ghost, it will not down.

So, here we are today with essentially the same foreign aid bill the Senate defeated 2 months ago by a vote of 42 to 48. The bill reported by the Foreign Relations Committee contains all of the provisions in the earlier bill, S. 3390, as it was defeated in the Senate, except that the amounts have been changed in order to hold the line at the level Congress appropriated for the last fiscal year. The Federal funds deficit for the last 3 years is $72 billion and the official estimate for the current year is for $38 billion more. Many say it is likely to reach $45 billion. Thus, we will have had at least $110 billion in deficit spending for these 4 years. There is no justification for adding hundreds of millions more to this burden by increasing military aid programs above last year's level—military aid to foreign countries, may I emphasize.

The bill does not contain any additional authorizations for economic aid other than $100 million for relief and rehabilitation work in Bangladesh. Economic aid programs were authorized for 2 years in the 1971 Foreign Assistance Act. This is a military aid bill. It authorizes a total of $1.45 billion for the three major programs: $500 million for military grant aid, $550 million for supporting assistance or budget subsidies, and $400 million for financing military credit sales. In each case the amount is the same as Congress voted last year—that is, for fiscal 1972.

I ask unanimous consent to have a comparative chart and other pertinent explanatory tables printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. FULBRIGHT. I wish to point out, however, that the $1.45 billion in military assistance recommended in this bill is only about one-fourth of the $5.6 billion military assistance package programed by the executive branch for the current fiscal year. The bill does not include, for example, $2.9 billion or South Vietnam, Laos, and the Korean forces in Vietnam, ship loans of $39.6 million, $450 million in excess equipment at acquisition cost, or most of the costs of supporting the 47 U.S. military missions abroad. When Government cash sales and commercial sales are included, the estimated total flow of arms and supplies abroad this fiscal year adds up to $8.5 billion, almost five times the appropriations to be authorized by this bill.

I will not take the Senate's time to list the policy provisions in the bill. They are detailed in the committee report. With the exception of two provisions added by the committee and a slight revision in Senator BROOKE's amendment, policy provisions are exactly as they were in S. 3390 when it was defeated. Senator BROOKE's amendment, as adopted by the committee, is the revised version he proposed as an amendment to the pending bill. It reflects the Senate's action on his amendment to the military procurement bill in that it requires, as a condition for completion of the U.S. withdrawal from Indochina, an accounting for Americans missing in action in addition to the earlier requirement for the release of U.S. prisoners of war.

The two new substantive provisions

added by the committee would: First, earmark $50 million in appropriations for economic assistance for flood relief and rehabilitation in the Philippines, and second, cut off funds for any country which refuses to allow American newsmen access to military bases, constructed or maintained by U.S. funds, from which U.S. personnel carry out military operations. The latter provision, although general in application, is designed to insure that American newsmen have proper access to U.S.-operated bases in Thailand.

Mr. President, this bill will be no less controversial than the one the Senate finally rejected after 4 weeks of desultory consideration last July. However, every Member should know by now the issues involved in this bill. I hope that those who plan to offer amendments will do so promptly so that the Senate can dispose of this bill—one way or another—without unnecessary delay.

EXHIBIT 1

COMPARATIVE DATA ON FOREIGN AID ITEMS

[In millions of dollars]

Program	Committee recommendation and appropriation fiscal year 1972	Executive branch request	S. 3390 as defeated in Senate	H.R. 16029
1. Grant military assistance	500	780	600	[5] 735
2. Supporting assistance	[1] 550	844	[4] 685	[1] 769
3. Military credit sales	400	527	435	527
(a) Aggregate ceiling	[2] (550)	(629)	[2] (600)	[2] (629)
Total security assistance	1,450	2,151	1,720	2,031
4. Bangladesh assistance	[3] 100	100	100	100
Total security and economic	1,550	2,251	1,820	2,131

[1] $50,000,000 earmarked for Israel.
[2] $300,000,000 earmarked for Israel.
[3] $200,000,000 was appropriated in fiscal year 1972.
[4] $85,000,000 earmarked for Israel.
[5] $5,000,000 for Naval training in the Western Hemisphere.

TABLE 1.—COMPARATIVE DATA ON FOREIGN AID MONEY ITEMS

[In millions of dollars]

Item	Appropriation fiscal year 1972 (or existing law)	Administration request	H.R. 16029	Senate committee recommendation
1. Grant military assistance	500.0	780.0	730.0	500.0
(a) Naval training, Western Hemisphere			5.0	
2. Supporting assistance	550.0	844.0	769.0	550.0
(a) Earmarked items:				
(1) Israel	(50.0)		(50.0)	(50.0)
(2) Refugees, Cambodia			(2.0)	(2.0)
(3) Refugee and humanitarian aid in South Vietnam				(70.0)
(4) Aid to South Vietnamese children			(5.0)	(5.0)
(5) Plastic Surgery Center—Saigon			(.7)	(.7)
3. Military credit sales	400.0	527.0	527.0	400.0
(a) Aggregate credit ceiling	[1] (550.0)	(629.0)	[1] (629.0)	[1] (550.0)
Total security assistance	1,450.0	2,151.0	2,031.0	1,450.0
Bangladesh assistance	200.0	100.0	100.0	100.0
Total security and economic	1,650.0	2,251.0	2,131.0	1,550.0
CEILINGS				
1. Cambodia	341.0		330.0	275.0
2. Excess defense articles	185.0	245.0	245.0	150.0
3. Military and aid sales to Latin America	100.0	150.0	[2] 150.0	150.0

[1] $300,000,000 earmarked for Israel.
[2] Also exempts cash sales from the ceiling.

TABLE II.—MILITARY AND RELATED ASSISTANCE AND ARMS SALES PROGRAMS, FISCAL YEAR 1973 (EXECUTIVE BRANCH ESTIMATES)

Program:	Amount
1. Military assistance grants	$819,700,000
2. Foreign military credit sales	629,000,000
3. Excess defense articles	[1] 245,000,000
4. Ships loans	39,600,000
5. Security supporting assistance	879,418,000
6. Foreign military cash sales (DOD)	2,200,000,000
7. Commercial sales	722,598,000
8. Military assistance—DOD funded	2,924,700,000
Total military and related assistance and sales	8,460,016,000

[1] Valued at one-third acquisition cost.

TABLE III.—MILITARY AID FUNDED THROUGH THE DEPARTMENT OF DEFENSE BUDGET FOR ALLIED FORCES IN SOUTHEAST ASIA

[In millions of dollars]

	Fiscal year—		
	1971	1972	1973
South Vietnam	1,848.9	1,824.1	2,431.2
Korea	208.2	188.9	133.5
Laos	155.8	240.3	260.0
Thailand	113.0	66.1	([1])
Total	2,325.9	2,339.4	2,924.7

[1] Military aid for Thailand to be funded from the MAP program.

TABLE IV.—MILITARY AND ECONOMIC ASSISTANCE DATA, FISCAL YEAR 1973 PROGRAM REGIONAL SUMMARY

[In thousands of dollars]

	Security programs							
	Military assistance grants	Foreign military credit sales	Excess defense articles [1]	Military service funded	Ship loans [1]	Total military	AID supporting assistance	Total security
Summary, all programs	819,700	629,000	245,000	2,924,700	39,600	4,668,000	879,418	5,537,418
LA	20,300	75,000	2,500		900	98,700		98,700
AFR	17,975	18,500	3,500			39,975		39,975
EUR	10,299		8,000		18,200	36,499	12,500	48,999
NESA	142,952	443,000	68,000		11,000	664,952	90,000	754,952
EA and PAC	542,928	92,500	163,000	2,924,700	9,500	3,732,628	743,800	4,476,428
Other	85,246					85,246	28,200	113,446
Administrative and other expenses, State							4,918	4,918

	Development and humanitarian economic programs							Total military and economic, fiscal year—	
	Agency for International Development								
	Development/humanitarian assistance [2]	Contingency fund and international narcotics control [3]	AID development and humanitarian total	Peace Corps	Public Law 480	International financial institutions [4]	Total economic	1973	1972
Summary, all programs	1,598,976	72,800	1,671,776	72,200	1,099,789	920,000	3,763,765	9,301,183	7,439,099
LA	389,416		389,416	18,913	106,559		514,888	613,588	528,970
AFR	173,209		173,209	23,149	134,310		330,668	370,643	352,838
EUR				10	850		860	49,859	78,247
NESA	347,204	15,000	362,204	7,400	390,976		760,580	1,515,532	1,292,250
EA and PAC	188,857	2,200	191,057	12,352	445,494		648,903	5,125,331	4,036,862
Other	[2] 500,290	55,600	555,890	10,376	21,600	920,000	1,507,866	1,621,312	1,145,470
Administrative and other expenses, State								4,918	4,462

[1] In legal value—at ⅓ acreage class acquisition costs.
[2] Includes AID administrative expenses.
[3] Includes contingency fund and international narcotics control funds.
[4] Includes International Development Association, Inter-American Development Bank, and Asian Development Bank.

MILITARY AND ECONOMIC ASSISTANCE DATA, FISCAL YEAR 1973 PROGRAM BY COUNTRY

[In thousands of dollars]

	Security programs								Economic programs							
			Military programs						Agency for International Development			Other programs				
	Military assistance grants	Foreign military credit sales	Excess defense articles [1]	Military service funded	Ship loans [1]	Total military	AID supporting assistance	Total security	Development/humanitarian assistance	International narcotics control	Total	Peace Corps	Public Law 480	Total economic	Total military and economic fiscal year 1973	Total military and economic fiscal year 1972
Latin America	20,300	75,000	2,500		900	98,700		98,700	389,416		389,416	18,913	106,559	514,888	613,588	528,970
Argentina	550	15,000				15,550		15,550							15,550	16,047
Bolivia	4,873	4,000	500			9,373		9,373	18,214		18,214		9,700	27,914	37,287	50,051
Brazil	988	15,000				15,988		15,988	8,300		8,300	2,625	21,870	32,795	48,783	38,073
Chile	1,114	5,000	200		900	7,214		7,214	850		850	418	4,860	6,128	13,342	13,384
Colombia	778	10,000	100			10,878		10,878	78,600		78,600	1,898	21,730	102,228	113,106	122,061
Costa Rica									1,060		1,060	765	1,026	2,851	2,851	3,336
Dominican Republic	1,435		100			1,535		1,535	11,600		11,600	500	17,705	29,805	31,340	27,115
Ecuador	1,000		300			1,300		1,300	14,543		14,543	1,135	4,889	20,567	21,867	11,364
El Salvador	805		100			905		905	14,150		14,150	483	900	15,533	16,438	10,869
Guatemala	1,736	2,000	200			3,936		3,936	24,350		24,350	765	2,637	27,752	31,688	18,607
Guyana									10,100		10,100		1,780	11,880	11,880	14,072
Haiti									6,000		6,000		1,251	7,251	7,251	4,211
Honduras	734		100			834		834	18,242		18,242	964	972	20,178	21,012	7,689
Inter-American programs									16,880		16,880			16,880	16,880	14,691
Jamaica									10,849		10,849	838	450	12,137	12,137	6,202
Mexico	87	2,000				2,087		2,087							2,087	750
Nicaragua	1,045		100			1,145		1,145	7,500		7,500	516	328	8,344	9,489	14,070
Panama	527		100			627		627	22,295		22,295		1,080	23,375	24,002	17,581
Paraguay	791		200			991		991	7,094		7,094	418	2,712	10,224	11,215	11,645
Peru	820	5,000				5,820		5,820	13,747		13,747	1,766	8,460	23,973	29,793	38,315
ROCAP									27,700		27,700	203	153	28,056	28,056	13,417
Trinidad and Tobago													90	90	90	90
Uruguay	1,460	2,000	500			3,960		3,960	24,500		24,500	92	3,540	28,132	32,092	5,387
Venezuela	870	15,000				15,870		15,870	500		500	1,580		2,080	17,950	18,198
Caribbean regional									20,350		20,350	1,012	426	21,788	21,788	11,342
Economic regional programs									31,992		31,992	2,935		34,927	34,927	35,002
Regional military costs	687					687		687							687	5,231
Near East and South Asia	142,952	443,000	68,000		11,000	664,952	90,000	754,952	347,204	15,000	362,204	7,400	390,976	760,580	1,515,532	1,292,250
Afghanistan	215					215		215	6,720		6,720	1,499	24,100	32,319	32,534	58,293
Ceylon	15					15		15					14,157	14,157	14,172	20,130
Cyprus													3,960	3,960	3,960	3,960
Greece	9,554	55,000	25,500		5,900	95,954		95,954							95,954	81,350
India	234					234		234	99,590		99,590	3,211	172,330	275,131	275,365	197,220
Iran	492					492		492				1,300	1,044	2,344	2,836	7,325
Israel		[5]					50,000	50,000					45,342	45,342	95,342	105,342
Jordan	[5]	[5]	[5]				40,000	40,000	1,200		1,200		3,042	4,242	44,242	48,592
Lebanon	[5]	[5]											5,305	5,305	5,305	14,505
Nepal	29					29		29	1,883		1,883	1,191	630	3,704	3,733	4,208
Pakistan	243					243		243	79,800		79,800		105,358	185,158	185,401	160,615
Saudi Arabia	[5]	[5]														
Southern Yemen													90	90	90	90
Syria													216	216	216	261
Turkey	88,611	15,000	40,000		5,100	148,711		148,711	43,000	15,000	58,000		13,014	71,014	219,725	199,440
Yemen													1,026	1,026	1,026	1,026
Economic regional programs/CENTO									5,011		5,011		1,362	6,572	6,572	6,689
Regional military costs [7]	43,559	373,000	2,500			419,059		419,059							419,059	383,249
Unallocated									110,000		110,000			110,000	110,000	

MILITARY AND ECONOMIC ASSISTANCE DATA, FISCAL YEAR 1973 PROGRAM BY COUNTRY—Continued

	Security programs								Economic programs							
									Agency for International Development							
			Military programs									Other programs				
	Military assistance grants	Foreign military credit sales	Excess defense articles [1]	Military service funded	Ship loans [1]	Total military	AID supporting assistance	Total security	Development/humanitarian assistance	International narcotics control	Total	Peace Corps	Public Law 480	Total economic	Total military and economic fiscal year 1973	Total military and economic fiscal year 1972
East Asia and Pacific	542,928	92,500	163,000	2,924,700	9,500	3,732,628	743,800	4,476,428	188,857	2,200	191,057	12,352	445,494	648,903	5,125,331	4,036,862
Burma													621	621	621	621
Cambodia	209,541		15,500			225,041	75,000	300,041					30,018	30,018	330,059	246,437
China (Taiwan)	7,642	55,000	46,500			109,142		109,142							109,142	100,762
Hong Kong													126	126	126	126
Indonesia	28,745		4,500			33,245		33,245	123,200		123,200		87,920	211,120	244,365	239,967
Korea	215,710	25,000	33,600	133,500	5,700	413,510		413,510	28,600		28,600	2,194	142,500	173,294	586,804	585,369
Laos			2,000	360,000		362,000	49,800	411,800	870	700	1,570		3,429	4,999	416,799	294,996
Malaysia	181					181		181				2,908	958	3,866	4,047	4,214
Philippines	20,780		3,000		3,800	27,580		27,580	20,565		20,565	1,971	33,800	56,336	83,916	83,629
Singapore													45	45	45	670
Thailand	59,954		4,500			64,454	25,600	90,054	2,145	1,000	3,145	1,568	15,657	20,370	110,424	105,599
Vietnam			53,400	2,431,200		2,484,600	585,000	3,069,600	345	500	846		130,420	131,266	3,200,866	2,352,412
Western Samoa												525		525	525	449
Economic regional programs							8,400	8,400	13,131		13,131	3,186		16,317	24,717	13,532
Regional military costs	375	12,500				12,875		12,875							12,875	8,079
Africa	17,975	18,500	3,500			39,975		39,975	173,209		173,209	23,149	134,310	330,668	370,543	352,838
Botswana									(6)		(6)	692	9,450	10,142	10,142	10,042
Burundi									(6)		(6)		920	920	920	920
Cameroon									(6)		(6)	700	380	1,080	1,080	979
Central African Republic									(6)		(6)		210	210	210	210
Chad									(6)		(6)	481	110	591	591	522
Congo (Brazzaville)													1,800	1,800	1,800	1,800
Dahomey									(6)		(6)	449	390	839	839	775
Ethiopia	12,139		1,000			13,139		13,139	16,550		16,550	1,304	1,134	18,988	32,127	32,099
Gabon									(6)		(6)					
Gambia									(6)		(6)	383	980	1,363	1,363	1,307
Ghana	55					55		55	32,370		32,370	2,345	13,260	47,975	48,030	30,896
Guinea									(6)		(6)		4,970	4,970	4,970	4,984
Ivory Coast									(6)		(6)	826	1,350	2,176	2,176	2,057
Kenya									2,835		2,835	2,351	810	5,996	5,996	5,343
Leosotho									(6)		(6)	299	1,773	2,072	2,072	1,606
Liberia	499		500			999		999	3,709		3,709	2,444	2,390	3,543	9,542	10,408
Malagasy									(6)		(6)		510	510	510	510
Malawi									(6)		(6)	475	180	655	655	656
Mali	50					50		50	(6)		(6)	240	1,580	1,820	1,870	2,418
Mauritania									(6)		(6)		1,170	1,170	1,170	1,170
Mauritius									(6)		(6)	155	1,305	1,460	1,460	1,602
Morocco	(5)	(5)							17,055		17,055	1,056	42,000	60,111	60,111	49,299
Niger									(6)		(6)	629	1,575	2,204	2,204	2,119
Nigeria									23,870		23,870		630	24,500	24,500	25,797
Rwanda									(6)		(6)		360	360	360	360
Senegal	25					25		25	(6)		(6)	721	1,683	2,404	2,429	2,910
Seychelles									(6)		(6)		60	60	60	60
Sierra Leone									(6)		(6)	1,683	1,740	3,423	3,423	3,281
Somali Republic													450	450	450	450
Sudan													180	180	180	45
Swaziland									(6)		(6)	479		479	479	410
Tanzania									6,400		6,400		1,370	7,700	7,770	3,270
Togo									(6)		(6)	704	550	1,254	1,254	1,153
Tunisia	(5)		(5)						3,150		3,150	723	32,140	36,013	36,013	46,969
Uganda									2,530		2,530	441	180	3,151	3,151	5,913
Upper Volta									(6)		(6)	508	3,200	3,708	3,708	3,635
Zaire	455	3,500				3,955		3,955	6,950		6,950	1,012	3,200	11,162	15,117	7,903
Zambia									(6)		(6)		320	320	320	320
Economic regional programs:																
Central West Africa									24,085		24,085			24,085	24,085	29,900
East Africa									1,600		1,600			1,600	1,600	5,805
Southern Africa									8,200		8,200			8,200	8,200	14,435
Africa Regional									21,855		21,855	2,049		23,904	23,904	16,998
Regional military costs [7]	4,752	15,000	2,000			21,752		21,752							21,752	19,802
Self-Help projects									2,050		2,050			2,050	2,050	1,700
Europe	10,299		8,000		18,200	36,499	12,500	48,999				10	850	860	49,859	78,247
Austria	24					24		24							24	13
Iceland													650	650	650	800
Italy					2,600	2,600		2,600							2,600	
Malta							9,500	9,500				10	200	210	9,710	9,709
Portugal	905		2,000			2,905		2,905							2,905	35,177
Spain	9,261		6,000		15,600	30,861	3,000	33,861							33,861	32,374
United Kingdom																3
Regional military costs	109					109		109							109	171

[1] In legal value—at ½ average class acquisition costs.
[2] Includes AID administrative expenses.
[3] Includes contingency fund and international narcotics control funds.
[4] Includes International Development Association, Inter-American Development Bank and Asian Development Bank.
[5] Classified.
[6] Self-Help funds only.
[7] Includes classified countries.

OTHER PURPOSES OF THE BILL

In addition to authorizing appropriations and other limitations as detailed in Table I, the bill also does the following:

1. provides that all funds authorized or appropriated for United States forces with respect to military actions in Indochina may be used only for the purpose of withdrawing U.S. ground, naval and air forces from Vietnam, Laos, and Cambodia and protecting such forces as they are withdrawn. Withdrawal of all U.S. forces in those countries shall be completed within four months after the date of enactment of the bill provided there is a release within the four-month period of all American prisoners held by the Government of North Vietnam and all forces allied with that government;

2. requires that future agreements with foreign countries relating to U.S. overseas military installations be submitted to the Senate for its advice and consent;

3. prohibits obligation or expenditure of funds to carry out the military base agreement with Portugal until the agreement has been submitted to the Senate in treaty form;

4. impose a $275 million ceiling for fiscal year 1973 on U.S. obligations in, for, or on behalf 1973 on U.S. obligations in, for, or on U.S. air operations and South Vietnamese operations in Cambodia;

5. with the exception of training assistance, it prohibits U.S. Government military assistance or sales to the nations of South Asia;

6. requires specific authorization for the financing of any foreign forces operating in Thailand;

7. prohibits transfer of Agency for International Development development assistance or disaster relief funds for use for military or supporting assistance purposes;

8. prohibits transfer of foreign assistance funds to other agencies except as reimbursement for services rendered;

9. urges the President to initiate planning for postwar relief and rehabilitation in Indochina with emphasis on the United Nations as a channel for assistance;

10. extends the maximum repayment period for military credit sales from ten to twenty years;

11. requires a report to Congress within six months on illegal international traffic in narcotics;

12. requires specific authorization of agreements with foreign countries for use of proceeds from Food for Peace sales as grants for military purposes;

13. earmarks $50 million of funds made available for development assistance to be used for flood relief and related purposes in the Philippines; and

14. prohibits aid to countries which do not provide access to U.S. newsmen to military bases which were constructed or are maintained with U.S. funds and from which U.S. personnel carry out military operations.

GREECE

Mr. FULBRIGHT. Mr. President, there is another item which I think is relevant at this time. It is the question of aid to Greece. There is a substantial amount of money in the bill for Greece.

It has been almost 2 years since the State Department asserted that "the trend toward a constitutional order is established in Greece." Since then a succession of high administration officials have visited Athens and voiced their approval of the military junta. The most recent of these was the Secretary of State who chose the occasion of a visit to Athens to praise the Greek contribution to NATO.

It is not surprising, given the affinity of political philosophy between our present administration and the junta, that military ties between the two governments have been steadily strengthened over the past 3 years. The most recent example of this is the conclusion of an agreement providing for the permanent basing of U.S. naval units in Greek ports.

In light of these developments, it is interesting to note the comments of private American observers about the increasing repression of political freedom in Greece. There recently came to my attention an article on this subject published in the July issue of the Reader's Digest a magazine not noted for being opposed to governments like that in Greece. Usually the articles in that magazine are quite sympathetic to Greece.

The author, David Reed, observes that Greece—

> The country which in classical times gave the world the concept of democracy has become a dictatorship, ruled by a former colonel who, with a handful of other colonels, deposed a parliamentary government in a coup d'etat. Though rightist in outlook the new government shares many of the repressive factors of the Communist regimes of Eastern Europe.

I ask unanimous consent that Mr. Reed's article be printed in the RECORD at the conclusion of my remarks. I urge my colleagues to read it in order to gain a clearer idea of present conditions in Greece.

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

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, in that connection, I also ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a recent article published in the New York Times of September 21, 1972, written by Kathleen Teltsh, entitled "U.N. Unit Said To Report Greeks Violate Human Rights." This article is the most current one I have seen as to the way human beings are being treated by the Government of Greece.

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

(See exhibit 2.)

Mr. FULBRIGHT. Mr. President, I think it is worthy of note that in the foreign aid bill, out of 64 countries which receive assistance, 25 are governed by military dictatorships or governments with no open political opposition. I repeat, 25 out of 64 countries. I may say that among the 25 are some of the major recipients of our largess.

It is a rather interesting commentary that here we are, professing to be a democratic country and interested in the preservation of free enterprise and free political institutions. We say that. Our leaders say that. In fact, we profess that we are fighting the war in Vietnam—or rather, I should say, we are slaughtering the defenseless inhabitants of that unfortunate land from 5 miles up with our B-52's—in the name of democracy and free political choice.

Yet in this bill, 25 countries—and that is almost 50 percent—who are recipients of our aid, are nondemocratic countries; that is, they are authoritarian in nature.

I may say, too, that about 80 percent of the aid in this bill is destined for 10 countries, most of which are nondemocratic in nature.

It is an interesting point, if we judge the military aid program against what we are trying to accomplish by spreading military assistance all around the world.

Thus, Mr. President, I think that we should take a new look at the justification for this overall program.

It is my understanding that the distinguished Senator from California wishes to ask me a question or two, and then I intend to offer an amendment.

EXHIBIT 1

[From the Reader's Digest, July 1972]

GREECE: OUTCAST OF EUROPE

(By David Reed)

On Christmas Eve of 1970, Chistos Sartzetakis, the Greek magistrate whose courageous investigation of a political murder was depicted in the multiaward-winning film "Z," was arrested in Athens by Greece's dreaded military police. They had no warrant; the regime that now rules Greece merely suspected that he was involved with an opposition group and wanted him interrogated. Only months later did his family learn what had happened to him. For six days and nights he had been forced to stand at attention, without food. Whenever he started to topple, guards beat him upright. There followed 47 days in solitary confinement before he was transferred to a regular prison. Finally, 11 months after his arrest, he was released.

The Sartzetakis case is typical of Greek justice today. The country which in classical times gave the world the concept of democracy has become a dictatorship, ruled by a former colonel who, with a handful of other colonels, deposed a parliamentary government in a *coup d'état*. Though rightist in outlook, the new government shares many of the repressive features of the communist regimes of Eastern Europe. For Greece's 8.5 million people, all political activity has been banned. Martial law remains in force in the main cities, with suspects often held indefinitely without arraignment or charge. Some political prisoners have, like Sarzetakis, been subjected to torture. Other persons have been forced to live in remote villages under police surveillance. The press has been silenced. A network of informers spies on the nation.

Shadow of Fear. Yet, to the more than two million tourists who flock to view the glories of ancient Greece each year, these ugly aspects are not apparent. There are no tanks in the streets, no soldiers in evidence. The atmosphere is friendly—indeed, almost everyone in Greece, apart from a small minority of communists and other leftists, is strongly pro-West, pro-American.

Prosperity's face is on the land. Last year, the gross national product rose by an impressive 7.6 percent—with inflation held to only three percent. Athens stores bulge with goods and shoppers. In the late evening, the city's *tavernas* are filled as people dine to racy *bouzouki* music.

Under the surface, however, there is a profound malaise. Ordinarily the most voluble of people when it comes to political discussions, Greeks now fall silent when strangers are within earshot. Telephones are assumed to be tapped. Prominent figures of the former parliamentary government say that they are followed by plainclothesmen. When someone disappears, even if only for a few hours, relatives automatically assume that he has been arrested. For good reason: Greeks have drawn prison sentences of up to ten years merely for holding meetings or distributing leaflets.

In one case that no Greek newsman will ever forget, John Kapsis, editor of the now-defunct newspaper *Ethnos*, was given a five-year sentence (he was released after 14 months) for having published a brief interview with John Zigdis, a former cabinet min-

ister, in which Zigdis urged the restoration of parliamentary government. (Zigdis himself got 4½ years.) The men were convicted under a subtle press law that forbids publishing anything which may create public "anxiety."

Prometheus Unbound. When the colonels struck in April 1967, they claimed that they did so "to save the country from communism." But few people in Greece believe that such a threat existed. In actual fact, the colonels had been plotting a takeover for years. Democracy was clearly in trouble, but instead of saving it, the colonels merely finished it off.

For eight years, until 1963, Greece had had a strong and stable parliamentary government under Prime Minister Constantine Karamanlis. After his defeat, however, the country slid into growing chaos. Political strikes and riotous demonstrations erupted almost daily. An election was scheduled for May 1967, which was virtually certain to put the late George Papandreou, a former prime minister, in power. Although Papandreou was a moderate, many people feared that his son and political heir apparent, Andreas Papandreou, would eventually turn Greece into a left-leaning state.

The ensuing colonels' revolt will long be regarded as a masterpiece of its kind. A contingency plan, code-named "Prometheus," had been drawn up by the army general staff to meet a possible national emergency by rounding up communists and other radicals and by taking over key installations such as radio stations and airports. The purpose, of course, was to prevent, not to promote, a coup. But just as Prometheus stole fire from the gods, so the colonels swiped the plan from their superiors. On the night of April 21, the colonels had the signal for Prometheus flashed to police and military units throughout the country. More than 6,000 persons were automatically rounded up, and radio stations and airports were seized. Troops under the colonels' direct command picked up cabinet ministers, politicians and loyalist army officers, and tanks surrounded the palace of King Constantine.

Greece was then introduced to the man who had masterminded the coup—a colonel named George Papadopoulos. Like his fellow conspirators, Papadopoulos came from rural Greece, having been born in 1919 in a hard-scrabble village on the Peloponnesian peninsula, the son of a schoolteacher. The only avenue of advancement for a bright country lad lay through the army, and at 18 he was sent to the national military academy. In the mid-1950s, he was one of the organizers of a secret society of junior officers, and his conspiratorial ambitions earned him the nickname "Nasser." Much of his career was spent in the murky world of intelligence. For a time, he served in the Greek equivalent of the Central Intelligence Agency where, among other duties, he maintained vigilance against those who would conspire against the government. It was, some say, like sending a goat to guard the cabbage.

At a press conference after the takeover, Papadopoulos likened Greece to a patient who had to be put under restraint for his own good. "We have a patient lying on an operating table," Papadopoulos declared. "If you do not tie him down, you may lead him to his death rather than to an operation that will make him recover." When several reporters rose at once to ask questions, Papadoupoulos clapped his hands sharply and barked, "Don't force me to restore order!" The reporters sat down. All of Greece, in fact, sat down.

Power and Papadopoulos. At first, a 15-member "revolutionary council," composed almost entirely of colonels who had staged the takeover, ruled the country. Papadopoulos operated behind the scenes as "first among equals." In December 1967, King Constantine, who had opposed the colonels all along, attempted to rally the army for a counter-coup. The effort failed, and the king went into exile in Italy.

Since then, the colonels who lofted Papadopoulos to power have all been eased from positions of direct authority and placed in second- and third-ranking posts. Papadopoulos now is prime minister, minister of national defense, minister of foreign affairs and minister of government policy. In every government office there are photographs of King Constantine and Queen Anne-Marie; in between, there is a slightly smaller photograph of Papadopoulos. (The only exception is Papadopoulos' own office—with a picture of Jesus between the king and queen.)

Shortly after assuming power, Papadopoulos had a new constitution written, which then was submitted to the public in a referendum. Under martial law, no meaningful debate was possible. Amid guffaws from both Greeks and foreigners, the regime announced that 92 percent of the voters had approved the constitution. In any event, it is not taken seriously by the Greeks. The key articles, dealing with civil liberties and parliamentary elections, have never been implemented.

Indeed, Papadopoulos has done a thorough job of tying the "patient" to his operating table. He rules by decree. Most professional associations, such as those of doctors or lawyers, are not allowed to choose their leaders freely. In place of normal political life, Papadopoulos has set up a "consultative committee." In elections held last December, some 10,000 handpicked "electors," all of them beholden to the regime for their jobs, were allowed to select 60 members of the committee. Papadopoulous then personally chose 15 more members. The committee has no right to initiate or reject legislation; it can only chat about government promulgated measures.

Greek labor leaders have been ousted, and government appointees have been installed in their place. While workers theoretically enjoy the right to strike, there has not been a single strike in the five years that Papadopoulos has been in power. "No one would dare," a former union leader says. Universities and lower schools have been brought under the thumb of the government, too, with dissident professors and students having been purged.

Such tactics have led the rest of the world to shun Greece as a political leper. Since the colonels' coup five years ago, only two foreign heads of state—both from African countries—have paid official visits to Athens. At a meeting in 1970 of the Council of Europe—an unofficial but influential forum of opinion—15 governments, most of them members of NATO, accused the Greek regime of "torture and other ill treatment" of political prisoners.* (Certain that it would be expelled, Greece had previously withdrawn from the Council.) In another expression of disapproval, members of the Common Market have "frozen" Greece's application to join.

Consulting the Oracles. Still, Greece remains in NATO, and, at a time of growing Soviet naval penetration in the Mediterranean, her shore facilities are much needed for the American Sixth Fleet. This has caused problems for U.S. policy makers. After the coup, the United States stopped providing heavy weapons to Papadopoulos in an effort to pressure him into restoring civilian rule. But he refused to budge and, to keep the Greek sector of NATO's defenses from falling into disarray, full military aid was resumed in September 1970. When Congress later passed the foreign-aid bill for fiscal 1972, it prohibited military aid to Greece unless the Administration decided that the "overriding requirements of the national security of the United States" justified its continuance. On February 17, President Nixon signed such a statement, thus continuing the program.

It appears that Papadopoulos will be running Greece for a long time to come. His spokesmen maintain that 80 percent of the people support the government. How they arrive at that figure is a mystery, for the regime has never held a free election. It is clear, however, that some Greeks, fed up with former parliamentary squabbling, accept the current government—if only as a lesser evil.

Many of the country's peasant farmers, who account for about half the population, also seem to approve, or at least remain supremely indifferent. Opposition comes mostly from Greece's intellectuals, professional people and middle and upper classes in general; most people arrested these days are democrats or royalists. The regime has little to fear from the left, which is fragmented and weak. And, as the old pro in the game of overthrowing the government, Papadopoulos keeps close watch over the army for any young officer aspiring to spring his own Prometheus on the boss.

Papadopoulos maintains that it is his mission to remake Greek society. Constitutional rule will be restored, he has declared, "when I, the bearer of the people's mandate and of the historic responsibility toward the nation and the armed forces, decide that this can be done safely and usefully for the nation." This does not sound like a man who contemplates an early transfer of power.

* The frequency of such practices seem to be diminishing because of international scrutiny and the resultant publicity.

EXHIBIT 2

[From the New York Times, Sept. 21, 1972]

U.N. UNIT SAID TO REPORT GREEKS VIOLATE HUMAN RIGHTS

(By Kathleen Teltsh)

UNITED NATIONS, N.Y., September 20.—A United Nations panel, after examining hundreds of letters, has reportedly concluded that a "consistent pattern" of gross violations of human rights appears to exist in Greece.

The letters—many of them said to have been smuggled out of prisons where the writers were confined—describe in detail torture and threats they say were used by security policemen and jailers to elicit "confessions" of treasonous actions against the military-backed Athens Government.

The United Nations panel of five experts, which met for 10 days, was not able to screen all of the 27,000 communications concerning human rights received from a number of countries in the last year.

PANEL CREATED LAST YEAR

The panel—the first United Nations body empowered to examine complaints from individuals or private groups for any pattern of "gross and reliably attested violations of human rights"—was created last year under a United Nations resolution that called for secrecy in the screening of documents.

The conclusions reached so far on Greece, Iran and Portugal—the panel did not complete work on others—were conveyed at closed meetings to the United Nations subcommission on the prevention of discrimination and protection of minorities.

The parent body has instructed the panel to keep its findings "under study" until it meets again next August, which would give the three accused governments a chance to reply—if they wish—to the charges.

The members of the panel were selected on a broad regional basis from the 26 who serve on the subcommission. They are not supposed to be government spokesmen but rather experts serving as private persons. The five are José D. Inges of the Philippines; Ahmed Kettani, Morocco; Antonio Martinez Baez, Mexico; Mrs. Nicole Questiaux, France and Sergei N. Smirnov of the Soviet Union.

Although they met in private and adopted precautions to keep their findings confiden-

tial, they were reliably reported to have found a "consistent pattern" of violations committed by Portugal and by Iran, which were accused of arbitrarily arresting hundreds of political dissidents, holding secret trials for them and, in scores of instances, executing them.

However, the most substantial evidence supplied to the panel was on Greece. According to informants, this material included affidavits on recent trials of prisoners as well as the letters.

LAWYER AT ATHENS TRIAL

Included was one communication from a Washington lawyer, George C. Vournas, who witnessed the trial last March in Athens of 17 persons on conspiracy charges. Mr. Vournas wrote: "It was distressing to note that charges of beatings and torture, which all the defendants went through, were taken for granted or considered 'normal procedurer' by the court."

The bulk of the material on Greece was submitted by Prof. Frank C. Newman of the University of California Law School at Berkeley who acted as legal counsel without pay for a group of Americans and Europeans and for four widely respected private organizations active in protecting human rights.

The four are Amnesty International; the International Commission of Jurists; the International Federation for the Rights of Man, and the International League for the Rights of Man. The league had designated Mr. Vournas to observe the Athens trial.

Professor Newman said during a telephone interview that he was "disappointed but not dismayed" by the delay, and maintained that the United Nations was testing a "revolutionary concept" in enabling citizens anywhere to write and level charges against their own governments, calling the governments to account before world opinion.

TORTURE IS REPORTED

The letters and affidavits he submitted included a number written in recent months and in 1971 that he said, showed that abuses were continuing in Greece and that torture continued to be allowed by the military Government, which seized power in a coup in 1967.

A spokesman for the Greek delegation said tonight that the delegation had not tried to break the rule of secrecy surrounding the panel and was unaware of its conclusions. The spokesman, Stephane G. Stathatos, said: "If we receive a communication we will act accordingly."

The Council of Europe, on the basis of its own inquiry in 1969, had also concluded that widespread violations were committed in Greece, including the torture of political prisoners. Greece withdrew from the council before proceedings for expulsion could take place.

Through Professor Newman, the organization known as Amnesty International is known to have submitted communications signed by more than 300 prisoners.

Amnesty International, in one communication to the United Nations, gave the names of 117 prisoners it charged were being held as of last April in seven different facilities under conditions that violated their human rights. The facilities were identified as Aegina, Eptapyrgion, Trikkala, Kergyra, Chalkis and Alikarnassos prisons and Boyati Military Camp.

Other documents also complained of abuses at Averoff Prison in Athens where women prisoners were held, and cited mistreatment of political inmates at Korydallos Prison and elsewhere.

The letters describe prison conditions as "medieval" and note that the International Committee of the Red Cross, before it was ordered out of Greece, had urged the Athens Government to close some facilities as unfit for use. One communication describes Eptapyrgion Prison as a "sunless tomb" where political prisoners are without medical treatment. Another from Kerkyra Prison on the island of Corfu, written in 1972, reports that political prisoners are kept in unheated and windowless cells.

SOLES BEATEN WITH ROD

A communication from Korydallos prison, dated January this year, names the security officers who the writer said had tortured him and administered "falanga"—beatings with a wooden rod on the soles of the feet. It said:

"The interrogation was accompanied by horrible tortures—blows, kicks—hands handcuffed behind the back for 48 hours, starvation for 36 hours, and solitary confinement for 35 days."

Another communication was attributed to a medical student and said he was arrested last October by the Athens security police. It describes his interrogation in these terms:

"They first blindfolded me, took me down the cellar with kicks and cuffs. There they made me undress and tied me to a bench. Someone started to hit me on the soles of the feet with a metal tube, while someone else had tied my genital organ with a nylon thread which he kept pulling."

A communication from Andreas I. Frangias, described as a 53-year-old engineer, says he was beaten repeatedly until he lost consciousness. It says that he repudiated a statement he signed last January because the mistreatment "took away my powers of resistance and the normal use of reason."

The subcommission's decision to put off action means that the five experts will have a heavy backlog to consider in the next 12 months. Communications on human rights matters total 10,000 to 30,000 annually but have been known to run as high as 57,000 in some years. Many reflect organized campaigns to report a relatively small number of abuses.

Informants say that communications have been sent recently charging violations of human rights in Czechoslovakia, in Indonesia, in Bangladesh, Brazil and, most recently, concerning the treatment of Asians in Uganda.

Mr. CRANSTON. Mr. President, I should like very much to ask a question of the Senator from Arkansas, but first want to extend my congratulations to him for his fine work as chairman of the Foreign Relations Committee. In the past there have been many improper and even dangerous international situations which the Senator has brought the attention of this body. I would like to ask him a question about a provision of his committee's bill that relates to one of these situations.

The able Senator from Montana (Mr. MANSFIELD) and I have been particularly concerned because American newsmen have been denied access to American bases in Thailand. They have encountered restrictions there which apparently did not prevail in South Vietnam even at the peak of our war activity there.

Mr. President, in that connection, I ask unanimous consent to have printed in the RECORD an article published in the Los Angeles Times on August 6, 1972, and written by Jack Foisie, entitled "United States-Thailand: A Collusion for Secrecy."

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

UNITED STATES-THAILAND: A COLLUSION FOR SECRECY

(By Jack Foisie)

BANGKOK.—Despite the august pronouncements cited above, there is today almost total denial of any first-hand reporting of the American air war in Indochina by American correspondents.

The news blackout has become almost total because, for the first time in the Vietnam war, almost all U.S. Air Force warplanes are now concentrated at seven massive bases in Thailand. These bases and U.S. Army logistical back-up installations in Thailand, housing some 49,000 American servicemen, continue to be closed to newsmen—for practical reporting purposes—through a collusive arrangement between the Thai and American governments.

The bar to regularized access to U.S. military installations in Thailand was in effect when I first visited Bangkok seven years ago and asked to see U.S. servicemen. The response from American embassy officials then was and still is:

"They are on Thai bases, and you'll have to obtain permission from the Royal Thai government."

In those early years, if one were polite and patient, it was possible to make brief visits in groups or individually to some of the bases. The Thai Foreign Ministry, which processed requests, seemed sympathetic and slightly embarrassed at the incongruity of acting as the gatekeeper for Americans to meet Americans.

The U.S. Embassy was then headed by Ambassador Graham Martin, who had acceded to the Thai control of base press coverage in the first place. The embassy worked it out so that a phone call from its civilian press attaché to his counterpart at the Thai Foreign Ministry, saying that the newsman was "okay," hurried the approval. In this way, visiting columnists with pro-administration views gained immediate admission.

However, since veteran Asian diplomat Leonard Unger became ambassador four years ago, there has been a noticeable decay in those arrangements. The Thai government, always sensitive to criticism from the American Congress and press, has stiffened its attitude toward coverage of U.S. bombing from Thai bases. Since the nation came under full military rule last November, Thai foreign ministry officials say all newsmen's requests must be approved at the highest level, the National Executive Council.

Ambassador Unger's own determination to keep the American presence in Thailand as little publicized as possible has not made it any easier for a resident correspondent to do his job.

As the ranking American in Thailand, Unger has used his authority to keep the military "low profile." There are six American generals presently serving here, and it is extremely difficult to talk to them or their ranking subordinates.

The last Thai-based American general to hold a press "backgrounder" on his own was Joseph Stilwell, when he had the two-star job as head of the American Military Advisory Group. He was popular with the Thai generals, but Ambassador Unger blocked his reappointment despite their request he stay on. Stilwell, not related to Vinegar Joe Stilwell but a good deal like him, went on to Vietnam and earned a third star.

Whatever the difficulty of newsmen in penetrating the American-built, manned and maintained military bases on Thai soil, it was only an irritant so long as the air war was conducted by the 7th Air Force headquartered in Saigon, and with much of its air armada located at South Vietnamese bases which were accessible to newsmen.

However, since President Nixon's pullout of troops from Vietnam, all the high-performance jet squadrons have returned to the United States or moved to Thailand. The B-52 superbomber fleet jams every bit of space at the American-built airport-seaport complex at Utapao-Sattihip in Thailand. Other B-52s must make long flights from Guam to bomb North Vietnam because there is no more space for such planes at Utapao.

Thus, virtually all of the Air Force application of power against enemy targets in North Vietnam, Laos and Cambodia now originates in Thailand.

Despite this now-vital dependence on Thai bases—or perhaps because of it—no strenuous diplomatic effort appears to have been made to arrange with the Thai government for a more realistic method of allowing Thai and foreign correspondents to report the air war originating at American bases here.

American diplomats continue to report they are seeking to persuade the Thais to allow entry to the bases by newsmen on a regularized basis, such as usually applies in every other nation which allows the presence of large American military forces.

Ambassador Unger is said to have taken up the problem directly with Prime Minister Thanom Kittikachorn in recent weeks.

"But every time we think they're close to an agreement, one of the Thai embassies abroad sends back a story from some newsman which upsets them," an American official bemoaned.

This acute regard for Thai sensitivity has not kept Unger from "going to the mat" on other Thai-American issues he apparently considered more important.

Economic pressures, for instance, were brought to bear quickly, firmly and successfully in behalf of the Bangkok landing rights of Pan American Airways and Trans-World Airlines. This was done by diverting free-spending GIs on leave from Vietnam to other dollar-hungry Asian cities.

When it is suggested that the embassy—presumably upon the urging of the State Department and even the White House—might exert similar efforts to "crack the teakwood curtain" around the bases, the usual reply is:

"But that would be assaulting Thai sovereignty. And you know how sensitive they are about that. They might even decide to force us out of Thailand."

It is true that on occasion, mostly for internal consumption, high-ranking Thais threaten to send the Americans packing. Air Chief Marshal Dawee Chullasapya, one of the "big five" in the junta government, did so only last month. But he said, with confusing logic, that it was only something to consider if George McGovern were elected President and moved to withdraw American forces from Thailand.

Just as often as the Thais express discontentment with the American presence, their generals express appreciation of the current resumption of American full-scale bombing. The end of any semblance of parliamentary government in Thailand last November resulted, among other reasons, from rising popular desire for an "understanding" with the People's Republic of China, even though it was fostering a low-level but persistent Communist insurgency in parts of Thailand. The generals wanted none of that.

To veteran observers here, it appears that the U.S. government finds the present Thai-American understanding on press coverage at American bases a convenient one, just as for years it chose to limit reporter-access to bases in Laos.

As an Air Force public relations officer said about Nakorn Phanom, a base never opened to newsmen, "when a base is classified secret, it's so easy to keep it secret."

"What if the Thais okayed our entry?" a reporter asked.

"We'd find some other reason for keeping you out," he said.

Mr. CRANSTON. Mr. President, I am therefore gratified to see that the committee bill includes a section prohibiting any foreign country—not just Thailand—from denying access to bona fide American news media correspondents seeking to enter bases maintained or constructed by American funds, and to which Americans are assigned for military operations.

But I would like clarification of the phrase "consistent with security" contained in the language of the bill. Could the distinguished chairman tell me more precisely what the committee had in mind when it approved those particular words?

Mr. FULBRIGHT. If the Senator will allow me, for the purposes of the record, I ask unanimous consent that an excerpt from page 16 be printed in the RECORD. It is the background to this provision as explained in the committee's report.

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

Access to U.S.-financed bases

This provision adds a new subsection 620(y) to the Foreign Assistance Act, in order to insure that American newsmen have access to overseas base facilities constructed or maintained by United States funds and used by U.S. personnel to carry out military operations. The American public, consistent with security requirements, has a legitimate right to be kept informed about activities conducted from such facilities and they rely on the news media to perform this service.

This provision, though general in scope, results from U.S. newsmen being denied access to bases in Thailand, constructed with the tax dollars of U.S. citizens, which are manned by U.S. military personnel. These bases constitute an increasingly important aspect of our involvement in the Indochina war. As U.S. Air Force contingents have been removed officially from South Vietnam, many of them have been shifted to American-built bases in Thailand, and it is from these bases that the United States now conducts a large part of the air war throughout Indochina.

Because the Thai Government has restricted access to these bases by American newsmen, the American public is in turn denied access to information about our air operations in the war. The Committee finds this situation intolerable and believes that it must be remedied.

This provision is designed to do that. It prohibits furnishing assistance under the Foreign Assistance Act to *any* country which denies American reporters access to military base facilities constructed or supported by United States funds and used by our personnel for military operations. The prohibition is not subject to waiver under Section 614(a) of the Act.

Mr. FULBRIGHT. Mr. President, I should say that initially this provision was restricted to Thailand. Then it was decided, as a result of discussion in the committee, that that was, perhaps, a little too pointed and would not be well received in some circles, so the committee made it general in application. Then it occurred to some Members that there would be countries receiving aid in which nuclear weapons were stored. This "consistent with security" was inserted with the idea that where nuclear weapons were stored, the authorities could decline to allow newsmen to enter that area of the base where the nuclear weapons were stored.

Personally, I think they make a fetish of the matter of nuclear weapons. I think the information ought to be made public. I do not approve of adding the phrase. However, that is the reason it was put in.

I think it gives an "out" which this administration has shown it will take advantage of, in order to refuse access to our overseas base facilities.

This is a wide open escape hatch. And I regret that it is in the bill. However, if the administration would abide by the intent of the committee, it would be all right. I have found them very reluctant to do that when it did not suit their purpose.

Mr. CRANSTON. Mr. President, it seems to me that on too many occasions "the flag of national security" has been used to hide the basic truth about the war in Vietnam, even when our security was not in question at all.

Does the Senator agree that the phrase "consistent with security" was not intended to prevent bona fide American correspondents from portraying an accurate picture of the air war to the American people?

Mr. FULBRIGHT. It certainly was not. Of course, the whole purpose of the amendment was to allow them to report accurately upon the air war going on there. As the Senator knows, and he has already indicated, the occasion for this amendment was the exclusion of our reporters from the Thai bases.

Mr. CRANSTON. It is my understanding that American newsmen had been given free access to the U.S. Air Force bases in South Vietnam even when our large Air Force effort originated from those bases. Clearly, the free access to those bases that was accorded the newsmen constituted no security threat to the war in Vietnam. And similarly there is no reason to expect that any newsmen should be barred from the airbases in Thailand for security reasons.

I trust that we can expect that if this provision becomes law, that would not done. Would that be the understanding of the Senator from Arkansas?

Mr. FULBRIGHT. If they abide by the law, that would be my understanding. However, we have found it very difficult in the past to enforce these restrictions. That language "consistent with security" would cause them to say, "Well, this endangers our security." And, long after the fact, someone will complain and the issue will again be raised. However, in the meantime they will have excluded the newsmen.

Mr. CRANSTON. Mr. President, the Senator has been very helpful in making plain what was and was not meant by the amendment.

Mr. FULBRIGHT. I thank the Senator.

Mr. CRANSTON. I thank the Senator from Arkansas.

Mr. AIKEN. Mr. President, I would like to ask the chairman of the committee a question about what interpretation he puts upon the amendment by Representative VANIK, which amendment was accepted by the House. That amendment would apparently call for the abrogation of our economic agreements with Russia.

The amendment reads:

On page 17, after line 12, add the following new section:

"SEC. 506. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to provide loans, credits, financial and investment assistance, or insurance guarantees on sales to

or investments in any Nation which requires payment in excess of $50 or its equivalent for exit visas, exit permits, or for the right to emigrate."

I ask the chairman of the committee what interpretation he puts upon that amendment which was approved by the House.

Mr. FULBRIGHT. It is obviously intended to apply to Russia. I do not see how it could have much application other than, as the press said, to have some effect upon the use of credit facilities of the Export-Import Bank, which is not in the pending bill but was in the appropriations bill that the House passed. It is not in this bill.

Mr. AIKEN. Mr. President, does the Senator believe that this would require Russia to pay cash for what it receives from this country?

Mr. FULBRIGHT. I have had only a very limited opportunity to examine the amendment. I thoroughly disapprove of using the foreign aid bill to try to force and cajole a foreign country to change its internal policies. If I can have any influence on it, I shall not accept any such amendment.

Mr. AIKEN. I would say that if this amendment means what some people interpret it to mean, it would also mean that we would likely have no foreign aid appropriation bill this year, other than an extension of the present amount.

Mr. FULBRIGHT. I would think so. I would certainly not myself agree to accepting any such provision. I think it is wrong.

Mr. AIKEN. We have just renewed, after a great deal of trouble and a great deal of delay, economic trade with certain other countries in the world. However, I do not understand that carrying out that trade is contingent upon our taking over their governments and running their business affairs and their political affairs for them.

So if this provision means what some interpret it to mean, we should discontinue much of our economic trade with Russia. Then I would certainly feel that a continuing resolution would be the only route we could pursue. As a matter of fact, I do not approve of all of the provisions in the bill as reported by the Senate committee, as the chairman of the committee well knows. However, I would feel that the Senate should have an opportunity to act upon this type of legislation which would authorize appropriations for foreign aid. Foreign aid is still an important function of our Government.

But if it is to be loaded up with low-down politics such matters as cancellation of the wheat deal with Russia then it is better to have no bill at all. This action of the House I consider to be primarily political action and harmful to the United States.

Mr. FULBRIGHT. I feel it is inappropriate to the bill. I might say to the Senator from Vermont that there have been other instances in the past, many instances in which various members have sought to use the foreign aid bill to accomplish their own ulterior purposes, which had nothing to do with foreign aid. It is one of the reasons I have become disillusioned with this whole program. I do not believe it is any longer in the interest of the United States to carry on the bilateral foreign aid program, especially military aid, but even in the economic field, except in some very restricted areas.

If we can afford to do anything substantially in assisting other countries it should be done through multilateral organizations, not because I think they are perfect in their operations, but because they insulate the program from this type of effort. They offer better prospects for fending off this type of amendment.

I would also say in view of our financial situation and the deplorable condition of our domestic economy, with inflation, and so forth, it is high time we cut back on all of these efforts and give priority to our own country, which is our strength, and rebuild it and then reconsider foreign aid.

Mr. AIKEN. I appreciate the statement of the Senator about carrying on foreign aid programs through multilateral organizations. I would not give up entirely on bilateral organizations because in some cases they might be wholly advisable. Further than that, I agree with the chairman that there should be a better understanding of the degree of our participation in these programs. I think we should work toward a limit of 25 percent on all these programs for the United States.

We have it now on—I think we have it or hope to—as it applies to the United Nations establishment itself. That purpose should properly be extended to virtually all the multilateral subsidiary programs, but I would not give up entirely the bilateral programs for foreign aid because there are instances, and we do not know when that might arise, when they would be very important.

Mr. FULBRIGHT. I am particularly opposed to military aid. I feel it is wrong for a big and powerful country to inject itself into the military affairs of these smaller and weaker countries. This is a very sensitive subject—the source of their nationalism and independence. If we are going to do anything at all, we ought to help them. This should be done with restraint; help them in their own economic affairs to where they can take care of their own military affairs.

I do not think that is what we are doing. I think we have started here a tremendous military aid and sales operation with vast amounts of money involved, with vast interests, not only of the Pentagon, but manufacturers of arms; it is part of the industrial complex, and they are selling these things like hotcakes or automobiles, without regard to the effect on the recipient country. If we give them these things, and at cheap rates, we create a market we would not otherwise have. I think it is harmful to world peace and to the economy of the countries involved.

In Latin America many countries receive military assistance. It is not a lot individually, but it is substantial in the aggregate. I do not think we have any business giving them any military aid. For a country trying to do its best, I agree with the Senator from Vermont that we could look with favor on economic aid and that that might enable them to maintain some army does not disturb me too much. But we are not directly involved in that. That is where I draw the line. I do not want to give military aid directly.

Mr. AIKEN. We are selling arms to other countries. They do apply to us for military assistance and military equipment. Those who plan to buy it come back to us and say, "If you do not sell it to us at a reasonable price we will get it from some of these peace-loving countries that make quite a lot of business out of making and selling arms."

Another thing we have contended with is that some countries that we sell arms to, and I suppose at reasonable prices, after a while call them secondhand or obsolete and they offer them to other countries. So the sale of arms is quite a big business in the world and it does have political effects as well as economic effects. But as for the countries we have helped to feed themselves, and I think of the food for peace program or Public Law 480 as the rest of the world knows it where we have helped them overcome famine, as a rule have become better customers of ours; their living standard rises and they become better customers of the whole world.

The economy of the world, as a whole, is improving. That is why I am so concerned about the amendment the House approved yesterday. I do not want to see the price of wheat going down 60 cents a bushel, which has been the reasonable increase in the price, but it could if we were forced to cancel the business with Russia and China.

Boeing Aircraft Co. is getting not only substantial orders from Mainland China but from our airlines as well. That is good. Whether more business means that they simply have more money to lose, I do not know. But I do go with most of the ideas of the chairman, not all of them, but particularly on doing more business multilaterally, and at the same time I would reserve the right for bilateral assistance to countries where we alone would be the principal partner.

I thank the Senator.

Mr. FULBRIGHT. I appreciate the comments of the Senator from Vermont, the ranking Republican member of our committee. He gives very serious consideration to these matters. He is greatly experienced in them.

I wish to remind him that a year or so ago we held hearings on arms sales. It is not always other countries that approach us. We have some of the most aggressive arms salesmen in the world, some of them representing private interests, where they acquire these arms from the Government at cheap prices and then peddle them abroad.

In addition, the Defense Department drums up its own trade. They go to these countries and solicit their business; they offer them concessional terms. If they cannot pay for them, they give arms to them. They give these countries easy terms and low interest rates.

I believe this bill extends from 10 to 20 years the repayment period on military credit sales. In other words, it is not just

a question of sitting and waiting for other countries to ask for arms; we aggressively seek to sell them arms, and we have done it in the most aggressive way of any nation in the world. We have military missions in 47 countries. These are composed of colonels, majors, generals. They are well financed. There is a lot of money appropriated for those missions. One of their main purposes is to induce the respective countries where they are accredited to buy arms from us, and they succeed in a big way.

I want to call attention to the September 8 issue of the Defense Monitor, from the Center for Defense Information. This organization was recently established under the direction of Rear Adm. Gene R. LaRoque, of the U.S. Navy, a very distinguished admiral who has commanded everything, I think, from destroyers and submarines to aircraft carriers, and a very able man indeed. I have met with him, as many of my colleagues have on various occasions. He is, I think, an extremely intelligent and dedicated man.

This issue of the Defense Monitor is entitled "Military Assistance: Arsenal for Democracy?" I want to read a few parts of it.

I ask unanimous consent that the entire issue be included as a part of my remarks.

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

[From the Defense Monitor, Sept. 8, 1972]

MILITARY ASSISTANCE: ARSENAL FOR DEMOCRACY?

DEFENSE MONITOR IN BRIEF

This year the U.S. will provide over $9.5 billion in military assistance to foreign countries.

Prior to 1946, the U.S. gave no military assistance to any foreign nation in peacetime.

Military assistance is supplied in a variety of forms, some of which the public is unaware and the Congress does not debate.

Certain major military assistance programs bypass Congress and do not appear in Administration budgets.

Part of the Food for Peace Program is used to provide funds for weapons.

Military assistance is designed to promote world peace and strengthen the security of the U.S.

Frequently it does neither, U.S. aid sometimes facilitates military conflict and weakens America's security by over-involvement.

The U.S. supplies well over half of all armaments to the nations of the world that are not allied with the USSR.

The U.S. military assistance will go to 64 nations in 1973.

Twenty-five of these nations are governed by the military or permit no open opposition to the government.

Many of these nations contain forces striving for change that may be suppressed with American arms.

The United States will provide about $9.5 billion in various forms of foreign military aid during fiscal year 1973.

This $9.5 billion figure appears nowhere in the Federal Budget, but is the total of 17 separate programs administered by several agencies and financed by various appropriations acts. Two billion of this military assistance appears in the Foreign Assistance bill, and another $3 billion is in the Defense Budget. Over $4 billion of it does not require Congressional authorization and therefore is relatively unknown to the public.

The 17 Military Assistance programs and amounts projected for 1973 appear in Table I. They can be divided into four categories:

Category I includes all the assistance funded by a direct appropriation by the Congress. Category II are funds buried in the Defense Department budget earmarked for the support of countries in Southeast Asia. Funding for Southeast Asia was taken out of the foreign assistance appropriation in 1965 on grounds that it was an integral part of the Vietnam war. Category III involves no budget appropriation and includes cash sales and transfers of military equipment by the Pentagon. The Pentagon runs these programs with little oversight by Congress or by any other Executive Agency, including the State Department. Category IV involves use of money from the Food for Peace program (PL 480). Under the Food for Peace Law, some agricultural commodities are given to foreign countries with no payment. Money that would have been paid the U.S. can be used by recipient countries for purchase of military weapons.

MILITARY AID IS GOING UP

The billions projected for 1973 are nearly three times those listed for military assistance programs in 1965. Major trends are:

Category I—Direct Military Assistance Appropriated:

Grant military aid under the Foreign Assistance program doubled from $400 million in 1969 to $803 million for 1973.

The grant military aid program planned for 1973 includes a five-fold increase in delivery of air defense missiles to foreign countries over 1972—from $5 million to $26 million.

Aircraft deliveries under the grant aid programs are scheduled to double between 1972 and 1973—from $65 million to $121 million. Most aircraft are helicopters and fighters and are for Southeast Asia.

Category II—Military Assistance in Defense Appropriation:

Military assistance to Southeast Asia funded by the military service has increased from $34 million in 1965 to $2.9 billion projected for 1973. This will continue to increase as U.S. troops leave Vietnam.

Category III—No Budget Appropriation Required:

Defense Department cash and credit sales deliveries have increased from $892 million in 1966 to an estimated $2.8 billion in 1972. Sales are often at bargain prices.

Commercial military sales have increased from $274 million in 1965 to a projected $723 million for 1973. Transfer of excess defense articles has gone from $85 million in 1965 to a projected $245 million for 1973.

On a regional basis, the most rapid increases in overall military assistance since 1965 have been in East Asia, due to the Vietnam war.

Defense Secretary Laird, in testifying recently in Congress for assistance said:

"If we are going to reduce the burdens on the United States for free world defense while maintaining our treaty commitments in a period of increasing threats, it can only come from a willingness to support a strong security assistance program."

Mr. Laird does not describe what "increasing threats" exist and/or where they must be met.

TABLE 1—*Various categories of military assistance, fiscal year 1973*

I. Direct military assistance appropriated (Foreign Assistance Act):	
Military assistance program (grant aid)	$803,000,000
Foreign military credit sales	629,000,000
Security supporting assistance	875,000,000
Public safety	7,000,000
Subtotal	2,314,000,000
II. Military assistance in Defense appropriation: [1]	
Military assistance service funded	[2] 2,500,000,000
Military assistance advisory groups, military groups, pay and allowances	272,000,000
International military headquarters	74,000,000
NATO infrastructure (military construction)	48,000,000
Purchase of local currency, above market rates	92,000,000
Subtotal	2,986,000,000
III. No budget appropriation required:	
Excess defense articles [3]	245,000,000
Ship loans [3]	40,000,000
Transfer of defense stocks	106,000,000
Real property transfers	486,000,000
Export-Import Bank military loans	360,000,000
Foreign military cash sales (DOD)	2,200,000,000
Commercial military sales	723,000,000
Subtotal	4,160,000,000
IV. Agriculture appropriation:	
Public Law 480, part of the Food for Peace program	124,000,000
Total military assistance in 1973	9,584,000,000

[1] Does not include an additional $2,800,000 to Advanced Research Projects Agency (ARPA): $1,800,000 for Project Agile, a counterinsurgency program directed abroad, and $1,000,000 for border surveillance in Korea.

[2] Now $2,900,000,000.

[3] One-third acquisition value.

Sources: Recent congressional publications on foreign and military assistance and defense appropriations; the fiscal year 1973 budget.

MILITARY AID IN PERSPECTIVE

U.S. military assistance presently goes to sixty-four countries.

Some 50,074 US military personnel are employed administering these programs, 27,000 of them abroad.

In contrast to the $9.5 billion US military assistance for 1973, US economic and humanitarian aid will be $3.7 billion.

According to Defense Department figures, which do not include all forms of military assistance, the US during 1950–1970 provided approximately 70 percent of all armaments supplied to neutral nations and those allied to the US.

NO COORDINATED POLICY

In Congress, those military aid programs which come under the Foreign Assistance Act are reviewed by the Foreign Relations Foreign Affairs Committee. Those coming under Defense Department appropriations are handled by the Armed Services Committees. Within the executive branch, the Defense Department administers most military aid programs, but the Agency for International Development handles supporting assistance and the State Department handles export licenses for commercial sale of weapons abroad.

In an attempt to coordinate military assistance programs, a new position of Under-Secretary of State for Coordinating Security Assistance Programs, has been created. However, comprehensive military assistance budgets have not been developed or made available to Congress or the public. The Defense Department did provide Congress this year with listings that accounted for $5.9 billion of the planned military assistance. The listings omitted certain programs—notably sales—that would bring the total to over $9.5 billion.

PURPOSES OF MILITARY AID

After World War II the United States gave military aid to Europe and sent military forces there to contain "Soviet Expansion." This containment policy was extended worldwide, and by the mid-60's the United States had military commitments and/or aid programs with 86 foreign countries.

Today "containment" is no longer the guiding doctrine of American foreign policy, yet much military effort continues to follow the old guidelines. The US retains 192 major and 1,221 minor military facilities overseas. We still station more than 566,000 military personnel in foreign countries, over half of them in Europe. There is a need to bring military policy into line with the new goals of foreign policy expressed by the President. There is a need to reassess our overall military assistance program and the stationing of large numbers of US troops in foreign lands. Certainly, there is a need to reconstruct our military aid programs.

US aid is to "strengthen the security of the United States" but involvement in many places runs directly counter to longrun American interests, such as reduction of world tensions and balance of payments deficits. US security is not improved by arming both India and Pakistan, Jordan and Israel, Honduras and El Salvador. Such involvement earn the emnity of both parties.

Details of the nature of much assistance are classified secret: $508,640,000 goes to the Middle East—Israel, Lebanon, Saudi Arabia and Jordan.

TABLE II.—TOP 10 RECIPIENTS [1]

10 countries	1973 military assistance	1973 non-military aid
South Vietnam	$2,959,900,000	$131,266,000
Laos	438,300,000	4,999,000
Korea	428,600,000	173,294,000
Cambodia	326,525,000	30,018,000
Iran	207,232,000	2,344,000
Turkey	153,303,000	71,014,000
Taiwan	113,374,000	
Thailand	99,686,000	20,370,000
Greece	97,974,000	
Australia	90,000,000	
Secret	530,895,000	
Total, this listing	5,445,789,000	433,305,000

[1] Military assistance for all categories in 1973, but exclusive of cash sales, property transfers, NATO infrastructure and international headquarters, comes to $5,887,496,000. 80 percent goes to 10 countries.

The US provides military assistance to 25 countries governed by the military or with no open political opposition. They are:

China (Taiwan), South Vietnam, Indonesia, Cambodia, Thailand.

Greece, Iran, Jordan, Saudi Arabia.

Spain, Portugal.

Ghana, Libya, Nigeria, Zaire, Ethiopia.

Argentina, Bolivia, Brazil, Ecuador, Guatemala, Nicaragua, Panama, Paraguay, Peru.

CONCLUSIONS

The secrecy surrounding much of our military assistance programs limits informed reasoning by the public and the Congress. The $9.5 billion for Military Assistance in 1973 is egregiously high.

The seventeen different programs are not coordinated to provide a comprehensive picture that can be related to foreign policy objectives.

US military aid programs are in need of revision because the use that many countries make of this assistance is sometimes inimical to world order and US interests.

US Military Assistance to 25 countries with military and dictatorial governments perpetuates these governments and may encourage the formation of other like governments.

The outflow of US arms and military equipment to 64 foreign countries in 1973 sets a poor example to the rest of the world.

Mr. FULBRIGHT. I may say there are some graphs which I assume will not be possible to reproduce, but I think most of it can be. It is important because the bill before us looks quite small in amount. It has only $1.4 billion for military assistance, and it gives the impression to those who read quickly, without bothering to be familiar with the whole gamut of aid, that this is all the military assistance there is. It is no such thing. This is only a very small part of it. I quote from the Defense Monitor:

The United States will provide about $9.5 billion in various forms of foreign military aid during fiscal year 1973.

This $9.5 billion figure appears nowhere in the Federal Budget, but is the total of 17 separate programs administered by several agencies and financed by various appropriations acts. Two billion of this military assistance appears in the Foreign Assistance bill, and another $3 billion is in the Defense Budget. Over $4 billion of it does not require Congressional authorization and therefore is relatively unknown to the public.

The 17 Military Assistance programs and amounts projected for 1973 appear in Table I. (See page 2) They can be divided into four categories:

Category I includes all the assistance funded by a direct appropriation by the Congress. Category II are funds buried in the Defense Department budget earmarked for the support of countries in Southeast Asia. Funding for Southeast Asia was taken out of the foreign assistance appropriation in 1965 on grounds that it was an integral part of the Vietnam war. Category III involves no budget appropriation and includes cash sales and transfers of military equipment by the Pentagon. The Pentagon runs these programs with little oversight by Congress or by any other Executive Agency, including the State Department. Category IV involves use of money from the Food for Peace program (PL 480). Under the Food for Peace Law, some agricultural commodities are given to foreign countries with no payment. Money that would have been paid the U.S. can be used by recipient countries for purchase of military weapons.

MILITARY AID IS GOING UP

The billions projected for 1973 are nearly three times those listed for military assistance programs in 1965. Major trends are.

CATEGORY I—DIRECT MILITARY ASSISTANCE APPROPRIATED

Grant military aid under the Foreign Assistance program doubled from $400 million in 1969 to $803 million in 1973.

The grant military aid program planned for 1973 includes a five-fold increase in delivery of air defense missiles to foreign countries over 1972—from $5 million to $26 million.

Aircraft deliveries under the grant aid program are scheduled to double between 1972 and 1973—from $65 million to $121 million. Most aircraft are helicopters and fighters and are for Southeast Asia.

CATEGORY II—MILITARY ASSISTANCE IN DEFENSE APPROPRIATION

Military assistance to Southeast Asia funded by the military services has increased from $34 million in 1965 to $2.5 billion projected for 1973. This will continue to increase as U.S. troops leave Vietnam.

I may say this goes up so fast that even the Center for Defense Information cannot keep up with it. That figure of $2.5 billion has already been raised within the last few days to $2.9 billion. In fact, all these figures, I may say, are the closest estimates at the time they were prepared. There will be variations as they go through the various committees of the Congress.

I call attention to category 1, which is headed "Direct Military Assistance Appropriated." That word should be "requested," because these are appropriation requests. They have not yet been finally acted upon. These are appropriation requests. These appropriation requests, according to the Defense Monitor, total $2.314 billion. I hope that nothing near such an amount will be appropriated.

Under category 3, I merely wish to comment that no budget appropriation is required. I would explain that in that category are Export-Import Bank military loans, foreign military cash sales—DOD—and commercial military sales, which are carried here by the center for the purpose of giving some perspective on the volume and the magnitude of our involvement in the supplying of military equipment around the world.

The cash sales and the commercial military sales are not aid in the sense of using taxpayers' money. I think there is an element of aid in the sense that they do have the advantage of the know-how and the influence of the Defense Department in the case of cash military sales, which are estimated at $2.2 billion for this fiscal year. The DOD, of course, is the intermediary, it is the middleman, between the manufacturer and the foreign country. They facilitate the sales. They do give assistance, and they are a considerable element of assistance in the time, effort, and so forth, but this type of arrangement does not include the actual granting of money as in the case of category 1, for example, where they are given grant aid, credit sales, and supporting assistance.

I want to read one other paragraph, and then I shall conclude on this matter:

MILITARY AID IN PERSPECTIVE

U.S. military assistance presently goes to 64 countries.

Some 50,074 U.S. military personnel are employed administering these programs, 27,000 of them abroad.

Think of it: Over 50,000 military personnel, according to the Monitor, are de voted to these various military assistance programs. Think what that costs in time and money.

This issue of the Monitor also contains this interesting comparison:

In contrast to the $9.5 billion U.S. military assistance for 1973, U.S. economic and humanitarian aid will be $3.7 billion.

According to Defense Department figures, which do not include all forms of military assistance, the U.S. during 1950–1970 provided approximately 70 percent of all armaments supplied to neutral nations and those allied to the U.S.

There is a very striking comment here on the purposes of military aid. I shall read just one part of it:

U.S. aid is to "strengthen the security of the United States" but involvement in many places runs directly counter to longrun American interests, such as reduction of world tensions and balance of payments deficits, U.S. security is not improved by arming both India and Pakistan, Jordan and Israel, Honduras and El Salvador. Such involvements earn the emnity of both parties

Details of the nature of much assistance are classified secret; $508,640,000 goes to the Middle East—Israel, Lebanon, Saudi Arabia, and Jordan.

The U.S. provides military assistance to 25 countries governed by the military or with no open political opposition.

Mr. President, I think that is an extremely interesting comment by a group of experts.

As Senators know, it has been agreed by unanimous consent that the votes on the Scott amendment and the Stennis amendment will take place at 1:30 on next Tuesday. It is my understanding that in the meantime any other amendments are in order. I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 13, strike out lines 10 and 11, and insert in lieu thereof the following: out "$500,000,000 for the fiscal year 1972" and insert in lieu thereof "$400,000,000 for the fiscal year 1973".

Mr. FULBRIGHT. Mr. President, I offer this amendment to reduce the authorization for military grant aid to $400 million, $100 million less than the amount in the bill as reported by the committee.

In my earlier statement I cited the figures on the budget deficit. They bear repeating because—make no mistake about it—this bill authorizes more deficit spending and an increase in the debt burden borne by every American taxpayer.

In the last 3 fiscal years the Federal Government's deficit, excluding the trust funds, has totaled $72 billion. The deficit for the current fiscal year is officially estimated at $38 billion. Many experts say that it is more likely to be $45 billion. The Federal debt now exceeds $437 billion—more than $2,000 for every man, woman, and child in the United States.

Last year the balance-of-payments deficit set a new record of $30 billion, a record likely to be broken this year, depending to some extent upon the final outcome of the sale of unusually large amounts of wheat, at a very low price relative to the world price, but nevertheless it could have a major effect on the deficit. And in 1971, for the first time since 1888, the Nation had a trade deficit. There will be an even larger trade imbalance this year.

In sum, our Nation's fiscal situation is perilous. This is no time to be giving foreign countries hundreds of millions of arms—arms which in no way enhance security of the American people.

The military aid bill reported by the Foreign Relations Committee would add $1.45 billion to the Federal debt to buy arms and military supplies for 47 countries around the world. But this is not by any means the true picture of what the United States is doing to arm other countries. In this fiscal year, the executive branch proposes to give or sell a total of $8.5 billion in arms, or budget support for arms, to foreign countries, five times the total authorizations proposed by this bill—$5.6 billion of that is in the form of grants or on easy credit terms. This bill, for example, does not contain the authorizations for military aid to South Vietnam, Laos, or the Korean forces stationed in South Vietnam. Nor does it involve the Government's cash sales or commercial sales of weapons.

In fiscal year 1970 Congress authorized and appropriated $350 million for grant military assistance. This bill proposes to authorize $500 million, an increase of $150 million. The Federal deficit in 1970 was $13 billion, one-third the $38 billion estimate for 1973. We have a vast backlog of unmet needs here at home—every Senator knows the great needs of his own State.

I propose that we cut $100 million from the amount this bill proposes to add to the $430 billion deficit in order to devote this money to solving some of our own problems. The security of the American people will not suffer one iota if we cut $100 million from these free gifts of tanks, planes, and guns. But the welfare of our constituents may be advanced by freeing Federal funds for programs that can improve the quality of life here at home.

I might add that my amendment will, in no way, affect Israel, since Israel does not receive military grant aid. And, Senators should realize that adoption of my amendment will still allow $50 million more than Congress appropriated 3 years ago.

Mr. President, I urge that the Senate approve this modest cut in the military grant aid provided in the bill.

CALL OF THE ROLL

Mr. AIKEN. Mr. President, I suggest the absence of a quorum. I think that more than five Senators should be present before action is taken on this amendment.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

Mr. AIKEN. I suggest a quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 466 Leg.]

Aiken	Cranston	Montoya
Allen	Fulbright	Moss
Anderson	Gambrell	Pearson
Bayh	Gurney	Ribicoff
Beall	Hart	Roth
Byrd, Harry F., Jr.	Hruska	Scott
Byrd, Robert C.	Jackson	Smith
Chiles	Jordan, Idaho	Stevenson
Cooper	Mansfield	Young
	Mathias	

The PRESIDING OFFICER (Mr. HART). A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Bennett	Fong	Packwood
Bible	Gravel	Pastore
Brock	Harris	Percy
Brooke	Hollings	Proxmire
Burdick	Humphrey	Randolph
Cannon	Inouye	Schweiker
Case	Javits	Spong
Church	Kennedy	Stennis
Cotton	Long	Stevens
Curtis	Magnuson	Symington
Dole	McClellan	Talmadge
Eagleton	McGee	Tunney
Ervin	Miller	Weicker
Fannin	Nelson	Williams

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Iowa (Mr. HUGHES), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. JORDAN) and the Senator from Indiana (Mr. HARTKE) are absent on official business.

Mr. SCOTT. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is absent on official committee business on the west coast and also celebrating a wedding anniversary.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senators from Ohio (Mr. SAXBE and Mr. TAFT) and the Senator from Vermont (Mr. STAFFORD) are absent on official business to attend the Interparliamentary Union meetings.

The PRESIDING OFFICER. A quorum is present.

TECHNOLOGY ASSESSMENT ACT OF 1972—CONFERENCE REPORT

Mr. CANNON. Mr. President, I submit a report of the committee of conference on H.R. 10243, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10243) to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation

Act of 1950; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10243) to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Technology Assessment Act of 1972".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares that:

(a) As technology continues to change and expand rapidly, its applications are—

(1) large and growing in scale; and

(2) increasingly extensive, pervasive, and critical in their impact, beneficial and adverse, on the natural and social environment.

(b) Therefore, it is essential that, to the fullest extent possible, the consequences of technological applications be anticipated, understood, and considered in determination of public policy on existing and emerging national problems.

(c) The Congress further finds that:

(1) the Federal agencies presently responsible directly to the Congress are not designed to provide the legislative branch with adequate and timely information, independently developed, relating to the potential impact of technological applications, and

(2) the present mechanisms of the Congress do not and are not designed to provide the legislative branch with such information.

(d) Accordingly, it is necessary for the Congress to—

(1) equip itself with new and effective means for securing competent, unbiased information concerning the physical, biological, economic, social, and political effects of such applications; and

(2) utilize this information, whenever appropriate, as one factor in the legislative assessment of matters pending before the Congress, particularly in those instances where the Federal Government may be called upon to consider support for, or management or regulation of, technological applications.

ESTABLISHMENT OF THE OFFICE OF TECHNOLOGY ASSESSMENT

SEC. 3. (a) In accordance with the findings and declaration of purpose in section 2, there is hereby created the Office of Technology Assessment (hereinafter referred to as the "Office") which shall be within and responsible to the legislative branch of the Government.

(b) The Office shall consist of a Technology Assessment Board (hereinafter referred to as the "Board") which shall formulate and promulgate the policies of the Office, and a Director who shall carry out such policies and administer the operations of the Office.

(c) The basic function of the Office shall be to provide early indications of the probable beneficial and adverse impacts of the applications of technology and to develop other coordinate information which may assist the Congress. In carrying out such function, the Office shall:

(1) identify existing or probable impacts of technology or technological programs;

(2) where possible, ascertain cause-and-effect relationships;

(3) identify alternative technological methods of implementing specific programs;

(4) identify alternative programs for achieving requisite goals;

(5) make estimates and comparisons of the impacts of alternative methods and programs;

(6) present findings of completed analyses to the appropriate legislative authorities;

(7) identify areas where additional research or data collection is required to provide adequate support for the assessments and estimates described in paragraph (1) through (5) of this subsection; and

(8) undertake such additional associated activities as the appropriate authorities specified under subsection (d) may direct.

(d) Assessment activities undertaken by the Office may be initiated upon the request of:

(1) the chairman of any standing, special, or select committee of either House of the Congress, or of any joint committee of the Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members;

(2) the Board; or

(3) the Director, in consultation with the Board.

(e) Assessments made by the Office, including information, surveys, studies, reports, and findings related thereto, shall be made available to the initiating committee or other appropriate committees of the Congress. In addition, any such information, surveys, studies, reports, and findings produced by the Office may be made available to the public except where—

(1) to do so would violate security statutes; or

(2) the Board considers it necessary or advisable to withhold such information in accordance with one or more of the numbered paragraphs in section 552(b) of title 5, United States Code.

TECHNOLOGY ASSESSMENT BOARD

SEC. 4. (a) The Board shall consist of thirteen members as follows:

(1) six Members of the Senate, appointed by the President pro tempore of the Senate, three from the majority party and three from the minority party;

(2) six Members of the House of Representatives appointed by the Speaker of the House of Representatives, three from the majority party and three from the minority party; and

(3) the Director, who shall not be a voting member.

(b) Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of the original appointment.

(c) The Board shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Board from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member.

(d) The Board is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, and upon a vote of a majority of its members, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Board may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Board unless a majority of the Board assent. Subpenas may be issued over the signature of the chairman of the Board or of any voting member designated by him or by the Board, and may be served by such person or persons as may designated by such chairman or member. The chairman of the Board or any voting member thereof may administer oaths or affirmations to witnesses.

DIRECTOR AND DEPUTY DIRECTOR

SEC. 5. (a) The Director of the Office of Technology Assessment shall be appointed by the Board and shall serve for a term of six years unless sooner removed by the Board. He shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(b) In addition to the powers and duties vested in him by this Act, the Director shall exercise such powers and duties as may be delegated to him by the Board.

(c) The Director may appoint with the approval of the Board, a Deputy Director who shall perform such functions as the Director may prescribe and who shall be Acting Director during the absence or incapacity of the Director or in the event of a vacancy in the office of Director. The Deputy Director shall receive basic pay at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) Neither the Director nor the Deputy Director shall engage in any other business, vocation, or employment than that of serving as such Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement under this Act.

AUTHORITY OF THE OFFICE

SEC. 6. (a) The Office shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this Act, including, but without being limited to, the authority to—

(1) make full use of competent personnel and organizations outside the Office, public or private, and form special ad hoc task forces or make other arrangements when appropriate;

(2) enter into contracts or other arrangements as may be necessary for the conduct of the work of the Office with any agency or instrumentality of the United States, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with or without reimbursement, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(3) make advance, progress, and other payments which relate to technology assessment without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

(4) accept and utilize the services of voluntary and uncompensated personnel necessary for the conduct of the work of the Office

and provide transportation and subsistence as authorized by section 5703 of title 5, United States Code, for persons serving without compensation;

(5) acquire by purchase, lease, loan, or gift, and hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for or resulting from the exercise of authority granted by this Act; and

(6) prescribe such rules and regulations as it deems necessary governing the operation and organization of the Office.

(b) Contractors and other parties entering into contracts and other arrangements under this section which involve costs to the Government shall maintain such books and related records as will facilitate an effective audit in such detail and in such manner as shall be prescribed by the Office, and such books and records (and related documents and papers) shall be available to the Office and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination.

(c) The Office, in carrying out the provisions of this Act, shall not, itself, operate any laboratories, pilot plants, or test facilities.

(d) The Office is authorized to secure directly from any executive department or agency information, suggestions, estimates, statistics, and technical assistance for the purpose of carrying out its functions under this Act. Each such executive department or agency shall furnish the information, suggestions, estimates, statistics, and technical assistance directly to the Office upon its request.

(e) On request of the Office, the head of any executive department or agency may detail, with or without reimbursement, any of its personnel to assist the Office in carrying out its functions under this Act.

(f) The Director shall, in accordance with such policies as the Board shall prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act.

ESTABLISHMENT OF THE TECHNOLOGY ASSESSMENT ADVISORY COUNCIL

SEC. 7. (a) The Office shall establish a Technology Assessment Advisory Council (hereinafter referred to as the "Council"). The Council shall be composed of the following twelve members:

(1) ten members from the public, to be appointed by the Board, who shall be persons eminent in one or more fields of the physical, biological, or social sciences or engineering or experienced in the administration of technological activities, or who may be judged qualified on the basis of contributions made to educational or public activities;

(2) the Comptroller General; and

(3) the Director of the Congressional Research Service of the Library of Congress.

(b) The Council, upon request by the Board, shall—

(1) review and make recommendations to the Board on activities undertaken by the Office or on the initiation thereof in accordance with section 3(d);

(2) review and make recommendations to the Board on the findings of any assessment made by or for the Office; and

(3) undertake such additional related tasks as the Board may direct.

(c) The Council, by majority vote, shall elect from its members appointed under subsection (a)(1) of this section a Chairman and a Vice Chairman, who shall serve for such time and under such conditions as the Council may prescribe. In the absence of the Chairman, or in the event of his incapacity, the Vice Chairman shall act as Chairman.

(d) The term of office of each member of the Council appointed under subsection (a)(1) shall be four years except that any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. No person shall be appointed a member of the Council under subsection (a)(1) more than twice. Terms of the members appointed under subsection (a)(1) shall be staggered so as to establish a rotating membership according to such method as the Board may devise.

(e)(1) The members of the Council other than those appointed under subsection (a)(1) shall receive no pay for their services as members of the Council, but shall be allowed necessary travel expenses (or, in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence at not to exceed the rate prescribed in sections 5702 and 5704 of title 5, United States Code), and other necessary expenses incurred by them in the performance of duties vested in the Council, without regard to the provisions of subchapter 1 of chapter 57 and section 5731 of title 5, United States Code, and regulations promulgated thereunder.

(2) The members of the Council appointed under subsection (a)(1) shall receive compensation for each day engaged in the actual performance of duties vested in the Council at rates of pay not in excess of the daily equivalent of the highest rate of basic pay set forth in the General Schedule of section 5332(a) of title 5, United States Code, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses in the manner provided for other members of the Council under paragraph (1) of this subsection.

UTILIZATION OF THE LIBRARY OF CONGRESS

SEC. 8. (a) To carry out the objectives of this Act, the Librarian of Congress is authorized to make available to the Office such services and assistance of the Congressional Research Service as may be appropriate and feasible.

(b) Such services and assistance made available to the Office shall include, but not be limited to, all of the services and assistance which the Congressional Research Service is otherwise authorized to provide to the Congress.

(c) Nothing in this section shall alter or modify any services or responsibilities, other than those performed for the Office, which the Congressional Research Service under law performs for or on behalf of the Congress. The Librarian is, however, authorized to establish within the Congressional Research service such additional divisions, groups, or other organizational entities as may be necessary to carry out the purposes of this Act.

(d) Services and assistance made available to the Office by the Congressional Research Service in accordance with this section may be provided with or without reimbursement from funds of the Office, as agreed upon by the Board and the Librarian of Congress.

UTILIZATION OF THE GENERAL ACCOUNTING OFFICE

SEC. 9. (a) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) and such other services as may be appropriate shall be provided the Office by the General Accounting Office.

(b) Such services and assistance to the Office shall include, but not be limited to, all of the services and assistance which the General Accounting Office is otherwise authorized to provide to the Congress.

(c) Nothing in this section shall alter or modify any services or responsibilities, other than those performed for the Office, which the General Accounting Office under law performs for or on behalf of the Congress.

(d) Services and assistance made available to the Office by the General Accounting Office in accordance with this section may be provided with or without reimbursement from funds of the Office, as agreed upon by the Board and the Comptroller General.

COORDINATION WITH THE NATIONAL SCIENCE FOUNDATION

SEC. 10. (a) The Office shall maintain a continuing liaison with the National Science Foundation with respect to—

(1) grants and contracts formulated or activated by the Foundation which are for purposes of technology assessment; and

(2) the promotion of coordination in areas of technology assessment, and the avoidance of unnecessary duplication or overlapping of research activities in the development of technology assessment techniques and programs.

(b) Section 3(b) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1862(b)), is amended to read as follows:

"(b) The Foundation is authorized to initiate and support specific scientific activities in connection with matters relating to international cooperation, national security, and the effects of scientific applications upon society by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such activities. When initiated or supported pursuant to requests made by any other Federal department or agency, including the Office of Technology Assessment, such activities shall be financed whenever feasible from funds transferred to the Foundation by the requesting official as provided in section 14(g), and any such activities shall be unclassified and shall be identified by the Foundation as being undertaken at the request of the appropriate official."

ANNUAL REPORT

SEC. 11. The Office shall submit to the Congress an annual report which shall include, but not be limited to, an evaluation of technology assessment techniques and identification, insofar as may be feasible, of technological areas and programs requiring future analysis. Such report shall be submitted not later than March 15 of each year.

APPROPRIATIONS

SEC. 12. (a) To enable the Office to carry out its powers and duties, there is hereby authorized to be appropriated to the Office, out of any money in the Treasury not otherwise appropriated, not to exceed $5,000,000 in the aggregate for the two fiscal years ending June 30, 1973, and June 30, 1974, and thereafter such sums as may be necessary.

(b) Appropriations made pursuant to the authority provided in subsection (a) shall remain available for obligation, for expenditure, or for obligation and expenditure for such period or periods as may be specified in the Act making such appropriations.

And the Senate agree to the same.

HOWARD W. CANNON,
ROBERT C. BYRD,
Managers on the Part of the Senate.

GEORGE P. MILLER,
JOHN W. DAVIS,
EARLE CABELL,
CHARLES A. MOSHER,
MARVIN L. ESCH,
Managers on the Part of the House.

Mr. CANNON. Mr. President, let me state in summary that, with respect to the conference report there were a few minor and technical changes. The conferees voted to report H.R. 10243 essentially in the form as passed by the Senate.

The minor and technical changes include:

First, clarification of the language in section 4, "Technology Assessment Board," the purpose of which is to limit the delegation of subpena power to Members of the House of Representa-

tives and the Senate, and thus to exclude delegation to the Director of the Office who is a nonvoting member of the board;

Second, adding a subsection to section 7, "Establishment of the Technology Assessment Advisory Council," providing for more flexible use of the advisory council by the board; and

Third, striking section 13, "Effective Date," in its entirety. Since it is anticipated that the passage of H.R. 10243 will occur near the end of the 92d Congress, this change provides for flexibility of timing in the appointment of members to the board by the Speaker of the House of Representatives and the President pro tempore of the Senate as provided for in section 4 of the act.

I ask unanimous consent that the report not be printed as a Senate report.

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

The question is on agreeing to the conference report.

The report was agreed to.

FOREIGN ASSISTANCE ACT OF 1972

The Senate resumed the consideration of the bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The pending question is the amendment of the Senator from Arkansas.

The question is on agreeing to the amendment (putting the question).

The amendment was agreed to.

Mr. SCOTT. Mr. President, I ask unanimous consent that I may make a statement at this point for 1 minute.

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

Mr. SCOTT. Mr. President, I voted "nay" on this amendment, and I would like to make the point that the voice vote does not necessarily express the will of the full Senate. We will have an opportunity to vote on the same issue and others associated with it under the unanimous-consent agreement on next Tuesday. Because of the fact that the quorum call reveals a limited number of Senators present, I would rather have this matter disposed of finally by the full Senate in accordance with the unanimous-consent agreement. Therefore, I did agree to allow the amendment to come up on a voice vote rather than on a record vote at this time; but I do want to stress the fact that I am opposed to it on the merits.

The PRESIDING OFFICER. What is the will of the Senate?

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

Mr. MANSFIELD. Mr. President, will the Senator withhold that request?

Mr. SCOTT. I withdraw it.

ANNOUNCEMENTS OF APPOINTMENTS TO THE SELECT COMMITTEE TO STUDY QUESTIONS RELATED TO SECRET AND CONFIDENTIAL GOVERNMENT DOCUMENTS

Mr. SCOTT. Mr. President, under the provisions of Senate Resolution 299, August 15, 1972, the joint Senate leadership announces the following appointments to the select committee to study questions related to secret and confidential Government documents: Senator MANSFIELD, chairman, Senators PASTORE, HUGHES, CRANSTON, GRAVEL; Senator SCOTT, cochairman, Senators JAVITS, HATFIELD, GURNEY, and COOK.

CONSUMER PROTECTION ORGANIZATION ACT OF 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, and that the Senate return to the consideration of Calendar No. 1049, S. 3970, a bill to establish a council of consumer advisers.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. MAGNUSON. Mr. President, I am very pleased to rise in support of S. 3970, the Consumer Protection Organization Act of 1972. This is a good bill, a sound bill, one which would establish a council of consumer advisers in the Executive Office of the President, establish an independent consumer protection agency, and authorize a program of consumer protection grants in order to protect and preserve the interests of consumers. Similar legislation was considered and passed by the 91st Congress, and I was particularly sad to see it passed over by the House when we adjourned at that time.

There are three main thrusts to the legislation, and I support each of these objectives. The council of consumer advisers would assist in developing the President's consumer policies and would coordinate Federal consumer protection programs. The consumer protection agency would serve as an advocate of the consumer's interest before Federal agencies and the courts. And third, the legislation provides for a revenue program to strengthen the efforts of State and local governments so that better consumer protection services are provided to the American people.

Some may argue that other committees should have jurisdiction over the Consumer Protection Act of 1972. Let us face it: Other than the Committee on Government Operations, only the Senate Committee on Commerce has any reasonable claim to possible jurisdiction over this legislation, and as chairman of the committee I have requested that the legislation not be referred to Commerce. It was referred to us in the 91st Congress. We made our contributions. Those contributions are reflected in the bill now before us.

S. 3970 is a fine bill. It does need some amending language, and the distinguished chairman of the Consumer Subcommittee, Senator Moss, will join with me in offering a number of amendments to improve S. 3970. But that is where it stops. We do not need to have this bill referred to any committee for an unholy burial.

I would offer my congratulations for the fine work that has been done on this bill, particularly the work of Senators RIBICOFF, PERCY, and JAVITS. This is truly a bipartisan effort, one which has been endorsed by both the Democratic and Republican Party platforms, and one which has been a long time in coming. It is a fair piece of legislation; it is a balanced piece of legislation; let us get on with passing the legislation and establishing an organized consumer protection structure in the Federal Government.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes.

WE SHOULD HOLD THE LINE ON MILITARY AID

Mr. CHURCH. Mr. President, the Nixon administration plans to disburse about $9.5 billion worth of military weapons to foreign governments during this fiscal year. The $9.5 billion is hidden in the Federal budget in 17 different places, administered by several different Federal agencies and financed by various appropriation acts.

It must be emphasized that the bill we are considering today, on which important votes will be taken on Tuesday, represents only a part of the total program, and the smaller part at that. When one totals up the whole military package which the Nixon administration proposes to deliver to foreign governments this year, it amounts to nearly $50 for each man, woman, and child in the United States. Two-thirds of it will be paid for, directly or indirectly, by the American taxpayer, either through outright grants or through subsidized sales to foreign governments.

In view of the immensity of this military assistance program, I hope that the Senate will support the recommendation of the Committee on Foreign Relations to hold the line against further increases this year. In reporting the bill, the committee has taken such a position, and has refused to add the additional $700 million requested by the administration.

Mr. President, Senators should look at the rapid expansion of this program over the past few years before casting

their votes for or against the amendments that are going to be offered to increase the amounts in the committee bill. I, myself, have watched the program very carefully through the years, and yet I am startled at how rapidly it has expanded.

For example, Defense Department cash and credit sales, often at a scaled-down price, have increased from $892 million in 1966 to an estimated $2.8 billion in 1972. The transfer of excess defense articles has gone from $85 million in 1956 to a projected $245 million for 1973. U.S. military assistance presently extends to 64 foreign governments. Some 50,074 U.S. military personnel are employed administering these programs, 27,000 of them overseas.

This program, Mr. President, is another example of Federal spending run amuck. With a Federal deficit of $25 billion or more projected for this year, how can we afford to enlarge this giveaway program still further by adopting the increases President Nixon asks?

As matters now stand, every dollar we spend on this program must be borrowed and added to our spiraling national debt.

In this connection, Mr. President, a highly readable synopsis of the military assistance program, in all its different guises, has been presented to us by the Center for Defense Information. It comes in the form of a pamphlet entitled "The Defense Monitor," dated September 8, 1972. I perused it with great interest, and I certainly recommend it to other Members of the Senate. In fact, I think that it is such a valuable summary of the size and scope of the military assistance program for 1973, that I ask unanimous consent that the publishable portions of the pamphlet be printed at this point in the RECORD.

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

[From the Defense Monitor, Sept. 8, 1972]

MILITARY ASSISTANCE: ARSENAL FOR DEMOCRACY?

DEFENSE MONITOR IN BRIEF

This year the U.S. will provide over $9.5 billion in military assistance to foreign countries.

Prior to 1946 the U.S. gave no military assistance to any foreign nation in peacetime.

Military assistance is supplied in a variety of forms, some of which the public is unaware and the Congress does not debate.

Certain major military assistance programs bypass Congress and do not appear in Administration budgets.

Part of the Food for Peace Program is used to provide funds for weapons.

Military assistance is designed to promote world peace and strengthen the security of the U.S.

Frequently it does neither. U.S. aid sometimes facilitates military conflict and weakens America's security by over-involvement.

The U.S. supplies well over half of all armaments to the nations of the world that are not allied with the USSR.

U.S. military assistance will go to 64 nations in 1973.

Twenty-five of these nations are governed by the military or permit no open opposition to the government.

Many of these nations contain forces striving for change that may be suppressed with American arms.

The United States will provide about $9.5 billion in various forms of foreign military aid during fiscal year 1973.

This $9.5 billion figure appears nowhere in the Federal Budget, but is the total of 17 separate programs administered by several agencies and financed by various appropriations acts. Two billion of this military assistance appears in the Foreign Assistance bill, and another $3 billion is in the Defense Budget. Over $4 billion of it does not require Congressional authorization and therefore is relatively unknown to the public.

The 17 Military Assistance programs and amounts projected for 1973 appear in Table I. They can be divided into four categories:

Category I includes all the assistance funded by a direct appropriation by the Congress: Category II are funds buried in the Defense Department budget earmarked for the support of countries in Southeast Asia. Funding for Southeast Asia was taken out of the foreign assistance appropriation in 1965 on grounds that it was an integral part of the Vietnam war. Category III involves no budget appropriation and includes cash sales and transfers of military equipment by the Pentagon. The Pentagon runs these programs with little oversight by Congress or by any other Executive Agency, including the State Department Category IV involves use of money from the Food for Peace program (PL 480). Under the Food for Peace Law, some agricultural commodities are given to foreign countries with no payment. Money that would have been paid the U.S. can be used by recipient countries for purchase of military weapons.

MILITARY AID IS GOING UP

The billions projected for 1973 are nearly three times those listed for military assistance programs in 1965. Major trends are:

Category I—Direct Military Assistance Appropriated:

Grant military aid under the Foreign Assistance program doubled from $400 million in 1969 to $803 million for 1973.

The grant military aid program planned for 1973 includes a five-fold increase in delivery of air defense missiles to foreign countries over 1972—from $5 million to $26 million.

Aircraft deliveries under the grant aid program are scheduled to double between 1972 and 1973—from $65 million to $121 million. Most aircraft are helicopters and fighters and are for Southeast Asia.

Category II—Military Assistance in Defense Appropriation:

Military assistance to Southeast Asia funded by the military services has increased from $34 million in 1965 to $2.5 billion projected for 1973. This will continue to increase as U.S. troops leave Vietnam.

Category III—No Budget Appropriation Required:

Defense Department cash and credit sales deliveries have increased from $892 million in 1966 to an estimated $2.8 billion in 1972. Sales are often at bargain prices.

Commercial military sales have increased from $274 million in 1965 to a projected $723 million for 1973. Transfer of excess defense articles has gone from $85 million in 1965 to a projected $245 million for 1973.

On a regional basis, the most rapid increases in overall military assistance since 1965 have been in East Asia, due to the Vietnam war.

Defense Secretary Laird, in testifying recently in Congress for assistance said:

"If we are going to reduce the burdens on the United States for free world defense while maintaining our treaty commitments in a period of increasing threats, it can only come from a willingness to support a strong security assistance program."

Mr. Laird does not describe what "increasing threats" exist and/or where they must be met.

TABLE I.—*Various categories of military assistance, fiscal year 1973*

	Appropriated
I. Direct Military Assistance (Foreign Assistance Act):	
Military assistance program (grant aid)	$803,000,000
Foreign military credit sales	629,000,000
Security supporting assistance	875,000,000
Public safety	7,000,000
Subtotal	2,314,000,000
II. Military Assistance in Defense Appropriation: [1]	
Military assistance service funded	2,500,000,000
Military assistance advisory groups, military groups, pay and allowances	272,000,000
International military headquarters	74,000,000
NATO infrastructure (military construction)	48,000,000
Purchase of local currency, above market rates	92,000,000
Subtotal	2,986,000,000
III. No Budget Appropriation Required:	
Excess Defense Articles [2]	254,000,000
Ship Loans [2]	40,000,000
Transfer of Defense Stocks	106,000,000
Real Property Transfers	486,000,000
Export-Import Bank Military Loans	360,000,000
Foreign Military Cash Sales (DOD)	2,200,000,000
Commercial Military Sales	723,000,000
Subtotal	4,160,000,000
IV. Agriculture Appropriation: Public Law 480, Part of the Food for Peace Program	124,000,000
Total military assistance in 1973	9,584,000,000

[1] Does not include an additional $2.8 million to Advanced Research Projects Agency (ARPA): $1.8 million for Project Agile, a counterinsurgency program directed abroad, and $1 million for border surveillance in Korea.

[2] One third acquisition value.

Sources: Recent Congressional Publications on Foreign and Military Assistance and Defense Appropriations; the FY 1973 Budget.

MILITARY AID IN PERSPECTIVE

U.S. military assistance presently goes to 64 countries.

Some 50,074 U.S. military personnel are employed administering these programs, 27,000 of them abroad.

In contrast to the $9.5 billion U.S. military assistance for 1973, U.S. economic and humanitarian aid will be $3.7 billion.

According to Defense Department figures, which do not include all forms of military assistance, the U.S. during 1950–1970 provided approximately 70 percent of all armaments supplied to neutral nations and those allied to the U.S.

NO COORDINATED POLICY

In Congress, those military aid programs which come under the Foreign Assistance Act are reviewed by the Foreign Relations and Foreign Affairs Committees. Those coming under Defense Department appropriations are handled by the Armed Services Committees. Within the executive branch, the Defense Department administers most military aid programs, but the Agency for International Development handles supporting assistance and the State Department

handles export licenses for commercial sale of weapons abroad.

In an attempt to coordinate military assistance programs, a new position of Under-Secretary of State for Coordinating Security Assistance Programs, has been created. However, comprehensive military assistance budgets have not been developed or made available to Congress or the public. The Defense Department did provide Congress this year with listings that accounted for $5.9 billion of the planned military assistance. The listings omitted certain programs—notably sales—that would bring the total to over $9.5 billion.

PURPOSES OF MILITARY AID

After World War II the United States gave military aid to Europe and sent military forces there to contain "Soviet Expansion." This containment policy was extended world-wide, and by the mid-1960's the United States had military commitments and/or aid programs with 86 foreign countries.

Today "containment" is no longer the guiding doctrine cf American foreign policy, yet much military effort continues to follow the old guidelines. The U.S. retains 192 major and 1,221 minor military facilities overseas. We still station more than 566,000 military personnel in foreign countries, over half of them in Europe. There is a need to bring military policy into line with the new goals of foreign policy expressed by the President. There is a need to reassess our overall military assistance program and the stationing of large numbers of U.S. troops in foreign lands. Certainly, there is a need to reconstruct our military aid programs.

U.S. aid is to "strengthen the security of the United States" but involvement in many places runs directly counter to longrun American interests, such as reduction of world tensions and balance of payments deficits. U.S. security is not improved by arming both India and Pakistan, Jordan and Israel, Honduras and El Salvador. Such involvements earn the emnity of both parties.

Details of the nature of much assistance are classified secret; $508,640,000 goes to the Middle East—Israel, Lebanon, Saudi Arabia and Jordan.

TABLE II.—TOP 10 RECIPIENTS [1]

10 countries	1973 military assistance	1973 non-military aid
South Vietnam	$2,959,900,000	$131,266,000
Laos	438,300,000	4,999,000
Korea	428,600,000	173,294,000
Cambodia	326,525,000	30,018,000
Iran	207,232,000	2,344,000
Turkey	153,303,000	71,014,000
Taiwan	113,374,000	
Thailand	99,686,000	20,370,000
Greece	97,974,000	
Australia	90,000,000	
Secret	530,895,000	
Total, this listing	5,445,789,000	433,305,000

[1] Military assistance for all categories in 1973, but exclusive of cash sales, property transfers, NATO infrastructure and international headquarters, comes to $5,887,496,000. 80 percent goes to 10 countries.

The U.S. provides military assistance to 25 countries governed by the military or with no open political opposition. They are:

China (Taiwan), South Vietnam, Indonesia, Cambodia, Thailand.

Greece, Iran, Jordan, Saudi Arabia.

Spain, Portugal.

Ghana, Libya, Nigeria, Zaire, Ethiopia.

Argentina, Bolivia, Brazil, Ecuador, Guatemala, Nicaragua, Panama, Paraguay, Peru.

CONCLUSIONS

The secrecy surrounding much of our military assistance programs limits informed reasoning by the public and the Congress. The $9.5 billion for Military Assistance in 1973 is egregiously high.

The seventeen different programs are not coordinated to provide a comprehensive picture that can be related to foreign policy objectives.

U.S. military aid programs are in need of revision because the use that many countries make of this assistance is sometimes inimical to world order and U.S. interests.

U.S. Military Assistance to 25 countries with military and dictatorial governments perpetuates these governments and may encourage the formation of other like governments.

The outflow of U.S. arms and military equipment to 64 foreign countries in 1973 sets a poor example to the rest of the world.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield for a question?

Mr. CHURCH. Yes. I am happy to yield.

Mr. HARRY F. BYRD, JR. Will the Senator indicate again the total amount of foreign assistance being sought by the administration?

Mr. CHURCH. Yes.

Mr. HARRY F. BYRD, JR. I believe he compared that with the total amount that was sought a year ago.

Mr. CHURCH. Yes. There are two figures I would call to the Senator's attention. The grand total of weapons to be disbursed, including all categories—that is, outright grants, subsidized sales, cash and commercial sales—comes to $9,584,000,000 for fiscal 1973.

Mr. HARRY F. BYRD, JR. That is a budget request?

Mr. CHURCH. The figures are drawn from the budget requests.

Mr. HARRY F. BYRD, JR. Yes.

Mr. CHURCH. As the Senator knows, part of this is funded through the Defense Department appropriation, part through the food-for-peace program, and part through other facets of the budget. Only $2.314 billion is covered by the direct military assistance program authorized by the pending bill. But the bill, as reported by the Committee on Foreign Relations, is $700 million below the administration's request.

The committee is trying to hold the line by keeping the level of spending at last year's figure, and thus avoid the additional $700 million requested by the administration this year.

Mr. HARRY F. BYRD, JR. I certainly support the committee's position. To get back to the $9.5 billion budget request for fiscal 1973, does the Senator have the figures to indicate how that compares with the total appropriations for military assistance for fiscal 1972?

Mr. CHURCH. It would be larger than 1972, according to my information. The exact figure I do not have presently available. However, I would like to stress that out of the grand total of $9.584 billion projected for fiscal year 1973, approximately two-thirds entails a cost to the Federal Government, either in the form of military grants or subsidized sales, which, as the Senator knows, actually represent a definite burden on the Federal Treasury, inasmuch as the interest charged the recipient country is less than the cost of the money to the United States.

Mr. HARRY F. BYRD, JR. Does the $9.5 billion include economic assistance, or is that separate from the $9.5 billion?

Mr. CHURCH. Economic assistance is separate from the $9.5 billion total military figure. The comparison is as follows: The total amount of U.S. economic and humanitarian aid, as requested by the administration for fiscal year 1973, comes to $3.7 billion; so that our military package is approximately three times as large as our economic package.

Mr. HARRY F. BYRD, JR. To put it another way, in order to ascertain just how much the foreign assistance program is in both its military aspect and its economic aid aspect—the total then is roughly $13 billion, which is being proposed for fiscal year 1973—to the $9.58 billion would be added the $3.7 billion, which would be roughly $13.2 billion for the total bill for economic aid being financed by the taxpayers.

Mr. CHURCH. The grand total, by adding the economic and the military together, would come to approximately $13 billion; but I would point out that part of the military package, contained in the overall figures, includes military cash sales and commercial sales, which are not borne by the taxpayers. So the more accurate figure would be in the neighborhood of $10 to $11 billion, that part involving taxpayer outlays.

Mr. HARRY F. BYRD, JR. I thank the Senator.

Mr. CHURCH. It is a very large figure, indeed.

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

VILLAGE SITE FOR PAYSON BAND OF YAVAPAI-APACHE INDIANS CONFERENCE REPORT

Mr. FANNIN. Mr. President, I submit a report of the committee of conference on H.R. 3337, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. WILLIAMS). The report will be stated by title.

The leigslative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3337) to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R 3337) to authorize the acquisition of a vil-

lage site for the Payson Band of Yavapai-Apache Indians, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That (a) a suitable site (of not to exceed eighty-five acres) for a village for the Payson Community of Yavapai-Apache Indians shall be selected in the Tonto National Forest within Gila County, Arizona, by the leaders of the community, subject to approval by the Secretary of the Interior and the Secretary of Agriculture. The site so selected is hereby declared to be held by the United States in trust as an Indian reservation for the use and benefit of the Payson Community of Yavapai-Apache Indians.

(b) The Payson Community of Yavapai-Apache Indians shall be recognized as a tribe of Indians within the purview of the Act of June 18, 1934, as amended (25 U.S.C. 461–479, relating to the protection of Indians and conservation of resources), and shall be subject to all of the provisions thereof.

And the Senate agree to the same.

HENRY M. JACKSON,
QUENTIN N. BURDICK,
PAUL J. FANNIN,
HENRY BELLMON,
Managers on the Part of the Senate.

WAYNE N. ASPINALL,
JAMES A. HALEY,
ED EDMONDSON,
JAMES ABOUREZK,
JOHN P. SAYLOR,
SAM STEIGER,
JOHN N. HAPPY CAMP,
Managers on the Part of the House.

Mr. FANNIN. Mr. President, I am satisfied that the agreement reached by the conference committee on H.R. 3337 is a reasonable compromise, and I move the adoption of the conference report.

The motion was agreed to.

PUEBLO DE ACOMA JUDGMENT BILL—CONFERENCE REPORT

Mr. FANNIN. Mr. President, I submit a report of the committee of conference on H.R. 10858, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10858) to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10858) to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission Docket Numbered 266, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

HENRY M. JACKSON,
QUENTIN N. BURDICK,
PAUL J. FANNIN,
HENRY BELLMON,
Managers on the Part of the Senate.

WAYNE N. ASPINALL,
JAMES A. HALEY,
ED EDMONDSON,
JAMES ABOUREZK,
JOHN P. SAYLOR,
SAM STEIGER,
MANUAL LUJAN,
Managers on the Part of the House.

Mr. FANNIN. Mr. President, I move the adoption of the conference report.

The motion was agreed to.

YAVAPAI APACHE JUDGMENT BILL—CONFERENCE REPORT

Mr. FANNIN. Mr. President, I submit a report of the committee of conference on H.R. 8694, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8694) to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets Nos. 22–E and 22–F, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8694) to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission Dockets Numbered 22–E and 22–F, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

HENRY M. JACKSON,
QUENTIN N. BURDICK,
LEE METCALF,
PAUL J. FANNIN,
HENRY BELLMON,
Managers on the Part of the Senate.

WAYNE N. ASPINALL,
JAMES A. HALEY,
ED EDMONSON,
JAMES ABOUREZK,
JOHN P. SAYLOR,
SAM STEIGER,
MANUEL LUJAN,
Managers on the Part of the House.

Mr. FANNIN. Mr. President, the Senate amendment to H.R. 8694 authorizes the judgment money apportioned to the Payson Band to be used to purchase land to be held in trust by the United States for the Payson Band. This amendment is not needed because H.R. 3337, which authorizes the acquisition of a village site for the Payson Band, as recommended by the committee of conference, establishes a reservation for the Payson Band, with a trust title to the land therein. Therefore, Mr. President, I move the adoption of the conference report on H.R. 8694.

The motion was agreed to.

YANKTON SIOUX JUDGMENT BILL—CONFERENCE REPORT

Mr. FANNIN. Mr. President, I submit a report of the committee of conference on H.R. 7742, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7742) to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket numbered 332–A, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7742) to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket numbered 332–A, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "shall be used as follows: 75 per centum thereof shall be distributed in equal per capita shares to each person who is enrolled or entitled to be enrolled on the date of enactment; the remainder may be advanced, expended, invested, or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior."

And the Senate agree to the same.

HENRY M. JACKSON,
QUENTIN N. BURDICK,
PAUL J. FANNIN,
HENRY BELLMON,
Managers on the Part of the Senate.

WAYNE N. ASPINALL,
JAMES A. HALEY,
ED EDMONDSON,
JAMES ABOUREZK,
JOHN P. SAYLOR,
JOHN N. CAMP,
Managers on the Part of the House.

Mr. FANNIN. Mr. President, I am satisfield that the agreement reached by the conference committee on H.R. 7742 is a reasonable compromise, and I move the adoption of the conference report.

The motion was agreed to.

KICKAPOO INDIANS OF KANSAS AND OKLAHOMA JUDGMENT BILL—CONFERENCE REPORT

Mr. FANNIN. Mr. President, I submit a report of the committee of conference on H.R. 6797, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6797), to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets numbered 316, 316–A, 317, 145, 193 and 318, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6797) To provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets numbered 316, 316–A, 317, 145, 193, and 318, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, and 7, and that the House recede from its disagreement to Senate amendment No. 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by the Senate amendment, insert the following:

(a) The funds divided and credited under section 1 of this Act, and the funds appropriated to pay a judgment recovered by the Kickapoo Indians of Oklahoma in docket numbered 318, including the interest thereon, after the payment of attorney fees and other litigation expenses, shall be used as follows: 75 per centum shall be distributed in equal per capita shares to each person whose name appears on or is entitled to appear on the membership roll of the Kickapoo Tribe of Oklahoma and 90 per centum shall be distributed in equal per capita shares to each person whose name appears on or is entitled to appear on the membership roll of the Kickapoo Tribe of Kansas. If such person was born on or prior to and is living on the date of this Act.

And the Senate agree to the same.

HENRY M. JACKSON,
QUENTIN N. BURDICK,
PAUL J. FANNIN,
HENRY BELLMON,
Managers on the Part of the Senate.

WAYNE N. ASPINALL,
JAMES A. HALEY,
ED EDMONDSON,
JAMES ABOUREZK,
JOHN P. SAYLOR,
SAM STEIGER,
JOHN N. HAPPY CAMP,
Managers on the Part of the House.

Mr. FANNIN. Mr. President, the House of Representatives receded from its disagreement to all but one of the amendments of the Senate, and I am satisfied that the agreement reached by the conference committee on that one amendment is a reasonable compromise, and I move the adoption of the conference report.

The motion was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE U.N. AND THE ISSUE OF TERRORISM

Mr. JAVITS. Mr. President, I ask unanimous consent that an article entitled "Arabs Bid U.N. Defer Terrorism Issue," written by Robert Alden, 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, Sept. 22, 1972]

ARABS BID U.N. DEFER TERRORISM ISSUE

(By Robert Alden)

UNITED NATIONS, N.Y., Sept. 21.—The Arab bloc, with the support of a group of African nations, tonight mounted an effort to defer any discussion of the terrorism issue for this session of the General Assembly.

Radha K. Ramphul of Mauritius, after consulting with other members of the African bloc, formally proposed in the General Committee that the issue, proposed for discussion by Secretary General Waldheim, be deferred.

Jamil M. Baroody of Saudi Arabia said that if the terrorism issue was referred directly to the Legal Committee of the General Assembly, as proposed by Mr. Waldheim, the committee "would become a platform of vilification, of acrimony and of bitterness," with members of the committee "marshalling those cases that suit any one state to say how horrible the perpetrators are."

Mr. Baroody said that the entire question should be sent to an ex-officio committee to initiate a study of the various forms of violence and that this committee should report to the next session of the General Assemlby.

But it appeared that the Arab-African bloc did not have the votes to prevent the inclusion of question and Mr. Ramphul asked that the General Committee suspend its meeting until tomorrow so that further consultations could be held with delegations' governments.

After the meeting was suspended, George Bush, representative of the United States said: "I'm confident that we have enough votes for the item to be inscribed on this year's agenda and be referred to the Legal Committee."

The only Western country whose representative spoke in tonight's brief debate on the terrorism issue was France. Louis de Guiringaud, France's delegate, said that his Government would support the inclusion of the question as a matter for the legal committee.

CHINESE EFFORT BLOCKED

Earlier today, a Chinese effort to block the inclusion of Bangladesh's application for United Nations membership on the General Assembly agenda failed.

The effort touched off a sharp debate, however, betwen Huang Hua, China's representative, and Yakov A. Malik of the Soviet Union in the Assembly's General Committee, made up of 25 leaders of the Assembly and its committees.

Last month the Peking delegation, although outvoted in the Security Council 11 to 3, blocked the Bangladesh membership application by using the first Security Council veto since Peking's admission last year.

Today, when the vote came in the committee on a Yugoslav proposal that Bangladesh's application be put before the Assembly, 17 voted in favor, 4 opposed it and 3 abstained. Those voting with China were Guinea, Libya and Mauritania.

The United States voted with the Soviet Union and a broad cross-section of nations in supporting the inclusion of the agenda item.

The General Committee is made up of the 17 vice presidents of the General Assembly, the chairmen of the seven other Assembly committees and the Assembly President, Stanislaw Trepczynski of Poland. Mr. Trepczynski did not participate in either the voting or the debate.

Under the terms of the United Charter, all the General Assembly can do is to resubmit the application to the Security Council for further consideration. China said today, as she has said before, that she will exercise the veto as long as, "in defiance of a Security Council and a General Assembly resolution," Pakistani prisoners of war are not returned by India and as long as Indian troops remain on Bangladesh soil.

Today Mr. Huang said that the "Soviet delegation with ulterior motives did its utmost to carry out obstruction and sabotage in the course of the Security Council discussion of this question."

Mr. Huang said that the effort to inscribe the question on the agenda now was "an attempt by some people to use this issue to exert political pressure on the Chinese delegation and some other state members who are not in favor of admitting Bangladesh in the present circumstances."

"This attempt is certainly of no avail," Mr. Huang said. "This can only show that they are not truly concerned with the admission of Bangladesh to the United Nations, but are trying to use the membership application as a means to reverse the verdict reached in the 26th session of the General Assembly and the Security Council resolution of last year."

Mr. Malik, in a manner that is unusual for him, spoke with a trace of a smile as he replied:

"The Soviet delegation may feel flattered and may feel proud that only it was mentioned by a previous speaker. To re-establish the truth, the admission of Bangladesh was favorably voted on by 11 members of the Council out of 15, including four permanent members.

"It isn't only the Soviet delegation that voted for admission of Bangladesh and it isn't it which forced the other ten to vote.

"If those who think so are serious, we should be proud that we are able to exert pressures on 10 members of the Security Council and force them to vote the way we vote."

Mr. Malik then said that it was the Yugoslav delegation that took the initiative in placing the question for consideration by the General Assembly.

"I can assure those who attach such great importance to the Soviet delegation's influence, that the Yugoslav delegation made its proposal without any participation or influence of the Soviet delegation. I can assure those who doubt this that this is the truth—officially and unofficially."

Those who favored the inclusion of the issue used arguments that paralleled those used by nations that had fought for the membership of Peking in the United Nations.

Augusto Espinosa of Colombia, for example,

said that the matter was one of principle and that the United Nations could not become an exclusive club barring certain countries.

"I do not believe," Mr. Espinosa said, "that some states should be denied entry into the United Nations because of passing political reasons or because of capricious desires."

Mr. JAVITS. Mr. President, I rise to express satisfaction that the Government of the United States, following the lead of Secretary General Waldheim of the United Nations, joined with other nations in insisting that the terrorism issue be properly inscribed on the agenda of the United Nations General Assembly for this session and not be shunted off to some study committee which would report in the next session.

The Senate showed its views on this question in the vote which was taken yesterday to include antiterrorism authority to the President in the antihijacking bill.

Without any regard to how one stands on the problems of the Mideast, the unlimited murders that have taken place in the world are encompassed within the concept of terrorism because it brings nations and all people and, indeed, the whole world to its knees by this technique which is intended only to seek to intimidate without any thought to reason, law, morality, or human experience. This must be resisted by the whole organized world.

Secretary General Waldheim has recognized that as the principal issue of the United States and has approved its issue as an item on the agenda at once. I hope that the Senate of the United States and other vitally important governments in the world will also do so.

I hope very much that the effort will continue to be unremitting, no matter where the chips may fall. The United Nations is the most appropriate body in the world to consider this matter and to marshal the moral convictions of the world against such barbarism as these terrorist murders.

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

Mr. JAVITS. I yield.

Mr. RIBICOFF. Mr. President, I commend the distinguished Senator from New York for bringing this to the attention of the Senate. Could the Senator inform me which nations oppose at this time the placing of the terrorism issue on the agenda?

Mr. JAVITS. Mr. President, the statements I have read in the press—and I have read a number of papers on the subject—make it clear that a group of African nations have decided that they want to see the matter deferred and their spokesmen are described as a representative of Mauritius and the representative of Saudi Arabia.

Later on in the article it appears that the United States primarily supported this through our spokesman, George Bush. And the only other speaker, the delegate for France, said that his government would support the inclusion of the issue on the agenda. So, we have yet to hear from other nations.

I am very hopeful that, as Ambassador Bush expressed confidence on the floor that there were enough qualified votes to inscribe the item on the agenda, it will be done.

Mr. RIBICOFF. As I understand the thrust of the Senator's argument, it is that the United Nations has been created so that we might have a peaceful and orderly world, and that these acts of continued terrorism undermine the civilization of the world. No nation, no people, and no part of the world is immune to the terrorist acts taking place at the present time.

Mr. JAVITS. Mr. President, my friend, the Senator from Connecticut (Mr. RIBICOFF), expresses it extremely well. That was precisely my point. I feel that we should encourage our Government, which is obviously taking a position of important support in this matter, to urge that this be done.

My main purpose in rising was to approve the initiative of the Secretary General in seeking to inscribe this item on the agenda promptly at the opening of the session.

Mr. RIBICOFF. Mr. President, I agree with the distinguished Senator from New York that the time has come for worldwide action. And it is only if unanimity and singleness of purpose by all nations of the world is achieved that we will finally deal with these acts of terrorism that strike one nation after another and subject the people of various countries to these acts.

Mr. JAVITS. The Senator makes a point that I would like to emphasize, and that is that it endangers others than those to whom the act may be pointed.

When they begin to send packages containing booby traps through the mail, any mail handler, any innocent person picking up the package, that might not even be addressed to him, is in danger of death; and when they begin to engage in the indiscriminate shooting of Israeli diplomats, and anyone could get hit, how can any nation in the world tolerate that conduct? It is almost inconceivable in the modern world, but it is so.

I am glad the Senator agrees that, where action is taken by the United Nations on a matter so much within its concept, we should encourage it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONSUMER PROTECTION ORGANIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

Mr. ALLEN obtained the floor.

Mr. MOSS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. ALLEN. I yield.

PRIVILEGE OF THE FLOOR

Mr. MOSS. Mr. President, I ask unanimous consent that Mr. Edward Merlis of my staff may be permitted on the floor during the time debate is going on on the floor in connection with the series of amendments we have.

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

Mr. RIBICOFF. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. ALLEN. I yield.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that Mr. Ken McLean of the Committee on Banking, Housing and Urban Affairs may be permitted the privilege of the floor during the debate and vote on S. 3970.

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

PROBABLE CONSIDERATION OF THE SO-CALLED ANTIBUSING BILL

Mr. ALLEN. Mr. President, I hope the Senate will move very rapidly to a vote on this bill. Certainly the Senator from Alabama has no intention of prolonging any discussion of the bill. He does have three amendments on which he plans to make a short statement, taking not more than 30 minutes at the outside on any of his amendments. He hopes that the Senate will dispose of this matter expeditiously in order that it can soon move to a consideration of H.R. 13915, the equal educational opportunity bill, which is the so-called antibusing bill. I am delighted to see the distinguished majority leader in the Chamber at this time because I may wish to explore the various possibilities and the thinking on bringing H.R. 13915 to the floor. We have been promised and we know this action will take place, that the bill will be brought up for consideration by the Senate.

But the Senator from Alabama is very much disturbed by the existence of the two-track system on which the Senate is operating because when we come to Wednesday, according to the plans as outlined in the whip notice, we are going to have the bill we now have in all likelihood as the unfinished business, and then we will have H.R. 1, as the second-track item.

Of course, we know that the position of a second-track item is most precarious, indeed, because it has to be given life again each morning or else it could be wiped out, so that H.R. 13915, even if it comes to the floor of the Senate as a second-track item could not continue to be considered by the Senate unless the right to consider it is renewed each day.

That causes the Senator from Alabama to wonder just what the fate of this bill will be on a second track, and whether it is not going to be well, if we ever dispose of H.R. 1 and the consumer protection bill, to go back to the single-track system operating on the unfinished business.

The Senator from Alabama mentions these things because he does not want to

delay consideration of H.R. 13915 and for that added reason he is not going to make any extended speech with respect to consideration of the consumer protection bill.

CONSUMER PROTECTION

Mr. President, I see that the House has now passed their counterpart to S. 3419, the bill that we passed in June that would create an independent consumer protection agency called the Food, Drug, and Consumer Product Agency—FDCPA, for short.

It would appear that we are now going to have at least one independent consumer protection agency created this year, and I am happy to hear it.

I voted for S. 3419, and support its basic principles. For those who support the concept of creating an independent consumer agency under that bill, I urge that they read the report on the bill now before the Senate, S. 3970, that would create another independent bureaucracy, the Consumer Protection Agency or CPA, for short.

You will note that the new Food, Drug, and Consumer Product Agency is to become one of the major, if not the major, targets for attack by the Consumer Protection Agency which would be created under this bill. That is, we voted in June, and the House voted yesterday, to create an independent agency to protect consumers, and now we are being asked to vote to create yet another independent agency and I assume it would be the desire of protecting these very same consumers from the first agency, which has not even moved into its offices yet—to protect these very same consumers—from the first independent agency which has not even moved into its offices yet.

It is hard to believe this body, the greatest Chamber of Government in the world, would seriously consider such a course of action at a time when increasing Federal spending and a burgeoning bureaucracy is running amuck around us.

As I have stated many times, I have no quarrel with the creation of a new Federal Consumer Protection Agency if such an agency will contribute to better and more efficient consumer protection. But S. 3970, in the judgment of the Senator from Alabama, will not create such an agency. This hodgepodge bill was concocted in haste, and its slapdash approach to Government shows through.

Rather than protect the consumer, the agency fashioned by S. 3970 is nothing more—here again in the judgment of the junior Senator from Alabama—than a disruptive force empowered to wander to and fro through the halls of government, and, whenever it takes a mind to, to engage adminstrative agencies in guerrilla warfare.

The rationale for this bill is that the administrative agencies that Congress has created have not treated the American consumer fairly and that this is so because the Congress has failed to properly exercise its oversight functions. Therefore, if we create just one more agency to monitor all the other agencies, then the Congress will only have to oversee the activities of that one agency.

Thus it follows—according to this rationale, not in the judgment of the junior Senator from Alabama—that everyone should benefit from this bill. The Congress will fulfill its duties. The existing administrative agencies, thanks to the generous help of the new agency, will more completely fulfill their functions. The new agency will, of course, benefit most by being born.

But what appears simple in the abstract, we in the Committee on Government Operations have found extremely difficult to fashion. In order to correct the existing errors, assumed, in the workings of administrative agencies, the oversight agency has been empowered, with very few exceptions, to enter into the most minor deliberations of any Federal authority from the most humble unit up to and including the office of the President, I assume. It is said that such authority is necessary in order to correct existing deficiencies. The drafters of this bill have no way of knowing how many Federal agencies are affected and how much they are affected. Right now, there is no way anyone can know. Not until the Commission is appointed and decides for itself which of the many possible Federal agencies' activities it finds attractive, will anyone know how the power delegated to the Consumer Protection Agency will be exercised.

I might state parenthetically I do not know how the certified public accountants feel about this new agency, the CPA, but I do recall when we were working on a pesticide bill in the Senate Committee on Agriculture and Forestry where the term "commercial pesticide applicator" was defined. He had to get a license to go around applying pesticides. There would be literally hundreds, or even thousands, of these commercial pesticide applicators who would be certified. So we heard from the certified public accountants. They did not want the term "commercial pesticide applicator" because, as is the custom with the Federal bureaucracy in creating alphabetical terms, of necessity the term "commercial pesticide applicator" would be shortened to CPA. They wrote protesting it, and we solved the matter by knocking out the word "commercial," and leaving the term just "pesticide applicator."

So I assume the short alphabetical name of this agency will be CPA. I do not know how the certified public accountants feel about that. Possibly they do not object too much, because I have not heard from the committee that they object. But should the CPA—and I am talking about the Consumer Protection Agency—develop a taste for labor-management problems, it can take a bite out of the Federal Mediation and Conciliation Service because consumers are interested in prices and prices are a function of labor costs and resolution of labor-management problems directly affect labor costs. Or, maybe, proceedings of the National Labor Relations Board will whet its appetite. Will the Consumer Protection Agency be a gourmet, or a glutton? We do not know. Perhaps a pinch of FMCS mediation and a dash of NLRB unfair labor practice will sate it. It may have a craving for Federal Communications Commission license renewals. Perhaps its appetite will be satisfied by CAB route designations. If the Consumer Protection Agency develops a thirst, will it slake it on EPA water quality standards? Or will it quench it on USDA milk marketing orders? I do not know. Nobody knows. The guidelines, if they may call them that, do not restrict the agency within any known bounds. The guidelines established in this bill, and I refer Senators to sections 203 and 401(11), are not merely complex but are circular. The guidelines, if Senators will indulge me in the use of that term, can be reduced to just 13 words as the Senator from Alabama sees it: The CPA may intrude in any Federal proceeding or activity of its choice.

Just 13 words is the scope of operation: The CPA may intrude in any Federal proceeding or activity of its choice.

If the CPA thinks or, as the bill says "determines," that a proceeding "may" result in a "substantial" effect on a "substantial" concern "related to" transactions "regarding" a subject of interest, the CPA "may" intervene. That is the so-called guideline established in this bill. Now, some may feel that this requirement to predict a substantial effect on a substantial concern relating to something, regarding something else, makes out a comprehensible guideline. See if you agree. Read sections 203 and 401(11) as they interrelate.

And a comprehensible guideline is what this bill most dearly needs. That is why I supported what has been called the "amicus" amendment in committee. The "amicus" amendment has a certain clarity to it that the present bill lacks. While the CPA could still have an input to the same administrative agencies as in the committee bill, that input is circumscribed by the amicus amendment. The interests of consumers would still be brought into the decisions of all agencies, but without the guerilla warfare approach now present in the bill. Instead of pitting agency against agency, the amicus amendment will grant the Consumer Protection Agency the right to always, on its own determination, bring consumer interests before any Federal agency in a similar, but actually stronger, way than an amicus curiae now presents a view to a court. That amendment provides for a similar input in Federal court proceedings to again assure that the consumers interests are considered at that level. What more is needed? Do we actually have to pit agency against agency in trial by combat? Must we establish a Federal Circus Maximus for diversion? Pit new gladiator CPA bureau against the many existing bureaus? This is not the Roman Senate; this is the U.S. Senate. We have no need to provide for such divergent tactics to entertain the voters.

As I said at the start of my remarks, I have no quarrel with the creation of a new Federal Consumer Protection Agency if such an agency will contribute to a better and a more efficient protection of the American consumer. That is what I favor. Not a new diversion, but a new agency offering representation of the

consumer in all areas in which the consumer needs representation.

Mr. President, I call the attention of the Senators to the minority views which I filed in connection with the report on this bill from the Committee on Government Operations, which is on Senators' desks. My minority views appear on pages 95 through 116. I merely call attention to them, and do not at this time ask that they be printed in the RECORD. But I do want to point out a portion of those views, starting on page 95, near the bottom, where I refer to adversary advocates:

This bill provides for so-called adversary advocacy by the CPA against other Federal agencies and parties before these agencies.

The 20-step theory behind adversary advocacy goes like this:

I capsuled that just a moment ago into 13 words, that "the CPA may intrude in any Federal proceeding or activity of its choice." But, amplifying that capsule statement in my minority views, I point out a 20-step theory behind adversary advocacy, and state that it goes something like this:

1. The interests of consumers are often overlooked or not fairly considered by some Federal agencies.

That would be the first assumption we would operate on.

2. Congress no longer has the time to properly exercise its oversight functions and correct these deficiencies with specific legislation.

That is leading up to why, in effect, the advocates of the Consumer Protection Agency believe that the bill as reported should be enacted. I might state that I will favor the bill if the amicus amendment to which I have referred is adopted by the Senate. That will be offered at a later time, when we have a few more Senators present than we have now.

3. It would be a lot easier if Congress simply created another Federal agency called the Consumer Protection Agency to handle the problem; then we need only worry about our oversight of the oversight agency.

We have to create another Federal agency to look after the matter, and pile another layer of bureaucracy on the mushrooming Federal bureaucracy that we now have.

4. Because we—

That is, Congress—

do not have the time to properly exercise our oversight functions, we of course cannot possibly know where consumers are having problems.

5. Therefore—

I submit the advocates reason—

We should grant this new Federal oversight agency the power to enter as of legislative right the deliberations of any unit which exercises any Federal authority, from the most minor bureaucratic offices to the President's Office.

Or so it would seem. I might state parenthetically that Congress, of course, is exempt from this provision, but not the other Federal agencies. If we are going to have it, I would be glad to see Congress put under it as well.

6. Because we cannot possibly know what such "Federal agencies" would be covered by such power, we cannot possibly know what all their various rules of practice and procedure are.

7. Therefore, the simple way to cope with this problem is to order, by statute, all such "Federal agencies" to change their rules of practice and procedure in conformity with the extraordinary rights of the Consumer Protection Agency, after consultation with the Agency. See section 203(c).

8. We do not know what this will do to the thousands of various covered "Federal agencies" with or without rules of practice . . . but it will sure shake things up quickly, and that is what is needed.

According to the consumer advocate theory and approach.

9. Because we do not know what these affected "Federal agencies" are, we cannot possibly know what they do.

10. Therefore, we should delegate to the Consumer Protection Agency the responsibility of predicting whether the deliberations of these "Federal agencies"—

I state parenthetically, these anonymous Federal agencies—

may eventually result in a substantial effect upon consumers. See sections 203(a), (b).

11. Whatever these "Federal agencies" are, one thing is certain—we cannot trust them because they are in the clutches of vested interests.

That, the junior Senator from Alabama submits, must be a part of the reasoning of the advocates of the approach envisioned in this bill.

12. Therefore, we should change current administrative law to allow the Consumer Protection Agency not only to order its way into these "Federal agencies," but to assign itself any desired available participatory status; otherwise, these agencies will keep the consumer units out or not give them the major role in their proceedings. See section 203(a).

13. Also, as a consequence of not knowing what these "Federal agencies" are, we must write the bill broadly enough to encompass everything these unknown units might do.

That is the scope of the bill.

Mr. ERVIN. Mr. President, will the Senator yield for some questions along a line appropos to what he is now saying?

Mr. ALLEN. I would be very happy to yield to my distinguished colleague from North Carolina. I do not know that I can answer the questions. I hope the Senator will be prepared to answer his own questions if the Senator from Alabama is unable to do so.

Mr. ERVIN. Will the Senator from Alabama accept my assurance that I can ask rhetorical questions?

Mr. ALLEN. Yes, I know the Senator can.

Mr. ERVIN. Is it not true that lines 11 to 16 on page 41 of the bill define a Federal agency as follows?

"Federal agency" means "agency," as defined by section 551 of title 5, United States Code, and shall include any wholly owned Government corporation and, unless otherwise expressly provided by law, shall include any Federal agency established after the date of enactment of this Act;

Is that not a correct reading of the definition of what a Federal agency is?

Mr. ALLEN. Yes.

Mr. ERVIN. I ask the Senator from Alabama if he knows what this means, inasmuch as it refers to an agency as defined by section 551 of title 5 of the United States Code. I ask the Senator from Alabama if section 551 of title 5 of the United States Code does not start this way in defining what a Federal agency is:

For the purpose of this subchapter, "agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency.

We think of HEW, for example, as a Federal agency. But is it not true that HEW is subject to many divisions and that those divisions are subject to many subdivisions?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Therefore, when one thinks about any power this measure might give the consumer advocate to interject himself into the affairs of HEW, it gives the consumer advocate the power to inject himself into the affairs of more divisions and subdivisions of HEW than the human mind is almost capable of understanding. Is that not true?

Mr. ALLEN. There would be a great deal of them.

Mr. ERVIN. I ask the Senator from Alabama if this bill, in addition to giving the consumer advocate the power to intervene in regulatory proceedings, gives him the power to intervene in the activities of any Federal agency which, in the judgment of the Administrator, can affect any substantial consumer interest?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Does not the definition of consumer interests cover almost the entire phase of all activities?

Mr. ALLEN. Yes.

Mr. ERVIN. And the needs of all the people of the United States?

Mr. ALLEN. It is very, very broad. I might say, for the benefit of the distinguished Senator from North Carolina, that one amendment that the junior Senator from Alabama has would add to the various definitions of what consumer interest is, this added section. This amendment will be called up later:

On page 42, line 16, at a new paragraph (g)

And it defines as a substantial consumer interest the availability of nearby public school facilities for the education of children of renters or purchasers of residential property, and protection of such children from the delays and dangers inherent in any forced busing of such children to schools outside the neighborhood of their residence.

So it is certainly a vital and substantial interest to a person who wants to buy or sell, or to be a tenant or a landlord of a piece of property, to be informed that the children in that neighborhood have to be bused many miles away to another school.

The theory of the amendment would be that the nonprofit group of parents and students would be such an entity as would have a right to call upon the CPA for protection in this matter and have CPA represent them in court in opposition to these busing decrees. So that is certainly substantial interest, it seems to the Senator from Alabama.

Mr. ERVIN. Is the Senator from Alabama capable—I use the word advisedly

and in spite of my high respect for the erudition of the Senator from Alabama—of giving the Senator from North Carolina any idea as to the number of different agencies and divisions of agencies, and subdivisions of divisions of agencies that this bill would authorize the administrator to inject himself into?

Mr. ALLEN. It would be in the multiple thousands, I think this would be a safe statement.

Mr. ERVIN. The Administrator is given vast powers to protect the interests of consumers, and the interests of consumers, as defined on page 41 and page 42 of the bill, are as follows:

(11) "interest(s) of consumers" means the substantial concerns of consumers, related to any business, trade, commercial, or marketplace transaction, but not including Government sales to foreign governments, regarding—

(A) the safety, quality, purity, potency, healthfulness, durability, performance, repairability, effectiveness, dependability, availability, or cost of real or personal property, tangible or intangible goods, services, or credit;

(B) the preservation of consumer choice and a competitive market;

(C) the prevention of unfair or deceptive trade practices;

(D) the maintenance of truthfulness and fairness in the advertising, promotion, and sale by a producer, distributor, lender, retailer, or supplier of such property, goods, services, and credit;

(E) the availability of full, accurate, and clear information and warnings by a producer, distributor, lender, retailer, or supplier concerning such property, goods, services, and credit; and

(F) the protection of the legal rights and remedies of consumers;

Does the Senator from Alabama has a vivid enough imagination to imagine anything that is excluded from that definition?

Mr. ALLEN. It seems to be pretty all-encompassing.

Mr. ERVIN. The protection of legal rights and remedies of consumers is a pretty broad field in itself, is it not?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. It certainly encompasses all the procedures and all the courts and assistance for the administration of justice.

Mr. ALLEN. That is true.

Mr. ERVIN. So he can do anything to protect the substantial right of any consumer, and the 210 million people of the United States are all consumers, are they not?

Mr. ALLEN. Yes. They try to be.

Mr. ERVIN. And they do a lot of consuming.

Mr. ALLEN. Yes; they do.

Mr. ERVIN. Does not this definition I have just read to the Senator from Alabama encompass all areas of the lives of the 210 million people that the Senator from Alabama can imagine?

Mr. ALLEN. From the cradle to the grave; yes.

Mr. ERVIN. I thank the Senator.

Mr. ALLEN. I thank the distinguished Senator from North Carolina for his questions and his answers and his participation in this colloquy.

Mr. President, going on with the analysis of the theory of the advocates of the approach provided by this bill to the problem of consumer protection:

13. Also, as a consequence of not knowing what these "Federal agencies" are, we must write the bill broadly enough to encompass everything these unknown units might do.

14. Therefore, the Consumer Protection Agency should be allowed not only to intrude into any formalized proceeding, such as a milk market order, but also to intrude into *anything else* that the employees of these unknown "Federal agencies" might do, even their most inconsequential activities. See sections 203(a), (b) and 401(4).

Mr. President, I say this and say it again, disclaiming this as being the theory of the Senator from Alabama and that it must be the theory of the advocates of the legislation.

15. Even though we allow consumer protection agents to intrude into these other governmental units with more power, and probably more money for this purpose, than any other person, these unknown agencies are still not to be trusted.

16. Therefore, we should grant the consumer protection agents automatic standing to appeal to the courts any action that they disagree with, as well as any action which the consumer agents requested be taken, but was not taken, by the unknown fellow "Federal agencies." See sections 204(a), 401(3).

17. This will not only provide an impressive club at the administrative level to get things done the way the Consumer Protection Agency wishes, it will be a safeguard if the host agency is foolish enough to decide the "wrong" way.

The wrong way being a way different from the way the consumer protection agent wanted the matter decided.

18. Because we may be covering millions of Federal activities, it is unreasonable to assume that the consumer protection agents will be able to represent their special interests the way other lawyers do in all the important deliberations.

19. Therefore, it would be much easier to allow these consumer agents to merely review the Federal Register for notices of final actions taken after proceedings which they missed, and force the forum agency to hold a new set of hearings to allow the consumer agents to oppose the action. See section 204(b).

20. Then, if the forum Federal agency still decides to take the action with which the consumer agents disagree, the Consumer Protection Agency will take them to court. See section 204(a).

Mr. President, I make these opening remarks to follow them up later with the introduction of three amendments and that is all the amendments the Senator from Alabama will offer.

One amendment will be the "amicus" approach. The next amendment would define what a substantial consumer interest is, making as a consumer interest the fact that children of purchasers or renters of real estate might be required to be bused far away from their homes, making that property less valuable and imposing a hardship on the children of the occupants of those dwellings. This would define that as a substantial consumer interest—and I do not know what could be more substantial as a consumer interest than where children are going to have to go to school if their parents rent a house in a different neighborhood.

The other amendment is one which would exempt the Tennessee Valley Authority from the operation of the provisions of this act, inasmuch as it is exempt from the operation of a score or more other Federal acts and regulatory bodies.

Those are the amendments that the Senator from Alabama plans to offer. He would much rather have before the Senate at this time the so-called antibusing legislation which the leadership has promised to bring up. But, as the Senator from Alabama pointed out, the intricacies of procedures here in the Senate are such that if the bill is placed on the so-called second track, it would have to plead for its life, or its existence, or do penance before the Senate each day. So that it will be necessary, somewhere down the line, to call a halt to the two-track system so that these bills can be taken up by the Senate one at a time, considered by the Senate, and let the Senate take final action with respect to the bill and then go on to something else.

As it will be now, on Wednesday next the Senate will have before it two immovable bills, H.R. 1 and the Consumer Protection Agency bill, which will probably be still pending at that time, inasmuch as Monday and Tuesday will be devoted to still another bill, the foreign aid appropriation bill. So that this bill before us now will not have a great deal of discussion on it between now and Wednesday next.

So, we will have two immovable bills pending before the Senate with no chance to bring up the antibusing legislation on any such system. So, it may be necessary for those of us who want to see H.R. 13915 come before the Senate, to insist that we go back to the one-track system, with only one piece of unfinished business pending before the Senate at one time.

In that way, we can be assured, if the leadership does bring the bill before the Senate as it has promised to do—and I feel no doubt whatsoever that the leadership will do that—that it will give us an opportunity to have the antibusing legislation before the Senate as the unfinished business, and the Senate will have to face up to its responsibility to take action on this important piece of legislation which is much more important, Mr. President, than the bill we are considering now.

Here we are, whiling away the Senate's time with a total of five Senators present on the floor, when we could have the antibusing legislation before us.

It is therefore going to be the determination of the Senator from Alabama, the Senator from North Carolina (Mr. ERVIN), who is on the floor, the Senator from Florida (Mr. CHILES) who is on the floor, the Senator from Idaho (Mr. JORDAN) who is now the Presiding Officer of the Senate, and the Senator from Connecticut (Mr. RIBICOFF) who is on the floor, and all other Senators interested in this antibusing legislation, to do everything we can from a parliamentary point of view to see that this measure comes before the Senate and is acted upon before final adjournment of Congress.

Mr. President, the rules of the Senate are made to be used. They will be used in such a manner as will bring the anti-

busing legislation bill before the Senate for action.

Mr. President, I yield the floor.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

CONSUMER PROTECTION ORGANIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

AMENDMENT NO. 1561

Mr. MOSS. Mr. President, I call up my amendment No. 1561 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 23, line 8, after the word "proceeding", insert the following: "against the person to whom the interrogatory is addressed."

Mr. MOSS. Mr. President, I intend to present a series of amendments. Before I begin I wish to compliment the chairman of the subcommittee and manager of the bill, the Senator from Connecticut (Mr. RIBICOFF) for the excellent work that has been done in the Committee on Government Operations on preparing this bill and presenting it to the Senate.

I believe that it represents a need that we have felt for a long time, the need for a consumer advocate or protection agency. As a member of the Committee on Commerce, and chairman of the Consumer Subcommittee, I have been involved in this effort for some time, and so have like committees in the House, and we have had bills before us.

In this instance, the bill that was fashioned after hearings by the Government Operations Committee would normally have come to the jurisdiction of the Commerce Committee, and to that extent, to the subcommittee, because of the jurisdiction we exercise in matters of consumers and commerce, but because of the time factor in this session of Congress and the need to move this matter through, the Commerce Committee did not assert any jurisdiction and gladly approved of the sending of the bill to the floor, but with the understanding that we would examine it carefully and present any amendments we felt were necessary to strengthen or clarify the bill, and that is the purpose of the amendment I present at this time.

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

Mr. MOSS. I am glad to yield.

Mr. RIBICOFF. I thank the distinguished Senator from Utah for his gracious comments. Every consumer in this country—210 million people—owes a debt of gratitude to the continuous and steadfast leadership of the Senator from Utah in protecting, in so many ways, the interests of the American people.

In behalf of the entire committee, too, I want to take this opportunity to thank the Senator from Utah, the Senator from Washington (Mr. MAGNUSON), and the members of the Commerce Committee, with whom we have had such excellent cooperation always on matters affecting the American consumer. This is an opportunity for me to express my personal gratitude and that of our committee to the Senator from Utah and the members of the Commerce Committee.

Mr. MOSS. I thank my colleague from Connecticut, and I agree with him that there has been the greatest of cooperation and communication between the committees, and we have, indeed, been working to the same end.

Mr. President, addressing myself to amendment No. 1561, which has been stated, in section 207(b) the Administrator of the Consumer Protection Agency is authorized, under certain conditions, to obtain information from persons in the business community in order to effectively advocate the consumer interest. The Administrator is not permitted to exercise his information gathering power as prescribed in section 207(b) if the information sought "is for us in connection with his intervention in any pending agency proceeding." The stated purpose of this provision is to eliminate the possibility that the Administrator would be provided with two opportunities for discovery, one through section 207 and the other through the discovery proceeding of the host agency. This double discovery potential might be unfair to the other parties in the proceeding.

While the purpose of this provision is laudable, the language in the statute is too broad. By the terms of the statute the Administrator is prohibited from obtaining information from anyone if that information is to be used when intervening in a pending agency proceeding. Thus, if the discovery rules of the agency do not permit information to be gathered from a third party not participating in the proceeding, the Administrator is without authority to gather information. It may be that the third party has very important information in his possession which would be useful in advocating the consumer interest. For example, in a Federal Trade Commission proceeding against a finance company, the Administrator may want to inquire as to certain banking practices. The discovery authority of the Federal Trade Commission does not extend to the banking community. Under the terms of paragraph (2)(C) of section 207(b) the Administrator might not be able to gather useful information from the banking community when intervening in FTC rulemaking or adjudicatory proceeding affecting finance companies.

While this was not the intent of the language, it is a possibile result. Therefore, the provision should be amended to narrow the limitation on information gathering when that information is to be used in connection with an intervention in any pending agency proceeding. The language proposed accomplishes this purpose by narrowing the limitation so as to provide that 207(b) discovery powers are not to be used when the Administrator is intervening in any pending agency proceeding "against the person to whom the interrogatory is addressed."

Mr. RIBICOFF. Mr. President, I have discussed this amendment with the ranking minority manager of the bill (Mr. JAVITS) and the chairman of the committee (Mr. ERVIN), and this amendment is satisfactory to all of us and it is acceptable.

The PRESIDING OFFICER. The question is on the adoption of the amendment.

The amendment was agreed to.

AMENDMENT NO. 1563

Mr. MOSS. Mr. President, I call up my amendment No. 1563.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment, as follows:

On page 33, line 14, after the word "Operations" delete the word ", and to such other committees as the Senate may deem appropriate" and insert in lieu thereof the following: "and to the Committee on Commerce".

Mr. MOSS. Mr. President, this is simply a matter of clarifying the jurisdictional question. As I pointed out in my opening remarks, the Committee on Commerce has general jurisdiction in matters of commerce and in consumer matters. In fact, a bill of similar nature to that we are discussing today was originally handled in the Committee on Commerce in the 91st Congress.

So, in the interest of time, at this time, as I said, we agreed to present only clarifying amendments, and we believe that in order to make it clear that the jurisdiction of the Committee on Commerce would attach, this language should be added to the bill at this point.

Mr. RIBICOFF. Mr. President, this amendment, too, has been discussed with the Senator from New York (Mr. JAVITS) and the Senator from North Carolina (Mr. ERVIN), and we all find it acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1563) of the Senator from Utah.

The amendment was agreed to.

AMENDMENT NO. 1565

Mr. MOSS. Mr. President, I call up my amendment No. 1565.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 17, line 23, after the word "and" insert the word "may"; on line 24 delete the word "to".

On page 18, line 1, after the word "wherever" insert the words "he determines that"; on line 4 after the word "arose" insert a semicolon and delete the comma after the word "or".

Mr. MOSS. Mr. President, this amendment simply clarifies the language in section 204 to insure that the Administrator has discretion as to whether or not he intervenes in the review or enforcement of a Federal agency action in which he has intervened or participated. It is important to make sure that the Administrator is not required to intervene. That was not the intent of the Government Operations Committee as explained in their report. But the language needs some clarification. Therefore, I have offered these clarifying amendments. I ask unanimous consent that they be considered en bloc, since they are on several lines.

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

Mr. RIBICOFF. Mr. President, this amendment, too, is acceptable to the managers of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1565) of the Senator from Utah.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1566

Mr. MOSS. Mr. President, I call up my amendment No. 1566.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 24, line 19, after the word "subject" insert the word "only".

Mr. MOSS. Mr. President, the purpose of this amendment is to insure that the limitations on disclosure in section 208 are exclusive and that no other limitations in other laws apply. This is a technical amendment to make certain that the Administrator's authority to disclose information to the public is no narrower than that prescribed in the information disclosure section of S. 3970.

Mr. RIBICOFF. Mr. President, this amendment, too, is acceptable to the managers of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1566) of the Senator from Utah.

The amendment was agreed to.

Mr. MOSS. Mr. President, the RECORD will show that there are two other amendments which the Senator from Washington (Mr. MAGNUSON) and I have presented, but apparently there will be necessity for some discussion on those amendments, and I believe it is the desire of the manager of the bill that they not be called up at this particular time. I shall await a time when he thinks it is propitious for them to be called up, but I did want to serve notice that we do have two amendments still pending.

I express my appreciation to the Senator from Connecticut to the other Senators who have participated in this matter in helping to reach a number of small clarifying matters that our committee felt could better be done in this way on the Senate floor than by taking the time to assume jurisdiction and then report the bill back to the Committee on Government Operations. I think it has worked out very expeditiously this way.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1568

Mr. ALLEN. Mr. President, I call up my amendment No. 1568.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. ALLEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 14, line 7, strike out all over to and including line 16 on page 18, and insert the following, and renumber the succeeding sections and cross references:

REPRESENTATION OF CONSUMER INTERESTS BEFORE FEDERAL AGENCIES AND COURTS

SEC. 203 (a). Whenever the Administrator determines that the interests of consumers may be affected substantially by the results of any—

(1) Federal agency proceeding which is subject to the provisions of sections 553, 554, 556, or 557 of title 5, United States Code, or which is conducted on the record after opportunity for an agency hearing; or

(2) Proceeding in a court of the United States involving the review or enforcement of a Federal agency action,

upon a timely filing of such determination in writing with the Federal agency or court, he may, as of right, orally or in writing, present to responsible officials in such proceeding or activity such relevant information in his possession as he deems necessary to enable the Federal agency or court to give due consideration to such interests of consumers.

(b) Whenever the Administrator determines that the result of any Federal agency activity to which subsection (a) does not apply and of which the Administrator has knowledge or receives notice pursuant to section 204 may substantially affect the interests of consumers, he may as of right participate for the purpose of representing the interests of consumers in such activity. In exercising such right, he may in an orderly manner and without causing undue delay—

(1) present orally or in writing to responsible agency officials relevant information in his possession, including briefs and arguments based upon such information; and

(2) have an opportunity equal to that of any person outside the agency to participate in such activity by presenting relevant information in his possession. Such participation need not be simultaneous, but should occur within a reasonable time.

(c) Each Federal agency shall review its rules of procedure of general applicability, and, where necessary, after consultation with the Administrator, issue additional rules consistent with subsections (a) and (b) of this section. Such additional rules shall provide for the orderly and effective participation by the Administrator in agency proceedings and activities which may substantially affect the interests of consumers.

(d) Whenever the Administrator determines that it would be in the interests of consumers to do so, he may request or petition a Federal agency to initiate a proceeding or activity or to take such other action as may be within the authority of such agency. If the Federal agency declines so to act, it shall promptly notify the Administrator in writing of the reasons therefore and such notice shall be a matter of public record.

(e) Upon a written petition to represent an interest of consumers by a substantial number of persons or an organization representing a substantial number of persons, the Administrator shall, within a reasonable period of time notify the principal sponsors of such petition of any action he has taken pursuant to his authority and, if he declines to represent such interest, shall provide a written statement of the reasons therefor.

(f) The Administrator is authorized to participate, in any State or local agency or court proceeding, except a criminal proceeding, to the same extent and in the same manner as he is authorized to participate in any Federal agency or court proceeding, provided the Administrator determines that the result of such proceeding may substantially affect the interests of consumers and such participation has been requested in writing by any of the following:

(1) the Governor of a State or any official designated by him for such purpose;

(2) an agency or official duly authorized by a State to represent the interests of consumers before any State or local agency or court; and

(3) the State or local agency or court conducting the proceeding.

(g) Each Federal agency is authorized and directed, prior to taking final action as a result of a proceeding or activity in which the Administrator has presented information, to—

(1) make available to the Administrator all written data, views and arguments presented, including any transcript of testimony and exhibits, together with all papers, requests or other relevant and material information filed in or developed pursuant to such proceeding or activity, and

(2) permit the Administrator, within such reasonable time as shall be permitted by rules of practice and procedure promulgated by the Federal agency, to file written comments with respect to such data, views and arguments concerning the interests of consumers that may be affected substantially by such action.

(h) The Administrator may, as of right, petition any Federal agency for rehearing or reconsideration of any agency action in which he participated, if the right to petition for rehearing or reconsideration is available by law to any person. Such agency shall act upon such petition within sixty days, except where otherwise expressly provided by statute.

(i) Except as provided in this section, the Administrator shall not intervene or otherwise participate in any Federal, State or local agency or court proceeding or activity or in connection with any judicial review of any Federal, State or local agency action, nor shall the Administrator be designated as a party in any such proceeding or activity; however, nothing in this section shall be construed by any court or agency as affecting the discretion or statutory right of any such agency or court to permit any person, class of persons or Federal agency other than the Agency, to initiate, intervene, or otherwise participate in any proceeding of a Federal, State or local agency or court.

On page 23, at line 7, strike "intervention" and insert therefor "participation".

On page 30, strike lines 13 through 18, strike in its entirety subsection (b) of section 210 and reletter the succeeding sections accordingly.

On page 31, line 14, strike the words "intervened or".

On page 31, line 17, strike the words "intervention or".

On page 31, line 22, strike "203(e) or".

On page 32, at line 4, strike the words "intervention in any proceeding" and insert in lieu thereof the words "participation in any proceeding or activity".

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECESS FROM MONDAY NEXT UNTIL 8:15 A.M. ON TUESDAY, SEPTEMBER 26, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business on Monday next, it stand in recess until the hour of 8:15 a.m. on Tuesday next.

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

ORDER FOR RECOGNITION OF SENATORS NELSON, MUSKIE, HART, BAYH, AND TUNNEY, ON TUESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on Tuesday next, following the remarks of the two leaders under the standing order, the following Senators be recognized, each for not to exceed 15 minutes, and in the order stated:

Senators NELSON, MUSKIE, HART, BAYH, and TUNNEY.

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

ORDER TO LAY BEFORE THE SENATE ON TUESDAY THE FOREIGN AID BILL, AND FOR NO MORNING BUSINESS TO BE TRANSACTED ON THAT DAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on Tuesday next, at no later than 9:30 a.m., the Chair lay before the Senate the foreign aid bill, and, by virtue of the fact that the Senate will meet following a recess, that there be no morning business.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

LIMITATION OF TIME ON SAFE DRINKING WATER ACT OF 1972 (S. 3994)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as Calendar Order No. 1100 (S. 3994)—a bill to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes—is called up and made the pending business before the Senate, there be a time agreement thereon, in the usual form, with 1 hour of debate on the bill to be equally divided between the Senator from Virginia (Mr. SPONG) and the Senator from Alaska (Mr. STEVENS), and 1 hour on any amendment in the first degree, to be equally divided between the mover of the amendment and Mr. SPONG, and one half-hour on any amendment to an amendment or amendment in the second degree, debatable motion, or appeal, to be divided in accordance with the usual form.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

ORDER FOR RECOGNITION OF SENATORS KENNEDY, CRANSTON, MAGNUSON, RIBICOFF, ROBERT C. BYRD, AND SCOTT ON MONDAY, SEPTEMBER 25, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, following the remarks of the distinguished Senator from Maryland (Mr. BEALL), the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: Mr. KENNEDY, Mr. CRANSTON, Mr. MAGNUSON, Mr. RIBICOFF, Mr. ROBERT C. BYRD, and Mr. SCOTT.

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

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, SEPTEMBER 25, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of Senators under the orders aforementioned on Monday there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

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

ORDER TO LAY UNFINISHED BUSINESS, H.R. 16029, BEFORE THE SENATE ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at the conclusion of the routine morning business on Monday, the Chair lay before the Senate the Foreign Assistance Act, H.R. 16029.

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

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. FANNIN). The Chair, on behalf of the Vice President, in accordance with Public Law 84–689, appoints the following Senators to be delegates to the North Atlantic Assembly to be held in Bonn, Germany, November 18–24, 1972: Senators SPARKMAN, SYMINGTON, CANNON, NELSON, HOLLINGS, EAGLETON, BENTSEN, COOPER, JAVITS, CASE, SCHWEIKER, and STEVENS; and the following Senators to be alternates to the same conference: Senators JACKSON, PELL, KENNEDY, MCINTYRE, TUNNEY, MILLER, BELLMON, and COOK.

ORDER THAT UNFINISHED BUSINESS BE SET ASIDE ON MONDAY

The PRESIDING OFFICER. The Chair would like to say that it is the understanding of the Chair that there is no order to set aside the unfinished business on Monday.

Mr. ROBERT C. BYRD. I thank the Chair. I thought I had already taken care of that.

Mr. President, I ask unanimous consent that at the conclusion of the routine morning business on Monday, the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of H.R. 16029, an act to amend the Foreign Assistance Act of 1961, and that the unfinished business remain in a temporarily set-aside status until a time during the day to be designated by the distinguished majority leader or his designee.

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

Mr. ROBERT C. BYRD. Mr. President, I think that about wraps it up for today.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will convene at 9 o'clock a.m. After the two leaders have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Messrs. BEALL, KENNEDY, CRANSTON, MAGNUSON, RIBICOFF, ROBERT C. BYRD, and SCOTT.

At the conclusion of the orders for the recognition of Senators on Monday, there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited to 3 minutes.

When morning business is closed, Mr. President, the Chair will lay before the Senate, under the order previously entered, H.R. 16029, an act to amend the Foreign Assistance Act of 1961, and for other purposes. Amendments are in order, and yea-and-nay votes thereon could occur. The unfinished business will be temporarily laid aside until an hour dur-

ing the day to be decided upon by the distinguished majority leader or his designee, at which time action on the unfinished business, S. 3970, a bill to establish a Council of Consumer Advisers in the Executive Office of the President, will be resumed by the Senate.

The pending question when the unfinished business, S. 3970, is resumed on Monday, will be on the adoption of amendment No. 1568 by the distinguished Senator from Alabama (Mr. ALLEN).

I am informed by the distinguished author of that amendment, Mr. ALLEN, that there will be a yea-and-nay vote on the amendment. Senators, therefore, are alerted to the fact that yea-and-nay votes, in all likelihood, will occur on Monday.

At least one amendment to the consumer advisers bill will be voted on on Monday, the amendment I have just referred to, by Mr. ALLEN, and other amendments to that bill may be called up requiring yea-and-nay votes thereon.

Conference reports, of which there are several yet to be called up before adjournment sine die, can be called up at any time, they being privileged matters and, of course, yea-and-nay votes can occur thereon.

ADJOURNMENT TO MONDAY, SEPTEMBER 25, 1972, AT 9 A.M.

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 9 o'clock a.m. on Monday next.

The motion was agreed to; and at 3:35 p.m. the Senate adjourned until Monday, September 25, 1972, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 22, 1972:

DISTRICT OF COLUMBIA COUNCIL

The following-named persons to be members of the District of Columbia Council for the terms indicated:

For the remainder of the term expiring February 1, 1974:

Rockwood Hoar Foster, of the District of Columbia, vice Henry K. Willard, resigned.

Marjorie Parker, of the District of Columbia, vice Margaret A. Haywood, resigned.

For the term expiring February 1, 1975:

Jerry A. Moore, Jr., of the District of Columbia; (reappointment).

U.S. NAVY

Vice Adm. Frederic A. Bardshar, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

U.S. ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Ralph Edward Haines, Jr., [redacted] Army of the United States (major general, U.S. Army).

U.S. NAVY

Vice Adm. Harold G. Bowen, Jr., U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, Section 5233.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 22, 1972:

U.S. ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. John Russell Deane, Jr., [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Donald Harry Cowles, [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Elmer Hugo Almquist, Jr., [redacted] U.S. Army.

The following named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Stanley R. Larsen [redacted], Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Phillip Buford Davidson, Jr., [redacted] U.S. Army.

U.S. NAVY

Vice Adm. Walter L. Curtis, Jr., U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, Section 5233.

U.S. MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of major general:

Harry C. Olson	Ross T. Dwyer, Jr.
Ralph H. Spanjer	Joseph C. Fegan, Jr.
Fred E. Haynes, Jr.	Leslie E. Brown
Lawrence F. Snowden	

The following-named officers of the Marine Corps for permanent appointment to the grade of brigadier general:

William G. Joslyn	Paul G. Graham
Donald H. Brooks	William R. Quinn
Charles D. Mize	Harvey E. Spielman
Norman W. Gourley	Andrew W. O'Donnell

IN THE AIR FORCE

Air Force nominations beginning Frederick H. Barnes, to be lieutenant colonel, and ending Gene A. Allen, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 1972.

IN THE ARMY

Army nominations beginning Irma V. Bouton, to be lieutenant colonel, and ending Richard J. Williams, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 1972.

IN THE NAVY

Navy nominations beginning David H. Acton, to be ensign, and ending Philip M. Lightfoot, Jr., to be captain, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 1972;

Navy nominations beginning David S. Ailes, to be captain, and ending Eugene M. Riddick, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 1972; and

Navy nominations beginning David D. Abelson, to be lieutenant, and ending William C. Jarrett, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 1972.

IN THE MARINE CORPS

Marine Corps nominations of John Caldwell, to be second lieutenant, and Clarence U. Gebsen, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on August 15, 1972; and

Marine Corps nominations beginning Vincent A. Albers, Jr., to be colonel, and ending William A. Tate, to be colonel, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 1972.

EXTENSIONS OF REMARKS

ADDRESS BY SENATOR PERCY—ISRAEL DINNER OF STATE IN NEW YORK

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Friday, September 22, 1972

Mr. JAVITS. Mr. President, my attention has been brought to the excellent address delivered by the distinguished Senator from Illinois (Mr. PERCY) on April 30 before the Israel Dinner of State in New York City. Because Senator PERCY's remarks are most pertinent, I ask unanimous consent that they be printed in the RECORD:

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

ADDRESS BY U.S. SENATOR CHARLES H. PERCY

I am honored to be on the same platform with your distinguished guests Mr. and Mrs. Joseph Mazer, Mr. and Mrs. Maxwell Rabb, and General Haim Laskov (former Chief of Staff of the Israeli Army). I also thank him for his gracious introduction.

Just a few minutes ago in the audience, because of being in black tie, I suppose, I was mistaken at one table for the maitre d'. I was thanked very much for the dinner. I promised the table to convey their praise and mine to the dinner committee and all of you who helped organize this wonderful evening.

We are here this evening because each of us has tried to communicate one of the truly great stories in human history—the story of Israel. We have the job of continuing

to transmit that story, and I wish that everyone in this country could have heard General Laskov's brilliant analysis tonight of the situation in the Middle East. I would like to place his speech in the CONGRESSIONAL RECORD. If he could furnish a copy to me, we could, in that way, share it with my colleagues in the Senate. [Senator Percy placed General Laskov's speech in the RECORD on June 5, 1972].

The job of communicating is always difficult. I recall an anecdote about Biblical days, about an unfortunate Christian scheduled to be sacrificed to the lions. As the Christian neared the center of the arena, he fell to his knees to pray. Then a lion entered and charged to the center of the arena, and it, too, dropped on its knees to pray. The Christian looked in wonderment. His prayers had been answered. He said, "Ah! At last we've begun to communicate." The lion looked at him and said, "I don't know what you're doing, but I'm saying grace."

I think one thought has been communicated to the group of one hundred men who sit in the United States Senate. They understand the need to support Israel in its determined effort to remain free and sovereign. I think we owe great credit for this to the distinguished Senator from New York, one of my close friends and one of the most brilliant men to have graced the Senate, Jack Javits. He, together with Abe Ribicoff from Connecticut, has eloquently communicated the idea and a sense of purpose and dedication to those of us in the Senate.

You may recall that in the spring of 1970 a number of actions undertaken by the Soviet Union endangered the military balance in the Middle East. Not only did the Soviet Union substantially increase the number of its military personnel in Egypt, it also allowed Russian pilots to fly combat planes over the country. In a joint letter, 78 Senators urged Secretary Rogers to provide Israel with additional aircraft to counter the reckless Soviet escalation. We noted in the letter that the United States' decision to hold in abeyance the sale of additional jets to Israel had failed to encourage reciprocal restraint on the part of the Soviet Union. I believe such a strong indication of support for Israel helped the President in his subsequent decision to sell the additional aircraft to Israel. I also believe it was a decision the American people solidly supported.

Support for Israel in the government is built on a foundation of support in the private sector. Our honored guests tonight, the Joseph Mazer family and the Max Rabb family, have shown the power of combining the industrial and the educational might of this country with the industrial and educational power in Israel. I think their efforts as individuals, and individual families demonstrate how we can all work to bind the two countries together. I think their actions represent the essence of how we do things in this country. We do not always work through government. Government can reinforce and back up our private efforts. But first we have to decide what to do ourselves, we have to make the commitment ourselves.

This evening in tribute to Mr. and Mrs. Joseph Mazer and family, and to Mr. and Mrs. Max Rabb and family, I would like to pledge on behalf of the Percy family to purchase an additional $10,000 in State of Israel Bonds. I make this commitment through the Chicago chapter, because if I made the investment here in New York, David Zysman (Executive Director, Greater Chicago Committee, State of Israel Bonds) would not let me come back home. Nonetheless, my own family makes this pledge as a tribute to the Mazers and the Rabbs in honor of what they have accomplished in support of Israel.

Israel stands today because so many Americans like yourselves are committed to its freedom. All our contributions are expressions of that commitment. This absolutely unyielding insistence and the determination of the American people have ensured the United States' help in providing the necessary weapons for Israel's defense.

Now Israel faces another challenge in making a home for thousands of Jewish immigrants from the Soviet Union and other communist nations. As the invitation for this evening's dinner points out, this immigration begins a new and dramatic chapter in Israel's history. I believe we in America have a great opportunity to help make this new chapter a joyous one. In 1966 I talked with Russian officials in Moscow about this problem. In the past six years I have continued those talks with the Soviet Ambassador to the United States, Mr. Dobrynin. In 1970 I also talked with President Ceausescu of Romania about this problem. Though these and other contacts have not brought a completely satisfactory response from the communists some progress has been made. We must, however, keep up the pressure.

We can well ask the question, why should this be done, why should we continue to help Israel? I have no confusion at all about my primary responsibility which is to the security and well-being of the United States of America. Our actions must always be governed by what is best for our country. But this great land of ours is not an island. Its fortunes depend not on itself alone, or on its own resources, but rather on the state of the world and on the welfare of responsible nations in the world.

There is an interdependence among free nations, and I maintain it is in our national interest to assist free men when they are threatened by external forces. No nation has been subject to a greater threat than Israel. Israel's neighbors have threatened to drive the Israeli people into the sea. In response Israel has never asked for a single soldier from any other country. Israel has not asked for charity. It has asked only for the right to purchase weapons for its own defense.

I support Israel's aspirations for peace and security not only because it is in our national interest to do so, nor because Israel is a democracy, nor because Israel is a western outpost in a hostile region, nor even because Israel blocks Soviet dominance in the Middle East. All of these are important reasons to support Israel, but to me they are not the most compelling. The most compelling reason to support Israel is that it is the right thing to do; it is the moral thing to do. In this case, it is clear what is right and what is wrong. There is no question who is right and who is wrong when a group of hostile nations threaten to drive the people of a free nation into the sea.

Over a period of two decades, I've done what I could to serve the free people of Israel. I can recall my outrage when as the Chairman of the Board and Chief Executive Officer of Bell and Howell, I was officially notified that the company would be boycotted in all Arab states if we continued to ship products to the government of Israel.

I called the Egyptian ambassador to my office. I told him right to his face that we couldn't care less about how much business his government or any other government did with us if they interfered with the free movement of goods through the world. That was a moral issue. I think you could have put the amount of business we did with Israel in the palm of our hand compared with what we were doing with the Arab states. But we simply refused to accept the Arab terms. In fact, we increased our trade with Israel in every way we could and encouraged the construction of plants there.

We have also been able to do what I consider good business for this country by liberalizing the export-import bank policy on credits for Israel—a country which has never defaulted on a penny of debt anyplace. And in the Senate I have approved every request for arms made by the state of Israel because I have felt that every single request has been necessary for its defense.

The Israeli people have never demanded nearly as much from another nation as they have of themselves. I remember an experience I had on one trip to Israel when I met a young girl on the side of the road who was in the army. My brother-in-law and I were driving with two other men to Jerusalem. We had a five passenger car, and we saw a group of hitch-hikers at the intersection. There were four or five men and one girl, all in uniform. We stopped the car and said, "Gentlemen, we don't want to discriminate against males, but it's obvious we only have one seat, and we would find it far more pleasant traveling with the young lady than the rest of you fellows." They understood.

I talked to this young girl, who was 19, and I asked her what it was like to be in the army. She said to me, "I love being in the army." I asked why. "Well," she said, "first of all, my parents are very orthodox and very strict, and I find more freedom in the army. But secondly, there are seventy million of them, and two and one-half million of us, and I feel proud to serve my country in any way I can." That young girl was my guest the night of our Israel Bond dinner last year in Chicago and it was a great thrill to introduce her to a Chicago audience because I have received a great deal of inspiration from her and I have told that story to my family and every friend who would listen to me.

As far as a report on what's happening, as you know, Foreign Minister Abba Eban said two weeks ago in Washington that "We in Israel have lost our first place in the hierarchy of international tensions." But no one could be happier about this fall from stardom than Abba Eban. We can all hope that the reduction in tension will lead to negotiations.

I personally urged President Nixon and Dr. Kissinger to place the problems of the Middle East high on the agenda of discussion at the Soviet summit. We must do what we can to make certain that the ceasefire, now in its 23rd month, continues. We must also do what we can to promote sensible negotiations that will bring an end to this tension.

Unlike Southeast Asia, where we poured 145 billion dollars, 55 thousand American lives, and 300 thousand casualties, the tension in the Middle East seriously endangers world peace. We all have a stake in finding the road to a lasting peace in the Middle East.

As far as the United States is concerned, some of us who have met regularly with Secretary Rogers feel very strongly about what we can and what we cannot do. I do not think it's possible for any outside power, no matter how friendly or how sincere it is in its desires, to impose terms on Israel. I believe that only the parties involved in the conflict can be the partners in such a peace. As far as the United States is concerned, I adhere to my position that Israel should not be pressured to make specific concessions she feels might endanger her future security. Israel must decide for herself what concessions she can afford to make and what she requires in return. Our role should be to do everything we can to remove impediments to serious negotiations, and I believe this Administration has been making strenuous efforts toward this end.

The remaining problem that we must deal with involves the plight of the Soviet Jews who want to immigrate to Israel. In the past few years the rate of immigration has risen unbelievably fast. If the present 1972 rate remains the same for the rest of this year, a total of 24,000 Soviet Jews will arrive in Israel by next January. That is eight times the number of Soviet Jews who were allowed to immigrate to Israel in 1969. Before 1969, immigration into Israel from the Soviet Union was virtually zero.

Israel is eager to accept these tens of thousands of refugees. Further, Israel is not saying we just need skilled workers, we just need doctors, we just need other technical people. Instead, Israel encourages any and all of those who wish to share in its freedom to come. It accepts the old, the sick, and the unskilled. In my mind that is further

proof of the human decency and compassion which motivates the remarkable people of Israel. Even under siege, they open their arms to share what they have with others.

Now we must match that sense of decency by contributing what we can to help Israel bear the burden of immigration.

Israel's bond investments play a vital role. They are an important part of the economic life line between the United States and Israel. They help maintain a stable and growing economy which is needed to provide the homes, jobs, education and other services necessary to sustain the Israeli citizens. But I think government also has a role to play. I intend to support fully the 85 million dollars of American assistance to help Israel resettle these new immigrants.

I intend to fight for those funds on the Senate floor. I will do so because on my last visit, a year ago, I spent some time with the officials who administer the program for the people entering Israel. If those who enter have no clothes, they are clothed. If they have no capital resources, they are given help to get started. If they have no skills, they are given the opportunity to develop skills. This is an expensive process, but it is an investment in the dignity and promise of human beings. No human beings on earth have risen to the challenge more rapidly than the immigrants who have come to Israel. Rapidly and swiftly they have moved into the main stream of the economy and social life of Israel.

The message must go forth clearly to the world. Soviet Jews in the Soviet Union must be allowed to immigrate. The process has begun and we must do all we can to encourage it.

Those who remain in the Soviet Union must be given the full rights of citizenship. They must be allowed to practice their religion and to maintain their traditions. And those Soviet Jews imprisoned because they tried to practice their religion must be set free. I suggest to the Soviet officials themselves that they could find no greater symbol of decency and compassion than to allow Soviet Jews to practice their religion and maintain their traditions without harassment.

I would like to conclude with a prayer that I believe can be applied universally to all oppressed people in the world who seek freedom. It is a Talmudic prayer, older than the Christian era itself:

"Grant us peace, Thy most precious gift, O Thou eternal source of peace, and enable Israel to be its messenger unto the people of the earth. Bless our country that it may ever be a stronghold of peace, and its advocate in the council of nations. May contentment reign within its borders, health and happiness within its homes. Strengthen the bonds of friendship and fellowship among the inhabitants of all lands. Plant virtue in every soul and may the love of Thy name hallow every home and every heart. Praised be Thou, O Lord, Giver of Peace."

This beautiful prayer sums up our hopes, for America, for Israel and for the whole world. It should stand as our ideal. It should inspire our efforts. It should be the goal of life.

Shalom!

THE CONSTITUTION THREATENED BY FEDERAL JUDGES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1972

Mr. RARICK. Mr. Speaker, the recent Federal court decision in Illinois ordering the State Electoral Board to place the name of Communist Party candidates on the November ballot is clearly indicative of the ridiculous extent to which unelected Federal judges will circumvent commonsense in the law to invent constitutional crises.

Reportedly, the Federal court in a 2 to 1 decision held the State election code requirement that prospective candidates swear to a loyalty oath was unconstitutional. Obviously, a Communist Party political candidate must be a Communist Party member and cannot honestly swear to uphold and defend the Constitution and laws of the country to which he is sworn to destroy.

The Constitution of the United States requires that every elected as well as appointed official must take an oath to support and defend the Constitution, laws of the United States, and the laws of a State if a local official. How then can a political candidate if he is elected ever take office if he refuses to swear or affirm by this oath?

The mere fact that it is highly improbable that any Communist will ever be elected to a position in the United States does not avoid the precedent that these shortsighted Federal judges have created in their ruling that prospective political candidates cannot be required to take a loyalty oath.

The judges' ruling is as big a sham to the voters as is the Communist doctrine that it's comrades can only bind themselves to the materialistic goals and directives of the Communist international.

I include a newsclipping at this point:

[From the Washington Post, Sept. 22, 1972]

A panel of three federal judges ordered the Illinois State Electoral Board to place the names of Communist Party candidates on the November election ballot, but denied ballot spaces to the Socialist Party.

Judge Walter J. Cummings of the 7th U.S. Circuit Court of Appeals and Judge Abraham L. Marovitz of U.S. District Court held the Illinois election code requirement that prospective candidates swear to a loyalty oath was unconstitutional. A third judge dissented.

The judges ruled against granting ballot spaces to the Socialist Party because its candidate for President, Linda Jenness, 31, was under the age of 35 as required by the U.S. Constitution to hold the office of President.

NATIONAL HUNTING AND FISHING DAY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1972

Mr. DORN. Mr. Speaker, it was a special pleasure to sponsor and support the legislation which officially designated this Saturday, September 23, as National Hunting and Fishing Day. Congress established this day to recognize the health and recreational aspects of hunting and fishing, and to call attention to hunting and boating safety. This National Hunting and Fishing Day 1972 also calls on us to give special attention to the proper stewardship of all our wildlife and natural resources.

No group in America is more interested in conservation and in clean water than the hunter and the fisher. As a farmer, and as a hunter, I have personally spent much of my life setting out the trees, the grass and the ponds which are so vital for wildlife preservation and environmental improvement.

Hunting and fishing provide splendid recreation, a therapy from the tensions of everyday life. Millions of hunters own firearms, which they treat with the greatest care. These are good citizens who believe in America and believe in the constitutional right to own firearms for recreation and self-protection. Yes, you hear much concerning new firearms laws. But hunters and fishers know that Federal firearm regulation and confiscation would be the first step to dictatorship. Terrorists and hoodlums, gangsters and drug traffickers will never obey any gun laws. You would have gun bootlegging and black-marketeering on a scale never before seen. The average law-abiding citizen would be placed at a disadvantage.

As we observe Hunting and Fishing Day 1972, we in the Congress must take care not to rush into enacting legislation that would penalize millions of law-abiding firearms owners without really getting at the criminal element.

Ownership of firearms by law-abiding citizens is a deterrent to crime. The way to reduce crime committed with guns is through strict law enforcement and the passing of laws that will require severe criminal sentences when a gun is used to commit a crime.

REVITALIZED RAILROADS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1972

Mr. PICKLE. Mr. Speaker, as one of the cosponsors of the Surface Transportation Act of 1971, I think that the Congress should be aware of the bill's importance. It is not only the large, teeming urban giants that depend on railroads, but also the farmer, the rural town, and medium-sized cities, which are the link between the farm and million-plus cities.

The Surface Transportation Act of 1971 has become the Surface Transportation Act of 1972. The 92d Congress is coming to a close. The Senate has passed a bill aiding our transportation system. I do hope that some action can be taken by the House before we adjourn. This legislation is vital.

Mr. Speaker, to demonstrate that concern for the Nation's transportation system is widespread, I place in the RECORD an editorial from the Lubbock, Tex., newspaper, the Avalanche-Journal:

REVITALIZED RAILROADS DEPEND UPON CONGRESS

It should be obvious to any unbiased observer that the Surface Transportation Act of 1971, now being considered by Congress, can open the way for revival of an industry which has been driven to the brink of chaos, by inflation, over-regulation, discriminatory taxation and other problems beyond control

of business-managed, tax-paying private enterprise.

Regulated water carriers, truck lines and railroads have joined unanimously in supporting remedial action provided in the Transportation Act. It's not just self-interest. An indication of the overriding concern for the public interest which brought the competing carriers together can be seen in a summary presented to reporters at a press briefing about the proposed legislation.

It states: "The most productive farm—or mine—or factory—would be spinning its wheels without adequate transportation to move materials and goods to the places where they are needed. And without efficient transportation—a total system capable of doing all parts of the total job at the lowest possible cost—the price of everything we use, wear or eat would be affected.

"About 20 cents of every dollar spent in this country goes for transportation. And if we're talking about freight transportation, it's 10 cents of every dollar."

The economy of Texas literally is totally dependent on the ability of these carriers to operate efficiently and profitably. There simply is no way in which all the agricultural products and manufactured goods produced in the State could be consumed in Texas.

Without an adequate transportation system, Lubbock would be on its way back to a prairie village. Manufacturing and agricultural centers here are located a long distance from the principal markets they serve.

This is good legislation. It speeds up the regulatory processes so freight movers are more quickly able to respond to new opportunity and changing economic conditions. It provides a limited amount of Government financial assistance through loans, to be repaid fully, with interest, so the carriers can obtain funds to implement new technology which is already available.

The bill should be passed this year.

McKEESPORT: TUBE CITY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1972

Mr. GAYDOS. Mr. Speaker, a full century of production of pipe used around the world is being celebrated this month by a facility of United States Steel Corp. which gave the city of McKeesport, Pa., the nickname of the "Tube City."

This facility is the National Division of the National-Duquesne Works of United States Steel Corp. Built in 1872, it has supplied the best in pipe for oil wells, pipelines, buildings, and even construction machinery for 100 years. Today, it represents a combination of modern equipment operated with traditional pride in workmanship and high quality.

It was on September 13, 1872, that the first furnace was put into operation at this plant and the occasion was marked by a 100th anniversary banquet last week at the Youghiogheny Country Club near McKeesport. More than 250 persons attended the dinner, including many civic leaders and steelworkers, as well as corporation representatives.

The production of pipemaking in McKeesport began just 2 years after John H. and Harvey K. Flagler, makers of iron boiler tubes in Massachusetts, decided to locate along the banks of the Monongahela River in 1870. They purchased a partially rebuilt plant formerly used to make rope and the "National Tube Works" came into being. In 1891, the "Tube Works" was consolidated with four other iron and steel plants and became the "National Tube Works Co." In 1899, a further consolidation with 13 other major tube and pipe producers occurred and finally, on March 1, 1901, National Tube became part of the United States Steel Corp.

Today, the products of the National plant can be found practically anywhere in the world. National is represented in the famous "Big Inch" and "Little Inch" pipelines of World War II. It is part of the world's deepest oil well—30,050 feet—part of pipelines and wells in Alaska and the deserts of the Middle East, and it can be found beneath the waters of the Gulf of Mexico and in the North Sea.

National has pioneered the production of sizes, end finishes and grades of casing which have become standards for the world to follow. It has been a leader in the implementation of environmental improvement devices. The first wet scrubber for removing dust from sinter plants was developed there. This method was ahead of its time, according to officials, and may prove to be the ultimate in this application for cleaning air. A problem involving removing oil and mill scale was solved at National by installing a huge water treatment device on the banks of the river to intercept all waste water from the plant. The system, officials say, now is recognized by the State as meeting all of the latest requirements for the Mon River and puts National in the lead in water purification of this type.

John P. Ely, general superintendent of National-Duquesne Works, noted that while the products of National have achieved an international reputation, the key ingredient for the plant's success has been its employees.

At the present time there are 2,009 living pensioners from the National plant. The aggregate total of their service amounts to 68,869 years, or an average of 34 years per man. However, 84 of those men have individual service records of 50 years or more.

Mr. Ely said in paying tribute to the men of National—

> Our employees have been instrumental in developing new processes, techniques and products for the pipeline and well drilling industry. Without the dedication of the people who man the equipment, National would never have been able to enjoy this centennial celebration.

In line with the recognition of National's past success of the past century, Mr. Edgar B. Speer, president of United States Steel Corp., used the occasion of the plant's 100th anniversary to announce a multimillion-dollar expansion program which will enable National to continue to be a leader in the world's pipe industry.

Mr. Speer revealed that a pending energy crisis facing the United States has made it necessary for wells to be drilled deeper and deeper into the earth to tap new sources of fuels. This must be done, the corporation executive emphasized, if the supply of fuels is to meet the ever-increasing demand for energy in America. Consequently, National plant, which introduced deep well casings capable of withstanding pressure at depths of 30,000 feet—or nearly 6 miles—will be concentrating its efforts to expand and improve the capabilities of this line.

Mr. Speaker, the men of National plant and of the "Tube City," McKeesport, Pa., have played a vital role in the industrial life of our Nation for more than half of its nearly 200-year history. It is with great pride, therefore, that I join in the tribute to these pipemakers of Pennsylvania. I congratulate them, Mr. Speer, Mr. Ely and the others for an outstanding record of past accomplishments, and I wish them the best of success for the second century of operations at the National plant, National-Duquesne Works, United States Steel Corp., in McKeesport, Pa.

DISTRICT OF COLUMBIA TEACHERS' STRIKE—A STUDY IN ENVIRONMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Mr. RARICK. Mr. Speaker, the much publicized District of Columbia's teachers' strike has served one useful purpose. Many TV viewers in the Washington, D.C., Maryland, and Virginia area have been entertained by views of what are educators in our Nation's Capital and their antics and some of their vocabulary used in interviews.

I dare suggest that public opinion in this area has now been solidified as to the cause of the educational crisis among the children of the District of Columbia; for example, why the average District of Columbia high school graduate has a comparable educational ability to a ninth grade student nationwide. Or, to put it otherwise, people may understand why the average 18- or 19-year-old high school graduate in the District school system compares favorably with the educational training or ability of the average 15-year-old in the rest of our country.

If those interviewed who portray themselves as District of Columbia teachers and spokesmen for the salary increase are the educational leaders or are even typical stereotypes of teachers in the District, then little wonder that the children are not being educated. In fact, they probably do not even know they live in America. In fact, many taxpayers, rather than having been made sympathetic for a raise, will be forced to conclude that many of the District of Columbia teachers are either overpaid or are unqualified to teach at all.

The average American who is aghast at what now passes itself off as the teachers' corps in our Nation's Capital should realize that this did not just happen, but rather is the result of concentrated efforts to gain control of the minds of our children through the concerted efforts of extremist liberal leaders, Federal judges, and extremist groups.

As recently as this May, the Board of Education in the District of Columbia voted to extend job protection to homosexual teachers. In fact, the board chairman said the adopted resolution reaffirms our commitment to nondiscrimination, but we need to go further—we need to open the schools to discussion of the realities of life.

That the resolution or the chairman's comment places the District of Columbia schools in the posture of an advocacy role for homosexuality is undecided.

In early 1971, militant members of the Washington Teachers' Union protested the action of a District of Columbia principal in tearing down a "Free Angela Davis" slogan and picture from the union bulletin board. In fact, according to local news reports, the Washington Teachers' Union was selling posters and "Free Angela" buttons for between $0.25 and $1 at its downtown headquarters. This was the same Angela Davis who is an avowed Communist and who is now on exhibition tour in the Soviet Union and other Communist countries as a Communist hero advocating overthrow of the United States.

Such being the case for education in the District of Columbia, certainly many of the children would be better off at home with their parents or playing in the schoolyard than receiving the indoctrination from the crowd of activists seen on the TV screens.

What next from the misguided liberals and opinion molders for Washington, D.C., which the American people have the right to expect will be a model city? Home rule for the District—so long as the taxpayers outside the District foot the bill for this experiment in progressive living?

I include several related news clippings:

[From the Washington Evening Star, May 24, 1972]

DISTRICT OF COLUMBIA SCHOOLS ADOPT GAY RIGHTS POLICY

(By Lynn Dunson)

The District Board of Education last night approved what is believed to be the nation's first nondiscrimination policy which would extend more job protection to homosexuals employed in the system.

Franklin E. Kameny, the gay activist who ran for D.C. nonvoting delegate last year, was jubilant over the board's decision. "I feel it was the only action the board could have taken that would have been consistent with fundamental American principles," Kameny said.

By a vote of 3 to 4, a majority of the board present over-rode Supt. Hugh J. Scott's recommendation that the action was "unnecessary" since homosexuals are covered by the same equal employment and "affirmative action" policies that cover all employes in the school system.

Discussion of the resolution was brief, but sharply divided.

Strongly opposed to adoption of the resolution, Mattie G. Taylor, called the proposal "almost absurd" and expressed fear that it would place the schools in an "advocacy role."

"At no time has there been any allegation, charge or finding of fact of any discrimination . . . based solely on the sexual orientation or an employe," she asserted.

But Hilda Mason reflected, "After my long struggle for the liberation of my (black) people, I cannot sit and deny any person his constitutional rights. When you deny a person the right to a job, you deny him the right to live."

There have been no reported cases of dismissal solely because of homesexuality.

Board Chairman Marion S. Barry said the resolution "re-affirms our commitment to nondiscrimination, but we need to go further—we need to open the schools to discussion of the realities of life."

Voting for the measure were Martha S. Swaim, Mrs. Mason, Kemp and Barry. Voting against were Mrs. Taylor, Evie Washington and Bardyl Tirana.

In other business adopted a report showing that all elementary schools were in compliance with the Wright equalization degree as of May 2.

TEACHERS PROTEST ACTION ON POSTER

(By Robert F. Levey)

One day last week, a Washington elementary school principal walked into the teachers' lounge and tore down from the Washington Teachers' Union bulletin board a poster that bore the slogan, "Free Angela Davis," superimposed over a picture of Miss Davis.

That action, ordered by the principal's supervisors in the city school administration, led to a formal grievance filed this week by the union.

The union contends that the principal violated the union contract, which guarantees the union's right to place anything that is "union business" on its bulletin boards.

The administration, according to Supt. Hugh Scott, contends that "it is time to test just what 'union business' means."

The union had unanimously approved a resolution at its January meeting to lead a local fund-raising effort that would "guarantee due process for a beautiful black sister, Angela Davis."

Miss Davis, an avowed Communist and revolutionary, is awaiting trial in California on charges that she bought guns that were later used in a Marin County court house kidnapping in which three persons, including a judge, were fatally shot.

Shortly after its January meeting, the union began to pin up large Davis posters on its bulletin boards in most of the city's schools, according to Charles Cheng, union vice president.

Most boards are in teacher lounges, where students are not permitted and could not have seen the posters, Cheng said.

The union also began selling posters and "Free Angela" buttons for between 25 cents and $1 at its downtown headquarters. Proceeds have gone to the D.C. Area Committee to Free Angela Davis. So far, about $150 has been collected, sources said.

"We're not going off on some wild radical trip," Cheng said. "After all, Angela is one of us. She's an AFT (American Federation of Teachers) member in California. And this local here has been involved in antiwar and social issues for a long time."

Scott said in a telphone interview yesterday that he had asked the D.C. corporation counsel to study the union's contract to see if "a poster like this would be protected."

Scott said in a telephone interview yesterthe order for the one poster to be taken down and that he has "mixed feelings" about the charges against Miss Davis.

He added, however, that he "fully supports the judgment" of Dorothy L. Johnson, assistant superintendent for elementary education, who he said gave the order.

[From the Washington Post, June 5, 1971]

SCHOOL CHIEF EASES PUPIL PLAN STAND

(By Lawrence Feinberg)

Washington School Supt. Hugh J. Scott, under pressure from the school board, yesterday dropped much of his opposition to key parts of the Clark reading mobilization plan.

In a series of written proposals, Scott told the board his goal for next year is that city students stop falling further behind the national norms and that they make one month's progress, as measured by standardized tests, for each month in school.

Presently, the average gain here is about three-fourths the national rate.

The plan developed by psychologist Kenneth B. Clark and endorsed by the board last year proposed norms within one year, a goal Scott resisted as "unrealistic."

The new proposal is thus a compromise, but goes further than Scott had agreed to before.

In addition to this compromise, Scott said yesterday that he wanted to continue nearly full ability mixing in elementary school classrooms next year, give standardized tests to all students, and end automatic promotions regardless of achievement, starting next June, at grades three, six and nine.

The superintendent had also been hesitant earlier on these points.

Because Washington's students are now so far behind, Scott's goal of month-to-month normal achievement would not bring the system up to national norms, the goal suggested by Clark.

But if it were accomplished, city students would be doing much better than in the past. By eighth grade, the average reading achievement in D.C. is now equivalent to sixth-grade standards nationwide.

Previously, Scott had said it was "simplistic" to establish any definite achievement goal, but board members had pressed him to set a target by which they and the public could judge progress in the school system.

In letters sent yesterday, the board announced eight community hearings on Scott's proposals in different parts of the city between June 21 and 28. The board is expected to take final action on the proposals in mid-July, about one year after it adopted the Clark reading plan.

Although Scott's recommendations moved close to Clark's yesterday in several important areas, the superintendent made no mention of Clark's proposal to pay teachers partly according to the achievement gains of their students.

As he said last month, Scott indicated that instead of using incentives to get results as Clark proposed—with few specific directions—he would give clear instructions to teachers on how their classrooms should be organized.

(Later yesterday the board instructed Scott to develop a plan to base teacher pay at least in part on student gains, as part of its plan to comply with U.S. Judge J. Skelly Wright's recent spending equalization order.)

Scott also proposed setting up an inspection system to see that his suggestions for a "model classroom" is in fact being followed. As Clark recommended, Scott's classroom model places heavy emphasis on the basic skills of reading and mathematics.

On grouping, Scott asked for nearly a full mixture of students of all ability levels in every classroom in grades one through six. His proposal does not discuss grouping in the junior high schools, although the Clark plan provided for full mixing through ninth grade.

Last month Scott proposed a system of narrow ability grouping with no more than one year's spread of achievement in each classroom. After this drew criticism from board members, Scott suggested that each room contain about two-thirds of the range in any grade.

His proposal yesterday gives each room about five-sixths of the range, producing, for example, a spread of about four years in achievement in some sixth grade classrooms.

Last month, Scott said he agreed with Clark's insistence that there be definite standards for promotion from grade to grade, but when questioned by the board he said it

would be "unrealistic" to enforce them next year.

Yesterday, however Scott said he wanted to apply "minimum standards," which he did not spell out, next June in grades three, six and nine.

In response to criticism by the board, Scott said he wants to continue giving standardized tests to all students in grades one through nine as proposed by Clark. In May, the superintendent had said these tests, which compare the achievement of Washington students with those around the country, should be phased out.

He said then that they should be replaced by special tests, based only on Washington's curriculum, but yesterday Scott said that both the standardized and special tests should be given.

GIVING THINGS TRADE AND TECHNICAL PRIDE OF PLACE

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Friday, September 22, 1972

Mr. JAVITS. Mr. President, the recently enacted higher education bill (Public Law 92–318) refers in a number of places to "postsecondary education" rather than to "higher education." This represents the recognition that while education after high school for many young Americans represents additional schooling in academic or professional channels, many others find their schooling in the occupations. American education must not be strangled by "degrees" or become mired in the bog of credentialism.

The importance of technical education was highlighted by an address by New York State's distinguished commissioner of education, Ewald B. Nyquist, delivered at the annual banquet of the eighth annual conference of the National Association of Trade and Technical Schools held in Washington, D.C. Commissioner Nyquist indicated some fresh approaches to education being taken in New York which merit attention.

I ask unanimous consent that his address be printed in the RECORD.

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

GIVING THINGS TRADE AND TECHNICAL PRIDE OF PLACE

(By Ewald B. Nyquist)

Mr. Chairman, Ladies and Gentlemen, I think you should know that I come here after spending a long winter of discontent. State legislatures concerned with fiscal fitness are not healthy for Commissioners of Education and other living things.

Physically I feel a little like the man who was asked to give the address at the annual meeting of the American Psychiatric Association. After dinner he was asked to lie down and say a few words.

I am sometimes reminded of H. L. Mencken's definition of a Puritan. He is a person who has a sinking feeling that somebody, somewhere, is having some fun. And thinking about the shape our society is in, with its rudderlessness, a society tending to become unglued, where poverty, prejudice, pollution, social injustice, and the war prevail, when everybody seems to go to bed angry at night and when love seems to be the only really taboo four-letter word—I have been fond of saying that if Moses came down from Mt. Sinai today, the two tablets he would be carrying would probably be aspirins. And what the young people seem to be saying to me is that this would be a far, far better world if we adults obeyed just two of the Ten Commandments—any two.

Some time ago, your Executive Director, William Goddard, called and tempted me with the prospect of speaking to you this evening, and, in addition, as he put it, of acquiring some gilt by association with your organization. He didn't say how guilt (gilt) was spelled. Well, you know what temptation is. Temptation is something which a woman runs away from but which a man crawls away from, slowly, hoping it will overtake him.

Mr. Goddard said he needed a banquet speaker to round out the rest of his program, and graciously wound up his invitation by saying that my being here would serve the same purpose as the presence of the body at an Irish wake: It's absolutely essential for having the party, but you don't expect it to do very much.

Mr. Goddard said your program committee wanted me in particular because I was the only person they could think of who could speak more clearly than he thinks, who could live verbally beyond his intellectual means, and who had delusions of adequacy that he could meet every issue with an open mouth.

I don't know what Mr. Goddard does in your association, but I'll wager that his role is something like that of the woman who went to church one day with her husband. Out loud, the man prayed: "Oh, Lord, make me successful and please keep me humble. His wife, kneeling beside him, chimed in with a somewhat corrective plea: "Oh, Lord, You make him successful, I'll keep him humble."

To keep the dialogue symmetrical, I told Mr. Goddard that, as a general officer in your association, he reminded me of the time when three English brigadier generals and an enlisted man, all strangers to each other, happened to get into the same compartment in a train going to London. After a moment, they decided to introduce themselves. "Well," said the first, "I am a brigadier general, I am retired, I am married, I have two sons, and they are both very successful." The second one followed with, "I, too, am a brigadier general, I am retired, married, I also have two sons, and both are brilliantly successful." And the third had a parallel history. "I am also a brigadier general, I am retired, I am happily married, and have two sons who have already reached distinction." They waited a moment and then turned condescendingly to the enlisted man who introduced himself: "I am a sergeant, I am still on active duty, I am not married, I have two sons, and both are brigadier generals."

In a subsequent letter, I asked Mr. Goddard what he wanted me to talk about, what problem he wished me to address my remarks to. He replied by saying that I reminded him of the Miss Universe contest which eventually boiled down to three voluptuous candidates. Discerning no difference in their prepossession and physical data, the judges finally elected to pick the winner on the basis of the answer to a problem, namely, if you were cast on an island in the middle of the ocean alone with twenty men, what would you do. The American girl answered: "I would find the handsomest man in the group, win his affections, and have him protect me from the rest of the men." The English girl said: "I would find the strongest man in the group and win his affections, and then help him rule the island." The third girl, from France, said: "Gentlemen, I know what the question is, but what's the problem?"

Well, I am delighted to see so many of you at this trade and technical love-in.

I am going to talk this evening about some things we are doing in the State of New York that, hopefully, may lie within your orbit of interest or at least not in your zone of indifference.

First, let me describe briefly the educational system we have in our State. James Thurber, my favorite humorist, once replied, in answer to the question "How's your wife?" by asking, in turn, "Compared to what?" So, let me tell you what we are and what we do.

In 1784, influenced by English and French ideologies, the people of New York State created a unified system of education known as The University of the State of New York, not to be confused with the State University of New York, our operating university. The State Constitution guarantees the existence of The University of the State of New York as a separate, non-political, corporate entity, and as a fourth branch of government. Thus, it has the protective autonomy of constitutional status. This system, headed by the Board of Regents, and whose administrative arm is the State Education Department, is the oldest, continuous state educational administrative agency in America. Its purpose is to enlarge and improve educational, professional and cultural opportunities in New York State. I happen to be President of The University of the State of New York, as well as Commissioner of Education.

The University of the State of New York comprises all the private and public colleges in the State, as well as private, public and parochial, and some proprietary schools, museums, libraries, historical societies, and other kinds of educational institutions or agencies. The State is the campus of The University. Education in its broadest sense is its business. It is the overarching constitutional concept giving orderliness, coherence, direction, and character to the educational enterprise of the State. It symbolizes the seriousness with which education has traditionally been viewed by our citizens. It is the system by which we make a *mesh* of things in New York.

The Regents are authorized to establish Rules and Regulations which will carry into effect the laws of the State relating to education, including requirements for degrees and the licensing by examination of all professions in the State except Law. They incorporate private colleges and, indeed, they award the degrees to graduates of these colleges for the first few years of their existence.

The University of the State of New York now needs to make more deliberate and extensive use of all the educational resources of its campus—the State. To the formally recognized educational establishment, we must add the potential of radio and television, the church, research laboratories, performing art centers, all proprietary business, trade and technical schools, historical societies, public libraries, and museums. We need to make better and wider use of correspondence study and computer-assisted instruction; of industrial, commercial, governmental, and military training programs; of the experience people gain through programs like VISTA and the Peace Corps, and through travel, both at home and abroad. While most think of a college or university as a community resource—which it surely is—we must expand our thinking to view the community as an educational resource. The tremendous educational potential of the State viewed as the community of The University of the State of New York will enable the Board of Regents to expand educational opportunity for anyone who is willing to make the necessary investment of time and effort. Education has become a social condition. Learning is going on everywhere and everyone from two to toothless should be learning in an era when we have a knowledge economy within a society that has shifted to a mental base.

On my recommendation, the New York State Board of Regents, governing board for all of education in New York State, issues

from time to time position papers on important educational issues. The recent position paper on occupational education describes a total system of occupational education in New York State, which includes in the public sector a widespread network of area programs at the secondary level and a complementary system of two-year colleges. (I might, parenthetically, say here that Sid Marland, U.S. Commissioner of Education, has no monopoly on career education.) Let me quote from that paper:

"Residents of New York State also have access to a broad selection of occupational programs outside the public educational system, the most important of which are various State and federally-assisted remedial manpower training programs; programs offered by private educational institutions, such as trade and business schools; and specialized programs offered by labor unions and by employers, including government agencies, businesses and industries, and hospitals."

We view the private sector as an essential component in the delivery of educational services to people and particularly the private trade, technical and business schools for their output of trained manpower for New York State.

Private trade and technical schools in our State have parity of esteem with all other types of educational resources in our State, whether public or non-proprietary. We do not have the attitude that one finds in some states which resembles what a pompous Church of England cleric said to his nonconformist colleague one day: "We are both doing God's work, you in your way and I in His."

Since 1937, when the first private trade school law was enacted, your kinds of schools have been a part of the total educational system of the State under the Board of Regents and my Department.

In New York State, as in most states, laws regulating private schools were enacted to solve a problem, to curb abuses which existed at the time. With effective implementation of state laws, widespread abuse disappears and the major mission becomes one of providing educational leadership, both at the State level and among the private schools. The State function is to help private schools continually to upgrade and improve their educational offerings and thereby provide a service to the people of the State of New York. What we do, we do for them. If we can help the schools to move to a higher plane of educational effectiveness in the process, that is an added outcome.

Do we still have problems with private schools? Yes, we do, but they are limited to a very small number of schools or kinds of schools. But, somehow, there is more noise, more bad press about this minority and not very much about the constructive educational effort of the vast majority of the proprietary trade and technical schools.

I am sure you are aware that building a reputation as a good school takes a lot longer than building a reputation as a good restaurant. When you ask people to invest their time and money, there must be public confidence in your product. It takes time for an enrollee to examine your product and it takes results, both from your graduates' point of view and that of the prospective employers of your graduates.

Let me talk for a moment about the roles of government and voluntary accrediting agencies.

First, they must be complementary and not competitive. They must co-exist. The State's function is to establish minimums for *all* private schools, then encourage and counsel the schools to exceed those minimums. As we are successful, we keep raising the minimums just so you cannot rust in peace.

It is up to the State agency to help you to do your best for the students you train and educate. Under a mandatory licensing law, we must assist you in meeting at least *minimum standards*, you who have identified a job need in the market place and who are willing to make the business investment. We want your educational enterprise to be an educational and financial success. It is also our responsibility to help you grow and to do an increasingly better job in meeting the objectives which both you and your students have. The function of your accrediting commission is to work in concert with State agencies toward the same goal. Unlike the case of the State agency with a mandatory licensing law, your accreditation criteria should be established at much higher than State minimums, and, being voluntary, you can be more selective. But you cannot just cream off the better schools in the country and create an exclusive club. You have a responsibility not just to the large corporately owned schools which can afford the measurement process. You also must provide the leadership and assistance to the small individually-owned schools which also provide an essential service in a more limited occupational and geographic area.

Accreditation, using that term broadly, becomes essential when those in charge of an important activity cannot uniformly be trusted to maintain a minimum level of quality in the performance of their function, whether that function be the education of people, the provision of services, or the manufacture of some product. Controls then become necessary, either self-imposed, or as a matrix of standardization inflicted and enforced from without.

Controls usually come in the form of mandated compliance with minimum standards with status as the reward. This is not surprising in our society. This kind of development is a direct derivative of our Anglo-Saxon heritage of establishing minimums, below which people and institutions, under pain of fine, forfeiture of freedom, or deprivation of status or privilege, must not be permitted to go. In our society, no one has a right to be as bad as he wants to be.

But there is a leadership, cutting-edge function which engines of quality control or instruments of accreditation can also carry. It is one of encouraging institutions to go beyond established minimums and of providing guidance and consultation to that end. Such a leadership function derives from the Greek tradition of posing ideals and establishing criteria of excellence in order to raise aspirations and the prevailing level of intellectual or service expectations. The best accrediting agency tries to work, not by mandate nor by compulsion, but by pointing to a better way.

The Greek notion of excellence permits an institution truly to be itself, to become all it is capable of being, in short, to fulfill its own capacity along individual lines of excellence. And these lines can legitimately differ because excellence, in my view, can and should be ubiquitous. You remember John Gardner's famous dictum: If we do not learn to honor excellence in plumbing as well as excellence in philosophy, neither our pipes nor our theories are going to hold water.

The concern of an accrediting organization must be, not to restrict its accredited list, but to enlarge it by doing everything possible to aid institutions in becoming worthy of inclusion in it, but since a professional association is responsible for accreditation, it must handle it honestly. Shoddiness must be identified, and, hopefully, lifted from its dismal plain. Until it is, it must not be tolerated or encouraged by public recognition. The accrediting agency must be determined, at the same time, to use accreditation as a constructive force. Accrediting should be designed to help some institutions accelerate the process by which they achieve quality and maintain competence; for others it is a matter of making better, institutions already adjudged to be good.

As a State Education Department, we welcome the support of your organization, because if we are working for better education and training for the students who attend your schools, and we are, then our goal is the same. Philosophically, I believe in the concept of voluntary evaluation by one's peers; but I also know that a responsible State must be concerned about all the schools and their students, not just the better ones.

This year, after many years of effort, we have a revised private school law recently signed by the Governor. One of the significant changes is that in the field of private business schools we have switched from voluntary to mandatory registration. As a State, we could no longer serve the best interests of the people of the State of New York by registering (or accrediting) 45 business schools who meet voluntary standards, and pretend that the other 150 non-registered and, therefore, non-regulated, business schools did not exist or were of no concern to us. A voluntary, qualitative measuring system, however laudable, just does not do the whole job that needs to be done.

In the area of private trade and technical schools, it has been a different story. The 1937 private trade school law, however forward-looking for its time, is now obsolete. It served its purpose well, but times have changed, and our new legislation was written to meet our circumstances today and for the foreseeable future.

This legislation was drafted with the help of private school associations. At this time, I would like to express my appreciation to the National Association of Trade and Technical Schools for the invaluable advice of your legal counsel, Bernie Ehrlich, who worked with our staff in developing the bill. Even though this new legislation is more explicit in terms of what to do when things go wrong, the whole philosophy has been changed. So many states recently have passed laws to correct problems with private schools that became so bad because the states ignored their responsibility in this area. Much of the legislation passed in some states tends to be punitive in character. We believe that in New York we have long since passed this outmoded philosophy.

The legislation recently enacted in our State contains four sections: the first uses the approach that all private schools must be licensed unless they are specifically exempt. I will not go into the specific exemptions here, except to mention that we have exempted those business schools which must meet the new and mandatory registration requirements.

The second section defines what constitutes a business school. A business school whose program does not meet the definition must be licensed under the more general section applying to all occupational schools. The section for registered private business schools contains some specific requirements that apply only to business schools.

The third part of the new law contains private school standards which apply to both licensed schools and registered private business schools. It authorizes the promulgation of Commissioner's Regulations with regard to such considerations as advertising, student contracts, educational programs, school plant, and financial stability of the school and its ownership.

This section outlines in detail the procedure to be followed for hearings and enforcement procedure. We no longer have the simplistic black or white, legal or illegal, conduct of a school. We have provided for correcting things that are contrary to the provisions of the law without having to resort to the drastic action of withdrawing a

license or registration for relatively minor and correctable infractions.

Of most significance to schools outside of New York State, as well as New York schools, is the fourth section which provides for private school agents certificates. If out-of-state salesmen to recruit students from New York are used, they must have an agent's certificate. In issuing a certificate to an agent, consideration will be given to two things: good moral character of the applicant and the use of fair and ethical practices in the presentation of the school's offerings. There is provision for bonding of the agent or the school or schools he represents. It is important to note that courses contracted for by agents who have not been issued an agent's certificate are not valid or enforceable contracts under the law.

While this law is not effective until July 1, 1973, we would welcome your advice and assistance in the revision of our Regulations of the Commission on Education which are scheduled to be completed for Board of Regents consideration in the early fall.

We consider private vocational schools our partners in the business of education, and our legislation is designed to help our partners in the business. What we all want is satisfied consumers—educated people with marketable skills, able to cope with the demands of living today and tomorrow.

Now, let me turn to another topic.

Much progress has been made in breaking away from traditional on-campus, one-institution avenues to degree work. More remains to be done.

The nation has grown and prospered in the past because many people have been rewarded for what they know, rather than for how they learned it.

It is ironic that the social and economic mobility of these people is being threatened and thwarted today in part by the growing emphasis on possession of credentials presumptively attesting to intellectual competence and acquisition of skills. We are a strongly credentialed and academically oriented society with a degree fixation, and it will be some time before employers will have the courage to hire people on the basis of what they know, rather than on what degree and diplomas they hold.

As college instruction has shifted to a central concern of society, and as a greater degree of education is required to operate economic, political, and social institutions in a post-industrial world that is so knowledge-dependent, it is not surprising that increased attention should be paid to the formal credentials of those who aspire to positions of influence and power.

If attendance at a college is the only road to these credentials, however, those who cannot, or have not, availed themselves of this route, but have acquired knowledge and skills through other sources, will be denied the recognition and advancement to which they are entitled. The nation cannot afford such waste, nor should it tolerate such inequity. The costs of traditionalism are too high.

Confident that appropriate assessment techniques can be developed to recognize the knowledge and attainments of people who are either wholly or partly self-educated through independent study, job experience, informal course work, or otherwise, and who constitute an abundant new nontraditional learning force in our society, we are now intensely engaged in developing plans to have the New York State Board of Regents award undergraduate associate and baccalaureate degrees to those who are able to demonstrate that they possess knowledge and abilities equivalent to those of a degree recipient from a New York State college or university, regardless of how the candidates have prepared themselves, or where they acquired their knowledge, in a day when learning takes place in a variety of places and education has becomes a social condition, a life-long period of growth rather than just a visible facility on campus. This is the idea of the external degree. You don't have to go to college at all to get a degree. Education is no longer limited in practice or theory to what goes on in the formal classroom.

Hopefully, success in this venture will stimulate other colleges and universities to use their great resources in expanding their own programs for innovative extension of educational opportunity. At the very least, heretofore sacrosanct ancient guild practices and curricular rigidities will be loosened. Taboo or not taboo, that is the question. I know it is forcing clarification of what a degree is supposed to represent.

This humane proposal will open up our educational system and create further options for our people, young and old. I expect to see a substantial number of high school graduates within this decade, taking this route toward acquiring an undergraduate degree.

The idea of the external degree is a radical suggestion, precisely because it is rooted in common sense.

Several years ago I began to look for ways to relate the vast amount of learning that people acquire outside the formal classroom or school shop to our society's credential system. The approach that was taken was that it didn't really matter how you learned something if you could demonstrate the fact that you knew it. Out of this grew our College Proficiency Examination Program. This is a system of examinations based upon what is generally expected to be learned in the more universal college courses. In the process many colleges and universities agreed to grant advanced credit for successful passing of these examinations. The College Board College Level Examination Program has developed this concept on a national basis.

I announced the Regents External Degree program in the Fall of 1970 at my inauguration as Commissioner of Education and President of the University of the State of New York. Since that time, committees of outstanding scholars and administrators from institutions of higher education have been meeting to put together degree requirements for an Associate in Arts and a Bachelor of Science in Business Administration external degree. We have also begun work on a new external degree in nursing, in an effort to increase the number of trained nursing personnel in the State. The business administration and nursing degrees will not be available until late 1973 or early 1974, but we will award our first Associate in Arts degrees within a few months, and I want to speak briefly about this aspect of our efforts.

The Associate in Arts Regents External Degree will comprise 60 credits of college-level work, 48 of which must be in the arts and sciences. The subject matter content of the degree and the academic standards which a degree recipient must attain are traditional, or conservative if you prefer, and reflect the requirements of existing two-year college programs in our State. What is new or innovative is the *process* by which one obtains a degree. There are no age or New York residence requirements for this program, and a high school diploma is not required. Degree requirements may be met by (1) transcript course work from any regionally accredited college or university or from the United States Armed Forces Institute, (2) by acceptable scores on College Proficiency Examinations offered by our Department or by national testing agencies, (3) by a process we refer to as "special assessment," or (4) by a combination of these means. Through "special assessment," we will validate any college-level knowledge, however obtained, by using faculty panels in the appropriate subject matter. Based on the results of such an assessment, candidates will be awarded credit toward Regents External Degree requirements, particularly in those areas for which we have no acceptable standardized proficiency tests.

The Regents External Degree program is designed to provide an alternate, though rigorous, route to a college degree for those who have prepared themselves, in whole or in part, on their own. We believe that what a person knows is infinitely more important than how he learned it, and for this reason, no classroom attendance will be required. We hope to encourage colleges and universities to be more open and flexible in recognizing academic attainment, and to provide for easy entry, exit, and re-entry as an individual moves, through various means of preparation, to a college credential. In the future, we hope to recognize for credit not only courses taken in accredited institutions of higher learning, but also post-secondary work done through correspondence, industrial, military, and other instructional programs. To date we have had over 15,000 inquiries about the Regents External Degrees. With the interest and assistance of all engaged in educational endeavor, we will create a college degree program of high quality, which will be of value not only to degree candidates but also the academic community and the public at large.

And now for some brief concluding remarks on another topic.

As many of you are aware, the New York State Board of Regents approved a policy in the Fall of 1971 authorizing degree-granting powers for proprietary post-secondary institutions offering two-year programs. I would like to take a few moments to suggest some of the benefits we have derived from the *way* in which this process evolved and to indicate the very positive nature of our first year's experience.

First, members of our staff worked very closely with representatives of the proprietary schools in developing a set of general guidelines under which this policy would be implemented. This has led to a very functional working relationship between the Department and our newest constituents among degree-granting institutions.

Secondly, the Regents chose not to create a degree designation exclusively for the use of proprietary institutions, but to add one more, an Associate in Occupational Studies, which is also available to any non-profit degree-granting institution wishing to qualify for that title. Interestingly, we already have such use at two private junior colleges and inquiries in process from 23 public two-year colleges. The degree itself *requires* no general education component, as do the other associate degrees, but recognizes competence in an occupational concentration.

It is important to remember that we in New York State do not grant degree powers on an institution-wide basis, but rather to individual programs which are registered (or accredited by) the Education Department. This means in the present case, that many proprietary schools have sought degree powers for only one or two of their programs while the remainder result in a certificate or diploma. This permits the institution to maintain its philosophical integrity and intent to serve students with a variety of opportunities.

Let me summarize our first year's results. We now have 19 proprietary schools approved for degree powers in at least one program. These range from the American Academy of Dramatic Arts to Bryant and Stratton Business Institute. Incidentally, in almost all of our accrediting visits, we have included as a team member a faculty representative from public two-year colleges with expertise in the particular program area being evaluated. This has been of tremendous value

in communicating the practical implications of our new policy.

Secondly, we have succeeded, I think, in giving more appropriate recognition to proprietary schools as a viable alternative choice for post-secondary education in New York. This for me is a most important accomplishment, but it is even more meaningful to the thousands of students who enroll annually in these schools.

We are now doing an evaluation of where we have been in this first year so that we can amend and modify our operating guidelines in the light of experience. I'm sure that we will find a number of areas where we need to improve our service, but the important point is that we have begun to address ourselves to broadening the classical definition of "higher education" and this alone has opened options and opportunities for many more of our citizens.

I have said on many occasions that our educational system is much too academically oriented. As I have already pointed out, we are also a highly credentialed society; we give much more attention to degrees and diplomas than to what a person knows and can do. The two are not always the same. We must give increased emphasis and prestige to vocational and semi-professional technical careers; to the worthiness of occupations in the trades and to handcraftsmanship, to the notion, too, that a gifted plumber is more worthy than a foolish philosopher, and I am very much in support of closer relationships between business, industry and the formal educational system. Guidance and counseling in our schools are too much distorted in favor of academic credentialism. Not everyone needs to go on to an A.B. degree. We do need to give occupational education a more lofty pride of place, and I believe that liberal arts can be taught mechanically, and mechanics liberally.

Education surely is learning how to live a life—a sensitive, creative, compassionate, humane life, but it is also learning how to make a living.

Just as the Hebrew sages have claimed that man does not live by bread alone—thus emphasizing to us that we live by ideals and spiritual renewal and values—so have they also remarked that where there is no bread there is no Torah—thus reminding us that we must also be practical, that there are practicalities which must limit our idealists.

Let me close as I began with an only remotely relevant story. It is the story of the Englishman who came to this country to study our intensely technological society. One day he spent the entire time with the IBM Company.

From the beginning of his visit to the end, all he saw was room after room of countless machines, with blinking lights and whirring machinery, disgorging coded data at the press of magical buttons, attended by only one or two human beings.

At the end of the day, dizzy with the mechanized nature of everything, he got on the elevator to go down and say farewell to the management. The elevator was crowded. All occupants were men except for one good-looking, shapely, young woman at the rear of the elevator cab. The Englishman stood at the front facing the door. As the elevator descended, all was quiet until suddenly the silence was pierced with a high-pitched scream from the woman. Without turning around, the Englishman was overheard to say:

"Thank God, there are still some things they do by hand."

The head of a private school was once asked what had become of his last director of studies. "He left us as he came," he replied, "fired with enthusiasm." I hope you leave here *fired with enthusiasm* to support us in the things I have discussed this evening.

I am proud to be associated with you.

ILLINOIS AGRICULTURAL TRADE MISSION TO U.S.S.R.

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1972

Mr. MICHEL. Mr. Speaker, I want to call the attention of my colleagues to an article appearing in the Chicago Tribune entitled "Farm Delegation Off to Moscow Tomorrow."

This delegation is Governor Ogilvie's agricultural trade mission to the Soviet Union, headed by my good friend and colleague, Congressman PAUL FINDLEY. The group includes Illinois Director of Agriculture Gordon L. Ropp, Illinois Agricultural Association President Harold Steele, and other prominent representatives of Illinois agriculture.

Their mission is to sell Illinois farm products to the Soviet Union, and they will be working not only for immediate sales, but for long-term markets as well.

As the Tribune article points out, Illinois is the top agricultural export State and the efforts of this 15-member delegation will mean a great deal to our farms, businesses, and our whole State economy.

But, perhaps even more important is the significance of this trip with respect to our international relations with the U.S.S.R. A lasting peace and productive interchange between two powerful nations can be developed and enhanced through trade as well as through official diplomatic channels, and this unique mission being undertaken by our State may make a real contribution in this way. I commend Governor Ogilvie, Congressman FINDLEY, and the members of this delegation and am confident of the success of their mission.

The article follows:

[From the Chicago Tribune, Sept. 21, 1972]

FARM DELEGATION OFF TO MOSCOW TOMORROW

(By Richard Orr)

Farmers have taken their products to market for centuries, but a group of Illinois farmers and trade specialists will embark tomorrow on a unique and historic marketing project which could have significant impact on the state's economy.

Their mission: To sell Illinois farm products to the Soviet Union, which suddenly has become a booming new billion-dollar market for American agriculture.

The project is Gov. Ogilvie's agricultural trade mission to Russia, the first delegation of its kind from any state. The 15-member team is scheduled to leave at 3 p.m. tomorrow from O'Hare Airport for Moscow for a week of negotiations with Soviet officials in the ministries of foreign trade, agriculture, and procurement.

CARRIES NIXON LETTER

It's leader, United States Rep. Paul Findley [R. Ill.], a member of the House Agriculture Committee, will carry a letter of introduction from President Nixon. Other prominent members include Gordon L. Ropp, a dairy farmer of Normal, McLean County, who is Illinois director of agriculture, and Harold B. Steele, Princeton, Bureau County, a hog producer who is president of the Illinois Agricultural Association [Farm Bureau], representing 200,000 member families.

A unique aspect of the mission is that it presents a group of individual farmers, marketing experts, and state officials acting on behalf of private interests to engage in foreign trade, which in Russia is a state monopoly conducted almost exclusively by government organizations. All except four public members of the delegation are paying their own expenses, which means the mission will cost Illinois taxpayers less than $6,000.

That includes the cost of shipping a live Illinois pig, which the group hopes to present to the Soviet Premier Alexei Kosygin as Exhibit A to demonstrate the high quality of Illinois farm products. The pig, a 215-pound Hampshire barrow raised by Mr. and Mrs. Francis Callahan and their daughter, Colleen, of Milford, Iroquois County, was grand champion at the recent Illinois State Fair.

"The job of the governor's farm trade mission will be to capture every bit of extra business that we can, including the No. 1 share of the President's $750 million grain sale agreement with the Soviet Union, as well as all sales beyond that agreement," said Ogilvie.

TOPS IN EXPORTS

Illinois is the top agricultural export state, with $758 million of foreign sales in fiscal 1972, nearly 10 per cent of the nation's record $8 billion of farm exports. On the basis of its share of total United States farm production, an additional $80 million to $150 million of agricultural exports should accrue to Illinois from Russian purchases estimated at close to one billion dollars for the current fiscal year, according to trade experts.

The impact of farm exports on the state's economy is reflected in the fact that foreign sales amount to about a fourth of the nearly $3 billion of total annual sales of Illinois farm products. The 123,000 farms which produce these products and the related industries which provide them with supplies and services make up $13-billion industrial complex which accounts for four of every 10 jobs in the state.

The main products the trade delegation will offer the Russians are soybeans and soybean meal, corn and other live stock feed grains, wheat, breeding cattle and hogs, and broiler chicken production. The mission is seeking not only immediate sales but, even more important, to establish firm contacts for future sales.

Prospects for finding a long-term agricultural market in Russia are based both on the warming trend in United States-Soviet trade relations and on the current Soviet five-year program, now in its second year, to increase the protein content of the Russian diet by 25 per cent. To achieve this the Russians have set ambitious production goals, projecting a 27-per cent increase by 1975 for both meat and eggs and a 19 per cent increase for milk.

Such goals will require substantial expansion in Soviet herds of beef and dairy cattle and hogs, and in poultry flocks.

This in turn requires more feed for herds and flocks—mainly corn and other feed grains and soybean meal—a high protein supplement which is a major growth stimulant in live stock rations.

Illinois is the leading producer of soybeans and the second biggest producer of corn, as well as a relatively big producer of wheat, purebred live stock, and other commodities. The trade delegation is prepared not only to offer these products in both quantity and quality, but also to offer the Soviets technical assistance in such areas as improved live stock nutrition and animal bloodlines.

A member of the mission, Philip Bradshaw of Griggsville, Pike County, president of the Illinois Pork Producers Association, explained that tho the Russians appear to have ample technical knowledge of hog production facilities, they lack sufficient information about swine nutrition.

"This prevents them from getting hogs to market within five or six months, as most

American hog producers do," said Bradshaw. "We are prepared to help them with this problem, and we also plan to give them a list of names and addresses of leading Illinois hog breeders where they can buy top breeding stock."

SALES ARE NOT PARAMOUNT

Ropp cautioned that the results of the mission should not be judged solely on the amount of immediate sales contracts it may negotiate. One of the main purposes, he said, is to "acquaint the Russian people with the fact that we do have high quality merchandise in agricultural products and can deliver a long-lasting supply to meet their requirements."

Other mission members include Harold Kuehn, Du Quoin, president of the American Soybean Association; Robert Gilmore, De Kalb, a director of the National Livestock Feeders Association; Dwight Davis, director of foreign trade for the Illinois Agricultural Association, Bloomington; John P. Doherty, vice president of operations for Illinois Grain Corporation, an I. A. A. marketing affiliate; Prof. Richard Feltner, head of the University of Illinois department of agricultural economics; George Bicknell, executive vice president of Farmers' Export Co., Kansas City, Mo.; Ken Hartweg of Funk Seeds International, Inc., Bloomington; Jim Stewart, De Kalb, Inc., Statesville, N.C., poultry division of De Kalb Ag Research, Inc., De Kalb, Ill.; James F. Seeley, assistant to Ogilvie in the state's Washington office; Robert Osborn, export officer in the Illinois trade office in Brussells, Belgium; and James C. Tippett, I. A. A. news service director.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1972

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

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

HOUSE OF REPRESENTATIVES—*Monday, September 25, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Jesus said:

I am the light of the world; he that followeth me shall not walk in darkness, but shall have the light of life.—John 8: 12.

O God, our Father, in whose spirit we live and move and have our being, we thank Thee for the arrival of a new day and for the awakening of mind that comes to us as we respond to the summons to be truehearted and wholehearted, faithful and loyal in our service to our country.

By the power of Thy spirit permeating our personalities help us to conquer all pettiness, all bitterness, all unworthy desires, and all unkind attitudes. Strengthen us to put first that which is first—Thy kingdom of justice, truth, and love. From the summit of this high endeavor, may we enter more fully into the life of our Nation and our world.

Lead us, our Father, in the paths of peace;
Without Thy guiding hand we go astray,
And doubts appall and sorrows still increase;
Lead us through Christ, the true and living way.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 9032. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Havasupai Tribe of Indians in Indian Claims Commission docket No. 91, and for other purposes;

H.R. 9135. An act to amend the act of August 19, 1964, to remove the limitation on the maximum number of members of the board of trustees of the Pacific Tropical Botanical Garden;

H.R. 10486. An act to make the basic pay of the master chief petty officer of the Coast Guard comparable to the basic pay of the senior enlisted advisers of the other armed forces, and for other purposes;

H.R. 13697. An act to amend the provisions of title 14, United States Code, relating to the flag officer structure of the Coast Guard, and for other purposes; and

H.J. Res. 807. Joint resolution authorizing the President to proclaim the second full week in October of 1972 as "National Legal Secretaries' Court Observance Week."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H.R. 14424. An act to amend the Public Health Service Act to provide for the establishment of a National Institute of Aging, and for other purposes;

H.R. 14891. An act to amend title 14, United States Code, to authorize involuntary active duty for Coast Guard reservists for emergency augmentation of regular forces; and

H.J. Res. 1263. Joint resolution authorizing the President to proclaim October 30, 1972, as "National Sokol U.S.A. Day."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3337) entitled "An act to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6797) entitled "An act to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets Nos. 316, 316–A, 317, 145, 193, and 318."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7742) entitled "An act to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket No. 332–A, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8694) entitled "An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets Nos. 22–E and 22–F, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10243) entitled "An act to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10858) entitled "An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes."

The message also announced that the Senate had passed bills and joint and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 164. An act to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to public museums;

S. 244. An act to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus personal property to State fish and wildlife and outdoor recreation agencies;

S. 555. An act to authorize the establishment of an older worker community service program;

S. 718. An act to create a catalog of Federal assistance programs, and for other purposes;