H.R. 6993. May 14, 1975. Ways and Means. Amends the Social Security Act as it relates to Aid to Families with Dependent Children by (1) revising the procedure for adjusting the amount of grants; (3) authorizing Federal financial participation in the investigation and prosecution of fraud conducted by State agencies; (4) requiring States to provide evidentiary hearings; and (5) imposing criminal sanctions for misuse of grants by recipients.

H.R. 6994. May 14, 1975. Agriculture. Authorizes the Secretary of Agriculture to accept, receive, hold, utilize, and administer on behalf of the United States gifts, bequests, or devises of real and personal property made unconditionally for the benefit of the National Arboretum.

H.R. 6995. May 14, 1975. Judiciary. Subjects matters relating to Federal property, loans, grants, benefits and contracts to existing Federal agency rulemaking procedures.

Grants Federal agencies the power to issue subpenas related to administrative hearings.

Directs Federal agencies to pay the costs incurred by certain persons as a result of participating in agency proceedings, under specific circumstances.

Limits the scope of the defense of sovereign immunity in court actions to which a Federal agency or employee is a party.

Establishes procedures for the enforcement of standards for grants administered by Federal agencies.

H.R. 6996. May 14, 1975. International Relations. Amends the Mutual Security Act of 1954 to require review by the House of Representatives and the Committee on Foreign Relations of the Senate, of all approved applications for licenses to export arms, ammunition, or implements of war, before such licenses may be issued except when the President states that an emergency exists which requires the granting of such license in the interests of national security.

H.R. 6997. May 14, 1975. International Relations; Rules. Amends the Foreign Military Sales Act by setting forth a revised procedure for Congressional approval of foreign military sales proposed by the President.

H.R. 6998. May 14, 1975. Agriculture. Prohibits the importation of honeybees into the United States except by the United States Department of Agriculture or from countries determined by the Secretary of Agriculture to be free of disease and parasites injurious to honeybees and to have adequate precautions to prevent the importation of honeybees from other countries where harmful diseases or parasites of honeybees exist.

H.R. 6999. May 14, 1975. Veterans' Affairs. Extends the entitlement of veterans to educational assistance from thirty-six months to forty-five months.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3474

By Mr. RICHMOND:

Page 19, line 20, strike the figure "$144,700,000" and insert in lieu thereof the figure "$188,900,000".

H.R. 6799

By Ms. HOLTZMAN:

Page 17, line 13, strike out "request" and insert in lieu thereof "motion".

SENATE—*Friday, June 13, 1975*

(Legislative day of Friday, June 6, 1975)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by Hon. JOHN C. CULVER, a Senator from the State of Iowa.

PRAYER

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

God of our fathers and our God who has made and preserved us a nation, we thank Thee for the flag and all that it symbolizes in heritage and heroism. We thank Thee for all who have followed it in paths of service and deeds of greatness. Enfold us in its protective warmth and as it is unfurled send us forth to a life of service to others. Invest the flag with fresh beauty and new meaning that it may be to all mankind a banner of freedom, compassion, helpfulness, and love. Rally all the people in loyalty to the ensign of the Republic, and grant that in daily life and national action we may ever witness to "one nation under God."

In Thy holy name we pray. 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 13, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JOHN C. CULVER, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, June 12, 1975, be approved.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today until the hour of 11 o'clock.

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

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 183, 185, and 187.

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

JAPAN-UNITED STATES FRIENDSHIP ACT

The Senate proceeded to consider the bill (S. 824) to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes, which had been reported from the Committee on Foreign Relations with amendments as follows:

On page 4, in line 8, strike out "1975" and insert "1976";

On page 4, beginning on line 16, insert the following:

(e)(1) There is authorized to be appropriated to the Fund, for fiscal year 1976, in addition to the amount authorized to be appropriated by subsection (d) of this section, those funds available in United States accounts in Japan and transferred by the Government of Japan to the United States pursuant to the United States request made under article V of the agreement between the United States of America and Japan regarding the settlement of Postwar Economic Assistance to Japan, signed in Tokyo, January 9, 1962, and the exchange of notes of the same date (13 U.S.T.; T.I.A.S. 5154) (the G.A.R.I.O.A. Account), including interest accruing to the G.A.R.I.O.A. Account.

(2) The amount authorized to be appropriated by paragraph (1) of this subsection shall not include any amount required by law to be applied to United States participation in the International Ocean Exposition to be held in Okinawa, Japan.

(3) Any unappropriated portion of the amount authorized to be appropriated by subsection (d) of this section and paragraph (1) of this subsection for fiscal year 1976 may be appropriated in any subsequent fiscal year.

On page 8, in line 15, strike out "for" and insert "to carry out";

On page 8, in line 17, following the semicolon, insert the following:

except that any amounts expended from amounts appropriated to the Fund under section 3(e)(1) of this Act shall be expended in Japan;

So as to make the bill read:

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

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that—

(1) the evolution of the relationship between Japan and the United States from wartime bitterness to peacetime friendship and partnership is one of the most significant developments of the postwar period;

(2) the agreement between Japan and the United States of America concerning the Ryukyu Islands and the Daito Islands, signed at Washington and Tokyo on June 19, 1970, is a major achievement and symbol of the new relationship between the United States and Japan; and

(3) the continuation of close United States-Japan friendship and cooperation will make a vital contribution to the prospects for peace, prosperity, and security in Asia and the world.

(b) It is therefore the purpose of this Act to provide for the use of an amount equal to a part of the sums to be paid by Japan to the United States in connection with the reversion of Okinawa to Japanese administration to aid education and culture at the highest level in order to enhance reciprocal people-to-people understanding and to support the close friendship and mutuality of interests between the United States and Japan.

ESTABLISHMENT OF THE FUND; EXPENDITURES

SEC. 3. (a) There is established in the Treasury of the United States a trust fund to be known as the Japan-United States Friendship Trust Fund (hereafter referred to as the "Fund").

(b) Amounts in the Fund shall be used for the promotion of scholarly, cultural, and artistic activities between Japan and the United States, including—

(1) support for studies, including language studies, in institutions of higher education or scholarly research in Japan and the United States, designed to foster mutual understanding between Japan and the United States;

(2) support for major collections of Japanese books and libraries at United States colleges and universities located throughout the United States;

(3) support for programs in the arts in association with institutions of higher education in Japan and the United States;

(4) support for fellowships and scholarships at the undergraduate, graduate, and faculty levels in Japan and the United States in accord with the purposes of this Act;

(5) support for visiting professors and lecturers at colleges and universities in Japan and the United States; and

(6) support for other Japan-United States exchanges consistent with the purposes of this Act.

(c) Amounts in the Fund may also be used to pay administrative expenses of the Japan-United States Friendship Commission, established by section 4 of this Act, as directed by that Commission.

(d) There is authorized to be appropriated to the Fund, for fiscal year 1976, an amount equal to 10 per centum of the funds paid to the United States pursuant to the Agreement Between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands, signed at Washington and Tokyo, June 19, 1970. Any unappropriated portion of the amount authorized to be appropriated for such fiscal year may be appropriated in any subsequent fiscal year.

(e)(1) There is authorized to be appropriated to the Fund, for fiscal year 1976, in addition to the amount authorized to be appropriated by subsection (d) of this section, those funds available in United States accounts in Japan and transferred by the Government of Japan to the United States pursuant to the United States request made under article V of the agreement between the United States of America and Japan regarding the settlement of Postwar Economic Assistance to Japan, signed in Tokyo, January 9, 1962, and the exchange of notes of the same date (13 U.S.T.; T.I.A.S. 5154) (the G.A.R.I.O.A. Account), including interest accruing to the G.A.R.I.O.A. Account.

(2) The amount authorized to be appropriated by paragraph (1) of this subsection shall not include any amount required by law to be applied to United States participation in the International Ocean Exposition to be held in Okinawa, Japan.

(3) Any unappropriated portion of the amount authorized to be appropriated by subsection (d) of this section and paragraph (1) of this subsection for fiscal year 1976 may be appropriated in any subsequent fiscal year.

THE JAPAN-UNITED STATES FRIENDSHIP COMMISSION

SEC. 4. (a) There is established a commission to be known as the Japan-United States Friendship Commission (hereafter referred to as the "Commission"). The Commission shall be composed of—

(1) the Secretary of State;

(2) the Secretary of Health, Education, and Welfare;

(3) six members appointed by the President from among individuals who are (A) conversant with Japan-United States relations; (B) expert in the field of education, the arts, or the humanities; or (C) representative of the general public;

(4) the Chairman of the National Endowment for the Arts, who shall have no vote; and

(5) the Chairman of the National Endowment for the Humanities, who shall have no vote.

(b) The term of office of each of the six public members of the Commission appointed under clause (3) of subsection (a) of this section shall be three years, except that (1) such members first appointed shall serve as designated by the President, two for terms of three years, two for terms of two years, and two for terms of one year, and (2) any member appointed under such clause to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

(c) Members of the Commission who are not regular, full-time employees of the United States shall, while serving on business of the Commission, be entitled to receive compensation at rates fixed by the President, but not exceeding the rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(d) The President shall appoint the Chairman of the Commission. A majority of the members of the Commission shall constitute a quorum. The Commission shall meet at least twice in each year.

FUNCTIONS OF THE COMMISSION

SEC. 5. The Commission is authorized to—

(1) develop and carry out programs of public or private institutions for the promotion of scholarly, cultural, and artistic activities in Japan and the United States consistent with the provisions of section 3(b) of this Act;

(2) make grants to carry out such programs; and

(3) submit to the President and to the Congress an annual report of its activities under this Act together with such recommendations as the Commission determines appropriate.

ADMINISTRATIVE PROVISIONS

SEC. 6. In order to carry out its functions under this Act, the Commission is authorized to—

(1) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of this Act; and to use, sell, or otherwise dispose of such property (including transfer to the Fund) for the purpose of carrying out the purposes of this Act, and any such donation shall be exempt from any Federal income, State, or gift tax;

(3) in the discretion of the Commission, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the Commission with a condition or restriction, including a condition that the Commission use other funds of the Commission for the purposes of the gift, and any such donation shall be exempt from any Federal income, State, or gift tax;

(4) direct the Secretary of the Treasury to make expenditure of the income of the Fund and not to exceed 5 per centum of the annual principal of the Fund to carry out the purposes of this Act, including the payment of Commission expenses if needed; except that any amounts expended from amounts appropriated to the Fund under section 3(e)(1) of this Act shall be expended in Japan;

(5) appoint an Executive Director, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, who shall be compensated at the rate provided for a GS–18 of the General Schedule of such title;

(6) appoint and fix compensation of such additional personnel as may be necessary to carry out the provisions of this Act;

(7) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed the rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code;

(8) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code.

(9) enter into contracts, grants, or other arrangements, or modifications thereof to carry out the provisions of this Act, or any other provisions of law relating to competitive bidding; and

(10) make advances, progress, and other payments which the Commission deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529).

MANAGEMENT OF THE FUND

SEC. 7. (a) The Fund shall consist of—

(1) amounts appropriated under section 3(d) of this Act;

(2) any other amounts received by the Fund by way of gifts and donations; and

(3) interest and proceeds credited to it under subsection (b) of this section.

(b) It shall be the duty of the Secretary of the Treasury (hereafter referred to as the "Secretary") to invest such portion of the Fund as is not, in the judgment of the Commission, required to meet current withdrawals. Such investment may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purposes, the obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States issued during the preceding two years then forming part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(c) Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary at

the market price, and such special obligations may be redeemed at par plus accrued interest.

(d) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(e) In accordance with section 6(4) of this Act, the Secretary shall pay out of the Fund such amounts, including expenses of the Commission, as the Commission considers necessary to carry out the provisions of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

JOINT COMMITTEE ON ARRANGEMENTS FOR BICENTENNIAL

The concurrent resolution (S. Con. Res. 44) to provide for the appointment of a Joint Committee on Arrangements for the Commemoration of the Bicentennial of the United States of America, was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

Whereas the Congress has represented the people of the United States since the First Continental Congress met in Carpenter's Hall in Philadelphia from September 5 to October 26, 1774; and

Whereas the actions of the First Continental Congress united the Thirteen Colonies in seeking redress of the grievances against the Parliament and the King of England which led to the Declaration of Independence and guided the new Nation through the American War for Independence; and

Whereas the Congress has continually since the First Continental Congress represented the sovereign rights of the people in exercising their responsibility of self-government; and

Whereas the proper and appropriate commemoration of the Nation's Bicentennial should include recognition of the historic role of the Congress and its participation in the commemoration: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress should play a significant and substantive role in honoring the Nation's two hundredth anniversary and in assisting the American Revolution Bicentennial Administration.

SEC. 2. (a) There is hereby established a joint congressional committee to be known as the Joint Committee on Arrangements for the Commemoration of the Bicentennial of the United States of America (hereinafter referred to as the "joint committee").

(b) The joint committee shall be composed of the majority and minority leaders of the House of Representatives and of the Senate and the Members of Congress who are members of the American Revolution Bicentennial Board.

(c) The joint committee shall select a chairman from among its members. Five members of the joint committee shall constitute a quorum. Any vacancy in the membership of the joint committee shall not affect its authority and shall be filled in the same manner in which the original appointment was made.

(d) For purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member of the joint committee, or as chairman of the joint committee, shall not be taken into account.

SEC. 3. The joint committee shall—

(1) coordinate the planning and implementation of Bicentennial activities and events of the Congress with the activities and events of other governmental and nongovernmental groups;

(2) consult with the Speaker of the House of Representatives and the President of the Senate to provide for representation of the Congress at appropriate Bicentennial ceremonies and events; and

(3) develop and implement programs to inform and emphasize to the Nation the role of the Congress, as the representative of the people, from its historic beginnings in pre-revolution days through two hundred years of growth, challenge, and change.

SEC. 4. The joint committee may—

(1) appoint such staff as may be necessary;

(2) adopt rules representing its organization and procedures;

(3) sit and act at such times or places as it shall deem appropriate;

(4) procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under subsection (i) of section 202 of the Legislative Reorganization Act of 1946;

(5) hold hearings;

(6) procure printing and binding; and

(7) with the prior consent of the agency concerned, use on a reimbursable basis the services of personnel, information, and facilities of any such agency.

SEC. 5. The expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee.

LISTER HILL SCHOLARSHIP ACT

The bill (S. 1191) to amend the Public Health Service Act to provide for additional medical scholarships to be known as Lister Hill Scholarships, was announced as next in order.

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

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress finds that—

(1) an essential element in maintaining the health of the people of the United States is the continued assurance of trained health manpower, capable of delivering the highest quality of health care;

(2) despite the fact that the health care system in the United States is in general the finest system in the world, quality health care is not always available to those persons residing in depressed urban areas or rural areas;

(3) quality health care is a right of citizens regardless of the area in which they reside, and that the delivery of such quality health care was always an objective of Lister Hill during his service to the people of his State and the Nation in the Congress of the United States.

(b) It is the purpose of this Act to assist in securing quality care for all citizens, through the establishment of a medical scholarship program.

LISTER HILL SCHOLARSHIP PROGRAM

SEC. 3. Subpart III of part F of title VII of the Public Health Service Act is amended by adding at the end thereof the following new section:

"LISTER HILL SCHOLARSHIP PROGRAM

"SEC. 789A. (a) In addition to the scholarship grants made by the Secretary under the preceding sections of this subpart the Secretary shall make grants to ten individuals (to be known as Lister Hill Scholars) in accordance with the provisions of this subpart, who agree to enter into the family practice of medicine in areas described in subsection (a) of section 784. Grants made under this section shall be made from funds appropriated under subsection (b).

"(b) There are authorized to be appropriated to carry out the purposes of this section $60,000 for the fiscal year ending June 30, 1975, $120,000 for the fiscal year ending June 30, 1976, $180,000 for the fiscal year ending June 30, 1977, and $240,000 for the fiscal year ending June 30, 1978. For the fiscal year ending June 30, 1979, and for each succeeding fiscal year, there are authorized to be appropriated such sums as may be necessary to continue to make such grants to students who (prior to July 1, 1978) have received such a grant under this part during such succeeding fiscal year.".

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REMARKS OF SENATOR MANSFIELD BEFORE THE SENATE DEMOCRATIC CONFERENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a statement I made before the Senate Democratic Conference on Thursday, June 12, 1975, be printed in the RECORD.

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

STATEMENT OF SENATOR MIKE MANSFIELD BEFORE THE SENATE DEMOCRATIC CONFERENCE

The leadership would like to pick up from where we left off at last week's conference. At that time, we went somewhat far afield from what originally was intended. It is to be hoped, for the sake of clarity that we can now return to and dispose of the three-point agenda which was laid down at the outset of the last meeting.

The first item is a Ribicoff resolution which was pending but almost overlooked in the lengthy discussion which occurred on other matters last week. The resolution would authorize the leadership to consider with the minority leadership and the Rules Committee the possibility either by modifying an existing committee or starting from scratch, establishing a Senate committee in which could be concentrated jurisdiction over matters pertaining to energy. As I pointed out last week, there are, literally, dozens of congressional committees and subcommittees claiming some share of authority over this field.

The Ribicoff resolution was an accurate interpretation of a proposal which the leadership set forth in an opening statement at the previous meeting. It was suggested that the Senate, if not the Congress as a whole, should seek a more expeditious, direct and coordinated way of dealing in the years ahead with the energy question. The proposal asked that an effort be made to provide a better focus and a central point of action in the Senate and Congress for handling what is likely to be a long-range critical national problem.

This proposal has nothing to do with how energy questions are going to be dealt with during the current session. Insofar as I am concerned, any way that these questions can be moved expeditiously is more than welcome. The Pas-

tore committee met with the appropriate chairman and will report later this morning. Procedural changes looking toward future consolidation of committee jurisdiction over energy are another matter. If they are to be made at all, they are not likely to see the light of day much before the opening of the next Congress. What we do with immediate needs in the energy field, to repeat, is not at issue. Rather, what the leadership would like to do is to look toward the future. I would request most urgently, therefore, for the sake of orderly procedure, that comment or proposals in connection with the current legislative situation on energy be restrained until after the three-point agenda proposed by the leadership last week is disposed of by the conference.

In addition, I would point out that the Ribicoff resolution does not supersede the Stevenson proposal for a special committee on Senate committee jurisdiction. That is also another proposal which is related to a much broader problem and one which incidentally, personally, I have endorsed. To repeat, however, it is not the issue set forth in the Ribicoff resolution which is pending. All the Ribicoff resolution does is to authorize and give the support of the conference to the Democratic leadership in exploring with the minority leadership and the Rules Committee the question of concentrating jurisdiction over energy questions in a single Senate committee.

So it would be appreciated if the conference would address its attention to that question and, then, proceed as quickly as possible to a vote on the Ribicoff resolution. If Members wish to offer other approaches to this or any other matter, I would ask them to forbear until the leadership's proposal is disposed of one way or the other.

The second item on the regular agenda is a suggestion which originated with Senator CULVER and other Senators of the last two classes. The proposal is to establish a so-called "Blue Ribbon Commission" of distinguished Americans on internal Senate support services and procedures. It is an interesting approach to perennial housekeeping problems and one which I will ask Senator CULVER, in due course, to set forth in detail. Finally, the third point carried over from last week's agenda is a proposal advanced by several Senators of recent classes and of both parties having to do with floor scheduling and voting. The majority whip, Senator BYRD, will handle that matter for the Chair. When it is out of the way, then the leadership will entertain a discussion of whatever else may be on the minds of the members of the conference.

I should also like to add this comment before closing: The time which is available for these party conferences is, as Members know, very limited in view of regular Senate urgencies. May I ask most respectifully, therefore, that Members be as brief as possible in discussion and avoid excessive holding of the floor. Unless we proceed with some restraint, I am concerned lest these highly useful and unifying meetings begin to lose their effectiveness.

SENATE RESOLUTION 181—SUBMISSION OF A RESOLUTION ELECTING A SENATOR TO SELECT COMMITTEE ON SMALL BUSINESS

Mr. HUGH SCOTT. Mr. President, I submit a letter of resignation from membership on the Select Committee on Small Business from Senator WILLIAM V. ROTH, and ask unanimous consent that it be printed in the RECORD.

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

Mr. WILLIAM F. HILDENBRAND,
Secretary for the Minority,
U.S. Senate, Washington, D.C.

DEAR BILL: I would appreciate it very much if you would arrange for my formal resignation from the Select Committee on Small Business, effective immediately.

Your assistance in this matter will be greatly appreciated.

Sincerely,

WILLIAM V. ROTH, Jr.,
U.S. Senate.

Mr. HUGH SCOTT. Mr. President, I send to the desk a resolution and ask for the immediate consideration of the resolution.

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

The second assistant legislative clerk read as follows:

A resolution (S. Res. 181) electing a Senator to Select Committee on Small Business.

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

There being no objection, the Senate proceeded to consider the resolution.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 181) was agreed to.

The resolution reads as follows:

S. RES. 181

Resolved, That Mr. Bob Packwood of Oregon be, and he is hereby assigned to service on the Select Committee on Small Business to fill a vacancy on that Committee.

BETSY ROSS AND THE AMERICAN FLAG

Mr. HUGH SCOTT. Mr. President, the Chaplain made reference to our flag. I had this fugitive thought about it: I wonder what would happen if, under our presently structured society, Betsy Ross tried to design a flag for the United States. It seems to me that she would have to submit over a 7-year period the plans, diagrams, and exclusion of other patents to the Patents and Copyrights Office. It seems that advice of counsel would be required.

I would think that before Betsy could work she would have to provide for a standardization of materials, and the Bureau of Standards would be called in.

I would think there would be a close inspection of the materials used as to whether they were flammable or not. We would be involved under the Flammable Fabrics Act. I am glad to say the flag did prove to be flammable in a glorious way.

I would think, too, that Betsy Ross would have her problems with labor and management, and there would be the problem of collective bargaining.

Since it was a Federal project, we would have to include the Davis-Bacon Act.

Then I suppose Betsy would have to have some reaffirmation of her authority from time to time from John Hancock, or whoever happened to be presiding over the body.

Then there would have to be an approval by various agencies, some 15 or 20, perhaps.

Then I should think somewhere in the neighborhood of 15 to 20 years after Betsy started her project we would have a flag.

In any event, I am glad that there was a time when things were simpler, when the matter of creating the flag of the United States simply involved somebody saying to Betsy, "You are a pretty good seamstress. Get together some old fabrics from the back room, include the stars and the blue and the white and the red in the form we told you to, and get that thing ready for hoisting up to full staff by next week."

I am not sure that the good old days were all that good, but I am sure that if we were trying to do the same thing today we would be involved in an enormous bureaucratic tangle.

That is why I have in mind it is a good thing that the President has asked us, the distinguished majority leader and myself, to designate a task force of 10 Senators to look into the means of expediting the work of the 10 major regulatory agencies in the interest of advancing Project Independence so that we may be able to do more about the energy problem. Energy, too, is a far more complicated thing than Betsy Ross pushing a needle through some cherished fabric.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from North Carolina (Mr. MORGAN) is recognized for not to exceed 15 minutes.

VIETNAMESE REFUGEE CAMP VISIT

Mr. MORGAN. Mr. President, on Wednesday of this week I was fortunate enough to visit the Vietnamese Refugee Center at Eglin Air Force Base in Florida.

I took it upon myself to make this trip after reading the press reports of the Subcommittee on Refugees, which indicated some rather disturbing facts.

The impressions that I received from my visit to Eglin Wednesday compel me to share some of my thoughts with my colleagues and with the people of the country.

Mr. President, the Refugee Center at Eglin Air Force Base is currently the home of about 5,000 refugees flown to the United States during the evacuation

of South Vietnam. The camp is supervised by U.S. military and State Department officials who have been charged with the movement and initial care of these people. Judging from this one visit, I feel that the United States can be proud of the job these officials have done in receiving the refugees and in providing food, shelter, and needed health care.

The people of the State of Florida should also be commended for their compassionate acceptance of the refugees. Floridians are doing an excellent job of beginning to teach the refugees our language and generally helping them to feel more comfortable in a strange new land.

On my trip I was able to visit the tents and speak with many of the refugees personally. They have been divided into councils and have elected their own leaders to assist the American officials in overseeing the operation. The refugees in the camp are predominately skilled and semiskilled professional workers, living in family units. One of the refugee council leaders with whom I spoke, a colonel in the Vietnamese army, told me there had been no trouble whatsoever with any of the refugees and that they are all looking forward to placement in this country.

I so spoke with the American officials, who told me that during the entire month, in which they had had a continuous flow of refugees, with a constant population of about 5,000, they had not had a single incident of any trouble.

The council leader told me that only 38 of all the refugees who have been through that camp desire to return to their native land. Those 38 are basically young airmen who flew out of South Vietnam with the planes that were evacuated at the last moment, and feel that they were low enough down on the ladder that they would not be bothered if they returned to their families in their native land. A United Nations official was expected, during the day, to confer with those 38 individuals.

Mr. President, the refugees at Eglin Air Force Base appear to me to be ones who could be productive and useful members of our society; 695 refugees were located in one section of the camp which I visited. Out of this number, 10 were medical personnel—doctors, dentists, and medical technicians, 30 were administrative and supervisory personnel. There were 13 former policemen, 18 tailors, 23 merchants, 10 lawyers, 21 teachers, including 6 Ph. D's, 84 pilots, trained by the United States, 70 mechanics, and 45 farmers, fisherman, and laborers; and, Mr. President, this number represents only the heads of families.

I know that in North Carolina there are entire counties without a single doctor. Would it not be advantageous for such areas to seek out these trained and competent people and offer them a home?

In the first month's operation alone, over 24,000 refugees have been placed in homes all over our land. Those people, however, account for only about 20 percent of the refugees located in the four camps in the United States. There is much to be done.

Mr. President, I would like to impress on the leaders of our Nation that America can greatly benefit from the talents of these refugees. I ask them to impress this on the local chamber of commerce organizations, Rotary Clubs, churches, community and civic organizations, who in serving to find homes and jobs for these people, will accomplish a great service for their communities.

I might say to the Senator from Alabama (Mr. ALLEN), who is present in the Chamber, that the people of his State have been most cooperative and most helpful in this endeavor. As a matter of fact there was a team from Alabama on that particular day to entertain during evening hours.

During my trip I was fortunate enough to be paired or have my position spoken on the floor. While I had to miss some important votes, I felt that this was a matter which needed my attention. The trip certainly instilled in me a new vision of the refugee situation. I only wish more of my colleagues could arrange such a trip and gain a deeper understanding of the situation.

The United States can be proud of the compassion we have shown historically in assimilating refugees into this country. I would like to encourage every community, big and small, to join in this humanitarian effort.

Mr. President, I have here lists of all of the movements by numbers of refugees that have been brought into each of the four U.S. Refugee Centers as of June 10, and the number of refugees that have been located in each State. To the end that each Senator may know how many his State has placed, I ask unanimous consent that the lists be printed in the RECORD following my remarks.

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

REFUGEE POPULATION MOVEMENT REPORT AS OF COB JUNE 10, 1975

	Eglin	Pendleton	Chaffee	Indiantown	Total
A. Departed last 24 hr	135	369	403	17	924
B. Total departed to date	2,416	15,253	6,322	119	24,110
C. Expected departures next 24 hr	100	350	250	UNK	700
D. Arrivals last 24 hr	236	1,130	0	508	1,874
F. Expected arrivals next 24 hr	165	421	344	437	1,367
F. Current camp population	4,418	17,449	22,894	14,758	59,519

G. Elgin departures last 24 hours by voluntary agency:

CWS	22
USCC	53
IRC	5
CAMA	2
HIAS	25
LIRS	3

H. Cummulative number of refugees departed from all four camps:

To U.S. locations:	
Alabama	168
Alaska	27
Arizona	273
Arkansas	202
California	6,951
Colorado	292
Connecticut	125
Delaware	19
District of Columbia	744
Florida	1,645
Georgia	329
Hawaii	319
Idaho	22
Illinois	405
Indiana	202
Iowa	72
Kansas	269
Kentucky	147
Louisiana	373
Maine	30
Montana	9
Nebraska	179
Nevada	90
New Hampshire	8
New Jersey	256
New Mexico	92
New York	743
North Carolina	258
North Dakota	33
Ohio	361
Oklahoma	375
Oregon	431
Pennsylvania	480
Rhode Island	28
South Carolina	108
South Dakota	4
Tennessee	107
Texas	1,408
Utah	99
Vermont	6
Maryland	573
Massachusetts	204
Michigan	199
Minnesota	262
Mississippi	39
Missouri	255
Virginia	771
Washington	816
West Virginia	28
Wisconsin	127
Wyoming	12
Grand total to U.S. locations to date	22,660
Grand total to other countries to date	1,450

I. Total number of refugees remaining in Pacific Command (Guam, Wake, etc.) 47,371.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes each.

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

SENATE RESOLUTION 180—TO AMEND SENATE RULE XIX

Mr. ALLEN. Mr. President, on yesterday, in compliance with rule XL, I submitted a notice in writing that on today I would submit a resolution seeking to amend rule XIX.

Rule XIX is the rule containing eight paragraphs having to do with the conduct of Senate debate. This resolution, which I shall submit at the close of my remarks, would add paragraphs 9 and 10.

Mr. President, when I came to the U.S. Senate about 6½ years ago, one of the practices that surprised me most about

the operation of the U.S. Senate was the practice of seeing Senators read their speeches and make their speeches from prepared texts. Having served in the Alabama House of Representatives and Senate, where that practice did not obtain, I was somewhat surprised.

The purpose of the amendment contained in this resolution is two-fold. One, in effect, is to provide that Senators may not speak from prepared scripts or from prepared written, typed, or printed remarks; and the second, that Senators may not make use, here in the Chamber, of advice and assistance from legislative assistants on their own staffs, or committee assistants.

We have all seen Senators engaging in debate having two or three or more assistants to advise them from time to time as to what is going on, what amendments provide, and what arguments to make. I am reminded somewhat of the occasion when two nationally known comedians who were very close friends were engaging in some jibes and rejoinders with each other; and when one of the comedians made a particularly telling sarcastic remark to his friend, the other comedian said, "Why, you would not have said that if I had had my gag writer here."

So we sometimes feel that some of the Senators are leaning too heavily on the advice of staff, as we conduct debate here in the Senate Chamber.

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

Mr. ROBERT C. BYRD was recognized.

Mr. ROBERT C. BYRD. Mr. President, I yield my time to the Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from West Virginia.

Mr. President, to give the exact wording of this resolution, section 9 would provide that:

In speaking on the floor of the Senate no Senator shall speak from a prepared script or from prepared written, printed or typed remarks, nor may he insert in the Congressional Record any prepared remarks to be shown as delivered by him on the floor.

Paragraph 10 would read:

No Senator may, in the Senate chamber, make use of any legislative assistant or other person on his staff or on the staff of any committee on which he serves, for advice, information or other assistance, in the performance of his duties.

Mr. President, this would make the Senate a Senate of equals as we engage in debate, and I believe it would revolutionize the procedure here in the U.S. Senate.

I believe it is a constructive amendment to the rules.

I am not going to seek to circumvent the committee. I do want the resolution referred to committee.

I have been promised hearings on the resolution by the distinguished chairman of the subcommittee (Mr. ROBERT C. BYRD), who is chairman of the Subcommittee on Revision of the Rules, and I am sure that full hearings will be held.

So, Mr. President, I submit for appropriate reference the resolution seeking to amend rule XIX.

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

Mr. ALLEN's resolution (S. Res. 180) is as follows:

That Rule XIX is amended by adding at the end thereof the following new paragraphs.

"9. In speaking on the floor of the Senate no Senator shall speak from a prepared script or from prepared written, printed or typed remarks, nor may he insert in the Congressional Record any prepared remarks to be shown as delivered by him on the floor.

"10. No Senator may, in the Senate chamber, make use of any legislative assistant or other person on his staff or on the staff of any committee on which he serves, for advice, information or other assistance, in the performance of his duties."

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I yield back my time.

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE

At 10:33 a.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4035) to provide for more effective congressional review of proposals to exempt petroleum products from the Emergency Petroleum Allocation Act of 1973 and certain proposed administrative actions which permit increases in the price of domestic crude oil; and to provide for an interim extension of certain expiring energy authorities; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. STAGGERS, Mr. DINGELL, Mr. WIRTH, Mr. SHARP, Mr. BRODHEAD, Mr. BROWN of Ohio, and Mr. MOORHEAD of California were appointed managers of the conference on the part of the House.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOLE, from the Committee on Agriculture and Forestry, with amendments:

S. 18. A bill to amend the act of August 31, 1922, to prevent the introduction and spread of diseases and parasites harmful to honeybees, and for other purposes (Rept. No. 94–193).

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. WILLIAMS (for himself and Mr. SCHWEIKER):

S. 1939. A bill to amend the Railroad Unemployment Insurance Act to increase unemployment and sickness benefits, to raise the contribution base, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. TAFT:

S. 1940. A bill for the relief of Dr. Gustavo Sciovile. Referred to the Committee on the Judiciary.

By Mr. WEICKER (for himself and Mr. MAGNUSON):

S. 1941. A bill to increase the protection afforded animals in transit and to assure the humane treatment of animals, and for other purposes. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WILLIAMS (for himself and Mr. SCHWEIKER):

S. 1939. A bill to amend the Railroad Unemployment Insurance Act to increase unemployment and sickness benefits, to raise the contribution base, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. WILLIAMS. Mr. President, I am today introducing a bill which will alleviate the inequitable and insufficient unemployment benefits which now prevail for unemployed railroad workers.

Railroad employees are covered by their own unemployment insurance law. The level of benefits and contributions are determined by legislation. Every few years the railroad employee representatives and railroad employers have been required to come to Congress to adjust the level of benefits and contributions to reflect the change in circumstances that has occurred in the intervening years since the last change.

The last time the Congress acted in this area was 1968, 7 years ago. Since that time, dramatic changes have occurred which have had a significant impact on the level of benefits established in 1968. The cost of living has gone up nearly 50 percent. Railroad employee wages have gone up substantially. But perhaps most significantly, the number of unemployed railroad employees has jumped alarmingly to a point where there are now nearly 40,000 railroad employees on layoff. The depressed economy has magnified greatly the importance of the railroad unemployment system and correspondingly has exposed its weaknesses.

These factors dictate an immediate and substantial increase in the level of unemployment benefits available to the railroad employee. The various adjustments in the maximum benefits available to an unemployed rail worker over the years since the original law was enacted have averaged nearly 55 percent of the average wage paid to a railroad employee. The situation has deteriorated until today the maximum level of benefits represents only slightly more than 25 percent of the average weekly wage. There are very few State unemployment insurance plans where the corresponding percentage is this low. Approximately 99 percent of the unemployed railroad workers are receiving the maximum level of benefits now avaliable under this act.

The basic provisions of this bill provide for the restoration of unemployment benefits to 55 percent of the average daily railroad wage. In addition there is a provision for automatic escalation of benefits in each year to retain this 55 percent ratio in future years and thereby remove the necessity for constant periodic changes in the law.

It should be pointed out that under 28 State unemployment insurance laws, the maximum benefit payable is between 50 and 66 percent of the average weekly wage. And most of these States have established formulas to preserve the existing ratio between maximum benefits and average weekly wage.

On the other hand, under the current railroad unemployment insurance law, the unemployed railroad worker fares much worse than his counterpart covered under State unemployment insurance laws. In 47 States, benefits exceed the maximum payable under the railroad unemployment insurance law.

The proposal I am submitting today provides for certain other changes.

Sickness benefits provided in the railroad unemployment insurance law presently are payable to any individual who has been sick for 7 or more days during any 14-day period. The proposed legislation would reduce this waiting period to 4 days and thus would conform to the 4-day waiting period applicable for railroad unemployment benefits. It should be noted that railroad sickness benefits are lower than sickness benefits payable in the States which provide them.

Under current law, a rail employee must earn $1,000 in the previous year to qualify for benefits. However, present law limits the amount which can be counted in any single month toward meeting this requirement to $400. Thus the employee must work in excess of 2 full months in the base year to be eligible, regardless of how much he earns per month.

This bill would raise the amount of wages which can be counted in any month toward meeting the $1,000 eligibility requirement. It provides that an amount not to exceed one-twelfth of the wages which are subject to taxation under social security and railroad retirement can be counted toward meeting this requirement. This amount is presently $1,175 per month.

The formula for employer contributions to the unemployment account will be changed, in much the same manner as the change just described for compensation which can be counted toward meeting the $1,000 eligibility requirement.

Thus the employer will contribute each month a percentage of earnings, not to exceed one-twelfth of the earnings subject to taxation under social security and railroad retirement. Under present law only $400 per month is subject to employer contribution.

The rate of employer contribution on this new base is reduced since there is a substantial increase in the amount of compensation for which the employer is required to contribute. A sliding scale is established which would require a contribution of 3 percent of wages paid if the insurance account is less than 100 million; 2 percent if the account is between 100 million and 200 million and 1 percent if the account has more than 200 million.

This bill will also increase the maximum period for which benefits can be paid from 26 weeks to 39 weeks. In addition the number of months which a new employee must have worked in the base year to be eligible for benefits is reduced from 7 months to 2 months.

Other changes in the act include an increase from $3 per day to $10 per day in the amount an employee can earn in part-time work without losing his eligibility for benefits. The bill also permits an acceleration of the benefit year for employees with at least 5 years of service instead of the current requirement of 10 years service.

The need for a substantial revision in railroad unemployment insurance is apparent. Both in terms of traditional levels of unemployment benefits received by railroad workers and in terms of benefits now received by nonrailroad employees covered by State unemployment insurance laws, it is clear that railroad employees have the right to expect a major overhaul in benefit rates.

By Mr. WEICKER (for himself and Mr. MAGNUSON):

S. 1941. A bill to increase the protection afforded animals in transit and to assure the humane treatment of animals, and for other purposes. Referred to the Committee on Commerce.

ANIMAL WELFARE IMPROVEMENT ACT OF 1975

Mr. WEICKER. Mr. President, I am pleased to join today with the distinguished chairman of the Senate Committee on Commerce, Senator MAGNUSON, in introducing comprehensive legislation to assure the humane treatment of animals in transit.

This bill, the Animal Welfare Improvement Act of 1975, comprises needed amendments to the act of 1966, amended by the Animal Welfare Act of 1970, establishing Federal standards and enforcement of humane treatment of laboratory animals and pets.

I hardly need elaborate on the problems and tragedies involved in the transportation of animals by air. Three years ago, on a tour of air freight facilities at Washington's National Airport, I observed a number of animals stuffed in flimsy crates and afforded no better treatment than regular air freight. Apparently, the situation there has not improved since then, as witness a recent report on inhumane conditions of animal shipments through National and Dulles Airports—Washington Post, May 8, 1975, C1.

Ever since the 91st Congress, I have investigated alternatives for humane action in air commerce. In each succeeding Congress, I have introduced legislation to amend the Animal Welfare Act of 1970 to provide that all animal shipment regulations will be adhered to by the common carriers, now exempt in an inexplicable loophole. The most recent bill, S. 939, entitled "The Animal Air Transport Act," was introduced on January 16, 1973; similar legislation was sponsored in the House by Congressman WHITEHURST of Virginia.

On December 21, 1973, the House Committee on Government Operations held hearings on "Problems in Air Shipment of Animals"—House Report No. 93–746. That hearing record was replete with instances of inhumane handling of animals and pets in air transit. Following these important hearings. legislation known as the Animal Welfare Act Amendments of 1974, H.R. 15843, was introduced in the House by Congressman FOLEY on July 10, 1974, and similar legislation, S. 4046, was introduced in the Senate by the distinguished senior Senator from Washington, Chairman MAGNUSON, on September 30, 1974.

Now, in the 94th Congress, as a new member of the Senate Commerce Committee, I have joined forces with my honored chairman, Senator MAGNUSON, to develop this new legislation, which combines the substantative elements of both S. 399 and S. 4046 into a comprehensive animal welfare reform measure.

Our bill would not only bring airlines and terminal facilities under regulations of the Animal Welfare Act but also remove the partial exemptions extended to pet shops, the most active handlers and shippers of pets. Significantly, the act directs the Secretary of Agriculture to promulgate strict standards for the care of animals in transit, including standards for containers, feed, water, ventilation, temperature, and veterinary care.

Mr. President, I have urged now for many years, Congress must exercise legislative leadership to assure humane treatment of animals transported in air commerce. As the ranking minority member of the Environment Subcommittee of the Committee on Commerce, I pledge my utmost efforts to expedite committee action on the bill. I am hopeful that the 94th Congress will speedily enact this imperative animal welfare legislation.

Mr. President, I ask unanimous consent that the prepared remarks of Senator MAGNUSON and the text of the bill, the Animal Welfare Improvement Act of 1975, be printed in the RECORD.

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

INTRODUCTION OF ANIMAL WELFARE IMPROVEMENT ACT OF 1975

STATEMENT BY SENATOR MAGNUSON

Today I introduce, along with the distinguished Senator from the State of Connecticut and my colleague on the Senate Commerce Committee, Senator Lowell P. Weicker, the "Animal Welfare Improvement Act of 1975", legislation designed to provide increased protection for animals in transit.

The Animal Welfare Act of 1970, which the legislation I will introduce today amends, provides the Secretary of Agriculture with the authority to issue and enforce standards for the care and housing of animals in laboratories and other facilities through the regulation of animal dealers, exhibitors, and research facilities. That law, however, does not provide the Secretary with the authority to similarly regulate the common carriers and intermediate handlers, such as airlines, railroads, trucks, and other shipping lines, which transport the animals from dealers to laboratories, exhibitors or other facilities. Consequently, as many pet owners have discovered, travel can be unhealthy—and even fatal—for pets and other animals.

The hazards faced by animals in transit are numerous. During flight, for example, it is often impossible to insure adequate ventilation and temperature control in the cargo compartments where animals are carried. As a consequence, suffocation of animals can, and has, occurred. Animals are sometimes left on the runway in the hot sun or freezing rain for hours before being loaded onto a plane. Last year a shipment of experimental mice destined for NIH was literally roasted to death in this manner. Even after arriving safely at an airport, the perils of journey are not yet over for animals in transit. Since few such terminals have the personnel or other facilities needed to feed, water and exercise animals, overnight or longer delays in transporting the animals to their final destinations may mean that they go hungry or thirsty for that period of time. There have been cases here at Washington National Airport of animal deaths caused by starvation and dehydration as a result of such delays. Furthermore, animals which are sick or diseased, but which are nevertheless shipped, can spread their illnesses to other healthy animals being shipped at the same time.

The legislation that Senator Weicker and I will introduce today will help to improve conditions for animals in transit by closing the gap in present law and bringing intermediate handlers and common carriers under the purview of federal statutes and under the regulation of the Secretary of Agriculture. The legislation authorizes the Secretary to promulgate standards for the care of animals, including standards with respect to containers, feed, water, rest, ventilation, temperature, air pressure, handling, and veterinary care, by common carriers and intermediate handlers. The legislation would also permit the Secretary to prohibit the transport of animals under a certain age and to require the issuance of a health certificate by a licensed veterinarian prior to the shipment of an animal. To facilitate enforcement of the regulations issued, the Act requires all common carriers and intermediate handlers involved in animal transit to register with the Secretary and to keep such records as the Secretary may require with respect to the purchase, sale, transportation, identification and previous ownership of animals. Finally, the bill authorizes the Department of Transportation, the Civil Aeronautics Board, the Interstate Commerce Commission, and the Federal Maritime Commission to cooperate with the Secretary in the implementation and enforcement of the Act, and requires the Justice Department to prosecute all criminal violations of the Act.

The Animal Welfare Improvement Act of 1975 is important and much-needed legislation. In my view, this legislation will go a long way toward correcting the dangerous and inhumane conditions that are not always, but too often, encountered by animals in transit. The Senate Commerce Committee plans to hold hearings on this legislation during the late summer or early fall, and I look forward to its favorable consideration by the Senate before the conclusion of this session of Congress.

S. 1941

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Animal Welfare Improvement Act of 1975".

SEC. 2. The Act of August 24, 1966, as amended (7 U.S.C. 2131 et seq.) is amended by inserting before the first section thereof: "That this Act may be cited as the Animal Welfare Act".

SEC. 3. Section 1 of the Animal Welfare Act, as amended (7 U.S.C. 2131) is amended by inserting after "treatment of such animals by" and before "persons or organization" the term "common carriers or by".

SEC. 4. Section 2 of the Animal Welfare Act, as amended (7 U.S.C. 2132) is amended—

(1) by striking out subsections (c) and (d) thereof and inserting in lieu thereof the following:

"(c) The term 'commerce' means trade, traffic, transportation, communication, or exchange—

"(1) between a place in a State and any place outside of such State; or

"(2) which affects trade, traffic, transportation, communication, or exchange described in paragraph (1) of this subsection;

"(d) The term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States;";

(2) by amending subsection (e) thereof by striking out the term "affecting commerce" and inserting in lieu thereof "in commerce";

(3) by amending subsection (f) thereof (A) by striking out the term "affecting commerce" and inserting in lieu thereof "in commerce"; (B) by striking out "except as a common carrier,"; and (C) by striking out ", but such term excludes any pet store except such store which sells any animal to a research facility, an exhibitor, or a dealer," and inserting in lieu thereof ". The term does not include a hobby breeder of dogs or cats, as defined by the Secretary;";

(4) by amending subsection (g) thereof (A) by striking out "or as a pet; but such term excludes" and inserting in lieu thereof the following: "or as a pet. The term includes, solely with respect to any use in connection with a retail pet store or with a zoo, any live or dead bird. The term does not include"; and (B) by striking out "and" at the end thereof;

(5) by amending subsection (h) thereof by striking out ", which were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce," and inserting in lieu thereof "in commerce"; and

(6) by adding at the end thereof the follow two new subsections:

"(i) The term 'intermediate handler' means any person who is engaged in any business in commerce which involves in whole or in part, receiving or maintaining custody of animals in connection with their transportation in commerce, except that the term does not include a dealer, a research facility, an exhibitor, a hobby breeder of dogs or cats, an operator of an auction sale, a common carrier, a person exempted from the definition of 'research facility' by regulation, or a person excluded from the definition of 'exhibitor'; and

"(j) The term 'common carrier' means the owner or operator of any airline, railroad, shipping line, or other enterprise, which is engaged in, or authorized to engage in, the business of transporting any animals for hire or any person designated as such by the Secretary of Transportation, the Interstate Commerce Commission, the Civil Aeronautics Board, or the Federal Maritime Commission.".

SEC. 5. Section 3 of the Animal Welfare Act, as amended (7 U.S.C. 2133) is amended by inserting after "his facilities" and before "comply" in the first proviso thereof the following: ", including any terminal facilities used by such person,".

SEC. 6. Sections 4, 11, and 12 of the Animal Welfare Act, as amended (7 U.S.C. 2134, 2141, and 2142) are amended by striking out "affecting commerce" and inserting in lieu thereof "in commerce".

SEC. 8. Section 9 of the Animal Welfare Act, as amended (7 U.S.C. 2136) is amended by inserting after "research facility" and before "and every" the following: "every intermediate handler, every common carrier,".

SEC. 8 .Section 9 of the Animal Welfare Act, as amended (7 U.S.C. 2139) is amended by inserting after "dealer,", the first time the term appears, the following: "an intermediate handler, a common carrier", and the second time the term appears, the following: "intermediate handler, common carrier,".

SEC. 9. Section 10 of the Animal Welfare Act, as amended (7 U.S.C. 2140), is amended to read as follows:

"SEC. 10. Dealers, research facilities, intermediate handlers, common carriers, and exhibitors shall make and retail for such reasonable period of time and on such forms as the Secretary may prescribe such records with respect to the purchase, sale, transportation, identification, receiving, handling, delivering, and previous ownership of animals as the Secretary may prescribe. Such records shall be made available by the Secretary to interested persons at all reasonable times, for purposes of examination and copying.".

SEC. 10. Section 13 of the Animal Welfare Act, as amended (7 U.S.C. 2143) is amended—

(1) by amending the title thereof to read as follows: "Humane Standards for Animals";

(2) by designating the provisions thereof as subsection "(a)" of such section by inserting "(a)" immediately before the first sentence thereof;

(3) by amending the second sentence of subsection (a) thereof, as designated by this section, by inserting after "Such standards" and before "shall include" the following: "shall apply with respect to the facilities of any person licensed under this Act and with respect to any terminal facilities used by a common carrier subject to this Act and";

(4) by adding the following new subsection at the end of subsection (a) thereof, as designated by this section:

"(b) The Secretary shall promulgate standards to govern the transportation in commerce, and the handling, care, and treatment in connection therewith, of any animals as to which such transportation is purchased or ordered by a dealer, a research facility, an owner of a pet, an exhibitor, an operator of an auction sale, a department, agency, or instrumentality of the Federal Government or any State or local government, or any other person. Such standardes shall apply to all air carriers and other common carriers and to intermediate handlers, with respect to the transportation in commerce of animals. Such standards shall include, but need not be limited to, minimum requirements with respect to containers, feed, water, rest, ventilation, temperature, air pressure, handling, veterinary care, and other factors determined by the Secretary to be relevant to assuring the humane treatment of animals in the course of their transportation in commerce. Such standards may prohibit the transportation in commerce of dogs, cats, and other designated animals that are less than 8 weeks of age (or less than such other age as the Secretary may prescribe), and they may prohibit such transportation unless the animal involved is accompanied by a certificate issued by a licensed veterinarian certifying that such animal as delivered to an intermediate handler or common carrier is sound, healthy, and in such condition that it can reasonably be expected to withstand the rigors of the intended transportation without adverse consequence.".

SEC. 11. Section 15 of the Animal Welfare Act, as amended (7 U.S.C. 2145) is amended by adding the following new subsection at the end thereof:

"(c) In addition to other applicable requirements, the Secretary shall consult and cooperate with the Secretary of Transportation with respect to the establishment and enforcement of humane standards for animals in the course of their transportation in commerce and in terminal facilities prior to and after such transportation, and no standard with respect to transportation by air shall become effective without the approval of such Secretary with respect to flight safety. The Secretary of Transportation is authorized and directed to take such steps as are necessary to assist the Secretary

in any matter relating to the transportation of animals in commerce. The Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission, to the extent of their respective lawful authorities, shall take such action as is appropriate to implement, enforce, or reinforce any determination by the Secretary with respect to a person subject to regulation by it, including, but not limited to, suspension of operating licenses.

SEC. 12. Section 16(a) of the Animal Welfare Act, as amended (7 U.S.C. 2146) is amended—

(1) by inserting "intermediate handler, common carrier," in the first sentence thereof after the term "exhibitor", each time such term appears in such sentence;

(2) by striking out "or" before "(4)" in the third sentence thereof;

(3) by inserting before the period at the end of the third sentence thereof the following: ", or (5) such animal is held by an intermediate handler or by a common carrier"; and

(4) by adding the following new sentence at the end thereof: "It shall be the duty of United States attorneys to prosecute all criminal violations of this Act reported by the Secretary and to initiate civil actions to recover all civil penalties assessed and reported by the Secretary, or which come to their notice or knowledge by other means."

SEC. 13. Section 19 of the Animal Welfare Act, as amended (7 U.S.C. 2149) is amended—

(1) by inserting after "exhibitor,", each time the term appears, the following: "intermediate handler, common carrier,"; and

(2) by adding the following new subsection at the end thereof:

"(d) Any dealer, exhibitor, intermediate handler, common carrier, or operator of an auction sale subject to this Act who is determined by the Secretary, after notice and an opportunity for a hearing, to have knowingly committed an act which is in violation of a provision of this Act or of a standard prescribed pursuant to this Act, shall be liable to the United States for a civil penalty. The amount of such penalty shall be not more than $2,000 for each violation, and if any such violation is a continuing one, each day of violation constitutes a separate offense. The amount of any such penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require."

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 18

At the request of Mr. DOLE, the Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Nevada (Mr. Cannon), the Senator from South Carolina (Mr. THURMOND), and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 18, a bill to amend the act of August 31, 1922, to prevent the introduction and spread of diseases and parasites harmful to honeybees, and for other purposes.

S. 199

At the request of Mr. WEICKER, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 199, a bill to restrict the authority for inspection of tax returns and the disclosure of information contained therein, and for other purposes.

S. 1216

At the request of Mr. TALMADGE, the Senator from Lousiana (Mr. JOHNSTON), the Senator from Utah (Mr. Moss), the Senator from Nebraska (Mr. CURTIS), and the Senator from Florida (Mr. STONE) were added as cosponsors of S. 1216, a bill to amend the Federal Water Pollution Control Act.

S. 1804

At the request of Mr. HANSEN, the Senator from Mississippi (Mr. EASTLAND), the Senator from Idaho (Mr. CHURCH), and the Senator from Pennsylvania (Mr. SCOTT) were added as cosponsors of S. 1804, a bill to amend the Internal Revenue Code of 1954 to exclude from gross income the amount of certain cancellations of indebtedness under student loan programs.

NOTICE OF HEARINGS ON OUR NATION'S SCHOOLS: "SCHOOL VIOLENCE AND VANDALISM"

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Indiana (Mr. BAYH), I wish to announce that the Subcommittee To Investigate Juvenile Delinquency, Committee on the Judiciary, will continue its hearings on the nature and extent of school violence and vandalism. The focus of this hearing will be to explore the problems of violence, vandalism, and other school-related crimes as they affect not only the large urban school systems, but also the middle-income and affluent suburban, as well as rural districts across the country. As the subcommittee's preliminary survey entitled, "Our Nation's Schools—A Report Card: 'A' In School Violence and Vandalism," clearly found, these are not problems found exclusively in big city schools. We shall be discussing the situation from the unique prospective of teachers and students who attend and teach in these institutions and school security personnel representing suburban and moderate sized school districts.

The hearing is scheduled to be held on Monday, June 16, 1975, at 9 a.m., in room 318, Russell Office Building. Witnesses invited to testify include teachers from Missouri, California, Connecticut, Georgia, and New York; students from Ohio, Illinois, and Maryland; and school security administrators from Washington, Kentucky, and Maryland.

Anyone interested in the subcommittee investigation or desiring to submit a statement for the record should contact John M. Rector, staff director and chief counsel of the Subcommittee, U.S. Senate, A504, Washington, D.C. 20510 (202–224–2951).

NOTICE OF HEARINGS ON FEDERAL RULES OF CRIMINAL PROCEDURE

Mr. McCLELLAN. Mr. President, I wish to announce for the information of the Members and the public that the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary will hold a 1-day hearing on the Federal Rules of Criminal Procedure. Witnesses to be heard include representative from the American Bar Association, the Department of Justice, the Judicial Conference of the Untied States, and the National Association of Criminal Defense Lawyers.

Hearings are scheduled for June 20, 1975, beginning at 10 a.m., in room 1114, Dirksen Senate Office Building. Additional information is available from the subcommittee in room 2204–DSOB, telephone AC 202–224–3281.

NOTICE OF HEARINGS ON PUBLIC INSPECTION OF INTERNAL REVENUE SERVICE PRIVATE LETTER RULINGS

Mr. HASKELL. Mr. President, I wish to announced that the Subcommittee on Administration of the Internal Revenue Code will hold hearings June 23, 1975, on public inspection of Internal Revenue Service private letter rulings.

The hearings will begin at 10 a.m. in room 2221, Dirksen Senate Office Building.

The subcommittee is exploring this issue to develop indepth information concerning the possible disclosure of IRS ruling positions, the identity of taxpayers seeking private rulings and other pertinent information relevant to the issuance of private rulings. At the request of a taxpayer, the Service will rule on whether or not a proposed transaction will receive favorable tax treatment. Other taxpayers are denied access to the estimated 500,000 such rulings issued by IRS. Under such circumstances it is possible that separate requests result in different rulings, even under similar factual situations.

The following witnesses have been scheduled to testify before the subcommittee:

Mr. Richard H. Appert, Chairman, Section of Taxation, American Bar Association

Mr. William C. Penick, Chairman, Division of Federal Taxation, American Institute of Certified Public Accountants—accompanied by Mr. Joel M. Forster, Staff Director, Tax Division, and Mr. R. Eugene Holloway, Chairman, Taxpayer Privacy/Disclosure Task Force

Martin D. Ginsberg, Esquire, Chairman, Tax Section, New York Bar Association

K. Martin Worthy, Esquire, former Chief Counsel, Internal Revenue Service

Tom Field, Esquire, Executive Director, Tax Analysts and Advocates, Washington, D.C.

Jay W. Glassman Esquire, Washington, D.C.

To facilitate the presentation of relevant information for consideration by the subcommittee and the full Finance Committee, witnesses who have been scheduled to appear are requested to address the following questions in the course of their oral and written presentations:

1. Should private letter rulings be made available for public inspection?

a. Including all information contained in the ruling file?

b. The identity of the taxpayer, representatives of the taxpayer, third parties commenting on the rulings, IRS personnel responsible for the ruling and other relevant information, excluding all information

exempt under the Freedom of Information Act?

c. All information necessary to adequately explain the result reached in the ruling, including the ruling request and relevant documentation, with the identity of the taxpayer and others as well as other information which would permit persons without intimate knowledge of the taxpayer's business to identify the taxpayer-ruling recipient deleted?

d. What additional limitations might also be considered?

2. What procedures should be established concerning information to be made available for public inspection?

a. Should the taxpayer be required to request deletion of information he believes to be exempt from disclosure by specifically requesting deletion or by proposing the form of the ruling for publication?

b. Should taxpayer suggestions be advisory only, with responsibility for publication of proposed rulings on the IRS, and the taxpayer retaining a right to object to specific information proposed to be disclosed?

c. Should disputes over information to be made public be resolved prior to consideration of the ruling on the merits or after the determination of the issues raised has been made?

d. Should disputes concerning information to be disclosed be resolved by simply refusing to rule where agreement can not be reached? Should a limited judicial proceeding to resolve such controversies be established providing for publication of the originally requested ruling even where the taxpayer, after judicial determination, disagrees concerning the disclosure of certain information and would choose to rescind the ruling request?

e. Should taxpayers have the right to request delay in the issuance of a ruling until the proposed transaction is completed?

f. Should the IRS be required to index and maintain ruling files and how long should such information be kept available for public inspection?

3. Should technical advice memoranda be made available for public inspection and should procedures be adopted for maintaining anonymity of the taxpayer who may be the subject of such memoranda?

4. What interim rules should be adopted for the processing and disclosure of rulings issued prior to the effective date of any publication procedure which may be finally adopted?

a. Should such rulings be exempt from disclosure?

b. Should they be fully disclosed, with information exempted under the Freedom of Information Act deleted, or with only the name of the recipient deleted?

c. Should ruling recipients be contacted if disclosure is to be made, apprising them of their right to object to the inclusion of information in the published ruling? If ruling recipients can not be located, how should the publication of such rulings be processed?

d. Should disputes concerning information to be disclosed be resolved by IRS personnel? Should a judicial proceeding be provided for making such determinations and in what way should that procedure be limited?

5. Once it is decided that private rulings should be open to public inspection, what kind of precedent should such rulings be accorded for the purposes of other ruling requests?

a. How should such rulings affect transactions similar to those involved in the ruling, but for which no ruling request has been made?

b. Should the IRS be provided with a statutory right to rescind or modify rulings subsequently determined to be misleading, inaccurate or incorrect?

6. What changes would be appropriate concerning the publication of revenue rulings if private letter rulings are held to be open for public inspection? Should there be greater reliance on guideline type revenue procedures?

7. Should third parties be granted a right to question the results reached in specific rulings? Should this right be exercised through a hearing procedure within the IRS or through a judicial proceeding? What parameters should be placed on persons authorized to so intervene?

8. What would be your assessment of the impact of public disclosure of private letter rulings under the procedures mentioned above on the existing IRS ruling system?

LEGISLATIVE REORGANIZATION ACT

The Legislative Reorganization Act of 1946, as amended, requires all witnesses appearing before the Committees of Congress "to file in advance written statements of their proposed testimony, and to limit their oral presentations to brief summaries of their argument."

Witnesses scheduled to testify must comply with the following rules:

First. A copy of the statement must be filed by the close of business 2 days before the day the witness is scheduled to testify.

Second. All witnesses must include with their written statement a summary of the principal points included in the statement.

Third. The written statements must be typed on lettersize paper—not legal size—and at least 75 copies must be submitted by the close of business the day before the witness is scheduled to testify.

Fourth. Witnesses are not to read their written statements to the subcommittee, but are to confine their 10-minute oral presentations to a summary of the points included in the statement.

Fifth. Not more than 10 minutes will be allowed for oral presentation.

WRITTEN STATEMENTS

Persons who desire to present their views to the subcommittee are urged to prepare a written statement for submission and inclusion in the printed record of the hearings. These written statements should be submitted to Michael Stern, Staff Director, Committee on Finance, room 2227, Dirksen Senate Office Building on or before July 7, 1975.

ADDITIONAL STATEMENTS

WHAT'S RIGHT ABOUT AMERICA

Mr. ROBERT C. BYRD. Mr. President, last weekend I had the honor to be chosen the "Outstanding West Virginian of 1975" by the contestants in this year's Miss West Virginia Teenage Pageant.

These lovely young women are chosen on the basis of personality, poise, scholastic and academic achievement, and each is required to write a brief essay. This year's subject was "What is Right About America."

Of the seven finalists in the essay contest, Susan Regina Beinhorn was declared the winner, with Pamela Ann Meadows and Marcia Ann Vennis as 1st and 2d runners-up.

The sentiments and thoughts expressed by these West Virginia teenagers regarding their country are heart-warming, and I ask unanimous consent that the essays written by the seven finalists be printed in the RECORD.

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

ESSAY BY SUSAN BEINHORN

Today on many street corners, schools, and public forums, you can hear what's wrong with America—and that's what is right about America—People in this country have the right to express themselves without fear.

The men of Lexington and Concord would have been proud when the crew of the Mayagues was returned and when we opened our doors to refugees from all over the world.

Our founding fathers would find great joy in knowing that their struggle for freedom of speech and worship was not a fight in vain.

This is our heritage and that's right about America.

WHAT'S RIGHT ABOUT AMERICA?

(By Pam Meadows)

"Give me your tired, your poor, your huddled masses yearning to breathe free. Send these, the homeless, tempest-tost to me. I lift my lamp beside the golden door." These words are inscribed on our Statue of Liberty that stands proudly in New York Harbor.

Our history is based totally upon freedom and its principles. We as Americans have the opportunity to live with freedom of expression and to follow the dictates of our hearts.

What other country could withstand assassinations, resignations, political upheaval and still remain strong and powerful?

What's right with America? The American people—red, white, black, brown, and yellow—they make America strong, free, and brave.

WHAT'S RIGHT ABOUT AMERICA?

(By Marcia Vennis)

What's right about America? Just about everything. Kafka once said, "Youth is happy because it has the ability to see beauty." I see beautiful people all around me—concerned, loving, appreciating, and God fearing people who are proud of our country. Happily, I see teachers, fellow classmates, family, and friends enjoying the benefits of this land of ours. I grow and learn—rejoicing that other young people have the same opportunities. America came about as the only country deliberately founded on a good idea and I'm glad we did.

You ask me what's right about America? Just about everything.

WHAT'S RIGHT ABOUT AMERICA

(By Kay Eldridge)

It's competition which sparks quivers of enthusiasm, Ice Cream and Cake for the innocence of youth; hope, faith and love the essence of life.

It's high school graduation, hats sliding with tassles bobbing—the opportunity to utilize what the Nation offers, like a child with the wild unpredictable future ahead.

It's rainy days and popcorn with plenty of butter and salt—the blue ridge mountains with the excitement of Chicago southside—Freedom, liberty and a Bicentennial Independence.

It's May apple blossoms, June strawberries and October buckwheat, Charlie Brown, Mary Tyler Moore, and the Jefferson's with good Doctor Welby. An ocean of bright hopes for the Nation of tomorrow.

WHAT'S RIGHT ABOUT AMERICA?

(By Kim Carper)

What's right about America? It is the uniqueness of her people. A nation of immigrants that have joined together and built a place of freedom and security for the rest of the world to admire!

Regardless of our religious beliefs, race, or financial status, we as citizens have the

privilege to unite and strive for the American dream. We reach for the stars, and sometimes fall, but we get up to reach again with twice the strength and determination.

For our country refuses to resign herself to what exists, she strives to achieve what should be.

"WHAT'S RIGHT ABOUT AMERICA"

(By Cindy Cua)

"Go placidly amid the noise and haste and remember what peace there may be in silence. As far as possible without surrender be on good terms with all persons." These are lines from the song, Desiderata, and they apply to the majority of Americans today. We are on good terms with others because we must to grow, reach out to other countries, and most importantly, help each other. We do not judge others by the minority of bad people, but the majority of good. Over the years of broken dreams, tragedies, and heartaches we, as Americans, have pulled through.

"WHAT'S RIGHT ABOUT AMERICA"

(By Tammy Fleck)

America is what you make it. Some people complain that the government just isn't giving them what they deserve, but if they would only stop to think, THEY ARE the government. This government, of the people, by the people, for the people, is just that. This country is ours, to do with what we want. We can make it, or we can break it. It's up to us, the people. Working together, we can build; against each other, we will destroy. Each individual plays a particular part in the government . . . we are America.

DR. FLOYD RIDDICK HONORED BY FEDERAL REPUBLIC OF GERMANY

Mr. HELMS. Mr. President, yesterday the distinguished Senator from Utah (Mr. Moss) and I, along with a number of other close friends of Dr. Floyd Riddick, had the pleasure of attending a ceremony at which Dr. Riddick was presented the Officer's Cross of the Order of Merit of the Federal Republic of Germany.

The ceremony was held at the German Embassy, in the office of the Honorable Berndt Von Staden, the distinguished Ambassador to the United States from the Federal Republic of Germany.

Mr. President, all of us who had the privilege of serving in the Senate during Dr. Riddick's tenure as Parliamentarian of the U.S. Senate are aware of his dedicated service to the Senate, and thus to the Nation. Serving as Parliamentarian of this body is not an easy job. To the contrary, it is a demanding one. It is imperative, of course, that the Parliamentarian must be competent—but, beyond that, he must at all times be completely impartial, fair, alert, patient, and dedicated to the principals and traditions of this Senate.

As all Senators who have known him, and served with him, will testify, Dr. Riddick met these specifications splendidly. That is why tributes to him were heard in this Chamber at the time of his retirement on December 19 of last year. Inasmuch as Dr. Riddick is a native son of North Carolina, I have been especially proud of him and his remarkable career.

And that is why I was honored to be present at the German Embassy when Dr. Riddick received his latest honor.

Mr. President, I ask unanimous consent that a statement delivered yesterday by Ambassador Berndt Von Staden be printed in the RECORD.

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

LAUDATIO

PARLIAMENTARIAN EMERITUS DR. FLOYD RIDDICK

"Dr. Riddick epitomizes and certainly capsulizes, we might say, all of those fine outstanding qualities, that a great public servant in the service of the United States Government and the people of the United States has symbolized to all of us".

These words were spoken in the Senate Chamber on December 19th of last year on the occasion of your retirement as Parliamentarian of the United States Senate. On that day the Senate expressed its collective appreciation to Dr. Riddick for his long and faithful service by designating him Parliamentarian Emeritus.

As scholar, teacher, author and Parliamentarian you have made an indelible mark and you have, indeed, served your country with honor and distinction.

In serving your country you have also served German American relations, particularly in the field of parliamentary exchange. You have always looked across national borders. Your acquaintance with my country began when you received an International Fellowship for a year's study at the University of Berlin in 1937. About twenty years later, upon the invitation of my Government you revisited Germany and from then on you helped to establish and maintain fruitful and close contacts with your colleagues in the German Bundestag, in particular with the Director of the Bundestag and the Director of the Bundesrat, both of which have remained close personal friends of yours up to this day.

We are greatful for your contributions to a better understanding of how the American parliamentary system works. As a scholar and as an author of the "Senate Procedure" you have made a valuable contribution to this understanding of the American Congress. I might mention in this context that the "Senate Procedure" has a prominent place in the Libraries of the Bundestag and of the Foreign Office of the Federal Republic of Germany.

We are also indebted to you for the assistance you have always given to innumerable German delegations and official visitors, who have visited Washington and the United States Congress and whom you have welcomed and enlightened with patience and unfailing courtesy.

In recognition of these services the President of the Federal Republic of Germany has conferred upon you the high distinction of the Officer's Cross of the Order of Merit of the Federal Republic of Germany.

IN SUPPORT OF CLEAN WATER AND LAKES

Mr. HUMPHREY. Mr. President, our Nation's water supply is one of its most precious resources, and deserves to be preserved. Unfortunately, we have taken this supply for granted for too long.

Today, many of our lakes and rivers are plagued by the problem of pollution. Our efforts to cleanse the waters have been impeded by the unwillingness and slowness of recent administrations to adequately fund programs to clean up our lakes and rivers and to encourage more effective treatments to protect our drinking water. Action has been left largely to the States, even though the Federal Water Pollution Control Amendments of 1972 and the Safe Drinking Water Act of 1974 promised a strong Federal commitment to clean water.

My own State of Minnesota, the land of a Thousand Lakes, has been a leader among States in the effort to clean up its lakes and provide its citizens with pure drinking water. We have prepared a "Clean Lakes Inventory" on the condition of our lakes and the types of efforts which would be necessary to improve them. As a result of this study, we estimate that we will need to spend $44.7 million over the next 4 years to implement our improvement measures. To protect the future environmental health of our lakes, we have adopted new land use programs. We are doing what we can, including seeking court relief and congressional support, when necesasry, as in Duluth, to insure that our citizens have clean, safe water to drink.

Recently, I urged the Senate Subcommittee on HUD and Independent Agencies to secure adequate appropriations for section 314 of the 1972 Federal Pollution Control Act Amendments so that Minnesota and other States can have the help we promised them in cleaning their lakes. I also highlighted for the 95th Congress of the American Waterworks Association the steps that Congress and private enterprise could take in the future to clean up our lakes and provide our citizens with safe drinking water.

Mr. President, I ask unanimous consent that my letter to Senator PROXMIRE on appropriations for section 314 of the Federal Pollution Control Act Amendments, and my remarks to the American Waterworks Association, be printed in the RECORD.

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

CONGRESS OF THE
UNITED STATES,
JOINT ECONOMIC COMMITTEE,
Washington, D.C., June 6, 1975.

Hon. WILLIAM PROXMIRE,
Subcommittee on HUD and Independent Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I appreciate the opportunity to lend my support to the effort to secure adequate appropriations for Section 314 of the 1972 Federal Pollution Control Act Amendments. This section of the Federal Pollution Control Act Amendments provides for federal funding of state and local projects to restore and protect the quality of our national lakes.

As one of the original sponsors of legislation to clean up our Nation's lakes and streams, and as one who lives on the shores of a beautiful lake, I know that unless we clean up our fresh water lakes, they will die. We in the Congress made a firm commitment to the states to help them stop the degradation of our lakes by authorizing $300 million for the clean lakes program. We need to follow through by appropriating adequate funds—at a minimum $75 million for FY 76—to get the federal program moving.

Last year, we appropriated $75 million for this purpose. But, as a result of a Presidential veto, that $75 million was scaled down to $4 million. According to a letter from James L. Agee of the Environmental Protection Agency, this minimal amount appears to be earmarked for a research program which I find indistinguishable from Section 104(h) of this same PL 92-500.

I do not deny the need for further devel-

opmental research in this area. I merely object to these funds being diverted from a program that has been recognized as necessary since 1972 and has yet to get off the ground. As a result of the lack of funding of this program, our states are inhibited in their cleanup activities and our lakes are dying.

The eutrophication of our lakes is a natural process, but man, by his development of the surrounding land and industrialization, can augment the process to a dangerous degree. The constant influx of sediment and nutrients into a fresh water lake deals a deadly blow to the complex ecosystems which nature constructs. Prolific weed growth, algae blooms, and rampant development of macrophytes are the enemies of water quality and recreational activities, but they also are the harbingers of extinction. And once a lake dies, it never can be revived.

What is the present condition of the nation's lakes? The National Eutrophication Survey considered 792 lakes across the country. Preliminary results from ten states show that of 242 lakes, 80 percent are in bad condition or going dead. This deplorable situation is representative of many of the over 100,000 small to medium-sized lakes in this country.

But we possess the skills to remedy the destruction and make our lakes healthy again.

The approaches to the problem are primarily divided into preventive measures and restorative techniques. In the first category are grouped such methods as wastewater treatment diversion, land use practices, and storm drain consolidations. If a lake is already fouled, it may be aided by one or more of the following: dredging, nutrient inactivization, biotic harvesting, introduction of pathogens, and lake bottom sealing.

Approximately half our states have begun their own lake clean-up programs. They have set their priorities, and decided to shoulder the burden themselves, if necessary. The remaining states cannot be faulted for their reticence, for Congress itself has been reticent and lax in fulfilling its responsibility. I call upon my colleagues to reassert Congress' concern for our lakes and exercise our responsibility to the nation by approving appropriations for Section 314.

With best wishes.

Sincerely,

HUBERT H. HUMPHREY.

REMARKS BY SENATOR HUBERT H. HUMPHREY

AMERICAN WATER WORKS CONFERENCE,
Minneapolis, Minn., June 9, 1975.

It is an honor to be here today to address the 95th Annual Conference of the American Waterworks Association. The Association has done a fine job in helping to improve the quality of water service to the American people. Judging from its past record, I am certain that the Association will continue an invaluable service to the American water industry and the American public.

I am particularly gratified that you have chosen the great state of Minnesota and the lovely city of Minneapolis as the site for your annual conference. Minnesota has been one of the leaders in the movement to improve the quality of our water.

Today I would like to discuss with you two closely related subjects—the challenges that face us in providing clean water in the future, and the steps that we can take to make our water safe and pure.

I think we can all agree that water is one of our most precious resources and that we must do what we can to ensure that future generations will have adequate supplies of safe water.

However, we face a major challenge in achieving this goal.

I can't help but recall a story I heard several years ago. A distinguished scientific researcher was participating in a panel discussion with other learned scholars on the results of a comprehensive study of the nation's future water supply which he and his colleagues had just completed.

"Gentlemen," the scientist said, "I have some *good* news and some *bad* news for you. Our study shows that by the year 2000 everyone in the United States will be drinking recycled sewage from his home water tap."

"Great Scott!" came a shout from the audience. "Quick, tell us the good news."

Replied the scientist, "That was the good news. The bad news is that there won't be enough to go around."

The story is amusing—but it is not far from the truth.

Man needs water—not only for direct consumption, but also for food and industrial production. As the population grows, as man's world becomes more complex, as more nation's demand to reap more of the benefits of modern society, man's need for water to produce food and run machines grows. His increasing needs are causing a tremendous growth in water consumption.

Look at the statistics: Our nation's use of water was increased from a mere 40 billion gallons a day in 1900 to over 400 billion gallons daily—a ten-fold increase. By 1980, we will be using at least 415 billion gallons of water a day. But, over this 80-year period, our population will only have tripled.

We in America still are using only 30 percent of our economically available supply of water. But some ecologists predict that we will face a potential water deficit of 30 percent in the United States by the year 2020. And, whether or not we face such a deficit, water recycling may very well be required in many places by the end of the century.

The ancient mariner's plaint, "Water, water everywhere, and not a drop to drink," may well come true for some of us landlubbers.

Why? Because while we are using only 30 percent of our economically available supply of water, we are also, through our industrial and domestic waste disposal practices, our land use policies, and possibly even through some of our anti-pollution efforts, reducing our supply of clean, safe water.

In many places, our supply is being cut back because we are short of the facilities needed to collect, store, treat, and deliver safe, clean water to those who need it, where and when they need it.

This is true, right here in my own state, in the city of Duluth and in the communities on the west bank of Lake Superior. Their water supply is being affected by the dumping of 67,000 tons of taconite tailings into Lake Superior each day by the Reserve Mining Company. These tailings have infested the water with asbestos particles, a possible health hazard.

While the U.S. Court of Appeals for the Eighth Circuit has ordered that the dumping of tailings must stop within a reasonable period of time, these communities must face a shortage of safe drinking water, because the order is not immediately effective.

The city of Duluth simply cannot use the water from Lake Superior unless it can be properly filtered. And our present filtration technology is inadequate to do the job.

Fortunately, something can be done to improve filtration technology. The Congress has adopted my amendment to appropriate $4 million for demonstration grants under the Safe Drinking Water Act. This money is earmarked for an improved filtration system for Duluth.

Earlier in my remarks today, I suggested that even our current efforts to improve the quality of our water may unwittingly cause problems for us.

Chlorination, the single most effective treatment to remove bacteriological agents which cause typhoid from water, may have unintended side results.

There is mounting evidence that chlorine may react with certain industrial compounds to form carcinogenic compounds. Preliminary EPA tests in 79 cities located at least one and up to four carcinogenic compounds in the drinking water of every one of these cities. More extensive tests in ten cities now are being conducted to determine if chlorination poses a serious health hazard. If it does, we will have difficult choices to make and difficult challenges to meet.

Can we meet the challenges of the future—to provide adequate, clean, safe water for agriculture, industry, commercial, public, and home use? I think we can. The Congress thinks we can. And you think we can. But meeting the challenges has to be a cooperative effort between government, the water industry, and the public.

The federal role—both at the Congressional and Executive levels—in this cooperative effort will be to set national water quality policies and standards and to provide supportive and cooperative assistance to states and localities to translate these national standards into local realities.

We can guide, we can set goals, we can provide assistance. But it is up to states and localities and public and private water utilities to translate these goals into quality water service. It is neither proper nor possible for the federal government to determine how and if the 240,000 separate water systems in our country are implementing these national standards and providing quality water to their customers.

I am proud to report that the Congress is following through on its responsibility. I wish I could say as much for the executive branch.

Over the past three years, Congress has enacted two comprehensive pieces of legislation to improve the quality of our water. These acts are the Federal Water Pollution Control Act Amendments of 1972 and the Safe Drinking Water Act of 1974.

The Federal Water Pollution Control Act Amendments of 1972 (FWPCA) stand as one of the most comprehensive pieces of environmental legislation on our law books. The legislation was passed in October, 1972, over former President Nixon's veto.

The Act set as its national goal the achievement of "zero discharge" of pollutants into our rivers and lakes by 1985. In the interim, it calls for the protection of aquatic life and wildlife and for recreation in and on the water.

Stringent interim requirements for munipalities, industries, and other point sources are established to achieve these goals. These requirements call for industries to achieve the "best practicable technology" by 1977 and "best available technology" by 1983, and for municipalities to achieve "secondary treatment" of wastes by 1977.

The Safe Drinking Water Act of 1974 is even more significant for the quality of our drinking water. This legislation, passed at the conclusion of the 93rd Congress, in December, 1974, is intended to protect the public health by regulating the water quality of our nation's public drinking water systems.

The Safe Drinking Water Act authorizes the Environmental Protection Agency to prescribe national primary drinking water standards to protect health. It directs the states to assume the principal responsibility for primary enforcement of these standards. It establishes a program for the protection of underground sources of drinking water. And it provides for research, technical assistance to states and localities, and special studies and demonstrations to insure safe and dependable supplies of drinking water to the public.

The FWPCA will enable us to control and eventually eliminate municipal and industrial discharges of pollutants into the waters, so that one day every body of water will be

safe for fish and wildlife, and can be used for recreational purposes. The Safe Drinking Water Act will protect the quality of our water coming out of the home tap, and eliminate adverse health effects from untreated or poorly treated water.

Has the federal government effectively implemented these laws? The record of the executive branch so far has been far from perfect.

Soon after enactment of the FWPCA and again in January of 1974, the Administration impounded a total of $9 billion or half of the $18 billion total authorized to municipalities for the construction of public sewage treatment facilities. The money remained impounded until early this year, when the Supreme Court ruled that the Environmental Protection Agency must make the funds immediately available to the States.

It took the Courts to force the President to clean up our lakes and rivers, and take the sewage out of our drinking water.

But the Act has run into other problems. The transition between the previous water quality control program and the new one, and the lack of adequate staff, and the newly evolving federal requirements also have hamstrung the program.

As a result of these difficulties, EPA has only obligated $3.9 billion from October, 1972, through December, 1974, and has spent less than $500 million during this period.

This, in my opinion, is deplorable. But the EPA asserts that it has overcome its internal difficulties and is on its way to full and effective implementation of the law.

It now anticipates that all $18 billion will be obligated by mid-1977. Hopefully, definite improvements in our nation's waterways will become apparent by the turn of the decade as a result of the municipal and industrial water quality programs under the FWPCA.

The Safe Drinking Water Act has encountered equally disturbing delays in effective implementation.

I am concerned that EPA, by concentrating on meeting the statutory deadlines set by the Safe Drinking Water Act for establishing federal standards and regulations, may meet the deadlines but establish standards and regulations that are not worth a thin dime. I have heard rumors that this may be true in the area of primary interim standards for drinking water. I hope the rumors are just that—rumors, not accurate prophecies.

I am even more concerned that EPA, in the rush to meet the deadlines for regulations, is paying inadequate attention to the provisions of the law for assistance to states and training and R&D grants.

This year's Presidential budget request for funds to implement the Act is for only $32.5 million. Of this, only $7.5 million is earmarked to assist states to set up their regulatory programs, and $2.5 million for underground protection grants.

No money has been specifically requested for demonstration grants or for training or R&D grants to universities and research groups for fiscal year 1976, even though the Safe Drinking Water Act authorizes such programs.

I can assure you that I intend to do something about this in the Congress. I know that such programs are vital if we are serious about cleaning up our water supplies.

Our states need assistance. We need to have demonstration projects, such as that which the Congress has voted for Duluth, to put our research finding in practice.

We need to strengthen our training and R&D programs—to develop the experts we need to make and keep our water clean and to undertake the research that will lead to new techniques for purifying and delivering clean, safe water.

And, as in our efforts in so many other areas of national importance, there must be federal participation.

But you in the audience must shoulder the major part of the responsibility for clean water. You must do the research to develop new methods of cleaning up our water and to develop new ways to store and deliver it when and where it is wanted.

You must find ways to provide service to customers 24 hours a day—and at a reasonable cost. You must provide the talent to develop answers to the challenges facing us in providing the best possible water service to all our people.

You and I both know this nation faces many serious problems today.

Our economy is in sad shape, and this Administration has done little to help it.

Our cities are reeling under the dual burdens of inflation and recession.

9.2% of Americans are out of work; in some cities, such at Detroit, 25 percent are unemployed.

We face serious shortages in our major sources of energy, and what we can get is costing us much more.

Pollution is fouling our lakes and rivers and our drinking water.

But we can meet these problems. We can turn these problems into a challenge for a better future.

We can turn the economy around.

We can make our cities healthy again.

We can give every American a meaningful job.

We can lick the energy problem.

We can clean up our rivers and lakes.

We can provide high quality water service to all Americans.

We can do all this and more if we have the will and if we make the financial and moral commitment to do so.

We always have faced problems—ever since we first became a nation. We always have met them and done our best to solve them. We still can.

Victor Hugo once said, "The future has several names. For the weak, it is the impossible. For the faint-hearted, it is the unknown. For the thougntful and valiant, it is ideal. The challenge is urgent. The task is large. The time is now."

Our challenge is urgent. Our tasks are large. Our time is now. I urge you to join in meeting this challenge.

A BICENTENNIAL SALUTE

Mr. TAFT. Mr. President, as we approach the beginning of our Bicentennial year, I would like to call my colleagues' attention to one of the grassroots Bicentennial movements in Ohio. The treasurer of the Rome, Ohio, Bicentennial Commission has composed a poem as a salute to our Nation on its 200th birthday. I commend Mr. Yarish on this patriotic effort, and I ask unanimous consent that the poem be printed in the RECORD.

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

A BICENTENNIAL SALUTE

(By John P. Yarish, May 1975)

We were Colonial States . . . thirteen, two hundred years ago.
Governed by British . . . tough and mean, we knew they had to go.
A few important men, did meet, to map out strategy.
We knew, they would be hard to beat, we wanted to be free.
The men pored over plans to fight; easy, it wouldn't be.
So, Paul Revere, warned all at night, one . . . land, two, if by sea.
So, War it was, both hard and fierce, with fighting in the street,
And many a heart, the sword did pierce no longer would they beat.
As time went on, both sides lost men, both young and old alike.
We struggled on, and fought, and then, the final hour did strike.
We bound our wounds, and settled down, to make our country free.
And now, this year, in every town, let's celebrate . . . you, and me.

MHD ELECTRICAL POWER GENERATION

Mr. STENNIS. Mr. President, recent events have demonstrated emphatically that Congress must act effectively to discourage the heavy use of imported oil and expedite research on alternate sources of energy.

Our enforced reliance upon imported crude oil gives foreign countries economic and political weapons which can and will be used against us. By increased conservation and development of alternative sources of energy, we can become energy self-sufficient, or at least drastically reduce our reliance upon foreign oil.

Coal is our most abundant fossil fuel. The United States has more coal reserves than any other nation with about one-third of the world's known coal supply being in this country. Unfortunately, however, most of our coal thus far has been unsatisfactory for energy production because of the high sulfur content and resulting air pollution. To utilize America's vast coal deposits for power, technological innovations are necessary for more efficient and cleaner advanced power cycles.

Magnetohydrodynamic—MHD — electrical power generation can provide a reliable and efficient coal-burning powerplant having one of the lowest possible impacts on the environment. Such systems show promise of overall plant efficiencies in converting the coal's energy into electricity in excess of 50 percent, which would be in the range of 40 to 50 percent better than the most advanced steam turbine plants burning low sulfur content coal. Also, air pollution is virtually eliminated with the MHD system.

Coal-burning MHD electrical power generation does not require the enormous quantities of water which are required in coal gasification and in the production of oil shale. This is of vital importance in the western plains where this country's largest coal supplies are located and water is scarce.

Coal-fired MHD power generation thus offers an energy conversion method which can burn sulfur-bearing coal, improve the conversion efficiency and decrease the heat rejection, air pollution, and water requirements for central station fossil fuel powerplants. MHD could constitute a very large step toward energy self-sufficiency during the 1980's and, as long as our sources of foreign oil are unstable and insecure, we must make every effort to develop as many alternate sources of energy as possible just as quickly as possible.

Coal is going to play a major role in generating electricity for this Nation's needs and we must actively pursue an

active program of research and development on coal-burning MHD electrical power generation. Because of its increased efficiency, MHD, once developed, will go a long way toward helping us to become energy-independent.

The distinguished majority leader has repeatedly presented to the Senate the history of indecision and delay by the executive branch in failing to give MHD its rightful place in the Nation's effort to achieve energy independence. This procrastination must end.

In contrast, the Soviet Union has moved vigorously in the development of MHD technology. The Soviet MHD program chief has stated that it was not easy for the Soviet Union to stay in the MHD field in isolation, but they are sure of the correctness of the approach and have continued it. They intend to build a 1,000-megawatt plant by 1981.

The Soviets have already put an estimated $150 million to $300 million into MHD development. The current U.S. budget for MHD development is only $12.5 million, and 4 years ago it was less than $1 million. The administration has requested only $13.7 million for MHD in fiscal year 1976.

To provide for an accelerated program with the goal of making MHD commercially available in the 1985–1990 period, Senator MANSFIELD and Senater METCALF have offered an amendment to S. 598, the fiscal year 1976 authorization for MHD research and development to $50 million and would also establish a much-needed division for MHD within ERDA.

I also support a substantial increase in the budget request. Sufficient authorizations and appropriations are essential for an orderly but vigorous acceleration of MHD research and development. Because of the urgency of developing commercial coal-burning MHD electrical power generators to help solve our energy problem as quickly as possible, adequate resources should be made available for this program.

Present MHD research at universities, government laboratories, and in private industry must be accelerated and expanded. The Energy Appropriations Act of 1975 calls for the immediate design of an MHD engineering test facility and provides for additional research on MHD techniques and applications at the Montana College of Mineral Science and Technology and other units of the Montana University system.

The Senators from Montana sponsored an amendment, which is now incorporated in Public Law 93–404, mandating the design of an MHD engineering test facility to be located in Montana. However, other such test facilities are required across the Nation, and new centers for the research and development of critical subsystems for MHD power generation must be established.

To obtain coal combustion at the elevated temperature required for coal-fired MHD power generation, the coal must be burned with air which has been preheated to high temperatures. The materials of the MHD air preheater will be subjected to extreme heat, highly corrosive chemicals and erosion by the rapidly moving combustion coal gas. The directly-fired air preheater is a key component in the MHD system on which very little engineering work has been done.

A directly coal-fired air preheater simulation facility has been constructed at Mississippi State University, one of the South's outstanding universities. It is also my alma mater. This facility allows an experimental analysis of air preheater materials attack at the operating conditions of a full-scale direct coal-fired MHD electrical power generation system.

Mississippi State University is ready, willing, and able to go full steam ahead on the development of the directly-fired MHD air preheater. This unique air preheater simulation facility should be put quickly into full-time operation in support of our Nation's vital MHD research and development program.

This year the facilities of the high temperature gasdynamic laboratory of the U.S. Army Missile Command, Redstone Arsenal, Ala., were transferred to Mississippi State University. This greatly increases the university's already outstanding capability in engineering materials evaluation and development for a successful directly-fired air preheater for the direct coal-fired MHD power generator. Mississippi State has already exhibited its strong support of this vital program by allocating an additional 6,000 square feet of laboratory space to install this government-transferred equipment for the further development of a state-of-the-art coal-fired MHD air preheater laboratory.

I support wholeheartedly the efforts of Dr. Robert Seamans, Administrator of ERDA; Dr. William Jackson, acting MHD project director, and the determined efforts of universities, including Mississippi State, in striving for the successful operation of a commercial scale demonstration MHD plant in the 1980's. Adequate funding of this program is absolutely necessary and time is of the essence. Congress must act now to insure that our Nation's engineers are given sufficient support in this extremely important program.

Mr. President, the Sixth International Conference on Magnetohydrodynamic Electrical Power Generation is being held this week, June 9–13, in Washington. Outstanding MHD scientists and engineers from throughout the world are attending. I want to assure them of my support of MHD research and development. My appeal to my colleagues is that adequate funding for the program be provided for fiscal year 1976 and future years.

HOUSE JOINT RESOLUTION 492—SUMMER JOBS

Mr. DOLE. Mr. President, I would like to add my support to House Joint Resolution 492, and commend the collective wisdom of our colleagues in the House for their prompt and decisive action in sending us this important emergency revision without delays or added components.

This bill will pump desperately needed new blood into our economy by providing over 800,000 summer youth jobs immediately—not 5 years from now, but today. This is an excellent measure for helping avoid inner-city problems during the summer by providing jobs for youths who are currently faced with little prospect for constructive employment during the coming summer months. That would obviously have an immediate and beneficial impact on reducing unemployment.

This program, as I understand, will provide $3,480,158 to my State of Kansas, resulting in 6,317 immediate summer jobs. And while I am concerned that this program will provide proportionately less aid for Kansas than to other States, I also recognize that the unemployment problem may not be as severe in Kansas as in other States. Therefore, I feel that it is a tremendously worthy measure in its entirety, both for the citizens of Kansas, and the Nation as a whole, and support its enactment.

The administration has indicated its support of this precisely-defined funding program, and I commend my colleagues for the prompt action on passing this legislation without delay.

WHO SAYS THE PRESS IS NOT RESPONSIBLE?

Mr. PROXMIRE. Mr. President, an editorial in the Wall Street Journal of Thursday June 12 demonstrates the free press can be and is responsible in doing its duty. The editorial, "Congrats, Washington Post," commends another newspaper for correcting a mistake.

This is a good indication of two attributes of press liberty that are often overlooked:

A successful newspaper must earn a reputation for reliability.

A competitor is always ready to take away the readers of an irresponsible newspaper.

In this instance, of course, one paper congratulates another. But it is often the other way around.

The Washington Post, through its ombudsman, Charles B. Seib—formerly managing editor of the Washington Star—corrected a distortion of remarks by Governor Wallace that was carried earlier on the news pages, and explained how that happened.

There was no obligation for the Post to do anything about its mistake. But it did, through Seib, who has a contract that permits him complete freedom to criticize his employer.

The Wall Street Journal, in turn, recognizes a public service and says thanks for all who appreciate fairness.

These examples of free press responsibility are not isolated. Many newspapers now have ombudsmen, albeit with varying degrees of independence from their editors.

And, there is a growing willingness of newspapers to admit their errors in striving for fairness.

There was a time when newspapers corrected errors only involuntarily—as a way of avoiding a libel suit—or only in the guise of a newsstory to assuage a guilty conscience. Editors in those days were wary of the reaction of their readers to "row-backs," as glossed-over corrections are known in some newsrooms.

But now, more and more newspapers—the New York Times is one—

clearly label corrections with the standing headline, "Correction."

They do it because they know that their readers are sophisticated; their readers know that under the time pressure to convert abstract news into concrete ink on newsprint that mistakes can be made; their readers know that when the newspaper admits its errors it is asking for credibility by paying the price of confession.

And it has been a hard lesson for editors to learn. The day is past when an editor could put up with an undereducated, hard-drinking reporter who lackadasically covered his run from a pay phone in a bar.

Readers are not stupid.

Responsibile, professional journalism his risen out of necessity: to satisfy demanding readers.

And, of course, it was also done to compete with the nearly instantaneous delivery of news by radio and television.

But newspapers did it voluntarily. Fairness was not imposed by government fiat.

Radio and television journalists do not have the option of developing in the same way. Despite the first amendment guarantee of press freedom, these electronic journalists have the Federal Communications Commission's fairness doctrine and equal time rule to deal with. On top of that, the doctrine and rule are subject to volumes of interpretation that carry the force of law; and they have audiences who can sic the law on them.

It's just a lot easier for broadcast journalists to be safe than controversial.

If electronic newsmen had the same full first amendment freedom as print journalists—the freedom the public deserves—they would be responsible without restrictions.

But what is to prevent news distortion if the regulatory power of the government is removed?

The same thing that keeps newspapers responsible—the power of the public to accept or reject the product. Parenthetically, I musts ay that the Government has a perfect right to protect the public from unsafe and fraudulently advertised physical products.

This product is ideas. Ideas are abstract. They cannot be isolated as some element on the periodic table. An idea can differ as it moves by language and picture from the originator to the listener/viewer.

To control an idea is to control language along with its connotations and denotations. But language elicits differing primary and secondary associations. Nuances can vary from the mind of the speaker to that of his listener.

In 1984, George Orwell relates how the Ministry of Truth develops a new lexicon of Newspeak designed to abolish words to an irreducible minimum so that ideas cannot be communicated. The ultimate goal is to eliminate thought and thus individualism.

But our form of government holds the individual to be sacred. We cannot, under our Constitution, permit the Government to rewrite our dictionary.

I do not suggest the FCC is big brother.

I do suggest, however, that any governmental agency that makes basic evaluations of ideas is playing a dangerous game.

Any small group of persons who make judgments for others—and that is what the fairness doctrine seeks to do—has power.

If the Federal Trade Commission judges that a manufacturer and his advertising agency misrepresent a widget, and the FTC is wrong, then relatively little harm is done.

If the FCC makes a mistake and misjudges an idea, and the courts uphold the mistake, then—in the extreme, to be sure—that idea is partially repressed. The only safeguard is the free press, which can continue to disseminate the idea for whatever interpretation a reader cares to make.

I do not believe it can happen, but it is possible that governmental control of broadcasting, indirect though it be, can lead to the same kind of checks on newspapers and other publications. After all, the conventional wisdom seems tilted toward regulation in some degree of nearly every phase of life in this country.

You do not believe that? Try to think of something the Government has no connection with.

"Religion," you say.

Did you know that the FCC has before it a petition for rulemaking that would, among other suggestions, divest some religious groups of broadcast licenses?

I do not prejudge the Commission. I mention this only to demonstrate that Government is involved in some way in virtually everything that goes on in this country.

We must learn that our citizenry is as capable of handling freedom as were the some 2,500,000 people who lived in the Original Thirteen Colonies.

If they could live with a free press—a personalized, biased press that bears little resemblance to the press of today—why cannot we have completely free press, too?

Mr. President, I ask unanimous consent that the Wall Street Journal editorial be printed in the RECORD.

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

CONGRATS, WASHINGTON POST

Remember all the stories, editorial cartoons and TV commentary a few weeks ago about how George Wallace told a group of foreign journalists he wished the United States had fought with instead of against Germany and Japan during World War II? Now The Washington Post finds that the governor's remarks were rather badly distorted and has set the record straight in an excellent editorial-page article by Charles B. Seib, its "ombudsman."

Congratulations are in order for the Post, especially since it was the Post's front-page story of May 8 that started the hullabaloo by taking Mr. Wallace's remarks out of context. At the top of its story, the Post had quoted him as saying "I think we were fighting the wrong people, maybe, in World War II," and also that he told a Japanese journalist, "In fact, I wish we had been on the same side in World War II."

The Post has taken a second look at the transcript of those remarks, and Mr. Seib prints long sections that provide a clearer context. What Mr. Wallace was saying, in essence, was that he does not believe in Nazism, "but that was not the German people." He believes the German people were so mistreated by the Versailles Treaty after World War I that it was almost inevitable that their nationalistic feeling would be aroused. He said he also believes the Japanese had been provoked to a certain extent by "interests in this country that helped to bring about Pearl Harbor." And that if we had been friendly to Germany and Japan 50 years ago, "there would not have been any Hitler, and there wouldn't have been any Jewish tirade."

One doesn't have to agree with Mr. Wallace's remarks taken in context in order to realize he was treated unjustly in the original story, and it is to the credit of the Post that it has taken such care to set the record straight.

THE F–16 FIGHTER PLANE

Mr. TAFT. Mr. President, I noted with interest an article in the Washington Post of June 8, reporting the negative impact which our attempt to sell the F–16 fighter plane to the Europeans has had on French consideration of increased integration with NATO.

It is of course generally a good policy for the United States to promote exports. We need foreign exchange in order to import goods and materials which we require. However, it seems to me that this drive to sell the F–16 fighter has been questionable both in its broad implications for international trade and, more importantly, in its impact on NATO.

In terms of international trade, it has been the object of our Government, under the leadership of the President and of Secretary of State Kissinger, to avoid a struggle between the industrialized nations where each seeks to obtain the other's foreign exchange reserves. We have sought cooperation, not confrontation, between the industrialized nations. Competition between these nations for markets in less industrialized countries, particularly in the oil-producing countries, is both normal and beneficial. But we have sought to avoid bitter competition for internal markets within the Western countries.

I think this has been a wise policy. Secretary Kissinger, in particular, has emphasized the dangers to the whole international order which could spring from a vicious trade war. Yet what we have seen in this airplane competition has certainly approached such a trade war. It has been a fight between the United States and a European country, France, for a European market—not a market in the oil-producing states. I cannot help but wonder whether our desire to keep certain aircraft companies' order books filled has not triumphed over our wiser policy of avoiding international trade wars.

More important, however, has been the apparent effect of our struggle with the French on French President Giscard D'Estaing's attempts to improve cooperation between France and NATO. It should be perfectly clear, just from a look at the map, that French cooperation within NATO is vital if NATO is to have the capability of offering a credible conventional defense. Without France, there is no depth to NATO; and you have a situation where any NATO conflict must immediately escalate to the strategic nu-

clear level. Such escalation is directly contrary to the interest of the United States, which would have to bear the brunt of any such confrontation. It is thus very much in our interest to have France fully cooperative with NATO, as, I believe, it is in the interest of Europe.

I would say, in fact, that the best thing that could possibly happen to NATO would be a decisive move toward greater French participation, and might I add, leadership. France is a great power. She could contribute, with further cooperation with NATO, a decisive capability to the overall NATO/Warsaw Pact equation.

Let what we have done, with this airplane sales business, rate the sale of a few hundred F–16 fighter planes as more important than increased French cooperation with NATO. That is absurd. It is a case of sacrificing very important national and international diplomatic and military interests to rather narrow commercial interests.

Frankly, if it would bring France back into a fully cooperative relationship with NATO, I would favor having NATO buy the Mirage. French reintegration into NATO would be of far greater value, militarily and diplomatically, than would any airplane.

I hope that my colleagues, and those responsible for this policy in the Department of Defense and the Department of State, will give some thought to these observations. I hope we will all act, now, in this case, and in the future, to demonstrate our realization of the importance of France to Europe, to the United States, and to the world. There would be no better answer to the increasing capabilities of the Warsaw Pact than a NATO more firmly based on French participation and French leadership.

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

NORTHROP PAY TO GENERAL STEHLIN DENIED

(By Bernard Caplin)

PARIS, June 7.—The wife of Gen. Paul Stehlin denied today that the French airman-turned-politician had received any money from the Northrop Aircraft Co. A U.S. Senate subcommittee yesterday released documents that said he had been on the company payroll for 11 years.

"The accusations against him are totally without basis," Mrs. Sethlin said. "Never at any time did we receive any money."

Mrs. Stehlin also denied that her husband had attempted suicide in a traffic accident yesterday several hours after the allegations about his association with Northrop were made in Washington.

Stehlin, a former chief of staff of the French air force and a member of Parliament, was in critical condition after being struck yesterday by a bus in downtown Paris. He suffered severe head injuries.

Doctors who performed a tracheotomy on the 68-year-old retired general expressed reservations about his chances of recovery.

Stehlin was injured only a few hours after the congressional inquiry turned up his name as a paid consultant to Northrop at $7,500 a year.

Last November, Stehlin became the center of a political storm here when he championed the latest U.S. generation jet fighters as more advanced than France's own Mirage ssF–1E. After it was learned that he had sent a report to President Valery Giscard d'Estaing urging the French government to abandon the Mirage and cooperate with other European governments in the production of American aircraft, he was forced to resign as vice president of the National Assembly.

At the time, Marcel Dassault, whose company makes the Mirage, openly accused Stehlin of being in the "pay of the Americans" and alluded to an alleged connection with the Hughes Tool Co. But, although it was known that Stehlin was on a first-name basis with several Northrop executives, no direct link between him and the aircraft company was known to exist before yesterday's disclosure of the documents by the congressional committee.

Mrs. Stehlin rejected rumors that Stehlin had deliberately stepped in front of the oncoming bus to kill himself. "My husband is a practicing Catholic," she said. "Therefore, there could be no question of his attempting to commit suicide. This is just a further dramatic episode in our already dramatic existence."

Although the French police reportedly were investigating the possibility of a suicide attempt, the bus driver's testimony appeared to confirm Mrs. Stehlin's denial. He said that Stehlin had tried to back away when he heard the blare of the bus horn, but dropped a brief case filled with papers. By reflex, he reached down to pick it up and was struck, the driver said.

Stehlin's connection with what is being called the "affaire Northrop" is bound to cause fresh embarrassment to French political elements that favor closer military ties with the United States and NATO. Among them are Stehlin's own Centrist Party, which forms part of the government coalition.

By furnishing fuel to the Gaullists and other anti-American voices here, observers predicted, the affair could influence the government's policy. President Valery Giscard d'Estaing's cautious moves toward a more pro-Atlantic foreign policy have gotten only grudging support from the Gaullists, who still form the core of the government's parliamentary backing.

Bitterness over the affair is likely to be heightened by the fact that the Mirage F–1E was definitely eliminated today in favor of the U.S. F–16 as the winner of the so-called "arms contract of the century" to reequip the air forces of Belgium, the Netherlands, Norway, and Denmark.

French Prime Minister Jacques Chirac said he deplored the decision, which he described as a "defeat for Europe."

THE FUTURE OF OUR AID PROGRAMS

Mr. HUMPHREY. Mr. President, on June 3, I chaired the first in a series of hearings in the Foreign Assistance Subcommittee to review our foreign aid programs and develop new priorities for new foreign assistance legislation in the light of changing global realities.

Yesterday, I inserted in the RECORD my opening statement and the remarks prepared for that hearing by Messrs. George Ball and McGeorge Bundy. Today, I would like to call to the attention of my colleagues the remarks of the distinguished panelists who participated in the hearing—Joseph S. Nye of Harvard University; James Grant, president of the Overseas Development Council; and C. Fred Bergsten and Edward Fried, senior fellows at the Brookings Institution.

The panelists called for a new relationship with the Third World countries, stressing economic interdependence and cooperation. They expressed the need to continue food and technical assistance to the "Fourth World"—the poorest of the poor. Mr. Grant, especially, pleaded the case for expanded development assistance in the poor countries.

As Professor Ney reminded us, in the days of the Marshall Plan when we were helping to rebuild wartorn Europe, the United States spent 2 percent of its GNP in foreign assistance programs. Today we spend only 0.2 percent. While the standard of living has risen in many countries, the gap between the rich, industrialized countries and the poor, Fourth World countries continue to expand.

The panel also called for the multilateralization of aid initiatives. It pointed out that the OPEC countries, with their new found affluence, are now becoming aid donors. It suggested that the Soviet Union, as well as other industrialized nations, must assume its share of assistance responsibilities.

While I personally feel that humanitarian objectives are ample justification for the existence of a strong foreign assistance program, more and more people these days are asking, "What's in it for us?" I believe the following statements are testimony that foreign aid is, indeed, in our own interests.

Mr. President, I ask unanimous consent that the statements by Messrs. Nye, Grant, Bergsten and Fried be printed in the RECORD.

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

TESTIMONY OF J. S. NYE BEFORE SENATE FOREIGN RELATIONS COMMITTEE

1. Our aid program has always rested on a mixture of political, economic and humanitarian motives. While I feel there are strong humanitarian reasons for aid, I shall address the case that can be made in terms of political self-interest. In the past, our dominant political reason for aid was security against Communist expansion, either in the direct military sense that was stressed in the 1950s, or indirectly through the creation of stable democracies in less developed countries as was stressed in the 1960s.

2. This political rationale for aid has fallen into disrepute, both in regard to its effectiveness and its goals. Over the course of the '60s it became increasingly doubtful that our aid could shape regimes in poor countries; and the very connection between internal regimes in poor countries and American security was seen to be tenuous. According to a national poll sponsored by the Chicago Council on Foreign Relations in December 1974, only 36% of the public thought aid helped to prevent the spread of Communism; only 44% thought aid contributed to our security; and 56% favored cutting back on economic aid. (Only emergency aid received overwhelming support.)

3. In my view, the public is correct in its skepticism about these traditional arguments for aid. The public is wrong, however, if these figures imply a belief that aid is not important to our interests as a nation. Now, as Senator Humphrey indicated, the first foreign aid legislation in over a decade can go forward without the dead albatross of Vietnam around its neck. It is time to clear away the old arguments and think about our aid program in a broader political perspective. We must explain to the public why aid is in our political self-interest as a nation.

4. The first steps toward thinking more clearly about the foreign aid program is to outline the ways that world politics has

changed in the quarter century since the program began. A successful aid program must be related to this changed context. I shall briefly list five major changes:

(1) The Foreign Policy Agenda. The number and range of issues on the agenda of nations has increased. As Secretary of State Kissinger said in January: "Progress in dealing with our traditional agenda is no longer enough. . . . The problems of energy, resources environment, population, the uses of space and the seas now rank with questions of military security ideology, and territorial rivalry which have traditionally made up the diplomatic agenda." A successful foreign aid program must relate to these new issues.

(2) National Security. Traditional military notions of national security have become too narrow. National security can also be endangered by events outside the political-military sphere. A melting of the Arctic ice cap; a depletion of the ozone layer; a leakage of radio-active wastes; or a continual world population explosion could threaten the security of Americans as seriously as many occurrences that could arise in the traditional military-political realm. A successful foreign aid program should be related to this new type of threat.

(3) Instruments of foreign policy. For a variety of reasons, the use of military force has become more costly and difficult for us to use as an instrument in pursuing our foreign policy objectives. This does not mean that military force plays no role in world politics. Clearly it does. But it is often too blunt; too risk-laden; and too unpopular to be a useful instrument. Consequently, governments must have other instruments, especially economic instruments, to achieve their foreign policy objectives. A foreign aid program can be an important instrument.

(4) Complex interdependence. It is frequently said that we live in an era of economic interdependence. The vulnerabilities and benefits of this interdependence are very unevenly distributed, both among domestic groups and among nations. While a degree of interdependence has always existed, the breadth of issues involved and the number of channels of contact among societies has greatly increased. Almost every major government department has its own foreign contacts. These direct transgovernmental contacts can be important in the management of interdependence. One of the tasks of a foreign aid program is to help to increase the symmetry of interdependence and to develop counterpart agencies in other governments where they are weak or do not exist.

(5) Multilateral Diplomacy. Diplomacy on many of the new issues in international politics is carried out at multilateral conferences and through international organizations. Specific issues such as environment, oceans, food, population, telecommunications, and nuclear safeguards, which are high in our priorities, often become linked in such organizations to larger questions of global equity between the wealthy, industrialized countries and poor countries which are high in their priorities. The nature of our foreign aid program affects our political bargaining position in these international organizations.

This brief sketch of the changed context of world politics has important implications for the role of aid in achieving the short run and long run goals of our foreign policy.

5. Short run goals. A foreign aid program can be an important foreign policy instrument for the achievement of short term goals. It can be used to support particular governments—for example as part of a Middle East settlement. It can be used to provide support for governments threatened by sudden changes in economic dependence—for example the Fourth World in the recent energy crisis. It can provide a background source of influence countering the one-state-one vote formula prevalent in the formal procedures of international organizations. More generally, it provides a source of influence without intervention, in the daily process of bargaining with other governments.

6. Long run goals. In the changed context of world politics, the foreign aid program is even more important for the pursuit of our long run policy objectives. And in many instances our long run political interests blend with our humanitarian concerns. Let me illustrate with examples from population, ecology, oceans, and food.

(a) Population. The population in the developing countries is growing at 2½% a year—twice as fast as in the rich countries. It will double every three decades, increasing the pressure on world food and resources. In the long run, this is a potential source of conflict. In the short run, it is a sensitive issue which is hard to handle. Fortunately, though the causal relations are not fully understood, there is a long term relationship between demographic transition and overall economic development. In other words, by meeting poor countries demands for development assistance, we are meeting our own long term priority of slowing world population growth rates.

(b) Ecology. Environmental concerns rank higher in our priorities than they do for many poor countries. Many poor countries feel that they cannot afford environmental concerns. It is in our interests to develop their capabilities to cope with such ecological problems as radioactive wastes; or atmospheric pollutants that are distributed by stratospheric winds. Similarly, it is in our interests to help other countries to develop and participate in projects to monitor pollutants such as the Global Environmental Monitoring System of the United Nations Environment Program. A foreign aid program that meets their concern that environmental programs enhance rather than detract from their overall development is in our interests as well as theirs.

(c) Oceans regimes. One of the striking features in the bargaining over a new Law of the Sea at Caracas last summer and again at Geneva this spring, was the fear on part of many poor countries that the technologically advanced countries would reap all the benefits of exploiting oceans resources. This mistrust led to restrictive views on issues such as freedom of scientific research which in principle could be of benefit to all humanity. A foreign aid program which addressed the concern of poor countries to develop their technological capacity to profit from oceans resources; and helped to create counterpart agencies and oceanographic institutions interested in scientific research in poor countries might help to create more balanced and far sighted bargaining in such situations in the future.

(d) Food. There has been a comparatively generous public attitude toward sending food to starving people abroad. Yet despite the important response of the past year, the long term solution to world food problems does not lie in annual food transfers, but in developing the capacity to grow food in less developed countries. The technological prospect of doing this exists, but the success of the Green Revolution requires a series of supporting factors—fertilizers, irrigation, pesticides, literacy to cope with these inputs; rural credit; roads; and improved storage—in short, widespread rural development.

The irony is that short term food aid is popular while the real long term solution is not popular. What is needed is political leadership to set an Apollo program type goal of raising world protein consumption to certain minimal levels for all peoples within a decade. For only if we develop indigenous capacities through aid programs will we avoid long run moral dilemmas and political turmoil when the day arrives, as it will, when our annual food transfers are not enough.

7. Some Policy Implications. The policy implications should be clear. I will underline five.

(1) Joint Gain Situations. We sometimes treat demands of poor countries for aid and resource transfer in terms of a confrontation. Many of their demands are poorly put. But as the above examples illustrate, in the long run, both we and the poor countries can benefit from such transfers. Our aid program should be focused on such long range joint gain situations.

(2) Increased Amounts of Aid. The view that we cannot afford more aid, is simply not true. We spent 2% of our GNP in Marshall Plan days. We spend .2% today. We have wasted far more in the quest for military security. While there is bound to be some waste in an increased aid program, a margin of error should be allowed for the new dimensions of security as it was for the old.

(3) Multilateral and Bilateral. The aid program should have both a multilateral and a bilateral component. While my preference is for the multilateral program with long term continuous funding for long term developments, a bilateral program is also important to provide flexibility and short term bargaining resources.

(4) Communist Countries. Where we were once concerned when there was too much Communist aid, we should now be concerned that there is too little. If overall economic development is a major part of the solution to the issues on our long term agenda, we want others to help share the burden. Indeed, there is no reason the Soviet Union should be allowed to be a free rider on the margins of world food markets, without assuming part of the burden of rural development in poor countries that are affected by Soviet entry into the markets. They should pay to play.

(5) A.I.D. Capabilities. Finally, special attention in our aid program and agency should be given to capabilities to deal with the new items on the agenda of world politics that constitute the real long term priorities in our global involvement. This means capabilities in science, environment, food and population. But it also means capabilities for broadly based rural development.

It is my hope that this Committee, having helped to debunk the false rationales of the past, will take the next vital step and provide the political leadership needed to relate the aid program to the important long term global challenges posed to our national political interests by the new aspects of world politics.

A Rebirth for Foreign Aid?

(Statement of Edward R. Fried)

My assignment, as I understand it, is to participate in a discussion of future directions for U.S. foreign aid and, in so doing, to hold my introductory remarks to a minimum. I shall have no difficulty at least with the second half of this assignment because my thesis is straightforward. It amounts to this: The end to our Vietnam experience gives us a unique opportunity to reappraise our foreign assistance policies, both because we are now in a more flexible position to consider alternatives to military assistance in this area of the world and because, directly or indirectly, economic as well as military assistance to Vietnam, Laos, and Cambodia accounted for a sizable portion of our foreign assistance program. I believe that the underlying political and economic forces now at work in the world argue for using our influence and resources to push for a substantial expansion in multilateral aid and for the construction of an effective international system of development cooperation.

Let me say at the outset that I agree with the presumption implicit in the subject you have given us, namely that foreign aid has a future. That proposition is not always

evident either in Congressional or public discussion. The fact remains that the United States will continue to have important national interests in helping poor countries improve their productivity and enhance their material well being. At bottom, this is a matter of morality, for the United States simply cannot opt out of the world community. But prudence is also involved—the kind of prudence that causes us to take out low-cost insurance against catastropic risks. A world in which most people's hopes are consistently frustrated would be characterized by deep-seated tensions—and this could jeopardize the prospects for peace in ways that can only be dimly foreseen. Foreign aid can neither eliminate such tensions nor guarantee material improvements. Indeed it is by no means the most important ingredient for achieving either objective. But it can help poor countries pursue their development goals and it evidences in more than symbolic ways the support of other nations for that effort. In these purely developmental terms, much more foreign aid than is presently in prospect could be effectively used over the foreseeable future.

A second point to bear in mind is that the purposes that U.S. development assistance serves only make sense if they are seen as part of an international undertaking. This follows from the numbers alone, aside from compelling political considerations. The United States is neither alone nor predominant in this business. The flow of U.S. concessional capital (the hard part that Congress must appropriate and which the OECD calls official development assistance) including bilateral programs, contributions to international financial institutions, and food grants, is now probably little more than one-quarter of the world total—if that.

This takes into account the growing volume of assistance being provided by the oil exporting countries. Moreover, concessional capital is less than one-half the total flow of foreign capital moving into developing countries. And finally, foreign capital is perhaps barely one-fifth of the total capital that developing countries mobilize for investment in their economic expansion. Thus, U.S. foreign aid is only part of a much larger set of interconnected relationships.

Third, the developing countries more and more are characterized by economic diversity, and this trend is altering the requirements for concessional capital, the areas to which it should be channeled, and to some extent the sources of such capital—and hence the entire set of foreign aid and development relationships.

The oil exporting countries are of course a phenomenon in themselves, since many have been transformed overnight from recipients to donors of development assistance. However, the large number of other developing countries that have reached or are approaching self-reliance, as far as needing the most concessional forms of capital is concerned, is one of the dramatic and less-publicized achievements of the past decade. Brazil, Mexico, Korea, Singapore, Taiwan, and the Ivory Coast are among the notable examples. Countries in this group have been able to achieve rapid, sustained economic growth. They are able to obtain a growing proportion of their foreign capital requirements from international private capital markets and private investment channels and by borrowing from the World Bank and other international financial institutions at commercial or near commercial terms. And at least until the recession, they could offer good prospects of being able to repay these loans because they have been able to increase their exports of manufactured goods and primary products at a remarkably rapid pace. For these countries it will be essential that the United States and other industrial nations maintain open trade policies, explore possibilities for bringing greater stability to primary commodity markets, and ensure adequate access to international capital markets. Equally, the trade of these countries is of growing importance both to the welfare of the industrial countries and to their prospects for containing inflationary prossures.

This hopeful development means that highly concessional capital increasingly can and should be concentrated on the poorest countries—principally the densely populated countries of South Asia and the large number of small but least economically advanced African countries. These countries will need large-scale concessional assistance, not to generate economic expansion but to accelerate its pace and broaden its impact. They constitute the world's food problem—now as in the past—a problem that cannot be solved unless they are able to increase their own agricultural production. Their prospects, as those of other developing countries, will depend primarily on their own policies and efforts.

Nonetheless, without outside support, their economic margin is so narrow that their development efforts would be chronically vulnerable to failure.

Fourth, these trends show that the growing economic interdependence that characterizes economic relations among industrial countries applies equally to those between industrial and developing countries. Trade, investment, and foreign aid must all be seen as part of a global system with shared responsibilities and obligations. Politically, it is also evident that relations between industrial and developing countries that persist in being bilateral, special, or tutelary, are bound to lead to dissension and failure.

This brings me back to my thesis: the United States, in the aftermath of Vietnam, has an opportunity to set its foreign aid policies on a course of achieving closer collaboration and healthier and more mature relations between industrial and developing countries. Following the withdrawal of our troops from Vietnam, we have been and were planning to spend something on the order of $2 billion a year for military and economic assistance to Indo-China. Our willingness now to commit these funds or a major portion of them to support increased financing of the multilateral agencies could provide a dramatic and sorely needed stimulant to the entire international development effort. This would be a leadership role that would bring us back to the finest traditions of our early post-World War II experience and it would be consistent with the diffusion of economic power in the world as well as with the newly affluent position of some of the oil exporting countries. The organizations to do this are at hand. No proliferation of agencies would be needed. Specifically:

We should be leaders and not reluctant laggards in seeing that the World Bank and the other international financial institutions are able to substantially increase their concessional lending. We should set our sights high, because this would be an extraordinarily sound investment in economic development, in fair burden sharing, and in foreign relations. Failure would place the poorest nations at a severe disadvantage.

We should push for follow-on progress in the actions proposed at the World Food Conference: the creation of an Agricultural Development Fund to increase agricultural production in the developing countries; for international collaboration in building food reserves and in having at hand adequate food supplies for emergency famine relief; and for agreeing on targets, sharing responsibilities. and coordinating policies in food aid.

We should support an expansion in the capital of the UNDP as a means of building an international framework and international leadership for technical assistance.

We should work for a substantial increase in the paid-in capital of the International Finance Corporation so that this World Bank affiliate can assume a much more ambitious role in taking up equity positions in joint ventures in developing countries with the object of re-selling its participation to local investors when a market for them develops.

We should support the expansion of international investment insurance arrangements to replace our bilateral institutions.

And we should view the newly formed IMF/IBRD Development Committee as a mechanism through which industrial and developing countries could eventually draw up a world development budget—based not on narrow politics but on economic and social progress—a budget that could facilitate a fair sharing of obligations and an effective review of performance.

All this would be good development policy, but for the United States as well as for other countries, it would also be good foreign policy. I know of no more effective nor more practical way of strengthening the international order.

NEEDED: A NEW U.S. "FOREIGN ASSISTANCE" POLICY

(By C. Fred Bergsten)

THE NEW POLICY SETTING

The entire political and economic framework within which the United States has extended foreign assistance for a generation has changed dramatically.

A majority of the developing countries have become a new "international middle class" and acquired significant sources of usable national power. Many in this new "Third World" have formed commodity cartels to boost their export earnings.[1] Many are rapidly industrializing. Most have learned to harness the "powerful" multinational firms to promote their own national interests, rather than the interests of the home countries where they are based.[2] Some have become military powers, and several are in the process of going nuclear.

To accelerate this process, the developing countries display impressive signs of unit. They band together along both functional (OPEC and the other commodity cartels) and regional lines. Together they call for a "new international economic order" and torpedo a world energy conference. By contrast, the industrialized countries scramble for their resources and are unable to operate together.

At the same time, a "Fourth World" of poverty has been left behind. A few large countries in South Asia and a score of small countries in Africa face constant threats of starvation and mounting economic woes. Their problem is particularly acute in the short run, because the world recession further weakens markets for their exports and the higher price for oil further drains their monetary reserves.

This bifurcation of the developing world has created huge asymmetries between economic and political power. Historically, countries were either superpowers (U.S., USSR) or international weaklings (India, Abu Dhahi) in both economic and political terms. Now, however, defenseless Abu Dhabi has massive oil and financial wealth. Starving India has nuclear weapons and strong conventional military forces. There has never

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[1] See C. Fred Bergsten, "The New Era in World Commodity Markets," *Challenge*, September/October 1974. This and the other articles cited by the present author (except the last one) are reprinted in *Toward a New International Economic Order: Selected Papers of C. Fred Bergsten* (Lexington, Mass.: D.C. Health and Co., 1975).

[2] See C. Fred Bergsten, "Coming Investment Wars?" *Foreign Affairs*, October 1974.

been a surer formula for international economic and political instability. The Arab use of economic power to pursue political objectives is only the first major effort to achieve international advantage through such linkage.

THE IMPLICATIONS FOR U.S. FOREIGN ASSISTANCE

The new international middle class neither needs nor wants much foreign aid. They seldom talk now of the 1 percent aid target, except to disparage us for reneging on our promises to meet it. Indeed, many of them are becoming aid donors. Thus we should phase down, and shortly out, our concessional lending to this large group of countries.

But this Third World desperately needs, and passionately wants, some other things: access to our markets for their manufactured products, access to our private capital markets to finance their growth, opportunities to borrow from the international financial institutions at market rates, agreements which will truly stabilize their commodity earnings, international agreements regarding multinational enterprises, a greater voice in international decision-making forums. Moreover, they can go far toward gaining their objectives through the unilateral exercise of their new national power—driving up commodity prices, subsidizing their exports of manufactures, controlling the firms, vetoing changes in the international rules which they dislike—and will do so unless we smooth the transition by helping them.

At the same time that we phase out concessional aid, we must therefore phase in new trade, investment and financial policies which truly enable these countries to help themselves.[3] The most effective "aid" we can give these countries is improved adjustment assistance to our own workers who may be hurt by increases in our imports from them, a morally and politically essential component of any such U.S. policy. A failure to adopt this approach will condemn us to the high economic and political costs of continued, escalating North-South confrontation.

This implies that "foreign assistance" must take on a far wider meaning than ever before. It cannot be limited to concessional lending. It must include trade policy, commodity policy and international monetary policy. The Congress made a start in this direction last year by creating an interagency mechanism, chaired by a representative of the Administrator of AID, to coordinate these various issues. Despite solid efforts by some of the people involved, that initiative has failed. The Congress should thus force the issue by pulling together in a single piece of legislation all aspects of U.S. policy toward the developing world.

Finally, there remains the Fourth World. It too will benefit from the trade and financial policies just suggested. But it will also continue to need concessional aid for some time to come.

The United States should extend such aid generously, both for humanitarian and pragmatic reasons—since some of these countries too will join the Third World in the future, and a few (notably India) already have the capacity to cause major international problems. Their political imperatives, however, virtually require us to depoliticize our assistance: via multilateralizaton, support for a "third window" at the World Bank whereby the OECD countries subsidize the interest costs to the poor borrowers of capital provided by OPEC countries, linking the creation of Special Drawing Rights[4] to development needs.

Taken together, these policies would lead to a rapid phaseout of U.S. bilateral aid, multilateralization of our concessional assistance to the Fourth World, and a broadening of our concept of "assistance" to integrate trade, commodity, and finance into a cohesive policy toward the developing countries. Only with such a new approach can we avoid growing political and economic costs in our relations with both the Third and Fourth Worlds.

STATEMENT OF JAMES P. GRANT, PRESIDENT OVERSEAS DEVELOPMENT COUNCIL, BEFORE THE SUBCOMMITTEE ON FOREIGN ASSISTANCE OF THE SENATE FOREIGN RELATIONS COMMITTEE, JUNE 3, 1975

Mr. Chairman and Members of the Committee: I welcome this opportunity to respond to your invitation to testify on the future of development assistance as the Senate Foreign Relations Committee begins its review of the Administration's request for foreign assistance FY 1976 and FY 1977. Important decisions on development assistance will be required in 1975.

The U.S. development assistance program is up for its biannual authorization by Congress at a time when American disbursements of economic assistance, including those for Indochina, have dropped to two tenths of one percent of our Gross National Product (GNP), well under the average of three tenths of one percent of GNP for other industrial market economy countries and of two percent for the OPEC states.

The Public Law 480 Food Program needs review to take into account the changed world food situation.

Both the development assistance and the food aid programs need to be reviewed in the context of the resolutions of the World Food Conference on November, 1974 which spawned a series of new proposals for cooperation requiring early action by the United States.

The increasingly distressed Fourth World of 42 countries with a total population of one billion people urgently requires more help (an estimated $4 billion over 1973 levels if a 2–3 percent per capita growth rate is to be restored).

Decisions also are required on the desirability of establishing a "third" window at the World Bank which lends on concessional terms between the present hard and soft versions, and on the scale of the next replenishments of the "soft loan" windows of the World Bank and the Inter-American Development Bank.

There are the urgent issues of whether the OPEC countries, in their budding but major ($2.5 billion in 1974, and due to increase in 1975 and 1976) efforts at development assistance, are to be treated as partners or competitors, and whether the United States has a major stake in the success of the development efforts of these 300 million people over the next decade.

Furthermore, these hearings come at a time when—as the ODC's just published *Agenda for Action 1975* states—the vast challenge before us is that of living with a rapidly growing interdependence—a challenge sharpened greatly by the increasingly intensified efforts of the developing nations to secure a greater voice in the management of the international economy and a more equitable share of the benefits of global economic growth. United States decisions on economic assistance can vitally affect the American response to the growing pressure from the world's poor majority which promises to be among the dominant international issues in the years to come.

The future role of development assistance, and of development cooperation generally, is, therefore, very much an issue as the post World War II order—and possibly even more—gives way to something new and still uncertain. The mid 1970s increasingly appear to mark the start of an historic transformation noted by Henry Kissinger recently when he stated:

"The first truly world crisis is that which we face now. It requires the first truly global solutions.

"The world stands uneasily poised between unprecedented chaos and the opportunity for unparalleled creativity. The next few years will determine whether interdependence will foster common progress or common disaster. Our generation has the opportunity to shape a new cooperative international system; if we fail to act with vision we will condemn ourselves to mounting domestic and international crises."

It is in the new context that the future development corporation must be considered as the United States plans for the first years of the third century of its nationhood. I suggest that the Congress—and the United States generally—focus on three sets of issues in connection with its consideration of foreign assistance in 1975. First, the broad foreign—and global—policy issues required to cope with the new interdependence era that lies ahead if the momentum of progress of the last three decades is to be regained. Second, the new principles which should increasingly govern resource transfers from rich countries to poor countries over the coming decade. Third, the specific issues requiring actions in 1975, actions which, hopefully, will reflect policy decisions taken or emerging on the broader sets of issues ahead referred to above.

I. KEY GLOBAL POLICY ISSUES FOR THE UNITED STATES

1. Do we see the current global crisis as primarily a consequence of *cyclical* factors—drought, Middle East War, simultaneous worldwide boom followed by simultaneous recession—aggravated by the challenge of the developing countries to the Northern dominated hierarchy of international power, or do we see it as part of something so much more *fundamental* now affecting the post World War II political and economic order that a molecular change can be said to be occurring in world order? The answer to this question should vitally affect our global strategy. If we see the current crisis as primarily a consequence of cyclical factors, then the U.S. approach to negotiations with developing countries takes place in the context of "winners" and "losers", with the United States, the historically advantaged and more privileged party seeking to minimize its losses. If a global transformation is in process, we will need the cooperation of the developing countries in a major way in developing new structures that will enable us to live successfully with growing interdependence, just as they will need our cooperation in bringing about a change in structures more responsive to their needs. Under these circumstances both parties could gain from successful negotiations, as at the World Food Conference.

The United States Government position on this vital underlying issue is not yet clear. Secretary Kissinger's rhetoric, as in the earlier quote, increasingly reflects a recognition that a global transformation is in process; however, most U.S. Government actions (with the notable exception of the

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[3] For details see C. Fred Bergsten, "The Response to the Third World," *Foreign Policy* 17 (Winter 1974–75).

[4] Which are highly desirable for international monetary purposes. See C. Fred Bergsten, "New Urgency for International Monetary Reform," *Foreign Policy* 19 (Summer 1975).

food field) and the rhetoric of other Cabinet level leaders still reflect the former.

2. Is the United States prepared to *willingly negotiate*—to bargain collectively—with the developing countries on their demands generally in a variety of forums? Assistant Secretary of State Enders's statement looking to the early demise of OPEC before the beginning of the Paris meeting on energy and other matters was not an auspicious preface to that meeting. Secretary of State Kissinger's address at Kansas City on May 13, 1975, appears to be a clear affirmation of our willingness to negotiate, but it does not specify the forums—and the United States has not tended to favor the United Nations as a forum for discussing economic matters.

3. Does the United States accept as a basic premise, leaving aside the question of degree, that the existing international economic order is in some important ways unfair to the developing countries and requires reform to give the poorer nations a *greater voice in the management of the international economy and a more equitable share of the benefits of global economic growth?* Are the advanced countries prepared to acknowledge this claim of the poorer nations on the global scene?

The United States at the OECD ministerial level meeting on May 28, 1975, joined with others in stressing the need "to pursue the dialogue with the developing countries . . . to make real progress toward a more balanced and equitable structure of international economic relations (see attachment A). Clear acceptance of this premise by the United States would cross an historic bridge (as we did with our industrial workers in the United States in the mid-1930s, and later in the 1960s, with American blacks), and should vastly improve the atmosphere for detailed negotiations with the developing countries this September and in the years that follow.

4. What are the *principal subject-matter areas* we are prepared to discuss seriously with the developing countries in the months ahead? Food clearly is one, energy is another (but neither we nor the OPEC countries have yet proposed a global approach to the energy problem analogous to that followed with respect to food, which looked ten years ahead and took into account the needs of *all* countries, including the non oil-exporting countries of the Third and Fourth World.) Which other raw materials are we prepared to discuss? Increased—and more reliable—resource transfers? The role of multinationals, and the possibilities for a code of conduct and some global regulations? Increased participation in the management of development institutions such as the World Bank—for developing countries generally and for the new net (OPEC) donors specifically? Reform of international (as distinguished from regional, e.g., OECD) forums to make them more effective in the international economic arena and to give them collectively a major new international economic role? There are many other areas in which the developing countries are seeking negotiations in their pursuit of a new international economic order; however, not all need to be discussed for there to be an atmosphere conducive to negotiations (see attachment B for a summary of their views as provided in the U.S. President's International Economic Report for 1975.)

5. Finally, there is the issue of which of the several *overall strategy options* should the advanced countries of the world's North, notably the OECD countries, favor in responding to the challenge from the developing countries of the South for more sharing in international decision making and in the benefits of progress? Roger Hansen, Senior Fellow of the Overseas Development Council and of the Council on Foreign Relations, suggests in ODC's *Agenda for Action 1975* that there are at least four distinct Northern policy options. The first might be characterized as an across-the-board Northern Project Independence, with there being a North-South "decoupling" in which the OECD countries take positive and comprehensive (and frequently expensive) steps to limit all potentially costly forms of dependence on the South. This is the conceptual approach currently being followed in the energy field by the OECD countries.

The second option he characterizes as a giant Red Cross effort, an institutionalizing of the approaches of recent years which have involved primary consultation among the OECD states and increasingly token efforts to assist the developing countries except at times of disaster.

The third option he characterizes as the 'incrementalist"—or "sectoral" option. It would envisage a "one-step-at-a-time" approach to hammer out a series of, hopefully, mutually beneficial "mini-compacts" dealing with specific sectors such as was done at the World Food Conference and is now being proposed by Secretary Kissinger for raw materials on a "case by case" basis.

A fourth option, in effect a loosely defined global compact, would entail a much more ambitious package of explicit and mutual commitments from the North and South including an undertaking to attack the problems of absolute poverty in the South as well as assuring Southern cooperation on access to raw materials and global economic issues generally. In some ways this would be analogous to the *de facto* social compact that emerged in the mid-to-late 1940s and early 1950s between the United States and, first, the advanced market economy countries and, later, the new nations of the South.

In actuality the United States response might be a mixture of all four, including some autarchy and confrontation, efforts to co-opt more influential developing countries and varying degrees of across-the-board cooperation. The principal issue would be the mix—the needs for development cooperation would be far greater if the latter were to predominate.

The above indicate the types of questions that need to be addressed if there is to be a meaningful foreign policy context in which to decide the issues of development assistance for the next two years—and if there is to be a global economic order responsive to our needs over the next quarter century—needs which cannot be met unless we are prepared to be more responsive to the needs of others in this increasingly interdependent world.

Two further points under this heading: with respect to the cyclical versus secular trends question posed under item 1 above, in my judgment and that of most of my colleagues at the Overseas Development Council, the world appears to be on the verge of one of the great economic, social, and political discontinuities of history. A global transformation is beginning to emerge that includes, but goes beyond, the immediate consequences of increasing interdependence; indeed it is as if the molecular structure of the world order were changing. In the rich and poor nations alike, solutions to major issues such as the food and energy crises and stagflation increasingly involve a network of relationships requiring new global approaches if reasonable rates of growth are to continue. New global as well as domestic "social compacts" are needed to meet these new circumstances. Interdependence among nations is evolving to the point where the salient factor in our relations with developing countries should no longer be premised on paternalistically helping them with "their" problem of underdevelopment. Now the dependence of each nation on jointly managed international systems is so great that *their* lack of development frequently become *our* problem—just as our waste, pollution, and deepening recession often become their problems. Increasingly their problems and ours are becoming common problems that afflict the whole world and that can best be treated by joint action.

Because of the vital importance of the United States decision on this issue to our whole response to the challenge from the South, and to the scale and nature of United States development assistance, I enclose as attachment D to this testimony a chapter from *Agenda for Action 1975* specifically addressing this subject. One conclusion in particular bears highlighting for these hearings: growth rates for the production of material goods can be expected to slow sharply for the mid- and late-1970s and very likely for the balance of the century *unless* the world can develop new systems, or improve existing ones, for managing areas of scarcity and tension. As Secretary Kissinger said in mid-May at Kansas City, "There is no alternative to international collaboration if growth is to be sustained. But . . . many countries believe it [the world economic structure] does not fairly meet their needs." The central objective of our approach should be gaining increased growth for *all,* with significantly greater participation in decision making and sharing in the benefits being accorded the developing countries.

Second, I do not believe the times call for the United States to consider itself either a permanent embattled minority in the world community or a country which needs go into active opposition at the United Nations. Both courses have been suggested by Ambassador Moynihan in a recent article in *Commentary* magazine. The United States was in many ways even more a minority in terms of wealth in the mid-1940s than it is today, but that did not prevent us from developing a grand strategy responsive to the needs of the times which gained us an important—for much of the time the major—leadership position among the majority of mankind. We have demonstrated in the past six months in the vital area of food how we can still be the leader of a majority and hammer out an imaginative long-term program, together with a set of ingenious implementing institutions, from which rich nations and poor nations alike can gain. If the United States joins with others in proposing a program of substance designed to (a) make our increasingly interdependent world work for all, and (b) to give the poorer nations a greater voice in the management of reformed international economic systems and a more equitable share of global economic benefits (as present realities dictate)—and if it does not seek a counter-offensive in style without meeting the needs of substance (as Senator Kennedy in his speech at the UN on May 15),—then the United States can again become an effective international leader. This would seem a more appropriate posture for the first nation to propound the proposition that all men are created equal. And does the United States have any realistic alternative? Unfortunately, the U.S. does not yet have a comprehensive program—as it did in the mid- and late 1940s—even remotely adequate to the challenges of the times. The United States needs to propose a program for global economic order which goes *beyond* the substance of the 1974 U.N. General Assembly's "New International Economic Order" resolutions to encompass more adequately the needs of *both* the advanced countries and the poorer countries. With such a GEO strategy all parties would gain.

II. KEY ISSUES OF RESOURCE TRANSFERS

The present system of resource transfer, after a remarkable period of steady growth from the 1950s to the mid 1960s is now crumbling and in an increasing state of dis-

array (see attachment E). The only international deal which presently exists on resource transfers is enshrined in the acceptance by the rich nations of a target of 1% of GNP, with 0.7% as official development assistance (ODA) on fairly concessional terms. However, the acceptance of this target by the rich nations was grudgingly slow (with many nations still not officially subscribing to this target or, as with the U.S., not having agreed to a date by which this target should be met). The actual performance has been most disappointing: official development assistance from DAC countries of the OECD actually declined from 0.52% in 1960 to 0.3% in 1975 (0.2% for the U.S.) and, according to the current World Bank projections, is expected to decline further to 0.22% by 1980 (0.10 for the U.S.), given the present trends. Centrally planned economies have given relatively little aid bilaterally and have not participated in any major multilateral channels of assistance. The newly-liquid OPEC countries are recent arrivals on the scene and have already started transferring significant amounts (an estimated $2.6 billion in 1974 or some 2% of their combined GNP), but are not yet systematically integrated into the overall framework of international resource transfers even though much of their aid will actually be spent in the OECD countries.

There must, therefore, be a search for a new framework for international resource transfers as an essential part of the effort to establish a new global economic order. It will take time to negotiate such framework and to put its various elements in place—a logical forum for such negotiations could well be the Joint Bank-Fund Development Committee if the members wish to use it for this purpose—but at least some of the principles on which this framework should be based can be spelled out.

I list below nine principles which might be considered. They are taken from a paper prepared recently by Dr. Mahbub ul Haq of the World Bank and me for submission in our individual capacities to a Club of Rome project under the direction of Professor Jan Timbergen of the Netherlands:

(1) A new framework for orderly resource transfers from the rich to the poor nations needs to be developed which is based on some *internationally accepted needs* of the poor rather than on the uncertain generosity of the rich. As was the case in the evolution of progressive national orders, provision of equality of opportunity to the poor nations should come to be regarded not as a matter of charity but as part of a new deal giving them a significant stake in a stable social order.

(2) An *element of automaticity* must be built into the resource transfer system. To be realistic, the world community is still too early in its stage of evolution and recognition of its interdependence to accept the concept of international taxation of the rich nations for the benefit of the poor nations. But the concept need not be accepted in its entirety: it can be introduced gradually over time through a variety of devices:

(i) a larger share of liquidity created by the IMF (either through SDR's or gold sales) can be made available for development either through international financial institutions or directly to the developing countries; (ii) certain sources of international financing can be developed—such as tax on non-renewable resources, tax on international pollutants, tax on multinational corporation activities, rebates to country of origin of taxes collected on the earnings of trained immigrants from the developing countries, taxes on or royalties from commercial activities arising out of international commons—e.g., ocean beds, outer space, the polar region. The devices can be many: the more difficult aspect is to convince the rich nations that a more automatic system of international resource transfers will be in their own interest in the longer run as it will greatly reduce the present conflicts and endless controversies over the question of "aid" between the rich and the poor nations.

(3) The focus of international assistance must shift to the *poorest countries* and, within them, to the *poorest segments* of the population. These are generally the countries below $200 per capita income, mostly in South Asia and Sahelian Africa, containing over one billion of the poorest people in the world. For higher income developing countries, what is important is their access to international capital market and expanding trade opportunities, not concessional assistance. If international assistance is so redirected, it is also essential that it be in the form of grants, without creating a reverse obligation of mounting debt service liability at a low level of poverty. Even the thought of the poorest sector repaying huge debts to the richest sector under the eyes of a benign government would be found abhorrent at the national level but it is still tolerated at the international level because of the lamentably slow growth of our perceptions as an international community.

(4) It would also be logical to *link international assistance to national programs aimed at satisfying minimum human needs,* however treacherous the concept may be. This would give both a focus and direction to international assistance effort and make it a limited period affair till some of the worst manifestations of poverty—malnutrition, illiteracy and squalid living conditions—are overcome both through the international effort and the expanding ability of the national governments to launch a direct attack on poverty. These programs, however, should not be based on the concept of a simple income transfer to the poor—which would create permanent dependence—but on increasing the productivity of the poor and integrating them into the economic system.

(5) International assistance, on a more automatic and purely grant basis, should be accepted by the international community as a *transitional* arrangement, to be terminated as soon as some of the worst manifestations of poverty can be removed. This is necessary both to protect the urge for self-reliance in the developing countries and to underline that the essential element in the new international economic order is not so much the redistribution of past incomes and wealth as the distribution of future growth opportunities; the stress must be on the equity of opportunity, not the equality of income. Each developing country must shape its own pattern of development and its own life style and, for this to be accomplished, international assistance can only be regarded as a temporary supplement to domestic efforts in the poorest countries.

(6) Who should provide this assistance and how should the *burdens* be shared? Obviously, it should be done by the richest nations as measured by their per capita income. The problem for the next few years, however, is going to be that the rich industrialized nations—with an average per capita income of about $4,700 for DAC members—may experience balance of payments difficulties while most of the liquid OPEC countries (other than Saudi Arabia, Kuwait, Libya, Qatar and the UAE wtih an average per capita income of about $4,000) are hardly rich enough to provide large subsidy funds since their average per capita income is still less than $500. An obvious solution would be to combine the volume of lending from the OPEC with the availability of subsidy funds from the industrialized countries and from the richest OPEC nations. But such a formula is likely to provide resources at intermediate terms, with about 50 to 60% grant element, rather than the pure grants recommended above. However, this "second best" solution may be the only course available for the next few years unless some of the automatic mechanisms suggested in (2) above come into play.

(7) A major effort must also be made to provide a framework within which the richer *socialist* countries can play a much more substantial role than their present limited contribution. (The USSR aid of $750 million equals 0.16 of its GNP)

(8) If the framework of international resource transfers is to be restructured along the lines indicated above, it is a logical corollary that *multilateral* channels (directly or through multilaterally-led consortia) should be used for directing this assistance in preference to strictly bilateral channels This will be consistent with greater automaticity of transfers, allocations based on poverty and need rather than on special relationships, and a more orderly system of burden sharing.

(9) In order to put in a new framework of assistance, arrangements must be made to provide a negotiating forum for an *orderly settlement of past debts.* It is time to revive the proposal of the Pearson Commission that a Conference of principal creditors and debtors should be convened to discuss and agree on the principles for a major settlement to ease past burdens, particularly for the poorest countries.

To be realistic, it is not going to be easy to negotiate all the above principles simultaneously or to implement them immediately. The basic idea in spelling them out is to indicate the sense of direction that must be generated in negotiating a new framework for international resource transfers, rather than to offer a concrete blueprint which can only emerge out of hard, tough bargaining which seeks to balance various conflicting interests. An "idealized" framework should include most of the nine elements mentioned above; a more practical framework will naturally have to settle for many compromises and "second best" solutions, at least in the short run.

III. SPECIFIC DEVELOPMENT ASSISTANCE ISSUES FOR 1975

New efforts are obviously and urgently needed abroad and in the United States—with the Executive Branch, by the Congress, and in private centers—to hammer out the scope and the details of a broad new approach to emerging global issues and to develop a consensus that would allow their implementation. But this will—and should—take time, and some conclusions can be expected to emerge piecemeal, as already with food, and at forums such as the oil producer and consumer conference in the summer of 1975 and the United Nations Special Session on Development in the fall of 1975. Meanwhile, with development cooperation so key to any set of solutions, the momentum of current development assistance programs must not be allowed to slacken even while seeking to make them more relevant and responsive to current needs.

The balance of this paper analyzes briefly the requirements for effective support for the resolutions of the World Food Conference, the need for renewed support of population activities, the critical requirements of different groups of countries—Fourth World, middle income developing countries, OPEC nations; and possible sources for increased funding of these programs.

1. Follow-up to the World Food Conference:

Viewed in the long term, the World Conference held in Rome in November 1974 may prove to have been an historic success. The Conference established some potentially useful, new international machinery to encourage expansion of production in food-deficit developing countries. It was agreed that there should be an internation-

ally coordinated system of national grain reserves and a system to warn of impending shortfalls in world food availability. The Conference also focused widespread attention of citizens and their governments on the problem of hunger and population and was the first occasion on which the Western developed countries, the Soviet Union, China, the newly rich OPEC countries, and other developing countries joined efforts in considering major world problem.

The near consensus reached at the Conference on the importance of increased food production in food-deficit countries calls for more effective rural development programs in those countries. In the long run, the key solution to the food problem is to grow more food in the food-deficit poor countries and to increase the incomes of the poor so that they can buy it. The U.S. Department of Agriculture estimated in December 1974 that the 1985 deficit might run as high as 71.6 million tons, but that it might be held as low as 15.8 million tons if appropriate steps were taken immediately to increase food production in developing countries. This will take time, however, and meanwhile there is the immediate problem of dealing with hunger and acute malnutrition.

(a) The decision by President Ford in early 1975 to expand *food aid* for the year to 5.5 million tons was welcome, although it came too late to be of maximum benefit. The United States should be prepared to provide 5 million tons annually toward meeting the 10 million food aid target specified by the Conference, with other countries being required to match us. Total PL 480 should be larger (close to a level of 8 to 9 million tons a year—roughly its level in the late 1960s and early 1970s, before it plummeted to a low of just over 3 million tons in 1974) to enable the U.S. Government to meet political needs without reducing food aid to meet humanitarian and developmental needs. In addition, Public Law 480 needs revision to make the Food for Peace Program—which was originally a surplus disposal program—reflect current conditions. For instance, food aid needs to be programmed early in each year, rather than only after it is known how much is left over from other uses. The grant component of the program needs to be increased to meet the growing humanitarian needs to support agricultural production more effectively and to help establish food reserves in recipient countries. Finally, increased use needs to be made of the World Food Program and of experienced private organizations such as CARE, Catholic Relief Services and Church World Service. Tens of millions of people will be at greater risk in the Fourth World countries over the next several years because of their economic crisis, and these programs provide some degree of assurance of reaching down to the poorer elements in these poor countries. S. 1654 to amend PL 480 introduced by Senator Humphrey on May 6 makes the types of modernizing changes that are required by this legislation.

(b) The establishment of a world *food reserve system* is strictly dependent upon American initiative, and is urgently needed. Under present circumstances, a shift in supply of only 1 or 2 per cent below or above effective market demand means either soaring prices and increased malnutrition, or plummeting prices and lower farm income. It will not be easy to establish on the global level a food reserve system that follows Joseph's advice to the Pharoah of four millenniums ago. Since what is called for is a series of national reserves run according to a standard set of rules, the United States might push ahead with its share of the reserve system without waiting for the completion of the international negotiations. Early announcement by the United States of its intention to establish a reserve of, say, 30 million tons as grains become available at a reasonable cost, would accomplish several results simultaneously. Farmers everywhere would go all out to increase food production, confident that there would be a market—and not plummeting prices—if there is grain production above immedate consumption needs of the market. It would represent a start toward rebuilding reserves in the event of another lean year in 1976 and 1977—the world cannot miss the chance to start rebuilding stocks at the earliest possible opportunity.

(c) Most important for the long run, as noted above, is the need for increased assistance to food production in the developing countries. The World Food Conference has called for an increase in external capital for this purpose from $1.5 billion annually to $5 billion.

The Administration's request to increase funding under the U.S. Development Assistance Program from an estimated $410 million in FY 1975 to $582 million FY 1976 should be supported in full.

Additional funding—an estimated $200 million—should be provided by the United States to make possible the launching of the proposed Agricultural Development Fund at the annual funding availability level of $1 billion, with the OPEC countries providing one half of the annual funding required. Secretary of State Kissinger has announced U.S. support of the creation of the Fund but his language was sufficiently vague as to leave open the possibility that we would not contribute to its financing.

The U.S. bilateral development assistance under the Foreign Assistance Act has already been overhauled in 1973 to make it far more effective for supporting food and population programs as here envisioned. Now that the global community has come up with a long-term approach to food, the United States should consider the possibility of a five year authorization for food production assistance to insure its most effective use and to project a gradually increasing level of such assistance to a figure of, say, $1 billion in 1980. A successful address of the world food problem not only meets great human needs but makes a major contribution to long-term problems of inflation, slowing rural-urban migration, and lowering birth rates—to say nothing of the contribution it would make to, and example it would provide, for global problem solving.

(d) Finally, mention needs to be made of the special need for a stepped-up global cooperative effort to increase fertilizer production and to assure its availability to the poorer countries at times of tight supply. It is a unique opportunity to marry OPEC capital and feed stocks on the one hand with American technical expertise and equipment to the benefit of the global food production effort on the other. Consideration also needs to be given to the establishment of some kind of a world fertilizer reserve system so as to encourage the construction of adequate capacity in the balance of this decade and to avoid a repetition of the current circumstances where fertilizer has been selling at a scarcity price two to three times its production cost to the great disadvantage of poorer farmers everywhere.

2. Population Programs—Restoring the Momentum:

With the population explosion continuing to threaten all mankind, the Congress during the current year—in an action incomprehensible to many—reduced funding for population activities from $120 million to $110 million. The full Administration request for $135 (together with $66 million for health) must be granted to maintain forward momentum in these programs.

3. Fourth World Needs:

In the years immediately ahead, the most urgent task for development cooperation is the need to restore and accelerate the development progress of the nearly one billion living largely in the poorest countries of the world—the new "Fourth World". 1974 has given an indication of the kind of adjustment that can take place for the poorest countries when scarcities become chronic. In that year the most affluent billion people in the world utilized significantly more fertilizer per capita and ate well, many better than before; while the poorest billion slowed their use of fertilizer and ate less. It is difficult to predict precisely the adverse consequences to more affluent countries from the economic disasters of these poorest countries, but the affluent can ignore showing any meaningful concern for one quarter of mankind only at their not too future peril.

In spite of the fact that they have one half of the population of the non-Communist developing world, and that they have a high degree of dependence on concessional loans, Fourth World countries received only 35 per cent, $3 billion, of the concessional lending to the developing world in 1973. The World Bank has estimated that these countries will require some $4 billion additional of highly concessional lending each year over 1973 levels between now and 1980 if they are to regain even the low but still meaningful growth rate of 2 per cent per capita annually. While $4 billion is a substantial sum, it is a very small cost indeed for restoring a modicum of growth and hope to the poorest quarter of mankind much of which is beginning to suffer acute "financial malnutrition" as compared to earlier years.

OPEC countries have provided approximately $2 billion in new aid commitments in 1974. They need to be encouraged to do more, and at least continue this rate of lending which largely offsets their higher oil prices to these countries. The industrial countries, and particularly the United States, have been much slower in responding to the new needs of these countries even though the World Bank and the United States estimates show that the vastly higher import costs these countries are now paying arise not only from higher oil costs but almost equally from higher costs for food and manufactures from the industrial countries (most notably the United States) on the other.[1] There was no increase in U.S. aid to these countries in 1974; however, the bulk of the $600 million increase in food aid for 1975 should flow to these most severely affected countries. The "old rich" must find means for increasing their flows by at least $2 billion annually, and to provide it in such a way (contrary to 1974 experience) that Fourth World countries can use it effectively through being able to firmly anticipate its provision and it can be integrated with OPEC aid and long-term food and population needs.

The food and population problems are most onerous in the Fourth World; expansion of development cooperation pursuant to the resolutions of the World Food Conference and the World Population Conference should be of major benefit to them. Furthermore, most

[1] e.g. India's import bill increased from $3.2 billion in calendar 1973 to an estimated $5 billion for 1974. The cost of petroleum and related products increased from $447 million to $1.3 billion; fertilizers more than tripled in cost, from $205 million to over $600 million and agricultural imports increased from $605 million in 1973 to $1.2 billion in 1974. India's exports increased in value from $2.96 billion in 1973 to around $3.85 billion in 1974, primarily because of higher prices for its sugar and tea exports. In calendar 1975 India may take close to $1 billion in U.S. farm products with over 85 per cent of it on a cash basis. *Foreign Agriculture*, p. 2, USDA, March 10,

of these countries are centered in South Asia, strategically located for the Persian Gulf countries and a potential major buyer of their fertilizers and supplier of their food, and in Sahelian Afrrica, with its heavy Muslim population. With imaginative leadership, there should be substantial prospects for involving the "old rich" and the "new rich" in coordinated programs under the leadership of multilateral institutions for helping these areas with increasing their food and fertilizer production, and in advancing development generally.

These countries should have first claim on the world's limited supply of highly concessional aid, and the United States should increase its bilateral flow of such aid to them in 1975 and 1976 by at least $1 billion over the level of 1973 through such means as increased food aid, food production and population assistance under the Foreign Assistance Act and a new type of concessional export credits for Americans goods which will support their infrastructure, food and energy programs. This should preferably be in the form of a five-year undertaking by the United States Government to assure its most effective use and significant continuing contributions by multilateral institutions and by other OECD and OPEC nations. As part of this effort the United States and India need to build a new cooperative approach for American support of Indian development; the new U.S.-India bilateral commission co-chaired by Secretary Kissinger and Minister Chavan might provide the appropriate framework.

4. Third World Needs:

A less urgent—but still major—problem facing the industrial countries is how to build a more equitable relationship with the middle income developing countries of Latin America and East Asia, and to devise additional and improved means for helping them with their problems of development, including that of their poor majorities and of adjusting to the economic shocks of the mid 1970s. These countries are already well advanced up the development ladder, with income per capita averaging $500 and more, and with reasonably good growth rates projected by World Bank for the balance of the decade. As with richer OPEC countries, but possibly to a lesser extent, these countries, particularly those in Latin America, are outgrowing the "hierarchical interdependence" that characterize the relationship of most developing countries to the advanced industrial nations. Their most urgent need is for intermediate term financing measures, including continued access to Eurocurrency markets, to export credits, and to loans from international financial institutions at or near market rates. The proposed special IMF trust fund and "third window" for the World Bank, would be of special importance for intermediate term financing for the poorer of these countries.

There also is a major opportunity to work with the OPEC countries on assuring much of the increase in flows needed since these are viable countries if sound projects can be developed for OPEC financing. There is a special opportunity and need here for the United States to sustain and expand its support of the World Bank and the Asian and Inter-American Banks which can perform such a major packaging role.

5. The New Rich:

Another urgent problem is how to accommodate equitably within the world order the newly powerful among the developing countries, notably the richer oil exporters, but also such prospective industrial giants as Brazil and the nuclear powers of the developing world, China and India. Failure to accommodate all or most of them with some degree of success in the world economic and political structure, as the United States was able to do with Western Europe and Japan in the quarter century after World War II, would create more crises like those of 1973–1974, which have so seriously threatened the international economic and political order.

Part of any successful accommodation necessarily must be in the form of effective development cooperation. The richer OPEC countries of the Persian Gulf may be highly liquid but remain very underdeveloped in their basic skills. They, and Venezuela, are seeking to convert themselves into advanced technologly nations before their natural resource endowment runs out. For Venezuela this may be a limited period of 12 to 15 years, for Iran a somewhat longer period of 25 years. It would be a tragedy if these countries were to dissipate their new found wealth on arms, inefficient investments and profligate consumption, as Argentina did with its substantial post World War II foreign exchange reserves, before establishing alternate viable productive capabilities for themselves. The new joint bilateral commissions established by the United States with a number of these countries, including Iran and Saudi Arabia represent a useful step in the right direction for helping oil producers with in country development and with their investments in the United States. However, these are not yet being effectively used as developmental instrumentalities and need to be refined and improved. As mentioned already, the new liquidity of the OPEC nations also enables them to help finance development in the oil importing developing countries—a relationship the United States should support—since it will not only help world development but also facilitate the recycling of OPEC earnings and give the OPEC financier a stake in a healthy world economy.

6. Funding Sources:

For some 10 years U.S. ODA has averaged $3 billion annually. During this period the amount has not only declined dramatically as a percentage of the US GNP (as the latter increased from $685 billion in 1965 to $1,397 billion in 1974), but its purchasing power for development purposes has suffered the double erosion of inflation and increased diversion for non-developmental purposes. Indochina required approximately $750 million, approximately one quarter of ODA, in 1974. The end of the Indochina hostilities offers a major opportunity to return more to OPA to developmental purposes, and to help support the expanded programs required to implement the resolution of the World Food Council and to help meet the urgent needs of the Fourth World.

Renewed consideration also needs to be given to means for providing export credits to the developing countries of the Fourth World. The Export Import Bank in FY 1974 provided $2.9 billion of financing to the countries with one billion people having per capita incomes over $200 and only $300 million to countries with one billion people in the Fourth World. There is need for financing more U.S. exports to these countries since in recent years the share of U.S. goods as percentage of the total imports of these countries has dropped sharply—and at a time when their needs for U.S. goods are rising, and the U.S., during a recession, has idle plant capacity to help meet their needs. Further consideration should be given to the proposal passed by the House Foreign Affairs Committee and the Senate Foreign Relations Committee in 1973 for an Export Development Credit Fund to meet this need. It would use repayments of old aid loans to pay for part of the interest charges on credits furnished U.S. exporters to encourage them to export to markets in the poorest countries. This arrangement would not only furnish goods and services badly needed by Fourth World countries on terms they can afford, but would also create jobs in the U.S. in a time of recession.

CONCLUSION

The quotation from Secretary Kissinger at the beginning of this paper makes clear an intellectual recognition that one historic era is ending, and another lies ahead requiring very different approaches. A new overarching vision is required for meeting these new challenges for global management and justice that is comparable in sweep to that which emerged in the years from the Bretton Woods and Lake Success meetings in the mid 40s to the launching of the Marshall Plan and Point Four in the late 40s when memories were still fresh as the World War II consequences of earlier myopic vision.

Development cooperation in the future needs to be considered in the context of this vast challenge of living with growing interdependence, and at a time when the industrialized nations of the world's North confront a newly intensified challenge from the developing countries of the South. The need is to respond to the challenge of the South, as is being done in food, with such ingenuity that all parties gain. And while we debate and forge new responses to the problems of this interdependence era, it is imperative to maintain existing programs that meet demonstrated needs and to support new programs such as those agreed to by the World Food Conference.

OECD DECLARATION ON RELATIONS WITH DEVELOPING COUNTRIES

1. Ministers of OECD Governments meeting in Paris on 28th May, 1975, discussed relations with developing countries and agreed that, in the present situation, the widest measure of international co-operation is required.

2. They considered that while many developing countries have made major progress in their economic and social development, a large number of them have not been in a position to advance sufficiently and many are still faced with extremely severe problems of poverty.

3. Recalling the contribution which their countries have made to further the economic development of the developing countries, Ministers resolved to intensify their efforts to co-operate with these countries in their endeavours to improve the conditions of life of their people and to participate increasingly in the benefits of an improved and expanding world economy.

4. Given the fact of world economic interdependence, they believed that progress could best be made through practical measures which command wide support among all concerned—developed and developing nations alike.

5. They determined to consider policies aimed at strengthening the position of the developing countries in the world economy and expressed their willingness to discuss with the developing countries the relevant issues, with particular emphasis on food production, energy, commodities, and development assistance for the most seriously affected countries.

6. They therefore expressed their firm determination to pursue the dialogue with the developing countries, in all appropriate fora, in particular the forthcoming Seventh Special Session of the United Nations General Assembly, and in more restricted fora along the lines suggested by the President of the French Republic, in order to make real progress towards a more balanced and equitable structurc of international economic relations.

THE INTERNATIONAL ECONOMIC REPORT OF THE PRESIDENT

COLLECTIVE LDC OBJECTIVES

Increasingly, LDC countries have been acting collectively and voting as a block in international organizations. The "Group of 77" (G–77), a loose coalition of LDC interests (comprising a voting block now larger than

the initial 77 LDC members) has emerged within the U.N. framework. Basically, it is calling for a "New Economic Order" which would increase its share of world output and economic influence. Elements of the G–77 program include:

The Charter of Economic Rights and Duties of States (CERDS), which among its many provisions would deny the applicability of international law to investment disputes (passed by the U.N. General Assembly but opposed by the United States and other capital exporting states).

Increased development assistance to the LDC's.

Income share of IMF issuances to developing countries.

Greater level of technological transfer to LDC's.

Greater market access and tariff preferences for LDC's.

Acceleration of the transfer of labor intensive industries from developed countries to LDC's.

Indexation of prices for LDC exports and export earnings guaranties.

Developed countries' acquiescence to LDC's producer cartels.

Increased debt rescheduling.

PERCEPTIONS AND OPTIONS: NORTHERN AND SOUTHERN PERCEPTIVES

(By Roger D. Hansen)

Where are these changing perceptions on present and projected levels of global inequalities, the "absolute" poverty problem within developing countries, and the growing concern over rapid population growth likely to lead us over the coming decade? Will approaches to these problems remain marginal, as one might easily predict in view of past history? Or has the world reached a turning point in the sense that people and governments of developed and developing countries are rather rapidly being conditioned by events to consider and undertake some actions—both unilateral and multilateral—unthinkable until the mid-1970s? One can begin to outline the perceptions and the options now coming into play in both the North and South, even if it is far too early to predict which perceptions will predominate and which options eventually may be chosen.

A View from the North. The perceptions of the problems of gross inequality in global income distribution and life chances, of absolute poverty in the developing countries, and of rapid population growth rates in the world's developing countries are presently viewed from four major perspectives in the North. One perception is captured by the phrase, "it's their problem, not ours." This view emphasizes the degree to which many developing countries have overcome most of these problems by their own efforts and is generally skeptical about the degree to which outside assistance and influence can (or should) affect the outcome of the development process. Its proponents range from the new left to the old right.

Two other Northern perceptions view the problems of poverty and income distribution as "ours" as well as "theirs." The difference between the holders of these two perceptions is that some would share in an international effort to overcome the problems out of moral and humanitarian concerns, while others would act out of what might best be termed an "enlightened" self-interest. This latter group, concerned about such problems as environment, nuclear proliferation, a viable monetary system, and a host of other issues that can only be successfully managed with at least a minimum degree of global cooperation, is willing to consider schemes of North-South cooperation in raising employment levels, working toward the elimination of "absolute" poverty, and lowering birth rates in exchange for Southern cooperation in "the management of interdependence."

Intimately related to this "interdependence" self-interest view is a fourth perception with a more specific stake in North-South cooperation. It is one generally associated with multinational corporations and some other transnational actors in present-day international politics that have some very concrete interests at stake. These groups see their interests as generally best protected through patterns of North-South accommodation and carry that message to their home governments with increasing frequency.

From these four perceptions flow at least four distinct Northern policy options. The first might be characterized as an across-the-board Northern Project Independence. If the problems discussed in this essay are to be viewed as "theirs" and not "ours," and if, as is already clear, the Southern countries do not see the problems of development as theirs alone but as systemic problems which can only be overcome by a more responsive international system restructured to meet these needs, then a North-South clash of increasing dimensions is inevitable. In anticipation of growing conflict, those who hold this view begin to perceive a need for a North-South "decoupling" in which the OECD countries take positive and comprehensive steps to limit all potentially costly forms of dependence upon the South.

The second option might, without a great deal of inaccuracy, be characterized as a giant Red Cross effort. In order to avoid the worst potential repercussions of the first option, to satisfy the North's humanitarian instincts, and to attempt to garner the fruits of self-interest at a rather modest price, the North might cooperate in the development of various international and national systems of emergency relief. The obvious targets of such efforts would be the victims of floods, famines, widespread disease, and other disasters. In a sense, this option would amount to the international institutionalization of efforts already carried on for the past two or three decades, often at the bilateral level.

A third option might best be characterized as the incrementalist option, although an ambitious version of it might belie the title. It would encompass reinvigorated Northern efforts to manage growing international economic problems in a manner most likely to contribute to development progress within the South. The beginnings of such an approach in the food area can be seen already in various proposals submitted to the World Food Conference in Rome last November and in the nascent institutions resulting from the Conference.[1] Northern efforts to propose, negotiate, and implement programs which are global in scope and designed with particular attention to the needs of the developing world as well as the developed in other sectors (energy provides the best current example), would constitute the essential ingredients in this incrementalist option. This third option is incrementalist in its "one-step-at-a-time" approach, which clearly contrasts it with the far more ambitious "global compact" notions that, as noted in the introduction, have appeared with some frequency in recent months.

The fourth and final option would entail a much more ambitious package of *explicit* and mutual commitments from the North and the South to attack the problem of absolute poverty, and through this strategy, to attack all the problems noted in the section on emerging development strategies: food production, population growth, increasing global and national inequities in the distribution of income and economic opportunites, etc.

In such a package, Northern commitments would include a broad range of policies whose ultimate purpose would be to underwrite, *to a degree to be negotiated,* a Southern attack on major development problems and, undoubtedly, to assure Northern access to raw materials within the South which might not be so forthcoming under other circumstances. The package would include increased aid flows, increased access to Northern markets for the South's growing production of manufactured goods, assured access to Northern capital markets, new international monetary arrangements which in effect guarantee the South an increased call upon international monetary arrangements which in effect guarantee the South an increased call upon international resources, programs of "controlled growth" to constrain Northern consumption of potentially scarce global resources, or some combination thereof.

All such Northern commitments would to differing degrees—and given proper internal policy choices in developing countries—enhance developing-country claims on the world's resources and speed the growth process within the South. Thus one could expect an end to widening levels of relative global income inequalities and an undramatic but noticeable trend toward a more equitable global distribution of economic opportunity. The degree to which such a package also would directly aid the poorest strata of society in Southern countries would depend to a considerable extent upon the intent of Southern governments and the fine print in the "global compact" of which such Northern commitments would presumably constitute but one half. This point will be elaborated below.

A View from the South. Southern perceptions are not as easily categorized as those of the North. However, one or two generalizations can be suggested. On the issue of global income distribution, the developing countries are united in their opposition to present degrees of inequality. This unity has been witnessed for years in international organizations and conferences of all sorts—and most recently in the U.N. General Assembly's Special Session on raw materials in May 1974 and its regular session in the fall of 1974.

The South, quite naturally, would prefer to achieve a redistribution of income and economic opportunities without paying any price whatsoever. But the developing countries as a whole are certain to discover quite soon—if they do not realize it already—that unilateral actions to achieve this goal may not carry them very far. The OPEC example of achieving significant redistribution unilaterally is likely to prove unique; a few other Southern cartel actions may be modestly successful. In general, however, this approach seems destined to produce limited results, and each success with an individual commodity is likely to prove counter-productive to development efforts of other Southern states to the extent that it increases the cost of their imports. Therefore, while unilateral and cartel-type actions to alter present distributional patterns are undoubtedly with the world economy to stay, a Southern disenchantment with their aggregate results is bound to set in, especially if the international economy is in for several years of slow growth.

On the question of domestic income distribution and the emerging development strategy examined above, Southern preceptions vary widely. Many countries have already begun to implement such strategies (China, Cuba, Singapore, Sri Lanka, Taiwan, etc.); others appear to be seriously considering changes consonant with such a strategy; many others as yet show little serious interest in the subject.

What are the existing Southern options? At least three seem worth noting as ideal types. The first is a minimum-cooperation,

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[1] See Chapter III.

maximum-confrontation strategy in which developing states use every opportunity to restructure commodity prices, international rules and organizations, and bilateral and regional economic arrangements in their favor. Their weapons in this strategy are control of "scarce" raw materials and sites for Northern military bases, veto power in some international institutions such as the IMF, "hostage" multinational corporations, and the potential of OPEC money to finance such a strategy in countries threatened by Northern economic retaliation. It is worth noting that the OPEC countries have already pledged over $10 billion in grants and loans to developing countries during the past year. While many Northerners are skeptical of these figures, even they should recognize that "calling OPEC's bluff" might produce some unanticipated results.

The second Southern option involves a strategy which falls somewhere between using what bargaining power it now has (based mostly upon a perceived natural resource scarcity problem and a growing Northern concern about population growth) to speed the pace of reform of the present international economic system on the one hand, and a "mini" global compact on the other. The strategy would not involve any Southern commitments regarding domestic efforts on behalf of the "forgotten 40 per cent." What the developing countries might offer would be "access to raw materials" and perhaps some vague promises to "do something" about the population problem: In exchange, the developed countries would offer a rather standard package of several of the following: (a) more aid, (b) greater market access for developing-country manufacturers, (c) a link between monetary reform and increased developing-country shares of the new international currency, (d) greater voting power in the International Monetary Fund and the World Bank, and (e) some form of agreement aiming to raise and stabilize international commodity prices.

The third Southern option would involve a commitment to restructure developing-country internal growth policies along the lines explored earlier in this essay in the section on development strategies. This option would involve a targeted attack on domestic poverty conditions which embraced many of the reforms needed to increase employment, health, education, and general living standards among the poorest strata of the developing world.

Is it reasonable to expect that developing countries not already committed to this approach would accept the third option? Consider the potential economic and political costs to their governing elites. Concerning economic costs, some very hazy orders of magnitude can be suggested. Using the World Bank estimate of $50 per capita income as a poverty floor, and assuming 700 million persons at an average of $15 per person below that level, the present yearly cost of raising them all to a $50 minimum floor would approximate $11 billion (assuming no price rises in wage goods). If a GNP deflator is applied to the Bank's 1969 figure, the volume required is obviously much higher.

An entirely different—and more relevant—type of calculation is suggested in the World Bank's study, *Redistribution with Growth*. The authors assume that an annual domestic transfer of 2 per cent of GNP to the bottom 40 per cent of the population in developing countries over a 25-year period will very significantly raise the percentage of GNP accruing to that target group thereafter, due to the asset buildup which the 2 per cent transfer over 25 years implies. The Bank views this strategy as entirely feasible, and suggests it as an essential ingredient in any "attack on poverty" strategy.

Two per cent of annual developing-country GNP today approximates $10 billion. Stated this way, the annual transfer sounds manageable. It sounds less manageable when one considers that 2 per cent of GNP is equal to 10–20 per cent of total government revenues in most developing countries. In order to transfer that 2 per cent to the poor via new investment programs, either taxes (or other forms of government revenue) will have to be significantly raised, or major cutbacks will have to be made in present governmental programs. The adoption of either option would guarantee dissent of varying proportions from those domestic groups currently favored by tax profiles and government expenditure programs.

Thus one inevitably arrives at the political constraint on any ambitious "attack on poverty" program. In this context, it is worth quoting the reaction of Pranab K. Bardhan to the World Bank's proposed strategy mix:

"The problems of poverty in India remain intractable, not because redistribution objectives were inadequately considered in the planning models, nor because the general policies of the kind prescribed in this volume were not attempted . . . the major constraint is rooted in the power realities of a political system dominated by a complex constellation of forces representing rich farmers, big business, and the so-called petitie bourgeoisie, including the unionized workers of the organized sector. In such a context it is touchingly naive not to anticipate the failures of asset distribution policies or the appropriation by the rich of a disproportionate share of the benefits of public investment."[2]

One rather obvious conclusion following from the above considerations is that the likelihood of a major movement within a large number of developing countries toward the comprehensive development strategy outlined earlier may depend *very significantly* upon the degree to which the world's developed countries share the costs, thereby easing the political constraints on such an approach. Is it realistic to expect such cost-sharing to be forthcoming in the foreseeable future?

THE "GLOBAL COMPACT": EMPTY PHRASE OR FEASIBLE TARGET?

The record to date does not induce euphoria regarding the prospects for a global compact in which developed and developing countries design and cooperate in the administration of an international development program whose primary objective is to raise living standards of the poorest strata in the developing countries and whose secondary objective is to reverse the continuing trend toward greater North-South income inequalities. An examination of developed-country performance in both the trade and the aid fields over the past decade suggests the extremely limited degree of Northern commitment to the development process at the present moment.[3] And within most of the South, growing levels of domestic income inequality, "absolute" poverty, and unemployment suggest a similar indifference (at best, a low priority) regarding the primary objective of raising the living standards of the poorest.

But is past history all that relevant? It all depends upon the speed with which past perceptions of these problems are changing. Within the North, one cannot read a newspaper or listen to a news program without being alerted to altering perceptions on such issues as "interdependence," the population explosion, present food scarcities, potential natural resource shortages, and environmental decay. And generally the message is the same: each of these problems calls for *global* management or cooperation if it is to be successfully resolved.

Within the South, changing perceptions regarding domestic development strategies are also evident—sometimes dramatically so. The rapid acceptance within recent years of the need for family planning, the attempts to move from capital-intensive forms of import substitution to labor-intensive forms of export expansion, and an incipient renewal of interest in strategies of rural development all reflect the spreading disenchantment with the "trickledown" approach to economic development of past decades. To be sure, the political quicksands between a disenchantment with old policies and the implementation of new ones may swallow many a government and not a few regimes; nevertheless, a general concern within Southern elite groups may create the opportunity for change, provided incentives are properly structured.

Thus a global compact which targets benefits primarily to the poorest strata in the developing world may some day in the not-too-distant future come to be viewed as beneficial to a large majority of governments in both the North and the South. The reasons it is viewed as beneficial will vary greatly. The concerns at play will range from the purely humanitarian to the most calculating self-interested in both North and South. Examples of the self-interested type include Northern concern (in governments and in the private sector) about access to resources, and Southern concern (on the part of socio-political elites) about holding on to the reins of power and hierarchical positions in domestic society. What may bring these divergent governments and interest groups together is the shared recognition that a successful and *jointly financed* attack on poverty can ease the problems of a) population growth (by speeding the pace of the "demographic transition" in developing countries); b) food shortages (by increasing the labor-intensiveness of food production as part of rural development strategies); c) environmental damage (to the degree that it is related to sheer size of population); and d) growing unemployment in developing countries. Those Northern and Southern governments unconvinced of the merits of this package might well be persuaded if the issue of rules of access to resources (for the North) and to markets (for the South) were directly tied to the "attack on poverty" compact.

The discussion thus far suggests only that the idea of a global compact involves a significant *mutuality of interests*. It does not examine the issue of *feasibility*—an issue which raises major problems. Even at this very preliminary stage of thought, four of those problems deserve some mention. The first concerns the degree of participation that can be expected. Put simply, how many players will join the game? In talking about the North and the South, one constantly runs the risk of deifying entities which do not exist. The "South" is at least three worlds—the oil rich, the Third World (Brazil, Mexico, etc.), and the Fourth World (India, Sri Lanka, etc.). It is constituted by countries facing different national situations, regional settings, and development potential. Are there not, for example, many Southern states which might opt out of such a compact on the assumption that they could successfully follow their own development paths without accepting the constraints implicit in the global package? Why should a generally resource-rich and "population-poor" country like Brazil enlist—as long as its appeal to foreign direct investors, to resource-poor developed and developing countries, and to players in the international diplomatic-strategic game continue to guarantee any of its "international" needs? The same general reasoning applies to the OPEC oil states and to several other individual countries of the South.

And why should all Northern states be eager to enter into the compact? Will not many of them fear that the South will constantly up the ante, continually demanding more by way of Northern redistributive flows

[2] *Redistribution with Growth*, p. 261

[3] See Table D–4, p. 258.

to the South? Once the "egalitarian" genie escapes the bottle, can it be controlled?

Finally, how much *can* Northern states contribute to such a package? With so many of them presently in the grips of "the dilemma of rising demands and insufficient resources" first noted by Harald and Margaret Sprout, how much can they allocate to resource-transfer programs? Obviously, the problem is not one of potential funds, but of the capacity of Northern governments to raise taxes still further or to restructure expenditure programs to free additional sums for development purposes (aid, development-related trade adjustment-assistance programs, etc.).

Hopefully the proper question here is not *whether*, but *how soon* and in *what degree* Northern governments could begin to restructure expenditures to finance their share of a compact. After all, if the developed countries were simply able and willing to meet the 0.7 per cent of GNP aid target generally accepted over the past decade, the volume of aid funds available for North-South transfers would presently approximate $14–$15 billion—almost 50 per cent more than present levels. A $15 billion figure surpasses that amount that would be required to raise the entire global population above the World Bank's poverty line, and is 40 per cent larger than the amount implicit in the Bank's "asset-transfer" model of development, whereby developing countries themselves transfer 2 per cent of their own annual GNP to their poverty populations. Thus, assuming the policies necessary to make the transfers with an absolute minimum of leakage, the North could—if it chose to do so—cover the expenses of the asset transfer approach entirely by meeting the goal of a 0.7 per cent North-South transfer. (This does assume, however, that the additional $4–$5 billion transferred would be in *grants*. However, a part of the package deal might be to make such transfers on concessional lending terms, holding Southern participants accountable for partial repayments.)

The second obvious problem concerns the treatment to be accorded to those Southern states that choose not to participate in the program. Can and should one expect Northern states to restrict their contributions to those developing countries willing to follow the reformist development strategy constituting the compact's central core? Following this course—and thereby cutting off aid and other potential benefits to non-members—would appear highly interventionary in an indirect sense. On the other hand, if such a policy were not followed, the discipline needed to make the program effective could be dissipated from the very outset. Additionally, increased assistance to governments uncommitted to an internationally negotiated, "reformist" approach to development would highlight some moral issues concerning the use of "aid" which heretofore have been rather easy to evade.

This line of argument leads directly to a third major problem. Can such a compact work under today's decentralized and heterogeneous aid and trade relationships? It is clear that much of today's foreign aid is channeled on the basis of the donor's view of the political exigencies of any particular year; sometimes, as in 1974, the political time span is even shorter. A priori, it would seem impossible to implement the type of compact discussed above under present bureaucratic and institutional mechanisms. The price of success will undoubtedly be a significant loss of national decision-making power in the aid, trade, and international investment fields. When, if ever, will states be willing to pay that price?

The final major problem concerns the difficulties of assuring implementation of such a program within developing countries. The easiest way to conceptualize this problem is to consider the potential "leakage" effects. Every Northern dollar that flows into a program to finance a reformist development strategy potentially frees an equivalent amount of developing-country funds for expenditures elsewhere. Northern support for such an effort could very well prove sustainable *only if* it were demonstrated that developing-country commitments of an agreed magnitude were being faithfully met. Political constraints on many developing-country governments will encourage them to limit their own contributions and to maximize Northern assistance. How long, and by what means, could mutual confidence be sustained? Is there any way to avoid a good deal of "intervention" in the form of program oversight, even if the oversight institution is some "depoliticized" international body? And where do we find, or how are able to constitute, a "depoliticized" international institution?

CONCLUSION

Even this very brief examination of a few of the basic problems inherent in a global effort directed at raising living standards of the poorest strata in developing countries suggests that the objective will initially be dismissed as unfeasible by many persons. The magnitude of change required in perceptions, governmental behavior, and the structure of the international system all seem to support this negative judgment.

If this is the case, one can easily see the North-South debate turning to "more manageable" goals such as "increasing the general global equality of opportunity," leaving each country free to interpret the phrase according to national exigencies. Such an approach would minimize the problems of centralization, intervention, and all the other implicit limitations on state sovereignty which might well have to accompany a global attack on poverty. Furthermore, there are two very positive sides to this less ambitious program.

The first is that it could still incorporate new rules concerning access to raw materials and access to industrial markets, new commitments to "an equitable international division of labor," new aid-oriented approaches to monetary reform, and new rules on foreign investment and technology transfer—in short, it could include commitments on many standard items of legitimate concern to developing coutries. The net result of this lesser "compact" might well set tolerable limits on North-South economic conflicts and contribute somewhat more than the present international economic system and norms do to the process of economic development.

Its second positive feature is that it might circumvent exhaustive and acrimonious debate over the details of a global compact and permit a series of initiatives to be undertaken much more quickly on such sectoral issues as agriculture and energy as part of the third, or "incremental," Northern option discussed above. As long as Northern and Southern views on international "equity" issues remain as incongruent as they are at the present time, the strength of the incremental option lies in its pragmatic potential for progress in overcoming some major international economic and political obstacles to development progress on a step-by-step (or sector-by-sector) basis. Furthermore, it is always possible for optimists to believe that the incremental option may eventually produce an unwritten and unheralded "global compact" by stealth, avoiding the pitfalls—and perhaps the guaranteed failure—of the more difficult and direct approach.

All this said, the less ambitious approach to a global bargain contains an inherent danger which can ill afford to be overlooked. Unless it is carried out with a commitment and generousness of spirit uncharacteristic of the North and South in recent decades, it may simply produce a repeat of the 1950s and 1960s in much of the South. That is to say, even with decent aggregate growth rates, there would be growing inequalities in income distribution and life chances, rapidly increasing population, steadily rising unemployment, food production which is increasingly unable to keep pace with developing-country food demands, and all the other problems which the more ambitious "global compact" approach would attempt to redress.

This brings us back to the crucial question of timing. Whether the more ambitious global compact is viewed as being unfeasible or not may ultimately depend on one's time frame. Certainly it is unfeasible if one thinks of negotiating it within two or three years and beginning to implement it shortly thereafter. Nevertheless, the time does seem propitious to begin to give the subject some serious thought. If the *premises* upon which the need for the broader compact rests are flawed, then the concept should be dismissed. But if the problems are inherent not in the concept itself but rather in the present constraints which constitute "feasibility," then we should begin to examine what can be done to alter those constraints while there is time to do so.

SYSTEMS OVERLOADS AND WORLD TRANSFORMATIONS

(By James P. Grant and Robert H. Johnson)

These are times of a great global transformation. On the one hand, the dissolution of the last of the great colonial empires and the continuing advance of science and technology offer the prospect of meeting the minimum requirements for a decent life for all mankind. On the other hand, the world faces a set of problems which already have created, or could create, severe crises that would undermine these prospects for progress. These threatening problems include inadequate food supplies, the energy crisis, stagflation, disruptions in the world's monetary and trading systems, and unsatisfactory distribution of income and wealth within and among nations.

In part, these problems are the product of temporary factors such as severe droughts in several areas of the globe in 1972 and 1974, the global economic boom of the early 1970s, and the Middle East War. More basic forces, however, also have been at work. Foremost among these has been the unprecedented secular increase in rates of economic growth. The annual global growth rate, which was 4 per cent in the late 1940s and early 1950s, rose gradually to almost 6 per cent by the early 1970s. Over the same period, a $1 trillion world economy became a $3 trillion economy ($5 trillion in current dollars), and the world's population grew from 2.5 billion to 4 billion. Meanwhile, the international economic institutions that had been created in the immediate postwar period increasingly confronted a set of problems beyond their scope and power to manage. Traditional economic and political concepts likewise have proven grossly inadequate for understanding both our domestic and international problems of the 1970s.

Three points are increasingly clear. *First*, the world can no longer confidently extrapolate a growth pattern for the next twenty-five years similar to the trend line of the 1950s and the 1960s. (If the world experienced serious problems as it went from the second trillion dollars of gross global product to the third trillion, what is going to happen in the balance of this century as the world economy quadruples again—as it would if it were to maintain the global growth rate of the past ten years?) But

slower economic growth rates will raise serious political problems in an era of high population growth rates and raised expectations for material well-being. *Second*, the problems we confront cannot be managed within traditional intellectual parameters.[1] *Third*, there is an urgent need for creating new institutions (or strengthening old ones) which are more responsive to the problems we face.

THE PROBLEM OF SYSTEMS OVERLOADS

The basic underlying problem is less one of physical limits to growth than one of institutional, technological, and conceptual limits. We are experiencing systems overloads from the unprecedented rates of growth in output of recent years. Like the short circuits in an overloaded electrical system, a rash of institutional breakdowns is threatening to overload various world systems such as the food, monetary, and ecological systems.

As we have moved to the $3 trillion economy, global systems have shown increasing signs of stress. The world has begun to suffer ecological overload: pollution, eutrophication of lakes, and declining global fish catches due to overfishing. The unprecedented increases in population and affluence of the 1960s and early 1970s have so expanded demand that the demand-supply relationship for a growing list of commodities (most conspicuously oil) shifted to a sellers' market from what for many years had been a buyers' market. Formerly weak sellers are utilizing their new power to settle longstanding economic and political grievances. Increased demand has also led to multi-year shortages of a few critical commodities, notably food and fertilizers. Moreover, remedial efforts in one sector have frequently aggravated problems in another; thus, for example, measures to protect the environment both slowed the supply of energy (e.g., the campaign against the Alaska pipeline) and increased demand (e.g., antipollutant devices on cars which increase gasoline consumption). As growing demand has outrun the easier, customary sources of production, and as most nations, including the United States, have become heavily dependent upon each other for continued economic progress, the response of world economic and political structures repeatedly has been slow and inadequate. Disruptions have been a consequence.

The problem of systems overloads can be illustrated more specifically by a brief examination of three problem areas; stagflation, food, and energy. In the early 1970s, all of the world's major national economies were booming simultaneously. All the market economies—including, for the first time in any substantial degree, the U.S. economy—were very vulnerable to international economic forces. There was, however, no effective international machinery for coordinating fiscal and monetary policies, and there were no international institutions for dealing adequately with the sudden crisis imposed by the oil embargo, the fourfold increase in petroleum prices, and growing food shortages. The consequence of the lack of effective global machinery was a disastrous aggravation of the inflation-recession problems. The combination of interdependence and inadequate international institutions helped lead to a simultaneous inflationary overheating of national economies followed by a simultaneous nosedive into recession. National institutions were simply not equipped to handle existing international interdependencies.

Similarly, the growth in demand for food has imposed almost unbearable demands upon the existing international food production and distribution system. At the turn of the century, the global demand for food increased annually by 4 million tons; by the early 1950s, it was rising at an annual rate of 12 million tons; and in 1972, by 25–30 million tons. Global demand is projected by the U.N. Food and Agriculture Organization to rise from approximately 1.2 billion tons in 1967–71 to 1.7 billion tons in 1985. Roughly half of the current annual increase is accounted for by developed countries, where the rate of population growth is relatively low but the rate of increase in affluence is high. The other half of the increase occurs in developing countries, where high population growth is its principal cause.

The traditional means of expanding output in the developed world are being rapidly exhausted. The United States put the last of its idle cropland back into production in 1974. Moreover, in the developed countries, all water readily available for irrigation is already being utilized, and additional applications for fertilizer now bring sharply diminishing returns.

The principal longer-term means available for meeting the overall world supply gap and at the same time alleviating the problem of an inadequate supply of food in the developing countries is to increase production in those countries. In some developing countries, there still is idle land that can be developed if a variety of natural obstacles (for example, the prevalence of the tsetse fly in Africa) can be overcome. Most developing countries also have considerable unutilized potential—at present world grain price levels—for employing greater quantities of inputs such as water and fertilizer. (It would require increases in grain prices to make such increased use clearly economical in most developed countries). Densely populated land-scarce countries such as India and Bangladesh also have a major potential for increasing yields (at lower costs than in developed countries) my implementing more labor-intensive, small-farm-oriented agricultural development strategies. But existing governmental and private services are not reaching the small farmer—who generally lacks access to basic health and education services as well as to the financial credit required to increase his production. If India's yields per acre equalled those of the United States, it could readily double its present production of about 100 million tons annually.[2] Utilizing labor-intensive techniques now prevalent in Japan, Taiwan, and South Korea, its annual production could total over 300 million tons.

The world, and particularly the United States, has been slow to recognize—and to respond through policy and institutional changes—to the developing overload of the world food production and distribution system. The United States, for example, failed to anticipate the large Soviet grain purchases of 1972; it restricted fertilizer exports to the detriment of global output in 1973–74; and in 1972 and 1973 it deliberately sought to liquidate government-held grain stocks through such means as withholding millions of acres from grain production (20 million in 1973).[3] The results have been shortages and soaring food prices. Food-price increases contributed as much to global inflation in 1973 and 1974 as the petroleum price rise. The price rises—along with drought—have also led to a maldistribution of the world's existing food supplies, with many of the poorest countries suffering most.

At the World Food Conference in 1974, a truly global response to this global problem was finally begun with the leadership and support of the United States. The Conference identified and initiated action to deal with the critical issues: increased assistance for food production in developing countries; establishment of an international system of grain reserves; reform and expansion of food aid; and commitment by developing counties to rural reforms designed to assist the poor majority of small farmers. Implementation of the Conference proposals would effect a major overhaul of the world food production-distribution system. With appropriate action, the world could feed over twice as many people as it does today.

Unfortunately the global energy problem has not yet been similarly addressed. In this case, too, the difficulties have been created by rapidly rising demand, although the basic supply problems are of a longer-term character. Knowledgeable experts had foreseen the shift of the mid-1970s from a buyers' to a sellers' market for petroleum and the need to develop alternative, higher-cost energy sources by the mid-1980s. Even they, however, did not anticipate the Arab oil embargo or the cohesion among all oil producers (including traditional friends of the United States) that led to the fourfold increase in prices in 1973. Nor did they anticipate the impact of environmental measures on supply and demand. The new era of increased energy interdependence and high energy prices has created a need for improved global resources, monetary, and investment management to meet both immediate and long-term needs. Instead, there has been a tendency toward a new "cold war" between the "old rich" and the "new rich" oil-producing countries.

These three cases of systems overloads demonstrate that while the market is an essential economic adjustment mechanism, there is a serious need for new values, institutions, and rules to provide a new frame within which market forces can continue to operate if adequate growth is to be maintained and high rates of inflation avoided. For example, with respect to trade in commodities—including food, fertilizer, and petroleum—there is a need for new rules for access to supplies; new reserve stocks for goods in potentially short supply; new assurances on floor prices; and development of new sources of production.[4] The resolutions of the World Food Conference do not imply abandonment of the market system as a regulatory mechanism. They do call for action that would increase food production in the countries of greatest need and comparative advantage, reduce price oscillations, and reduce the inequalities produced by simple reliance upon the existing market mechanism. To achieve such ends, the World Food Conference resolutions recommend utilizing such familar means as increased development assistance and reserve stocks of grain.

EMERGING HISTORIC TRANSFORMATIONS AND NEW WORLD ISSUES

The basic problems we confront as we look to the future will involve not only the crea-

[1] As Walter Heller, the outgoing president of the American Economic Association, said after surveying the wreckage of economic forecasting for 1973: "We [economists] have been caught with our parameters down."

[2] See Lester R. Brown with Erik P. Eskholm, *By Bread Alone* (New York: Praeger Publishers, Inc. for the Overseas Development Council, 1974) p. 213.

[3] See Chapter III.

[4] Means must be found to increase production of commodities that are in chronically tight world supply by utilizing the comparative advantage that many developing countries have for the production of such commodities (e.g., by using the flared natural gas of oil producers for fertilizer production; by developing grain production in countries where increases in agricultural inputs will produce proportionately large marginal increases in outputs; and, quite possibly, by developing low-cost alternative energy sources such as solar energy for pumping water for irrigation.)

tion or rebuilding of institutions, but also an ability to make a number of major adjustments to emerging transformations in world economics and politics. Some of these adjustments will be forced upon us by basic shifts in the directions of major trends; others will be desirable if we are to assure cooperation rather than confrontation in our approach to future world problems.

First, *growth rates for the production of material goods will probably slow sharply* for the mid- and late 1970s, and very likely for the balance of the century, *unless the world can develop new systems, or improve existing ones, for managing areas of scarcity and tension.* Assuming that other sources of the present recession can be dealt with satisfactorily, such tensions and scarcities will reemerge as the condition of relatively full employment that has been characteristic of the past ten years in the developed countries is once more approached. As suggested earlier, the limits to growth are more closely related to conceptual, technological, and institutional constraints than they are to physical constraints on finite supplies.

Second, supply-demand imbalances in some important areas will have to be met by reduced rates of growth in demand as well as by increases in supply. This, in turn, will force *changing patterns and changing life styles.* Less wasteful life styles in the rich countries can in many cases benefit both rich and poor countries. They can benefit the rich by improving the quality of life. Thus, for example, lower speed limits mean fewer highway deaths, and a more efficient use of food could increase life expectancy. Less wasteful consumption of goods (and increased emphasis upon services) will also reduce the likelihood of irreconcilable conflicts between rich and poor countries by providing the basis for a more equitable sharing of the world's sharing of the world's resources between the rich and the poor.

In an increasingly interdependent world of rising expectations among the poor, a third likely shift is *much more attention to issues of distribution within and among nations.* The implicit social compacts that were shaped within and among societies during the past generation were based upon a sharing of the benefits of high world growth rates between rich and poor. If growth rates slow down, there will be greatly increased pressures to devote attention to the distribution of the reduced benefits. Such pressures may grow within societies; mort predictably, they will grow between societies.

Emboldened on the one hand by the success of the OPEC initiative, and conscious on the other of the growing dependency of the rich nations on the resources and cooperation of the poor, the developing countries will press far more insistently and with greater power for changes in North-South relationships. At present, it is still very uncertain whether the rich countries will treat such issues as a zero-sum game—as a North-South cold war—or whether they will approach them on the assumptions of mutual interests and benefits—as the United States did, to its great gain, in many of its relationships with Western Europe and Japan since World War II.

It would be a serious mistake to see the North-South conflict as posing a revolutionary challenge comparable to that which appeared to be posed by the communists in the cold war. The developing countries are not aiming to change the *internal* systems of other countries; they are instead avidly seeking reform of the global economic order to provide greater equity and sharing among nations. Like American industrial workers who in the first half of the 20th century sought the right to organize and bargain collectively, the developing countries are attempting to organize in order to ensure that they will be treated by the industrial countries on the basis of greater equality—on a basis that is analogous to the way that the industrial countries generally treat each other.

A fourth likely trend will be that *inflation rates will significantly higher over the next fifteen years* than in the 1960s. As the poor nations (and masses) of the world press for greater material well-being, the already affluent will very probably be slow to change their consumption-oriented values or to reduce their expectations. In a situation of institutional inadequacies and supply scarcities, this dual set of demands will increase prices. The likelihood of such pressures puts a special premium on implementation of programs—such as those for increased world food production and world food reserves—which can simultaneously improve the well-being of the world's poor through increased participation in production and keep down prices through expanded supplies and better supply management.

A fifth major shift now taking place is that some economic and therefore *some political power is being transferred from those countries depending primarily upon high technology to those which are resource-rich.* Those countries that have substantial resources and technology, such as the United States, will continue to have relatively great power. At the other end of the spectrum, those countries of the Fourth World with few resources and little technology will lose some of the little power they have. In the middle, countries such as Japan, with its high technology but very limited natural resources, will have a less commanding position than they once appeared to possess—while countries such as Saudi Arabia, which has little technology but great resources, will have increased power. The United States as the world's greatest producer and exporter of raw materials, as well as the world's technological leader, has greater economic preeminence vis-a-vis other industrial countries with market economies than it had two or three years ago. Therefore we are having new responsibilities thrust upon us at the very time when we have become less inclined to assume a world leadership role. Without American leadership and participation, however, effective new or improved systems for organizing the international economic order will be difficult or impossible to achieve.

Finally, it is evident that *the concept of the security of the United States must be broadened beyond political and military security and beyond the balance of power.* The concept of security has always embraced the idea of access to essential raw materials, but with growing U.S. dependence upon imported materials, such access has greatly increased in importance. Moreover, our security now depends upon the effective operation of a whole series of world systems—the trade, investment, monetary, food production and distribution, and ecological systems.

CONCLUSION

The preceding discussion indicates that a historic transformation is indeed now in progress. It is affecting the international economic order, global politics, and, potentially, human values so fundamentally that it can truly be said that a change is occurring in the molecular structure of the world order.

The world achieved progress without historical parallel in the past thirty years because of an unprecedented willingness to change institutional and power structures to accommodate new forces and needs. To an unusual degree, many nations adopted an enlightened view of national self-interest. In the post-World War II era, the recollection of post-World War I chaos, the Great Depression, and fascist aggression; the sense of threat from communism; and common support of national independence and freedom all helped create the consensus underlying the Bretton Woods institutions and the Marshall Plan and legitimized the struggle for independence of many colonial territories.

A new set of changes of comparable magnitude is necessary if man is to successfully overcome the new problems he currently faces in his interface with nature and his fellow man. Changes are required to adjust to slower growth rates, to implement new development strategies encompassing the majority in the poor countries, to create new relations between various groupings of countries, and to shape new life styles among the more affluent. None of these changes will be easy, but all are possible and no more difficult to achieve than those of the post-World War II era that is now passing. While the recent disasters and near-disasters do not provide us with an impetus to action comparable to the challenge of a world destroyed by war, we should still be reminded by the progress achieved in the past twenty-five years of what can be achieved through policies of cooperation and sharing.

The developing countries have been seeking, with very little success, to engage the industrial countries in general, and the United States in particular, in a comprehensive dialogue on the structural changes that will be required if our increasingly interdependent world is to be managed effectively and with a greater degree of justice. For reasons already suggested, the United States need not fear such a dialogue and could benefit very substantially politically and economically by undertaking it.

The responsibilities of American citizens and leaders are particularly great. As at several historical watersheds in this century, the course of human progress cannot avoid mammoth setbacks without major affirmative action by the United States. The times require that those Americans in positions of trust in government, business, academia, labor, and the churches provide leadership; and that informed, concerned citizens make it good politics for them to do so.

DEVELOPMENT COOPERATION—PAST 25 YEARS

Development cooperation in its modern sense is a two-stage American invention of the post World War II years. In its first stage the war-unscathed United States, through the Bretton Woods institutions, the Marshall Plan and other means, shared its power, wealth, and technology to an unprecedented degree with a Western Europe of formerly rich nations, impoverished by two world wars and a severe depression, as well as with Japan. A new interdependence based on cooperation and equality of treatment emerged to the mutual benefit of the nations of Western Europe and North America and of Japan. Within these industrial market economy countries, the affluent, heretofore a distinct minority, similarly shared the benefits of progress with their populous majorities. For virtually the first time in history, a substantial majority are participating significantly in the progress of their societies in developed countries with a total population of over 600 million people—and of nearly one billion if the USSR and the Eastern European countries are included.

In its second stage, development cooperation became a major part of the bargain which the industrial countries hammered out with the aspiring developing countries of the non-Communist world. Admission to the United Nations, the Point Four Program, Development Decade I, the Alliance for Progress, and trade preferences for developing country products were all part of this grand design under which the industrial countries accepted the political independence and encouraged the economic growth of these coun-

tries within an international market economy order which the advanced countries had created and largely dominated.

This pattern of development cooperation had begun to weaken by the late 1960s and early 1970s just as the advanced market economies achieved heretofore unprecedented material affluence. The cold war had eased largely removing that stimulus to development cooperation; some developing countries were achieving rapid progress and increasingly appeared to be competitors with many advanced country industries; in the poorest countries with massive populations, progress was often so slow in raising living standards for the majority of the population that many development assistance proponents lost heart; and the developing countries in general were becoming increasingly dissatisfied with a social compact in which the developed countries were no longer carrying out important parts of their bargain. By 1973 concessional aid flows were well under half that contemplated for Development Decade II when adopted by the United Nations in 1970. They dropped in real value by 7 per cent to three tenths of one per cent of GNP over a ten year period in which the real income of each citizen of the advanced market economy countries had increased by almost 50 per cent. The developing countries also faced major difficulties in marketing their nascent manufacturers over the barriers of the industrial countries. The United States in particular seemed to lose heart for the development cooperation with poor countries it had initiated twenty-five years ago.

Development cooperation between the rich and poor countries of the international market economy world was clearly declining by the early 1970s. This was symbolized dramatically in 1973 by the closure of the U.S. AID Mission in democratically governed India, among the poorest nations and having as many people as North and South America combined.

Declining aid from the industrial market economy countries has been paralleled by the relative decline in aid from the advanced central market economy countries. Aid flows from the USSR now are only $750 million, less than one sixth of one per cent of GNP.

The new arrivals on the aid scene are, of course, the poorer countries; first China, then the OPEC states. The Chinese in recent years have been providing some $500 million annually—approximately three tenths of one per cent of their limited GNP? As noted earlier, the OPEC nations in 1974 disbursed $2.6 billion, or approximately 2 per cent of the combined GNP of the major OPEC donors, and this is almost certain to rise in 1975 and 1976 in the light of the $8 billion in commitments in 1974. While much of this aid has been used to advance regional political objectives in the Middle East (60 per cent—roughly comparable to the percentage *committed* by the U.S. in Indochina and the Middle East in 1975), the amounts and speed of new commitments in support of economic and social development elsewhere have been quite remarkable. Also noteworthy is that a substantial amount (15 per cent), and unlike Bloc aid, is going through multilateral institutions, and much of the aid, unlike either Western or Bloc aid, is spent in third countries—notably the United States, Japan and Western Europe.

A major question of the mid 1970's, therefore, is the extent and the ways in which the historic transformations now emerging should influence development cooperation in the years ahead.

ANNEX TABLE

FLOW OF OFFICIAL DEVELOPMENT ASSISTANCE MEASURED AS A PERCENTAGE OF GROSS NATIONAL PRODUCT [1]

[Calendar years]

	1960	1965	1970	1971	1972	1973	1974	1975	1980
Australia	0.38	0.53	0.59	0.53	0.59	0.44	0.53	0.56	0.56
Austria		.11	.07	.07	.09	.13	.13	.13	.15
Belgium	.88	.60	.46	.50	.55	.51	.59	.62	.68
Canada	.19	.19	.42	.42	.47	.43	.51	.51	.48
Denmark	.09	.13	.38	.43	.45	.47	.49	.50	.60
Finland [2]		.02	.07	.12	.15	.16	.16	.16	.16
France	1.38	.76	.66	.66	.67	.58	.55	.51	.30
Germany	.31	.40	.32	.34	.31	.32	.30	.28	.22
Italy	.22	.10	.16	.18	.08	.14	.10	.08	.05
Japan	.24	.27	.23	.23	.21	.25	.24	.24	.19
Netherlands	.31	.36	.61	.58	.67	.54	.61	.66	.70
New Zealand [3]					.25	.24	.36	.47	.70
Norway	.11	.16	.32	.33	.41	.45	.63	.66	.70
Sweden	.05	.19	.38	.44	.48	.56	.69	.71	.70
Switzerland	0.04	0.09	0.15	0.11	0.21	0.15	0.15	0.15	0.15
United Kingdom	.56	.47	.37	.41	.39	.35	.34	.34	.21
United States	.53	.49	.31	.32	.29	.23	.21	.20	.10
Grand totals:									
ODA ($m.—nominal prices)	4,628	5,875	6,798	7,673	8,534	9,365	10,497	11,160	15,700
ODA ($m.—constant 1973 prices)	8,384	9,975	10,176	10,716	10,857	9,365	9,551	9,066	8,650
GNP ($b.—nominal prices)	895	1,347	2,014	2,222	2,554	3,105	3,400	3,770	7,250
ODA as percent of GNP	0.52	0.44	0.34	0.35	0.33	0.30	0.31	0.30	0.22
ODA deflator [4]	0.552	0.589	0.668	0.716	0.786	1.000	1.099	1.231	1.822

[1] Countries included are members of OECD Development Assistance Committee. Figures for 1973 and earlier years are actual data from DAC. The projections for 1974, 1975, and 1980 are based on OECD and World Bank estimates of growth of GNP, on information on budget appropriations for aid, and on aid policy statements made by governments.

[2] Finland applied for membership in DAC in January 1975.

[3] New Zealand became a member of the DAC only in 1973. ODA figures for New Zealand are not available for 1960–71.

[4] Includes the effect of parity changes. Figures through 1973 are based on DAC's Statistics for 1973 and Earlier Years. Projected deflators for 1974, 1975, and 1980 are the same as those for GNP.

AN IDEA WHOSE TIME HAS NOT COME?

Mr. HANSEN. Mr. President, on June 5, the Columbus, Ohio, Evening Dispatch asked in an editorial about the proposed Agency for Consumer Advocacy, "Who needs or wants it?"

According to the newspaper, the National Survey Opinion Research Corp., of Princeton, N.J., found that 75 percent of Americans questioned in its nationwide survey opposed such an Agency for Consumer Advocacy.

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

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

CONSUMER AGENCY VIEWED AS UNNEEDED, UNWANTED

"Before members of the U.S. House of Representatives call up a Senate-approved measure to create a federal Consumer Advocacy Agency, they should determine the answer to a pertinent question: Who needs or wants it?

"The Senate overlooked this vital consideration even though data were available to it on the eve of its vote.

"The highly respected National Survey Opinion Research Corp. of Princeton, N.J., found that 75 percent of those questioned in its nationwide survey opposed such an agency.

"Individual business houses are taking increasing interest in preservation of their own good images. They have expanded complaint procedures, set up arbitration panels on an industrywide basis and acknowledge justice is available as a last resort in small claims courts.

"The Senate proposal does the consumer an injustice in that it seeks to purge from the American buyer realization there already exists adequate protection and recourse.

"The proposal has high and hidden costs. Not only would it cost additional millions to administer, it would not diminish the cost of operating established agencies or dilute private business costs, all of which are passed on to the consumer who also is the taxpayer footing the whole bill.

"Who, then, needs an Agency for Consumer Advocacy? Who wants it? Certainly not the American consumer."

INDEPENDENCE FOR THE AZORES

Mr. HELMS. Mr. President, I call the attention of my colleagues to two obscure news reports which appeared in the Washington Post a few days ago about the great demonstration in Ponta Delgada calling for independence for the Azores. Actually, Mr. President, both reports deserve far more attention than they have received.

The first article was a short item describing how thousands of people jammed the square before Governor's House, blocked the runways of the airport with trucks, seized the radio station, and forced the Governor appointed by the Armed Forces Movement for Ponta Delgada District to resign. The second item reported that the military government had arrested 30 people for taking part in the demonstrations.

Mr. President, these short items fail to convey the impact and meaning of this historic manifestation of the Azoreans on behalf of independence. Because of the

long control of these islands by Portugal, and the cultural ties which exist with the mainland, most Americans assume that the islands are Portuguese. This is not a feeling shared by the Azoreans. The people on the islands come not only from Portuguese stock, but also from Flemish, English, and French stock. Situated 800 miles from the mainland, they have developed a community of their own, and at one time had secured virtual autonomy on internal affairs, until the authoritarian governments of Salazar and Caetano strongly centralized the administration, and took from the Azoreans their rights of autonomy. With this centralization came an exploitation of the Azorean economy for the benefit of the mainland, and an impoverishment through taxation of the flourishing agriculture.

Ironically, the high taxation had the effect of drawing the Azores closer to the United States. Emigration from the islands to the United States has proceeded at a rapid rate, until today there are at least 700,000 native-born Azoreans in the United States—twice as many in the United States as are left on the islands. This close relationship between families here and families in the Azores has brought the Azoreans very close to the United States in recent years, and reoriented their outlook toward our country and away from the mainland.

When the Armed Forces Movement took over in Portugal last year, many Azoreans expected that conditions would improve on the islands, and that their rights of autonomy would return. But the Lisbon government degenerated further and further into radical authoritarianism, assisted by socialists and Communists. Instead of autonomy, the Azoreans got more controls, more economic intervention into agriculture, and arbitrary decrees amounting almost to confiscation of the small manufacturing enterprises. For example interest rates at the state-owned bank are now up as high as 50 percent in some cases. And of course, the owned bank are now up as high as 50 radical left plunge of the Portuguese Government is abhorrent to the ancient religious and cultural traditions of the islands. In short, they fear that their islands will be taken over by communism.

This is the background to the demonstration that took place on San Miguel Island, the largest island in the Azores, on June 6. The organization and successful execution of the demonstration is all the more amazing in the light of the fact that free political activity has been suppressed for 40 years. I have received many interesting details about this historic event, which I wish to discuss at length.

For weeks, political slogans and signs calling for independence have been appearing all over San Miguel on walls, houses, wagons, carts, buses, trucks, and every available space. Then the farmers asked permission to hold a demonstration about their grievances—and permission was refused. In spite of the fact that many demonstrations have been held in Lisbon over the past few months by rival Communist and Socialist factions, the governor of San Miguel refused to allow the farmers of the island to meet.

On the afternoon of June 6, according to eyewitnesses, precisely at 2:30 p.m., a procession entered the square before the governor's palace headed by a donkey carrying a young boy in a straw hat, carrying a big stick. The donkey carried a sign: "Who will help me?" To the Azoreans, the ensemble symbolized a stupid government, managed by an immature leader. The donkey was followed by a long procession of people of many classes—workers, farmers, and shopkeepers. They carried banners such as "Independence—Independence, Now," "We Azoreans want independence." "We want justice," "No more blood spilled on Lisbon soil."

The procession had come through the streets, gathering thousands of people along the way who left their homes and closed their shops to participate. It was followed by a long line of enormous trucks carrying great loads of logs from the virgin forests, with solemn-faced men riding the loads. Other trucks, carrying about 10 to 15 able-bodied men, were loaded with baseball-sized rocks. Others had more symbolic loads of sand, cows, milk pails, concrete blocks, construction materials and so forth. Each carried hand-lettered signs demanding independence. The heavy trucks were followed by small trucks, tractors, motorcycles, taxies, jeeps, cars—and thousands on foot.

They gathered at governor's house, where Dr. Antonio Borges Courtinho presided over the Ponta Delgada district, comprising San Miguel and Santa Maria islands, and demanded to talk to the governor. After an extended period of waiting, the governor appeared and resigned, to the cheers of the crowd.

Meanwhile, another group took over the radio station, and a third group, again in large trucks went to the airport and lined up on the runway, preventing the landing of transatlantic planes from the mainland. When the governor resigned and the news reached both parallel demonstrations, they disbanded peacefully.

Despite the fact that the crowds were orderly and there was no violence, 30 Azoreans were arrested for participating in the demonstrations.

Mr. President, it is a disturbing sign that the Portuguese authorities feel so insecure that repressive measures are taken against the Azoreans for exercising free speech. The Azoreans have a right to expect independence. What has been granted to Angola and to Mozambique, surely can be granted to other overseas territories controlled by Portugal. It is ironic that independence can be granted to the African territories and Portugal receives acclaim for doing so; a long, bitter guerrilla war in Africa brought about the downfall of the old Portuguese Government and radicalized the younger generation of military officers.

Yet should not the same lesson be applied to the situation in the Azores? The emergence of a left-leaning government in Lisbon in which radical military officers, Communists, and socialists grab for power, has served to trigger the long-suppressed desire of the Azoreans for independence. The Azoreans want freedom, not some brand of socialist or military dictatorship incompatible with the island traditions. If Portugal does not arrange for a peaceful transfer of power, she will undoubtedly be faced with many bitter years of underground resistance on a group of islands 800 miles from the mainland. Indeed, no one could criticize the Azoreans if they struck a blow for freedom now, before full-scale repression of the sort found in Communist countries becomes established. It is, of course, a matter for the Azoreans to decide for themselves; but from the standpoint of one observer for from the scene it appears that very little time is left before the revolution consolidates itself on the mainland and turns its attention to the Azores.

Mr. President, the strong manifestations of a desire for independence by the Azoreans is a heartening sign, which those in America who value freedom will be watching closely. I urge my colleagues in the Senate to consider these historic events carefully and to be sympathetic to this desire.

THE GENOCIDE TREATY—COUNTER ARGUMENT TO EXTRADITION OBJECTIONS

Mr. PROXMIRE. Mr. President, one of the major objections raised by opponents of the Genocide Treaty seems to be an irrational, highly emotional claim that an American accused of genocide could be extradited and tried in a foreign court. The claims are made by pointing to article VI of the Genocide Convention, which reads:

> Persons charge with genocide . . . shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

One of the absurd arguments that grew out of this section was that an American prisoner of war could be charged with genocide, or even a former member of the military could be extradited for trial in a foreign country.

Mr. President, I assure you that if this were the case I would not be in favor of such a document. However, if one looks at the very next article of the Genocide Convention, we find just the safeguard that is needed in this case. Article VII of the Genocide Convention states:

> The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

It is obvious from this section that unless the United States has already signed extradition treaties with the country concerned, there can be no extradition. Therefore, the United States would not be obligated to be a party to any new extradition agreements, and likewise, American citizens would be guaranteed the same rights they now have under the U.S. Constitution.

As for the argument that our prisoners

of war, if any are remaining, or former military personnel would be tried for genocide, it is obvious that this is not valid.

Mr. Eberhard P. Deutsch of the New Orleans Bar Association was one of the major proponents of this extradition argument before the American Bar Association's discussions of the Genocide Treaty. He remarked of this situation:

> This Nation . . . shall remain steadfast in its adherence to the ideals upon which it was founded, and in which it still leads the world along the paths of justice and freedom.

I wholeheartedly agree with Mr. Deutsch on that point. This country must take a position of moral leadership in the battle for the protection of human rights.

Mr. President, I can only hope that my colleagues in the Senate will not be persuaded by emotional arguments about extradition of our citizens, but, instead, will look at the facts, and act according to what is right and in the interest of moral and human rights. This can mean nothing less than the immediate ratification of the Genocide Treaty.

WORLD SITUATION IN DANGEROUS CONDITION TODAY

Mr. GOLDWATER. Mr. President, at this time in our history we are particularly fortunate in having at several important places in our Government men who understand the world situation and the dangerous condition it is in today. One of those is Mr. James Schlesinger, the Secretary of Defense and he expressed a good rounding of his philosophy when he addressed the graduating class at the U.S. Air Force Academy last week. I ask unanimous consent that this speech be printed in the RECORD.

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

COMMENCEMENT ADDRESS BY THE HONORABLE JAMES R. SCHLESINGER

Here in Colorado Springs on this June morning the members of this class receive their Academic degrees and at the same time, for the overwhelming majority, their commissions in the United States Air Force. On so auspicious an occasion I am honored to be your speaker. I take pleasure in welcoming you into your leadership roles, not only into the Air Force, but into the nation's entire military establishment. That establishment must, of course, operate as a smoothly functioning, coordinated entity—and in this larger entity the Air Force represents a critical part of a mutually supporting whole.

Commencement, as the name implies, is an occasion for looking forward—as well as for looking backward with some satisfaction on four years of trials and accomplishments. It thus provides an occasion for hard thinking about the future—as well as an opportunity for nostalgia and rejoicing.

I believe that we can leave the organization and conduct of the festivities of the occasion to the private enterprise of the members of the class. Therefore, I can concentrate my attention on the hard thinking about the future of yourselves, the Air Force's, and the nation.

In looking toward the future one must consider the external world, the role of the United States in that world and the effectiveness of its arrangements and attitudes, and finally, though indispensably, your own set of responsibilities.

Let me start with the external world. In this matter it is incumbent upon you, as citizens and as officers, not to substitute illusion for hope. Indeed, it does remain our hope that the many nations can achieve their goals through cooperation rather than through conflict. Yet, we should recognize that this world is neither one from which we can retreat, nor an abode we find particularly hospitable. Lacking the laws and institutions that shape the life of an individual nation, the external world has created far too many opportunities for the unrestrained use, indeed the abuse, of power. Until the nations of the world agree upon and truly accept common purposes in institutions, it will be necessary for this nation to retain the instruments of miliary power for the preservation of the values that it holds dear.

Historically Americans have viewed power ambivalently, believing that stability and justice should characterize the relations between nations in the absence of the use of force. Nonetheless, in the absence of common purposes and institutions that degree of stability has proved unattainable, and for the foreseeable future power will remain an indispensable, though hopefully tacit, element in the maintenance of a stable world order.

To become more precise about the existing distribution of world power, two nations, the United States and the Soviet Union, sometimes referred to as the superpowers, are preeminent. In a military sense, the world retains most of the trappings of bipolarity. Given that reality, the United States remains the indispensable counterweight in the international equilibrium to the unfettered exercise by the Soviet Union of its very considerable strength. Americans have not been altogether happy with this development in terms of power and responsibility. They have been equivocal about American preeminence—and particularly about the responsibilities imposed upon them by this preeminence. Nonetheless, whether we be resigned to or we cheerfully embrace these responsibilities, there is today no adequate substitute for the United States as the mainstay and maintainer of the community of free states.

In our relations with the other superpower we pursue both stability and a relaxation of tension. But given the ideological differences and the contrast between our own social order and that of the Soviets, the reduction of tension cannot be quickly transformed into the elimination of tension.

The equation of power retains its ultimate significance. And it will do so until such time as the Soviet Union accepts the permanence and legitimacy of Western social order. When the Soviet Union ceases to regard peaceful coexistence—Lenin's phrase invariably employed in place of "detente"—as something more than an altered form of the ideological struggle and a different phase of the class war, we may ultimately reach a common acceptance of the meaning of international stability. Until such time, however, power will remain the ultimate arbiter of international developments and the power balance will be essential to the preservation of stability. Detente itself, which we actively pursue, will by necessity remain undergirded by an equilibrium of force.

Such are the realities, which for the indefinite future will establish the framework for America's role and for your own responsibilities. To a greater or lesser extent we can fail in our obligations, but it is not within our power to alter the hard cold facts.

Yet, we must also recognize that the psychological setting has altered since the United States inherited the responsibilities in the wake of World War II. Americans are no longer as enthusiastic about their international role as they were at the time of the Marshall Plan, or the founding of NATO, or the response to Sputnik, or the Kennedy Inaugural Address. Other states outside the communist orbit no longer treat American leadership with acclaim. Familiarity has led them to become, at least, more restless, bored or unappreciative. So as we proceed on our course, we do so with less zest, with less of a crusading impulse—while recognizing that the task has become, if anything, more difficult.

In the last century, in his monumental Democracy in America, Alexis de Tocqueville identified as the great weakness of democracies, their tendency towards inconsistency and inconstancy in foreign policy—and thereby posed for us our continuing and greatest challenge:

"I do not hesitate to say that it is especially in the conduct of their foreign relations that democracies appear to me decidedly inferior to other governments.

". . . A democracy can only with great difficulty regulate the details of an important undertaking, persevere in a fixed design, and work out its execution in spite of serious obstacles. It cannot combine its measures with secrecy or await their consequences with patience."

There, gentlemen, stands de Tocqueville's challenge. How stands the nation for responding to that challenge?

For some time the country has to all appearances been in flux. The changes in attitude reflect a widespread failure of moral stamina in Western societies as much as the specific disputes within this country over the Vietnam war. But I use the word "appearances" advisedly in order to stress the surface aspect of such developments. Beneath the surface there remains in the United States a deep-seated solidity. Despite the corrosive effects of the events of the last decade, our American society remains a highly resilient one—perhaps preeminently so among the nations of the world.

But this deeper solidity can readily remain undiscerned. If there is one thing about the American society, it is a tendency to overdramatize. Headlines (puffing the crisis of the week), the compression of reality in TV summaries, all serve to titillate the reader or the viewer. There is typically a quest for novelty.

Yet despite the proclivity to over-dramatize, the opportunity for novelty in responsible policy towards the international order (or the domestic social framework) is limited. The role of the United States is to a large degree shaped by external forces to which we may react—or fail to react. The zest for our international role may well have diminished, but that will not permit us to abandon our burdens. What Mr. Dooley said with respect to divorce on Archey Road many years ago has a certain relevancy today to America's continuing foreign involvement:

"Up here whin a marrid couple get to th' pint where tis impossible f'r thim to go on livin' together they go on livin' together."

Nonetheless, the restlessness, the turmoil, the change in attitudes within the United States are not all superficial. There has been an erosion of trust—in government, in the bonds that hold together the society, in the goodness of the social order. Confidence must be restored, but the rebuilding effort will require time. Concurrently there has been a decline in discipline and order and in dedication with a consequent rise in self-indulgence. In social terms these are harmful developments. It will be your responsibility and your privilege through your lives and your activities to help reverse these tendencies.

The military services provide an example

of discipline and order to which the public can repair during a period of turbulence and of individualism gone awry. There is or should be a natural curb on self-indulgence. There is a sense of calling and of dedication. The example that is set will be welcome. For despite all of the superficial talk about variable life styles, at base any society recognizes the amount of flexibility allowed to human beings within a reasonable social order is limited.

Many of these issues are implicit in the expression, Duty, Honor, Country, the motto of a sister institution in the East about which your instructors may or may not have informed you. In a skeptical age such phrases are too frequently dismissed as high flown. They are not high flown; they are filled with high purposes. Duty, Honor, Country, indeed go to the very heart of a stable and healthy social order. Full restoration of a healthy body politic remains a profound need for this country. By your dedication and by your example, I trust, you shall make a major contribution to that end.

For the moment it remains necessary to struggle against a widespread malaise and sourness. For in the long run a healthy society must have a sense of national purpose to which the individuals that compose it can relate. The achievement of that sense of national purpose is an obligation of all of us, but it is particularly an obligation of those who have elected to serve in the nation's military establishment.

Indeed this is intended and embodied in the initial words of your Commissions as Second Lieutenants: ". . . reposing special trust and confidence in the patriotism, valor, fidelity and abilities . . ." I have every confidence that the years ahead through your efforts and the efforts of countless others will bring a restoration of moral stamina and an abiding trust in the values of Western civilization.

The underlying strength and resiliency of this society is sufficient to the task. We shall not fail, for if we should fail the inevitable drift would make the words of William Butler Yeats depressingly relevant to our condition:

"Things fall apart; the centre cannot hold;
"Mere anarchy is loosed upon the world, . . .
"The best lack all conviction, while the worst
"Are full of passionate intensity."

A grim vision, but one which, with your help, will not materialize. Gentlemen, Congratulations and Godspeed.

KENNETH KEATING

Mr. SYMINGTON. Mr. President, it was with deep regret indeed that I learned of the passing of our former colleague Kenneth B. Keating.

Ken Keating and I knew each other for a great many years. He was a member of the Frank R. Lawrence Lodge of Masonry in Rochester, N.Y. when I joined that lodge in 1924.

Ambassador Keating was an outstanding Senator; and also an outstanding Ambassador in two difficult and important posts.

All of us can only regret the loss of this magnificent American, my true friend; and I send deep sympathy to his gracious wife, Mary, and the family.

PORTLAND AND SAPPORO MARK 15TH ANNIVERSARY AS SISTER CITIES

Mr. HATFIELD. Mr. President, I want to call attention to a memorable day for the cities of Portland, Oreg., and Sapporo, Japan. On the weekend of June 7, 1975, the 15th anniversary of the establishment of their sister city relationships was marked in Portland.

The festivities were marked by a concert in Portland of the Sapporo Symphony Orchestra. The Mayor of Sapporo, Mr. Takeshi Itagaki, and his wife were guests in Portland to make the date.

I want to extend my congratulations on this occasion to residents and officials of both cities. This sister city relationship began when I was Governor of Oregon, under the strong leadership of former mayor of Portland, the late Terry Schrunk.

My colleagues have heard me speak before about the value of sister city relationships, and the Portland-Sapporo tie is a good example of benefits that flow from this tie. Many Portlanders schedule their vacations in Japan to include Sapporo, where they encounter a far different view of Japanese life than if they confined theirs visits to Tokyo alone. Sapporo, on the northern island of Hokkaido, is a more vigorous, youthful city, small enough to avoid some of the typical big city problems. It has a unique outlook on life, one that some people compare to the western cities of this country in past years.

Oregonians who visit Sapporo often have an opportunity to learn about the Japanese people and their culture. This, in turn, breeds an understanding of an Eastern culture free from some of the unfortunate stereotypes that too often are formed about foreign peoples throughout the world.

In return, residents of Sapporo are greeted in Oregon by Portlanders as "members of the family," one might say. Proud of this relationship, Portlanders are anxious to share facets of American life with visiting Sapporo residents. I am sure they return to Japan with a far broader understanding of American life than if they went only to San Francisco or Los Angeles on the west coast.

In a broader sense, we should remember that sister cities foster an atmosphere of international understanding. Such understanding puts a focus on human terms and helps diffuse differences.

I have said before that American farmers in the Far East seeking new export markets in the past 20 years have been some of America's best ambassadors. They dealt in human terms, not in official governmental channels. In my opinion, sister city programs provide a similar opportunity for such human understanding.

In the case of Sapporo and Portland, I know there have been a number of exchanges between the two cities: high school musicians, young athletes, business groups, conventions, elected officials—all visiting the other city to meet with counterparts with similar interests. With musicians or athletes, they had similar skills and talents. An understanding of the other's culture could spread from the common interests that brought the two together in the first place. In finding out the similarities within their avocations, or professions, their differences seem smaller. Friendships spring from this communality.

At a time when the pressures of international discord threaten to overwhelm efforts toward international understanding, sister-city programs stand as an example of people-to-people programs that have worked. I urge other towns and cities to establish such exchanges, for it is a good way to learn about another culture and another people. With this knowledge, understanding differences becomes infinitely easier.

Again, I salute Portland Mayor Goldschmidt and Sapporo Mayor Itagaki. I ask unanimous consent that an editorial from the June 7, 1975 Portland Oregonian, noting this anniversary, be printed in the RECORD, followed by an article from the June Oregon Voter Digest which describes a visit to Sapporo by the Portland Rose Festival queen.

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

"FAMILY" TIE RENEWED

Portland Mayor Neil Goldschmidt and Mayor Takeshi Itagaki of Sapporo, Japan, will commemorate this weekend the 15th anniversary of the signing of sister city affiliation papers between the two urban centers.

Festivities, including a free public concert Saturday evening at Madison High School by the Sapporo Symphony Orchestra, will reaffirm the cultural benefits that accrue to citizens of each city when they maintain a tie with their overseas counterparts. Mayor and Mrs. Itagaki, and indeed all who accompany them on their three-day visit, are more than honored guests; they are cultural kinsmen, members of this community's extended family. We welcome them here.

JAPAN CEREMONY BECKONS ROSE FESTIVAL QUEEN

The reigning Queen of the Portland Rose Festival, Danita Ruzic, traveled to Sapporo, Japan, May 16 to represent Portland in ceremonies opening the American trade fair there.

While there, the Queen called on Mayor Takeshi Itagaki, the American consolute, city hall and the media. She participated in sessions with the Sister City Affiliation Committee and attended a number of civic activities and receptions. On Thursday, May 22, she officially opened the Great American Festival, a trade week event.

The Portland Visitation will be returned during Rose Festival week. Mayor Itagaki will head a delegation coming to Portland from Sapporo, including the Sapporo Symphony Orchestra and Miss Sapporo, Machiko Miyoshi.

Festival President Bob Hazen hailed the selection of Queen Danita for the official ceremonies in Japan: "This is just another symbol of the type of national and international recognition which the Rose Festival enjoys. The Rose Festival to many people outside Oregon is symbolic of all of Oregon and Portland."

DISCLOSURE NEEDED TO CURB "REDLINING"

Mr. PROXMIRE. Mr. President, recently, the Banking Committee filed a report on S. 1281, the Home Mortgage Disclosure Act of 1975, which I introduced with the cosponsorship of Senators BROOKE and STEVENSON. If the telephone calls to my office are any indication, many other Senators have been receiving

mountains of mail generated by the lobbyists opposing S. 1281, before you had even heard of it.

Here is what this legislation is all about:

The Banking Committee has found that many sound neighborhoods, particularly older neighborhoods in our urban and even suburban neighborhoods are starving for mortgage credit. Let me make clear that I am not talking about slum areas, but well-maintained blue collar or middle-income neighborhoods, such as the west side of Milwaukee in my own State, or much of the west side of Chicago, Oak Park, Ill., Bond Hill in Cincinnati, parts of Baltimore, Indianapolis, Boston, and similar neighborhoods throughout the country. These are precisely the neighborhoods that need to thrive, through homeownership and community pride, if cities are ever to revive. Obviously, neighborhoods are the very building blocks of cities.

The committee has found, through extensive investigation of citizen complaints and 4 days of hearings, that many of our financial institutions disdain such neighborhoods. Over and over again, the committee found that when a family expressed interest in buying into such a neighborhood, the local bank or the savings and loan would either reject the application outright, or else demand a very high downpayment and a short payback period. Anywhere between 25 and 40 percent down is a typical downpayment requirement, and often 15 years is the maximum payback period. This means that the monthly payments are about 50 percent higher than on a 25-year mortgage.

In short, the family looking to buy a home finds a dual credit market—very favorable terms on new tract housing in the suburbs, and much less attractive terms on those older close-in neighborhoods that were so unfashionable 15 years ago, but are looking more and more attractive as the price of housing and energy skyrockets.

When a financial institution rejects an application on a sound house, by a buyer with a good credit rating, solely because of the neighborhood, the lender dooms the neighborhood. The practice is sometimes called "red-lining." This is a misleading term, because it implies that bankers actually go to the length of drawing red lines around certain communities on the map. They do not do that, but they do impose much more burdensome terms on houses in such neighborhoods, and sometimes they put such neighborhoods off limits altogether. A more technically accurate term for this process is "disinvestment."

This is particularly regrettable and arrogant when these are the very same neighborhoods from which the financial institution is drawing its deposits. Many lenders, it seems, have forgotten that they are chartered by the State or Federal Government and given a whole range of benefits including Federal deposit insurance and a partial monopoly—in order to provide services to their home community. And obviously services include loans as well as savings accounts.

Many community groups in these neighborhoods suffering from disinvestment have attempted to pursuade lenders to do a better job for the community at the loan window as well as the deposit window. A number of mayors and governors have been down the same road. Generally, they all agree that it would be enormously useful to know, by neighborhood, where the community's money is being loaned. Whether a reasonable portion of it is staying in the community, to revitalize it, or whether it is all being siphoned elsewhere, to build some new distant suburb, even as the neighborhood providing the deposits is rotting for lack of mortgage credit.

The logic of disclosure is quite simply: If consumers can find out which local banks and savings and loans are treating the community equitably—and which merely view it as a convenient source of capital to export elsewhere—then maybe the sunshine will act as a disinfectant, as it usually does, and some of these bankers will be shamed into keeping some mortgage money in their own backyards.

That is what S. 1281 would do. Every lender would maintain a public record file, that would disclose by census tract, the number and dollar amount of mortgage loans made during the previous year.

S. 1281 does not "allocate credit"; it does not require financial institutions to favor certain neighborhoods over others; it does not require them to make unsound loans. It simply lets the community know where its money is going—about as gentle a remedy as could be imagined.

Yet, judging from the outcry by some of the lobbies, and the resulting mountain of mail, some of its bordering on hysterical, you would think we had proposed nationalizing the banks. First, the lobbyists claimed the cost would be prohibitive. So we asked the American Bankers Association to do a cost survey. It turns out the cost would be about $200 per year, per bank. Then they said it would be impossible to code loans by census tract. We pointed out that the Census Bureau has maps of every census tract in the country, and for banks that are computerized, special inexpensive computer programs exist which translate street address to census tract. Then, some of our industry witnesses said that we should not require them to disclose the geographical source of deposits as well as loans, which the original legislation required. They said it would be prohibitively costly, and that it would reveal trade secrets. The Secretary of HUD, Carla Hills, told us that the only aspect of the legislation she had doubts about was deposit disclosure. So the committee took that section out.

But, strange to tell, the next thing we knew, the local Washintgon, D.C., savings and loans, which have been criticized by community groups for exporting most of their money to the suburbs, voluntarily disclosed the source of their deposits. Their reasoning, apparently, was that if they could demonstrate that some of their deposits were coming from the suburbs, they would not look quite so bad. It is amazing what you can do that seemed impossible or inconvenient yesterday.

In short, S. 1281 will accomplish two things: it will make lenders more accountable to their communities, and it will provide data for the first time, on the degree of disinvestment in America's cities. If that rather mild prospect so alarms the lenders, something is terribly wrong.

It is also worth noting that several States and municipalities have already moved to combat disinvestment. A mortgage disclosure bill is moving through the Illinois legislature. A similar effort is being made in New York. The city of Chicago already has in effect a disclosure ordinance. The Massachusetts Commissioner of Banks has issued new disclosure regulations, that go substantially further than S. 1281, and I was delighted to note that the ranking minority member of the committee, Senator TOWER, in his remarks last Tuesday, commented favorably on the Massachusetts regulations which cover deposits as well as loans. Similar regulations are under discussion in California.

I hope my colleagues will consult the committee's report, on S. 1281, which analyzes the legislation and gives the pros and cons in greater detail. I ask unanimous consent to have printed in the RECORD two excellent articles on disinvestment from the New York Times, and U.S. News and World Report.

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

[From the New York Times, May 26, 1975]

'REDLINING' BY LENDERS IS CALLED CAUSE OF OLD COMMUNITIES' DECAY

(By William F. Farrell)

OAK PARK, ILL.—The current edition of the Illinois state guidebook extols the nearby suburb of Oak Park for its tree-lined streets, old houses and 40 churches, its nurturing of Ernest Hemingway, its two dozen architectural treasures built by the young Frank Lloyd Wright.

The book describes Oak Park's 62,500 residents as living in "a prosperous middle-class citadel" that "has retained its individuality through careful administration."

Oak Park also has something in common these days with its less prestigious neighbors—those homeowners living in working class communities of Chicago and other cities.

Some Oak Parkers, whose houses are generally from 60 to 80 years old, are finding it increasingly difficult to get conventional mortgages and home improvement loans from banks and savings and loans associations.

This difficulty has prompted charges from residents of Oak Park that it is being subjected, like many less affluent but also aging communities, to the practice of "redlining."

ROAD OF DECLINE

Redlining is a highly controversial and emotional issue in many communities. The numerous community organizations conceived solely to deal with the problem use the term to charge banks and savings and loan associations with being instrumental in setting their neighborhoods on a road of decline, abroad that ends with bulldozers razing avoidable wreckage.

The financial community strongly rejects the notion that "redlining" is a pervasive,

conscious practice. Some lenders say there is no such thing.

Community activists define redlining as the refusal by lending institutions to make mortgage or home improvement loans in areas they deem risks. The term derives from the lenders' figuratively or literally red-penciling a local map—in effect deleting a neighborhood or community from its approved investment areas.

Community groups say that redlining also includes such practices as requiring higher down payments in older areas than are required for comparable housing in newer suburbs; fixing higher loan interest rates and higher closing costs than for mortgages in other areas; fixing loan maturity dates below the number of years that are the norm in newer areas; delaying on appraisals to discourage potential borrowers, and applying more rigid structural standards on a property than would be the case in a newer area.

SELF-FULFILLING PROPHECIES

Unless lending institutions have commitments to provide mortgages in areas where they draw their capital, these groups argue, particularly in those areas of growing minority group populations, the institutions' predictions of any neighborhood's decline can become self-fulfilling prophecies.

"Redlining is a sleazy practice and probably impossible to prove beyond a benefit of doubt for everyone," said Theodore Snyder, of the Milwaukee Alliance of Concerned Citizens. "Like an arsonist, its trail can be best followed by looking for the ashes."

Mr. Snyder's group is concerned with what they see as a redlining pattern on Milwaukee's West Side.

The Milwaukee group is mirrored in many other cities. Over the past few years these groups have become aware that their problems are repeated in other localties. They have formed the National People's Action on Housing, a network of community organizations with chapters in 39 states and 104 urban centers.

HOUSEWIFE MASTERS JARGON

The headquarters for the group is in Chicago, where there are many community groups formed around the redlining issue. The national chairman of N.P.A.H. is Gale Cincotta, a housewife from the working class Austin section of Chicago who has mastered much of the arcane housing jargon that is rife in Government and business.

People like Mrs. Cincotta, who combine picketing with old-fashioned politicking, have made redlining a Chicago political issue as well as one in the state capital in Springfield.

They are, it is agreed, responsible for the Chicago City Council's passage of a local statute requiring lending institutions that bank city money to disclose their savings and investment patterns. And they have provided the impetus for disclosure legislation in the Illinois Legislature that has passed the House and is pending in the state Senate.

Federal law says nothing about redlining, and most states do not have statutes dealing with the practice.

Most proponents of disclosure laws argue that action must be taken at the Federal level because state or local statutes requiring disclosure will probably encounter strong court opposition in cases where a lending institution is federally chartered.

The community organizations say a Federal disclosure law would arm them with an invaluable tool in dealing with local lenders.

"Lending institutions have this data," says Mrs. Cincotta. They know where their investments are. Why shouldn't the people in the Congress have this data? The saver as consumer has a right to know how his or her deposits are being reinvested."

"We are not asking for handouts. All we are asking for is a fair return on our savings into our communities," Mrs. Cincotta told a hearing of the United States Senate Committee on Banking, Housing and Urban Affairs early in May.

The hearings were called by Senator William Proxmire, Democrat of Wisconsin, on a bill he has introduced requiring that banks and savings and loan associations, particularly in metropolitan areas, have available for public scrutiny their savings and investment patterns.

Mrs. Cincotta and many other community witnesses ranging from the Bronx to Oakland, Calif., strongly urge passage of the bill. Representatives of major banking and savings and loan organizations oppose the measure just as strongly.

At present the bill has been marked up in committee and is expected to reach the Senate floor soon, perhaps with some modifications.

CHARGES OF RACISM

The four days of testimony provided an insight into the complexities of redlining. From civil rights groups, Mr. Proxmire heard charges of racism in granting mortgages.

From representatives of white working class neighborhoods, he heard charges that local lenders were abetting the demise of long-standing and sound neighborhoods by refusing to grant home improvement loans to residents at a time when there was a shortage of energy and essential materials.

From the financial community he heard allegations that the disclosure information sought in the Proxmire bill would be "misunderstood" by neighborhood residents, that the bill threatened the free flow of capital, that it was the first step toward mandatory credit allocation and that it would place lending institutions at the mercy of "unelected" community representatives seeking to "influence the loan decisions of our institutions."

Throughout the hearings, Mr. Proxmire described his bill as a "modest" disclosure measure that did not substantially regulate lenders.

Ronald H. Brown, director of the National Urban League's Washington bureau, agreed.

SAYS BILL IS LIMITED

While supporting the Proxmire measure, Mr. Brown said, "We do not believe that improving the quality of information on banking activities will necessarily induce lending institutions to abate the process of disinvestment." ("Disinvestment" is the Orwellian term for redlining used by Government and financial officials.)

Mr. Proxmire's home mortgage disclosure act, Mr. Brown said, would have "inconsequential" effect "unless coupled with other significant reforms."

During the Senate hearings there were repeated charges by civil rights representatives that redlining and racism were closely aligned.

The community representatives presented documents showing the marked decline in mortgages for their areas. One study concerning Washington, D.C., was prepared by Congressional staff at Mr. Proxmire's request.

It showed that 90 per cent of the mortgage loans being made by savings and loan associations in Washington were made in Maryland and Virginia and that nearly one-half of the loans made within the District of Columbia, which is predominantly black, were made in upper-middle class white areas.

"Perfectly sound neighborhoods in every major city in America are dying premature deaths for lack of mortgage credit," Mr. Proxmire said. "We are wasting our most valuable housing resource—sound existing homes."

One of the committee members, Senator Jake Garn, Republican of Utah, who is a former mayor of Salt Lake City and a conservative, said that to deny the existence of redlining "is insulting my intelligence." The question, he said, is whether the Federal Government should have anything to do with the problem.

William B. O'Connell, public relations counsel for the United States League of Savings Associations representing 4,600 lenders, said that Mr. Proxmire's statement "pins the responsibility for urban decay on lenders." This "confuses cause with effect," Mr. O'Connell said. "It ignores the importance of zoning policies, the strict enforcement of housing and health codes, the attitudes of property owners and their neighborhoods, good housekeeping by city agencies, equitable property tax systems and many other factors."

We have no choice but to make sound loans," he said, adding that a mortgage lender was "not an arbitrary decisionmaker of values in a particular neighborhood."

According to Grover J. Hansen, a director of the National Savings and Loan League and president of First Federal Savings and Loan Association of Chicago, a misinterpretation of disclosure data "might lead to further and destructive divisions between cities and suburbs, between neighborhoods and communities, between different racial and ethnic groups and between rich and poor."

"We do not make funds available to neighborhoods or to communities," Mr. Hansen said. "We make funds available to individuals."

"INSTANCES" BUT "NO ANIMAL"

At a recent Chicago press conference, Mr. Hansen asserted that "although there may be a few isolated instances of it there is no such animal as redlining."

A relatively new aspect to the redlining issue, that of old suburbs having difficulty in obtaining mortgages and improvement loans, emerged at the Proxmire hearings.

Paul Bloyd, chairman of the Oak Parks Community Organization, said that "the redlining problem is a metropolitan one, joining older, inner-ring suburbs like Oak Park with the cities as common victims of arbitrary mortgage rejection policies."

In the past three years, Mr. Bloyd said, Oak Park's four savings and loan associations have merged or branched out to newer suburbs. The Federal Home Loan Bank Board's 1973 voluntary disclosure survey showed "an almost total boycott of home improvement loans to Oak Park," he said, making cases like that of Bruce Samuels all too frequent.

Mr. Samuels, the owner of a 55-year-old solidly built and comfortable stucco home, was denied a conventional loan on standard terms because his house was deemed "too old."

Mr. Bloyd said that his group study showed that Oak Park Federal, the suburb's largest lender with assets of $240-million, made only $40,000 in conventional loans in Oak Park at a time when it made more than $1.5-million in loans in newer suburbs further west.

[From the U.S. News & World Report, June 9, 1975]

DRIVE TO CURB "REDLINING" IN RUN-DOWN NEIGHBORHOODS

The nation's lending institutions are facing new and increasing pressure to abandon the practice of "redlining"—refusing to make loans in neighborhoods they consider risky.

Both houses of Congress and at least two State legislatures—in California and in Illinois—are giving active consideration to bills requiring lenders to disclose their loan-making practices.

Citizen groups in a score of cities are pushing banks and savings and loan associations to make more loans in urban neighborhoods.

CHARGES AND PROBES

Residents in Toledo, Ohio, are pressing a class-action suit against one mortgage company, charging that its refusal to grant mortgages in a racially transitional neighborhood violates the 1968 Civil Rights Act.

Many groups are launching investigations to find out how many loans are going to urban neighborhoods. Results indicate the percentage is, with few exceptions, quite low. For example:

In Chicago, a study by the Metropolitan Area Housing Alliance asserts that 41 of the city's banks, with assets of more than 41 billion dollars during the year that ended on June 30, 1974, invested less than one tenth of 1 per cent of that amount in conventional home mortgages in the city.

In Los Angeles, says the National Task Force on Credit Policy, six savings and loan associations put mortgage loans of 671 million dollars into Los Angeles County in a five-month period that ended in May, 1974. During the same time, the associations made virtually no loans in the central city, East Los Angeles and some outlying areas.

In Baltimore, a study by the city's department of housing and community development finds that prevailing lending policy bars loans on houses under $15,000—though the department claims 75 per cent of the residential market is under $15,000. Many lenders bar loans for houses over 20 years old or less than 18 feet wide. About 65 per cent of the city's houses were built before 1939, and many are row houses no more than 16 feet wide.

In Washington, D.C., a study by the staff of the Senate Banking, Housing and Urban Affairs Committee shows that 90 per cent of the mortgage loans by savings and loans based in the city are made outside the city and that nearly half of the loans within the city are in upper-middle-class, white areas.

What it means. "Redlining"—more formally known as "urban disinvestment"—draws its nickname from the way lenders mark, in red, areas of a city map which they consider unwise sites for investment.

Critics charge that this practice discriminates against a wide variety of older neighborhoods, including not only those inhabited by blacks and other minorities but by whites as well.

Illinois Governor Dan Walker says that "redlining" is victimizing some of Chicago's blue-collar, ethnic neighborhoods and older suburban communities, including Oak Park, where writer Ernest Hemingway was born and where 15 homes designed by Architect Frank Lloyd Wright are located.

Oak Park, more than 60 years old, is an inner-ring suburb of Chicago, and residents report difficulty getting loans even where they have accounts.

One resident, wanting a new furnace, applied for a loan at a savings and loan account. She was turned down and told that "if she were smart, she would sell right away because of the possibility of racial change in an adjoining area," according to *Paul Bloyd, of the Oak Park Community Organization.*

Salary doesn't count. Even people with upper-middle-class incomes have difficulty finding financing for homes in "redlined" sections, says *Mrs. Gale Cincotta, chairperson of the National Peoples Action on Housing.*

Mrs. Cincotta told of one couple who went to seven banks seeking financing for a 20-year-old brick home in Chicago. "And in every case, the answer was the same: a big no, with a big red line," Mrs. Cincotta explains. "Why the red line? Because they were a poor credit risk? They are both professors at the University of Illinois in Chicago, with a combined income of over $40,000. If they couldn't get a conventional loan, what about the rest of my neighbors?"

Even when financing can be found in "redlined" neighborhoods, borrowers in those areas often must make down payments of 20 or 30 per cent, compared with 10 or even 5 per cent in favored suburban neighborhoods.

Lending institutions which are not willing to make conventional loans in a neighborhood will often give loans guaranteed by the Federal Housing Administration or the Veterans Administration, because these mortgages involve little or no risk. If the borrower defaults, the lender recovers his investment quickly.

However, citizen groups in the troubled areas say the experience with FHA and VA financing has not been a happy one. *Theodore Snyder, representing Milwaukee's Alliance of Concerned Citizens,* complains:

"Once conventional mortgages are cut off to a community, FHA-insured loans invariably move in, and the rapid turnover of the area by profit-hungry realtors, brokers, savings institutions, mortgage bankers and big institutional investors soon follows. Real-estate values plummet, and property taxes skyrocket relative to the value of the property.

"The other side of this money-making machine is to force families to the suburbs, where the mortgage bankers and developers are arranging investments and loans with large developers and large financial institutions, insurance companies and credit corporations."

Critics contend that once a neighborhood has been "redlined," the process of urban decay speeds up. Owners who want out find it difficult to sell. Houses fall into disrepair, are broken up into apartments or are sold to speculators. Thousands of homes are boarded up or abandoned and vandalized each year.

" 'Redlining' chokes off money to a community," says Governor Walker. "Once that happens, a community slowly strangles. . . . This entire process becomes a self-fulfilling prophecy."

THE OTHER SIDE

The nation's lending community of banks, savings and loans and federal regulatory agencies denies that "redlining"—in the sense of the denial of loans on a discriminatory basis—exists. They argue that loans are being denied in declining neighborhoods because it is sound economic policy to do so.

"We will not make loans at our risk, on buildings that are falling down, to families that are unable to carry mortgages, and in neighborhoods which are blighted or, within the limits of foresight, threatened with blight," says William B. O'Connell, public-relations counsel to the U.S. League of Savings Associations. The fact that loans are not made in some neighborhoods does not necessarily mean they are "redlined," he adds.

"Many homes in our older neighborhoods are debt-free. These families are savers, not borrowers. Thus, savings associations may very well have to go outside their own immediate areas to find loan markets."

IN THE HOPPER

Two bills aimed at increasing the flow of mortgage credit are moving now through Congress.

The Senate Banking, Housing and Urban Affairs Committee has approved a measure to require federally chartered lenders in 227 metropolitan areas to disclose the destination of their mortgage loans by census tract.

With this information, Senator William Proxmire (Dem.), of Wisconsin, chairman of the Committee, believes that depositors will be better able to place their money with institutions that are observing community needs.

On May 13, the House Banking, Currency and Housing Committee approved a different bill, one to force the largest national banks to report how many of their loans are in nine categories, including home mortgages.

The lending community opposes both measures.

Lenders argue that mandatory disclosure would be of little help to the general public but subject lenders to undue pressure from special-interest groups claiming to represent consumers.

In addition, bankers say, lists of loans by geographic region would present "golden opportunities" for organizations compiling mailing lists, for door-to-door salesmen, and for possibly unscrupulous elements, including criminals.

EXPECTED EFFECTS

Despite this opposition, both bills are given good chances for passage this year. Neither bill is expected to eliminate "redlining," but supporters hope the legislation will make lenders more sensitive to the effects of their policies.

"During our study, we found significant evidence that lenders did not realize the composite effect of their lending policies, because they did not keep records in a fashion that would have revealed such patterns," Robert C. Embry, Jr., Baltimore's housing commissioner explains. And he adds:

"It is our feeling that the proposed disclosure legislation will require the lenders to become more closely attuned to the effects of the lending policies.

"It will also have the effect of making them more accountable to their depositors, an almost lost consideration in today's market."

FEDERAL LEGISLATIVE GOALS FOR CHILDREN

Mr. JAVITS. Mr. President, in light of the continuing interest, shared by all Members of the Senate, in legislative matters affecting the well-being of our Nation's children, I bring to the attention of my colleagues, the American Parents Committee 1975 Federal Legislative Goals for Children.

The American Parents Committee—APC—was founded in 1947 as a membership, nonprofit, nonpartisan public service association. The committee is chaired by George J. Hecht, a noted leader in the field, who is also the publisher of "Parents' Magazine," and chairman of the Child Welfare League.

For more than a quarter of a century the APC has shown its concern with Federal legislation for children. The committee enjoys a record of effective work on behalf of children with which too few other nongovernmental agencies are concerned.

Annually, the APC presents its Federal Legislative Goals for Children, focusing on issues of utmost importance to children. In its 1975 legislative goals, the committee notes such areas of concern as day care and child development, foster care and adoption, nutrition programs, public education, juvenile justice and delinquency prevention, and child labor.

Mr. President, the children of our Nation are our greatest national resource. Unfortunately, the Nation is lagging too far behind most of the other industrialized nations of the world in the provision made for our children in social legislation.

I share the view of the APC that "vital steps need to be taken in the next 2 years before our children can begin to receive the care and attention they deserve." These steps are especially vital during this serious economic period and I remind the Congress of the importance of keeping our commitment to our Nation's children, both the sake of their future and ours.

Mr. President, I ask unanimous consent that the American Parents Committee's Federal Legislative Goals for Children be printed in the RECORD, and I commend them to the attention and reading of my colleagues.

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

THE APC 1975 FEDERAL LEGISLATIVE GOALS FOR CHILDREN

By way of introduction: This is the 28th year during which the American Parents Committee, Inc. has lobbied for federal legislation for children. In 1947 when the APC was founded, there were few social welfare agencies that took an active interest in federal legislation for children and fewer still that tried to influence Congress concerning it. The APC is particularly proud of certain of its legislative achievements for children which it won without any appreciable organizational collaboration. Now fortunately there are many national and state organizations that are concerned with federal legislation for children, but there are still too many of them that are unwarrantly afraid to become active in such legislative advocacy for fear that it may affect the tax deductibility that its contributors enjoy.

The APC invites the cooperation of other organizations and groups in attaining any or all of its federal legislative goals for children.

The following statement of 1975 Federal Legislative Goals On Behalf Of Children was adopted unanimously by the Board of Directors of the American Parents Committee, Inc. at a well-attended meeting on January 28, 1975, in New York City.

The 94th Congress: It would appear that 1975 will be a sad year for children in the U.S. Congress. There are only a handful of members in each of the Houses of Congress who are deeply concerned with the needs of children and the current Administration seems intent on not allocating its resources in any significant way to issues of social welfare and concern for child development. Consequently the APC and other like-minded organizations should work that much harder.

1975 will usher in the youngest, most Democratic, and most liberal Congress in many years. The new House of Representatives will be composed of 290 Democrats and 145 Republicans. This is an increase of 42 Democrats, most of whom are markedly more liberal than the incumbents they replace. The new Senate will also be more progressive, with 65 Democrats and 35 Republicans, an increase of four Democrats.

Vital steps need to be taken in the next two years before our children can begin to receive the care and attention they deserve. The APC feels very strongly that in order to most effectively use our resources, we should focus on a few issues of utmost importance to children. The following statement of APC goals therefore concentrates only on the most crucial and beneficial actions that should be taken by the 94th Congress.

In general: The order of presentation of the following APC goals has no significance. In general, the APC works for Congressional action on behalf of children with which few, if any, other non-governmental agencies concern themselves. Because of its limited staff and funds, the APC concentrates on measures that it believes are attainable and not on measures upon which it can have little influence.

Appropriations for children's services: President Ford, in his 1975 State of the Union speech, announced that he would ask for no new spending programs and if any were approved by Congress he would veto them. This pledge will make it very difficult to secure the necessary appropriations for children because in the last few years, those areas have received less money than Congress authorized. As in the past, the APC will work to ensure that all programs affecting children receive appropriations equal to their authorizations. We will also work to ensure that programs enacted last year, such as the Child Abuse and Treatment Act, receive full funding.

Day care and child development: Although the renewal during the last Congress of the Head Start authority for a period of three more years is a breakthrough, the APC will continue to work on behalf of legislation which will provide free, universally available, high quality day care and children development programs to all those who need them. Our efforts will be along the lines on which the APC has long worked. Such legislation should provide: (1) meet high quality Federal standards, (2) make free services available to all who request or need them, (3) avoid such approaches as vouchers or other systems that would enable funds to go to private, for-profit groups, (4) be operated as a public utility, (5) utilize existing facilities and personnel on a full-time, year-round basis to ensure maximum cost effectiveness, (6) education for parenthood and homemaker services, and (7) would provide the funds necessary for these purposes.

Child welfare services and foster care and adoption: It is of the utmost importance that Congress address itself to the huge and crucial problem of America's foster care and adoption systems. The lives of more than 300,000 children annually are affected for good or for bad by these systems. Federal leadership, standard setting and financing has been grossly inadequate.

The APC urges the following foster care and adoption proposals upon the 94th Congress

(1) High priority to services designed to maintain children in their own homes, including adequate financial support, homemaker's service, day care, temporary shelter care, protective services.

(2) Assistance to states in improving foster home and institutional care for children including national standards and financing.

(3) Federal financial assistance should be provided to the States to assist them in providing adoption subsidies for "hard to place" children.

(4) Adoption of the Javits amendments to permit voluntary placement of children in foster care funded through AFDC funds.

(5) Federal technical and financial assistance should be provided to overcome the barriers to interstate placement of children.

(6) The establishment of a federal statistical gathering and analysis system and Federal aid to the states for support of a model foster care information system to ensure that children do not get lost in foster care.

Food-nutrition programs: Inflation, bringing with it spiraling food costs, most hardly affects the poor. Congress must respond with expanded and fully funded legislation to meet the growing need for Federal food assistance.

The Administration's regulatory change in the food stamp program, raising prices to 30% of a family's income, must be reversed immediately. New legislation must place at least a 25% limit on purchasing prices, maintain current lower purchasing prices, and simplify the certification process.

The National School Lunch and Child Nutrition Acts (NSLA & CNA) must be continued and expanded:

(1) Additional funds must be appropriated to maintain and expand the school lunch and school breakfast programs and provide meals which are at least ⅓ of the recommended daily allowances.

(2) The Special Food Service Program for Children must be expanded to provide food service assistance with higher reimbursement rates to all licensed non-profit, non-residential institutions, such as day care and Head Start centers.

(3) The Summer Food Program must be expanded and made permanently available to feed children when they aren't in school.

(4) Licensed non-profit children's residential institutions must be included under the NSLA and CNA for cash and commodity assistance for food service for institutionalized children.

(5) The Special Supplemental Food Program for pregnant and nursing women, infants and children (WIC) must be made a permanent, national program for full funding.

Because the child nutrition programs are much more than simply welfare programs, the Department of Agriculture should continue to have administrative responsibility for all the Federal food assistance programs.

Social Services amendments—Title XX of the Social Security Act: The new Title XX to the Social Security Act (H.R. 17045) was signed by the President at the end of the year, with an effective date of October 1, 1975 (P.L. 93-647). Some of the provisions, especially those relating to day care standards and child support, were of a controversial nature and did not have the support of the APC.

It is important to note that significant reservations about the legislation were also voiced by members of Congress and it is possible that the Congress may amend this legislation in 1975. Agencies have some lead time to adjust to the various effects the legislation will have on child welfare agencies seeking funds under Title XX since the regulations which govern implementation of the bill are not scheduled to go into effect until October 1, 1975. This means that the current regulations concerning social services, which have been in effect for several years, will remain in effect until that date.

The new chapter of the battle for quality social services will now focus on amendments, the writing of new regulations and guidelines governing different facets of the legislation and agencies working with public welfare officials to participate in formulating state plans for social services.

Family planning: The right of families to plan for and space the number of children they desire is a fundamental goal of the APC. To ensure that right, in a voluntary and noncoercive manner, the APC supports the extension of Title 10 of the Public Health Service Act and all other sources of support for family planning. Legislation extending Title 10 was vetoed by President Ford on December 23, 1974 and the APC commits itself to work for prompt extension of family planning services and larger appropriations so that these services will be available to all who want and need them. The APC will support the development of a range of safe and effective means of family planning and contraceptive methods and the comprehensive availability of all methods to enable families to achieve their family size goals.

Public education: With shrinking financial resources at the state and local levels and increasing taxpayer resistance, the APC believes with the Natinal Education Association that the federal government must assume its obligation to provide adequate funding for public schools. The federal government has a demonstrable national interest in providing quality education for all. The APC continues to support existing categorical aid programs, such as compensatory education, innovative services, vocational education, higher education, assistance to the handicapped and gifted, bilingual and Indian education. It also urges that the appropriate committees hold oversight hearings on the administration of these categorical aid programs as well as oversight on the enforcement of anti-discrimination requirements in

federally assisted programs under Title VI of the Civil Rights Act of 1964.

Supplementary security income (SSI) for children: Title XVI of the Social Security Act should be amended to permit otherwise eligible children in public non-medical institutions to receive the full SSI entitlement on the same basis as those in comparable private institutions.

Additional outreach activities should be mounted to assure that families of eligible disabled children in their own homes are advised of their rights to SSI, and assisted in applying.

An amendment to Title XVII will be sought to mandate referral of SSI children to appropriate health, social and educational services (Dole bill).

Handicapped children: During 1974 legislation was *passed* authorizing additional funds to states for education of handicapped children. It is estimated that only half of the nation's handicapped children are receiving education suited to their needs and that several million children are denied schooling for reasons relating to mental and physical disorders. APC will support funding thrusts and modifications in the authorizing legislation which will reinforce implementation of a "zero reject" posture by the public school system.

Child care deductions: According to both Congressional and Administration sources, tax reform will be a high priority item for the 94th Congress.

The legislative item that should be changed in the current tax law is in regard to child care deductions. Although deduction is allowed—up to $400 a month for three children on earnings up to $18,000 per annum—according to IRS very few of those eligible to take the deduction do so. We would recommend that child care expenses be treated in the same manner as any other reasonable business deduction.

Aid to dependent children: Improvement of provisions for needy children and their parents under The Aid To Families With Dependent Children (AFDC) is of major importance at this time of rising prices; increasing unemployment and other sources of growing need. While a Federal program should be the goal, at the very least Federal funds should be conditioned on minimum States standards, increases related to rising costs of living, and wider eligibility including mandatory provision for need due to unemployment.

National Health Insurance: The APC is committed to the early enactment of national health insurance. The APC will work for a comprehensive bill, including medical services to pregnant women, infants and children. In anticipation of national health insurance, Title V and Title XIX EPSDT programs should pursue care funding activities and be more adequately funded at the Federal and state levels so that necessary follow-up care may be provided. However, the availability of health care financing through National Health Insurance will not supersede the need for national programs which provide health care services in areas presently medically under-served. Maternal and Child Health and Crippled Children's Programs are systems to be maintained, modified and expanded so that in tandem with national health insurance, health and medical care might be more readily available to all pregnant women, infants and children.

Juvenile justice and delinquency prevention: The 93rd Congress passed the Juvenile Justice and Delinquency Prevention Act to provide money to States and local governments to conduct effective juvenile justice and delinquency prevention programs. The act focuses on preventing delinquency, on diverting juveniles from the traditional juvenile justice system, and on providing critically needed alternatives to inappropriate institutional care, including homemaker and other services in the child's own home.

The APC feels very strongly that while the goals and thrust of this bill are exceptional, the placing of the program within the Law Enforcement Assistance Administration (LEAA) was a major mistake. It is unfortunate that the entire federal juvenile delinquency prevention effort is now operating in a law enforcement environment, rather than a human services one. APC thus feels that LEAA's implementation of the bill should be closely monitored by child advocacy groups, full funding should be supported, and the transfer of the program to HEW should be urged as soon as possible.

Child labor: Stiff enforcement of federal law prohibitions against child labor abuses is a goal of the APC. In the last fiscal year Department of Labor investigators, while investigating only 2 to 3 percent of all establishments, uncovered 15,000 illegally employed children. If these figures are extrapolated to all employment establishments, we can estimate that 500,000 children are working illegally. This means working nights, or more hours during school hours than is allowed.

In addition, newly-passed Amendments to the Fair Labor Standards Act prohibit children under 12 from working on large farms, a commendable step forward, protecting thousands of migrant children. However, the Department of Labor has been lax in enforcing the new laws and several states are attempting to get the Congress to grant them special exemptions. APC urges the Congress not to grant any exemptions to the 1974 amendments, and urges the Congress to ensure full Department of Labor enforcement of the legislation.

UNICEF: Due to the devastating world economic situation that has caused massive starvation, in some Asian, African and South and Central American countries, the United States has a global responsibility to substantially increase its contributions to UNICEF from its existing $15 million level to hopefully $18 million for fiscal 1975 which began July 1, 1974. The APC will work for the authorization and appropriation of the larger amount.

Federal leadership on children's programs: The APC deplores the erosion of Federal leadership for programs and policies affecting children and youth. The APC, therefore urges that a new Office for Children and Youth be created directly under the Secretary of the Department of Health, Education, and Welfare. This Office should collect information on the needs of children and youth, monitor existing programs in the Department and elsewhere in the Federal government, and recommend new or improved policies and programs to meet these needs. This Office would absorb the responsibilities relating to children and youth of the Assistant Secretary for Human Development and those of the Children's Bureau, and should give new impetus to a broader and more active leadership.

WYOMING STATE SHOOTING ASSOCIATION

Mr. HANSEN. Mr. President, many Senators, myself included, have argued over the years against firearms legislation that would place undue restrictions on law-abiding Americans.

The Wyoming State Shooting Association in annual meeting May 17 adopted a resolution that supports our view. I ask unanimous consent that it be printed in the RECORD.

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

RESOLUTION CONCERNING FIREARMS LEGISLATION ADOPTED BY THE WYOMING STATE SHOOTING ASSOCIATION AT THEIR ANNUAL MEETING IN LANDER, WYOMING.

There are many Firearms Laws in force at Federal, State and Local levels throughout the United States, and numerous additional laws are proposed and enacted each year, all of which are intended to prevent or reduce the incidence of violent crimes.

Virtually all such laws are directed toward an inanimate object, the firearm, rather than toward the criminal misuse of same. The widespread increase in violent crime throughout this country clearly demonstrates that such firearms legislation will not successfully prevent or reduce crime.

The Wyoming State Shooting Association is dedicated to the reduction of crime, but legislation against firearms, rather than the criminal misuse of firearms, is both unneeded and counter productive. Such firearms legislation only further burdens the law-abiding firearms owners and taxpayers, and diverts public attention and support from truly effective crime control.

Therefore, let it be resolved that the Wyoming State Shooting Association opposes any proposed legislation, at any level of government, which is directed against the inanimate firearm rather than against the criminal misuse of firearms.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The period for the transaction of routine morning business is closed.

DETERMINATION OF SENATE ELECTION IN NEW HAMPSHIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the pending business, which the clerk will state by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 166) relating to the determination of the contested election for a seat in the United States Senate from the State of New Hampshire.

The Senate resumed the consideration of the resolution.

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to the amendment of the Senator from Connecticut (Mr. WEICKER).

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and it will be a live quorum.

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

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 29 Leg.]

Allen	Dole	Pell
Byrd, Robert C.	Griffin	Stafford
Cannon	Mansfield	Weicker
Culver	McClellan	

The PRESIDING OFFICER (Mr. ALLEN). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Ser-

geant at Arms will execute the order of the Senate.

Pending the execution of the order, the following Senators entered the Chamber and answered to their names:

Abourezk	Hansen	Metcalf
Baker	Hart, Gary W.	Morgan
Bartlett	Hart, Philip A.	Moss
Beall	Haskell	Nelson
Bellmon	Hatfield	Nunn
Biden	Hathaway	Pastore
Brock	Helms	Proxmire
Buckley	Hollings	Randolph
Burdick	Hruska	Ribicoff
Byrd, Harry F., Jr.	Humphrey	Schweiker
Case	Inouye	Scott, Hugh
Chiles	Jackson	Scott, William L.
Church	Javits	Sparkman
Clark	Johnston	Stennis
Cranston	Kennedy	Stevens
Curtis	Laxalt	Stone
Fannin	Leahy	Symington
Fong	Long	Taft
Ford	Magnuson	Talmadge
Garn	Mathias	Thurmond
Glenn	McClure	Williams
Goldwater	McGee	Young
Gravel	McGovern	
	McIntyre	

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Arkansas (Mr. BUMPERS), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), The Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), the Senator from Delaware (Mr. ROTH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The PRESIDING OFFICER (Mr. ALLEN). A quorum of the Senate is present.

The unfinished business is Senate Resolution 166. The pending question is on agreeing to the amendment in the nature of a substitute of the distinguished Senator from Connecticut (Mr. WEICKER). The Chair recognizes the distinguished Senator from Connecticut (Mr. WEICKER).

Mr. WEICKER. Mr. President, it is my intention today to try to continue and review, along with the rest of my colleagues, the difficulties present in determining who should be the Senator from New Hampshire, and by pointing up those difficulties to suggest that the proper, the relevant, the logical and the fair way to resolve this matter is to send it back to the people of New Hampshire.

Now, Mr. President, there is an old story about the politician who leads by figuring out where the line is going and running to the front.

Fortunately there are more than a few real leaders in this body of elected leaders. There might be the slightest possibility, however, that it will be helpful to some to know where the line is headed and, according to many of the journals, the newspapers and the columnists, the line is headed back to New Hampshire.

I would like to just spend a few minutes, if I may, highlighting some of the editorials written on this matter.

Among the numerous journals, newspapers, columnists, and interested citizens of every State in this Nation, who are more than a little upset that their U.S. Senate has spent weeks and months doing what the voters of New Hampshire could do in a day, I offer these examples:

[April 15—Editorial—Boston Herald American]

WORLD'S SLOWEST RECOUNT?

If some of our neighbors up in New Hampshire decided not to put their federal income tax forms and payments in the mail today—or to send the Internal Revenue Service only half the amount that is due—who could blame them?

After all, they could cite one of the oldest and best arguments ever used to justify taking such drastic action: that to do otherwise would literally be taxation without representation . . .

If it takes six months or more for the Senate to decide a winner in this case, we certainly hope that it will never have to recount the ballots after a close election in Massachusetts, where roughly 10 times as many votes would be involved. At the rate it's been progressing on the New Hampshire case, it would probably take the Senate a generation to decide the winner of a cliffhanger in New York or California.

[June 1—Providence Journal—Column by the Journal's Washington Correspondent, Douglas C. Wilson]

NEW HAMPSHIRE BURNS WHILE SENATE FIDDLES

Poor New Hampshire. People up there are doing a slow burn while the Senate fiddles with their ballots—and who can blame them? It took only one election day, last November, for the granite state to vote at the polls. The result in the Senate contest, unfortunately, was practically a tie between former Rep. Louis Wyman, the Republican, and John Durkin, the Democrat. New Hampshire authorities finally said Wyman was the winner by an incredibly thin, two-vote margin. . .

In any event, the rules committee has been so busy looking through microscopes at the vote of a Mrs. Doyle or a Mrs. McCarren that the general will of New Hampshire has been lost in the focus. . .

One telephone call to my favorite source in New Hampshire, the McDermott family in Wolfeboro, is probably as good a gauge as any. Mr. McDermott was salty, as usual. Not taking any nonsense.

"Those senators are putting on an act and wasting a hell of a lot of time," he harrumphed. "Everybody up this way says the only fair thing to do is to have another election and get it over with."

Mrs. McDermott said she and her husband "feel like a lot of people up here. They should have had a whole new election and cleared the thing up, instead of fiddling and fiddling."

I would like to say it really sums it up in one sentence:

Everybody up this way says the only fair thing to do is have another election and get it over with.

[June 3—Ann Arbor, Michigan News—Editorial]

BE DECISIVE ABOUT IT

If you think it took Ann Arbor a long time to settle on a mayor, consider the case of New Hampshire. Seven months have passed since last November's Senate election but the Granite State still doesn't have a winner.

Thus 98 senators will determine for the people of New Hampshire just who their senator should be. It doesn't seem fair, and one can be assured that if these New England Yankees had it to do over again, they'd be more decisive about it.

[April 15—Cincinnati Enquirer—Editorial]

BACK TO THE POLLS

The best, fairest and most acceptable solution would be to ask New Hampshire voters to return to the polls for a fresh election—to be accompanied by enough safeguards to guarantee that this second balloting is not a second comedy of errors.

[June 11—Chicago Tribune—Editorial]

VOTERS AND THE MICRO-MARGIN

The main complaint about this Senate dispute, however, is that it's unnecessary. Instead of wasting half a year and uncountable man-hours on this wrangle, the Senate could simply have declared the seat vacant and sent the issue back to New Hampshire to be resolved in a special election. (Perhaps it will still do that.)

Mr. President, I would like to return to the column by Douglas Wilson in the Providence Journal. That column was entitled, "New Hampshire Burns While the Senate Fiddles." Mr. President, there are few who need reminding that the American people are a tolerant breed. But I know that there are some Senators here who need no reminder that as tolerant as Americans are, they are not fools. Push them far enough, and you will get them excited to action—more than you bargained for. Mr. President, the longer the Senate spends its time on this matter, the longer it deprives the people of New Hampshire of their opportunity to settle this matter for once and for all—the closer we come to that day when the American people will not tolerate our fiddling. Someday—someday very, very soon the American people will be burning. Will we keep fiddling?

Mr. President, the issue is not a Republican versus Democrat issue. The issue is not a liberal versus conservative issue. I saw some of the commentary and heard some of the commentary this morning saying this was a partisan fight, accusations flying back and forth. Not so.

I repeat that I have the highest regard for the integrity of all the members of the Rules Committee. The chairman, Mr. CANNON, Mr. HUGH SCOTT, Mr. PELL, Mr. WILLIAMS, Mr. ALLEN, Mr. ROBERT C. BYRD, and the Republican members—I have the highest regard for the integrity of these men.

This is not a question of anybody stealing an election. It is a question as to whether or not this is the proper method to achieve the best possible result. That is all. That is the issue on this floor.

Nobody, I repeat again, contests the constitutional right of the U.S. Senate to determine the qualifications of its own members. But nowhere in the Constitution does it state how this will be done.

I lay before us the proposition that in this day and age where the emphasis is placed on increased enfranchisement, on opening up politics or getting more people to participate in our political process.

It is a reaffirmation of the belief that the more that vote, the more that participate, the better the result. In this day and age a far better result can be achieved by utilizing this method of allowing the people of New Hampshire to determine who it is that will represent them in the U.S. Senate.

Then we get to the business of examining the method that was used and what results it has produced.

Has it, in effect, clarified the confusion? The answer clearly is no, by virtue of the number of questions being asked of each one of us in the resolution.

Mr. President, utilizing the criteria of fairness and credibility and logic, have some of the results matched or reached the highest levels of those criteria?

Yesterday it was fairly well laid out during the course of the debate that pursuant to one of those protests lodged by Mr. Wyman, a group went to Manchester to examine the voting machines. It was established that the group was not comprised of those individuals that the majority and minority thought were entrusted with this task, but rather some sort of ad hoc arrangement.

It was not a matter of counsel for the minority, counsel for Mr. Wyman, counsel for the majority, counsel for Mr. Durkin, participating as counsel with our eminent former Parliamentarian, Dr. Riddick, in the middle as the neutral party, but rather a committee in charge of counsel for Mr. Durkin.

I really sit here very amazed at the lack of reaction to what occurred in that situation. When I say reaction, reaction both on the floor and in the media today.

What kind of arrangement is that, in a quasijudicial proceeding where counsel, the prosecutor and the judge, are all rolled up into one and where there is not equality of representation?

There is nothing illegal. I remember the terms I have sometimes used in the past to categorize certain actions. Was that illegal? The answer is no. Was it unconstitutional? The answer is no. Was it gross? The answer is yes.

The image that is portrayed by the activities of the committee, should they be past any criticism or any suspicion?

This is what the distinguished Senator from Rhode Island (Mr. PELL), I think, alluded to in his separate views where he uses the terms neutral and impartial to convey the impression that the matter was conducted in a neutral way, an impartial way, and clearly, that image does not come through.

To just briefly wind up on the famous expedition to Manchester, in any event, the proceedings themselves, obviously, were tilted toward one individual, Mr. Durkin. There is only one way to go, one conclusion we can arrive at on what occurred tilted toward Mr. Durkin.

Now we get to the business of the actual experts hired by the committee and we find again contacts were had between the counsel for the majority, counsel for Mr. Durkin. The contacts, ex parte contacts were held as between those witnesses and counsel.

What kind of business is that? Again, these witnesses, or machine experts, were not there on behalf of Mr. Durkin; they were there on behalf of Mr. Wyman and Mr. Durkin. Yet counsel sits in a closed room and has communication with those expert witnesses.

Mr. CANNON. Will the Senator yield?

Mr. WEICKER. Yes.

Mr. CANNON. I am sure the Senator would not want that statement to stand. Senator HATFIELD had inadvertently, I think, made that statement, but that is not the record. That is not what the record disclosed and I am sure he would verify that.

Counsel was not in a closed room with the experts there and it was brought out in the hearing. The hall was right where all the rooms were together. The room was open and they walked right in and the experts were being told to prepare affidavits, and I gave those instructions to have them prepare affidavits while they were there.

Mr. WEICKER. No, put it this way. I will leave the technicality as to whether the door was open or closed. The fact is that counsel for the majority had ex parte contacts with the machine experts. Ex parte, without counsel for the minority being present.

It is also true, if I am not mistaken, and I will direct a question to the distinguished Senator from Nevada, that the Senator from Nevada had ex parte contact with those same witnesses in giving them their instructions prior to going up to New Hampshire. But this instance is unlike the occurrence in the room. That, as I understand it, had been worked out with the distinguished Senator from Oregon. They had consulted on the instructions and what it is these men were supposed to do.

That is proper; that is clearly proper. But in the other case, counsel for the minority was not notified of such a meeting and was not present at such a meeting.

Mr. CANNON. As long as the Senator has directed that question to me, the names of the two experts came from the minority, and Senator HATFIELD and I decided it would not be well to select one person, so we selected two, and from quite different parts of the country. One was from Virginia and one was from Louisiana.

Both of them are experts in their field. Neither one of them knew each other before, and I do not know one of them to this day. I did give instructions over the phone that they were there representing the committee, that they were to act impartially, and they were to perform such tasks as they deemed necessary. I confirmed that in the written memorandum which we have made a part of the record.

Mr. WEICKER. That was the proper situation, because there had been consultation. The instance that I am discussing is where the communication took place between those individuals and Mr. Duffy, who was the head of the committee and the counsel for the majority, and Mr. Schoener was not present in the room when such communications were taking place. That is clearly improper.

Mr. WILLIAM L. SCOTT assumed the Chair at this point.

Mr. HATFIELD. Will the Senator yield?

Mr. WEICKER. I yield.

Mr. HATFIELD. I believe the Senator from Connecticut has again focused upon a rather interesting point as to whether we are talking about technicalities or whether we are talking about substantive questions.

I would like to illustrate it by reading again from the record because it more eloquently and accurately than anything else describes exactly the kind of response that was received.

I read from page 1478 of the record.

Senator HATFIELD. May I ask Mr. Duffy a question on that point?

Mr. Duffy, did you assist in dictating the affidavit of the experts in your motel room?

Mr. DUFFY. No, sir, I did not.

Senator HATFIELD. You were at no time alone with the experts in writing up a report?

Mr. DUFFY. I was not. The experts retired to their separate rooms where they wrote in their own handwriting these affidavits which have been submitted today to the committee.

And then I would like to read from three or four pages later. This points up again how technicalities really, in effect, were used to avoid the point. The point was I had asked about the presence of Mr. Duffy in the company of the experts, but I perhaps had provided a technical loophole by saying "in your motel room."

I am reading now from page 1482:

Senator HATFIELD. I would like to just sort of review it to make sure I understand.

I think I asked you the initial question whether you in any way assisted, instructed, or suggested phraseology or wording for the writing of these affidavits by these experts. I went through a whole series of nomenclature—I very specifically identified it as in your motel room.

To each of these you responded negatively.

Mr. DUFFY. And I do now.

Senator HATFIELD. But now I understand——

Mr. DUFFY. I did not deny that they were in the motel, Senator Hatfield.

Senator HATFIELD. Were they in your motel room at any time?

Mr. DUFFY. No, they were in Ms. Parrish's room.

Senator HATFIELD. Were you in Ms. Parrish's room with them?

Mr. DUFFY. Yes, sir, I was.

Senator HATFIELD. Then it wasn't your room, so I was mistaken in asking if they were in yours—they were in Ms. Parrish's room.

Mr. DUFFY. Yes, sir, they were.

Senator HATFIELD. She is a staff member of this committee.

And on and on it goes. Finally:

Mr. Chairman. I may say that I instructed Mr. Duffy to be sure that the experts gave affidavits while they were there. I did that over the phone.

My only point is simple: We got into this long colloquy in which I am sure the majority counsel understood the point on which I was trying to interrogate him. But we found a technicality because I had asked the question in the context of "your motel room." It turned out to be the staff secretary's motel room.

The point is simply that they actually were in a motel room with the experts, and it has not been denied, and Mr.

Schoener, the minority counsel, and Dr. Riddick, the third member of the panel, had not been notified as to the fact that they were there at that time working on procedures in general terms on the format of the affidavit.

Again, I do not imply that they were trying to influence the experts. I do not believe for a moment they were. But, again, I think the circumstance, the setting and all that goes with it, illustrates the fact that this so-called investigating committee was pretty much a unilateral action carried out from the beginning through to the writing of the affidavits.

Mr. WEICKER. I will yield to the Senator from Tennessee in a moment.

I just made inquiry of my staff. Something was clinging in my mind as to a similar experience to the one which occurred here on persons using a technicality to avoid responding to the substance of a question. It is a little-known story about the Watergate investigation. The staff of the Watergate Committee interrogated an individual from the White House about the matter as to whether there was any taping device in the White House.

The response given back was a negative one. It was several days later that Mr. Butterfield was interviewed and the rest, of course, is history.

Apparently, what had occurred was that unless you pressed exactly the right buttons, had the right combination of words, people were going to go ahead and deny the existence of that system. With the individual who had been interrogated previously, even though the subject had definitely been raised, and any forthright, intelligent person would have responded as Mr. Butterfield responded, the exact buttons had not been pushed and, therefore, the response came back no, there was no such system. It took Mr. Butterfield, who refused to go ahead and engage in any technicalities, to bring forth an honest answer to a very simple question.

This is exactly the same situation, where a fellow denies any knowledge on the basis of what room it is.

Well, the U.S. Senate does not care what room it is, whether it is his room or Ms. Parrish's room. It was the substance of what went on and who was at the meeting which was important. To try to weasel out in the strictest sense does no honor to this body.

I can only say that I am certainly delighted that none of my colleagues, Republicans or Democrats, were engaged in this particular action. This business of the staff of a committee trying to block the truth by hiding behind technicalities and words is a disgrace. We all know what is involved here. We are trying to get an answer. Clearly, the action was improper when it took place. It just compounds the matter then to try to hide what it is that went on and rely on the fact that the members of the committee are not going to be persistent in their questioning.

Fortunately, the Senators were persistent in their questioning. Just as fortunately so was the staff of the Watergate Committee persistent in theirs. That is why you got Mr. Butterfield's response. Otherwise, you would never have gotten the response if everybody had tried to evade the truth by dodging around with semantics and technicalities.

I yield to the distinguished Senator from Tennessee.

Mr. HATFIELD. Will the Senator yield for just one moment?

Mr. WEICKER. Yes.

Mr. HATFIELD. I would like to clear up one other point that was made earlier by the chairman, concerning the appointment of the so-called two experts.

The chairman indicated that these experts both were recommended by the minority. This is not quite accurate.

Let me relate exactly what happened. The name of Codie Wimberly was suggested to Mr. Schoener, the minority counsel, by Mayor Stanton, of Manchester. This occurred in this way: A call was placed to the office of the Rules Committee staff. Mr. Schoener was out. The message was taken for Mr. Schoener and it was transmitted to Mr. Duffy, that this was the name recommended by Mayor Stanton of Manchester.

At no time did the minority counsel recommend the name of Codie Wimberly. This was merely a note that was taken off the pad of a message for Mr. Schoener when he was out of the office. It was not a recommendation by Mr. Schoener. Mr. Duffy then called Mr. Wimberly, as I understand, and checked him out. He was approved as the majority expert.

Again, I am not raising this to in any way challenge the credentials or the expertise of Mr. Wimberly. I think he was a very qualified man. But I do think we ought to keep this record very clear and very accurate stey-by-step. After all, this election revolved around two votes and every step and every technical item as well as every specific item must be made clear. Even though technical points are sometimes used as a camouflage, they should be kept clear in mind, just exactly what the sequence was and how accurate they are.

Mr. BEALL. Will the Senator yield?

Mr. WEICKER. I yield.

Mr. BEALL. The Senator is talking about the experts. I am a little confused. In the colloquy that has just taken place, the chairman of the committee indicated, I believe, that the experts were told to conduct the tests that they deemed necessary.

Tests that they, the experts, deemed necessary.

But in listening here yesterday afternoon, I got the impression that the experts were not allowed to conduct the tests which they deemed necessary, but rather only such tests as the committee directed them to conduct. It was my impression, from listening yesterday, that at one point Mr. Schoener suggested that the back be taken off the machine. This request was not honored, and the experts were not allowed to answer the question as to whether or not the backs should have been taken off the machines.

Mr. HATFIELD. That is correct. The minority counsel asked this question of technical experts. They were prevented from answering. This was one of approximately 25 instances in which minority counsel's requests to pursue the investigation, and even inquiries as to how it should have been pursued, were rejected by Mr. Duffy.

Mr. BROCK. Mr. President, just a second. Do you mean to say we hired experts, and then somebody, Mr. Duffy, said, "You cannot even answer a question"? Is that right?

Mr. HATFIELD. This is the result of procedure that was followed when questions were raised as to looking at the machines, taking the backs off, looking at the gears, et cetera.

Mr. BROCK. I cannot believe it.

Mr. BEALL. In answer to my question, the experts were not allowed to conduct tests that they thought were necessary, even in looking at the machines or in recording the ballots?

Mr. HATFIELD. I do not think we can come completely to that conclusion, but that became the result. The experts first were given instructions. The experts then went up there and conducted a form of investigation. A form. I stress the word "form."

Mr. BEALL. A limited one?

Mr. HATFIELD. My point is that the investigation was limited. It was constricted. It was not full in any sense of the word. And when questions were propounded of the experts by minority counsel as to the nature of the investigation, the experts were prevented from answering by Mr. Duffy.

Mr. BROCK. May I ask a question of the chairman of the committee?

Mr. HATFIELD. Yes.

Mr. BROCK. The chairman said something earlier that I wanted to follow up. I did not quite understand. The experts sent to New Hampshire were under Mr. Duffy as chairman for this particular group?

Mr. CANNON. No, the experts were not under Mr. Duffy. They were directed by me in writing to take such steps as they deemed necessary. This they did. The record shows that, their affidavit shows that, and that is why Mr. HATFIELD responded to Senator BEALL a minute ago as he did. He said that was not quite the answer.

But they were specifically directed to perform such tests as they deemed necessary to make this determination.

Mr. BROCK. Did the chairman at any time limit the authority of the investigators? Did the Senator hear the question?

Mr. CANNON. Pardon?

Mr. BROCK. Did you at any time limit the authority of the investigators?

Mr. CANNON. Absolutely not.

Mr. BROCK. Did you at any time suggest to them that they could not go into the backs of the machines?

Mr. CANNON. Absolutely not.

Mr. BROCK. Well, then, did Mr. Duffy do that?

Mr. CANNON. I cannot speak for Mr. Duffy, but let me tell the Senator——

Mr. BROCK. Maybe we could ask him to speak for himself.

Mr. CANNON. Let me just tell the Senator. I read from the record of the hearings:

The CHAIRMAN. Well, I think the memorandum is quite clear, and the experts were not restricted in any way. I personally discussed this with the experts and gave them authorization to take whatever steps they deemed necessary—and I will read from the memorandum.

"Examine and inspect voting machines Nos. 1581, 1645, 1537, 1640, 1633, 1591, 1595, 1623, 1620, 1532, 1533, and 1562 in Manchester, New Hampshire, in conjunction with experts employed by the committee, i.e., Mr. Codie Wimberly, and any other expert employed by the committee to attempt to ascertain whether these machines correctly recorded the votes in the New Hampshire election for the office of U.S. Senator.

"This will entail a visual inspection of the machines and counters, inspections of the seals and locks upon the machines, a determination as to whether the machines have been used subsequent to November 5, 1974, and whether they were in each instance adequately secured so that the machines could not have been tampered with in any way."

I am sorry the Senator who asked me the question is not willing to listen to the answer. I will wait for him.

Mr. BROCK. Sir?

Mr. CANNON. I say I am sorry the Senator who asked me the question is not willing to listen to the answer, but I will wait for him.

Mr. BROCK. I am listening. I was just seeking clarification.

Mr. CANNON [reading]:

The experts employed by the committee are auhorized to conduct such tests as they deem advisable to ascertain the accuracy of recording the votes cast. A specific attempt should be made to ascertain whether the candidate counters are connected with the public and protective counters and determine whether a malfunction of either of those would or would not have resulted in malfunction of the candidate counter.

If I may say so to the Senator, these men were employed as experts. Their field of specialty is this field, and they have made the statement in the record, that is, in the record of the hearings, if the Senator will examine it, as to whether the counters are interconnected, and what happens.

They made the determination as to how many votes they should put on machines to determine if there was a malfunction. This is why they made the determination to go over the number of 10, to go to the number of 11. If the Senator will examine the record, he will find that.

I cannot speak for the experts, beyond the fact that they were instructed to do a job. They assured me that they would not undertake this in any other fashion than to try to determine that precise fact. They filed their affidavits, and their affidavits are on file with the committee, and no one so far has challenged their expertise.

Mr. BROCK. Maybe the Senator did not understand what I was trying to say. He said he did not know whether Mr. Duffy had prohibited access to the rear of the machines or not. Can he find out for me and let me know the answer?

Mr. CANNON. I think I can say from the record that the experts did the things that they felt were necessary.

Mr. BROCK. No, I am not asking that.

Mr. CANNON. That is my answer to the Senator's question.

Mr. BROCK. My question was, Did Mr. Schoener or anyone else ask for access to the rear of the machines, and did Mr. Duffy prohibit access to the rear of the machines?

Mr. CANNON. Oh, now your question is different. Mr. Schoener did ask that. Mr. Schoener knows as much about one of those voting machines as I do, and I say I do not know as much about it as the Senator from Tennessee, after hearing him speak yesterday.

Mr. BROCK. I have seen fraud on machines. Yes, sir, I have.

Mr. CANNON. But Mr. Schoener was there in the part of advocate, representing the minority on the case, and I do not think he knows anything about it from the standpoint of an expert. But the experts themselves made the determination that they did not need to go into the back of the machine.

Mr. BROCK. Mr. Chairman, I will tell you from experience that you can rig the digits on any of the integers on the machine. The first two integers are not adequate to check the machine. Either those men did not do an adequate job, or they were prohibited from doing an adequate job by Mr. Duffy, and I want to know why.

Mr. CANNON. I might say to the Senator that during the recount by the secretary of state, the backs of every machine requested were opened and inspected. The ballot law commission opened and inspected machine No. 1626 at Mr. Wyman's request, because supposedly there had been an error in that machine, which was found not to exist.

But they were opened at those times, and we were going by the experts that were employed to work for us, and not by Mr. Schoener nor Mr. Duffy.

Mr. BROCK. But Mr. Schoener was representing, not just Mr. Wyman; he was representing the Senate minority. And when you are having a quasi-judicial examination, I cannot believe that access to any method of investigation would be denied by the chairman of this ad hoc committee that was sent up there. That is what I was requesting an explanation for.

Let me make one further point. I would just like to point this out: I do not care who went into the machines or did not go in. What I am arguing, though, as far as I can tell, is that 1,100 more votes were cast than people cast votes and that is doggone hard to explain to me. I do not understand why every possible step to determine that situation was not taken.

Mr. CANNON. I think the Senator would not want that to stand in the record without checking his facts. If he will correct that to say "were checked off the check list," then he would be correct, but his statement, as he made it there, is not factual, and I am sure he would not want the record to reflect it.

Mr. BROCK. Is that not the way the New Hampshire law reads?

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

Mr. WEICKER. Mr. President, if I may say to the distinguished Senator from Nevada, and I will yield to the distinguished Senator from Oregon in a minute, if I may ask the following question of the distinguished Senator from Nevada:

The Senator has just stated and categorized Mr. Schoener as a partisan advocate. Would the Senator please categorize Mr. Duffy for me?

Mr. CANNON. Yes; I have tried to characterize him as the head of the staff on the Subcommittee on Privileges and Elections, and I instructed him not to act in a partisan manner but to try to be objective, fair, and carry out my instructions.

I have tried in my directions to carry out an impartial procedure, and I think that if the Senator were to try to contend that we have not been fair and impartial on this matter, I would like to direct his attention to the transcript.

The Senator says that Mr. Wyman won this by two votes. Mr. Wyman came to the committee, requesting that we open and count two ballots, two absentee ballots that were not counted on election night. They were not counted by the secretary of state in the recount, and they were not counted by the ballot law commission. Both the secretary of state turned him down and the ballot law commission turned him down.

What did we do? I may say, under New Hampshire law, if we had been following the New Hampshire black letter law they should have been turned down. They should never have been counted.

The Senator is not naive enough to believe that when Mr. Wyman requested that we open those two ballots and count them, those two absentee ballots, that he did not know how they were cast. The Senator is certainly not naive enough to believe that when Mr. Wyman requested the committee to open those two ballots, that he did not know the man was not on the checklist that we heard about a moment ago, and the other one was where it had been returned to the wrong precincts.

What did we do? We voted to open those two ballots and cast them, knowing full well that that would give two additional votes to Mr. Wyman, and I felt he was entitled to them if they were so cast, because I felt, and I feel now, that the purpose of this Senate ought to be to determine the intent of the voters of New Hampshire, and we would have deprived those two men of their right to vote—or women, whichever they may be—and I do not know which we would have—well, I do know one of them was a man in the military, and he was a man—we would have deprived those two persons of their right to vote in that election.

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

Mr. CANNON. We opened in the committee, by a vote of the committee, those two ballots, and we counted them, and they were both cast for Mr. Wyman, and we tallied them and put them in the box for Mr. Wyman.

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

Mr. WEICKER. Mr. President, I believe I have the floor.

Mr. HATFIELD. Excuse me.

Mr. WEICKER. I intend to yield to the Senator from Oregon.

But the Senator from Connecticut is also not so naive as to not recognize a smokescreen action insofar as responding to my question is concerned. I will be glad to get into the general matter of the recount, but let us just keep our eye for 1 minute on the ball of Mr. Schoener, who has been termed a partisan advocate by the distinguished Senator from Nevada.

When I asked him to also categorize Mr. Duffy, I received a response as to the fact that he was a counsel for the committee, and we went off into a completely different subject.

I repeat: Does Mr. Duffy represent Mr. Durkin?

Mr. CANNON. No, he does not; no.

Mr. WEICKER. Does Mr. Duffy represent the majority?

Mr. CANNON. Yes, he does.

Mr. WEICKER. For some reason can it be said, then, that the Republicans are partisan and that the Democrats are not partisan?

Mr. CANNON. None other than any actions the Senator may want to ascribe to it to what he has seen in this process.

Mr. WEICKER. Reverse it.

Mr. CANNON. If I may, to get back to the Senator's basic question—if the Senator is trying to run a red herring in this, I would like to get back to the very basic issue. Here is a transcript.

Mr. WEICKER. No. I will be here all day. I am asking some questions. I will be glad to yield the floor in a minute, but I want a response. We are touching matters of importance.

Mr. CANNON. May I finish my response?

Mr. WEICKER. I asked for categorization of Mr. Duffy, why he should not be categorized the same as Mr. Schoener.

Mr. CANNON. Here is one reason right here—

Mr. DUFFY. Mr. Wimberley, Mr. Hull, is there any need to open the back of this machine in order to demonstrate, physically, that there is no connection between these three counters? Is it, in your opinion, a necessary operation?

Now, going down——

Mr. HATFIELD. Mr. President, on which page is that?

Mr. CANNON. Page 1666.

Then we get into some peripheral issues, and going down to page 54 of the transcript and page 1667 of the hearings proceedings:

Judge SCHOENER. May I ask Mr. Wimberley and Mr. Hull—I have just talked with Mr. Shoup—in the back of this machine, off of the red handle there is what is called a drive link?

Mr. WIMBERLEY. Yes.

Judge SCHOENER. That drive link is connected to the candidate counters, the public counter, and the protective counter, is it not?

Mr. HULL. Yes.

Judge SCHOENER. In other words, all of the counters work off that same drive?

Mr. HULL. No, sir.

Mr. WIMBERLEY. No, sir.

Judge SCHOENER. They don't work off that drive link?

Mr. WIMBERLEY. No, sir. They are all connected, but they don't actually work off it.

Judge SCHOENER. Could you explain the difference.

Mr. HULL. When you turn your red handle up into the voter position an arm moves over to actuate the protective counter.

Judge SCHOENER. Right.

Mr. HULL. When you unboard it, and the drive link goes back down, that is actually actuating the public counter. But the rotation of the cam, which the drive link is connected to, is what operates your candidate counters.

Judge SCHOENER. But they are all off the same drive link?

Mr. HULL. They are all connected together.

Mr. WEICKER. I am sorry. I am still looking for an answer to the question.

Mr. CANNON. I am trying to answer it.

Mr. WEICKER. What is the response?

Mr. CANNON (continuing)—

Judge SCHOENER. But they work at different phases of that same drive link?

Mr. HULL. Right.

Judge SCHOENER. All right.

Mr. HULL. Right, different phases of the operation.

Judge SCHOENER. That is what I wanted to get. So when you say they're not connected together, they don't work in the same sequence of operation?

Mr. HULL. Right, they don't work in the same sequence.

Mr. WIMBERLEY. They have no relation to your public counter being stopped from working and your candidate counters being continuing to work. Because a public or protective counter does not register properly—that does not affect the candidate counter.

Judge SCHOENER. Can the candidate counters be not registering properly and yet your public and private counters—

Mr. WIMBERLEY. It would be mechanically possible—improbable, but it could be.

Mr. HULL. Highly improbable, but it could be a possibility.

Mr. WEICKER. I am sorry. I fail to understand this response.

Mr. CANNON. That relates to it.

Mr. WEICKER. Let me try to elicit more answers if I can. First of all, let me say this: I think the Senator was correct in terming Mr. Schoener a partisan advocate. But, I say to the chairman, the distinguished Senator from Nevada, let us not mince words. So was Mr. Duffy a partisan advocate. Each was doing the job that he should be doing to represent his side.

The difficulty arose not in their partisan advocacy but that one of the partisan advocates should also be made the judge. That is what occurred. There is where the difficulty is, a difficulty, I am sure if the chairman had it all to do over again he would have followed a course which was followed throughout the committee hearings. Specifically it was that the chairman had Mr. Schoener on one side, advocating for his man, and had Mr. Duffy on the other side, and Dr. Riddick in the middle.

Dr. Riddick was removed in this instance. The partisan advocate for Mr. Durkin was allowed to go ahead and supervise the proceedings and make the rulings. Twenty-five requests that were made by Mr. Schoener were denied.

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

Mr. WEICKER. Twenty-five requests, made by Mr. Schoener, were overruled by his opposing counsel.

Who in the history of our jurisprudence has ever heard of such a situation in the United States of America?

I just bring this up because to have Mr. Schoener so categorized opens up the very difficulty which we have been pointing to insofar as this aspect of Wyman-Durkin. Because of this aspect, clearly if you were in a court of law, it would be declared a mistrial—that is the best way to go ahead and phrase it—on this point alone.

So, if I am wrong I will be glad to have the distinguished chairman tell me what differentiates Mr. Duffy from Judge Schoener?

Mr. CANNON. Let me first correct the Senator's statement, if I may. When he said that Mr. Duffy was making the final decisions, that was not correct.

Mr. WEICKER. He overruled Judge Schoener.

Mr. CANNON. Let me answer the Senator's question.

The memorandum made it quite clear that if the parties did not agree, they could appeal to me, as chairman of the committee, and I would make a decision on it.

I say to my distinguished colleague that we had had the earlier experience with the tabulation of the ballots, determining whether they could be masked or not, with Dr. Riddick on the panel, and Dr. Riddick had elected not to make the final decision. Every time the parties could not agree, the matter came back to the committee for action.

In my memorandum, I instructed the people involved that if they could not agree, they should get me on the phone, that I would be available in Washington. They did get me on two occasions. They got me on two occasions, and I made the decisions.

I told Mr. Schoener personally that if he did not agree with those decisions, he could contact the minority member, and I would be glad to get together with him and work it out. Does the Senator think I heard from one minority member during this?

We were in the process of trying to make a decision in New Hampshire, and I did not hear from a soul on it, and I made the decisions on those 25 issues, if there were 25. He certainly could have taken an appeal to me, with no problem at all, and I would have made a determination.

It will say that if he had asked to open the back of the machines, in light of what the experts had said, I would have told him exactly the same thing, that he could not open the back of the machines.

One other request was to go back and get some blue slips and to tear down the machines. The two experts we paid said it was not necessary, and I made that decision.

Mr. WEICKER. The distinguished Senator from Nevada just got through telling the distinguished Senator from Tennessee that he did not know anything about voting machines.

Mr. CANNON. I do not. I have to rely on the experts.

Mr. WEICKER. Then, how can the Senator make a ruling on whether or

not an expert should testify, if he does not have that knowledge? It seems to me that the Senator would want the broadest possible questioning to take place.

Since the Senator wants to quote from the transcript, I will quote from page 1636:

Mr. WIMBERLEY. First of all, to make a good and thorough check, you would need to trip all three counters, units, ten, and hundredths. But, may I ask a question? Is there any question of units of 100 votes . . .

That is the testimony of the Senator's own expert.

But I do not want to get sidetracked from the issue that was raised here, however, I think it is very pertinent to the decisions of the Members of this body: Was the Manchester investigation accomplished in a fair, open way? The clear-cut answer is "No." The ranking minority member said yesterday that had he known that this was going to be the arrangement in Manchester, he certainly would not have permitted it; but, rather, it was contemplated that the usual method of operation would be in place, with each of the partisan advocates on either side and Dr. Riddick in the middle. Something went awry. I am not blaming it on the chairman, but it did occur; and that is what is at issue here today.

One last point, and I will yield to the distinguished Senator from Oregon, who has been seeking the floor.

The Senator from Nevada mentioned matters which the secretary of state of New Hampshire had investigated and passed upon and that therefore it was unnecessary for the Senator's committee to do so. I think we were talking about the recount, if my memory serves me correctly, as to the necessity of going into the machine or not.

I ask the distinguished chairman this: Let us be consistent. Let us not use New Hampshire when it serves our purposes and abandon New Hampshire when it does not. That is one of the great failings of this report. Sometimes we use New Hampshire law; sometimes we do not. Sometimes we use the experience of election officials of New Hampshire; sometimes we do not. Let us be consistent. If the Senator wants to use the work product of the election officials of New Hampshire, let him use the work product of the election officials of New Hampshire.

The same work product declared Mr. Wyman a winner by two votes. We obviously are not willing to accept that. Fair enough. Let us not accept it. But then let us go one way or the other. There is absolutely no consistency at all, except as it serves the purpose of the particular result desired by the majority of the committee. Again, it is screwy. It does not make any sense to anybody looking at it from the outside.

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

Mr. WEICKER. I yield.

Mr. HATFIELD. Mr. President, the Senator from Connecticut again has raised a very significant question—that is, the functioning of this "investigating committee."

It should be reiterated today that when the chairman sent the instructions, unbeknownst to the minority, to Mr. Duffy, he not only gave him the instruction about calling, in case there are difficulties or decisions, by phone, but also, he said:

In the event you can't reach me, Mr. Duffy is authorized to make the decisions.

Let me point out one further thing: It is very interesting as we go through this record and we note the various characters in this cast, for it is awfully difficult to find Dr. Riddick in a participating role.

I read this to the Senator from Connecticut, to illustrate the point, on page 1663:

Judge SCHOENER. Are you going to show how the machine, as you cast this, it changes these numbers, also changes the protective and public counters, are you going to show this from the rear of the machine? I think you have to do that.

Mr. DURKIN. I object.

Mr. Durkin, the Democratic candidate, is objecting, as if he were a part of the panel. He objects, on page 1664.

Let me repeat:

Mr. DURKIN. I object.

He objects to the question asked by the minority counsel.

Mr. DUFFY. Mr. Hall, Mr. Wimberly, is the question that Mr. Schoener just raised about the casting of, this manipulation of this lever, is that relevant to what we are doing here today?

Listen carefully to the answer:

Mr. WIMBERLY. The only relevancy——

Mr. BROCK. And he is the expert?

Mr. HATFIELD. And he is the expert.

Mr. WIMBERLY. The only relevancy would be to show that there is no connection with the operation of the public and protective counter in connection with the candidate counter.

The relevancy is the irrelevancy, which is a valid point to make and to demonstrate.

Mr. DURKIN. Mr. Chairman, may I just make a comment—in paragraph four of Chairman Cannon's letter of May 2 he indicates that a specific attempt should be made to ascertain whether the candidate counters are connected with the public and protective counters, and determine whether a malfunction of either of those would or would not have resulted in a malfunction of the candidate counter. The two gentlemen have testified that there is no connection. So, any examination is irrelevant, and just unnecessarily delaying the completion of the committee's task.

In other words, to demonstrate, the mechanical support of the posture taken in this response by the experts was denied.

After Mr. Durkin finishes the reasons or the explanations of why he objects:

Mr. DUFFY. I agree.

Judge SCHOENER. I would like to see what it is, show us visually on the back of the machine.

Mr. DURKIN. You can come back later and see it.

Judge SCHOENER. I think, Mr. Durkin, you are not, supposedly, running this thing, Mr. Duffy is, and I would like to see the back of the machine, with the experts present to show us, to demonstrate to us, without running a vote, at least, what the mechanical linkage is that keep these from working together. That is what I want to see.

Mr. DUFFY. I asked that specific question of Mr. Wimberley and Mr. Hull twice, and on two separate times they both answered that there is no relationship, at all, between the candidate and the public and protective counters.

Judge SCHOENER. I asked, at that time, to see it at the time when we opened the machine, if you will remember.

Mr. DUFFY. If we can't accept the testimony of these two experts—

Judge SCHOENER. I am accepting it, Jim, but I want to look at it so that I can understand it. I think that the demonstration would help understand things a lot more than just the testimony.

Mr. DUFFY. Mr. Wimberley, Mr. Hull, is there any need to open the back of this machine in order to demonstrate, physically, that there is no connection between these three counters? Is it, in your opinion, a necessary operation?

He asked the experts, but listen to the response:

Mr. DURKIN. Mr. Chairman, may I make one comment. I think they have testified, I think this is another dilatory tactic——

By the way, Mr. Durkin's favorite phrase in our committee hearings was "a banana peel."

And I think that if Judge Schoener wants to satisfy his curiosity, I think that Mr. Shoup should invite him to come to the plant on the way back to Washington and he can look at the machine there.

Judge SCHOENER. Thank you, but I would make my inquiry of these experts, and I would like to have them demonstrate it at this point.

Mr. DUFFY. I would also like to say, for the record, that it is now 23 minutes before 12 o'clock, and we have not completed examination of one machine. And, I might say that it is not due to the dilatory tactics of the majority. Therefore, unless there is some absolute necessity in physically examining this machine, I think that is something that should adequately be demonstrated at a later time, before the committee, by, even, bringing some of the evidence properly before the committee.

Now, here at this point, Mr. Duffy is acknowledging that there may be reason to bring the machines to Washington to show the committee things that were not permitted to occur at that point.

Judge SCHOENER. Are you so ruling?

Mr. DUFFY. Yes, sir, I am.

Judge SCHOENER. Then you have ruled.

Mr. BROCK. I wonder if the Senator will yield and let me pursue that a little bit.

Mr. HATFIELD. I yield for a question.

Mr. BROCK. I have here a transcript of the Superior Court of the State of New Hampshire in which Mr. Durkin's lawyer before the court made this statement:

Also, there's another check here which hasn't been done which, if the Court wants, maybe it should be done. In the voting machines, as I'm sure the Court knows since the Court lives in Manchester, when you go to vote, you get an authorization slip, which is a little—I think in Manchester it's blue. I don't know what color it is in other towns that have voting machines. And that, I'm informed by Mr. Stanton, is deposited in a box by the attendant, deposited in a box attached to the machine, and that box has been in Mr. Stanton's possession, all those boxes from all the machines throughout the

city have been in Mr. Stanton's possession, under security, he advised me, since this election was conducted.

Now, if we're going to try to check the accuracy of the votes cast on the voting machines in the City of Manchester, it seems to me those ought to be obtained, and I would like an opportunity to obtain them. Heretofore, as the Court knows, this was not a matter open for investigation; . . .

That is before the court——

. . . but if we're going to investigate it, I think we should at least have those authorizations, because supposedly nobody gets to vote until he has one of those authorization slips, and supposedly anybody who does vote, that authorization slip is deposited in one of those boxes. Now, it's conceivable that it might have gone in the box for the wrong machine, but at least a total of those ought to be pretty close to the number of votes.

That is Mr. Durkin's own counsel before the superior court. All of a sudden, now, we have a Senate investigative team up there. There are no more rules, no more limitations as to what shall be checked.

What happens? Well, we have had the expert who says, first, they ought to go back to the machines, and second, the blue slips do have some effect.

Let me quote from the transcript here of the investigative team:

Judge SCHOENER. Let me question Mr. Wimberley first.

Mr. DUFFY. All right.

Judge SCHOENER. Mr. Wimberley.

Again this is the expert——

. . . what about counting the blue slips to check the question of the number of voters against your protective and public counters, wouldn't that be a logical legitimate thing to do at this time?

Mr. Duffy—not Mr. Winberly—answers:

Mr. DUFFY. I object to that question. I think it is totally out of line with what the Committee has directed.

Judge SCHOENER. I think we better call the Chairman right now. We might just as well call the Chairman right now. Get the Chairman and the ranking member, too. We have changed the rules in the middle of the game, and I'm sick of it.

Mr. DUFFY. For the record, let me remind Mr. Schoener that the action we are about to take here today was directed, or ordered, by the Committee, by a vote of five to one. It is a majority vote and, therefore, it is under the control and auspices of the Chairman. If Mr. Schoener wants to call the minority member, he certainly is free to do so. I have no objection to that, whatsoever. However, we are here to check the mechanical functioning of these machines to determine whether or not they did, in fact, record accurately the number of votes that were cast for candidates for the U.S. Senate.

Mr. WEICKER. Will the Senator from Tennessee repeat that? Am I correct that I heard Mr. Duffy in his role as advocate, then followed up by Mr. Duffy in his role as chairman or head of the proceedings?

Mr. BROCK. That is true.

Mr. WEICKER. That is dramatic proof of exactly what the problem is. I wonder if he would repeat where it comes across loud and clear that he is performing his function as an advocate and then ruling on his own, or on the motion of opposing counsel. It is incredible.

Mr. BROCK. "Mr. Duffy. I object to that question. I think it is totally out of line with what the committee has directed."

Mr. WEICKER. He is acting as advocate there?

Mr. BROCK. That is what it sounds like to me.

Mr. WEICKER. It sounds like that to me.

Mr. BROCK. This is what the chairman describes as the nonpartisan head of the investigative team.

Let me continue a little bit, because it goes to the question of the chairman's participation here. This is Mr. Duffy speaking.

However, we are here to check the mechanical functioning of these machines to determine whether or not they did, in fact, record accurately the number of votes that were cast for candidates for the U.S. Senate.

Let me say parenthetically that there is no question about the accuracy of the machines, because they are 1,100 votes off. There were more votes cast than people were voting. All right. Now, Mr. Duffy himself says their responsibility is to check the accuracy.

Judge SCHOENER. No question about that, Jim, but we have to do a thorough job.

Mr. DUFFY. This has nothing to do, whatsoever, with any kind of slips or documents or papers. We are talking about a purely physical, mechanical operation.

Judge SCHOENER. Let's stop right now.

Mr. VAN LOAN. My understanding, Mr. Duffy, is that the Chairman's letter does indicate that, if he is available, and if there is some question that comes up, that he is to be contacted.

Mr. DUFFY. I would be very happy to oblige in that respect. We will call the Chairman to ascertain what, in fact, he meant by this letter.

Mr. VAN LOAN. Thank you.

They recess; they come back.

Mr. DUFFY. Let the panel go back on the record. With respect to the comments that were made prior to the recess, dealing with the examination of the blue authorization slips which are given to voters when they enter a polling precinct, or any other matters which are relevant to casting a vote on Election Day, I talked with the Chairman of the Committee, Senator Cannon, and he expressed the opinion, as I already have, that blue authorization slips are not pertinent or germane to this particular inquiry.

That is incredible. I just do not know what else we need to clarify this record. It is absolutely clear on its face that Mr. Duffy was acting in a totally nonpartisan fashion to deny access on the part of the minority to any investigative data that would verify the facts in this case. That is all there is to it. In his nonpartisan fashion, he denied access on the part of the minority to a full and decent investigation, period. There is not any other way one can read it.

Mr. HATFIELD. Mr. President, as I look around this Chamber, I note again that the jurors and the judges have left the Chamber while the evidence and the testimony and the review of this case are being handled. I cannot conceive, in my own mind, how people can expect to make this serious judgment, at least on evidence, unless they have predetermined that they are going to pass judgment on other bases. I think a very interesting comment on this came from an observer yesterday. He commented in a nonpartisan fashion, because he happened to be a member of the majority party, not a Member of the Senate but a registered Democrat. He said one can only observe that if the jurors and the judges do not want to hear the evidence, they have made up their minds already, and perhaps on a partisan basis.

I am not going to infer anything about any of my colleagues, but I am saying again, as I said yesterday: Appearance is a factor that must be always considered in trying to render justice. The appearance of justice as well as justice in fact is of critical importance.

Mr. McCLURE. Will the Senator withhold for just a moment and yield for a question?

Mr. HATFIELD. I will withhold for just one moment.

Mr. McCLURE. I thank the Senator from Oregon for yielding.

I just wish to comment that while it was not my primary purpose in asking that these proceedings be televised, nevertheless, would not the Senator from Oregon agree with me that, if there were television cameras focused on this Chamber at this time, there would be more Members present? Would not the majority of the Members of the Senate be reluctant to have the people of this country see them conducting a trial with the jury all out to lunch?

Mr. HATFIELD. I would refrain from making comment at this point except to say I think the Senator has put his finger on a valid point.

I yield to the Senator from Utah.

Mr. GARN. I would just like to make a followup statement of what I said yesterday, that during the debate, since it started this morning, the most number of Senators—and I am not singling out the Democrats or the Republicans, the absenteeism, as anybody can see, is just as bad on one side as the other—the maximum number of jurors we have had is 18 out of 99 Senators. So apparently 81 of them are not interested in making judgments on what the evidence would be.

I cannot personally understand anything that could be going on in the Senate right now more important, at least to the people of New Hampshire, than who will be their next Senator.

Mr. HATFIELD. I would also say to the Senator from Utah it is not only a question of the people from New Hampshire. I think we are exercising our unusual and specific constitutional responsibility here that it is again incumbent upon each Member to be here. It is on both sides. I make no comments regarding one party versus the other, because there is absenteeism here on the Republican side as well as on the Democratic side. I do believe that we ought to have a minimum of 51 Senators on the floor.

I yield for a question.

Mr. LONG. Does not the Senator know there is no rule of this body that requires a Senator to be present at any particular time? If the Senator wants to suggest the absence of a quorum he can do it at any time. But as long as a quorum is present in this body there is no rule, no law, and it is not within the Senator's power to

make anybody come in here as long as we have a quorum. If the Senator wants to suggest the absence of a quorum he can do it any time he wants to.

I think we ought to amend rule XIX and put it back the way it used to be so that there would be no appeal from a Senator being put in his seat for suggesting that other Senators have done something unworthy. If anybody in this body disagrees with it, anybody who does not want to hear the Senator, he does not have to hear him. He can go anywhere he wants to and stay there.

There is a printed record kept at considerable expense to this Government that is available for him to read. Frankly, if he is like me, there are some Senators he is not going to bother to read very often, because often they do not contribute a lot. But if he wants to read what the Senator has to say, he can read it, and if he does not want to read what the Senator has to say, there is nothing the Senator can do about it.

Even in grand jury and petit jury proceedings you can make those people be present in a jury box but you still cannot keep them from falling asleep if they find what you are saying is disinteresting. So, as a practical matter, a Senator ought to make his case and try to get people to study and understand it and try to point up the important things, and separate the wheat from the chaff. A Senator ought to proceed with the understanding that the important things are thus and so, and not suggest that somebody is guilty of improper conduct because he does what he has every right to do and that is pay no attention whatever to what you say.

Mr. HATFIELD. I think the Senator has completely misinterpreted and, perhaps, misunderstood the whole comments that have been made here this morning. The entire essence of the comments were simply that no one is attempting to force anyone into his seat. No one is implying misconduct on the part of any colleague.

What was stated, and I think it is an observation that any Senator has a right to make at any time on this floor, is to observe the vacant seats at a time when the Senate is in a very unusual circumstance of rendering a decision that is of a quasi-judicial nature. I cannot conceive of any court, or regulatory agency of the executive branch of Government, when there are parties before it arguing a case, absenting themselves and saying, "We will read the transcript tomorrow after it has been printed tonight."

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HATFIELD. 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 Senator from California is recognized.

Mr. CRANSTON. I join in the Senator's hope that there will not be a strictly partisan approach to this matter. I think that would be unwise. I hope there would not be strictly partisan votes at any time, with all Democrats going one way and all Republicans going another way. That was seldom the way it was within the committee. Most of the time there were split votes, and split votes on a party basis.

I know the comments on the floor have not culminated in how many Democrats and how many Republicans were on the floor. It was stated there was no desire to single out one party or the other.

However, I would like to point out there were at one time 12 Democrats and 5 Republicans on the floor, and a moment ago when the complaint was made, there were 9 Democrats and 7 Republicans and 1 Independent, so there is a bipartisan failing.

I am trying to be on the floor most of the time, although I am not on the committee, and I know the Senator is a committeeman with committee responsibilities. Although Senator BROCK is not on the committee, he is trying to be here all the time. But some others have responsibilities in other places. The CIA Committee is meeting at this moment, and members of both parties, I presume, are at that session.

Mr. HATFIELD. I appreciate the comments of the Senator from California, and I think the Senator, in his statistics, pointed out the ratio of Republicans to Democrats in the membership of the Senate. It illustrates again the vacancies and the absentees on both sides.

Mr. CRANSTON. Except for the Independent where there is 100 percent attendance in that case.

Mr. HATFIELD. I suggest the absence of a quorum, without losing my right to the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

SENATE RESOLUTION 182—AVAILABILITY OF CERTIFICATIONS FOR PUBLIC INSPECTION

Mr. MANSFIELD. Mr. President, I send to the desk a Senate resolution to make more clear section 3 of the Senate Resolution 60, which was agreed to on yesterday.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 182

Resolved, That the certifications referred to in Section 3 of S. Res. 60, June 12, 1975 shall be made available by the Secretary of the Senate for public inspection.

The PRESIDING OFFICER. Is there objection to its immediate consideration by the Senate?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, this clears up a moot point which may cause some difficulty. I have cleared it with the distinguished Republican leader and the chairman and ranking Republican member of the Rules Committee.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 182) was agreed to.

DETERMINATION OF SENATE ELECTION IN NEW HAMPSHIRE

The Senate continued with the consideration of the resolution (S. Res. 166) relating to the determination of the contested election for a seat in the U.S. Senate from the State of New Hampshire.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

Mr. HATFIELD. And it will be a live quorum.

The PRESIDING OFFICER. A live quorum.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR DIVISION OF TIME NEXT TUESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on next Tuesday the time for debate on the amendment by Mr. WEICKER be equally divided between Mr. WEICKER and Mr. CANNON.

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 second assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 30 Leg.]

Allen	Ford	Mansfield
Byrd, Robert C.	Garn	Pell
Cannon	Hatfield	Randolph
Cranston	Leahy	
Dole	Long	

The PRESIDING OFFICER (Mr. FORD). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Pending the execution of the order, the following Senators entered the Chamber and answered to their names:

Abourezk	Case	Griffin
Baker	Chiles	Hansen
Bartlett	Church	Hart, Gary W.
Beall	Clark	Hart, Philip A.
Bellmon	Culver	Haskell
Biden	Curtis	Hathaway
Brock	Fannin	Helms
Buckley	Fong	Hollings
Burdick	Glenn	Hruska
Byrd, Harry F., Jr.	Goldwater	Humphrey
	Gravel	Inouye

Jackson	Metcalf	Sparkman
Javits	Morgan	Stafford
Johnston	Moss	Stevens
Kennedy	Nelson	Stone
Laxalt	Nunn	Symington
Magnuson	Pastore	Taft
Mathias	Proxmire	Talmadge
McClellan	Ribicoff	Thurmond
McClure	Schweiker	Weicker
McGee	Scott, Hugh	Williams
McGovern	Scott, William L.	Young
McIntyre		

The PRESIDING OFFICER (Mr. STONE). A quorum is present.

The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, I just want to make a point. I sought to defend the Senate against the charge that Senators were not doing their duty, because we only had about 15 Senators on the floor, a half hour ago when the Senator from Oregon (Mr. HATFIELD) made the statement that Senators were not doing their duty, that they ought to be here listening to what was being said.

I point out that you cannot require Senators to be present at all times in the Senate Chamber. You have to hope they will read the CONGRESSIONAL RECORD, and sometimes offset it by making the same speech twice or three times, if you think a fellow who was not there might be persuaded by it.

There are now fewer Senators here than when the quorum call was requested, and now even the Senator from Oregon (Mr. HATFIELD) is missing. The Senator from Oregon said Senators should be here every minute expressed outrage about the matter, and then was giving us an example of integrity by being here himself. He suggested the absence of a quorum to make everybody else come, and then he left.

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

Mr. LONG. I shall in a moment or two, but first I wish to complete my brief statement. It will not take but a moment.

Again, this will illustrate that something can be achieved by someone reading what he thinks is important, by having his assistants reading what they think is important, separating the wheat from the chaff and reading the vital portions, while we are waiting around attempting to get a quorum, which we still do not have, by the way. We have less now than we did then. But thank the merciful Lord, the Senator from Louisiana stuck around to make a very important point and knows more about the situation now than when the quorum call was suggested. I do not have to listen to someone make a speech. I can read an important page out of the hearings, which is page 56.

It has to do with what to do about the so-called skip-Louis ballots which are the ones where a person marks a straight party ticket, then marks an individual ballot, and proceeds to leave the name of Louis C. Wyman off when he marks the individual one.

I have heard arguments from both sides on that and they have been both ways. In the course of the quorum call, when no one could make a speech because a quorum was being called, someone handed me pages 56, 57, and 58, which I have proceeded to read, and I am happy to say that this is very enlightening. If anyone does not think that is right, whether I hear his speech or not, he would be well advised to look me up, to see me in my office, corner me in the cloak room or in the marble room, or just on the street, if need be, and hand me something that is equally persuasive for the other side of the argument.

Mr. President, I ask unanimous consent that these three pages from the committee hearing, pages 56, 57, and 58, be printed in the RECORD at this point.

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

The "skip-Louis" ballots can be described as follows:

Ballots contain an X in the Republican Party circle and X's in every Republican candidate box except the box for Wyman in the U.S. Senate race.

Ballots contain an X in the Republican Party circle, X's in the Republican candidate boxes, and an erasure or ink dot in the Wyman box, or some additional evidence that the X in the Republican Party circle is not controlling.

Under New Hampshire law, both statutory law and decisions of the New Hampshire Supreme Court, the primary and controlling factor is the intent of the voter as determined by studying the entire ballot and all markings and symbols thereon. The voter's intent *cannot* be defeated by a technical or strict reading of the statutory directions for marking ballots. To ascertain the voter's intent, *all* evidence on the ballot must be considered.

In *Murchie* v. *Clifford*, 76 N.H. 99, the New Hampshire Supreme Court rejected the proposition that a judicial inquiry must be bound by a mechanistic and literal application of the election code. Although the statute required the counting of a mark in the party circle as a vote for all candidates beneath that circle, regardless of other markings on the ballot, the court held that the ballot could not be so counted. Such a procedure would resolve apparent ambiguities "on a ballot's face" in an arbitrary manner which would defeat the purpose of the judicial inquiry.

"The real and unchangeable fact in issue" being the choice of the voter, and more than one way of expressing that choice being permitted, it is not within the power of the legislature to declare that in determining that choice the court shall only consider the evidence of (voting) method A, to the exclusion of the evidence of (voting) method B . . . . The right of the voter, being a constitutional one, cannot be abridged in this way. In other words, the Legislature may enact the method by which a man shall vote but cannot direct how the ballot he casts shall be counted (p. 105).

When a voter complies fully with the provisions of the Act as to the expression of his intent, the evidentiary facts from which his choice is to be found are capable of but one construction; but when he fails to comply with some provisions of the act (as in this case), *it can be found from the facts shown by the ballot that he did not intend to vote as the statute says his vote shall be counted. That is, upon the whole evidence it does not appear he intended to vote for A, yet the statute says his vote shall be counted for A.* If the legislature may provide that, when ballots are marked like those in dispute, a tribunal charged with the duty of ascertaining the intention of the electors shall consider the failure to erase the name in connection with the cross in the circle, *it cannot prescribe that such facts shall conclusively establish the intent of the electors* (p. 105) (emphasis supplied).

This ruling is upheld in a line of New Hampshire cases, including *Dinsmore* v. *Mayor and Alderman of Manchester*, 76 N.H. 187, *Stearns* v. *O'Dowd*, 78 N.H. 358, and *Barr* v. *Stevens*, 79 N.H. 192.

To ascertain the voter's intent, all evidence on the ballot must be considered. On this point, too *Murchie* provides guidance:

The ballot is presented as a completed document. *Each and every part of it is to be considered in determining its meaning.* (emphasis supplied) (p. 107). This standard is reiterated in Barr: *Giving full effect to all the markings put on the ballot, the voter has twice expressed an intention.* (Emphasis supplied) (p. 194).

Thus, in New Hampshire, no ballot marks are considered superfluous or without meaning. The ballot presents a broad picture of the voter's intent with every mark having significance.

While the courts of some States have been given preference to an X in the straight party circle, the *Murchie* decision clearly establishes that all marks are significant as presenting some further evidence of the voter's intent, and it is that intent, and only that intent, which controls.

Barr v. *Stevens*, 79 N.H. 192, so heavily relied on by Wyman, is not on point. There is no case in New Hampshire specifically ruling on the issue presented by the "Skip-Louie" ballots. In fact, the *Barr* case specifically rejects the statutory presumption that Wyman seeks to apply:

It has been held in several cases that the requirement of the statute, that where a cross has been made in the circle at the head of the column, the ballot shall be counted for all the names in the column not cancelled or erased to the exclusion of all others, *cannot* be followed in a judicial inquiry as to the result of the election. 79 N.H. at 193 (emphasis supplied).

There is no hard and fast rule under New Hampshire law that a mark in a party circle always means that there is a vote for every person listed in that party column. The mere fact that the legislature has authorized the voting of a straight ticket by marking a cross in a party circle does not mean that an individual voter casting his ballot cannot, by some other method of marking it, express his intent not to confer upon such a mark a meaning indicated in the statute. The only clear rule of New Hampshire law is that the voter's intent is the controlling factor.

A reasonable man looking at the ballot could arrive at only *one* conclusion, the voter intended to omit voting for Mr. Wyman. The only possible evidence of intent to vote for Wyman is the X in the circle and the statutory presumption that entails. But under the rule of *Murchie, Stearns, Dinsmore,* and *Barr,* that presumption must give way to other evidence of intent.

Wyman seeks to have the Senate require a specific marking in the U.S. Senate race line on the ballot in order to negate the apparent intention to vote a straight ticket. He would, in so doing, have the Committee ignore the rest of the ballot and render insignificant and superfluous all other ballot markings. Clearly, this approach is contrary to New Hampshire law, as cited earlier.

In fact, we submit that there is no effective indication of the voter's intent to vote for Wyman, and thus there is no vote which need be cancelled. The clearer evidence supplied by the conspicuous omission of an X opposite Wyman's name, in an otherwise unbroken series of X's, speaks clearly for the voter's true intent. The X on the party circle must give way to this clear expression of intent.

The argument has been made that the Committee cannot allow an act of omission to qualify as a signifying intent to counteract the X in the party circle. This might be true in a limited sense—that is, if we were concerned solely with the effect of omitting to mark the candidate square. But we feel that the intent of the voter is shown not by the omission viewed in isolation, but when seen as part of the pattern of marks on the entire ballot. It is the long column of X's in the candidates squares that gives significance to the blank squares, and the evidence of the other X's is, we argue, compelling.

U.S. SENATE PRECEDENT

The United States Senate has once before been required to resolve a disagreement on the issue presented here. This occurred in the contest for the Iowa seat between the Democrat Daniel F. Steck and the Republican Smith W. Brookhart, in 1925. In its majority report, the Committee on Privileges and Elections declared:

(Y)our committee (has) sought to ascertain the true intent of the voters. In reaching this conclusion, it took into consideration every true circumstance that might shed any possible light upon such intent. S. Rept. No. 498, pursuant to S. Res. 21, S. Res. 211 and S. Res. 212, 69th Cong., 2nd Sess. (1925), p. 13.

The Committee was faced with a situation identical to the one posed by these ballots: There were 1,281 ballots in which the Republican circle had been marked. The squares of the various state officers and Presidential Candidate under that party circle were also marked, but the square before the Senate candidate, Brookhart, was left blank. The Democrat, Mr. Steck, made the argument that the omission of the vote for Senate showed that, "the voter did not intend to vote for Smith W. Brookhart." Brookhart, on the other hand, refused to make that concession, and the Committee was forced to decide the question. The Committee's decision was to honor the voter's expression of deliberate intent not to vote for Senator, and Brookhart was deprived of 1,281 votes in this category.[1]

The above argument pertains to ballots 252, 267, 280, 281, 285, 310, 311, 324—which are "skip Louie" ballots, and ballot 322 which is a "skip Durkin" ballot. There are, however, 4 ballots on which there is additional evidence, which leads to the inescapable conclusion that these voters did not intend to vote for Mr. Wyman. Individual arguments on these ballots follow:

BALLOT NO. 256

Ballot No. 256 is a "no vote" in the Senate race.

On this ballot the voter put a cross in the Republican straight party circle and a cross in all but four Republican candidate squares below.

Mr. LONG. I think that is pertinent.

I am not going to complain that nobody heard this speech. Just read it, if you feel like reading it, because to me it is very important. I am not saying that is the end of it at all. I am not ready to decide how I am going to vote now.

But to me those are three pages of the hearings that every Senator ought to read, because it is very helpful and very enlightening.

[1] See hearings before a Subcommittee on Privileges and Elections, 69th Congress, S. Res. 21, at p. 205; and S. Rpt. No. 498, *supra*, at p. 13. The Committee's decision on this issue can be seen from the reference on p. 13 of the Senate Report to specific stipulations on which the Committee rules "no vote." Stipulation 71 was the factual circumstances referred to here, and the Committee lists "71" as "no votes."

On my desk there is a memorandum from Mr. Wyman which I am sure is well prepared and is very pertinent. It is not a 5- or 6-hour speech with a lot of irrelevancies. It is right to the point, explaining why on vital points he is convinced he is right about it.

I am going to do what I can to study and understand the essential vital points of this record. Frankly, I think I will have no apology if I try to do somewhat as the judges on the Supreme Court do. They have someone read and point out to them the material that is very vital, reaching the crucial points that should be considered, and leaving out all the redundancies.

The Senate will be engaged in this debate, I suppose, for at least a week, and Senators will not be able to be in the Chamber all that time.

Sometimes a constituent calls a Senator and wants him to autograph a picture for his little daughter, when they are passing through the only time they will ever be in the Capitol.

I am pleased to see the Senator from Oregon has returned to the Chamber. I know he would want to be here every possible moment. I am glad he will hear my speech, even though he may not be a bit better enlightened by the time my speech is over than he was to begin with.

When someone comes and has his little daughter with him, and they have a picture of the Senator from Louisiana, and they want me to leave the Chamber and autograph the picture, I cannot disappoint people like that by declining to go out and meet his daughter and autograph a picture. A Senator is a political animal, and he cannot refuse a simple request, like this, of a constituent.

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

Mr. LONG. Yes. I yield to the distinguished Senator.

Mr. McCLELLAN. I notice that the material that the Senator submitted for the RECORD indicates it is page 56. It is 56 of what?

Mr. LONG. I say to the Senator that I assume that was a hearing.

Mr. McCLELLAN. No, it is apparently not.

Mr. LONG. I believe they have found it. That is in the report. It is page 56 of the report.

Mr. McCLELLAN. Fine.

Mr. LONG. It is one of the reports.

Mr. McCLELLAN. I am certainly happy that we have it there because I want to identify it.

Mr. LONG. Yes.

Mr. McCLELLAN. I was trying to locate it so I might read it.

Mr. LONG. That is in the report.

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

Mr. LONG. I want to get the report.

Mr. McCLELLAN. Page 56.

Mr. STEVENS. Of the Durkin position.

Mr. LONG. That is page 56 of the report of the Committee on Rules and Administration. It is the individual's views, and it is at the bottom. It says the Durkin position.

Mr. WEICKER. It is the Durkin position. This is the Durkin position. Is that what the Senator said?

Mr. LONG. Right.

I think that is a very important argument on behalf of Mr. Durkin.

I am not saying it is right. I am saying that it ought to be considered, and I read that while the quorum call was going on.

To me it was particularly impressive what the court said in *Murchie* v. *Clifford* (76 N.H. 99). That impresses me.

But I think it is not all conclusive. It may be that someone can show me why what is said here is in error and why the better argument is the other way around.

All I say is that I am not going to be in the Chamber every moment that this debate is going on, just as even the Senator from Oregon found it impossible to be in the Chamber every minute that the debate was going on. But I will be around enough of the time that if someone has anything that is not redundant, but that is relevant, that is pertinent, that might change my mind about this contest, I will listen. At this moment, I do not know which way I am going to vote, but in due course I will tell any Senator here, both in support of Mr. Wyman and Mr. Durkin, before this debate is over I will tell the Senators how I am planning to vote and why; but right now I do not know how I will vote.

Mr. WEICKER. Mr. President, will the distinguished Senator yield for a question?

Mr. LONG. As far as I am concerned, I think if the Senators on the other side of the argument. If you cannot, we are are just a lot of us on this side of the aisle who will see it your way if you can convince us that you have the better side of the argument. If you cannot, we are not going to vote your way. It is just about that simple. May I say there will be some partisanship, too.

I cannot express my supreme disappointment in the way the Republican side of the aisle performed in the Dennis Chavez contest. The Senator will recall—I know the Senator from Connecticut was not here at the time—on that occasion there was a close race in New Mexico. Mr. Chavez won in a close race. The committee recounted the ballots, and by the time they got through, Mr. Chavez won by a bigger vote than he did the first time; notwithstanding that, the committee by a partisan vote on both sides brought in a majority report recommending that the election be thrown out—mind you—went back recounted the ballots and Chavez won by a bigger vote, and they said "throw the election out anyway."

By what logic could they reach that conclusion? They said that when they had the election that day a lot of interest was expressed. Mr. Eisenhower was running against Mr. Stevenson. It was a red hot race out in New Mexico, and there were so many people wanting to vote. In those little small cubicles, provided for voting booths, it was impossible for them all to get in there. So some people, having found some frustration about standing in line, simply went over on the side, took out pencils in their hands, marked their ballots, folded them up and stuck them in the box. That failed to meet the State requirement of

secrecy on the ballot. So the whole thing ought to be thrown out and require them all to run over again.

Now that Eisenhower had been elected and there was a Republican wave, that might give Mr. Chavez a chance. Only two Republicans broke a solid party line and made what I thought was the right side prevail. I recall who they were. I always had tremendous admiration for those people failing to vote a straight party line on that occasion. That was Margaret Chase Smith, if I recall correctly, and I know the other one was the Senator from Kentucky, John Sherman Cooper.

We will undoubtedly have some partisanship on this side of the aisle, just as there will be on the other side of the aisle, but I do not have any doubt that there will be more defections from the Democrats on this contest before it is all over with from what one might call a partisan postion.

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

Mr. LONG. I yield.

Mr. WEICKER. Of course, the issue right now is not whether Mr. Durkin or Mr. Wyman should be the winner but whether or not it should go to New Hampshire and let the people of New Hampshire decide. It does not have to do with one or the other candidate.

Mr. LONG. Right now, I am in the process of studying the Senator's argument and the argument of those who agree with the Senator. Offhand, I do not see how I can vote to have another election up there, until I am satisfied that I cannot express an opinion as to who did win the election.

The Senator has been debating, for example, whether some machine malfunctioned. If the Senator can convince me otherwise, I will consider that.

One thing that impresses me is that in my own district in Louisiana, we just go through having a contest, having another election, and in that case it was to the advantage of the Republican; he won the election. I think if the Senator talks to the Republican, Mr. HENSON MOORE, who won it, as well as the Democrat, Mr. JEFF LACAZE, who lost it, everybody will agree that this man Wimberly, who is one of the experts called up there—a Democrat—who was asked to examine those machines and to say whether they functioned or malfunctioned, is an honorable man who understands what his duty is and who is just about as reliable and fair-minded a person as one could obtain to give you an honest judgment as to whether a machine functioned properly.

If anybody has doubt about his integrity, let me know. If you want a recount and an honest count, that is the man you should be sending for.

This Senator will do what he can to study this argument. I promise the Senator that I am not going to hear everybody's speech. They are all not going to be that good. But if the Senator can show me one that is good and that really deserves special attention, I will read it. Even in this speech, I am not going to promise to read every bit of it; but if the Senator shows me a point that he thinks might make me see it his way, a part that is troubling my conscience and my mind. I will read that.

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

Mr. LONG. I yield.

Mr. GRIFFIN. I wonder whether the Senator from Louisiana, without going into the merit or lack of merit of any particular argument, would agree with me that if the Senate is going to apply a particular rule or standard in terms of deciding whether or not to count a ballot, with respect to those ballots that are included in 800 or 3,500, the same standards should apply with respect to the remainder of the ballots that were voted by the voters of New Hampshire.

In other words, I understand that before I entered the Chamber, some reference was made by the Senator from Louisiana to the so-called skip-candidate ballots, where there is an "X" in the party circle, and then down below they did not put the "X" opposite the candidate's name.

We have had some argument in the committee as to what New Hampshire law requires. One thing is clear—that back on election day, when they counted those ballots at the precinct level, all the election officials counted those ballots for the Democrat or the Republican. Something like 180,000 ballots were cast—incidentally, those ballots are all here, in a room in the Old Senate Office Building—where they applied one rule in deciding whether or not to count that ballot for the candidate.

Now, we look over 12 ballots that Mr. Durkin dredges up, and the Rules Committee comes to the conclusion that they are going to apply a different rule with regard to those.

I wonder whether the Senator from Louisiana thinks that is a proper way to proceed. It is one thing to change the rules; but it seems to me that if you are going to change the rules, you should apply them to all the ballots.

Mr. LONG. In the first place, I want the Senator to know that he was forgiven in advance for the fact that he did not hear the beginning of my statement. I opened by saying that I did not blame anybody for not being here every moment of the debate, because I was not going to be here every moment; but if a Senator says something that he thinks is extremely important, I will read it.

Mr. GRIFFIN. This is extremely important.

Mr. LONG. The Senator is asking me to decide some aspect of the case. I have not heard a word of debate.

Mr. GRIFFIN. I am just asking the Senator whether he would apply the same rule to all the ballots.

Mr. LONG. Any ballot I am looking at, I will apply the same rule.

Mr. GRIFFIN. Does the Senator think the Senate should do that?

Mr. LONG. I think the Senate should do what every Senator in his conscience thinks is correct, and whatever 51 of them think is right is what I think the Senate should do.

I say to the Senator that I have great confidence that I will sleep well the night I vote on this contest, and I hope he does, too. I urge everybody to do the same.

The Senator is asking me to decide how this matter should go with respect to some ballot that nobody has looked at at this time, and I cannot give him an answer on that. When the time comes, the Senator can show me the ballot, and I will probably give him an answer. But, for the time being, I have not heard the argument, and I think it would be inappropriate for me to try to decide it, to apply it to what one would do about this ballot, which nobody has contested, and on which nobody has had any discussion. I would not begin to know how to answer. I am not on the committee. But I am going to read. When this point comes up, I am going to read what has been said on both sides.

I will do this for the Senator: I will tell him, before I vote on this matter, exactly how I plan to vote on it. If the Senator wants to know, I will be glad to tell him how I plan to vote and why.

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

Mr. LONG. I yield.

Mr. HATFIELD. Will the Senator give the same answer to every ballot in that type or that category?

Mr. LONG. If the Senator wants to bring me that particular ballot, if he really thinks enough of that ballot to bring it in—if MARK HATFIELD will bring the ballot and say, "RUSSELL LONG, will you look at this ballot and give me your honest opinion about this ballot?"—it might not be any good, the Senator might not be any better off, knowing what I think, than he would have been, but I will be glad to tell him what I think. Then, if the Senator wants to ask me about the next one, I will accommodate him, as long as time permits.

Mr. GRIFFIN. Mr. President, will the Senator respond to this: What if he found that insofar as 12 ballots are concerned, which were marked in a particular way, those ballots were not counted for Mr. Wyman, but then he was confronted with affidavit evidence that there were more than 200 ballots in a room down here that were marked exactly the same way for Mr. Durkin, which were counted for him? What does the Senator think about that situation?

Mr. LONG. Bring me the affidavit, and I will take a look at it. I am not going to pass judgment on an affidavit I have not seen.

Mr. GRIFFIN. Would it be reasonable to say that the Senate should apply the same rule to the candidates and to the ballots?

Mr. LONG. Consistency is a jewel. I enjoy being consistent. I try to be consistent. I will hear the Senator's argument; I will consider it. But I am not going to promise to be here every moment, to hear everything the Senator says.

Before we vote on what the Senator considers to be the crucial point about this matter, I will be glad to discuss this matter with him personally or on the floor of the Senate, or any other way, time permitting. The Senator from Michigan and the Senator from Louisiana many times have discussed matters, sometimes in confidence, sometimes

with no holds barred. If the Senator wants to discuss this matter with me and says, "Let's just consider this. Why do you think the way you do?" I will tell him why. I will also be willing to let the Senator explain to me why he thinks I am in error. So far as I am concerned, if the Senator persuades me that I am in error, I will vote with him. I have not promised my vote on this matter, and I hope the Senator has not, either. So far as I am concerned, I can be persuaded either way. I honestly think that the majority of the Senate can be persuaded either way on this contest.

Mr. JOHNSTON. Mr. President, will the Senator yield for a question?

Mr. LONG. I yield.

Mr. JOHNSTON. I wonder whether the Senator would agree with that portion of Ecclesiastes which says that for everything under Heaven there is a time: there is a time to laugh and a time to cry and a time to live and a time to die and a time to rend and a time to sew. There is also—I do not know whether this is in the Scriptures, but it might be added if it is not in there—there is also a time to protest a ballot. That is when one is before the ballot commission so one can apply that rule of consistency very well to all the "skip-Louie" ballots so long as they are timely protested. Would that not be another good rule to put in the Scriptures if it is not there now?

Mr. LONG. Not only would it be, but if the Senator will go to the office of the Official Reporters of Debates and ask them, they can provide him with a large concordance of the Bible and a King James version of the Bible that my father presented to them in the year 1935. And when we get ready to vote on this thing, if anybody wants it done, I will stand here and put my hand on that Bible, my father's own Bible, which he gave to the reporters in 1935, and say, "This is what I honestly think I ought to do." I think that is a better break than some of the Republicans gave us in that Dennis Chavez contest.

But I am not here to point the finger of scorn at anybody. All I say is that I really took the floor to defend the Senator from Louisiana (Mr. JOHNSTON), the Senator from Ohio (Mr. GLENN), and the Senator from Vermont (Mr. LEAHY) because they were chastised in absentia because they were not here to hear what I did not think was a very good argument, anyhow, at that particular moment. I hope they will read it and try to read everything they can.

All I am trying to point out is that on these difficult issues, some of these things are going to be said a dozen times. I honestly think that if something is true, if it makes good sense, if it is right, an honest man does not need to read the truth at any one time to know that that is the truth, especially if it makes good sense, and if it has logic and commonsense; or, if someone is quoting a court decision, and he is quoting it correctly. If he is not, he ought to be trapped at it and proved to be one who misused printed material and should be held up to scorn for trying to deceive his colleagues.

I think it is very inappropriate, and I hope we will not hear any more of this thing, for anybody here to suggest improper conduct on the part of anybody, suggesting that someone is not going to be a fair judge of a case when the man has not heard the case and has not fought it. I assume that those who have made up their minds strongly and signed the committee report for one side or the other, I would be inclined to think that they are completely ready to absolve the integrity of anybody who votes with them, although they might have some severe doubts about the honor and conscience and principle or the worthiness to hold public office of anybody who votes the other way.

I want to plead on behalf of those who have already made up their minds about this matter, please be tolerant of those who have not even heard the case, have not heard the evidence; we would not begin to know how to vote on these crucial points that will come up later on.

I yield the floor.

Mr. WEICKER. Mr. President, I yield to the distinguished Senator from Arizona.

LET THE PEOPLE ELECT THEIR OWN SENATOR

Mr. GOLDWATER. Mr. President, before I start my remarks, I wish to comment on what the Senator from Louisiana said.

I think he is eminently correct and, in his characteristic way, fair. I have seen press releases this morning criticizing attendance on the floor yesterday. I serve on a select committee investigating intelligence. We spend all of our days in that committee. It is almost impossible for every Member of this body to be on this floor at every time. It is a little different than in other cases, where we are required to be here by the rules of the Senate. I think we have other jobs to do and I think all of us will follow the admonition of the Senator from Louisiana and, when we cannot be here, will read this.

I am not taking this matter lightly. I have not made up my mind yet. I am going to comment on what I think about it in just a moment. I do not think that we should be asked to judge before we have had a chance to hear both sides. that is the fair way to do it. I think the Senator from Louisiana for having brought that up.

In addition to that, he made a basic explanation of why it is that the Senate is not crowded with Members. I suppose if they put television cameras around, it might be crowded with Members, or somebody sitting in our chairs. We have work to do and I think I can assure the interested parties that all of us, before we vote, will have read the RECORD, read the results of the 6 months of study by the committee.

Mr. President, it is no secret that I am a conservative. It is no secret, either, that being a conservative, I have, all my life, had a great respect for and belief in what we used to call States' rights. I recognized that States' rights are practically nonexistent today through judgments of the Supreme Court and actions of the legislative body, but nevertheless, there is one right of the States that I believe very firmly in. That is the right of the people to do their own electing. What I am going to say reflects on what I have been able to gather from the record made by the committee in its study.

Mr. President, the Constitution provides that "Each House shall be the judge of the elections, returns, and qualifications of its own Members." Pursuant to this authority, the Senate has undertaken a review of the contested election for U.S. Senator from New Hampshire.

The 17th amendment to the Constitution also provides that—

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof . . .

The ratification of this amendment was the result, in great part, of dissatisfaction with delays and deadlocks within State legislatures that had resulted in vacancies remaining unfilled for substantial periods of time.

In my opinion, the Senate is nullifying the primary purposes of the 17th amendment by failing to judge this election in the 6 months that we have had it before us. The only way, Mr. President, in my opinion, to fulfill the constitutional mandate that each State shall be represented by two Senators chosen by the people thereof is to send this contested election back to the voters of New Hampshire.

I know that, being a conservative, I will be charged again with taking a simple approach. Unless one takes a complicated approach in this country anymore, one is virtually uneducated. I have found that the straightest line between two points is the quickest way to get there. I cannot think of any fairer way to settle this than to send this election back.

Mr. PASTORE. Will the Senator yield a moment?

Mr. GOLDWATER. Yes, I am happy to.

Mr. PASTORE. The thing that concerns me on this effort to send it back for another election, is that I question the authority of the Senate to do so.

The Senator says the people have the right to elect their Senator. That is exactly what they did on that November day. The only question here is, how have the votes of the people been counted? There has been an election, there is no question at all about it. Someone has been elected, whether it is Wyman or Durkin; one has been elected. The big question here is which one was elected?

Now we are telling the people of New Hampshire, look, you have to do this all over again. They are going to say, no, we have already done it and what right do you have to tell us we must do it again.

I question whether or not, under that constitutional provision that gives us the power to judge the qualifications, we have the power to disqualify to the extent to say that there must be another election.

I grant the Senator, if it were tied, if that committee came out and said neither one was elected, then I think we would have a different situation. But to say that because there is confusion in this matter, we do not have, ourselves, the competence to judge who did and

who did not, I am afraid we are being lax in our responsibility.

I should like to have the Senator's answer on that question.

Mr. GOLDWATER. I think we have the power, for the same reason that the subcommittee that studied this has the power to refer this to the floor. If there had been a different decision reached by the subcommittee, I could agree that we probably would not have the power. But they have reached no concrete decision either way. They have not settled it.

Mr. PASTORE. But the committee is not the Senate.

Mr. GOLDWATER. I agree.

Mr. PASTORE. That is why we are doing this.

Mr. GOLDWATER. I think the committee has the power to say, let the people of New Hampshire do it. The people of New Hampshire, according to what I hear and read, want to do this.

I do not know how we can argue on this floor over some 26 points that good and true men have tried for 6 months to resolve.

Mr. PASTORE. I realize that is rather difficult, but we are getting down to the question of jurisdictional power. Do we have the right to say because it is hard for us to make a judgment for that reason it ought to go back? I would like to get an answer to that.

Mr. WEICKER. I would like to respond, if I might, if the Senator from Arizona will yield for a response.

The Constitution gives us the power to determine the qualifications of our own Members, right?

Mr. PASTORE. Right.

Mr. WEICKER. It does not say how we shall do it. It does not say we have to send it to a Rules Committee; it does not say we have to resolve it on the floor of the Senate. It just gives us the power to make that determination. It does not tell us how we shall make that determination, and that is one of the critical issues in this debate.

Nobody is contesting the constitutional authority of the Senate to make the decision. But what I suggest to my distinguished colleague from Rhode Island is that what you did yesterday does not mean that you have to do it today or tomorrow. This is a far more relevant way of making that determination.

Mr. PASTORE. Will the Senator yield, Mr. President?

Mr. WEICKER. Of course, I will yield.

Mr. PASTORE. If this goes back for another election, is not then the situation wide open so that other candidates can aspire for it when these two men have already campaigned and one of them has already been elected?

Now, you are saying have a new election which means that every Tom, Dick, and Harry can go into a primary and enter that election.

Mr. WEICKER. Does it mean that every time in this country from now on when somebody loses an election and there is no allegation of fraud or corruption or illegality that they can come to the body which is controlled by their own party and say, "Hey, I do not like the way they counted this back home. You fellows try it down here."

I have trespassed on the time of the good Senator from Arizona. I will be glad, after the Senator from Arizona has concluded, to discuss this with the Senator from Rhode Island.

Mr. PASTORE. I have not had the answer yet, but keep going.

Mr. GRIFFIN. Mr. President——

Mr. GOLDWATER. Mr. President——

The PRESIDING OFFICER. The Chair rules one at a time.

Mr. GOLDWATER. Thankfully, being a nonlawyer, I welcome the intrusion of lawyers to clarify legal points. I can only express my own feelings. I have never been to law school. In fact, I was only exposed to college long enough to get kicked out. [Laughter.]

I yield to my friend from Michigan.

Mr. GRIFFIN. I thank my friend from Arizona for yielding.

I want to call the attention of the Senator from Rhode Island, and other Senators, to the fact that the Legislature of the State of New Hampshire has passed a law which specifically provides that if the Senate finds that the seat, declares it to be vacant, there will be an election between the same candidates within 45 days.

Let me say further not very long ago in the State of Louisiana it was found that the voting machines malfunctioned. That was sent back for a new election.

There was a previous case here in the Senate, Wilson and Vare from Pennsylvania. Both presented themselves as certified elected Senators. In that case the Senate sent it back for a new election. So there is not anything new about it, and the problem that the Senator from Rhode Island is concerned about will not be there.

Mr. PASTORE. Mr. President, will the Senator yield there? You cannot avoid the taint of politics every time you have a situation of this kind.

Now, the Senator has already said it ought to go and to let the legislature of New Hampshire do it. And Durkin says, "Why do you do that to me? That is Republican."

Wyman says, "Let it go back to New Hampshire. I do not want the Democrats to decide it."

Mr. GRIFFIN. The people are going to decide it.

Mr. PASTORE. What the Senator is saying is you are going to hold a brand-new election and these two contestants will not be the sole candidates. You cannot limit that election and, as a matter of fact, they can choose not to run and another person can choose to run, and you are defeating a franchised right of the people who voted on the last election day, and that is my point. If you can explain that I will be glad to hear it. Only in the case of a tie can you declare a new election.

Mr. GOLDWATER. If I might interject, I do not believe this goes back to the legislature.

Mr. GRIFFIN. No, I never said it went back to the legislature.

Mr. PASTORE. No, but the legislature said, "We will provide for a new election."

Mr. GRIFFIN. They provided a new law.

Mr. PASTORE. Fearing it would be a Republican legislature that there might be an imbalance.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that a copy of the act that is the law of the State of New Hampshire providing for a new election between these candidates within 45 days be printed in the RECORD.

Mr. PASTORE. Will the Senator designate whether the members of that legislature are Republicans or Democrats?

Mr. GRIFFIN. I have no idea.

Mr. PASTORE. Then put it in the RECORD. I would make that request.

Mr. HUGH SCOTT. I make the request that both parties join in this legislation.

Mr. GOLDWATER. I thank the Senator.

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

SB–28

An act providing for a special election for the office of United States senator

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Special Election. A special election for the office of United States senator shall be held no sooner than thirty-five days and no later than forty-five days after this act takes effect, on a day, during said period, to be set by the governor and council, provided said day may not be the same day provided by RSA 39.1 for the holding of annual town meetings.

2. Candidates. The candidates on the ballot for that election shall be, John A. Durkin of Manchester, Democrat, Louis C. Wyman of Manchester, Republican, and Carmen C. Chimento of Brookline, American Party.

3. Interim Appointment. The power of the governor to appoint in case of a vacancy under RSA 63:3 is hereby amended for the purpose of this statute only so that the duration of any appointment made by him is limited to the period between the time that the 94th Congress convenes and the winner of the election held pursuant to this statute is seated by the Senate of the United States. The person so nominated shall not be any of the candidates whose names appear on the ballot for the special election.

4. Election Laws Applicable. All other provisions of the New Hampshire Revised Statutes Annotated relating to the form, manner and conduct of elections are hereby specifically made applicable to this election.

5. Absentee Voting. Absentee voting shall be permited in this election.

6. Effective Date. This act shall take effect immediately upon the declaration, by the United States Senate, that a vacancy exists in the office of United States senator from New Hampshire.

Approved January 22, 1975.

Effective date. This act shall take effect immediately upon the declaration, by the United States Senate, that a vacancy exists in the office of United States Senator from New Hampshire.

Mr. GOLDWATER. Mr. President, up to now, the Senate has done everything but to determine the expressed will of the people of New Hampshire. During the course of its lengthy, 46-day sessions on the New Hampshire election, the Senate Committee on Rules and Administration discovered that there is among the Washington bureaucracy a Civil Service classification of professional paper folders and the committee heard a discourse on how a stainless steel folding bone is a superior tool for creasing paper. The committee learned, upon opening the first

exhibit box, that Donald Duck had received one write-in vote for Senator. The committee also examined ballots and dutifully attempted to read the minds of voters who gave no other indication of how they intended to vote than by placing the word "crooks" in the straight ticket circle of one party or by drawing the picture of a clown in the opposing party circle.

Mr. ROBERT C. BYRD. Mr. President, may we have order.

The PRESIDING OFFICER. The Senator will suspend momentarily. Will the Senators cease conversing or withdraw to the cloak room so that the Senate can hear the Senator from Arizona.

Mr. GOLDWATER. Mr. President, in addition, committee members tried to interpret the choice of voters who used squiggles, blobs, dots, slashes, wandering scrawls, the "Big X," and graffiti, among other marks.

The result of all this tedious labor is that the people and State of New Hampshire still are denied equal representation in the Senate, the committee is hopelessly tied on 27 individual ballots and 8 major policy issues, and regardless of the outcome on these tie votes, it is still impossible for the Senate to know with any reasonable accuracy how the voters of New Hampshire expressed themselves in this election because of the very limited review that the committee will conduct.

Mr. President, as examples of the kinds of questions which will cloud the election outcome and cannot be answered with reasonable certainty, I offer the following:

First. How can the people's choice be known if the Senate refuses to look at the will of all the voters of New Hampshire? Early in its proceedings, the Senate committee rejected a request to recount the entire election, as the Senate has directed to be done in at least two previous election contests. The question of who the voters of New Hampshire really chose cannot be determined by reviewing only some 3,500 protested ballots out of a total of 185,000 ballots. In a contest separated by only two votes, it is mathematically certain that human error has been made in the previous count that is greater than any probable margin between the two candidates that will result from the severely limited recount the Senate is now conducting.

Second. There is a discrepancy of some 1,200 votes recorded on several voting machines in the city of Manchester. In at least six wards, more people are recorded by the machines as voting for candidates than the protective counter on the same machines recorded as having entered or left the machines. In one ward, more than 100 votes were recorded for candidates than the public counter on the same machines recorded as the number of people who entered the voting area. In another instance, the public counter of a machine recorded 714 persons more as entering to vote than the same machine recorded as having voted for any particular candidate. The uncertainty about the effect of the malfunctioning on these machines might never be resolved.

Third. The 775 absentee votes, which were cast in the city of Nashua, are tainted by the apparently wholesale distribution of absentee ballots—not applications, but the actual ballots—by Democratic campaign workers in disregard of New Hampshire election laws. Curiously, 37 additional absentee votes from Nashua showed up in the New Hampshire recount that had not been included in the election night tally.

Fourth. Upon opening some boxes believed to contain constitutional convention ballots required by the State of New Hampshire, the committee discovered a packet of absentee ballots from the town of Freedom, with the outside marked "void," although the town clerk from that precinct reports that the record shows there are no void ballots in Freedom. Also, on the opening of these boxes, 100 apparently voted regular ballots were found mixed in with the constitutional convention ballots in ward 6 of Dover. Whether these ballots were counted by the New Hampshire authorities is unknown.

Mr. President, these are only a few among the several major and unresolved problems that would have to be answered before the winner of the New Hampshire election could be known, but may be impossible of resolving with any clear certainty.

A change in the count resulting from a decision on any of the numerous outstanding questions could affect the result of the election. A larger error may exist in any remaining area where there is a problem than the margin the Senate is going to come up with on its limited review. In fact, the election may simply be so close that it is physically impossible to determine with fairness and accuracy who is the winner.

In these circumstances, Mr. President, and I do not cast any reflection at all upon the Rules Committee—I urge of my colleagues that we return this choice to the voters of New Hampshire and allow them to express their clear will—a choice, by the way, that has been expressed by the Legislature of New Hampshire, and many of my friends in New Hampshire have told me of their interest in this.

I happen to have a particularly fond memory of New Hampshire. I traveled that beautiful State from one end to the other, one side to the other, in temperatures ranging from 35 below to zero. The most delightful experience of my life.

I was telling the distinguished Senator from New Hampshire yesterday that people generally do not realize that the first people who migrated to the Southwest, where I come from, were New Englanders.

I often wondered where the Westerner got his tenacity, stubbornness, and even sometimes his mule-headedness, until I got up into New England, and I think I have a pretty good idea.

In fact, our first Governor was chosen from New Hampshire. Unfortunately, he passed away before he was able to move out into the delightful climate of the Southwest.

But although, Mr. President, we are the judge of the elections of our Members, we do not do the electing. It is the people of the respective States who do that, and I earnestly propose that this election, being absent as it is of any charges of fraud, illegalities or moral turpitude, be sent back to New Hampshire for an election by the people.

I think this would not only be the fair thing to do, I think it would be the easiest thing to do. We could get rid of this very bothersome, challenging piece of legislation in a matter of next Tuesday afternoon at 5 o'clock and, to me, this is the way to do it.

I am very happy to have had the chance to express my position. I will probably speak later on this subject if we feel it is necessary.

I yield to my friend from Connecticut.

Mr. WEICKER. I thank the distinguished Senator from Arizona.

I yield to the distinguished assistant majority leader.

The PRESIDING OFFICER. The Senator from West Virginia.

ORDER FOR RECESS UNTIL 12 NOON ON MONDAY, JUNE 16, 1975

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 12 noon on Monday, rather than until 11 a.m. on Monday.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, JUNE 16, 1975

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, these requests having been cleared with the leadership on the other side, that on Monday, after the two leaders or their designees have been recognized under the standing order, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 3 minutes each, the period to be for the purpose of the introduction of resolutions, bills, memorials, and statements into the RECORD.

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

ORDER FOR CONSIDERATION OF SENATE CONCURRENT RESOLUTION 45 ON MONDAY, JUNE 16, 1975

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the period for routine morning business on Monday, the Senate proceed to the consideration of Senate Concurrent Resolution 45, having to do with the Federal Home Loan Bank Board.

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

ORDER FOR CONSIDERATION OF S. 1487 AND S. 1716 ON TUESDAY, JUNE 17, 1975

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday, after the two leaders or their designees have been recognized under the standing order, the Senate proceed to the consideration of S. 1487, the Coast Guard

authorization, and that upon the disposition of that measure, the Senate take up S. 1716, Nuclear Regulatory Commission authorization.

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

CONSIDERATION OF S. 323 NO EARLIER THAN WEDNESDAY JUNE 18, 1975

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of those measures, the Senate take up S. 323, the petroleum product unfair practices, no earlier than Wednesday.

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

Mr. ROBERT C. BYRD. Mr. President, I erred in the last request.

I ask unanimous consent that the request with reference to S. 323 be vitiated.

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

ORDER FOR CONSIDERATION OF S. 6, FOLLOWING CONSIDERATION OF S. 1487 AND S. 1716

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the measures already ordered, the Senate take up S. 6.

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

AUTHORIZATION FOR CERTAIN ACTION TO BE TAKEN DURING RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess of the Senate over until Monday at 12 noon, the Secretary of the Senate be authorized to receive messages from the other body and from the President of the United States and that they be appropriately referred.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess of the Senate over until 12 noon on Monday, the Vice President of the United States, the President of the Senate pro tempore, and the Acting President of the Senate pro tempore, be authorized to sign all duly enrolled bills and joint resolutions.

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

ORDER OF BUSINESS NEXT WEEK

Mr. HATFIELD. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. HATFIELD. Do I understand the Senator correctly when I rephrase my interpretation of what he said discussing all these various items of business that he has asked be laid down. Am I correct that when the hour of 1 o'clock comes, wherever we may be, those items of business will be set aside and we will return to the consideration of the New Hampshire matter?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. HATFIELD. I thank the Senator.

Mr. ROBERT C. BYRD. I thank the Senator, and I thank the Senator from Connecticut for his usual courtesy in yielding.

Mr. WEICKER. I yield to the distinguished minority leader, the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

DETERMINATION OF SENATE ELECTION IN NEW HAMPHIRE

The Senate continued with the consideration of the resolution (S. Res. 166) relating to the determination of the contested election for a seat in the U.S. Senate from the State of New Hampshire.

Mr. HUGH SCOTT. Mr. President, I am going to ask that I not be interrupted, if possible, until I have completed my original statement.

The PRESIDING OFFICER. The Senators will cease conversation, or withdraw their conversations to the cloakrooms.

The Senator from Pennsylvania.

Mr. HUGH SCOTT. Mr. President, when I was a young man I dreamed dreams—as all young people do—of how to help the people of my country solve their problems. Prominent in my dreams was a picture of the Capitol of the United States of America—tall, inspiring, a symbol of the American way to all citizens, high and low, great and small, foreign born or native. To me, election to the U.S. Senate was the fulfillment of my youthful dreams, in part. I say in part because it was the beginning of an opportunity to achieve that youthful goal of building a better and stronger United States.

I came to the U.S. Senate by the will of a majority of the voters of Pennsylvania. I serve with colleagues who are in this Chamber by the will of a majority of their voters.

But, Mr. President, what we have witnessed here, in the handling of the contested election from the sovereign State on New Hampshire, fails to reflect the standards of my dream. In fact and in truth it is nothing short of an outrage, perpetrated, or sought to be perpetrated on the American people, and more particularly on the State of New Hampshire.

I am compelled to report candidly to the Nation that there are those in this body who would deliberately remove this election from the certified Senator-elect of a sovereign State and seat an unelected individual, simply because he is a member of their party as the Senator-elect is not. Partisanship alone, and nothing else, has impelled the decision of some to ignore the statutes and case law of New Hampshire. It will not, however, in my judgment, affect the situation here.

Yesterday, I heard the chairman of the Rules Committee state on the floor of the Senate that Senator-elect Wyman's protests of certain precinct counts in New Hampshire ought not to be reviewed by us because they were not timely made in the New Hampshire proceedings. This statement was made in the teeth of a record that is before each of us that shows beyond question, that Mr. Wyman made these requests initially of the secretary of state of New Hampshire at the first stage of recount proceedings in that State and was refused. The sworn statement of the secretary to this effect is in the record of our hearings at page 1344.

Next, Mr. Wyman protested to the State ballot law commission, asking that it retally the secretary's count of certain precincts, only to be refused by the State ballot law commission on the ground that it lacked jurisdiction to grant the Wyman request. Why did the ballot law commission take this position? Because Mr. Durkin's counsel had gone to two Federal courts urging the unconstitutionality of the ballot law commission's role in review of the State recount procedures, unless it confined itself to reviewing solely individually protested ballots before the secretary of state. Thus, gentlemen, it was largely due to the restrictive view of the jurisdiction of the New Hampshire Ballot Law Commission, a matter of public record in court proceedings—taken by one of the contestants before us, that resulted in the denial of retally of the relatively few voting precincts requested by Mr. Wyman. Only 10 or so are involved, out of a total in the New Hampshire election, of some 299. The least we can do in fairness is to direct that Mr. Wyman's requests for recounts be granted by the Rules Committee after it has granted Mr. Durkin's requests. Anything less would be unconscionable and would totally reject fairness of procedure.

Mr. President, I cannot accept the view that the majority that controls this body by nearly 2 to 1 would submit to the temptation to remove a Senator-elect from this sovereign State. Following the subversion of laws through misplaced loyalties that contributed to a tragic coverup, we should not put ourselves in the position of subverting the clear laws of a sovereign State.

If the majority denies equal justice under law to a certificated elected Member of the U.S. Senate, it will provide an example of senatorial indifference to law that can only exacerbate the developing lack of public confidence in elected office holders. Were we to encourage this subversion—even at the expense of the State of New Hampshire and Senator-elect Wyman—it would be difficult to fashion a better implement of campaign weaponry than an orchestrated majority denial of individual and State's rights for the 1976 campaign. Yet, the cost of that kind of partisanship is too great, and I implore the majority in control of this body not to demean the Senate by turning its back upon a lawfully elected Senator.

If this seat is taken from the people of New Hampshire by failing truly to investigate fraudulent ballots, or patently malfunctioning voting machines, or by refusing to count Mr. Wyman's requests while counting those of Mr. Durkin, or by declining to verify the total count of voters checked as voting in the New Hampshire election and comparing these totals with the ballots counted, or by allowing ballots of the skip type to be counted for Mr. Durkin while denying

them to Mr. Wyman, a record of callousness to the rights of a Senator and to the will of New Hampshire will be laid out upon the record.

Asking this body as a whole to interpret voter intent on 27 ballots on which 8 of our membership are equally divided after 5 months of familiarity with the New Hampshire law is patently ridiculous. How can 91 Senators who have never before seen these ballots, know better how to interpret them than 8 members of our Rules Committee who have examined them with magnifying glasses and are deadlocked 4 to 4 on their interpretation? This is wrong. It is debasing of the Senate itself. It is wasteful of the Senate's time.

The petition of Mr. Durkin started out under a false concept of the status of the contestants. Mr. Durkin held no certificate of election. The certificate issued to him was like a temporary automobile registration—good for a few days—until the State ballot law commission had reviewed the ballots. Yet Mr. Durkin sought to be seated here on the basis of a certificate that had expired, had in fact been rescinded. He made no mention of this fact in his petition to this body. Nor did he inform us that he had personally requested two Federal courts, a single-judge and a three-judge court, to reinstate his certificate, and been denied.

Not only did he fail to inform the Senate that his certificate had been rescinded but he told our Subcommittee on Privileges and Elections on January 9, and I quote:

> The question of whether the certificate was premature or not was not really before the court . . . and that issue was really never argued, never briefed, and never argued in the Federal court. . . .

And this statement to this body was under oath. Actually, Mr. Durkin not only sought and requested such relief, but he was personally present in the court when it was argued as were numerous representatives of the media who reported the facts in the New Hampshire press.

And the hearing before the Subcommittee on Privileges and Elections reported the decision of the three-judge Federal court on the matter, which decision included specific reference to the Durkin request and rejected it saying:

> We turn next to Durkin's request that we order the Governor and Council to reissue to him the certificate they later revoked . . . We decline therefore to order issuance of the certificate.

Do such statements amount to keeping good faith with this body whose constitutional duty it is to pass judgment on the returns and qualification of our Members?

Mr. President, there is simply no way to ascertain a winner in the New Hampshire election on the basis of the record that is before us. There is no way to do this even if we retally all of the protests of Mr. Wyman as well as those of Mr. Durkin. There is no way, even if we recount the entire New Hampshire recount, which is, of course, what we should do to lay to rest the conflicting claims of whether our committee is operating from a proper base count of votes.

There are hundreds of ballots counted in the New Hampshire contest in excess of voters shown as having been given ballots to vote. There is missing paper from voting machines used in the New Hampshire election on which there may have been write-in votes for either candidate. Whether there were or not, we can never know. Extensive investigation is required to establish with certainty whether absentee ballots were cast for persons who never voted those ballots.

I am reminded of the Sherlock Holmes story of the barking dog, when Sherlock Holmes said to Dr. Watson who had remarked that the dog never barked, that that is precisely the point. It was the fact that the dog did not bark, as I paraphrase it.

The Rules Committee did not do any barking. The Rules Committee was curiously incurious as regards those pathways that some of us sought to open to them for the purpose of following all the roads that might lead to the truth. Some members of the committee responded with Pavlovian alacrity to every challenge of Mr. Durkin. But through the use of various, curious, curious procedures, the requests of Mr. Wyman were deferred to the end, for the most part, were ignored or overruled in various ways and by the use of various methods, so that the Wyman challenges were deadended. This is the pattern of which we are complaining.

One voter, a Mr. Albert Michaud, testified under oath that he and his wife did not vote in the New Hampshire election, yet their ballots were cast for them and counted, and remain counted in that election.

An Ella Doyle swore that she voted an absentee ballot for her dying sister, straight Democratic, not because she had a request from her sister to do this, but because she "knew her sister would have wanted her to do this," because she always voted straight Democratic.

This effort at extrasensory perception would hardly have justified the counting of such a ballot as a lawful absentee ballot. Yet it remains tallied in the totals before us despite Mr. Wyman's protest. So eager were some members of the committee to respond to the extraordinary persuasiveness of counsel for Mr. Durkin, Mr. Millimet, who was successful even in securing the votes of four members of the committee on certain ballots as to which Mr. Durkin had earlier admitted that he could not lodge a lawful claim—using the phrase that after two omissions in the skip ballots were noted in the individual boxes, he could not pursue his claim for those ballots, using the phrase, as I recall, "because after that my case falls in my lap"—that Mr. Millimet, with the extraordinary persuasiveness which he had, needing merely to lift his voice in the cause for which he was retained, found the committee anxious to go further than Mr. Durkin in order to rule in Mr. Durkin's favor.

For 5 months we on the Rules Committee have directed our attention to the protests of Mr. Durkin. We have counted his 3,500 if you will.

Now we face the retallying of Mr. Wyman's protests and four Democratic members of our committee have voted not to count Mr. Wyman's requests. Unbelievable you say. I concur. But it is a fact, nevertheless. And it is shameful.

Public outrage is assured in such an example. It is inevitable. It will be deserved, if confirmed by the full Senate.

If this body really wants to find out who won the New Hampshire election we would leave no stone unturned, no request denied, in our review. This is why there is in truth but one way to know who won that election, and that is to direct the Rules Committee to recount all the ballots cast on November 5, 1974, in New Hampshire. We have them. They are here. They are in the basement of the Russell Senate Office Building. Their review would not require in excess of 10 days of staff time. They should be recounted in their entirety.

There they lie, close at hand, available, daring us to count them, Banquo's ghost at the feast, the unsolved riddle, the mystery of the day. But we find them an incurious majority behaving most curiously. We find no desire to count these ballots, and for one reason only: the ballots might show a result different from that preferred by some. The ballots might succeed in showing who won in New Hampshire, and that we cannot afford to do, in the view of some. This, I say, is regrettable.

Failing this, the contest should be returned to the people of New Hampshire for their decision. After all, our Constitution provides expressly that each State shall have two Senators "elected by the people thereof." In the circumstances of this election contest with ballots of marginal comprehension and many established uncertainties, any determination by this body will be suspect of partisanship whichever way be turn.

Reverting to my youthful dream of a better America, my concern at this moment is not simply whether either contestant prevails in the New Hampshire situation. Rather it is that the credibility of the Senate itself is at stake in what is before us at this hour, to say nothing of the prospect of weeks and weeks of prolonged debate and multiple voting on matters that rightfully are the prerogative of the State of New Hampshire—or Illinois, or Missouri, or Florida—as the future may dictate.

No wrongful conduct has been complained of by Mr. Durkin with respect to the New Hampshire contest. He makes no charge of fraud or unlawful act. The only request before us by Mr. Durkin is that there was a mistake. He did not win, so he asks us to review the ballots and come to a conclusion contrary to that of a sovereign State as to who is its U.S. Senator.

Mr. President, we should not undertake such a request at all lest we establish thereby a precedent of assured burden and enormous cost for future years.

No seat of a newly elected or reelected Senator is safe, if that is to be the future course of this body. And if a certificate, which in all cases heretofore has been

accepted on its face without protest to be decided later—if that precedent is to be changed, I would certainly advise every Senator that he had better be sure he wins two elections, one in his State and one among his colleagues in the Senate, because under this kind of newly established precedent, no one can be sure that election by his own voters is enough. Under the guise of being the sole judges of the qualifications of the membership, Senators may sit in judgment on a newly elected or newly reelected Senator on the basis of whether they like him or not, whether their majority is large enough, whether the seating of the Senator would make a difference in the control of the Senate, or for whatever factious, facetious, or other reasons the Senate might be able to justify, under the cover of a glossy cloak of legality.

I hate to see this election decided on any such insupportable thesis.

But surely if we are to undertake it we must afford due process and fairness to both contestants lest the reputation and image of this great body be tarnished beyond repair.

My own view is that in view of the failure to order a complete count, we ought rightfully and properly to discharge our constitutional responsibilities in this sorry case by declaring the seat to be vacant and returning the decision to the people of New Hampshire in a runoff which they have requested. I am confident that the people of Pennsylvania or Colorado or any other State of the Union would want similar treatment under similar circumstances.

We are not assembled here to play God with the electoral process. Nor are we here to deny the will of the majority in any State as certified by their highest authority.

Let us be done, therefore, with this patent attempt to remove an elected Senator. Let us dispel the dismal prospect of weeks of endless and unsatisfactory harangue, to be followed by additional weeks of further deliberations by our Rules Committee that is already deadlocked in 27 ballot interpretations.

The truth and the fact of the matter in this case is that Senator-elect Wyman actually won all three times in the New Hampshire contest. The first time by several hundred votes. The second time before the secretary of state by three votes, and finally before the ballot law commission by two votes.

It is important that it be understood that the secretary of state's purported 10 vote majority to Mr. Durkin was based on an incompleted recount in which the secretary acknowledged that he had not counted write-in votes on machines. Nor had he rejected a net of seven void ballots that were counted for Mr. Durkin and three miscalls that were acknowledged to be Wyman votes by Mr. Durkin's counsel.

With a net of three votes on machine write-ins, Mr. Wyman won the recount at the secretary of state level by three votes and the ballot law commission of New Hampshire after 2 weeks of hearings reduced it to two, as I have said.

Yet despite these undisputed facts, despite the presence before us of a certificated Senator-elect without any charge of fraud against his election, it is fitting and proper in the uncertainties that have been disclosed by the record before us, that the seat be declared vacant and the election returned to the people of New Hampshire for decision.

I hope that a clear majority of our membership will vote to vacate this seat and send it back to New Hampshire for a new election. This is the only fair and responsible way to resolve the present situation.

Let justice not only be done. Let it be seen to be done.

Finally justice will not be seen to be done by the people of America if the decision is made simply out of the desire of the majority to increase its majority by one. It will not be seen to be done under circumstances where majority counsel sat in judgment over the minority counsel and overruled him 25 times. It will not be seen to be done when one of the experts in the New Hampshire voting machine matter admitted that it was possible, though not probable, that a linkage existed between these three types of counters and yet the desire to remove the backs of the machines was overruled. It would not have taken more than a few hours at best, perhaps less, to remove the backs of the machines and to see if everything was legal and in order.

But the committee or the controlling factor through the chairmanship did not see fit to have that done, another dead end for Mr. Wyman.

The missing papers of absentee ballots were not thoroughly explored, another dead end for Mr. Wyman.

The checking of the talley sheets against the number of people voting was not thoroughly nor adequately responded to, another dead end for Mr. Wyman.

So this committee of dead ends found itself confronted with 35 ties. Now the Senate is asked to act in a matter where there is a 2-vote majority on 35 instances where the 8 Members of the Rules Committee cannot agree. The Senate is not going to be any better qualified, in my respectful opinion, to pass on that. We know what will happen. Most of them will come in, look at the ballots, make a very cursory inspection, ranging from 3 to 13 seconds, will then walk by and ask somebody who has been here what is going on, receive some indication of how the vote is going, and say, well, I guess I will vote for our friend.

Mr. WEICKER. Mr. President, will the Senator yield for a question?

Mr. HUGH SCOTT. Certainly.

Mr. WEICKER. The distinguished Senator from Pennsylvania referred to a committee of dead ends. I trust that was in the context of decisions and not the anatomy. Is that correct?

Mr. HUGH SCOTT. Yes, in the context of decisions. Anatomically the committee did, indeed, put a certain burden on themselves, according to the law of gravity, but there was another law of gravity operating to which they did not give full descending weight. That was the gravity of this decision, the gravity of a possible denial of the rights of an individual, his civil rights, if you will, his rights as a citizen of New Hampshire and his rights as an elected Senator. It did not give due process to the rights of the sovereign State of New Hampshire. It did not give due process to truth or to justice. No. I think that the 4-to-4 tie resulted from a dogged determination to open certain doors for Mr. Durkin and to close some doors for Mr. Wyman.

I think we are going to make this record in extension. As we make the record, I would hate to be a candidate for the Presidency who had to be campaigning in New Hampshire at the forthcoming primary at a press conference, because the first question he is going to be asked is:

> How did you vote? Why did you deny our Senator his seat? You are a Senator. Is that the way you believe in treating another Senator? And you want to be President of the United States, and that is the way you start off in your relationship with the advise and consent crowd?

Well, I would not want to be in that position, but I assure you any hopeful, who puts his feet into the snowy pathways of Concord, in the shadows of Mount Washington, or along the areas of the lake at Winnipesaukee or wherever else, is going to be hounded by that question.

So whatever Senators may do for themselves or for someone they like to accommodate as a future colleague, it may not be any favor to their potential candidates. But that, of course, is beside the point. It was merely an irreverent observation which ought to be taken more seriously by them than perhaps I take it.

I thank the distinguished Senator from Connecticut for yielding.

Mr. WEICKER. I thank the distinguished Senator from Pennsylvania for his comments, which were very much in point and which show in clear fashion the difficulties confronting this body, and it speaks so eloquently for the best solution being put into place, that being the people of New Hampshire deciding on their own representation, rather than 98 Senators all of whom come from some other constituency.

Mr. President, it is not my intention to continue the debate much longer this afternoon. I would hope that we have pointed up the discrepancies and the irregularities of procedure, which attended the counting or the examination of the machines in Manchester. As has been stated, that in itself would constitute grounds for a mistrial, were this in a court of law. It is my intention and the intention of my colleagues to go to the second area of abuse by the committee, specifically the "Skip-Louie," "Skip-John" ballots, which will be discussed Monday next. I now yield to the distinguished Senator from Oregon. I have no further remarks at this time.

Mr. HATFIELD. Mr. President, I thank the Senator from Connecticut. I associate myself with his remarks concerning the outstanding and able presentation by our leader, the extraordinarily

able Senator from Pennsylvania (Mr. HUGH SCOTT).

CASE OF THE EMPTY SEAT

Mr. HANSEN. Mr. President, U.S. News & World Report, in an article by Howard Flieger printed in the June 16 issue, recommends that the question of whether the U.S. Senate should have a Senator Wyman from New Hampshire or a Senator Durkin from New Hampshire be decided by the people of New Hampshire.

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

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

CASE OF THE EMPTY SEAT

(By Howard Flieger)

The case of the missing Senator hardly ranks as a burning national issue.

Yet it has kept important members of that august body tied in a legal and political tangle since the first of the year.

In the end, it became the business of the entire U.S. Senate to try to decide who should be installed to fill the empty seat of the junior Senator from New Hampshire.

That State has had only one vote in this session of the 94th Congress instead of the two to which it is entitled and every other State has. From January to well into June, the Senate rocked along shy one member while both parties struggled with the problem of whether the vacant chair should be occupied by a Democrat or a Republican.

On the face of it, you wouldn't think the outcome could make all that much difference. After all, the Democrats already are in such lopsided control—nearly two to one—that the politics of one new member can't change things to any major degree.

But apparently it isn't that simple.

To go back a bit: In last November's election, the senatorial candidates in New Hampshire were Republican Louis C. Wyman and Democrat John A. Durkin. The results were so close—an unofficial victory for Mr. Wyman by 355 votes—that a recount was ordered to determine the winner.

The first recount by New Hampshire's secretary of state gave Mr. Durkin a 10-vote margin. But the State Ballot Law Commission reviewed disputed ballots and certified Mr. Wyman the winner by two votes.

Mr. Durkin appealed to the Senate, since, under the Constitution, each branch of Congress "shall be the judge of the elections, returns and qualifications of its own members."

Meanwhile, he asked that he be seated pending the outcome. But the Senate declined to seat either contestant until it could look into the matter. It has been looking ever since—its Rules Committee deadlocked on who should be awarded 27 disputed ballots, and on other legal and procedural issues.

Why should one Senate seat—important as it is to New Hampshire—be all that vital to the Senate? Even with one seat vacant the Democrats hold a 61–38 majority. On any party-line issue they can clobber the Republicans. So why worry about one vote more—or less?

An important reason may be the future structure of Senate committees. It is in these committees where much of the Senate's meaningful business is transacted.

Committees are set up under a complicated mathematical formula by which membership assignments are based on the political division of the entire Senate, plus the seniority of individual Senators.

Thus, if Democrat Durkin were seated, his party could gain a member on such powerful committees as Foreign Relations, Post Office and Civil Service, and Veterans' Affairs. If that happened and the committees were not enlarged, the most recently appointed Republicans would have to give up their positions because of the rule of last on, first off. That could dislodge such prominent Republicans as Senators Howard Baker of Tennessee and Bob Dole of Kansas.

The dilemma is that, no matter how the Senate decides, about half the voters in New Hampshire are going to feel cheated because the November election was so close nobody can say positively who really won.

An outsider would be justified in asking why the sensible solution wouldn't be to hold another New Hampshire election. There must be some vestige of life left in the old idea of States' rights. Public opinion polls show the State's voters favor such a solution. And, at the very least, it would get the matter off the desks of U.S. Senators at a time when there are more pressing national issues deserving of their time and attention.

LET THE PEOPLE DECIDE

Mr. HRUSKA. Mr. President, we are considering before this body an issue that is complex in nature, but should be very simple in its resolution. The issue can be decided by the sense of fair play and honesty that the U.S. Senate is capable of displaying.

We have a case where the people of the State of New Hampshire have spoken, but the U.S. Senate, in its wisdom, has not listened. Last November, the people of that State went to the polls and by a 355-vote margin elected Louis C. Wyman to represent them in this body. However, because of the closeness of the election, the Secretary of State conducted a recount and Mr. Wyman's Democratic opponent, John Durkin, was declared the winner by 10 votes. Then, the bipartisan State Ballot Law Commission declared Mr. Wyman the victor and issued to him a certificate of election.

That should have been the end of this issue, but it was not. As was his right, Mr. Durkin asked the Senate to intervene because, according to the Constitution, each house of the Congress "shall be the judge of the elections, returns and qualifications of its own members."

The Constitution also states, however, that—

The Senate of the United States shall be composed of two Senators from each state, elected by the people, thereof.

Mr. President, therein lies the crux of the issue before us: Are not the people of the State of New Hampshire entitled under the Constitution to equal representation in this body?

Since January of this year when the 94th Congress convened, the State of New Hampshire has had only one Senator. Able though he is, he has only one vote. The people of New Hampshire are entitled to two.

What has been the delay? Why has not a decision been made and Mr. Wyman or Mr. Durkin been allowed to take a seat in this body?

Mr. President, the reason is that this body has not been able to resolve the issue. From the beginning, this should have been obvious. But it was not.

The Rules Committee has worked its way tediously through nearly 50 separate meetings, spending more than 200 hours to examine and decide on what 900 New Hampshire voters meant when they—with lack of clarity—marked their ballots last November. There are other confusing issues involved, as well, including malfunctioning voting machines and missing absentee ballots.

Mr. President, is the Senate actually qualified to rule on these matters and decide who the Senator from the State of New Hampshire should be? I think not. Are magnifying glasses and masks and screens the proper tools to be used to decide an election? I think not.

The correct way for this matter to be decided is the American way: at the ballot box. The people of New Hampshire should be given a chance to vote to determine who is to be their new Senator. Mr. President, I ask that the Senate drop its consideration of this matter and that the State of New Hampshire be allowed to hold another election. This is the only fair way to resolve this issue.

Mr. President, 145 years ago, a very distinguished American, Daniel Webster, stood on the floor of the Senate and, referring to our form of government, said that this is,

The people's government, made for the people, made by the people and answerable to the people.

Mr. President, the proper question here is: "What do the people want?" The emphatic answer is: "The people want a new election."

Two New Hampshire newspapers of different editorial philosophies have polled the residents of their State and asked how this matter should be resolved. The answer is the same. They want a new election; an opportunity to decide for themselves who should represent them in the Senate.

A poll taken by the Manchester Union Leader, a conservative newspaper, showed that by a more than 17-to-1 margin, the people of New Hampshire want to go to the ballot box again and decide on a new Senator.

The New Hampshire Times, a newspaper of a more liberal philosophy, found that 59 percent of those polled favored a new senatorial election. It is particularly interesting to note that of those polled, 79 percent had voted for Mr. Durkin in the first election.

Mr. President, it appears very obvious to me that the people of New Hampshire are demanding a new election. And, we should let them have it.

Contrary to what some have said, our decision on this matter has nationwide implications. It is not a narrow, locally oriented issue affecting only on State. It would have a much greater impact. In the future, will the citizens of any State have to wonder if the man they select to sit in this body will be allowed to do so? If we ignore the wishes of the people of New Hampshire and arbitrarily select a Senator for them, a dangerous precedent could be established. If it can happen in this case, what is to prevent it from happening in another?

Now, it is very evident that my colleagues on the other side of the aisle have a substantial majority of numbers.

If they so decide to seat Mr. Durkin, of their party, we cannot stop them.

But, Mr. President, I call upon their sense of fair play and justice to help them come to the proper decision on this matter. I know they are honorable men and, therefore, I am sure they will not abuse the trust and responsibility given them by the people of their own States. According to several national surveys, the Congress is not held in great esteem by the people of this country. If the Senate ignores the wishes of the people of New Hampshire and does not allow a new election to take place it will be very susceptible to charges of abuse of power and political chicanery. We must not let that happen.

The people of New Hampshire need a Senator, but the U.S. Senate should not decide who that person will be. Let the people decide.

Mr. HATFIELD. I yield to the Senator from West Virginia for a unanimous-consent request.

EXTENSION OF TIME FOR FILING REPORT OF SPECIAL COMMITTEE ON AGING

Mr. RANDOLPH. Mr. President, for the Chairman of the Special Committee on Aging, Mr. Church, I ask unanimous consent that the time for filing the report of the Special Committee on Aging, "Developments in Aging: 1974 and January–April 1975," be extended from June 13 to June 27, 1975. This additional time is requested to permit action on the committee's request for the printing of additional copies of the report.

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

Mr. HATFIELD. Mr. President, I yield.

SENATE EMPLOYEES TO APPEAR AS WITNESSES — SENATE RESOLUTION 183

Mr. FANNIN. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 183) authorizing Pamela Turner, an employee in the office of Senator Tower, Diane Nerheim, an employee in the office of Senator Fannin, and Jane Harty, an employee of the Joint Economic Committee, all former employees of former Senator Gurney, to appear as witnesses in the case of *United States* v. *Gurney, et al.*

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. FANNIN. Mr. President, as explained in the resolution, these ladies were employees of former Senator Gurney, and it is desired to have them testify, as provided in the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 183) was agreed to.

The resolution, with its preamble, reads as follows:

Whereas in the case of *United States of America* v. *Edward J. Gurney, et al.* (No. 74–122–Cr–J–K), pending in the United States District Court for the Middle District of Florida, Pamela Turner, an employee in the office of Senator Tower, Diane Nerheim, an employee in the office of Senator Fannin, and Jane Harty, an employee of the Joint Economic Committee, all former employees of former Senator Gurney, desire to appear as witnesses and give testimony in such case: Now, therefore, be it

Resolved, That by the privileges of the Senate of the United States no evidence under the control and in the possession of the Senate of the United States can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by permission of the Senate.

SEC. 2. By the privileges of the Senate and by Rule XXX of the Standing Rules of the Senate no officer or employee of the Senate is authorized to produce documents, papers, or records of the Senate but by order of the Senate and information secured by officers and employees pursuant to their official duties may not be revealed without the consent of the Senate.

SEC. 3. When it appears that testimony of an officer or employee, or former officer or employee, of the Senate is needful for use in any court for the promotion of justice and, further, that such testimony may involve documents, papers, or records under the control of or in the possession of the Senate and communications, conversations, and matters related thereto, the Senate will take such order thereon as will promote the ends of justice consistently with the privileges and rights of the Senate.

SEC. 4. Pamela Turner, an employee in the office of Senator Tower, Diane Nerheim, an employee in the office of Senator Fannin, and Jane Harty, an employee of the Joint Economic Committee, all former employees of former Senator Gurney, are each authorized to appear as witnesses and testify on behalf of former Senator Gurney in the case of *United States of America* v. *Edward J. Gurney, et al.*

SEC. 5. The Secretary of the Senate shall transmit a copy of this resolution to the United States District Court for the Middle District of Florida.

PROGRAM

Mr. ROBERT C. BYRD. The Senate will convene at 12 noon on Monday, following the recess. After the two leaders or their designees have been recognized under the standing order, there will be a period for the transaction of routine morning business of not to exceed 15 minutes, for the purpose only of introduction of bills, resolutions and memorials and statements for the RECORD.

At the conclusion of routine morning business, the Senate will take up Senate Concurrent Resolution 45, which relates to the Federal Home Loan Bank Board.

At 1 p.m. the Senate will resume consideration of the New Hampshire election dispute. If any rollcall votes are ordered in connection with Senate Concurrent Resolution 45, such rollcall votes will not occur prior to the hour of 4 p.m.

On Tuesday morning, the Senate will take up S. 1487, the Coast Guard authorization, and that will be followed by S. 1716, the Nuclear Regulatory Commission authorization. S. 1716 will be followed by S. 6, a bill to provide financial assistance to the States for improved educational services for handicapped children, provided there is still time remaining before 1 p.m. Otherwise, S. 6 will be taken up on Wednesday.

At 1 p.m. on Tuesday, the Senate will resume consideration of the New Hampshire election dispute, with a vote occurring on the Weicker amendment at 5 p.m. That will be a rollcall vote.

No rollcall votes will occur prior to the hour of 12:30 p.m. on Tuesday, Wednesday, Thursday, or Friday of next week.

RECESS TO MONDAY, JUNE 16, 1975

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 recess until 12 noon on Monday next.

The motion was agreed to; and at 2:31 p.m. the Senate recessed until Monday, June 16, 1975, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate, June 13, 1975:

IN THE AIR FORCE

The following-named officers for promotion as Reserve of the Air Force, under the appropriate provisions of chapters 35 and 837, title 10, United States Code:

LINE OF THE AIR FORCE

Lieutenant colonel to colonel

Ballow, Roland E., xxx-xx-xxxx
Bamford, Thomas K., xxx-xx-xxxx
Bartman, Leoroy R., xxx-xx-xxxx
Black, Carl D., xxx-xx-xxxx
Blackwell, James R., xxx-xx-xxxx
Blamires, Robert B., xxx-xx-xxxx
Burch, Irwin, Jr., xxx-xx-xxxx
Caple, Joe A., xxx-xx-xxxx
Ciraco, Michael M., xxx-xx-xxxx
Conaway, John B., xxx-xx-xxxx
Cross, Fred W., xxx-xx-xxxx
Day, Paul R., xxx-xx-xxxx
Fisher, James F., xxx-xx-xxxx
Grams, Albert A., xxx-xx-xxxx
Higgins, David O. C., xxx-xx-xxxx
Holesinger, Harold G., xxx-xx-xxxx
Hungerford, Vincent C., xxx-xx-xxxx
Lange, Ehrhardt H., xxx-xx-xxxx
Lilley, Raymond E., xxx-xx-xxxx
Maltz, Albert G., xxx-xx-xxxx
Mann, Sidney R., xxx-xx-xxxx
McCarthy, Gerald J., xxx-xx-xxxx
Milton, Charles L., xxx-xx-xxxx
Nunnally, Jackson L., xxx-xx-xxxx
Pollard, Amos S., xxx-xx-xxxx
Roberts, Arthur A., xxx-xx-xxxx
Snight, James E., xxx-xx-xxxx
Spessert, Daren L., xxx-xx-xxxx
Underwood, Howard L., xxx-xx-xxxx
Walker, Theodore C., xxx-xx-xxxx

MEDICAL CORPS

Nicholson, Henry H., Jr., xxx-xx-xxxx

The following-named officer for promotion in the U.S. Air Force, under the appropriate provisions of chapter 839, title 10, United States Code, as amended:

MEDICAL CORPS

Major to lieutenant colonel

Noyes, Frank R., xxx-xx-xxxx

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law:

LINE OF THE AIR FORCE

Second lieutenant to first lieutenant

Allen, Robert K., xxx-xx-xxxx.
Allison, Kenneth L., xxx-xx-xxxx.
Altobelli, Anthony, xxx-xx-xxxx.
Anderson, Juliette C., xxx-xx-xxxx.
Arnold, Andrew L., xxx-xx-xxxx.
Austin, Robert A., xxx-xx-xxxx.
Avallone, Joseph A., xxx-xx-xxxx.
Baker, Robert W., xxx-xx-xxxx.
Balcom, Cecil G., xxx-xx-xxxx.
Barnes, Michael R., xxx-xx-xxxx.
Bell, Ronald W., xxx-xx-xxxx.
Benefield, Horace, Jr., xxx-xx-xxxx.
Blalock, Lamberth W., Jr., xxx-xx-xxxx.
Blum, Gary R., xxx-xx-xxxx.
Bowman, Steven C., xxx-xx-xxxx.
Brady, Robert B., xxx-xx-xxxx.
Burns, Robert P., xxx-xx-xxxx.
Bush, Jesse E., xxx-xx-xxxx.
Campbell, Charles K., xxx-xx-xxxx.
Campbell, James B., xxx-xx-xxxx.
Carr, Brenda R., xxx-xx-xxxx.
Carraway, James E., xxx-xx-xxxx.
Clifford, Thomas C., xxx-xx-xxxx.
Conley, James H., xxx-xx-xxxx.
Corson, Alan J., xxx-xx-xxxx.
Crandall, Wayne D., xxx-xx-xxxx.
Crowley, James W., II, xxx-xx-xxxx.
Cunningham, Albert J., Jr., xxx-xx-xxxx.
Cunningham, William A., xxx-xx-xxxx.
Dailey, Balis E., xxx-xx-xxxx.
Daugherty, James C., xxx-xx-xxxx.
Day, Donald R., xxx-xx-xxxx.
DeMayo, Robert J., xxx-xx-xxxx.
Deutch, Paul, xxx-xx-xxxx.
Dilks, Michael J., xxx-xx-xxxx.
Dubcak, Arnold C., Jr., xxx-xx-xxxx.
Dumke, Melvin A., xxx-xx-xxxx.
Duncan, Leslie H., xxx-xx-xxxx.
Elton, Terry J., xxx-xx-xxxx.
Erickson, Brian A., xxx-xx-xxxx.
Fimbel, Ronald C., xxx-xx-xxxx.
Fish, Paul G., xxx-xx-xxxx.
Flaherty, Veronica W., xxx-xx-xxxx.
Folk, Michael J., xxx-xx-xxxx.
Fontes, Donald R., xxx-xx-xxxx.
Fredrickson, Robert E., xxx-xx-xxxx.
Froele, Robert B., xxx-xx-xxxx.
Garcia, Fredrick V., xxx-xx-xxxx.
Gardner, John L., Jr., xxx-xx-xxxx.
Garrison, Carl H., xxx-xx-xxxx.
Gattis, Robert H., Jr., xxx-xx-xxxx.
Gentry, John D., xxx-xx-xxxx.
Goetz, David W., xxx-xx-xxxx.
Goodwin, Arthur O., III, xxx-xx-xxxx.
Graham, John J., III, xxx-xx-xxxx.
Hardy, James L., xxx-xx-xxxx.
Harrington, Richard G., xxx-xx-xxxx.
Harrison, Hatley N., III, xxx-xx-xxxx.
Harvey, Dorest G., xxx-xx-xxxx.
Hayden, John W., Jr., xxx-xx-xxxx.
Hedstrom, Terrance L., xxx-xx-xxxx.
Heidenreich, Richard C., xxx-xx-xxxx.
Henry, Charles E., Jr., xxx-xx-xxxx.
Hess, Gary G., xxx-xx-xxxx.
Hicks, James H., Jr., xxx-xx-xxxx.
Hindle, Eugene P., xxx-xx-xxxx.
Hollingshead, Edward W., xxx-xx-xxxx.
Hopper, Margaret P., xxx-xx-xxxx.
Horton, Theresa Marie, xxx-xx-xxxx.
Hunt, Douglas C., xxx-xx-xxxx.
Hutcherson, Billie G., xxx-xx-xxxx.
Ijac, Irene S., xxx-xx-xxxx.
Isakson, John B., xxx-xx-xxxx.
Jacob, Richard E., xxx-xx-xxxx.
Johnson, Patricia K., xxx-xx-xxxx.
King, Louis N., Jr., xxx-xx-xxxx.
Kraay, Thomas A., xxx-xx-xxxx.
Labossiere, Girard, xxx-xx-xxxx.
Lacy, Karl, Jr., xxx-xx-xxxx.
Ladd, Nancy L., xxx-xx-xxxx.
Lafferty, Boyd J., xxx-xx-xxxx.
Laposa, Joseph E., xxx-xx-xxxx.
Linton, Carol M., xxx-xx-xxxx.
Linton, Harold E., xxx-xx-xxxx.
Lovejoy, Gerard G., xxx-xx-xxxx.
Madsen, James G., xxx-xx-xxxx.
McBrearty, Francis T., xxx-xx-xxxx.
McIntosh, Larry L., xxx-xx-xxxx.
Medlin, Elton L., Jr., xxx-xx-xxxx.
Merrifield, Harry W., xxx-xx-xxxx.
Miller, Charles E., xxx-xx-xxxx.
Miller, Peter L., Jr., xxx-xx-xxxx.
Moomey, Wayne R., xxx-xx-xxxx.
Mulcahy, William J., Jr., xxx-xx-xxxx.
Nelson, Joseph B., xxx-xx-xxxx.
Newlands, George W., xxx-xx-xxxx.
Newman, Paul E., xxx-xx-xxxx.
Newsome, Herbert R., III, xxx-xx-xxxx.
Opfer, James R., xxx-xx-xxxx.
Ownby, Daniel F., xxx-xx-xxxx.
Paulk, Gene D., xxx-xx-xxxx.
Perry, Robert G., xxx-xx-xxxx.
Piri, Ronald L., xxx-xx-xxxx.
Poulin, Donald L., xxx-xx-xxxx.
Queen, Donald J., xxx-xx-xxxx.
Rabenhorst, Janis M., xxx-xx-xxxx.
Rasmussen, Bruce, xxx-xx-xxxx.
Reeves, James T., xxx-xx-xxxx.
Rhodes, Billy M. E., xxx-xx-xxxx.
Roll, George N., xxx-xx-xxxx.
Seastrum, Lawrence V., xxx-xx-xxxx.
Shackleford, William B., xxx-xx-xxxx.
Sheaffer, Sally Ann, xxx-xx-xxxx.
Shelton, Ramon, xxx-xx-xxxx.
Sims, Sherry D., xxx-xx-xxxx.
Smith, James L., xxx-xx-xxxx.
Smith, Sherry Lynn, xxx-xx-xxxx.
Spain, Michael A., xxx-xx-xxxx.
Spayd, Neil D., xxx-xx-xxxx.
Stanton, David R., Jr., xxx-xx-xxxx.
Stasiak, Mark, xxx-xx-xxxx.
Thorhauer, Paul H., xxx-xx-xxxx.
Thweatt, Weldon L., xxx-xx-xxxx.
Tibbetts, Elvin R., xxx-xx-xxxx.
Townson, James M., xxx-xx-xxxx.
Tyler, Douglas W., xxx-xx-xxxx.
Underdown, Richard C., xxx-xx-xxxx.
Uzzell, Johnnie L., xxx-xx-xxxx.
Wagner, Richard C., Jr., xxx-xx-xxxx.
Walker, Arthur R., xxx-xx-xxxx.
White, Gayle Anne, xxx-xx-xxxx.
Wilks, James L., xxx-xx-xxxx.
Wilson, Seth, J., xxx-xx-xxxx.
Wixom, Victor G., xxx-xx-xxxx.
Yelland, Michael, xxx-xx-xxxx.
Yunker, Gerald F., Jr., xxx-xx-xxxx.
Ziegler, Harvey J., xxx-xx-xxxx.

MEDICAL SERVICE CORPS

Chamberlain, Richard T., xxx-xx-xxxx.

The following-named Air Force officers for reappointment to the active list of the Regular Air Force, in the grade indicated, under the provisions of sections 1210 and 1211, title 10, United States Code:

LINE OF THE AIR FORCE

To be colonel

Bynum, Willis A., xxx-xx-xxxx.
Ragolia, Joseph H., xxx-xx-xxxx.

To be lieutenant colonel

Schroll, David A., xxx-xx-xxxx.

To be captain

Findley, Keith G., xxx-xx-xxxx.

EXTENSIONS OF REMARKS

RESULTS OF PUBLIC OPINION POLL OF OHIO'S 17TH DISTRICT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1975

Mr. ASHBROOK. Mr. Speaker, the results of my 15th annual opinion poll have just been tabulated. The response was excellent. In addition to the completed questionnaires, I received hundreds of letters, notes and comments which were included with the completed polls.

While opinion was fairly well divided on a number of questions, overwhelming majorities were found on a number of issues. In the area of Government spending the vast majority of those answering the poll in the 17th district were in favor of less Government spending even when this meant a cut in Federal Government services and spending.

It was also interesting to note that 60 percent of those responding viewed inflation as a more serious economic problem facing our country than unemployment. Also, a clear majority view Government spending as the major cause of inflation.

Opposition was heavy to proposed Federal legislation giving public employees strike privileges. On the issue of gun control, Federal registration of hand guns received 46 percent in favor with 51 percent opposed. When the question of confiscation of hand guns was raised, those opposed jumped to 74 percent.

When the issue of foreign aid was raised more than 80 percent of those responding were in favor of decreasing or eliminating entirely foreign aid. More than 70 percent were in favor of decreasing or eliminating entirely future contributions to the United Nations.

I also asked a number of questions on energy. One of the most clear cut responses was to a question dealing with postponing environmental regulations on autos and coal burning facilities. More than 70 percent were in favor of such postponement.

The two questions regarding Vietnam are now of historical interest. These two questions show how fast issues change. They were very pertinent when the poll was sent to constituents.

As in the past the questionnaire dealt with a large variety of issues. In addition to the above, there were questions relating to limitations in taxes, a pay cut for Federal employees, Government loans to the Soviet Union and Communist China and a number of other issues. Having the benefit of constituent views on the issues covered by this opinion poll, as well as the numerous comments included, works to our mutual advantage. As I have often said, representing the people of the 17th district is a two-way street. The results of the poll follow: