House Joint Resolution 71—formerly House Joint Resolution 1378—calls for a declaration of war against the Government of North Vietnam unless, within 30 days following passage of the resolution, they begin a large-scale withdrawal of their armies from the territory of their neighbors and release all American prisoners of war.

I have reintroduced this resolution because the overriding factor which determines the outcome of the war has not changed. The key to Communist victory has always been to protract the conflict, while the key to Allied success has always been to end it quickly and decisively. The first option of victory is still easily possible with the material we have on hand in Southeast Asia, and is more necessary than ever before.

Under the current guidelines limiting significant U.S. and allied military activity to allied territory, the Government of North Vietnam has no reason whatsoever either to stop the war or to release the American prisoners whom they hold. There are now prospective presidential candidates whose major campaign promise seems to be that they will surrender in Southeast Asia as soon as possible after taking the oath to protect the Nation from enemies, foreign and domestic.

For Hanoi, this opens up the real possibility of transforming the current U.S. policy of orderly retreat into a galloping rout—through the simple expedient of maintaining military pressure until the next election in the United States. The Soviet Union has promised the material necessary to prolong the war indefinitely. To the men of the North Vietnamese Politburo, some of whom have been waging a war for the conquest of Indochina for over 30 years, 2 more years must seem a very short time indeed to wait for complete victory.

The spirit of many Americans has flagged in the face of our self-imposed indecisive approach to the battle in Southeast Asia. This can be understood, but it cannot be applauded. We are not going to solve our problems at home by scuttling our allies abroad, just as we are not going to solve the problems in Asia by refusing to defeat the enemy.

The Congress of the United States has the power to declare war and direct the administration to utilize all necessary force to curtail North Vietnamese aggression. The administration, taking Dr. Kissinger at his word, does not feel that this would lead to a general war with the Soviet Union. Unless Dr. Gallup has now become a member of the Joint Chiefs of Staff, or fear of student unrest has become a determinant in military decisions—in which case we are not going to activity resist communism anywhere—there is no reason not to win.

It is time to stop simply talking about possible peace and move to eliminate the North Vietnamese capability to go on making war. As three noted authorities on communism—Stefan Possony, Robert Strausz-Hupe, and William Kintner—bluntly put it:

> If the Communists prove to have more courage, a stronger will, a more steadfast spirit, a clearer intellectual insight into conflict in the nuclear age, they obviously are the better men and deserve to win—and probably will.

SENATE—*Thursday, February 11, 1971*

(Legislative day of Tuesday, January 26, 1971)

The Senate met at 11:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

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

Almighty God, by whose providence this Nation was brought forth and in whose will it has been preserved, keep us ever mindful of Thy goodness and mercy which has been over us from the beginning until now. As with grateful hearts we honor the heroes of old, spare us from merely admiring the past when we would be doers of great deeds in the present. Help us to lift high the banner of freedom in our time not only in eloquent phrase but in practical programs. Let the mantle of Washington and of Lincoln fall upon their sons in this age.

In faith and hope that sends a shining ray far down the future's broadening way, send us to our tasks here, our travels and our talks beyond, with hearts aglow with the inspiration of Thy spirit.

In the Master's name. Amen.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Donald W. Whitehead, of Massachusetts, to be Federal Cochairman of the Appalachian Regional Commission, which was referred to the Committee on Public Works.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, February 10, 1971, be approved.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

POSTAL SERVICE PASSPORT APPLICATION FEES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 6, S. 531.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the bill (S. 531) to authorize the U.S. Postal Service to receive the fee of $2 for execution of an application for a passport was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso clause in section 1 of the Act of June 4, 1920, as amended (22 U.S.C. 214), is hereby further amended by striking out the period after "$2" and inserting in lieu thereof "or to transfer to the Postal Service the execution fee of $2 for each application accepted by that Service."

SEC. 2. The amendment made by this Act shall become effective on the date of enactment and shall continue in effect until June 30, 1973.

EXECUTIVE SESSION

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

The PRESIDENT pro tempore. Is there objection?

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

NATIONAL CREDIT UNION BOARD

The legislative clerk proceeded to read sundry nominations to the National Credit Union Board.

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

The PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

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

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

THE STATE OF THE STATE MESSAGE TO THE MONTANA LEGISLATURE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a message presented by the distinguished Governor of the State of Montana, the Honorable Forrest H. Anderson, to the 42d Legislative Assembly of the State of Montana, be printed in the RECORD at the conclusion of my remarks.

This state of the State message by Governor Anderson is, I think, well worth the consideration, not only of the people of Montana, but also of the people of other States who may find themselves in a somewhat similar situation. I commend it to the Senate for its brevity and for the good advice which, in my opinion, the Governor has given to the legislature of my State.

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

STATE OF THE STATE MESSAGE

(Presented to the 42d legislative assembly, Jan. 5, 1971, by Forrest H. Anderson, Governor of Montana)

The history of Montana is an epic of hard work, determination and courage.

It is the story of a people who settled an awesome wilderness and built a great progressive state.

It is a story of success and failure and good and bad times.

Today, we stand at the beginning of another decade in the history of Montana.

These are uncertain times.

The people of Montana are troubled by a collection of serious problems.

Yet I believe they are hopeful we can realize some of the great potentials of this state.

Montana is at an important juncture in its history.

Old answers are not sufficient to new questions.

We must seek a new direction.

The voters of this state spoke at the polls last November.

They want action.

They want change.

Referendums to call a constitutional convention and implement reorganization of the executive branch passed by overwhelming margins.

This, in my opinion, is testimony Montanans want something done.

It indicates that the people of this state have experienced too many failed hopes and too few accomplishments.

Montana cannot forever be the land of tomorrow.

Our people cannot live endlessly on expectations.

We must begin today the work that was never done.

This nation is experiencing an economic recession.

Unemployment is at the highest rate since 1963. Real economic growth has declined. And the most severe inflationary spiral in two decades continues upward.

The effects of these conditions are particularly acute on our state government.

Anticipated revenue growth from established sources has not been realized because of unemployment, the decline of our historic industries, and the lack of alternative development.

At the same time, inflation has drastically increased the costs of providing state government services.

The imbalance created by static revenue growth and the increasing cost of government is the immutable dilemma we face.

In times of diminishing income growth, government—like individual citizens—must judiciously control expenditures.

This is such a time.

It is a time for economic realism . . . a time to do what is possible without adding unreasonable taxes to the economic difficulties already affecting the people of this state.

Because this must be done, I am proposing what I believe is a reasonable minimum budget.

It is not an austerity program.

It is a strategy for stability during a period of economic uncertainty.

To increase the effect of our limited revenues, we must initiate a policy of priority funding.

Appropriation responses must be directed toward meeting the most immediate needs and solving the most serious problems of Montana and her people.

I believe the people should determine state priorities.

In Montana, the people have spoken.

Montanans have indicated that they want more efficient government, quality education and protection of the environment.

We must now act on these priorities.

The people have given us an irrevocable mandate to reorganize the executive branch of state government.

This mandate cannot be ignored.

And reorganization should not be delayed by those seeking favored status for particular interest groups.

We have the responsibility to reorganize the executive branch

More importantly, we have the opportunity to establish responsive and efficient government in Montana.

The initial priorities of this program should be reorganization of the Department of Administration and creation of an effective Department of Revenue. State government must have the capability to properly collect and administer revenue. These are the basic management tools which we must utilize to implement a sound reorganization program.

Good government is good management.

Unfortunately, this concept has rarely been applied in Montana.

In the past, Montana's fiscal policy has been to tax new sources of revenue to support ineffective administration.

It is time for a change.

I believe that before we tax new sources of revenue, we should improve our administrative capabilities to achieve better performance from existing revenue sources.

We cannot expect the people of Montana to subsidize inefficiency forever.

During the past two years, we have successfully applied improved management techniques to the administration of some state agencies.

The results have been encouraging.

But we can do better.

A sound executive reorganization program will allow us to apply good management to the operation of all state agencies.

If we are successful, state government will no longer be paralyzed by archaic administrative procedures.

It will no longer be a mysterious process that wastes too much and takes too long.

Revenue will be expended according to legislative intent.

We will know where the money is going and what it is going for.

A reorganized government will be better able to mobilize our resources to deal with the problems of our people.

Montana must have economic development.

Present unemployment, the decline in personal income and lack of opportunities for our people are unacceptable.

We must become more aggressive in seeking decent employment for Montanans.

We must be able to attract and control stable new industry.

A modern, reorganized government will give Montana a decided advantage in promoting the development of this state and the economic security of its people.

Education is the future happening today.

In Montana, a good education is more than an opportunity. It has become a right.

The people of this state have faithfully supported education throughout the years.

We have excellent primary and secondary schools, fine colleges and universities and one of the best vocational-technical education programs in the northwest.

This educational system is a tribute to Montanans and their faith in the young and belief in the future.

Taxes to support education are heavy, particularly in this inflationary period. But this is not the time to turn away from tomorrow.

I propose that we increase appropriations for education by 31 million dollars in the next biennium. This total will adequately fund the foundation program, university system, vocational-technical education and our long-range building requirements.

Education, however, is not beyond question. I recommend that improved administration and budget controls be applied to all phases of Montana's vast educational system. We must begin to measure the return we are getting at all educational levels.

Our greatest natural resource is our well-educated and talented young people.

Unfortunately, the products of our schools, like all Montana resources, are exported to other states.

We must have more and better employment opportunities to assure young Montanans the right to live and earn a decent income in this state. This can be done only if we get our house in order at all levels of government so priorities can be established and given meaning.

Only two or perhaps three generations are represented in this Assembly.

There will be many more generations of Montanans.

It is our responsibility to hold the unique environment of this state in trust for our children and their children.

We will be the greatest fools in the history of Montana if we fail to provide for the preservation of our air, water and land.

Time will not excuse us because we didn't know. We are all aware of the environmental destruction that has occurred in other parts of the country. The nation's rivers are becoming a continental sewage system. City skies are hung with acrid shrouds of smog. And natural landscapes have been torn up and replaced by stark concrete horizons.

We cannot allow this to happen in Montana.

To protect the environment, I recommend we appropriate funds to sufficiently staff our air and water pollution control agencies.

I also believe it is essential to improve the quality of water through the construction of secondary sewage facilities in many Montana communities. I recommend we set aside four million dollars as the state share of construction costs. This total will allow us to take full advantage of available federal matching funds.

I also strongly urge enactment of the water pollution control legislation developed by the Council on Natural Resources.

We cannot allow the creation of a lunar landscape in eastern Montana as the rich mineral resources of that area are developed. I, therefore, strongly urge the enactment of legislation to assure adequate reclamation.

Effective planning is the first step toward a better future.

Presently, Montana is experiencing haphazard subdivision and commercial development. This is perhaps the most severe threat to our environment.

Sound planning and supportive laws are the only means of preventing the cancerous growth of rural slums and the subsequent environment problems that have occurred in other parts of the country.

Montana has been bypassed by massive in-

dustrialization and the environmental stupidity of that movement.

Most of our natural environment has been protected to this point by good fortune.

We must begin now to protect that environment with good legislation and good administration.

I do not believe we can adjourn this Legislative Session in good conscience knowing the environment will be vulnerable to exploitation for another two years.

Quality of life is more than the great outdoors and the natural environment. It is also social and economic environment. It is employment, opportunity, police protection, hospitals, governmental services and the entire life experience in Montana.

The environmental movement is entirely just and essential.

We cannot, however, sacrifice social and economic progress in Montana to the ideals of environmental totalitarians.

Neither can we sacrifice the environment to uncontrolled industrialism and exploitation.

If extreme environmentalists were to make the decisions, Montana would revert to wilderness.

If irresponsible industrialists were to make the decisions, Montana would become a wasteland.

Neither course is acceptable.

We must stake out the common ground.

Environmental protection and economic development, as I have so often said, are not mutually exclusive.

I believe a sound economy can exist in a quality environment. This is the essential compromise upon which the future depends. And I believe reasonable men, good laws and effective government can strike this balance.

Let us begin now to make Montana a great place to live and work.

Efficiency—education—and environment . . . this is not a slogan nor rhetorical trick. It is a reasonable program to enable state government to do what is necessary in a time when not everything is possible.

Thank you.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDENT pro tempore. The Chair, on behalf of the Vice President, pursuant to the provisions of Public Law 77–250, appoints the Senator from Arkansas (Mr. MCCLELLAN) to the Joint Committee on Reduction of Federal Expenditures vice Senator Holland, retired.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back the time assigned to me.

The PRESIDENT pro tempore. Under the order previously entered, the distinguished Senator from Massachusetts is recognized for 15 minutes.

SENATE CONCURRENT RESOLUTION 6—SUBMISSION OF A CONCURRENT RESOLUTION TO CONTINUE THE PUBLIC HEALTH SERVICE HOSPITALS AND OUTPATIENT CLINICS

Mr. KENNEDY. Mr. President, on behalf of Senator MAGNUSON, Senator MATHIAS, and myself, together with Senators ALLEN, BEALL, BURDICK, CHILES, CRANSTON, GRAVEL, HART, HOLLINGS, HUGHES, HUMPHREY, INOUYE, JACKSON, JAVITS, JORDAN of North Carolina, MCGEE, MCGOVERN, METCALF, MUSKIE, NELSON, PASTORE, PELL, SPARKMAN, SPONG, STEVENS, STEVENSON, TUNNEY, and WILLIAMS, I send to the desk, for appropriate reference, a Senate concurrent resolution expressing the sense of Congress that the hospitals and outpatient clinics of the Public Health Service should continue their operations through the fiscal year 1972, pending a comprehensive study by Congress and the administration of the resources and capabilities of these facilities as part of the Nation's health-care system.

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

The concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics, was referred to the Committee on Labor and Public Welfare.

Mr. KENNEDY. Mr. President, a similar resolution has been introduced with broad support in the House of Representatives by Representative CLARENCE LONG, of Maryland, and I am hopeful that these resolutions will be approved by Congress at the earliest opportunity.

Of the many different aspects of the health crisis now facing the Nation, none is more immediate than the status of the eight hospitals and 26 outpatient clinics now being operated by the Public Health Service in 21 States, the District of Columbia, and the Commonwealth of Puerto Rico. In recent weeks, as all Members of the Senate are aware, there have been persistent rumors that the administration intends to close down some or all of these hospitals and clinics at the end of the current fiscal year.

I believe that it would be a tragic mistake to close these facilities at this time, before Congress has had a full opportunity to join the administration in exploring the important issues at stake, not only with respect to the existing health-care system of the Nation, but also with respect to the future potential of these hospitals and clinics.

Today, nearly a million Americans receive comprehensive health care through the PHS hospitals and clinics, including 500,000 merchant seamen, members of the Armed Forces, the Coast Guard, the Public Health Service, their dependents, and many others.

At a time when the Nation is already facing a severe shortage of health resources, it makes no sense to me to abolish facilities like those of the Public Health Service, which are now helping to meet the rising demand for health care in the communities where they exist. If the hospitals and clinics of the Public Health Service are closed, a million Americans now receiving PHS health services will be forced to turn elsewhere for their health care, thereby imposing a heavy new burden on other hospitals and clinics in the community.

We know the serious overcrowding that already exists in many of our public and private health faciilties. I have grave doubts, for example, that the hospitals and facilities of the Veterans' Administration can or should be used to accommodate the patient population of the PHS facilities. Until we are convinced that we can adequately meet the shifting demand that will be created by closing the PHS facilities, simple logic compels us to keep the facilities open.

In addition, Congress has recently enacted legislation that carries important implications for the future of the PHS facilities in meeting the growing health-care needs of the Nation. The Emergency Health Personnel Act of 1971, which was originally proposed by Senator WARREN MAGNUSON and Senator HENRY JACKSON, of Washington, and which President Nixon signed into law last January, expands the role of the Public Health Service far beyond its present beneficiary group. The new act specifically authorizes the use of PHS personnel and facilities to meet health needs in urban and rural poverty areas, and in many other areas of the country suffering from critical shortages of health care and health personnel.

I intend to work with others in Congress to insure that adequate funds to implement this far-reaching new legislation are contained in the first supplemental appropriations bill to reach the Senate floor in the 92d Congress. I believe that the imaginative approach of the Emergency Health Personnel Act offers us the best hope we have had in many years to tap the rich emerging vein of idealism in recent medical graduates, and thereby ease the maldistribution of physicians that has plagued the Nation for so long.

Mr. President, yesterday I had an opportunity to visit HSMHA, the large HEW facility in Rockville, where I met a number of young doctors who are spending 2 years with the Public Health Service as part of their training. During our discussion, I asked these 2-year doctors, all recent graduates of medical schools, how many of them would actually have volunteered for service under the Emergency Health Personnel Act, and the overwhelming majority indicated that they would have done so. I think this response is an additional indication of the very strong sense of commitment our young doctors now have. They see the opportunity for such service as an exciting and important frontier. They want to participate in the growing movement to improve our health-care system and upgrade the quality of health care in the Nation.

Indeed, it would be a cruel irony for the administration to move now to close the PHS hospitals and outpatient clinics, at the very time when the ink is scarcely dry on this new health manpower legislation. Congress has acted to meet the shortage of doctors in areas of the country that desperately need them, and the administration should respond as the attached table indicates, many of the hospitals and clinics of the Public Health Service are located in cities and communities of the Nation where the doctor shortage is most acute, and where the Emergency Health Personnel Act can be of immediate assistance.

By closing these hospitals and clinics, the administration will be depriving these communities of the very facilities that the new PHS physicians would use as their base of operations for bringing good health care to the people of the

area. In sum, if we are to implement the new act and expand the role of PHS personnel in delivering health care to our people, we cannot afford to cut back on the PHS facilities these personnel will need to carry out their role effectively.

The public statements of administration officials in recent weeks have emphasized repeatedly that no final decision has been made on the PHS facilities or on the implementation of the Emergency Health Personnel Act. But, a crucial line on page 403 of the massive 1972 budget appendix tells us otherwise. Under the heading "Patient Care and Special Health Services," which includes the PHS hospitals and clinics, the following line appears in the summary of personnel for the program:

Total number of permanent positions:

1970	6,271
1971	6,242
1972	970

The budget contains no adequate explanation of this drastic cutback in personnel in 1972 compared to 1971—a decline of 85 percent. Nevertheless, the explanation seems obvious. The administration intends to close the PHS hospitals and clinics, thereby forfeiting the valuable opportunity to use them as facilities for the implementation of the Emergency Health Personnel Act, and for the provision of better health care to the communities in which they are located.

The Public Health Service hospital in Boston offers an excellent example of the developing relationship between the PHS facilities and their surrounding communities. It illustrates the unfortunate consequences which the closing of such facilities will have on the growth of innovative health care programs in these areas.

The Boston PHS Hospital was the first of the U.S. Marine hospitals, dating back to 1798. It has delivered quality medical care over many years to fishermen, merchant seamen, members of the Coast Guard, servicemen at Hanscomb Field and Otis Air Force Base, and the numerous other beneficiaries designated by Congress as entitled to medical care under the auspices of the Public Health Service. The rate for the Boston hospital's 190 beds is $60 a day, far below the daily rate at civilian hospitals in the Boston area.

Today, the Boston PHS Hospital is involved in a number of programs in the Boston community, in addition to its ongoing activity of providing health care to its traditional beneficiaries. Among these programs are the following:

A family planning clinic is conducted three times a week for the Brighton-Allston community. This is a free clinic for all residents in the area, and it is staffed and funded by the maternal and infant care program in the city of Boston.

The college mental health center infirmary is now operational. This is a 20-bed unit staffed by the College Mental Health Center of Boston. It provides mental health services for college students from the 25 colleges in the Boston area. The PHS staff provides medical and surgical backup services for the program. In return, the PHS patients receive psychiatric services from the center.

The hospital is working with the family life center programs in Roxbury, sponsored by the OEO and the model city programs. The hospital has received requests to act as a backup to University Hospital and Beth Israel Hospital in meeting the inpatient needs of these programs.

Boston City Hospital has asked the hospital to provide specialized care for Boston City beneficiaries in the area of orthopedics.

Preliminary discussions are being held with the Governor's Committee on Law Enforcement and Administration of Criminal Justice, regarding the potential use of the hospital as an inpatient resource to support community programs for the rehabilitation of drug addicts and alcoholics.

Moreover, for a number of years, an affiliation agreement has been in effect between the Boston PHS Hospital and medical centers in the Boston area. Senior members of the hospital's medical department hold faculty appointments at all three medical schools in Boston—Harvard, Boston University, and Tufts. In addition, the hospital has become an especially important resource for clinical teaching at Boston University School of Medicine. This arrangement has been mutually beneficial to both institutions, providing improved care for the PHS hospital patients, and facilitating the education of increased numbers of interns, residents, and medical students.

Similar examples can be found throughout the country of the innovative way in which Public Health Service facilities are expanding their horizons to meet the health needs of America. I know, for instance, that the PHS hospitals in Baltimore, Seattle, and New Orleans have long been developing plans for community service. In many cases, I understand, PHS hospitals and clinics would be prepared to begin the actual delivery of health care to areas of need in their communities within a month or two of the date they are authorized to do so.

As chairman of the Senate Health Subcommittee, I intend to explore these issues in public hearings within the next few weeks. The resolution we are introducing today will buy us the time we need for Congress and the administration to reach the right answers to the many sensitive questions that have been raised.

One thing is clear, however. There must be no summary closing of any Public Health Service hospital or clinic. The death sentence that hangs over them must be stayed.

Mr. President, I ask unanimous consent that the text of the concurrent resolution may be printed at this point in the RECORD, together with a table showing the location of the PHS hospitals and outpatient clinics threatened with closing, and an excerpt on this issue from the budget appendix for the fiscal year 1972.

The PRESIDENT pro tempore. Without objection, the concurrent resolution will be printed in the RECORD, together with the additional material, as requested by the Senator from Massachusetts.

The concurrent resolution (S. Con. Res. 6) is as follows:

S. CON. RES. 6

Whereas the President declared in his state of the Union message that the improvement of national health care is one of his six great goals; and

Whereas the President has vowed to provide more medical services in areas that do not have adequate medical facilities; and

Whereas the Public Health Service was created by an Act of Congress in 1798, and the Congress broadened its responsibilities in 1956, in 1966, and in 1970 to provide comprehensive health care for merchant seamen, Coast Guardsmen, and military personnel and their families, and preventive medical care for urban and rural areas with inadequate medical facilities; and

Whereas the Public Health Service facilities provide medical services to more than one-half million people annually who could not obtain these services in the overcrowded private hospitals or on a first priority basis in the Veterans' Administration hospitals; and

Whereas many Public Health Service facilities require only minor alterations to carry out their responsibilities; and

Whereas, despite the President's commitment to improve national health care, the President's fiscal 1972 health budget proposes a reduction in funds and staff personnel that is discouraging employees and prospective employees of the Public Health Service; and

Whereas, despite the expansion of Public Health Services duties in the Emergency Health Personnel Act of 1971, the Secretary of Health, Education, and Welfare is considering closing the Public Health Service hospitals and clinics; and

Whereas, despite congressional creation of the Public Health Service, the Congress has not been consulted on ways to fulfill the responsibility of the Public Health Service to care for its patients without using Public Health Service facilities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Public Health Service hospitals and outpatient clinics should remain open at this time. The importance of health care delivery in urban and rural areas is so great that the administration should fund and staff these facilities at a sufficient level to allow them to perform their multiple responsibilities during the remainder of the fiscal year 1971 and during the entire fiscal year 1972. During this interval, the Secretary and the Congress should explore the resources and capabilities of these facilities in their communities, to determine which facility should continue to be operated by the Public Health Service, which facilities should be converted to community day operation, and which facilities, if any, should be closed.

It is the further sense of Congress that the hospitals and clinics of the Public Health Service should be considered an integral part of the national health care delivery system.

The material submitted by Mr. KENNEDY follows:

LOCATION OF PUBLIC HEALTH SERVICE HOSPITALS (8) AND OUTPATIENT CLINICS (26)[1] THREATENED WITH CLOSING

State	Hospital	Clinic
Alabama		Mobile.
California	San Francisco	San Diego, San Pedro.
Florida		Jacksonville, Miami, Tampa.
Georgia		Atlanta, Savannah.
Hawaii		Honolulu.
Illinois		Chicago.
Louisiana	New Orleans	
Maryland	Baltimore	
Maine		Portland.
Massachusetts	Boston	
Michigan		Detroit.
Missouri		St. Louis.
New York	Staten Island	Buffalo, New York City.
Ohio		Cleveland, Cincinnati.
Oregon		Portland.
Pennsylvania		Philadelphia, Pittsburgh.
South Carolina		Charleston.
Tennessee		Memphis.
Texas	Galveston	Houston, Port Arthur.
Virginia	Norfolk	
Washington	Seattle	
District of Columbia		Clinic.
Puerto Rico		San Juan.

[1] 4 additional clinics do not now appear to be threatened with closing: those in Balboa Heights (Canal Zone), Annette Island and Juneau (Alaska), and Charlotte Amalie (Virgin Islands).

[Excerpt from the budget of the U.S. Government (appendix) (fiscal year 1972) (pp. 402–403)]

PATIENT CARE AND SPECIAL HEALTH SERVICES

For carrying out, except as otherwise provided, the Act of August 8, 1946 (5 U.S.C. 7901), and under sections 301, 311, 321, 322, 324, 326, 328, 331, 332, 502, and 504 of the Public Health Service Act, section 1010 of the Act of July 1, 1944 (33 U.S.C. 763c) and section 1 of the Act of July 19, 1963 (42 U.S.C. 253a), [$79,889,000] *$69,979,000* of which $1,200,000 shall be available only for payments to the State of Hawaii for care and treatment of persons afflicted with leprosy: *Provided*, That when the Health Services and Mental Health Administration establishes or operates a health service program for any department or agency, payment for the estimated cost shall be made by way of reimbursement or in advance for deposit to the credit of this appropriation. (*Department of Health, Education, and Welfare Appropriation Act, 1971.*)

PROGRAM AND FINANCING

[In thousands of dollars]

	1970 actual	1971 estimate	1972 estimate
Program by activities:			
1. Medical care for special groups:			
(a) Merchant seamen, lepers, and other primary beneficiaries	78,982	87,822	66,011
(b) Coast Guard	3,913	4,468	4,665
(c) Federal employees	3,141	4,188	4,505
2. Payment to Hawaii	1,200	1,200	1,200
3. Personnel detailed to other agencies	605	452	452
4. Program direction and management services	2,758	2,632	2,610
Total program costs, funded[1]	90,599	100,762	79,520
Change in selected resources[2]	755		−4,889
Total obligations	91,354	100,762	74,631
Financing:			
Receipts and reimbursements from—			
Federal funds	−11,916	−16,237	−4,652
Non-Federal sources[3]	−404	−432	
Unobligated balance lapsing	82		
Budget authority	79,116	84,093	69,979
Budget authority:			
Current authority:			
Appropriation	72,224	79,889	69,979
Pay increase (Public Law 91-305)	1,497		
Transferred to other accounts	−4	−95	
Transferred from other accounts	5,399		
Appropriation (adjusted)	79,116	79,794	69,979
Proposed transfer for wage board increases		351	
Proposed transfer for civilian pay act increases		2,118	
Proposed transfer for military pay act increases		1,830	
Relation of obligations to outlays:			
Obligations incurred, net	79,034	84,093	69,979
Obligated balance, start of year	6,021	6,427	6,147
Obligated balance, end of year	−6,427	−6,147	−6,609
Adjustments in expired accounts	537		
Outlays, excluding pay act supplemental	79,165	80,097	69,494
Outlays from wage board supplemental		351	
Outlays from civilian pay act supplemental		2,095	23
Outlays from military pay act supplemental		1,830	

[1] Includes capital outlay as follows: 1970, $1,893,000, 1971, $2,672,000; 1972, $209,000.

[2] Selected resources as of June 30 are as follows:

	1969	1970 adjustments	1970	1971	1972
Stores	657	1	732	732	3
Unpaid undelivered orders	4,133		4,814	4,814	654
Total selected resources	4,790	1	5,546	5,546	657

[3] Reimbursements from non-Federal sources represent collections from paying patients (42 U.S.C. 221).

Note. Excludes $80,000 in 1972 for activities transferred to (in thousands of dollars):

	1970	1971
Office of the Administrator	14	14
Comprehensive health planning and services	24	24
Departmental management	42	42

1. *Medical care for special groups.*—(a) *Merchant seamen, lepers, and other primary beneficiaries.*—In 1972, this activity will fund medical care for American merchant seamen, PHS Commissioned Corps personnel, and other beneficiaries. The budget places emphasis on the use of service agreements with private and Federal sources for such care and the conversion of the existing facilities to community use.

(b) *Coast Guard.*—This activity provides PHS personnel to staff infirmaries, dispensaries and sickbays at shore stations, air stations, and on board vessels. Contract care is also provided in civilian or other Federal facilities. As an adjunct service to insure the continuance of quality health care, this activity is also initiating programs in industrial, underwater and aviation medicine, and in environmental sanitation.

(c) *Federal employees.*—This activity provides surveys of and consultation to Federal agencies, Federal executive boards and associations, and Federal employee organizations, upon request, on the establishment and evaluation of Federal employee health activities. Occupational health programs are provided to Federal agencies on a reimbursable basis, on request. In 1972, an estimated 185,000 Federal employees will be able to avail themselves of health services in 90 health units operating under this activity.

2. *Payment to Hawaii.*—Grants are made to Hawaii to defray the cost of care and treatment of persons afflicted with leprosy. The average daily patient load is expected to be 170 in 1972, as compared with 172 in 1971 and 189 in 1970.

3. *Personnel detailed to other agencies.*—Medical, dental, and other professional personnel are detailed to other Federal agencies on a reimbursable basis.

4. *Program direction and management services.*—This activity provides advice, guidance, direction, and management services to the above activities. Emphasis will be placed on contracting for the care of primary beneficiaries.

OBJECT CLASSIFICATION

[In thousands of dollars]

	1970 actual	1971 estimate	1972 estimate
Personnel compensation:			
Permanent positions	52,107	58,456	14,117
Positions other than permanent	1,697	1,136	234
Other personnel compensation	4,067	4,045	764
Special personal service payments	132	252	
Total personnel compensation	58,003	63,889	15,115
Personnel benefits: Civilian employees	7,269	8,588	1,453
Benefits for former personnel	222	10	8,149
Travel and transportation of persons	1,002	980	752
Transportation of things	769	651	1,215
Rent, communications, and utilities	1,915	1,704	398
Printing and reproduction	180	195	40
Other services	10,160	11,819	44,427
Supplies and materials	8,128	9,353	1,753
Equipment	2,480	2,672	209
Lands and structures	211		
Grants, subsidies, and contributions	1,200	1,200	1,200
Insurance claims and indemnities	53		
Subtotal	91,592	101,061	74,711
Quarters and subsistence charges	−238	−299	−80
Total obligations	91,354	100,762	74,631

PERSONNEL SUMMARY

Total number of permanent positions	6,271	6,242	970
Full-time equivalent of other positions	255	170	33
Average number of all employees	6,216	6,239	969
Average GS grade	7.1	7.3	7.6
Average GS salary	$10,075	$10,479	$10,943
Average salary of ungraded positions	$7,490	$7,715	$7,722

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

The PRESIDENT pro tempore. Five minutes.

Mr. KENNEDY. Mr. President, may I reserve that time and permit the distinguished Senator from Virginia (Mr. SPONG) to proceed?

The PRESIDENT pro tempore. Yes.

Mr. SPONG. Mr. President, I want to commend the distinguished Senator from Massachusetts for the resolution he has introduced today and also to commend the distinguished Senator from Maryland (Mr. MATHIAS) and the distinguished Senator from Washington (Mr. MAGNUSON) who initiated it with him.

This is a bad time in this country to cut back on any type of medical service, particularly the Public Health Services. One of the best examples of this point

is the Public Health hospital in Norfolk, Va., where, I believe, it has been demonstrated, without contradiction, that to close that facility would represent a severe cut back in the medical services being rendered to the entire community.

I am pleased Mr. President, to join in the introduction of this resolution to provide for the continued operation of Public Health Service hospitals and clinics through fiscal year 1972 to permit time for a thorough study by the Congress and the administration of the role these facilities play.

As I have already said, one of the public health service hospitals is in Norfolk, Va. I am advised that there are presently no facilities in the Hampton Roads area which can provide the primary hospitalization service for those individuals who are being treated currently at the Public Health Service hospital. Certainly that hospital should not be eliminated without some firm plan to take care of those now being served there.

I testified on December 30, 1970, before the Committee on Merchant Marine and Fisheries in the House of Representatives concerning the Public Health Service hospital facilities at Norfolk and ask unanimous consent that my statement there be printed in the RECORD.

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

STATEMENT OF SENATOR WILLIAM B. SPONG, JR.

Mr. Chairman, I am aware of the role this subcommittee played in convincing the Bureau of the Budget that efforts several years ago to eliminate the Public Health Service Hospital in Norfolk were ill-conceived and unjustified. I appreciate the opportunity to testify. Also, I thank you for bringing to the attention of the Congress information indicating that consideration is again being given to the closing of not only the hospital in Norfolk but all Public Health Service hospitals.

Shortly after the conclusion of the hearings by this committee several years ago, the Public Health Service and the Bureau of the Budget announced that it had restudied the situation and had agreed to modernize the existing hospital in Norfolk. In 1969, because I had received no additional information concerning the progress of those plans, I inquired of the Public Health Service concerning developments in connection with the hospital in Norfolk. On September 23rd, 1969, I was advised by letters that a study under contract with a private firm was being made to determine and project the medical service requirements for a new or renovated hospital in the Norfolk area. A communication from the Public Health Service in January, 1970, again referred to a study to determine the mission, size, service requirements, and possible locations for a new or renovated hospital in the Norfolk area. That letter stated that the study would probably be completed in May or June of 1970. At no time in the correspondence was any mention of the possible elimination of either the hospital in Norfolk or the service provided by PHS hospitals.

It is my understanding that at the time your committee held hearings on this matter several years ago it was determined that neither the Veterans Administration hospital in the area nor local community hospitals could assume the additional patient load required for the treatment of Merchant seamen and Coast Guard personnel and others now served by that hospital. That situation still exists today. It is inconceivable to me that, in view of the precarious situation which prevails in the Veterans hospitals in Virginia now, considerably worse than five years ago, any conclusion could be reached at this time that the Veterans Administration hospital at Kecoughtan (or for that matter at Roanoke or Richmond), could assume additional patient load. In fact, I am informed that at this time those patients eligible for care under the Public Health Service program could not be adequately cared for in any other existing facility or combination of existing facilities.

I would not presume to recommend either the location or the extent of the facilities needed in the Norfolk area. But based on the information which I have it is inconceivable that anyone could suggest that medical facilities in that port are no longer needed for those individuals who are eligible for hospitalization under the Public Health Service program. Some facilities must be maintained and I hope that this committee will make this clear to the Executive Branch.

In the letter of September 23, 1969 from the Public Health Service reference is made to the close cooperation with the Norfolk Area Medical Center Authority and other local area health care groups to determine how the Public Health Service hospital can best interact with the Norfolk community.

This has been important because the Medical Center Authority is the major local agency which has led the drive for the establishment of a medical school in the area. The funds for the school are over fifty percent pledged and there is no reason to doubt at this point that the construction of the school will begin within eighteen months or at the most two years. It is reasonable to assume that the establishment of a new medical school, when operable will provide new and additional hospital beds for the community. In another action at the local level an existing hospital has announced that it will relocate its hospital to the Medical Center, the site of the new medical school. There is, I am told, every reason to expect the new beds provided by the medical school and the relocation of Leigh Memorial Hospital to be fully occupied by an increased load as a result of the medical school and the population growth. Any new health programs would only increase the problem. The point which I wish to make this morning is that medical facilities for those eligible for Public Health Service care are needed in the Tidewater, Virginia area and the elimination of such facilities at this time will not only affect those eligible for that service but will have a serious impact on the community as a whole because the service cannot be provided in other hospitals. It is therefore, important that the facility be retained unless and until some firm plan is established for such treatment. It is equally important that any plans be made with the full cooperation of the Medical Center Authority and other local health groups.

Mr. Chairman, I would like to include at this point the correspondence which I received from the Public Health Service in September of 1969 and January of 1970 along with a copy of a letter addressed to the President from the Virginia Council on Alcoholism and Drug Dependence, Inc. in the Tidewater area. I also have a letter from the Labor-Management Maritime Committee which includes additional statistics concerning the Public Health Service hospital and clinic data, and if that has not been made available I submit it for the Committee's attention.

Mr. SPONG. Mr. President, again I should like to commend the distinguished Senator from Massachusetts and his colleagues for introducing this resolution which I am pleased to cosponsor.

The PRESIDENT pro tempore. The Senator from Massachusetts (Mr. KENNEDY) is now recognized for his remaining 5 minutes.

Mr. KENNEDY. Mr. President I would like to yield the 5 minutes remaining to me to the distinguished Senator from Maryland (Mr. MATHIAS). I also ask unanimous consent that at the conclusion of the remarks of the Senator from Maryland, a statement commenting on the Public Health Service facilities in the State of California by the distinguished Senator from California (Mr. TUNNEY) be printed in the RECORD.

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

(See exhibit 1.)

Mr. MATHIAS. Mr. President, I am very grateful to the Senator from Massachusetts for yielding to me. I am also grateful to him for taking the initiative in bringing this matter to the Senate floor. His concern in the area of health care is well known. I am not only grateful to him but also, I must say, I believe the administration will welcome this opportunity to throw more light on the question of public health services.

There was a statement issued by the Department of Health, Education, and Welfare on January 29 which I think will be helpful to the Senate in its consideration of this matter. In that statement was the proposition that a substantial amount of care now provided under the Public Health services appropriation could be provided in other Federal installations at a lower cost, but that was clearly said to be an assumption. It was not stated to be a determined fact nor even a conclusion based on opinion. It was an assumption subject to being tested and proved. Today we are initiating at this end of the governmental process, a study of that sort.

The Department of Health, Education, and Welfare went on to say, and I quote from the same statement of January 29:

> If this cannot be done at the savings predicted in the budget, the required funds will be made available—through a later request to the Congress for additional funds if this proves necessary.

Mr. President, this is crucial language. It is crucial to me representing the State of Maryland. The Wyman Park Public Health Service Hospital in Baltimore and the community there have been very much upset by this question. I am assured by the Department of Health, Education, and Welfare that the visits made in Baltimore at the Wyman Park Public Health Service Hospital are only of the most tentative and preliminary kind. As this question is pursued, there will have to be other visits of much greater depth and detail, but no decision has been made in the Department and no decision has been made in the Public Health Service. As this is a question raised for debate, that is what we are going to do, and I think it will be done in cooperative and fruitful partnership with the administration.

Mr. President, I am hopeful that as we go through this debate, we can find there are ways the public health services can be improved and that the people to whom the Federal Government has made a positive commitment to provide health services will find that assurance, and that we will do everything we can to see

that they get better medical treatment in the future.

I think this is a proper area of inquiry and I am glad to be a part of it. I am encouraged by the assurances we have that no decision has been made to cut off Public Health Service hospitals.

The PRESIDENT pro tempore. The time of the Senator from Maryland has expired.

Mr. MANSFIELD. Mr. President, I yield 3 minutes to the distinguished Senator from Maryland.

The PRESIDENT pro tempore. The Senator from Maryland is recognized for 3 minutes in the morning hour.

Mr. MATHIAS. Mr. President, I appreciate very much the fact that the distinguished majority leader has yielded me additional time. I will try not to trespass further than necessary.

I do think that we can be encouraged in moving forward very rapidly with this study and that we can call on the Department of Health, Education, and Welfare for assistance and cooperation. I have every confidence that we will get that kind of cooperation.

Again, I thank the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Virginia (Mr. SPONG) for their leadership. I hope that we can come to a rapid conclusion with regard to this matter.

The difficulty when this type of question is raised is that it does create apprehension and concern among the people who are directly affected. I think once that is clearly understood, the apprehension and concern, which are perfectly natural, will be allayed.

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

Mr. MATHIAS. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend the Senator from Maryland for the contribution he has made.

The Public Health Service hospital in Baltimore, to which he referred, is widely recognized as one of the outstanding hospitals in the country. Its director, Dr. Edward J. Hinman, is known as one of the most gifted persons serving in the public health service system. I hope that over the course of the hearings we may invite Dr. Hinman to attend and that he will give us the benefit of his insight.

We cannot be content with the views of the policy planners in Washington. We also want to hear from the people in the field, the people who run these hospitals, who live with the medical problems and who know the services that the hospitals can provide to hundreds of thousands of Americans. We want to know their thoughts on the matter.

I commend the Senator from Maryland for speaking on this matter. Representing as he does the Public Health Service hospital in his State, he is speaking from a very strong position.

Mr. MATHIAS. Mr. President, I thank the Senator. I agree with him. We would like to hear from members of the working staff of the hospitals. The Wyman Park Hospital, which I visited recently, is doing an outstanding job not only in curative medicine, but also in preventive medicine, which is a very important field. I would like to also have some of the outpatients, some of those who have been hospitalized and know something concerning the hospitals.

I think that will be a part of the total picture that needs to be considered here, the human picture.

EXHIBIT 1

STATEMENT OF SENATOR TUNNEY

Mr. President, I join in sponsoring this resolution directing the Public Health Service hospitals and clinics to continue in operation through the fiscal year 1972, pending a thorough study by the Congress and the Administration of the present and potential future role of these facilities.

I am deeply disturbed at the possibility that an entire network of badly needed health facilities are about to be cast aside. The logic of a decision to close these hospitals and clinics without any long range planning and without any planning for the patients involved frankly baffles me. At a time when we desperately need to increase the delivery of health care to our citizens we find a plan afoot which has the direct effect of reducing the number of health care facilities available to our citizens.

I am particularly concerned at the effect of these threatened closures in California. These planned closings would deprive California and the West Coast region of an excellent hospital facility in San Francisco and clinics in San Diego and San Pedro. The loss of these facilities would not only be a tragic waste of resources but would also impose particular personal losses upon the many persons who depend upon these facilities for treatment, for learning and for employment. The highly skilled doctors, nurses and technicians employed at these institutions have in many cases devoted many years of their lives to serving the needs of a regional community.

The loss of the San Francisco hospital would impose a special burden upon minority groups. That hospital has long had an excellent record of minority employment. With unemployment in California already at a severe level, and with the effect already acute on minority employment, we cannot afford to throw more people out of work.

Of even greater significance is the treatment and research being conducted at the San Francisco facility in such areas as leprosy and tissue transplantation. The San Francisco hospital is a regional center for patient care for thousands of individuals. It is one of very few hospitals in the country in which treatment for leprosy is available. In addition, the hospital has kidney dialysis facilities which are vitally important for the treatment of kidney disease.

And finally, the San Francisco hospital is an outstanding teaching institution and resource. It provides core curriculum teaching for medical and dental students at the University of California Medical and Dental Schools. The closing of this hospital would be like carving out a major piece of a medical school. It is a major clinical resource for San Francisco City College, 60% of whose students are from minority groups. Programs for laboratory technicians, associate degree programs in nursing, training in radiology are all a part of the hospital's role as a teaching resource.

In summary, the value of the Public Health Service facilities to the citizens of California and the Western United States must not be sacrificed. I cannot support a plan for health services which has the ironic effect of closing badly needed health facilities.

Mr. KENNEDY. Mr. President, I ask unanimous consent that I be recognized for 3 additional minutes.

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 3 minutes in the morning hour.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD on behalf of the distinguished Senator from Washington (Mr. MAGNUSON) a statement he has prepared in support of the resolution, together with a letter which he and other Senators sent to the President, various correspondence with the Department of Health, Education, and Welfare, the U.S. Public Health Service hospital in Seattle, the University of Washington and other correspondence.

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

STATEMENT OF SENATOR MAGNUSON

Mr. President, in his State of the Union Message on January 22nd of this year, President Nixon announced to the Nation that the "fourth great goal" of his Administration is to make this "the healthiest nation in the world."

And yet—despite that explicit commitment to the American people and despite a multiplicity of indications that this country is already in the midst of a health-care shortage of crisis proportions—this Administration appears bent on closing the eight PHS hospitals as well as the 30 PHS outpatient clinics.

Great national goals can be described in words, Mr. President, but they will never be achieved by mere words. As Chairman of the Labor, Health, Education, and Welfare Appropriations Subcommittee, I have had an opportunity to closely review the health needs and capabilities of this country and I believe the PHS hospitals should not be closed.

Mr. President, I have already detailed my concern in this matter to the Administration. On December 22, 1970 several of my distinguished colleagues and I wrote a lengthy letter to the President stating our opposition to closure of the PHS facilities at this time. In the interest of brevity I will ask to have a copy of that letter printed in the RECORD at the conclusion of my remarks rather than taking the Senate's time now to review the many reasons included in that letter for keeping these PHS facilities open.

Mr. President, I urge the members of this body to make their concerns for the health of the American people known by supporting the Concurrent Resolution which has been submitted today by the distinguished senior Senator from Massachusetts.

Mr. President, I ask unanimous consent that the letter which my fellow Senators and I sent to the President on December 22, 1970 be printed in the RECORD at this time together with other letters which I have received from concerned constituents who also oppose closing these PHS facilities.

WASHINGTON, D.C.,
December 22, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are deeply disturbed by the rumor that the Department of Health, Education and Welfare is considering closing some or all of the Public Health Service hospitals and outpatient clinics in the United States. Because of the integral part that these facilities now play in our national health network, and their great potential, we are writing to express our concern again, and to state that these facilities should be kept open.

As you know, nearly a million Americans currently receive comprehensive medical care through these hospitals and clinics. These include nearly 500,000 American seamen, members of the armed forces, the Coast Guard, Public Health Service and National Oceanic and Atmospheric Agency employees and their respective dependents. Well over

100,000 Bureau of Employment Compensation patients are also treated in these facilities every year.

In addition, these hospitals and clinics provide a training ground for hundreds of physicians and dentists who are serving in internship and residency programs, and for scores of paramedical personnel who are trained at these facilities. Research programs now underway at these facilities receive support in the amount of approximately $6,000,000 annually. These training programs have yielded enormous dividends in highly trained personnel who now staff these facilities, and who have gone on to provide health care to the country in many other roles, Federal and non-Federal. Considering the impending national health care crisis to which you and many Members of Congress have repeatedly called attention, this group of professionally excellent, although physically neglected, health facilities located in strategic urban and rural population centers are vital to our national health effort, and should be strengthened.

We strongly recommend a new mission for these hospitals and for the Public Health Service that is in keeping with current and future national health needs. Not only should they be strengthened in order to perform better their traditional roles—which cannot now be adequately performed on a nationwide basis by any other health organizations—but they should be modernized in order to undertake new missions to which they are uniquely suited. They can help, for example, in pioneering and developing model health care delivery systems, which will be of enormous significance not only to their immediate beneficiaries, but also to the public as a whole. We also believe that these facilities can be an integral part of solutions to the health problems of the communities in which they are located, if imaginative new roles are sought for them. If these facilities are modernized and adequately funded, they can serve as demonstration centers for experimental programs utilizing the expertise of the medical and paramedical Public Health Service personnel who wish to satisfy a deep social commitment to the health of the urban and rural poor, and to those who live in areas where adequate health care is not now available.

We believe that closing these facilities at this time would be a tragic error. Such action would have the effect of transferring Federal statutory beneficiaries to others, already over-burden Federal and non-Federal hospitals without significant prospect of reducing costs. It would deprive local communities of much-needed health facilities. It would abort ongoing training and research programs. It would disperse highly-trained medical personnel, and finally, it would seal the "front door" of the Public Health Service for potential careerists whose access, until now, has been largely through these clinical facilities.

Congress has repeatedly stressed the need to keep the Public Health Service alive and vital, and to adapt it to new roles. Only yesterday, Congress passed and sent to you an act that would expand the role of the Public Health Service in providing adequate medical care to this Nation. This act reflects the overwhelming, bi-partisan sentiment of Congress that the Public Health Service should not only continue its present functions, but should be utilized in bold new programs as well. Any decision to close the existing facilities of the Public Health Service would, therefore, not only have tragic consequences in terms of health care in the United States, but would be contrary to the expressed intent of Congress. We urge you, therefore, to support the maintenance and improvement of these hospitals and clinics.

Thank you for your time and consideration in this important matter.

Sincerely,

Warren G. Magnuson, Chairman Appropriations Subcommittee on the Departments of Labor, Health, Education and Welfare, and Related Agencies; Ralph W. Yarborough, Chairman Labor and Public Welfare Committee; Alan Cranston, Richard B. Russell, Walter Mondale, Jennings Randolph, Harrison Williams, Edward Kennedy, Morris Cotton, Harold Hughes, Henry Jackson, Caleb Boggs, Claiborne Pell.

PUBLIC HEALTH SERVICE,
January 20, 1971.

Senator WARREN MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: Recently, Elliot Richardson announced the proposed closure of the USPHS hospitals for budgetary reasons and because of obsolescence and underutilization. I am not familiar with programs of the other USPHS hospitals, and therefore will confine my remarks to the Seattle hospital.

While the Seattle hospital could stand to be modernized, it is most certainly not underutilized, and its closure would bring an end to an extremely active and productive program of training and research described below.

TRAINING PROGRAMS

Graduate Medical and Dental, University of Washington:

Interns: 17 Medical, 6 Dental.

Residents: 36 Medical, 4 Dental.

Fellows: 4 Medical.

Undergraduate Medical, University of Washington: 85 2nd to 4th year students per year, or 25% of the entire medical class.

Non M.D. and D.D.S. training

Dental Hygiene Students: 25 per year from University of Washington; 29 per year from Seattle Central Community College; 24 per year from Shoreline Community College.

Nursing Students: 60 per year from Seattle University.

Physical Therapy Students: 31 per year from University of Washington.

Occupational Therapy Students: 2 per year from University of Washington.

Pharmacy: 2 Residents and 8 students per year from University of Washington.

Medical Technology Students: 21 per year from University of Washington.

Miscellaneous Students:

1. Medical Records Technicians—4 per year year from Shoreline Community College.

2. Medical Records Librarians—8 per year from Seattle University.

3. Ward clerks—6 per year from Highline Community College.

4. Operating Room Technicians—3 per year from Shoreline Community College.

Research programs for one year: (See table following letter.)

Patient care: July 1969 to June 1970

Bed capacity	262
Admissions	5,110
Average daily census	180
Average occupancy (percent)	68
Outpatient visits	110,000

Expense

Total	$7,737,479
Payroll	6,308,000

Personnel: 517. Does not include trainees on University of Washington stipends.

Most of the teaching and research at our hospital is coordinated with the University of Washington Medical School and in fact, we are one of the four University teaching hospitals.

What would be the consequences of the closure of the Seattle USPHS hospital? A total of 375 medical, dental and paramedical trainees, and $1,200,000 of research would have to be relocated.

The obvious move would be to the University of Washington, but statements by the University officials indicate that it has neither the physical nor financial resources to absorb all this. Furthermore, 517 people, earning $6,308,000 would be out of work in a city with over 12% unemployment. There are also 59 medical and dental staff members, not previously mentioned in this letter, myself included, whose professional development could be seriously compromised.

Although provisions are to be made to make medical care available to those patients now served by this hospital, two of the proposed alternatives (Madigan General in Tacoma, and the Bremerton Naval Hospital in Bremerton) require considerable traveling to reach, and neither have the variety of clinical services available at this hospital.

At a time when the output of trained medical personnel lags far behind the need, when patient care facilities are increasingly overburdened, and when aggressive and imaginative research provides hope for cure of fatal diseases, the decision to close this hospital would be tragic and totally lacking in foresight. If anything, the hospital should be totally renovated, or even rebuilt.

I hope that you will take what action you can to make these facts known to others. I am also writing President Nixon, and Senators Humphrey, Kennedy, Muskie, Hart, and Jackson. Thank you very much.

Sincerely,

KENNETH G. LERNER, M.D.,
Assistant Chief, Pathology Department.

RESEARCH PROJECTS WITH UNIVERSITY OF WASHINGTON ACCOUNTABILITY, AUGUST 1970[1]

Dr. Klebanoff:[2]			
NIH HD 02266-05	Uterine esoinophil	May 1970 to April 1971	$13,550
NIH AI 07763-04	Antimicrobial systems	January to December 1970	[3] 35,301
NIH AM 1000	Experimental clinical training	July 1970 to June 1971	160,658
Dr. Paulsen:			
NIH T 01 5161	Training grant, endocrinology	July 1970 to June 1971	43,599
NIH R 01 5436	Pituitary-gonadal interrelationship	September 1970 to August 1971	38,154
AEC AT (45-1) 2225	Effect of irradiation on the human testis	May 1970 to April 1971	32,500
Dr. Thomas:			
NIH CA 10895-02	Adult leukemia research center	November 1969 to October 1970	[3] 327,925
NIH CA 10167-04	Separation of blood by continuous flow centrifuge	January to December 1970	[3] 61,833
NIH CA AM 11438-07	Normal and abnormal bone marrow metabolism	January to December 1970	[3] 37,538
NIH AI 09-419-07	Irradiation and marrow transplantation in large animals	October 1969 to September 1970	[3] 83,911
NIH CA 10777-02	Immunologic aspects of autochthonous tumor regression	September 1969 to August 1970	[3] 20,009
NIH CA 05231-01	Oncology training program[4]	July 1970 to June 1971	71,659
NIH PH 43-67-1435	Evaluation of typing techniques in clinical homotransplantation	July 1970 to December 1971	41,081
American cancer T-280	Role of isogeneic and allogenic marrow in the therapy of cancer	March 1970 to February 1971	15,756
Dr. Turck: NIH AI 06311-06	Epidemiology of E. Coli infection	October 1969 to September 1970	[3] 43,742
Dr. Simpson: NIH AM 09822-04	Interaction of CO_2 fixation and the krebs cycle	September 1970 to August 1971	31,614
Total			1,058,830

Footnotes at end of table.

NIH GRANTS TO PHS COMMISSIONED OFFICERS

HE-10715-05	Cooperative study of treatment of hypertension: Willard P. Johnson, M.D., John McDonough, M.D., and Robert E. Wills, M.D.	September 1970 to August 1971	$32,384
HE-09753-07	Cooperative study of renal disease and hypertension: Robjert J. Griep, M.D	September 1970 to August 1971	24,929
	Federal health programs service intramural research	July 1970 to June 1971	70,980
	Total of 15 projects		128,293

[1] 75 to 90 people are employed on these projects.
[2] The research training unit of the department of medicine of the University of Washington under the direction of Seymour J. Klebanoff, M.D., trains approximately 7 or 8 physicians or dentists each year in basic research skills and techniques.
[3] Extended or renewed.
[4] We have the only oncology inpatient service in the city under direction of Dr. E. Donnall Thomas, professor of medicine and head, oncology division, University of Washington.

U.S. PUBLIC HEALTH SERVICE HOSPITAL,
Seattle, Wash., January 21, 1971.

HON. WARREN G. MAGNUSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: Threatened closure of the Seattle USPHS Hospital by DHEW would terminate many vital programs in medical care, medical training and medical research and would constitute a gross injustice to the affected individuals—patients, doctors-in-training, and hospital staff. These programs include:

1. Inpatient care for American Seamen, American Indians, active duty and retired uniformed services personnel and dependents.

2. Outpatient care for the same beneficiaries.

3. An active program of clinical teaching of medical students, interns, residents and subspecialty and research fellows. The teaching program at the Seattle USPHS Hospital constitutes a major share of the clinical teaching provided by the University of Washington Medical School and teaching hospitals, and abandonment of the program would seriously hamper the ability of the University to provide clinical teaching to doctors-in-training at all levels of accomplishment.

4. An active clinical research program. I am an advisory board member for a long-term cooperative study of the effects of blood pressure lowering drugs being conducted by six USPHS hospitals including the Seattle hospital. I am including a copy of a letter supporting this study by members of the advisory board, and I call your attention particularly to the last paragraph. Hospital closure would have immediate and disastrous affects on this study.

As a constituent, I earnestly implore you to work for the continued maintenance and strengthening of the Seattle USPHS Hospital, rather than its dissolution.

Sincerely yours,

JOHN R. MCDONOUGH, M.D.,
Assistant Chief, Medicine; Chief, Cardiology, Seattle USPHS Hospital, Assistant Professor of Medicine, University of Washington School of Medicine.

THE UNIVERSITY OF IOWA,
Iowa City, Iowa, January 4, 1970.

DR. ELEANOR DARBY,
Executive Secretary, Clinical Evaluation Therapeutics Branch, Office of Associate Director for Clinical Applications, National Heart and Lung Institute, National Institutes of Health, Bethesda, Md.

DEAR DR. DARBY: This is a report of the consultants who have been associated with the USPHS Cooperative Study on the Treatment of Mild Hypertension. We are submitting this report directly to you to help in the evaluation of this program in conjunction with its renewal application.

There is little doubt of the enormous impact of hypertension and hypertensive diseases and the importance of the question that this cooperative group has set about to answer. Whether treatment of mild to moderate sustained blood pressure elevation influences morbidity and mortality is of great social and economic significance. Published findings on the efficacy of therapy by the V.A. group for moderate and severe hypertensives (J.A.M.A. 202: 1028, 1967) and recently for moderately severe hypertensives (J.A.M.A. 213: 1143, 1970) makes the PHS study even more relevant. It is now critically important that drug efficacy be assessed for persons with mild blood pressure elevation who have no evidence of hypertensive or arteriosclerotic end organ disease. This Public Health Service Cooperative Study is now well along in the conduct of precisely this type of study.

The study design employs classic randomized double-blind treatment and placebo groups with subjects entered as matching pairs. Criteria for inclusion are rigorous and this can be seen in the ratio of persons entered in the study (378) to those screened (1299). Requirements for patient entry to the study included serial home blood pressure readings with average diastolic blood pressures of 90 to 115 mm of Hg, absence of clinical manifestations of coronary, hypertensive, cerebral vascular, peripheral vascular disease and diabetes, and absence of ECC, chest x-ray and biochemical abnormalities.

Randomization of the subjects is most impressive in the degree to which those in each regimen resemble each other in all characteristics measured. Also impressive is the care which has been taken to identify morbid and associated events. Morbid event criteria have been carefully defined and impartially applied with a clinical referee participating in the decision. All parties to the decision are blinded as to the allocation of the subject. Sequential analysis is being employed to allow more flexibility for termination of the clinical trial in the event that drug efficacy can be proven significant sooner than anticipated.

The conduct of the study has been exemplary. Six participating hospitals have employed the common protocol and rigor of application of criteria have been quite uniform. Dropouts (38) stand at 10% of patients admitted over an average subject time in the study of 24 months. Morbid events are occurring at a faster rate and dropouts at a slower rate than anticipated in the study design. These trends both operate to shorten the anticipated duration of the clinical trial.

The distribution of treated versus placebo subjects among those with morbid events favors drug efficacy. At the present the trend is strongly established but not significant. Review of the data suggests that results will probably become significant in another one to two years. The data further suggests a trend towards significance for the hypertensive morbid events but not for the arteriosclerotic ones for the distribution so far has been similar in treated and placebo groups.

In terms of the first rule of any control clinical trial, namely total adherence to protocol and maintenance of the randomization and double-blind techniques, we think this project must be given full credit.

A few specific comments are in order, chiefly concerning the analysis of the data.

The design of the study will not permit questions to be answered about the influence of hypertension and its treatment in subgroups of the population studied. Eighty per cent of the population is white male and hence the experience of the group is by and large carried by that segment. It is of interest, however, despite the fact that the numbers are few, that this study does have controlled observations on hypertensive women. This should provide valuable clues for the development of more definitive studies in this group.

It is recognized that the project is far from complete and that it is difficult and probably undesirable to try any extensive form of analysis until all data is in. Nevertheless it is important for the study to recognize that the multiple centers involved must have their experiences analyzed separately in order to detect any extraordinary trend. For instance, it would appear, with the present evidence, that the Boston Hospital has admitted 14% of the total admissions as of October 1, 1970 (55 out of 384) and it was responsible for some 41% of all morbid events (27% of all events that occurred in the treated group and 46% of all events that occurred in the placebo group). This may be purely fortuitous but this relatively large excess in one cooperating hospital should at least raise a number of questions and needs to be identified and discussed by the investigators.

The morbid event criteria may need reanalysis. For instance, of the four patients who had cardiac enlargement in the treated group, three actually had a reduction in blood pressure as measured in the standard way. Since it is quite likely that atherosclerotic coronary artery disease is often responsible for cardiac enlargement in the face of normal blood pressure, it may be necessary to remove this from the "hypertensive" morbid classification. It is also of interest that three of the four patients who had cardiac enlargement in the treated group were women.

It is hoped that an analysis will eventually be made of the results of treatment in different subgroups other than by hospitals. For example, as is shown in the following table, if the proportion of hypertensive and atherosclerotic events occurring in white males is broken down into two age bands, it would appear that treatment is beneficial for both hypertensive and atherosclerotic events in the older age groups, and it is only in the younger age groups where treatment has no beneficial effect for the atherosclerotic complications.

HYPERTENSIVE EVENTS, WHITE MALES BY AGE AND TREATMENT STATUS

Age	Treated		Placebo	
	Number admitted	Morbid events	Number admitted	Morbid events
Less than 46	50	0	47	5
46 to 55	53	1	70	8

ATHEROSCLEROTIC EVENTS, WHITE MALES BY AGE AND TREATMENT STATUS

Age	Treated		Placebo	
	Number admitted	Morbid events	Number admitted	Morbid events
Less than 46	50	3	47	0
46 to 55	53	1	70	4

These numbers, of course, are small, and these differences may not be significant. Nevertheless, this is an example of the type of question which should be put to the data.

There should also be additional attempts to determine the effect of some of the pretreatment characteristics on subsequent morbid events. As can be seen, for example, in the following table there is a marked effect of cigarette smoking on the occurrence of subsequent morbid events.

MORBID EVENTS BY CIGARETTE SMOKING

	Number admitted	Morbid events	Morbid events per 1,000 admitted
Never smoked	120	10	83
Past smokers	82	7	85
Present smokers	170	23	135
Less than ½ pack	34	4	118
½ to 1 pack	53	7	132
1 to 2 packs	68	10	147
2 or more packs	15	2	182

Little information is yet available on the incidence and importance of side effects and toxic reactions in the two groups. The initial impression is that these adverse reactions may be slightly more important in this study than they were in those patients in the two V.A. Cooperative Studies.

These comments are made to emphasize the enormous importance of the project, the very fine design of the study, its extraordinarily good implementation and the great benefits which are likely to come from it when it is finally analyzed completely. We strongly urge support of the study through to its completion. Failure to achieve the objective because of failure to provide continued support would represent not only a major loss to the individuals at risk in the total population but also to the nation and to health care over the world since so much can be gained for a relatively small additional investment.

The undersigned stand ready to offer their services for any additional inquiries you may have concerning this study.

Sincerely,

WALTER M. KIRKENDALL, M.D.,
Professor of Medicine, Director, Renal-Hypertension-Electrolyte Division, University of Iowa College of Medicine.

THOMAS R. DAWBER, M.D.,
Associate Professor of Medicine, Boston University Medical Center.

H. MITCHELL PERRY, M.D.,
Professor of Medicine, Washington University.

JOHN CASSELL, M.D., M.P.H.,
Professor, Department of Epidemiology, School of Public Health, University of North Carolina.

JOHN R. MCDONOUGH, M.D.,
Assistant Professor of Medicine, University of Washington.

UNIVERSITY OF WASHINGTON,
Seattle, Wash., January 21, 1971.

Hon. WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: I am writing to reinforce the communications sent to you by other members of the University community as well as members of our state and local government concerning the proposed closure of the Seattle U.S. Public Health Service Hospital. I am attaching a copy of a letter sent recently to Dr. Vernon Wilson, Director of Health Services Mental Health Administration which summarized some of our concerns.

Briefly, it seems inconceivable that the present administration could recommend abrupt closure of this hospital when the School of Medicine and others depend on it so heavily for the training of physicians and other health manpower. We are placed in the extraordinary position of being asked to make commitments to increase our medical student class, for example, from 84 to 128 and at the same time of having the facilities upon which we depend to train physicians closed.

I should point out furthermore that the School of Medicine has a contract with the Public Health Service which requires that a year's notice be given prior to breaking the agreement. This matter is covered in more detail in my letter to Dr. Wilson.

As you will note from my letter we are requesting a four-year delay in the closure of the hospital so that programs currently accommodated there might be shifted to other locations when new construction for the Veterans Administration Hospital and for the University Hospital is completed. This delay, of course, is predicated on the assumption that such new construction in these other areas will proceed.

I sincerely hope that you will be able to help us with this critical matter.

Sincerely yours,

JOHN R. HOGNESS, M.D.,
Director, Health Sciences Center.

UNIVERSITY OF WASHINGTON,
Seattle, Wash., January 7, 1971.

Dr. VERNON WILSON,
Administrator, Health Services Mental Health Administration, Rockville, Md.

DEAR DR. WILSON: This letter is written as a follow-up of our conversation concerning the planned closure of the USPHS Hospital in Seattle. It supports and augments the letter written to you recently by Dr. Robert Van Citters, Dean of the School of Medicine here at the University of Washington. At the outset I would like to emphasize again that the closure of the Seattle hospital would present very serious problems to the University of Washington, particularly, but not exclusively, to the School of Medicine. I would like, therefore, to request that the closure of the Seattle USPHS Hospital be postponed for four years. Such a delay would enable us to work further with the Veterans Administration to develop plans for a new Veterans Administration Hospital in this area and to complete plans for and construction of 200 additional beds on the University Hospital. Any closure prior to that time would be nearly disastrous for us.

It is appropriate to emphasize the very close relationship which exists between the University of Washington and the Seattle USPHS Hospital. It is my firm impression that this relationship is closer than that which exists anywhere else in the country. For example, Dr. Willard Johnson, Director, USPHS Hospital, is also Assistant Dean in the School of Medicine. Furthermore, internship and residency programs at the University of Washington are integrated with the USPHS Hospital so that interns and residents rotate automatically from other University facilities through the USPHS facility.

A very significant number of students at the University of Washington School of Medicine are assigned to and taught at the USPHS Hospital. For example, thirty percent of the basic clinical clerkship for all students in medicine is taught at the Seattle hospital. Twenty-three percent of all the basic teaching in the University affiliated hospital system (including the University Hospital) is carried out at the USPHS Hospital. This involvement is identified in our Physician's Augmentation Program grant application wherein we requested money for adding additional teaching space at the USPHS Hospital. The money for this was granted and the additional construction is currently being contracted. We are anticipating an increase in the number of entering medical students from 77 in 1967 to 125 in 1972. This increase was predicated upon the availability of the USPHS Hospital as clearly stated in our grant application.

At the present time the School of Medicine has forty-nine members of its faculty stationed at the USPHS Hospital. Some of these faculty have tenure. Faculty at the USPHS Hospital receive support from the State of Washington at the level of $139,000 annually and, in addition, $32,000 from University Hospital professional income resources are provided to this group. Among the faculty at the USPHS Hospital are four full professors, three associate professors, twenty-one assistant professors and sixteen instructors. Although twenty of the forty-nine faculty stationed at the USPHS Hospital are USPHS commissioned officers, many of these are provided additional University income in recognition of their teaching responsibilities. Thirteen of our faculty stationed at the Seattle hospital have major research programs at that hospital with an annual budget in excess of $800,000. There is in excess of 19,000 square feet of research space at the hospital and, in fact, the University's major cancer research program is based at the Seattle USPHS facility. The only cytocompatibility laboratory in the Northwest is based at the Seattle USPHS Hospital. Approximately $300,000 of the NIH money is invested in the cancer research facility alone. A large percentage of this investment has been made within the last eighteen months.

Finally, I should like to point out that the University of Washington has a hospital affiliation agreement with the USPHS and the Seattle hospital which provides that "this agreement may be terminated no sooner than one year following annual review provided such termination is requested by either party 90 days prior to the time of annual review."

Since the annual review date is July 1 this would mean that the affiliation agreement cannot be terminated by either party until July 1, 1972 at the very earliest. In addition, there is an agreement for an integrated internship program which states "termination of this agreement will be by request in writing initiated by either party effective July 1 provided the notification is received by March 31 of the preceding calendar year." These agreements are signed by Gabriel P. Ferrazano, M.D., Assistant Surgeon General and Jack Butler, M.D., Acting Director of Federal Health Program Service, respectively. Further, I believe that it might be pointed out that Seattle University has an agreement with the USPHS Hospital, which relates to its affiliated nursing program, which provides that the earliest possible date for termination of the agreement would be September 1, 1972.

I hope I have been able to convey to you the seriousness of the crisis that would be produced in Seattle and at the University of Washington (also at Seattle University) should the USPHS Hospital be closed. We urgently request that the closure of this hospital be delayed for four years.

Sincerely yours,

JOHN R. HOGNESS, M.D.,
Director, Health Sciences Center.

JANUARY 20, 1971.

Hon. WARREN MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: Since I last wrote, a two man "fact finding" team from HEW visited the Seattle USPHS hospital on January 18 and 19. From the discussions and meetings that took place, it seemed obvious that the proposed elimination of the hospital was a political decision not arrived at by consideration of facts. The closure would not result in cost reductions for patient care, and in fact, when beneficiaries are switched to contractual services, these costs could increase by several million dollars.

The elimination of 23% of the University of Washington Medical School teaching beds and 49 faculty members at a time when

the school is preparing to increase its enrollment (the University of Washington has one of the smallest medical classes in the U.S., and is the only medical school in the Washington, Idaho, Montana, Wyoming and Alaska region), would severely compromise its teaching program. Because of the miserable economic situation in this state, financial support of the school is now quite limited and it could not replace such a loss in teaching facilities. There is also no way to relocate our already funded research programs without further expenditures.

I have enclosed a report done in 1965 which recommends that the five largest hospitals (this includes the Seattle facility) not be closed, but modernized and more fully utilized. This report has never been acted on and in fact has been politely ignored.

The current administration's attitude and actions show that it is not only continuing its "war on the people," but by continually proposing unwarranted cutbacks in already under-supported programs, it is escalating this "war." When reductions are justified for budgetary reasons and the result is even higher cost, the situation becomes ludicrous.

Senator, I beg you to take what action you have in your power to stop this insanity.

Sincerely,

KENNETH G. LERNER, M.D.,
Assistant Chief, Pathology Department.

DIVISION OF HOSPITALS BULLETIN No. 66–43, SUPPLEMENT No. 2

To: Medical Officers in Charge, U.S. Public Health Service Hospitals, U.S. Public Health Service Outpatient Clinics.

Subject: Recommendations of OST Report with Related Letters.

Applies to: All Stations.

Attached is a copy of the recommendations (5 pages) excerpted from the OST Report, together with copies of the following communications:

(1) Letter of June 18, 1965 to Dr. Hornig, Special Assistant for Science and Technology, The White House, from Bethuel M. Webster, Chairman of the Special Committee appointed by the President's Science Advisor to study the PHS General Hospital system.

(2) Memorandum of June 18, 1965 to the President, from Doctor Hornig.

(3) Letter of July 27, 1965 to the Secretary of Health, Education, and Welfare, from the President of the United States.

(4) Memorandum of August 13, 1965 to the Surgeon General of the Public Health Service, from the Under Secretary of Health, Education, and Welfare, stating that the Committee's recommendations have been approved by the President, and urging that we proceed without delay to develop and implement plans to modernize the PHS Hospitals, improve the training and research programs, and strengthen affiliations with university medical schools wherever possible.

Because of the importance of these documents we are sending you extra copies and request that they be distributed to interested persons within and outside your hospital and/or clinics. Hospital and clinic Service Chiefs, Deans of local Medical Schools, and other interested professional groups should be among those who will receive a copy.

G. P. FERRAZZANO, M.D.,
Assistant Surgeon General.

RECOMMENDATIONS

Our recommendations have been shaped by considerations not fully articulated in the body of the report. Not the least of these is recognition that values of great importance ought not be sacrificed in the interest of organized and budgetary simplicity and efficiency. We refer, for example, to the historic dependence of seafaring men—the Merchant Seamen and the Coast Guard—on the disciplined devotion of the Commissioned Corps, to the presence in the Public Health Service hospitals of teaching and training facilities peculiarly relevant to the total mission of the Public Health Service, and to the unique function of the Commissioned Corps itself as an agency supplying well-trained physicians to the Federal service.

The Committee recommends that the Public Health Service continue to operate a system of general hospitals.

We believe that transfer of the general hospitals of the Public Health Service to the Veterans Administration or other Federal agencies would not be in the public interest for several reasons:

1. *Care of patients*—Certain of the present beneficiaries in the Public Health Service general hospitals have medical requirements which these hospitals are especially adapted to satisfy. American seamen seek and must receive care while their ships are in port. Most of the beneficiaries are legally entitled to outpatient as well as inpatient care. To achieve continuity of care outpatient care should be under the same direction as bed care.

2. *Recruitment*—The general hospitals operated by the Public Health Service are the most important single source of medical and other health related specialists required by the Public Health Service. Of the 700 medical officers with more than 6 years in the Service, 428 began their careers in the Public Health Service hospitals.

3. *Training*—The Public Health Service needs general hospitals to train its medical specialists. The hospitals are now producing annually about 50 trained specialists for the Service. In our opinion the Public Health Service could not recruit this number of fully trained men outside the Service.

4. *Research and Demonstration*—An increasing amount of basic and clinical research is now going on in the Service's general hospitals.

In addition, the Division of Hospital Facilities of the Public Health Service is responsible for the planning and construction of hospitals, clinics and health services nationwide. Studies in planning, organizing and evaluating health care programs within hospitals are needed. The Public Health Service has a unique opportunity to use its general hospitals to organize and conduct such studies for demonstration purposes.

5. *Operating Costs*—The Committee does not believe that operating savings would result from transfer of the hospitals to the Veterans Administration. Except for a few dependents of retired military personnel (who now receive free care on a space-available basis only), all of the beneficiaries now in Public Health Service hospitals are legally entitled to medical care at Federal expense. Per diem costs in Public Health Service hospitals are comparable to those in other Federal hospitals.

6. *Plurality of Federal Hospital Systems*—Even if it could be shown that savings would be effected by a unified Federal medical care system, or by the transfer of Public Health Service hospitals to another Federal agency, the Committee believes that the advantages in a plurality of Federal hospital systems should be recognized. These advantages include medical care more directly oriented to the needs of special classes of beneficiaries and the ability to experiment and to compare the quality and cost of care delivered under different systems.

The Committee recommends that the general hospitals of the Public Health Service be modernized and that they be supported at levels consistent with the several important functions they should perform.

The Public Health Service has paramount responsibility for the health of the Nation. It follows that in providing direct medical care it should serve as a model.

Buildings—All of the hospitals have been erected since 1930. They have been inadequately maintained and are unsatisfactory not because of their age but rather because funds have not been made available for necessary improvement and modernization.

Equipment—Federal hospitals should have available the latest equipment and, indeed, should be among the leaders in the development of new equipment. The quality and quantity of equipment in Public Health Service hospitals are below standards. The shortage of equipment in such areas as operating rooms and x-ray departments has increased the cost of caring for patients. Hospitalization is sometimes unnecessarily prolonged because of delays in scheduling examinations or surgical procedures.

Operating Personnel—Per diem costs in the Public Health Service hospitals are about 25% lower than in other short-term general hospitals. Part of this difference is due to the fact that length of stay is longer than in community hospitals. Some of the difference, however, is due to lack of adequate operating support. The number of positions authorized in some important service departments is not sufficient to provide quality care for short-term hospital patients and should be increased.

The Committee recommends that additional training programs be developed in sciences and services basic to medicine and that existing programs be strengthened and extended. Responsibility for these programs should be shared with universities and with community health agencies.

While the hospitals are primarily engaged in discharging the patient care responsibilities of the Bureau of Medical Services, they should be made more useful to the other bureaus and divisions of the Service.

Training programs in the Public Health Service Hospitals are of importance as a means of recruiting and retaining physicians for the Service. A number of programs are affiliated with university medical schools. Some Public Health Service trainees are now trained in part in university hospitals, though few university trainees receive training in Service hospitals. University representatives informed the Committee that if ways could be found to support their trainees during absences from the university, they would assign them to the Public Health Service Hospitals. The Public Health Service could increase the number of top-flight physicians from which to recruit for the Service if it would support such rotation financially and otherwise.

Although the Division of Community Health is responsible for many of the important activities of the Public Health Service, there is no training program in community medicine conducted by the Division of Hospitals. Strong training programs in community medicine should be developed in cooperation with universities. The program recommended by the San Francisco Public Health Service Hospital and the School of Public Health, University of California (See Appendix XII) could serve as an example.

The Committee recommends that no assignment or position in the Public Health Service be restricted to commissioned corps officers.

We do not believe that the Commissioned Corps should be eliminated or weakened. On the contrary, we believe the Corps to be necessary to many of the missions of the Public Health Service. Nor do we intend to suggest exclusion of officers of the Commissioned Corps from eligibility for leadership positions. We believe strongly, however, that these positions should be filled on the basis of personal and professional qualifications. In the choice of its leaders the Public Health Service should have access to the entire scientific community. Appointment to such important positions as Surgeon General, Chief of the Bureau of State Services, and Director of Community or Environmental Health should not be conditioned on membership in the Commissioned Corps.

THE WHITE HOUSE,
Washington, June 18, 1965.

Dr. DONALD F. HORNIG,
Special Assistant for Science and Technology, the White House, Washington, D.C.

DEAR DR. HORNIG: In a memorandum from the White House dated January 14 last you were informed that the President had reviewed a series of studies related to the Public Health Service general hospitals, and that this review had led to the conclusion that the seven smallest of the twelve hospitals should be closed and the remaining hospitals should be modernized and operated as first class general hospitals. It was stated that there was a clear need for the five largest hospitals in carrying out the total Federal responsibility for inpatient care and that the need to improve their physical condition and to strengthen their operational capability was well documented.

Because of "divergent views on the organizational location" of the Public Health Service general hospitals, you were requested by the President to organize an objective study (a) to "evaluate the merits of transferring responsibility for providing medical care for American seamen and the operation of the above five hospitals from the PHS to the Veterans Administration versus retaining them in the PHS" and (b) to "examine the use of these hospitals for recruitment and training of professional health personnel and alternative methods available to PHS to improve recruitment and training designed to better serve the PHS primary mission in the fields of medical research, community health, environmental health, and health manpower and also capable of meeting its other clinical and clinical related operations." Acting on the President's request for an objective study, you appointed our Committee.

At your request we have made the study desired by the President, and our report is submitted herewith.

Members of the Committee visited each of the five hospitals. We met with representatives of the Bureau of the Budget, the Veterns' Administration, and the medical schools with which the Public Health Service hospitals are cooperating, we well as with the Surgeon General, members of his staff, and members of the Commissioned Corps engaged in the administration and operation of the five hospitals. We conferred with representatives of the Coast Guard, the maritime unions, and the shipping industry. We considered the total responsibility of the Public Health Service for the health of the Nation as well as for the health of the Indians, Federal prisoners, and persons suffering from narcotic addiction and leprosy.

On the basis of the study and findings described in the body of the report we have concluded that the Public Health Service should continue to operate a system of general hospitals and, accordingly, that the five hospitals referred to in the White House memorandum of January 14 should not be transferred to the Veterans' Administration. We believe that the hospitals are an essential source of trained professional personnel, not just for the care of American seamen, their historic role, but for the many other medical and health services now supplied by the hospitals should be modernized and sup- We believe that the hospitals are an essential services they perform; that training programs in the sciences and services basic to medicine should be developed in close affiliation with related programs of university medical schools and community health agencies; and that, with a view to maximum development of the Public Health Service, top positions in the Service should not be restricted to members of the Commissioned Corps.

We want to emphasize that nothing we have said is intended to reflect unfavorably on the character or quality of Public Health Service officers responsible for the administration and operation of the hospitals we visited. Indeed, we believe that the hospitals are supplying necessary services on a high level of efficiency—services which reflect credit on the professional quality and morale of the Commissioned Corps. Our comments and recommendations are intended only to improve the hospitals and to remove uncertainty as to responsibility for their operation.

Persons too numerous to mention individually have willingly supplied the information and advice and other assistance we have requested. We do want to acknowledge that without the expert full time service of Mr. Milo Anderson of our staff it would have been impossible to complete the study in a period of about four months. Lastly, we want you to know how much we have enjoyed working together on this important assignment.

Respectfully submitted.

BETHUEL M. WEBSTER,
Chairman.
RAY E. BROWN,
CHARLES G. CHILD III,
KENNETH E. CLARK,
PHILIP P. COHEN,
RALPH CONNOR,
ROBERT F. GOHEEN,
C. PHILLIP MILLER.

MEMORANDUM FOR THE PRESIDENT,
JUNE 18, 1965

Last January, at the time Secretary Celebrezze announced the closing of the seven smallest Public Health Service Hospitals, you requested that a study be made to evaluate the transfer of the remaining five P.H.S. Hospitals to the Veterans Administration. To accomplish this end we were fortunate to obtain the services of the following distinguished citizens:

Mr. Bethuel M. Webster, Chairman, Webster, Sheffield, Fleischmann, Hitchcock & Chrystie, Rockefeller Plaza.

Mr. Ray E. Brown, Director, Graduate Degree Program Hospital Administration, Duke University.

Dr. Charles G. Child, III, Professor and Chairman, Department of Surgery, University of Michigan.

Dr. Kenneth E. Clark, Dean, College of Arts and Sciences, University of Rochester.

Dr. Philip P. Cohen, Professor and Chairman, Department of Physiological Chemistry, University of Wisconsin.

Dr. Ralph Connor, Chairman of the Board of Directors, Rohm & Haas Company.

Mr. Robert F. Goheen, President, Princeton University.

Dr. C. Phillip Miller, Professor Emeritus of Medicine, University of Chicago.

The Committee has completed its executive study and the final report is attached to this memo. The Committee's major conclusion is that the Public Health Service should continue to operate a system of general hospitals and that the five hospitals in question should therefore remain under P.H.S. control. However, during the course of its study the Committee members also raised serious questions which will require further action on our parts. Specifically, they recommended major changes to improve the operation of the hospitals themselves as well as changes in the role of the Commissioned Corps in Public Health Service activities.

I am sure that the Committee members would be pleased to explore their recommendations further with the White House staff or with H.E.W.

DONALD F. HORNIG.

THE WHITE HOUSE,
Washington, July 27, 1965.

Hon. ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR SECRETARY CELEBREZZE: I have received the enclosed report from a special committee created to study the future of the Public Health Service. Responsible officials in the Executive Office and the Bureau of the Budget have reviewed it.

The committee has recommended the continued operation of a general hospital system by the Public Health Service. It calls for the modernization of those hospitals suitable for retention in the system, and their support at levels consistent with the important functions they perform.

Further, the committee recommends additional training programs in the sciences and services basic to medicine; responsibility for these programs should be shared with universities and community health centers.

Finally, the committee has expressed its belief that no assignment or position in the Public Health Service should be restricted to Commissioned Corps officers.

I recommend the work of the committee to you. I believe we have been quite fortunate in securing this careful study and report, and I look forward to discussing its salient features with you at an early date.

Sincerely,

LYNDON B. JOHNSON.

MARITIME TRADES DEPARTMENT,
AFL–CIO,
Seattle, Wash., February 3, 1971.

Hon. WARREN G. MAGNUSON,
Washington, D.C.

Re. Proposed closing of U.S. Public Health Service Hospitals

DEAR SENATOR MAGNUSON: The proposal to close eight U.S. Public Health Service Hospitals has created grave concern on the part of those who are entitled to medical services provided by law. As a part of the maritime industry which is covered under the USPHS Act, we are opposed to the closing of any of these institutions, and we are particularly opposed to the closing of the Seattle facility.

Because of its central location—serving Alaska, Washington, Oregon and Idaho—the case load in this area not only taxes the present capacity but calls for enlarged facilities in the near future. There are other very valid considerations which we believe cannot be fully known to federal officials; otherwise, the contemplated closing would not have included the Seattle facility. We respectfully call to your attention that this is more than an ordinary hospital dispensing medical services. This is a facility engaged in ultra modern clinical research projects, working in close cooperation with the University of Washington Hospital. The benefits to medical science which are a direct result of this cooperative effort cannót be measured in dollars and cents, but those of us who are not calloused by bureaucratic insensitivity, value highly the lives saved and the prevention and cure of future ailments resulting from the joint medical research in these instances.

Moreover, the USPHS Hospital experimental cancer treatment unit is the only one of its kind on the Pacific Coast.

As emphasized previously, patient potential is perhaps greater here than in many other areas. This hospital must take care of all seamen, licensed and unlicensed deck and engineroom personnel on floating equipment, such as tendermen, tug and ferry boat employees, Coast Guard, Coast & Geodetic Survey, government fishery research personnel and all military personnel and their dependents. Indians and Eskimos are also included. Conservatively, one can estimate a potential of 30,000 people who must depend upon this location for needed medical treatment.

There has been talk about alternatives which we believe are not realistic for many reasons. The Veterans' Hospital in Seattle cannot handle any significant number of outside patients at this time. If the full impact of the Vietnam War-sustained injuries is to be properly taken care of—and by that we do not mean placing these patients on cots in hallways and closets as constituting proper care—the present Veterans' Hospital must be enlarged, and it will then still not be in a position to take outside

patients in our opinion. To farm the maritime patients out to private hospitals will greatly increase the cost, but even with increased cost, many in need of medical service will not be able to obtain these services because of lack of facilities. Last but not last, how can one provide alternatives for the research and teaching programs between the USPHS Hospital and the University Hospital. As we see it, alternatives in this case appear to be a method of providing a sedative to remove some of the pain during the changeover. Once the transition has taken place, and we fully understand we are faced with less, or, in some instances, no medical services, we will neither have a hospital or a pill to ease our painful awakening.

The reason for closing seems to be budgetary restrictions. We see no savings to the taxpayer in farming out these medical services which are a responsibility of the government. We think the cost will be greater, with less service. Alternatives under the circumstances would appear to be a poor substitute for the real thing. We are utterly opposed to the ill-advised termination of this facility, and if the bureaucratic arm of our government persists in this effort, we should have a full-scale Congressional investigation. We are opposed to the closing of any facility where the average case load is sufficient to provide a medical necessity to keep these institutions in operation.

Respectfully submitted.

James O'Brien, Secretary, Puget Sound District Council, Maritime Trades Department AFL–CIO, Marine Cooks & Stewards, International Association of Machinsts & Aerospace Workers No. 79, Office & Professional Employees No. 8, Inlandboatmens' Union of the Pacific, Seattle Fire Fighters Union No. 27, District Council of Carpenters, Sailors' Union of the Pacific, Seafarers' International Union of North America, Puget Sound District Council of Lumber & Sawmill Workers, International Union of Operating Engineers No. 302, Marine Firemen, Oilers, Watertenders & Wipers, International Organization of Masters, Mates & Pilots Local No. 6, Boilermakers Local No. 104, Alaska Fishermen's Union.

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

Mr. KENNEDY. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I have been most impressed by the remarks made this morning and by the legislation introduced.

I can speak with some degree of knowledge relative to the hospital in the State of Maryland at Baltimore. Several Montanans have gone there and have been treated extraordinarily well. They have benefited from the knowledge of these dedicated physicians, nurses, and personnel, and they have shown on occasion decided improvement. It was a case of last resort for some of these people.

Mr. President, I would like to ask the distinguished Senator from Massachusetts if he would include my name as a cosponsor of his bill.

Mr. KENNEDY. Mr. President, I would be delighted to include the name of the distinguished majority leader as a cosponsor. The Senator's interest in this subject, is welcome, and I think his support for the measure is of great significance and importance.

Mr. President, I ask unanimous consent that the name of the Senator from Montana (Mr. MANSFIELD) be added as a cosponsor of the resolution.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I am very much disturbed by reports that 38 facilities operated by the Public Health Service are to be closed by the end of this fiscal year.

We hear a great deal these days about the health care crisis which our country is facing, as increasingly we have come to accept the premise that access to high quality health care is the right of all Americans, not the privilege of few.

Yet few of us would deny that today, many Americans do not enjoy this right.

We in the Congress have made speeches and enacted legislation. The ground has been laid in the Congress for major legislation in the area of health insurance this year.

And the President has promised broad reforms to bring health maintenance within the reach of those Americans who today cannot afford it.

In the debate on these proposals, we can rightfully expect that some of our most traditional assumptions will be challenged. This is as it should be, for the system we have used for so long has clearly not worked as well as it might have.

Yet in proposing needed changes, we must be careful not to reject the good from the past along with the bad.

For this reason, I support the resolution just introduced to keep our Public Health Service facilities open while we examine other alternatives for their use.

The Public Health Service hospitals and outpatient clinics have served us well over the years. It has been estimated that in 1969 alone, well over a million cases were handled by these facilities.

In my own State, the Public Health Service hospital in Portland cares for approximately 3,000 to 4,000 people in the area.

Yet the administration is seriously considering the closing of these facilities—without first providing alternative access to the care which the Public Health Service has provided.

I suggest, Mr. President, that such action may introduce an immediate and concentrated demand for care into a system which is already overloaded.

For example, Mercy Hospital in Portland has indicated that it will be willing to step into the gap created by closing the Public Health Service unit there. Yet directors of Mercy Hospital fear that the quality of care that will be provided for this new influx of patients may be less adequate than should be provided.

In hearings before the House Merchant Marine and Fisheries Committee last December, Secretary Richardson indicated his department's interest in converting existing PHS facilities into different kinds of health care units.

I would welcome such a step which could broaden the effectiveness and the outreach of these facilities. Indeed, up to now they have served only a limited segment of the population.

But I suggest, Mr. President, that the way to put these facilities to a more efficient use is not to close them first.

HEALTH FACILITIES CLOSING WOULD BE "TRAGIC MISTAKE," SAYS HUMPHREY

Mr. HUMPHREY. Mr. President, I rise in support of the Public Health Service resolution as one of the most pressing health matters facing this Congress.

We have heard reports that the administration is considering closing by the end of the current fiscal year, some or all of the eight hospitals and 30 outpatient clinics now being operated by the Public Health Service in 32 States, the District of Columbia, and the Commonwealth of Puerto Rico.

It would be a tragic mistake to shut down these health facilities without giving the Congress a full opportunity to explore the implications of such a move.

No action should be taken until the administration and the Congress have carefully considered the issues involved, the impact of this move on the hundreds of thousands of persons served by these facilities, and what it means to the existing health care system of the Nation.

Many of these facilities are more than treatment centers; they are deeply involved in the education and training of sorely needed doctors.

If closing any or all of these health care facilities is what this administration means when it is talking about a full-employment, expansionary budget, then I think something is very wrong with the way the administration views the needs of the American people.

Just 2 months ago, in December, President Nixon signed the Emergency Health Personnel Act of 1970, which expands the role of the Public Health Service by authorizing the use of PHS personnel and facilities to meet health needs in urban and rural poverty areas and other areas suffering from critical shortages of health care and health personnel.

When the President came up here last month and told us that he plans "new initiatives" in the fight against disease, I was one of those who applauded.

But, frankly, I worry about this administration's willingness to match its words with deeds. We hear them speak about conquering disease but we see them closing hospitals and clinics.

Mr. President, I was privileged to be invited to Philadelphia to address the National Cystic Fibrosis Research Foundation's Humanitaria Awards Dinner last night. Because those remarks were so pertinent to this resolution being submitted today, and because the issue of health care is one of the major issues before this 92d Congress, I ask unanimous consent that my remarks to the National Cystic Fibrosis Research Foundation be printed in the RECORD.

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

REMARKS OF SENATOR HUBERT H. HUMPHREY, HUMANITARIAN AWARDS DINNER, NATIONAL CYSTIC FIBROSIS RESEARCH FOUNDATION, PHILADELPHIA, PA., FEBRUARY 10, 1971

I have come here tonight to talk to you about a major concern of all Americans—the health of our people—the health of our nation.

I want to share with you my thoughts on health care, health research, on health facilities.

I come to you with a lifetime of concern and commitment on these matters, and I want to speak frankly.

I have been reading the President's budget for 1972 and I am impressed by his call for new initiatives in the fight against cancer and sickle cell anemia. His message holds much promise for a healthier America.

The President, in his inaugural address, called on the Nation to judge his administration not on its words but on its actions. So, taking this advice, let us look at the Nixon record on health.

Just a few months after coming to office, President Nixon acknowledged a "massive crisis" in the area of health care as he spoke of the dangers of the possible "breakdown in our medical care system that could have consequences affecting millions of people throughout the country."

That was mid-1969, and it was the last we heard from him for the next year.

Either the crisis vanished or Mr. Nixon chose to risk the breakdown in medical care that he so clearly foresaw.

Then, out of the silence, Mr. Nixon spoke. He said, "no!"

No to cancer and heart research.

No to hospital construction.

No to providing more general practice physicians.

No to funding Government health agencies.

No . . . No . . . No . . . No . . . No.

This is the same man who spoke of a "massive crisis" in health care.

Yet there was the veto—for the 1970 appropriation for the Department of Health, Education and Welfare, a decision that forced the closing of 19 National Institutes of Health Centers as well as a cutback of $21 million in funds for cancer and heart research as well as for cystic fibrosis and dozens of other killers.

Then another veto—this time it was the Hill-Burton Hospital Construction Bill . . . and then still another veto—this one against legislation to increase the Nation's supply of family physicians.

Now the Congress receives a budget that keeps the rate of spending on health down to the same level as last year—and I do not have to remind you that was a year of vetoes and severe cutbacks in medical research.

Some of those cutbacks were so drastic that a number of research projects had to be cancelled. One of those might have held a cure for cancer, an answer to heart disease, a solution for cystic fibrosis.

And a fact which is often overlooked is that carefully selected teams of doctors, scientists and technologists had to be disbanded. It could take years to reassemble these valuable research teams.

Unmet needs for health research—the difference between what NIH declared necessary and what was actually spent—totalled more than $201 million last year, double the sum for the year before. This year that amount is expected to drop into the neighborhood of $164 million.

That can hardly be called closing the gap between action and need.

This is money sorely needed to fight cancer, heart and lung disease, allergies, neurological diseases, arthritis and metabolic diseases, and so many, many others.

Large sums of money appropriated by the Congress never were spent. Just why these were withheld remains a mystery, but the action has had a devastating effect on health research and training.

Too often research funds took back seat to spending for administration and operations.

In the area of arthritis and metabolic diseases, which includes CF, the Congress appropriated $119 million for 1970 but the administration would permit the expenditure of only $106 million. This left $13 million unspent at the same time there was a need for nearly $40 million of additional funds.

Federally sponsored research for CF alone last year dropped by more than $80,000 to $2½ million. For fiscal 1971 it is expected to go up only about $100,000.

Now, before you say to yourself, "Aha, it's going up," think for a moment about the impact of an annual rate of inflation of 6%. That alone wipes out the increase. And to make things worse, there's the added cost of increasingly sophisticated research equipment needed.

The result is a *real* dollar *decrease* in research expenditures.

That's one way to look at Federal health research. Let's take another.

This year's Federal expenditure on CF research is about *half* the cost of *one* phantom jet.

(Maybe we could ask the Air Force or the Navy to donate just one fighter-bomber or two to CF. Think of what we could do with that money.)

Total basic health research spending in the 1972 budget ($580 million) is less than half of what it will cost taxpayers to build a supersonic transport plane.

Total Federal outlays for all biomedical research in this latest budget ($1.3 billion) come to less than the price of building one new aircraft carrier and its smaller supporting ships.

All this suggests to me that something is very wrong with our system of national priorities.

I'm not the only one that sees it this way. I want to tell you about a four-year study by the National Academy of Sciences.

A prestigious committee of 28 of the Nation's leading life scientists, working under Dr. Philip Handler, president of the academy, has warned that increasingly tight Federal budgets for medical research and life sciences are crippling the Nation's ability to halt disease and rescue the environment.

That's a pretty strong indictment, and they back it up with plenty of evidence.

Unless the country increases biomedical research, the report says, "By the turn of this century this country must double the number of physicians, nurses, technicians, hospital beds, and sanataria and learn to live with the equivalent increment in human suffering."

These distinguished scientists tell us that biologists stand at the exciting threshhold of "understanding life on molecular terms," and thus possibly on the verge of conquering such diseases as cancer and diabetes and some of the causes of mental retardation.

But at the same time, biologists and medical scientists have in effect suffered a 30% cut in real Federal dollars in the last five years or so. Squeezed research budgets, the committee reports, "are now restricting research activities, morale among life scientists is falling and apprehensions are rising."

To cure the problem, the committee urges steady increases in recent on-again, off-again Federal funds for research and training.

Listen to some of its other recommendations:

Basic biomedical research should grow by 12–15% a year above fiscal 1970 levels.

Hard-pressed universities should get "block support" grants so they can pay science faculties themselves, rather than have faculties constantly scurrying for research grants for their pay.

NIH graduate training programs alone should be doubled over five years and students in some vocations should be graduated with simpler doctorates than the time-consuming Ph.D. requiring independent research.

There should be similar expansions to build new buildings and facilities—programs now almost dormant—and to buy or use instruments, including computers.

Health care research and health services should be expanded as separate programs, not at the expense of biomedical research, as at present.

"A central mechanism" in some existing agency should be established for education and research in control of runaway population growth. They call this "a primary threat."

National Institute of Environmental Studies should be established to study man's effect on the deteriorating environment in the same way the present National Institute for Environmental Health Studies effects on man.

These distinguished life scientists have helped identify the problem and told us what must be done. Now it is up to us to do something about it.

Our ability to resolve today's critical crises in health care depends on our national will. As with so many other tough problems, the ultimate determination is a matter of the priorities we set for ourselves as a democratic society.

For centuries, science and technology have offered the prospect of freedom from hunger and from the ravages of the elements.

In our generation, science and technology offer man a longer life and the easy prevention of unwanted life.

For the next generation, science and technology promise freedom from disability and disease and the added facility in the miraculous transplants of essential life maintaining organs.

But at the same time that we receive these life-sustaining gifts, there is a paradoxic expansion of the life destroying arsenal.

We have weapons that can wipe out humanity in an instant.

We have industrial emissions that poison our atmosphere and our waters.

We have transit systems and vehicles designed for movement—that make movement all but impossible.

We have advanced automation—and the resulting threat of unemployment.

We have a fine new medicine chest of wonder drugs—with price tags far beyond the reach of many of our citizens.

We cannot blame our scientists and our technicians for the way we apply their science and technology. The responsibility lies on our own doorstep.

There is no conceivable reason why the wealthiest, most scientifically advanced nation in the history of the world—the United States of America—is not also the healthiest Nation on earth.

Unfortunately, we are not.

Despite the fact that Americans last year spent over $70 billion on health care, we rank 13th among industrialized Nations in infant mortality, 11th in life expectancy for women and 18th in life expectancy for men.

All this points to one inescapable fact—Americans are less healthy now than they were 20 years ago when the national annual health expenditure was less than one-fifth what it is today.

Forty million Americans have no health insurance of any kind. No one actually has *health* insurance—it's really sickness insurance

And you've got to be sick, really sick, before you get any benefits.

It is rather ironic to note that a preponderant number of states in this wealthy Nation of ours require automobile insurance, but not one state requires the most minimal health coverage for all its citizens.

What we have here is a serious deficiency in basic planning, design and operation of our health care system—a failure of our society to establish national priorities. The time has come, I am convinced, to get both our priorities and our systems straightened out and functioning properly.

We are the only major Western nation

that does not have a national health care system for the majority of its citizens.

Because the need is so obvious, I have joined with 22 other United States Senators, both Democrats and Republicans, to cosponsor a bill to provide a comprehensive health care system for all Americans, the Health Security Act of 1971.

Years back I proposed a national health insurance system. It wasn't terribly sophisticated, but it was an idea.

I was called a dreamer, a socialist and a political neophyte . . . and a few other things I wouldn't care to repeat.

Today this concept of national health insurance is accepted, even endorsed and applauded by leaders of both major parties.

The President of the United States recently said that we simply have got to have some kind of system like this. He didn't feel that way when he was in Congress, but he is President now.

There is little question that the health care system in this country simply is not doing the job. It needs a complete overhaul. We have to reform the whole system of financing and delivery.

National health insurance is part of the answer to our country's health care problem, but it is not the whole answer. For that we must look farther. We must look toward expanding the supply of personnel and facilities. We must set our sights on making top quality health and medical care universally available.

And that means a significant increase in doctors, nurses and paramedical personnel. It means training new types of medical aides such as assistant physicians, family planning aides and community health workers. It means starting hundreds of additional group practice plans. It means providing new hospitals, research labs, other facilities and the necessary equipment.

It means increasing the number of neighborhood health centers, ambulatory clinics, maternity and well-baby clinics. It means raising the level and availability of health care in the ghettos and in rural areas.

Any effective restructuring of our health care system will require the concentrated effort of all citizens—of members of the health professions and their associations, of public health officials, of the health foundations such as CF, of the insurance industry, of labor and management, of the Congress and—perhaps most importantly—of the health consumer.

Such a health coalition—such a working force of dedicated, creative individuals and organizations—can do for the health of the Nation what the urban coalition hopes to do for the cities.

Such a coalition—manning medical think tanks and staffing medical task forces—can design a health care system appropriate to our advanced and affluent Nation's needs and desires.

Such a health system is possible only in a society which has its priorities straight—a society that puts the health and well-being of its citizens at the top of its agenda.

America needs the kind of leadership that will chart the ship of state on a course that understands what our priorities must be and pursues America's destiny.

Leadership imbued with the spirit that moves a nation, that speaks to the future and the vision of a better tomorrow.

America's greatness is not in her machines or her material wealth. It is in her sense of compassion, justice, opportunity for human dignity.

These are the intangibles that add meaning to life, liberty and the pursuit of happiness.

ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. The Senate will now proceed to the transaction of routine morning business, not to exceed 45 minutes, with statements limited to 3 minutes therein.

CHANGE OF TIME FOR VOTE ON TREATIES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the agreement reached in the Senate on yesterday relative to the vote on Executive L, the convention with Nicaragua, and Executive N, the extradition treaty with Spain, to take place at 1 o'clock on Wednesday next be vacated and that instead the vote take place at 3 o'clock.

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

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE—CLOTURE MOTION

Mr. PEARSON. Mr. President, this debate over whether to take up Senate Resolution 9 is now in its third week. Surely, the time has now arrived for the Senate to bring the debate to a close by an act of filing a cloture motion.

However, I do wish to make it clear that by filing a cloture motion we proponents of a modest change in the cloture rule, as Senate Resolution 9 would provide, do not in any way—now or in the future—waive or forgo any right, constitutional or otherwise, to attempt to close off debate by means other than cloture. We wish, furthermore, to make it clear that we subscribe to the right of a majority of Senators, as evidenced in section 5 of article I of the U.S. Constitution, to make changes at the beginning of this or any future Congress in the Senate rules of procedure. Nor, I particularly wish to point out, does the act of filing a cloture motion on this occasion constitute on our part an acquiescence in paragraph 2 of rule XXXII. Since we have challenged a given rule and sought to amend it, it follows that we also do not acquiesce to any rules which inhibit the ability of the Senate to amend the rule we seek to change. That includes, therefore, paragraph 2 of rule XXXII, which we contend is also unenforceable in this situation. Paragraph 2 of rule XXXII is not applicable, in our judgment, because it is not one of the rules which has been accepted by acquiescence.

Having made our position clear, Mr. President, I do now send to the desk, under the provision of paragraph 2 of rule XXII of the Standing Rules of the Senate a motion signed by myself and 37 other colleagues to bring to a close the debate on whether to proceed to the consideration of Senate Resolution 9 and ask that it be read.

The PRESIDING OFFICER (Mr. GAMBRELL). Pursuant to the rule, the Chair directs the clerk to state the motion.

The assistant legislative clerk read the cloture motion, as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed to the consideration of the Resolution (S. Res. 9) amending Rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

FRANK CHURCH, JAMES PEARSON, WM. B. SAXBE, ROBERT TAFT, JR., HUGH SCOTT, JACOB JAVITS, ROBERT GRIFFIN, CLIFFORD P. CASE, J. GLENN BEALL, JR., MIKE MANSFIELD.

EDWARD KENNEDY, JENNINGS RANDOLPH, CHARLES MCC. MATHIAS, JR., STUART SYMINGTON, THOMAS F. EAGLETON, PHILIP A. HART, JOHN V. TUNNEY, CLAIBORNE PELL, ADLAI STEVENSON, HUBERT HUMPHREY.

HARRISON WILLIAMS, FRED HARRIS, WM. PROXMIRE, LEE METCALF, DANIEL INOUYE, GEORGE MCGOVERN, HAROLD E. HUGHES, CLINTON P. ANDERSON, ALAN CRANSTON, JOHN O. PASTORE.

VANCE HARTKE, CHARLES H. PERCY, THOMAS MCINTYRE, GAYLORD NELSON, LLOYD BENTSEN, WALTER F. MONDALE, EDMUND S. MUSKIE, HENRY M. JACKSON.

ORDER FOR ADJOURNMENT FROM WEDNESDAY, FEBRUARY 17, 1971, TO THURSDAY, FEBRUARY 18, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Wednesday next it stand in adjournment until 12 o'clock meridian on Thursday next.

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

ALLOCATION OF TIME UNDER RULE XXII ON THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the 1 hour allotted under rule XXII on Thursday next be equally divided between the majority leader and the minority leader of their designees.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SENATE JOINT RESOLUTION 39—INTRODUCTION OF A JOINT RESOLUTION TO CREATE A PRESIDENTIAL COMMISSION TO MODERNIZE AND REFORM THE FEDERAL WELFARE SYSTEM

Mr. BYRD of Virginia. Mr. President, I introduce a joint resolution, which would create a Presidential commission for the purpose of seeking means of modernizing and reforming our present Federal wel-

fare system. I ask that the joint resolution be appropriately referred.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 39) establishing a commission on seeking means of modernizing and organizing the Federal welfare programs, introduced by Mr. BYRD of Virginia, was received, read twice by its title, and referred to the Committee on Finance.

Mr. BYRD of Virginia. Mr. President, among the key questions facing the Congress, none is more important than revision of the Nation's welfare system.

The present system is costly and full of inequities. It was enacted as a stopgap program during the 1930's and is totally unsuited to the needs of today.

I agree with President Nixon's statement in his state of the Union message:

> The present welfare system has become a monstrous, consuming outrage—an outrage against the community, against the taxpayer, and particularly against the children it is supposed to help.

I am convinced, however, that we must look before we leap into a new welfare program.

The President has indicated that he will resubmit to the Congress the family assistance plan which failed of enactment in 1970.

Last year the Senate Finance Committee held extensive hearings on this proposal. During those hearings, I came to have four basic concerns about the administration's plan:

First. I have reservations about establishment of the principle of a guaranteed annual income.

The administration proposes a minimum figure of $1,600. But already the National Welfare Rights Organization demands $5,500 a year.

Second. The plan lacks proper work incentives.

While administration witnesses stated that work incentives were an important feature of the family assistance plan, evidence at the hearing showed that in many cases, under this new program, a worker would be better off quitting his job and taking welfare payments.

Third. The plan would raise the cost of welfare from $4.4 billion last year to $11.8 billion next year.

In this time of high inflation and large deficits, I do not believe that we can afford this kind of an increase.

Fourth. The administration's plan would increase the Nation's welfare rolls from 10 million persons to 24 million persons.

During the hearings, I asked this question, to which I received no satisfactory reply: "How can we reverse the trend toward the welfare state by more than doubling the number of persons on welfare?"

These, then, are my basic concerns about the family assistance plan. I must say that I do not regret that it was defeated last year.

Secretary of Health, Education, and Welfare Elliot Richardson, during last year's hearings, described the new program as "revolutionary and expensive."

It seems to me that before embarking on such a "revolutionary and expensive" program, we should carefully study all possible alternatives.

The plan submitted by the Department of Health, Education, and Welfare is not welfare reform, but rather welfare expansion.

Last year, I introduced a joint resolution which would create a presidential commission to study the welfare system and make recommendations for reorganizing it and modernizing it in an equitable way.

I am today introducing an identical resolution for consideration by the 92d Congress. I think this resolution is just as timely in 1971 as it was in 1970.

My resolution would insure that the welfare system does not remain on dead center. Constructive action can be taken at once.

I feel that we have a deep obligation to those who are physically or mentally unable to earn a living. I do not feel, however, that Congress has any right to turn over tax funds of hard-working citizens to able-bodied persons who refuse to work.

It is important that the present welfare program be reformed, but we must be sure we get something better. I think a broad-based commission of outstanding American citizens to study this program and bring in recommendations would be most desirable.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. 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 CONCURRENT RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY OF SOUTH CAROLINA

Mr. THURMOND. Mr. President, the General Assembly of South Carolina has passed two concurrent resolutions memorializing Congress.

The first of these resolutions memorializes Congress to enact legislation changing the last day of daylight saving time to an earlier date. This proposal is of obvious concern to the people of South Carolina, and I urge that it be given consideration by Congress.

The second resolution memorializes Congress to restrain Federal agencies from interfering with projects not financed with Federal funds except projects deemed unsafe or unhealthy and which involve Federal jurisdiction. This resolution pertains to a proposed bridge connecting James Island and the mainland of Charleston County, S.C. It is the purpose of this resolution to inform Congress that the construction of this proposed bridge is being prevented because Federal approval has been withheld due to provisions contained in the National Environmental Policy Act of 1969. This resolution contends that the intent of this act is not being complied with in its application to this proposed construction.

Mr. President, I ask unanimous consent that these resolutions be printed at this point in the RECORD.

These being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO ENACT LEGISLATION CHANGING THE LAST DAY OF DAYLIGHT SAVING TIME TO AN EARLIER DATE

Whereas, the present termination date of Daylight Saving Time requires school children to depart for school in almost total darkness and creates similar difficulties in certain farming and other activities; and

Whereas, this situation could be remedied with great benefit and increased safety to those concerned and with little inconvenience to the general public if Daylight Saving Time ended at an earlier date. Now, therefore

Be it resolved by the Senate, the House of Representatives concurring:

That the Congress of the United States is hereby memorialized to incorporate within the Uniform Time Act the provision that the effective date for yearly terminating Daylight Saving Time should be no later than the first Sunday following Labor Day.

Be it further resolved that copies of this resolution be forwarded to the Clerk of the United States Senate, to the Clerk of the United States House of Representatives and to each member of Congress from South Carolina.

A CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO RESTRAIN FEDERAL AGENCIES FROM INTERFERRING WITH PROJECTS NOT FINANCED WITH FEDERAL FUNDS EXCEPT PROJECTS DEEMED UNSAFE OR UNHEALTHY AND WHICH INVOLVE FEDERAL JURISDICTION

Whereas, there is an ever increasing traffic burden on the present route to James Island from the mainland of Charleston County; and

Whereas, approval of a proposed bridge to alleviate this situation has been voiced by all interested State and Federal agencies insofar as the design and compatibility with land and water traffic are concerned; and

Whereas, the proposed bridge would be paid for with State funds only; and

Whereas, Federal approval of the proposed bridge is being withheld because of provisions contained in the National Environmental Policy Act of 1969; and

Whereas, it is believed that the intent in passing this act did not include the use of its provisions by Federal agencies to frustrate trans-water traffic improvements especially when they are to be completely financed by State funds; and

Whereas, it appears that such act should be amended so as to reflect the true intent of Congress. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the Congress is hereby requested to amend the National Environmental Policy Act of 1969 so as to exempt its provisions from improvements financed entirely from funds other than Federal and to take any other action necessary to restrain Federal agencies from interferring with projects financed by public funds other than Federal except projects deemed unsafe or unhealthy and which involve Federal jurisdiction.

Be it further resolved that a copy of this resolution be forwarded to the President of

the Senate, Speaker of the House of Representatives and to each member of Congress from South Carolina.

ORDER OF BUSINESS

The PRESIDING OFFICER. The period of the transaction of routine morning business has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business, with statements limited therein to 3 minutes, be extended for not to exceed 15 minutes.

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

RESIGNATIONS FROM COMMITTEES

The PRESIDENT pro tempore laid before the Senate the following letters:

FEBRUARY 10, 1971.

Hon. SPIRO T. AGNEW,
The Vice President, U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: In light of my appointment to the Joint Committee on Atomic Energy, I hereby tender my resignation from the Senate Select Committee on Small Business.

Sincerely,

HOWARD H. BAKER, Jr.

FEBRUARY 10, 1971.

Hon. SPIRO T. AGNEW,
Office of the Vice President, Senate Office Building, Washington, D.C.

DEAR MR. VICE PRESIDENT: I hereby resign as a member of the Joint Committee on Atomic Energy.

Regards.

Sincerely,

NORRIS COTTON,
U.S. Senator.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON PROGRESS OF ROTC FLIGHT INSTRUCTION PROGRAM

A letter from the Acting Secretary of the Navy, transmitting pursuant to law, a report on the progress of the ROTC flight instruction program for fiscal year 1970 (with an accompanying report); to the Committee on Armed Services.

PROPOSED LEGISLATION TO AMEND THE NATURAL GAS PIPELINE SAFETY ACT OF 1968

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Natural Gas Pipeline Safety Act of 1968 (with an accompanying paper); to the Committee on Commerce.

PROPOSED LEGISLATION TO PROVIDE AN EXTENSION OF THE INTEREST EQUALIZATION TAX

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to provide an extension of the interest equalization tax (with an accompanying paper); to the Committee on Finance.

PROPOSED LEGISLATION TO LOWER THE MANDATORY RETIREMENT AGE FOR FOREIGN SERVICE OFFICERS WHO ARE CAREER MINISTERS

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers (with accompanying papers); to the Committee on Foreign Relations.

PROPOSED LEGISLATION ON BEHALF OF THE JUDICIAL CONFERENCE OF THE UNITED STATES

Three letters from the Director, Administrative Office of the United States Courts, transmitting drafts of proposed legislation (with accompanying papers) which were referred to the Committee on the Judiciary, as follows:

A bill to amend section 48 of the Bankruptcy Act (11 U.S.C. 76) to increase the maximum compensation allowable to receivers and trustees;

A bill to amend the Bankruptcy Act to abolish the referees' salary and expense fund, to provide that fees and charges collected by the clerk of a court of bankruptcy in bankruptcy proceedings be paid into the general fund of the Treasury of the United States, to provide salaries and expenses of referees be paid from the general fund of the Treasury, and to eliminate the statutory criteria presently required to be considered by the Judiciary Conference in fixing salaries of full-time referees; and

A bill to amend section 35 of the Bankruptcy Act (11 U.S.C. 63) and sections 631 and 634 of title 28, United States Code, to permit full-time referees in bankruptcy to perform the duties of a U.S. magistrate.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Wisconsin; to the Committee on Foreign Relations:

"1971 ASSEMBLY JOINT RESOLUTION 24

"Enrolled joint resolution relating to humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front

"Whereas, more than one thousand members of the United States Armed Forces are prisoners of war or missing in action in Southeast Asia; and

"Whereas, North Vietnam and the National Liberation Front of South Vietnam have refused to identify prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, to release seriously sick or injured prisoners, and to negotiate seriously for the release of all prisoners and thereby have violated the requirements of the 1949 Geneva Convention on prisoners of war, which North Vietnam ratified in 1957; and

"Whereas, the United States Government has repeatedly appealed to North Vietnam and the National Liberation Front to comply with the provisions of the Geneva Convention; and

"Whereas, the people of the State of Wisconsin are extremely concerned about her citizens now being held captive in Indochina; and

"Whereas, the people of the state of Wisconsin are equally concerned about those citizens from other states being held in North Vietnam and Indochina; now, therefore be it

"Resolved by the assembly, the senate concurring, That the legislature of the state of Wisconsin strongly desires proper treatment of United States servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls on them to comply with the requirements of the Geneva Convention, and approves and indorses efforts by the United States government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war; and, be it further

"Resolved, That properly attested copies of this resolution be sent to the immediate relatives of all those Wisconsin citizens being held or reported missing in North Vietnam and Indochina; and be it further

"Resolved, That properly attested copies of this resolution be sent to the secretary of the United States Senate and the chief clerk of the House of Representatives and to each member of the congress from Wisconsin; and be it further

"Resolved, That properly attested copies of this resolution be sent to the President of the United States for immediate transmission to the representatives of North Vietnam and the National Liberation Front of South Vietnam."

A concurrent resolution of the Legislature of the State of Florida; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION NO. 1–B

"A concurrent resolution making application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several states a constitutional amendment providing for sharing by state and local governments of federal income tax revenues

"Whereas, a resolution of our nation's myriad and diverse problems is contingent upon a viable partnership between the federal government and strengthened state governments, and

"Whereas, the federal government, by its extensive reliance on the graduated income tax as a revenue source, has virtually preempted the use of this source from state and local governments, thereby creating a disabling fiscal imbalance between the federal government and the state and local governments, and

"Whereas, increasing demands upon state and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes, and

"Whereas, federal revenues based predominantly on income taxes increase significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth, and

"Whereas, the fiscal crisis at state and local levels has become the overriding problem of intergovernmental relations and of continuing a viable federal system, and

"Whereas, the evident solution to this problem is a meaningful sharing of federal income tax resources, and

"Whereas, the United States Congress, despite the immediate and imperative need therefor, has failed to enact acceptable revenue sharing legislation, and

"Whereas, in the event of such congressional inaction, Article V of the Constitution of the United States grants to the states the right to initiate constitutional change by applications from the legislatures of two-thirds of the several states to the Congress, calling for a constitutional convention, and

"Whereas, the Congress of the United States is required by the Constitution to call such a convention upon the receipt of applications from the legislatures of two-thirds of the several states, now, therefore, be it

"Resolved by the House of Representatives of the State of Florida, the Senate concurring:

"That, pursuant to Article V of the Constitution of the United States, the legislature of the state of Florida does hereby make application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several states a constitutional amendment which shall provide that a portion of the taxes on income levied by Congress pursuant to the sixteenth

amendment of the Constitution of the United States shall be made available each year to state governments and political subdivisions thereof, by means of direct allocation, tax credits, or both, without limiting directly or indirectly the use of such monies for any purpose not inconsistent with any other provision of the Constitution of the United States.

"Be it further resolved that this application shall constitute a continuing application for such convention pursuant to Article V until the legislatures of two-thirds of the states shall have made like applications and such convention shall have been called by the Congress of the United States unless previously rescinded by this legislature, and

"Be it further resolved that certified copies of this resolution be presented forthwith to the president of the United States senate and the speaker of the United States house of representatives and to the legislatures of each of the several states attesting the adoption of this resolution by the legislature of the State of Florida."

A resolution adopted by the Retired Officers Association, Washington, D.C., condemning the brutal treatment of prisoners by the enemy in Southeast Asia, and urging that all possible measures be taken to require the enemy to abide by the Geneva Convention; to the Committee on Foreign Relations.

A resolution adopted by the Montpeller, Vt., City Council, in support of intergovernmental sharing of Federal income tax revenue; to the Committee on the Judiciary.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. 670. A bill to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes (Rept. No. 92–3).

EXECUTIVE REPORTS OF A COMMITTEE

Mr. SPARKMAN. Mr. President, as in executive session, I report favorably from the Banking, Housing and Urban Affairs Committee the names of Andrew J. Melton, Jr., Glenn E. Anderson, George J. Stigler, Donald T. Regan, and Byron D. Woodside, nominees to be the Directors of the Securities Investors Protection Corporation.

This Corporation was established pursuant to Public Law 91–598. Pursuant to section 3(c) of Public Law 91–598, the Board of Directors shall consist of seven members who are to serve staggered 3-year terms. The law further provides that two of these Directors shall be the designee of the Secretary of the Treasury and the designee of the Federal Reserve Board among their representative employees. Three of the Directors shall be appointed by the President from the securities industry and two of the Directors shall be appointed by the President from the general public.

This Board of Directors for the Corporation is somewhat unique among boards that have been established by legislation. It requires three members of the Board at least to be representatives from an industry which shall be served by the Securities Investment Protection Corporation.

In this connection, Mr. President, the question of conflict of interest arises in regard to the five Directors of the Board appointed from the industry and the public. This matter was very carefully considered by our committee during the hearings and, in addition to having a letter from the General Counsel of the Securities and Exchange Commission indicating that their present industry connections create no conflicts of interest with the functions they would perform on the Board, we were also assured in committee by each nominee that if: First, controversy arose between SIPC and one of the companies or firms from which a Director had been drawn, that Director would disqualify himself from acting in that particular controversy; and second that if the company or firm of a Board member was involved in a claim against another company or firm, the Board member would disqualify himself from acting in that controversy. I might add that the General Counsel's letter reaffirms the statements made to the committee by the nominees involved. I ask unanimous consent to have printed at this point in the RECORD the letter dated February 10, 1971, from the General Counsel of the Securities and Exchange Commission.

The PRESIDENT pro tempore. The reports will be received and the nominations will be placed on the Executive Calendar; and, without objection, the letter will be printed in the RECORD.

The letter, presented by Mr. SPARKMAN, is as follows:

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., February 10, 1971.

Hon. JOHN J. SPARKMAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPARKMAN: This letter is written in response to a suggestion made at the hearings on February 10, 1971 before your Committee with respect to the confirmation of five members of the Board of Directors of the Securities Investor Protection Corporation (SIPC) established pursuant to the Securities Investor Protection Act of 1970 (Public Law 91–598) (The Act). Your Committee was concerned, as is usual practice in considering nominations requiring Senate confirmation, with possible conflicts of interest.

In considering this matter, certain aspects of the Act should be borne in mind. In the first place, SIPC is not a federal agency. Section 3(a)(1) of the Act specifically provides that it shall not be an agency or establishment of the United States Government. The Act specifies in considerable detail the composition and qualifications of the members of the Board of Directors. It provides that five directors shall be appointed by the President with the advice and consent of the Senate, of whom three shall be selected from among persons who are associated with and representative of the securities industry and two shall be selected from the general public and be persons who are not associated with any broker-dealer or securities industry group. In addition, there are two directors who are not appointed by the President or subject to Senate confirmation, one being an officer or employee of the Treasury Department designated by the Secretary of the Treasury and one being an officer or employee of the Federal Reserve Board designated by that Board.

As contemplated by the Act, three nominees for the Board of Directors Mr. Glenn E. Anderson, Mr. Andrew, Mr. Andrew J. Melton, Jr., and Mr. Donald T. Regan are executive officers of registered broker-dealers and are thus associated with and representative of the securities industry. All three of them are shareholders of the securities firms with which they are associated. In addition, they hold other investments. In my opinion, their association with the securities firms of which they are officers, creates, in itself, no conflict of interest and in any event this association is not only contemplated but required by the Act. A conflict of interest could arise, either if the firms of which they are officers were to become the subject of any specific action by SIPC or if they had a claim against any securities firm which was placed in liquidation pursuant to the Act and SIPC was called upon to consider the claim. All three of the nominees have advised me that in any such case they would disqualify themselves from participation in the matter.

The other two directors nominated by the President are Mr. Byron D. Woodside and Mr. George J. Stigler. As you have been advised, Mr. Woodside served as a member of the Securities and Exchange Commission from 1960 until 1967 when he retired and Mr. Stigler has, since 1958, been the Charles R. Walgreen Distinguished Service Professor of American Institutions at the University of Chicago. Both of these gentlemen have advised me that they no interest in, or association with, any broker or dealer or other securities industry member and have not had any association within the last two years. I understand that neither plans to acquire any interest whatsoever in any securities broker or dealer.

The other two directors who are not subject to confirmation by the Senate are Mr. Bruce K. MacLaury, Deputy Under Secretary of the Treasury and Mr. J. Charles Partee, Adviser to the Board of Governors of the Federal Reserve System. Both are, of course, subject to the statutes or rules with respect to conflicts of interest applicable to the agency in which they serve and I perceive no conflict of interest in their serving on the Board of Directors of SIPC in accordance with the Act.

I see no reason why directors of SIPC should not invest in the securities of companies not in the securities business since SIPC has no regulatory functions with respect to, or jurisdiction over, such companies.

In conclusion, after discussion with all of the persons nominated to serve on the Board of Directors of SIPC I do not believe that they have any conflict of interest, except for a potential conflict which might be regarded as existing by reason of compliance with the requirement of the Act that three directors be associated with and representative of the securities industry. In view of the understandings expressed by them at the hearings to me, I think no problem in this regard presently exists or is likely to arise.

Sincerely,

PHILIP A. LOOMIS, Jr.,
General Counsel.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SCHWEIKER:

S. 746. A bill to provide that U.S. Flag Day shall be a legal public holiday; and

S. 747. A bill for the relief of Dora Leticia Aspana and Aura Villeda Espana; to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 748. A bill to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank; and

S. 749. A bill to authorize U.S. contributions to the Special Funds of the Asian Development Bank; to the Committee on Foreign Relations.

(The remarks of Mr. FULBRIGHT when he introduced the bills appear below under separate headings.)

By Mr. MANSFIELD:

S. 750. A bill to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. MANSFIELD when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. CANNON (by request):

S. 751. A bill to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile;

S. 752. A bill to authorize the disposal of vegetable tannin extracts from the national stockpile;

S. 753. A bill to authorize the disposal of thorium from the supplemental stockpile;

S. 754. A bill to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile;

S. 755. A bill to authorize the disposal of shellac from the national stockpile;

S. 756. A bill to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile;

S. 757. A bill to authorize the disposal of iridium from the national stockpile;

S. 758. A bill to authorize the disposal of mica from the national stockpile and the supplemental stockpile;

S. 759. A bill to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile;

S. 760. A bill to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile;

S. 761. A bill to authorize the disposal of diamond tools from the national stockpile;

S. 762. A bill to authorize the disposal of chromium metal from the national stockpile and the supplemental stockpile;

S. 763. A bill to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile;

S. 764. A bill to authorize the disposal of lead from the national stockpile and the supplemental stockpile;

S. 765. A bill to authorize the disposal of antimony from the national stockpile and the supplemental stockpile;

S. 766. A bill to authorize the disposal of zinc from the national stockpile and the supplemental stockpile;

S. 767. A bill to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile;

S. 768. A bill to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile;

S. 769. A bill to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile;

S. 770. A bill to authorize the disposal of columbium from the national stockpile and the supplemental stockpile;

S. 771. A bill to authorize the disposal of selenium from the national stockpile and the supplemental stockpile;

S. 772. A bill to authorize the disposal of celestite from the national stockpile and the supplemental stockpile;

S. 773. A bill to authorize the disposal of metallurgical grade chromite from the national stockpile and the supplemental stockpile;

S. 774. A bill to authorize the disposal of vanadium from the national stockpile;

S. 775. A bill to authorize the disposal of magnesium from the national stockpile;

S. 776. A bill to authorize the disposal of abaca from the national stockpile;

S. 777. A bill to authorize the disposal of sisal from the national stockpile; and

S. 778. A bill to authorize the disposal of kyanite-mullite from the national stockpile; to the Committee on Armed Services.

By Mr. GRAVEL:

S. 779. A bill for the relief of Nesibe Tahtaklic; to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 780. A bill for the relief of Tunde Oberding; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. CURTIS, Mr. ERVIN, and Mr. GOLDWATER):

S. 781. A bill to amend the Food Stamp Act of 1964 in order to prohibit the distribution of food stamps to any household where the head of the household is engaged in a labor strike; to the Committee on Agriculture and Forestry.

By Mr. BAKER:

S. 782. A bill to amend certain provisions of the Federal Food, Drug, and Cosmetic Act; to the Committee on Labor and Public Welfare.

S. 783. A bill to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing; to the Committee on Veterans' Affairs.

S. 784. A bill to provide for a Commission on Transportation Regulatory Agencies to study and make recommendations with respect to the regulation of transportation by certain Federal agencies; to the Committee on Commerce.

(The remarks of Mr. BAKER when he introduced S. 782 and S. 783 appear below under the appropriate heading.)

By Mr. HRUSKA:

S. 785. A bill for the relief of Ilona Kocsan; and

S. 786. A bill for the relief of Dr. Wolf V. Heydebrand and his wife, Ruth Heydebrand; to the Committee on the Judiciary.

By Mr. MANSFIELD (for himself and Mr. METCALF):

S. 787. A bill to authorize the establishment of the Rimrocks National Monument in the State of Montana, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. MANSFIELD when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. GRIFFIN (for Mr. DOMINICK, Mr. JAVITS, and Mr. SCHWEIKER):

S. 788. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a code system for the identification of prescription drugs, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. GRIFFIN when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. COOPER:

S. 789. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture and Forestry.

(The remarks of Mr. COOPER when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. ALLEN:

S.J. Res. 38. Joint resolution proposing an amendment to the Constitution of the United States with respect to the terms of office and method of selection of judges of the Federal courts; to the Committee on the Judiciary.

(The remarks of Mr. ALLEN when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. BYRD of Virginia:

S.J. Res. 39. Joint resolution establishing a commission on seeking means of modernizing and organizing the Federal welfare programs; to the Committee on Finance.

(The remarks of Mr. BYRD of Virginia when he introduced the joint resolution appear earlier in the RECORD under the appropriate heading.)

S. 748—INTRODUCTION OF A BILL TO AMEND THE INTER-AMERICAN DEVELOPMENT BANK ACT

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to authorize payment and appropriation of two installments of $450 million each due on June 30, 1972, and June 30, 1973, as part of the U.S. share of the proposed increase in the resources of the Fund for Special Operations of the Inter-American Development Bank.

The bill has been requested by the Secretary of the Treasury, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Secretary of the Treasury dated January 29, 1971, to the Vice President.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 748) to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank, introduced by Mr. FULBRIGHT (by request), was received, read twice by its title, referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

S. 748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Inter-American Development Bank Act (22 U.S.C. 283 *et seq.*) is amended by adding at the end thereof the following new section:

"SEC. 19. (a) The United States Governor of the Bank is authorized to pay to the Fund for Special Operations two annual installments of $450,000,000 each in accordance with and subject to the terms and conditions of the resolution adopted by the Board of Governors on December 31, 1970, concerning an increase in the resources of the Fund for Special Operations and contributions thereto.

"(b) There are hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of the two annual installments of $450,000,000 each for the United States share of the increase in the resources of the Fund for Special Operations of the Bank."

The letter presented by Mr. FULBRIGHT is as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., January 29, 1971.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: In accordance with the President's Message to Congress of January 26, 1971, I am transmitting proposed legislation to authorize payment and appropria-

tion of two installments of $450 million each due on June 30, 1972 and June 30, 1973, as part of the United States share of the proposed increase in the resources of the Fund for Special Operations (FSO) of the Inter-American Development Bank.

Last year Congress authorized the United States Governor of the Bank to vote in favor of a resolution providing for a $1.5 billion replenishment of the Bank's FSO resources involving a $1 billion contribution by the United States and a $500 million contribution by the Latin American members of the Bank. Pursuant to this legislative authority, the United States Governor on December 30, 1970, cast the votes of the United States in favor of this resolution, which was formally adopted by the full membership of the Bank on December 31, 1970.

However, in the same legislation in which the United States vote for the replenishment resolution was authorized, Congress authorized payment and appropriation of only the first installment of $100 million of our contribution. The legislation I am submitting today would authorize the United States Governor to pay the two remaining installments of $450 million and would authorize the appropriation of these additional funds. This authorization, combined with the necessary appropriation, will allow the United States to make the installment payments coming due in fiscal years 1972 and 1973.

Favorable action on this legislation is essential for the maintenance of the Bank's central role in Latin American economic development and, indeed, for sustaining the pace of development in that area. As President Nixon stated in his signing statement on the International Financial Institutions Act:

"Full U.S. implementation of this replenishment of the Fund for Special Operations will enable the Bank to continue and expand its role as the hemisphere's major instrument for promoting development financing."

It would be appreciated if you would lay the proposed bill before the Senate. An identical bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Office of Management and Budget that the proposed legislation is in accord with the program of the President.

Sincerely yours,

DAVID M. KENNEDY.

S. 749—INTRODUCTION OF A BILL TO AMEND THE ASIAN DEVELOPMENT BANK ACT

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to authorize U.S. contributions to the Special Funds of the Asian Development Bank.

The bill has been requested by the Secretary of the Treasury and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Secretary of the Treasury dated January 29, 1971, to the Vice President.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 749) to authorize U.S. contributions to the Special Funds of the Asian Development Bank, introduced by Mr. FULBRIGHT (by request), was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Asian Development Bank Act (22 U.S.C. 285–285a) is amended by adding at the end thereof the following new sections:

"SEC. 12. (a) Subject to the provisions of this Act, the United States Governor of the Bank is authorized to enter into an agreement with the Bank providing for a United States contribution of $100,000,000 to the Bank in two annual installments of $60,000,000 and $40,000,000, beginning in fiscal year 1971. This contribution is referred to hereinafter in this Act as the 'United States Special Resources'.

"(b) The United States Special Resources shall be made available to the Bank pursuant to the provisions of this Act and article 19 of the Articles of Agreement of the Bank, and in a manner consistent with the Bank's Special Funds Rules and Regulations.

"SEC. 13. (a) The United States Special Resources shall be used to finance specific high priority development projects and programs in developing member countries of the Bank with emphasis on such projects and programs in the Southeast Asia region.

"(b) The United States Special Resources shall be used by the Bank only for—

"(1) making development loans on terms which may be more flexible and bear less heavily on the balance of payments than those established by the Bank for its ordinary operations; and

"(2) providing technical assistance credits on a reimbursable basis.

"(c)(1) The United States Special Resources may be expended by the Bank only for procurement in the United States of goods produced in, or services supplied from, the United States, except that the United States Governor, in consultation with the National Advisory Council on International Monetary and Financial Policies, may allow eligibility for procurement in other member countries from the United States Special Resources if he determines that such procurement eligibility would materially improve the ability of the Bank to carry out the objectives of its special funds resources and would be compatible with the international financial position of the United States.

"(2) The United States Special Resources may be used to pay for administrative expenses arising from the use of the United States Special Resources, but only to the extent such expenses are not covered from the Bank's service fee or income from use of United States Special Resources.

"(d) All financing of programs and projects by the Bank from the United States Special Resources shall be repayable to the Bank by the borrowers in United States dollars.

"SEC. 14. (a) The letters of credit provided for in section 15 shall be issued to the Bank only to the extent that at the time of issuance the cumulative amount of the United States Special Resources provided to the Bank (A) constitute a minority of all special funds contributions to the Bank, and (B) are no greater than the largest cumulative contribution of any other single country contributing to the special funds of the Bank.

"(b) The United States Governor of the Bank shall give due regard to the principles of (A) utilizing all special funds resources on an equitable basis, and (B) significantly shared participation by other contributors in each special fund to which United States Special Resources are provided.

"SEC. 15. The United States Special Resources shall be provided to the Bank in the form of a nonnegotiable, noninterest-bearing letter of credit which shall be payable to the Bank at par value on demand to meet the cost of eligible goods and services, and administrative costs authorized pursuant to section 13(c) of this Act.

"SEC. 16. The United States shall have the right to withdraw all or part of the United States Special Resources and any accrued resources derived therefrom under the procedures provided for in section 8.03 of the Special Funds Rules and Regulations of the Bank.

"SEC. 17. For the purpose of providing United States Special Resources to the Bank there is hereby authorized to be appropriated $60,000,000 for fiscal year 1971 and $40,000,000 for fiscal year 1972, all of which shall remain available until expended."

The letter presented by Mr. FULBRIGHT is as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., January 29, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: In accordance with the President's Message to Congress on January 26, 1971, I am transmitting herewith proposed legislation which would authorize the United States to commit $100 million to the Consolidated Special Funds of the Asian Development Bank in two annual installments of $60 million and $40 million. Regrettably, Congress, in the closing days of the last session, did not include this proposal in the omnibus International Financial Institutions bill that was then pending. I would emphasize that the omission of the ADB provision did not constitute an adverse Congressional judgment on this legislation; rather, suggestions were made in both the House and the Senate that this legislation be taken up at the earliest opportunity in the Ninety-Second Congress.

As the President emphasized in his recent message to Congress, and in his statement issued on the occasion of the signing of the omnibus International Financial Institutions Act (P.L. 91–599, approved December 30, 1970), a United States contribution to the Special Funds of the Bank is urgently needed to maintain the United States commitment to peaceful development of the Asian region and to equip the Bank to play a major role in this field. Six other countries have made contributions to the Special Funds in the total amount of $160 million. Japan has pledged $100 million, $70 million of which is now available to the Bank for commitment. These contributions have been made in anticipation of a United States contribution. It is now up to us to do our part if we are to reap the benefits of burden sharing which multilateral financial institutions can provide.

The draft bill is in all respects identical with the bill submitted last year except for a change in the first two installments. In the light of the passage of time and the contributions already made by other countries, the draft bill differs from the bill submitted last year by combining the first two annual installments of $25 million and $35 million that were to be paid in fiscal years 1970 and 1971 into one installment of $60 million that would be committed in fiscal year 1971. The third installment of $40 million planned for fiscal 1972 would remain unchanged by the new proposed legislation.

I urge priority consideration of this con-

tribution. As President Nixon stated in his December 30, 1970, signing statement:

"Failure to act early in the next session of the Congress would be a serious setback to the Bank's ability to obtain funds from other donors and build a strong, long-range, concessional lending facility."

A strong and effective Asian Development Bank will contribute greatly to the peaceful development of Asia and this is very much in the interest of the United States.

It would be appreciated if you would lay the proposed bill before the Senate. An identical bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Office of Management and Budget that the proposed legislation is in accord with the program of the President.

Sincerely yours,

DAVID M. KENNEDY.

S. 781—INTRODUCTION OF A BILL TO AMEND THE FOOD STAMP ACT OF 1964 TO PROHIBIT THE ISSUANCE OF FOOD STAMPS TO STRIKING WORKERS

Mr. THURMOND. Mr. President, on November 17, 1970, in the second session of the 91st Congress I introduced a bill which would amend the Food Stamp Act of 1964 to prohibit the issuance of food stamps to striking workers. Since the time I introduced this bill, I received overwhelming support for my position from citizens throughout the United States. In my estimation, the majority of the people of this country do not realize that food stamps are made available to striking workers. When this fact is made known, the reaction is always the same. Hard-working taxpayers are outraged to know that their tax dollars are being used to subsidize strikers.

If a strike is called and the Government steps in and subsidizes strikers—which supplying them with food stamps would do—then the Government is, in actuality, taking sides in the dispute against management. Labor-management relations are in many instances very complex and strikes may or may not be for a valid purpose. When a strike is called an obvious result to the worker is the cessation of his paycheck from his employer. This is a consideration that must be taken into account when a strike is called, whether the decision is made by the workers or by union officials. This decision should not be influenced by the fact that the workers will be subsidized by other taxpayers through the form of Federal programs such as the food stamp program.

There are many arguments that can be used in pointing out the impropriety of using the food stamp program to subsidize those who have jobs and who are able to support their families; but if the purpose of this program is clearly examined, it is obvious its intent is being abused when food stamps are issued to striking workers. The purpose of this program is to assist those who, because of inability to work or find employment, cannot support their families. This program is, of course, supported by the taxpayers who, I am sure, do not mind their tax dollars being used to help those who are genuinely in need. However, taxpayers should not be required to put food on the table of those who have jobs and voluntarily refuse to work.

Mr. President, I am very pleased to have the cosponsorship of Senators CURTIS, ERVIN, and GOLDWATER on this bill which would amend the Food Stamp Act of 1964. I introduce the bill for appropriate reference and ask that the text be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 781) to amend the Food Stamp Act of 1964 in order to prohibit the distribution of food stamps to any household where the head of the household is engaged in a labor strike, introduced by Mr. THURMOND (for himself and other Senators), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of subsection (c) of section 5 of the Food Stamp Act of 1964, as amended (7 U.S.C. 2013), is amended to read as follows: "Refusal to work at a plant or site subject to a lockout for the duration of such lockout shall not be deemed to be a refusal to accept employment."

SEC. 2. Section 5 of the Food Stamp Act of 1964, as amended, is further amended by adding at the end thereof a new subsection as follows:

"(d) Notwithstanding any other provision of this Act, no household shall be eligible to participate in the food stamp program if the head of the household is on strike against his employer as the result of a labor dispute, except where such household was eligible for participation in such program prior to the time the head of the household went on strike against his employer. The provisions of this subsection shall not apply in any case in which the head of a household is not working because of an employer lockout. As used in this subsection the term 'head of the household' means the member of any household who provides over one-half of the support for the household."

S. 783—INTRODUCTION OF A BILL TO PROVIDE MORTGAGE PROTECTION LIFE INSURANCE FOR SERVICE-CONNECTED DISABLED VETERANS WHO HAVE RECEIVED GRANTS FOR SPECIALLY ADAPTED HOUSING

Mr. BAKER. Mr. President, yesterday the House Committee on Veterans' Affairs ordered reported H.R. 943, a bill to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing. The annual cost of such a program would be roughly $1½ million, and I can think of no more worthy investment. I therefore introduce, and ask that it be appropriately referred, a bill for the same purposes.

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

The bill (S. 783) to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing, introduced by Mr. BAKER, was received, read twice by its title and referred to the Committee on Veterans' Affairs.

S. 784—INTRODUCTION OF A BILL TO PROVIDE A COMMISSION ON TRANSPORTATION REGULATORY AGENCIES

Mr. BAKER. Mr. President, there has been a great deal of discussion lately about our transportation regulatory agencies, their organization, procedures, and suitability as an efficient means of regulating transportation in the latter half of the 20th century. I think that the general consensus among representatives of the transportation industry and Members of Congress has been that the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission are all operating at less than maximum efficiency. Criticisms of these agencies range from mild to severe, but everyone seems to agree that some sort of reform in operating procedures or in the structure of the agencies is necessary if the Congress is going to continue to provide a regulatory system that will promote a balanced and economical transportation system in this country.

As a member of the Senate Commerce Committee's Subcommittee on Aviation, I have heard distinguished representatives of the American aviation industry testify before the subcommittee this week and last that the Civil Aeronautics Board is slow to act on proposals of the airlines to increase rates, and that this sluggishness of the regulatory agency in making decisions in these and other cases is, in part, responsible for the very poor economic situation in which the airlines find themselves today. Of course, the criticisms that my colleagues and I have heard from all segments of the surface transportation industry about the inefficiency of the Interstate Commerce Commission are too familiar to us all to make a detailed discussion of them here necessary.

It seems to me that the time has come for the Congress to consider making whatever changes are necessary in our regulatory structure to assure that the need for a coordinated national transportation system by water, highway, rail and air is met. I introduce today a bill to establish a Commission on Transportation Regulatory Agencies to study and make recommendations with respect to the regulation of transportation by the ICC, the CAB, and the FMC.

The Commission would be specifically mandated to consider the need for procedural reforms, organizational restructuring, and changes in the substantive laws administered by those agencies as well as the desirability of merging the three agencies. If a merger is found to be feasible and desirable, the Commission would make detailed recommendations with regard to the nature, powers, and functions of the new agency as well as changes in the substantive laws to be administered by it. If merger is found not to be feasible or desirable, the Com-

mission would nonetheless be required to make detailed recommendations concerning each of the matters referred to above.

The study would last 3 years, but an interim report would be presented to the Congress within 18 months.

This bill is substantially the same as S. 3760, which I introduced in the 91st Congress and which attracted a considerable amount of attention from those in government and industry who are concerned about the regulatory problem. In this connection I am happy to be able to report that the approach contained in S. 3760 has won widespread approval not only among the regulatory agencies involved but also within the transportation industry.

The changes that I have made in the bill are designed to clearly express the intent that the study to be undertaken by the Commission shall include authority to recommend changes in the laws administered by the three agencies and the procedures under which they are presently operating. They are designed to require that detailed consideration be given to these matters prior to any recommended organizational restructuring of the three agencies.

The length of the study has been increased from 1 year to 3 because I felt additional time would be necessary to insure the type of thorough consideration of these complex issues contemplated by the bill.

Mr. President, it would be unfortunate if this bill providing for a Commission to searchingly examine the regulatory process were to become embroiled in the currently heated controversy over regulation as opposed to deregulation. It is not intended to be a thinly disguised mechanism for the bringing about of deregulation, although the Commission would not be precluded from concluding that less regulation in some areas would be desirable in the public interest.

What the Commission would be specifically authorized to do under the bill is to study the laws administered by each of the three transportation regulatory agencies with a view to making recommendations for substantitve changes necessary to provide for more evenhanded regulation of the different modes of transportation. For example, a study of the sort I have in mind was proposed with respect to the standards by which the lawfulness of freight rates is judged by the various agencies under a Senate joint resolution introduced by Senator PROUTY of which I was a cosponsor in the last Congress—Senate Joint Resolution 186.

The study commission approach seems to me to be the most responsible method for the Congress to follow in considering alteration of the regulatory system. It is the middle ground between two rather extreme proposals which have been made recently. One of these proposals would abolish the Interstate Commerce Commission outright with no effective alternative at hand to fill the regulatory void which would be created. The other proposal contemplates merger of the three transportation regulatory agencies with procedural and substantive changes to be considered after the agencies have been combined under one roof.

Mr. President, I think that it would be foolhardy for the Congress to make any fundamental change in our regulatory system without first paving the way for such change by: First making a careful study of the alternatives open to us; second, making the necessary changes in the statutes administered by the three agencies; and third, providing for the procedural changes which are found to be most conducive to efficient and fair regulation.

While I personally believe that merging the three agencies would provide the best solution to the problems created by our currently fragmented system of regulation of the various transportation modes, I do not feel that such a step should be taken without the most careful and thorough consideration of the regulatory structure within which each of the agencies operates prior to merger. I do not believe that a merger or any other form of structural change in the regulatory system will in and of itself solve the difficult problems associated with the regulation of transportation in our country today. Moreover, I am convinced that structural change such as the merging of the three transportation regulatory agencies will only be successful if it is preceded by a careful analysis and revision of the basic responsibilities, organization, and procedures of the three existing agencies.

Furthermore, the study mandated under the bill is extremely necessary and will yield enormous benefits regardless of whether it results in the recommended merger of our transportation regulatory agencies. By requiring the Commission to make detailed recommendations concerning the organization, procedures, and substantive laws administered by the agencies at present it should establish a foundation for legislation to upgrade the operations of those agencies. As I have frequently indicated, I believe that we must search the regulatory process for restraints which prevent efficient operations with a view to eliminating them wherever possible. At a minimum, the recommendations of the Commission should make this possible.

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

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 784) to provide for a Commission on Transportation Regulatory Agencies to study and make recommendations with respect to the regulation of transportation by certain Federal agencies introduced by Mr. BAKER, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 784

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

ESTABLISHMENT OF COMMISSION

SECTION 1. There is hereby established a commission to be known as the Commission on Transportation Regulatory Agencies (hereinafter referred to as the "Commission").

MEMBERSHIP

SEC. 2. The Commission shall be composed of nine members who are not full-time officers or employees of the Federal Government and who shall be appointed as follows:

(a) Three appointed by the President of the United States, one of whom shall be designated as Chairman by the President;

(b) three appointed by the President of the Senate; and

(c) three appointed by the Speaker of the House of Representatives.

FUNCTIONS OF THE COMMISSION

SEC. 3. (a) The Commission shall study the organization, structure, operating procedures and policies applied for purposes of the regulation of transportation by the Interstate Commerce Commission, the Federal Maritime Commission, and the Civil Aeronautics Board and shall make such recommendations with respect to procedural reforms, organizational restructuring, and changes in the substantive laws administered by those agencies as the Commission may deem desirable.

In carrying out this responsibility, the Commission shall consider, among such other factors as it deems relevant, the need for—

(1) developing, coordinating, and preserving a national transportation system by water, highway, rail, and air;

(2) providing fair and impartial regulation of all modes of transportation;

(3) promoting safe, adequate, economical, and efficient transportation service;

(4) fostering sound economic conditions in transportation and among the several carriers; and

(5) encouraging the establishment and maintenance of reasonable charges for transportation services without unjust discriminations, undue preferences, or unfair competitive practices.

(b) In considering the desirability of organizational restructuring, the Commission shall consider whether merger of the three agencies would improve the ability of the resulting agency to achieve the objectives set forth in (a) above. If it concludes that such a merger would not be feasible or desirable, it shall so report, stating its reasons and making recommendations for the improvement of the organization, methods, and operation of the existing agencies. If it concludes that such a merger would be both feasible and desirable, it shall so report, stating its reasons, and shall make specific recommendations with respect to the nature, powers, and functions of the proposed regulatory agency and its relationship to the President, the Congress, the judiciary, the public and the carriers to be regulated. In either event, the Commission shall make such recommendations with respect to changes in the substantive laws presently administered by the three agencies as it may deem desirable.

COOPERATION BY EXECUTIVE DEPARTMENTS, AGENCIES, AND THE CONGRESS

SEC. 4. The Commission is authorized to request and accept from any executive department, agency, or congressional committee any information and assistance deemed necessary to carry out its functions under this statute. Each department, agency, or congressional committee is authorized, to the extent permitted by law and within the limits of available funds, to furnish information and assistance to the Commission.

COMPENSATION OF COMMISSION

SEC. 5. Each member of the Commission shall be paid at the rate of $100 for each day such member is engaged upon the work of the Commission. Each member of the Commission and personnel employed by the Commission shall be allowed travel expenses, including a per diem allowance, in

accordance with sections 5703(b) and 5704 of title 5, United States Code, when engaged in the performance of services for the Commission.

PERSONNEL OF COMMISSION

SEC. 6. Without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates—

(1) the Commission is authorized to appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of title 5, United States Code; and

(2) with the approval of the Commission, the Executive Director is authorized to appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule in section 5332 of title 5, United States Code) of such additional personnel as may be necessary to carry out the function of the Commission.

ADMINISTRATIVE SUPPORT SERVICES

SEC. 7. The Administrator of General Services shall provide administrative support services for the Commission on a reimbursable basis.

REPORT TO THE PRESIDENT AND THE CONGRESS AND TERMINATION

SEC. 8. The Commission shall make an interim and a final report to the President and the Congress with respect to its activities and containing its recommendations. The interim report shall be filed no later than eighteen months and the final report no later than three years from the date of enactment of this Act. The Commission shall terminate thirty days after the date of the submission of its final report. Upon termination, the Commission shall transfer all of its files to the Department of Transportation.

AUTHORIZATION

SEC. 9. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act for the fiscal years 1972, 1973, and 1974.

SENATE JOINT RESOLUTION 38—INTRODUCTION OF A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION WITH RESPECT TO THE TERMS OF OFFICE AND METHOD OF SELECTION OF JUDGES OF THE FEDERAL COURTS

Mr. ALLEN. Mr. President, I take this occasion to introduce a Senate Joint Resolution proposing an amendment to the Constitution of the United States relating to the subject of appointments and terms of offices of Justices of the U.S. Supreme Court and of all judges of inferior courts created by Congress under provisions of article III of the U.S. Constitution.

Mr. President, I ask unanimous consent that the proposed resolution be printed in the RECORD at the conclusion of my remarks.

In print, the amendment may appear to some to be complicated. In fact, it is quite simple and the thrust and objectives of the proposed amendment can be stated in clear and precise terms.

First, the proposed amendment provides that Justices of the U.S. Supreme Court be appointed in the same manner as now but that they shall serve for terms of 8 years subject to reappointment and reconfirmation by the Senate for succeeding terms of 8 years.

Second, the proposed amendment provides that all judges of all U.S. inferior courts shall be appointed in the same manner as now but shall serve for terms of 6 years and subject to reappointment and reconfirmation for succeeding terms of 6 years with the following exception:

Judges of U.S. district courts would not be appointed in the same manner as now. Instead they would be elected by the qualified voters of the district within which the respective district courts are situated and subject to reelection for succeeding terms of 6 years.

Third, Congress is empowered to stagger the terms of office of all of the judgeships to which the proposed amendment applies, as nearly as may be practicable, in such a manner as to assure that one-fourth of the judges of the Supreme Court and one-third of the judges of inferior courts shall terminate every second year.

With further reference to judges of inferior courts, Congress is authorized to provide, as nearly as may be practicable, that one-third of those who are elected to office and one-third of those appointed to office shall terminate in the same year.

Naturally, in order to implement the above provisions, Congress is empowered to prescribe by law the time at which judges of the Supreme Court and inferior courts shall first take office under the provisions of this proposed amendment and to further prescribe initial terms of office which are shorter than terms of 8 and 6 years as the case may be.

Mr. President, it is not my purpose to elaborate on the compelling reasons which justify this proposed amendment. It is sufficient to say that the U.S. Supreme Court has assumed legislative and executive powers and functions and that it is imperative that this situation be corrected. It is imperative that any agency of government which exercises legislation or executive powers of Government be made responsible to the people or to elected representatives of the people. This amendment, if adopted, would accomplish this purpose.

Let me make one further observation to justify the imperative need to submit this proposed amendment to judgment of the people as to its wisdom and desirability.

President Nixon in his message to Congress on the subject of revenue sharing stated one case for revenue sharing and also for the need to reexamine our governmental institutions to make them more responsive. The following thoughts are expressed in the first few paragraphs of the President's message:

One of the best things about the American Constitution, George Washington suggested shortly after it was written, was that it left so much room for change. For this meant that future generations would have a chance to continue the work which began in Philadelphia.

Future generations took full advantage of that opportunity. For nearly two turbulent centuries, they continually reshaped their government to meet changing public needs. As a result, our political institutions have grown and developed with a changing, growing nation.

Today, the winds of change are blowing more vigorously than ever across our country and the responsiveness of government is being tested once again. Whether our institutions will rise again to this challenge now depends on the readiness of our generation to 'think anew and act anew,' on our ability to find better ways of governing.

Across America today, growing numbers of men and women are fed up with government as usual. For government as usual too often means government which has failed to keep pace with the times.

Government talks more and taxes more, but too often it fails to deliver. It grows bigger and costlier, but our problems only seem to get worse. A gap has opened in this country between the worlds of promise and performance—and the gap is becoming a gulf that separates hope from accomplishment. The result has been a rising frustration in America, and a mounting fear that our institutions will never again be equal to our needs.

We must fight that fear by attacking its causes. We must restore the confidence of the people in the capacities of their government. I believe the way to begin this work is by taking bold measures to strengthen State and local governments—by providing them with new sources of revenue and a new sense of responsibility.

With reference to some of the changes which have taken place in our Nation, I dare say that none has been more profound than the change resulting in the gradual accretion of powers in the U.S. Supreme Court to the extent that judicial, legislative, and executive powers and functions are exercised by the single nonelective and nonresponsive branch of Federal Government. The combination of such powers in one branch of government is despotic by definition and is judicial despotism in its practical effect. I cannot believe that despotism or despotic government is a wholesome change or one that should be longer tolerated.

Mr. President, the proposed amendment which I have introduced will go a long way toward correcting the problem. In my judgment, it may take two decades to restore our judicial system to sound constitutional principles. Let us begin now.

I shall have more to say on this subject from time to time.

The PRESIDING OFFICER (Mr. GAMBRELL). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 38) proposing an amendment to the Constitution of the United States with respect to the terms of office and method of selection of judges of the Federal courts, introduced by Mr. ALLEN, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 38

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within 7 years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Notwithstanding the provisions of the second sentence of section 1 of article III of the Constitution relating to the terms

of office of judges of the United States, each judge of the supreme court shall hold his office for a term of eight years. Each judge of an inferior court established by the Congress under section 1 shall hold his office for a term of six years.

"SEC. 2. Notwithstanding the provisions of the second sentence of section 2 of article II of the Constitution, each judge of each United States District Court shall be elected by the persons within the judicial district within which such court is situated who are qualified to vote for members of the legislature of the State in which such court is situated.

"SEC. 3. The Congress shall provide by law a division of all the judgeships to which this article applies so that, as nearly as may be practicable, the terms of office of one-fourth of the judgeships of the supreme court, and one-third of the judgeships of inferior courts, shall terminate every second year. Such division of the judgeships of the inferior courts shall be made in such a manner that, as nearly as may be practicable, the terms of office of one-third of the judges of any class of inferior courts who are appointed to office, and one-third of the judges of inferior courts who are elected to office, shall terminate in the same year. Whenever a vacancy occurs in any judgeship, because of the death, resignation, retirement, or removal from office of the judge holding such judgeship, his successor shall be chosen for the remainder of his term in the same manner in which he was chosen.

"SEC. 4. Judges holding office under section 1 of article III of this constitution on the date of ratification of this article shall continue in office until their successors have been appointed or elected and have qualified for office under this article.

"SEC. 5. The Congress may carry this article into effect by appropriate legislation. The Congress shall prescribe by law the time at which the judges of the supreme court and of each inferior court shall first take office under this article. To carry into effect the provisions of section 3 of this article, the Congress may prescribe for the judges of each court who first take office under this article terms which are shorter than the terms prescribed by section 1 of this article."

ADDITIONAL COSPONSORS OF BILLS

S. 1

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Alaska, I ask unanimous consent that, at its next printing, the names of Senators PELL, CHURCH, and BENTSEN be added as cosponsors of S. 1, a bill to provide for better regulation of the Federal elective process, to provide a means of encouraging broad voter participation in the financing of Federal election campaigns, and for other purposes.

The PRESIDING OFFICER (Mr. BEALL). Without objection, it is so ordered.

S. 23

At the request of the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Michigan (Mr. GRIFFIN) was added as a cosponsor of S. 23, the Ethnic Heritage Studies Centers Act of 1971.

S. 215

At the request of the Senator from South Carolina (Mr. THURMOND), the Senator from North Carolina (Mr. ERVIN) was added as a cosponsor of S. 215, to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution.

S. 732

At the request of the Senator from West Virginia (Mr. BYRD), on behalf of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Arkansas (Mr. MCCLELLAN) was added as a cosponsor of S. 732, a bill to amend the Public Works Acceleration Act.

ADDITIONAL COSPONSORS OF JOINT RESOLUTIONS

SENATE JOINT RESOLUTION 10

On request of the Senator from Michigan (Mr. GRIFFIN) on behalf of the Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. FANNIN), the Senator from South Carolina (Mr. THURMOND), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Alaska (Mr. STEVENS), the Senator from North Dakota (Mr. YOUNG), the Senator from Wyoming (Mr. MCGEE), the Senator from Vermont (Mr. PROUTY), the Senator from Michigan (Mr. HART), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from Georgia (Mr. GAMBRELL) were added as cosponsors of Senate Joint Resolution 10, to ask the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action."

SENATE JOINT RESOLUTION 32

At the request of the Senator from Tennessee (Mr. BAKER), the Senator from Kentucky (Mr. COOK), and the Senator from Nebraska (Mr. HRUSKA) were added as cosponsors of Senate Joint Resolution 32 proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 10

At the request of the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from North Dakota (Mr. BURDICK), the Senator from Kansas (Mr. DOLE), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Pennsylvania (Mr. SCOTT), the Senator from South Carolina (Mr. THURMOND), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of Senate Resolution 10, to designate January 22 as Ukrainian Independence Day.

SENATE RESOLUTION 45

At the request of the Senator from West Virginia (Mr. BYRD), on behalf of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Washington (Mr. MAGNUSON) was added as a cosponsor of Senate Resolution 45, to authorize the Committee on Interior and Insular Affairs to make a study of national fuels and energy policy.

MULTIPLE REFERRAL OF A BILL

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Alaska (Mr. GRAVEL), I ask unanimous consent that S. 1, to provide for better regulation of the Federal elective process, to provide a means of encouraging broad voter participation in the financing of Federal election campaigns, and for other purposes, which presently is within the jurisdiction of the Committee on Rules and Administration, be given multiple referral and that it be referred to the Committee on Finance and the Committee on Commerce.

The PRESIDING OFFICER (Mr. BEALL). Without objection, it is so ordered.

REFERRAL OF A BILL

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Alaska (Mr. GRAVEL), I ask unanimous consent that S. 9, to provide a means of financing Presidential and Congressional election campaigns, which is presently being considered by the Committee on Rules and Administration, be multiply referred to the Committee on Finance.

The PRESIDING OFFICER (Mr. BEALL). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 6—SUBMISSION OF A CONCURRENT RESOLUTION TO EXPRESS THE SENSE OF CONGRESS RELATIVE TO CERTAIN ACTIVITIES OF PUBLIC HEALTH SERVICE HOSPITALS AND OUTPATIENT CLINICS

Mr. KENNEDY (for himself, Mr. MAGNUSON, Mr. MATHIAS, Mr. ALLEN, Mr. BEALL, Mr. BURDICK, Mr. CHILES, Mr. CRANSTON, Mr. GRAVEL, Mr. HART, Mr. HOLLINGS, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. JORDAN of North Carolina, Mr. MCGEE, Mr. MCGOVERN, Mr. MANSFIELD, Mr. METCALF, Mr. MUSKIE, Mr. NELSON, Mr. PASTORE, Mr. PELL, Mr. SPARKMAN, Mr. SPONG, Mr. STEVENS, Mr. STEVENSON, Mr. TUNNEY, and Mr. WILLIAMS) submitted a concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics, which was referred to the Committee on Labor and Public Welfare.

(The remarks of Mr. KENNEDY when he submitted the concurrent resolution appear earlier in the RECORD under the appropriate heading.)

ADDITIONAL STATEMENTS

INCREASING PROBLEMS OF THE CURRENT FARM PROGRAM

Mr. SYMINGTON. Mr. President, in further reference to the steadily increasing problems currently being encountered as a result of this new farm legislation and its operation under this administration, we note a recent newspaper article written by Mr. Jack Hackethorne, one of the true agricultural experts in the State of Missouri.

In this article Mr. Hackethorne gives five practical illustrations of the extent

the family-size farmer is suffering under the present legislation, along with its administration.

Mr. Hackethorne also states:

A change in the law will be necessary before the small farmer can be helped. The set-aside eligibility requirement was delayed one year by an administrative order from the U.S. Department of Agriculture.

With this thinking we fully agree, as will all those interested in the plight of our farmers under this legislation.

I ask unanimous consent that the entire Hackethorne article "Plow Up That Grass, Gain 'Flexibility,'" be printed in the RECORD.

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

PLOW UP THAT GRASS, GAIN "FLEXIBILITY"

(By Jack Hackethorne)

The Administration's new farm bill has small farmers in a pickle. Recently announced changes in eligibility set-aside provisions have quieted some of the rumbles from larger farmers, but even they had been unhappy about plowing up grass to comply with a set-aside provision requiring acres to be rotated.

A change in the law will be necessary before the small farmer can be helped. The set-aside eligibility requirement was delayed one year by an administrative order from the U.S. Department of Agriculture.

In Nodaway County, for example, 691 farms have a feed grain base of 25 acres or less. Many are maintaining their homes on these farms. Many of these small farms are owned by retired farmers drawing a small government payment and, in some cases, Social Security.

Many of these farms have been seeded for pasture and hay. If price support payments are collected, the new law requires a minimum of 45 percent of feed grain base be planted or the base will be reduced each year, eliminated after three years. To protect this base will require this grass land be broken out. Not only will this add to soil erosion and pollution problems but some farmers will be forced off the farm.

Emery Shell has an 88-acre farm south of Pickering. He is 73 years old and has lived on this place since 1949. Shell has a 20-acre feed grain base, seeded to grass since 1961. "Now, to qualify, I must plow up some of the good grass and plant corn," he says. "It ought to raise good corn. It has had a rest, but I would be better off the way it was under the old program."

Carl E. Helzer lives on 78 acres south of Maryville. At 79, "I am not able to farm any more. All my ground is in grass and is terraced. I have been trying to get it all in grass. It is good farming and there is no erosion, and will be better land when I leave than what I moved on 40 years ago. I have no need for corn, and at my age I hate to plow up any grass."

Elbert Risser, Route 1, Sheridan, has 200 acres, "would just as soon have the entire farm seeded down in grass and feed a few cows. Now I will have to plow up 21 acres of fescue that would make an awful lot of winter pasture just to save feed grain base."

A controversial section of the program dealing with set-aside acres was temporarily delayed a year after a loud rumble from the midwest feed grain farmers.

Under the old farm program (Act of 1965) farmers were urged to take land out of feed grain production and to divert acres to soil conserving crops such as grass. If farmers harvest a crop from these diverted acres they lose government payment and price supports.

Under the Administration's new program farmers were asked to set aside acres (probably 20 percent of the feed grain base but the figure is yet to be announced) and take them out of production. If they set aside these acres along with conserving acres they would be free to grow all the corn and other feed grains they want on remaining acres. The catch is that the set-aside acres must have been used to grow crops in one of the past three years. This virtually rules out land diverted from production from year-to-year under the previous program. The effect would be to force farmers to rotate acres set aside each year. This would have disrupted cropping plans and increased costs by making it necessary to plow up land already seeded to grass and established grass seedings on land intended for feed grain crops.

H. H. Woolridge, in Cooper County, thinks the provision is "silly" and the delay should be made permanent. "I have been using 2 pounds of Atrazine per acre to keep the weeds and grass out of my corn for about 12 years. Grass will not grow on this ground. It does not make sense to plow up good grass and plant corn and then expect to establish a good cover of grass on those fields that have been in corn."

D. T. Weekley, who farms near Blackwater, said, "They are asking us to destroy what we have already done and to start over again."

NOTHING TO FEAR FROM FBI

Mr. HRUSKA. Mr. President, last year the Congress passed the Organized Crime Control Act of 1970 which imposed great new responsibilities on the FBI. These included new areas of combating organized crime and in investigating bombings at institutions receiving Federal assistance. Shortly after this act was passed, the Congress also approved a supplemental appropriation for the FBI to enable that agency to employ an additional 1,000 special agents to handle the new duties.

A great amount of misinformation was circulated about this increase of FBI manpower and the added responsibilities with respect to bombings. It was alleged the FBI was going to swamp college campuses around the country with its agents and take over the policing of student activities. Nothing could have been further from the truth.

Recently I came across an editorial in the Panama City, Fla., News Herald which speaks clearly to the charges that the FBI was going to be used to curtail freedom of speech on campuses. I think it is important to make this editorial comment a matter of record for the Congress and ask unanimous consent to include it in the RECORD.

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

NOTHING TO FEAR FROM FBI

Since its inception the Federal Bureau of Investigation has been and continues to be just what the title implies, an investigative arm of law enforcement. It is not a federal police force. Neither is it judge and jury for alleged criminal actions.

Alarmists, however, are crying again that the FBI plans to "saturate" college campuses with officers to curtail liberty and freedom of speech.

The whispering campaign against the FBI stems from President Nixon's provision for appointment of 1,000 additional agents in the fight against organized crime.

The Organized Crime Control Act of 1970 signed into law Oct. 1 specifically gives the FBI the responsibility for investigating bombings or bombing attempts on federal property or any institution receiving federal financial assistance.

The notion that such action presents a threat to the country is ridiculous.

As FBI Director J. Edgar Hoover observed, the FBI would be "more than pleased if it were never necessary to investigate a single bombing under the new act."

There's really nothing sinister and menacing about investigation acts of bombing and terrorism. They've almost doubled in number over 1969, and persons who worry about "repressive" law enforcement might better expand their energy in working to prevent these crimes.

GIFTS OF DAVID LAWRENCE

Mr. BYRD of Virginia. Mr. President, the February 11 edition of the Washington Post includes an article on Mr. David Lawrence, by Hank Burchard, a Washington Post staff writer.

The article describes Mr. Lawrence's philanthropies, which have been generous and of great benefit to the people of northern Virginia.

Mr. Lawrence is one of the Nation's most distinguished journalists. His was the first newspaper column to be syndicated by wire.

He became president and editor of U.S. News in 1933 and since 1959 has been chairman of the board and editor of U.S. News & World Report.

More than 300 newspapers carry Mr. Lawrence's daily column.

At the age of 82, Mr. Lawrence continues to write his column and maintain his interest in world affairs. His long career is one of singular achievement.

David Lawrence is a great newspaperman, a great American, and a wonderful friend.

I ask unanimous consent that the text of the Washington Post article "Gifts of David Lawrence" be included at this point in the RECORD.

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

GIFTS OF DAVID LAWRENCE

(By Hank Burchard)

David Lawrence came into this world with very little and wants to go out of it the same way, not that he's in any hurry.

Lawrence, 82, dean of American syndicated newspaper columnists (he invented the form in 1916), founder of his own news service and a flourishing weekly news magazine, friend and/or chastiser of Presidents from Taft to Nixon, respected spokesman for what might be called the Old Right, should be a wealthy man.

He isn't. He has given most of it away. Lawrence sold the news service, called the Bureau of National Affairs, to its employees in 1946 and did the same with his magazine, U.S. News & World Report, in 1962, at what associates called bargain prices.

The last of his major possessions, the magnificent Middlegate Farm near Centreville in Fairfax County, he gave to the people of the county in December, final title to pass when he does.

The farm is 639.8 acres, two-tenths of an acre less than one square mile. It was given without strings, lock, stock and barrel, including houses (3), furnishings, mementos and all—every thing except the news teletype printer in the wash house, which is the property of the Associated Press.

The rolling, wooded acres are assessed at $5 million, but the land is actually priceless, there being no other such piece of private property in the county.

He gave it the way he always does these things, the way he gave land for three Centreville churches, diffidently and at a dis-

tance. He gave the farm by sending a note to the County Board of Supervisors. All Lawrence asked was that the county resist attempts to build any more highways through what is to be known as Ellanor Campbell Hayes Lawrence Park in honor of his late wife, and that the dilapidated one-lane bridge over Big Rocky Run be replaced with a two-lane bridge faced with stone from the pre-Revolutionary quarry on the property.

Lawrence added that it would be nice if the County Park Authority would allow the Rocky Run Garden Club, of which Mrs. Lawrence was a founder, to continue meeting in the old wheat mill as it has for 40 years or so. But he does not insist upon it.

There are those who use their philanthropy to buy a kind of immortality: to keep their names engraved in stone somewhere or to make sure some young fellow doesn't spend the fortune in a way of which its amasser would not have approved or to preserve some land the former owner loved.

Not Lawrence. He confesses affection for the trees that cover most of Middlegate Farm, but he doesn't demand their preservation. He'd like the mill, one of the largest and oldest in the county, to be restored (the Lawrences have used it as a guesthouse) but doesn't require it.

"The place will be theirs," he said. "I expect they'll take care of it. Ellanor and the children and I have had a great deal of pleasure from it and I hope the people of the county will."

Lawrence will talk about the land, which was camped on and fought over by both sides during the Civil War Battles of Bull Run (First and Second Manassas), but discourages questions about himself and his philanthropy.

"My wife loved the trees, couldn't stand to have one cut and didn't like to see them fall. She picked the land when we bought it in 1935 (the bulk of it for about $16,000). It was in her name. In her will (Mrs. Lawrence died in June, 1969) she said it was to be donated to a beneficiary of my choice.

"Through the years the Scouts and other groups had come to study nature there, so I thought we should leave it to the people who live in Fairfax and their friends."

Actually, Middlegate Farm is Lawrence's second major gift to Fairfax residents. The first, and some would say the most important one, was the county executive form of government, which was adopted by the voters in 1950 after a masterful campaign designed and executed principally by Lawrence.

In that fight he took on and beat every powerful political group: the entrenched Byrd Organization under the so-called Courthouse Crowd headed by the late Circuit Judge Paul E. Brown, and the coalition that had developed the reform movement, which included the League of Women Voters, the Federation of Citizens Association and the Good Government League. He also beat down the chairman of the county's governmental study commission, of which Lawrence was vice chairman.

The Byrd Organization was trying to hold on to the existing county board form, under which power was concentrated in the hands of Judge Brown, able and articulate and arch-conservative.

The coalition, including Lawrence's chairman, was pressing for the county manager form, under which all members of the ruling board would have been elected at large.

Lawrence cried a pox on both their houses in this pre-election letter to The Washington Post:

"The political power today in Fairfax County . . . is vested primarily in a few officials who are elected by county-wide voting. They are the ones who are today fighting change in Fairfax County's government.

"Their brothers under the skin—the politicians who are lurking behind the pressure groups to take over under the county manager system—will be more firmly entrenched in power than these few elected officials have been. . .

"Each voter would be voting for six supervisors under the county manager plan. It is conceivable that the voters in one district will know enough about the personal capacity of any of the 10 or more candidates for the board from the other districts—or will the voters have to depend upon the political machine or a coalition of pressure groups to hand them a slate on which to vote 'ja'?"

That kind of rhetoric apparently blew all his opponents down, good guys and bad buys together, because the voters gave their "ja" to Lawrence's plan by 5,210 to 3,502.

Lawrence then headed a team that put the county executive form into effect over a two-year period. The new government wasn't perfect by any means—several supervisors have gone to prison for zoning bribery conspiracy—but the more efficient and flexible county executive system at least survived the population boom that started in the 1950s.

Judge Brown, a Virginia gentleman of the old school, was not one to let political differences interfere with friendships. He continued to invite Lawrence as a speaker before the Off the Record Club, a group of Fairfax squires who met to discuss political issues privately and informally.

The squires no longer meet. Most are dead or retired. But David Lawrence marches on, cranking out five newspaper columns a week as he has for 55 years, plus the back page spot in the magazine. Whether he's at his vacation home in Sarasota, Fla., the farm or his suite at the Sheraton-Carlton Hotel, he always has his news ticker and a direct telephone line to his office at U.S. News.

His lifetime routine remains unbroken, although a friend said "it's just a routine now, with Ellanor gone. She was the center around whom he revolved."

Lawrence said it himself during the Medal of Freedom award ceremony at the White House on April 22:

"I have a sentimental interest in the White House. I started writing about White House activities when I graduated from Princeton in 1910 when Mr. Taft was President . . . It so happened in the early years I was sitting in the White House lobby when a beautiful girl went through to call on a member of the secretarial staff. Two and a half years later she became my wife. We were married for almost 51 years. The Lord sent me one of the most wonderful companions in the world and he took her away last year. I know if she could have been here she would have appreciated this hour very much, and I do, too.

"Thank you, Mr. President."

The President: "I am sure she is here right now."

Now, he doesn't want to talk about her with strangers. He shrugged off questions about the award scrolls and plaques, covering two walls of his office, which he has accumulated over the years. Never mind the Presidential Medal of Freedom presented to him "and seven other old guys."

Lawrence is a very private man.

And a busy one. He steps carefully now, not so big and vigorous as once, but he steps right along, aided and abetted by Obadiah William Person, his chauffeur of 27 years, who maneuvers the huge black Cadillac limousine through Washington traffic with a skill and abandon that would make any nut in a Volkswagen envious. The Cady does not have low-number license plates. It wouldn't occur to Lawrence to ask for them, although the President says Lawrence is the journalist he has known longest and best.

Out to the farm, roaring down Rt. 66 to the Centreville exit. Whipping past his lands and his pond and the Civil War earthworks. First stop, the wash house, to turn on the ticker. Paper jams. Damn machine won't work. Never mind.

Lawrence seems to be in a hurry, although he assures his interviewer he's not. The old man touches everything he passes in the cottage, everything he passes in the mill. He hasn't really lived at the farm since Mrs. Lawrence died.

RADIO FREE EUROPE AND RADIO LIBERTY

Mr. PEARSON. Mr. President, my distinguished colleague from New Jersey (Mr. CASE) has raised for scrutiny by Congress and the public the question of covert funding by the Central Intelligence Agency of Radio Free Europe and Radio Liberty. He has proposed legislation to authorize public funding of these stations. His statements have been well covered by the press, and considerable information of potential value to Senators is contained in this group of articles, which I ask unanimous consent to have printed in the RECORD.

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

[From the New York Times, Jan. 24, 1971]

CASE WOULD BAR CIA AID FOR RADIO FREE EUROPE

(By Benjamin Welles)

WASHINGTON, January 23.—Senator Clifford P. Case, Republican of New Jersey, charged today that the Central Intelligence Agency had spent several hundred million dollars over the last 20 years to keep Radio Free Europe and Radio Liberty functioning.

Mr. Case, a member of the Appropriations and Foreign Relations Committees, said that he would introduce legislation Monday to bring Government spending on the two stations under the authorization and appropriations process of Congress. Representative Ogden R. Reid, Republican of Westchester, said today that he would introduce similar legislation in the House.

Radio Free Europe, founded in 1950, and Radio Liberty, formed a year later, both have powerful transmitters in Munich, West Germany, staffed by several thousand American technicians and refugees from Eastern Europe.

Radio Liberty broadcasts only into the Soviet Union, Radio Free Europe to other Eastern European countries except Yugoslavia.

Both organizations have offices in New York and purport to be privately endowed with funds coming exclusively from foundations, corporations and the public. Both, however, are extremely reticent about the details of their financing.

Senator Case noted in a statement that both Radio Free Europe and Radio Liberty "claim to be nongovernmental organizations sponsored by private contributions." However, he went on, "available sources indicate direct C.I.A. subsidies pay nearly all their costs."

The Senator said that the Central Intelligence Agency provided the stations with $30-million in the last fiscal year without formal Congressional approval.

DISCLOSURES RESTRICTED

Under the Central Intelligence Agency's operating rules, its activities—such as covert funding—are approved by the National Security Council. However, disclosure to Congress is limited to a handful of senior legislators on watchdog committees of each house.

The Central Intelligence Agency and Radio Free Europe both declined to comment today on Senator Case's statement. Efforts to elicit comment from Radio Liberty were unavailing.

Covert C.I.A. funding of the two stations has, however, been an open secret for years, although the C.I.A., in accordance with

standing policy, and the two stations themselves have consistently refused to discuss either their operations or their funding.

Citing returns filed with the Internal Revenue Service in the 1969 fiscal year, Mr. Case said that the stations' combined operating costs that year totaled $33,997,336. Of this, he said, Radio Free Europe spent $21,109,935 and Radio Liberty $12,887,401.

FUNDS SOUGHT BY ADVERTISEMENT

"The bulk of Radio Free Europe's and Radio Liberty's budgets, or more than $30-million annually, comes from direct C.I.A. subsidies," Mr. Case charged. "Congress has never participated in authorization of funds to R.F.E. or R.L., although hundreds of millions of dollars in Government funds have been spent during the last 20 years."

Mr. Case pointed out that Radio Free Europe conducted a yearly campaign for public contributions under the auspices of the Advertising Council. Between $12-million and $20-million in free media space is donated annually to this campaign, he said, but the return from the public is "apparently less than $100,000."

Furthermore, he said, both stations attempted to raise money from corporations and foundations but contributions from these sources reportedly pay only a small part of the stations' total budgets.

Senator Case said that his proposed legislation would seek to amend the United States Information and Educational Exchange Act of 1948 to authorize funds for both stations in the fiscal year beginning next July 1. His proposal would call for an initial sum of $30-million, but he said that the sum would be subject to change.

BAR ON OTHER FUNDS

At the same time, Mr. Case said, his proposal would provide that "no other" United States Government funds could be made available to either station except under the provisions of the act. He also said that he would ask that Administration officials concerned with overseas information policies be called to testify in order to determine the amount needed for the station's operations.

"I can understand why covert funds might have been used for a year or two in an emergency situation when extreme secrecy was necessary and when no other Government funds were available," Mr. Case said.

But, he went on, the justification for covert funding has lessened over the years as international tension has eased, as the secrecy surrounding the stations has "melted away," and as more open means of funding could be developed.

"In other words," he said, "the extraordinary circumstances that might have been thought to justify circumvention of constitutional processes and Congressional approval no longer exist."

JOHNSON CREATED XXX

Mr. Case pointed out that in 1967, after there had been public disclosure that the C.I.A. had been secretly funding the National Student Association, President Johnson created a committee that was headed by Nicholas de B. Katzenbach, the Under Secretary of State, and that included Richard Helms, head of the C.I.A., and John W. Gardner, the Secretary of Health, Education and Welfare.

He further noted that on March 29, 1967, Mr. Johnson publicly accepted the committee's recommendation that "no Federal agency shall provide covert financial assistance or support, direct or indirect, to any of the nation's educational or voluntary organizations" and that "no programs currently would justify any exceptions to this policy."

People familiar with the operations of Radio Free Europe and Radio Liberty noted that both had been started at the peak of the Cold War and had just "gone rolling on" ever since. The Katzenbach committee, some sources said, had cut off covert funding from virtually all other recipients.

"They solved all the tough ones," one source said, "but they were under such pressure from Johnson to get their report out and get the heat from Congress and the public cut off that they didn't solve the funding of the stations. They turned it over to another committee."

The second committee, whose members these sources declined to identify, worked over a year and then turned in secret recommendations to Mr. Johnson. However, Mr. Johnson pigeonholed the recommendations and finally left the problem for the incoming Nixon Administration to solve, the sources said.

[From the Baltimore Sun, Jan. 24, 1971]

PUBLIC FINANCING OF OUTLETS ASKED; RADIO FREE EUROPE NOW IN CIA SPHERE, CASE WARNS

(By Peter J. Kumpa)

WASHINGTON, January 23.—Senator Clifford P. Case (R., N.J.) announced today that he will introduce legislation Monday to provide for open congressional financing of Radio Free Europe and Radio Liberty.

Mr. Case explained that, if approved, the legislation would remove the stations from the need for secret funds from the Central Intelligence Agency. He said that in the last fiscal year, the CIA provided a direct subsidy of $30 million to the stations which broadcast to the Soviet Union and five Eastern European Communist countries.

Although both Radio Free Europe and Radio Liberty claim to be non-governmental organizations sponsored by private contributions, the senator said that "available sources" indicate the CIA pays almost all their costs.

PRODUCES TAX RETURNS

He produced figures from returns filed with the Internal Revenue Service showing that the combined operating costs for the stations in fiscal 1969 was almost $34 million ($21,109,935 for Radio Free Europe and $12,887,401 for Radio Liberty).

Though a national advertising campaign under the auspices of the Advertising Council uses somewhere between $12 and $20 million in free media space to solicit contributions for the stations, Mr. Case said, returns from the public amount to less than $100,000.

The stations raise the rest of their budgets from corporate and foundation contributions, he said.

"Congress has never participated in authorization or appropriations of funds to Radio Free Europe or Radio Liberty, although hundreds of millions of dollars in government funds have been spent during the last 20 years," Senator Case said.

"I can understand why covert funds might have been used for a year or two in an emergency situation when extreme secrecy was necessary and when no other government funds were available" he went on.

LESSENING OF TENSION

But now, the senator asserted, with the lessening of international tension and with the melting of secrecy, some means of open financing of the stations should have been provided.

"In other words, the extraordinary circumstances that might have been thought to justify circumvention of constitutional processes and congressional approval no longer exist," Senator Case said.

The senator was not critical of the work of the stations, both of which have their main offices and studios in Munich, Germany. His legislation, in fact, would authorize $30 million for continuation of their work. He simply wants Congress to supervise the spending of taxpayers' money.

Radio Free Europe, started in 1950, broadcasts to Bulgaria, Hungary, Poland, Czechoslovakia and Romania. Radio Liberty, opened a year later, concentrates only on the Soviet Union. In 1956, Radio Free Europe was criticized for raising false hopes of help for the Hungarian rebels. Since then, the stations have been less controversial.

Informed congressional sources have no doubts about the close tie-up between the stations and the government.

A full-time liaison officer from the consulate in Munich is assigned to go over program content to make it conform to U.S. government policy, they point out. Because classified as well as unclassified government information is provided, security personnel check out the stations, the same sources report.

Further, they say U.S. embassy officials from Eastern Europe get briefings at Radio Free Europe. The station, in turn, uses the coded communications of the Munich consulate to keep in touch with Washington, the sources report.

Though their studios are in Germany, the transmitters for the stations are in Spain, Portugal and Taiwan, all countries with special arrangements with the United States, the sources report.

THE 1967 PANEL'S FINDINGS

In 1967, after disclosures of CIA financing of the National Student Association, a presidential committee made up of John Gardner, then Secretary of Health, Education and Welfare, Richard Helms, CIA director, and Nicholas de B. Katzenbach, then under secretary of State, recommended that no federal agency should provide covert funds for any of the nation's "educational or voluntary organizations."

President Johnson accepted the committee's recommendations. On March 29, 1967, he ordered all federal agencies to implement them.

Senator Case's bill, similar to one shortly to be introduced in the House by Representative Ogden R. Reid (R., N.Y.), would provide funds for the stations out of the Informational and Educational Exchange Act. It would forbid funding by any other government channel.

[From the Christian Science Monitor, Jan. 25, 1971]

CIA AGAIN CHARGED WITH POLICY MEDDLING

(By Robert P. Hey)

WASHINGTON.—Once again, charges of Central Intelligence Agency influence on U.S. foreign policy are reverberating through Congress.

Sen. Clifford P. Case charges that Radio Free Europe and Radio Liberty actually are financed—clandestinely—by the CIA, to the tune of more than $30 million annually.

The New Jersey Republican alleges "several hundred million dollars in United States Government funds" have been given these stations over the past 20 years without congressional approval or even knowledge.

In New York, Bernard Yarow, senior vice-president of Radio Free Europe, says his organization's reaction to the charges is: "No comment."

SUPPORT SUPPOSEDLY PRIVATE

Both stations beam information to Communist-controlled nations in Eastern Europe. They have stoutly maintained for years that they were financed through private contributions.

Senator Case, the New Jersey Republican, thinks it is high time all this was brought out into the open. He has introduced legislation to have the finances of both stations provided, openly, through the same authorization-and-appropriation process through which Congress controls the budgets of most governmental agencies.

These changes strengthen one present trend—the increasing insistence of Con-

gress—particularly the Senate—on exerting influence upon the direction of United States foreign policy.

But all this also seems like a page out of the recent past. In 1967 it was disclosed that the CIA was funding what had been presumed to be an organization of students without government links, the National Student Association. The uproar at that time was thunderous over clandestine government penetration of student organizations, with all the implications of potential infringement on academic freedom.

EARLIER REPORT QUOTED

Senator Case now quotes, with considerable irony, a recommendation made by a presidential committee which investigated that CIA funding.

It recommended that "no federal agency shall provide covert financial assistance or support, direct or indirect, to any of the nation's educational or voluntary organizations," and that "no programs currently would justify any exception to this policy."

Sources close to Senator Case say he is not trying to close down Radio Free Europe, but merely to bring into the open the government's relationship to it.

The view here is that the CIA for 20 years has remained the financier of Radio Free Europe, in the Case charge, due to bureaucratic inertia. "It's the whole question of how does the government change," in the words of one source. No one here suggests there is any Machiavellian plot behind the CIA financing, at least, not at present.

The Case bill is expected to be referred to the Senate Foreign Relations Committee, chaired by Sen. J. Fulbright (D) of Arkansas, where it is assured a sympathetic hearing. Senator Case is a member of that committee.

[From the St. Louis Post-Dispatch, Jan. 24, 1971]

PROPOSES CIA CUT OFF RADIO STATION FUNDS

(By Richard Dudman)

WASHINGTON, January 23.—Senator Clifford P. Case (Rep.), New Jersey, proposed Saturday that the United States drop the pretense that Radio Free Europe and Radio Liberty are private enterprises and begin financing them openly.

Although the two propaganda stations have been widely known to be operations of the Central Intelligence Agency, Case became possibly the first public official to blurt out the truth publicly.

Radio Free Europe, beamed to Eastern Europe, and Radio Liberty, beamed to the Soviet Union, operate in Munich, West Germany, ostensibly on private contributions.

But Case said these contributions apparently come to less than $100,000 a year, with modest additional amounts from foundations and corporations, whereas the stations' operating expenses for fiscal 1969 were almost $34,000,000.

He showed copies of returns they filed with the Internal Revenue Service reporting that operating costs were $21,109,935 for Radio Free Europe and $12,887,401 for Radio Liberty.

FREE ADVERTISING

Case said he had been advised that between $12,000,000 and $20,000,000 in free media space was donated annually to the fund raising campaign under auspices of the Advertising Council.

"In the last 20 years several hundred million dollars in United States Government funds have been expended from secret CIA budgets to pay almost totally for the costs of these two radio stations broadcasting to Eastern Europe," Case said. "In the last fiscal year alone, over $30,000,000 was provided by CIA as a direct government subsidy; yet at no time was Congress asked or permitted to carry out its traditional constitutional role of approving the expenditure."

The Senator said he would introduce a bill Monday amending the United States Information and Educational Exchange Act of 1948 to authorize funds for the two stations in fiscal 1972. The bill also would provide that no other U.S. Government funds may go to either radio station except under provisions of the act.

POST ENDORSES HUMPHREY-REUSS REVENUE-SHARING BILL

Mr. HUMPHREY. Mr. President, Monday's Washington Post contained a lead editorial which addressed itself to the various revenue-sharing proposals now before the Congress.

I am gratified the editorial singled out the bill that Congressman HENRY REUSS and I introduced for laudatory mention.

Senator HUMPHREY and "Congressman REUSS have put in a bill which would phase the funds progressively over a longer period of time, meanwhile encouraging the adoption or reform of income taxes by the States and a whole array of measures designed to bring State and local financial and governmental practices at least into the century which will shortly end."

Mr. President, that is indeed the thrust of the Humphrey-Reuss bill—to provide increasing Federal grants to States and local governments to ease their fiscal crunch and as an inducement to reform and streamline their governmental structures and processes.

Local government must be more responsive to the needs of their people. The Humphrey-Reuss bill will authorize the funds to help provide these services and to help State and local governments render themselves able to allocate these funds more efficiently and economically. Such reform will make both present revenues and expected Federal revenue sharing go just that much further.

Mr. President, I ask unanimous consent that the Post editorial for February 8, 1971, be printed in the RECORD.

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

MR. NIXON'S MESSAGE ON REVENUE SHARING

There were not many surprises in the message on revenue sharing the President sent to Congress on Thursday. Mr. Nixon addressed himself primarily to the "general" (or real) revenue sharing of $5 billion with the states in the program's first year of operation, as distinct from the so-called "special revenue sharing" (more properly, consolidated grants) that has yet to be spelled out and which is meant to provide the states with $11 billion for broadly defined purposes.

The general revenue sharing measure Mr. Nixon outlined would automatically dispense an amount equal to 1.3 per cent of the nation's taxable personal income to state and local governments for use as they see fit. It is to include financial incentives for the states to maintain their own tax efforts and to work out their own sharing arrangements with local governments—"pass through" formulas, as they are known, that are particularly suited to the state's individual requirements and acceptable to a majority of its governing bodies (such as cities, townships, counties) representing a majority of its population. There is also to be provision for a federal audit which—given the ban on racially discriminatory use of the funds—could prove quite interesting in those cases where the funds might go into the general treasury of a state or local government: it is not inconceivable that with such a mixture of moneys, the federal government would acquire more leverage than it now has in eliminating discrimination from state-supported programs.

This, to be sure, remains in the realm of speculation as does so much else related to the meaning and ultimate effect of Mr. Nixon's proposal. However, "iffy" questions in this matter are especially interesting—indeed, it could be argued that whatever the fate of this particular measure, Mr. Nixon has done the nation a considerable service by initiating what could be a highly productive debate on problems that should have been faced long ago. We are not referring here to the rhetoric of "revolution" or to Mr. Nixon's own antic borrowing ("Power to the People") or to the elided logic that underlies talk of "giving back" to the states functions and responsibilities the federal government acquired only because the states refused to assume them in the first place. Rather, we have in mind the valuable and overdue focusing of attention on the urgency of devising an equitable and effective redistribution of the nation's tax revenue.

The argument over the precise amount of money—$5 billion—to be shared in the first full year of the general program is a case in point. That sum has been faulted both as too little and too much. But the dispute is not one of those conventional split-the-difference affairs in which the object is merely to reach agreement on the size of an outlay the federal government can afford. Each argument tends to rest, instead, on a particular theory of the merit and purpose of revenue sharing. $5 billion is far too small a sum if you take at face value the Nixon administration's stated aims. In fact the White House, ritually and repeatedly blaming the nation's social unrest on the gap between promise (or overpromise) and performance, has nonetheless started down a similar road itself in making large, power-to-the-people claims for the dispensation of an amount which is actually less than that by which state and local budgets increase annually. At most these funds can be expected to mitigate a rise in local taxes, not to take the place of such a rise. And the prospective administration measure carries an insufficiency of funds, incentives, and sanctions to ensure that the shared revenue will not merely be of help in perpetuating a variety of relationships between citizen and government and among divisions of government that sorely require change on grounds that range from moral to managerial.

It is for this last reason that others—chiefly legislators and political theorists who are not known for their scrimpiness with the public purse—are claiming that the $5 billion first year sum is too large. It is too large, they contend, to be dispensed to such uncertain effect when the means are at hand for a pass at revenue sharing that would at once reach the people and the state and local governments in severest need. This alternative would be for the federal government to assume all or almost all the costs of our national welfare programs—meaning that share which state and local governments are now obliged to pay. Meantime—the argument runs—while the state and local governments and their taxpayers would gain relief in the release of state and local welfare expenditures for other purposes, a more modest sum could be allocated to a phased general revenue sharing plan that would be, in Congressman Henry Reuss's terms, a "catalyst" not a "crutch."

This school of thought, to which we are ourselves inclined at this point, holds that the automatic allocation of federally collected revenue to the states represents a step that will not easily be reversed and one with critically important long-term implications and effects. From which it follows that it should not be taken loosely or lightly or in

return for nothing in the way of improved, rationalized local government and a more equitable disposition of services financed from public funds. Representative Reuss has put in a bill which would phase the funds progressively over a longer period of time, meanwhile encouraging the adoption or reform of income taxes by the states and a whole array of measures designed to bring state and local financial and governmental practices at least into the century which will shortly end.

Mr. Nixon's message on general revenue sharing bore little evidence that the administration is thinking in terms of this objective. Nor is it enough to counter that such an objective flies in the face of returning money and power and decision to the states and/or the people: much of his program—that which he has pursued for the past two years and that which he is about to embark on now in specific fields—is premised on a collection of federal sanctions, incentives, directives and other necessary nosinesses that run directly contrary to the line of thought invoked in support of his revenue sharing plan. We bring this up not to sport with a policy inconsistency or to make a debater's point, but merely to suggest that in the best and most serious sense of the term, a rationalization of federal policy toward the states could be an invaluable outcome of the legislative debate ahead—especially if it is reflected in the legislative end-product.

AMERICAN PRISONERS OF WAR IN NORTH VIETNAM

Mr. BENNETT. Mr. President, few things are more distressing to the American people than the plight of those brave Americans who are confined in POW camps in Communist North Vietnam. I am pleased to lend my complete support to the widespread effort to bring public opinion pressure upon the Hanoi government to accord American prisoners their rights under the Geneva Convention and also to release them as part of an exchange program with the allies.

I was very much pleased when the Utah State Legislature passed a concurrent resolution memorializing the Democratic Republic of North Vietnam to take all necessary actions to insure fair and humane treatment for American prisoners of war and to insure the release of these prisoners unharmed. I add to this resolution my full support. I join with the legislators of my State in calling upon the Hanoi government to hear the pleas of Americans everywhere that these men be released. I call upon Hanoi to immediately identify every American held in captivity and to report fully his health condition and status. I urge the Government of North Vietnam to accept quickly a prisoner exchange program which will allow these brave Americans to be reunited with their families.

I believe that regardless of the varying viewpoints held by Americans, and the people of Utah concerning the war, that all support the basic objectives of this compassionate resolution. I ask unanimous consent that the resolution and the covering letter addressed to Premier Pham Van Dong be printed in the RECORD.

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

SALT LAKE CITY, UTAH,
February 5, 1971.

Hon. Premier PHAM VAN DONG,
Democratic Republic of North Vietnam, c/o North Vietnamese Delegation, Paris Peace Talks, Paris, France.

HONORABLE PREMIER PHAM VAN DONG: The Office of Secretary of State of the State of Utah, United States of America, has been instructed by its 39th Legislature to transmit to you copies of a Resolution, concurred in by both houses of its Legislature, memorializing the Democratic Republic of North Vietnam to take all necessary actions to insure fair and humane treatment for American prisoners of war and to assure the release of American prisoners of war unharmed.

Copies of this Resolution are enclosed to you by registered mail. Your acknowledgement would be appreciated.

Sincerely,

CLYDE L. MILLER,
Secretary of State.

AMERICAN PRISONERS OF WAR IN NORTH VIETNAM

(By Moroni L. Jensen and Dixie Leavitt)

A concurrent resolution of the 39th legislature of the State of Utah, the Governor concurring therein, memorializing the Democratic Republic of North Vietnam to take all necessary actions to insure fair and humane treatment for American prisoners of war and to assure the release of American prisoners of war unharmed

Be it resolved by the Legislature of the State of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof and the Governor concurring therein:

Whereas, an unavoidable incidence of the conflict in Southeast Asia is the taking of prisoners of war;

Whereas, prisoners of war are entitled to fair and humane treatment as members of the human race;

Now, therefore, be it resolved, that the Democratic Republic of North Vietnam is requested to take all necessary actions to insure fair and humane treatment for American prisoners of war and to assure the release of American prisoners of war unharmed.

Be it further resolved, that the 39th Legislature of the State of Utah is concerned about American prisoners of war in the Republic of North Vietnam and desires to add their names to the list of concerned citizens asking for the humane treatment or release of these prisoners.

Be it further resolved, that the members of the Legislature and the Governor of the State of Utah do hereby affix their signatures in support of this resolution.

Be it further resolved, that the Secretary of State of the State of Utah shall send copies of this Resolution to the President of the Democratic Republic of North Vietnam in Hanoi.

EXPANSION OF SOUTHEAST ASIA WAR DEPLORED

Mr. FULBRIGHT. Mr. President, I have received a telegram signed by 140 persons in Conway, Ark., and at Hendrix College, which is located in Conway.

The signers of the telegram deplore the continued involvement of the United States in Southeast Asia, and particularly the expansion of the war there.

I ask unanimous consent that the text of the telegram and the names of the signers be printed in the RECORD.

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

CONWAY, ARK., *February 4, 1971.*

Senator J. WILLIAM FULBRIGHT,
Washington, D.C.:

We regret and deplore the continued involvement of the United States in Southeast Asia. Further use of air power in Cambodia and Laos can only contribute to an already intolerable situation. We urge you to do everything in your power to stop the expansion of this pointless conflict. We reject the idea that engaging the North Vietnamese on a larger scale will allow us to reduce our forces in Indochina. We also repudiate the use of ground troops in or out of uniform, armed or unarmed, in Cambodia or Laos.

Please have this read into the Congressional Record.

Jim Rorie, Max Kruse, Charles Chappell, Linda Abney, David Taylor, Mary Gwinn, Ted Kampbell, Herb Rummel, Jon Wagner, Joel Tull, Paul Faris, Temple Fay, Garrett McAinsh, Judy White, Arnold Nachman, Russ Chitwood, Marilela Pence, Warren Walker, Valerie Thwing, Robert Shoemaker, Fran Featherston, Margaret Stover, Mike McCully, Jean Rummeln.

Mike Carter, Richard Livingston, George McLean, Barbara Creggett, Lance Ellis, Dan Yarborough, Bill Briant, Ann Mallory, Phil Tracy, Elizabeth Harris, Ken McRae, Jim Crank, Kai Cuanli, Bill Hawes, Robert Isaacs, Kay Bowie, Morgan Rainwater, David Terrell, Dan Farley, Danny Flagg, Jim Major, Valerie Major, Wendy Westerlund.

James Gurley, Gary Villines, Steve Gibson, Douglas Westerlund, Karon Pitcock, Gary Hogan, Mike Wilcox, Ralph Doty, Jeff Hoy, Eua Gately, Jim Murphy, Gary Barnes, Tommy Porter, James Gibbons, Bill Strart, John Compton, Jim Fowler, Grady Trimble, Ron McDonald, John Hearnsberger, George Wingo, Eddie Harris, Sam Murray.

Jack Frost, Omar Greene, Bryan Stoves, Frances Nix, Fred Strebeck, Lynn McLean, Harriet Boyd, Cynthia Edwards, Herman Ashcraft, Terry Gill, Nancy Brawner, Mike McQuire, Lewis Leslie, Thomas Elliott, Davis Foster, Gary Cohen, Charles Daniel, Warren Blanchard, Guy Couch, Doug Christian, Gick Gallagher, Eston Williams, Charles Bush.

Chip Simpson, Jeanne Harris, Robert Atkinson, Gray Myers, Kathy Walker, Martin Hearne, Bob Razet, Bruce Wood, Mark Ray, Jay Sims, Ferris Baker, Tom Yarbrough, Richard Lewis, Ricky Pearce, Bernard Bevill, John Hargan, Sam Jones, Dennis Officer, H. Wilbourn, Van Goodin, Carlos Summers, George Kelly, Barbara Baker, Maralynn Troutman, Mike Shepherd.

Downie Talbot, James Keheley, Bob Kraemer, Richard Lancaster, Jim Edgar, Sarah Johnston, Angela Wood, Ron Wray, Brenda Stanley, Clark Fincher, Thomas Bemberg, Debby McLendon, Ned Denney, David Grace, Lyndon Strickland, Charlie Johnson, Thelma Hampton, Linda Tooke, Ann Givens.

AN EQUAL VOTE FOR EVERY AMERICAN

Mr. HUMPHREY. Mr. President, I have worked more than 17 years for the abolition of the electoral college in favor of direct popular election of the President and Vice President of the United States.

I am not alone. Polls show 80 percent of the American people support such a change. And so do a majority of both Houses of Congress.

I am proud to add my name as a cosponsor to Senate Joint Resolution 1, the constitutional amendment to provide for direct popular election of the President and Vice President.

This amendment would give each American an equal vote—a fundamental principle of our democratic process.

A similar amendment last year passed the House of Representatives by a lopsided 339-to-70 vote, but it was filibustered to death in this Chamber although it has the support of a majority of Senators.

The present system discourages candidates from campaigning in "safe" States and in small States. Direct election would give campaigns more of a national flavor. Candidates would continue to go where the most people are, but the smaller States would likely get more attention.

Every citizen of every State would have good reason to cast a vote. Each person's vote would count equally.

The direct election amendment is also carefully written to strengthen the two-party system by discouraging regional or splinter party candidates from either trying to throw the election into the House of Representatives or causing a run-off election.

I would personally prefer to see a runoff election if neither ticket got 40 percent of the popular vote, but I accept the alternative suggested by the junior Senator from Michigan (Mr. GRIFFIN) and the former Senator from Maryland, Mr. Tydings.

I do not feel a runoff would foster growth of third parties, nor would such an election be much of a problem to organize nationwide on short notice. Many other countries already are making effective use of the runoff election.

But, in working for such an important goal as direct election of the President and Vice President of the United States, it is best not to undermine our work by quibbling over relatively minor details.

What is so very vital, so urgent, is the long overdue need to let the people, not an anonymous group of electors, elect the President. And we ought to break down the paper curtain of outmoded registration laws which keep so many of our citizens from voting. In 1968, only 72 million out of a possible 120 million voting age citizens went to the polls.

The 1968 presidential election was decided by half a million votes. It very nearly ended up in the House of Representatives, where each State would have cast one vote.

What if either Mr. Nixon or myself had been elected by the House and the one chosen was not the popular vote winner? Inevitably, there would have been charges of a deal with backers of George Wallace. The loss of public confidence would have been staggering.

We ought to move ahead on this proposed amendment now while memories of the potential chaos of 1968 are still fresh. If both Houses of Congress will approve electoral reforms, I believe the necessary 38 States would ratify the constitutional change.

Such a change will require political leadership—from the White House to the courthouse. We can afford no less.

We cannot move toward the 21st century with 19th-century election laws. Let us make this the year we safeguard our Nation by putting the needed electoral reforms into the Constitution where they belong.

UTAH SUCCESS: WISDOM, WEALTH, PEOPLE

Mr. BENNETT. Mr. President, Utah recently celebrated its 75th anniversary of statehood. It was on January 4, 1896, that President Grover Cleveland signed a proclamation officially admitting Utah into the Union as the 45th State.

Between our State's humble pioneer beginning—marked by the epic struggles of the early Mormon settlers to tame a forbidding desert—and today's diamond anniversary of statehood, weaves a fascinating success story. A major part of this story is the economic development of Utah—a development made possible by human ingenuity, faith, and hard work, and the cultivation and harnessing of Utah's natural resources.

An article published in the Salt Lake Tribune of January 26, 1971, chronicled the significant milestones in Utah's economic development. The article, written by Mr. Robert H. Woody, draws from a speech by one of our State's leading educators and historians, Dr. Leonard Arrington, of Utah State University.

I am sure that Dr. Arrington's summary as reported by the Tribune will be of interest to others, so I ask unanimous consent that the article be printed in the RECORD.

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

UTAH SUCCESS: WISDOM, WEALTH, PEOPLE

(By Robert H. Woody)

In our rush, we are so preoccupied with the present, we take little cognizance of the past.

Who were the people, what were the events that gave us the present?

Now with Utah in its 75th year as a state, economic historian Leonard J. Arrington has come up with a chronicle of events, products, persons and principles that gave us the present.

His chronicle highlighted the annual luncheon of the Utah Manufacturers Assn. luncheon Monday at Hotel Utah.

Here, in brief, is how Dr. Arrington, a professor of economics at Utah State University, sized it up:

MAJOR INDUSTRIAL EVENTS

The founding of the Perpetual Emigrating Co. in 1849 which organized the immigration of 80,000 persons to Utah in the next 40 years.

Completion of the transcontinental railroad in 1869.

Successful production of beet sugar in 1891.

Beginning of open-cut mining operations of Utah Copper Co. in 1906 at Bingham, giving birth to the single most productive mine in the world.

Start of steel production by Geneva Steel works in 1944.

Establishment of the missile industry in Utah in 1957.

THE MAJOR PRODUCTS

Agricultural specialties which sustained the pioneers during the first 50 years.

Mineral production, beginning with silver and lead, followed by copper, salt, gilsonite, uranium and now beryllium and magnesium.

Uranium, coal and petroleum.

Weapons, ranging from John Moses Browning's guns to the Air Force's Minuteman ICBM.

Products of pleasure and comfort, e.g., knitted goods, housetrailers, tents and sporting goods, and most recently, organs.

And on the "product" list—the graduates of high schools, technical schools, colleges and universities.

THE PRIME MOVERS, THE INNOVATORS, ENTREPRENEURS, ET CETERA

Certainly, the pioneer mother. "She supervised the education of pioneer boys and men. . . ."

Mormon Church leaders—Brigham Young, "that ever-present director and governor, who initiated and supported many important industries;" George Q. Cannon; Heber J. Grant, and today, Nathan Eldon Tanner."

THE INVENTORS

John Moses Browning, of course, the man who invented the repeating rifle, the automatic pistol, the machine gun rifle, and the antiaircraft gun.

L. L. Nunn, "whose genius and untiring energy made possible the long-distance transmission of electric power."

Philo Farnsworth, holder of the basic patents on television.

Daniel Jackling, "brilliant organizer and a master engineer and chemist, whose genius created the massive operations at Bingham."

David Eccles "and his imaginative and energetic sons, particularly Marriner and George, (of First Security Corp.) . . . (whose) labor has infused with life and profit hundreds of important enterprises."

Walter Mathesius, the first president of Geneva Steel. "Certainly one of the most kindly, most reasonable, most cultured, most competent and most respectful of all our industrial leaders."

Community cooperation in the establishment of local enterprises.

GREAT PRINCIPLES

Community support of gifted individuals capable of creating new products and industries.

Cooperation of church and private capital—"They have provided the residents with a kind of spontaneous combustion which has been mobilized by effective entrepreneurs for the support of desirable enterprise."

Cooperation of science and private capital in the development of an industry.

Cooperation of government and private capital for defense and development.

Emergence of Utah as a major regional manufacturing and distribution center.

And, now what of present and future?

The establishment of research centers at Provo, Salt Lake City and Logan! The stone age, iron age, bronze age, the invention of the longbow, gunpowder and atomic fission and fusion were the consequence of intellectual invention. "But the lesson is clear . . . that wisdom is important as well as wealth and strength."

MANAGING THE MACHINE SOCIETY

Mr. METCALF. Mr. President, the Legislative Reorganization Act of 1970, Public Law 91–510, is in part an attempt to provide the Congress with the information we need, in the form and at the time we need it, to make decisions in the public interest.

The act expanded the Legislative Reference Service of the Library of Congress into the Congressional Research Service, charged in part with:

Rendering to Congress the most effective and efficient service and responding most expeditiously, effectively, and efficiently to the special needs of Congress.

Implicit in this charge is the use of tools—among them the computer—upon which business and executive departments are relying increasingly to their advantage.

There were a number of developments in this area during the 91st Congress. Some were included with my remarks

in the RECORD of June 11, 1970, under the title "The Computer Age is Dawning on Capitol Hill."

The Committee on House Administration, acting upon the recommendations of its Special Subcommittee on Electrical and Mechanical Office Equipment, awarded $450,000 in contracts to eight companies for the continuing study of the information and analysis needs of the House of Representatives.

The emphasis in these contracts was upon translating the needs of the members and committees into concepts for services and a plan for the design, construction and operation of a system to provide these services. The eight companies were the Stanford Research Institute, the MITRE Corp., Computer Science Corp., System Development Corp., EDP Technology, Inc., General Computing Corp., Intech Corp., and Systems Consultants, Inc. The Special Subcommittee's Working Group on Automatic Data Processing has prepared two reports which include information on existing computer resources available to Congress and a discussion of the specific needs of Congress. Another report will be forthcoming in the near future.

Last August, the Senate Committee on Rules and Administration, following a staff study of automatic data processing in connection with legislative operations, established a Subcommittee on Computers Services.

Also this past year legislators and their staff members sat down with information and management specialists to talk over this problem of mutual concern. The proceedings of this meeting in May have been published in the AFIPS–ACM—American Federation of Information Processing Societies—Association for Computing Machinery—booklet entitled "Information Systems: Current Developments and Future Expansions." The summation talk, entitled "Managing The Machine Society," was given by Mr. Robert L. Chartrand, for the past 5 years adviser to the Congress on systems technology and its application. Because of the general interest in this subject, I ask unanimous consent that the summation be printed in the RECORD.

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

MANAGING THE MACHINE SOCIETY

(By Robert L. Chartrand)

Thomas Jefferson: "I know no safe depository of the ultimate powers of society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it away from them, but to inform their discretion."

In the span of nearly two centuries since these United States became a nation, those responsible for governing have been especially sensitive to the role of the people in that government. Within the democratic process there is a continuing—and imperative—need for communication between the leadership and the electorate. A credibility gap may be caused by a number of things, but foremost among these is the quality of information provided the citizenry. The flow of information between all sectors of society not only must be sustained, but enhanced, if our civilization is to confront successfully the pressures and problems of our times.

A very real need was perceived which led to the convening of this special seminar, with its emphasis on the potential of information technology for the legislative process. While some thought has been given to the need for reshaping the Congress to meet the challenges of the future—as in the report of The Commission on the Year 2000 and certain aspects of the Reorganization Act of 1970—the particular problem of information exchange and utilization has only begun to be explored. Perhaps the selection of the famous Senate Caucus Room as the site for a colloquy between key legislative personnel and the foremost spokesmen of the new technology is more than fortuitous. It would seem that this meeting in these surroundings symbolizes the rapport which must be achieved between two disparate disciplinary groups. And without overstatement, this rapport can in the long term affect the effectiveness of the Congress.

If one were to characterize the chief dilemma facing our national leadership—the managers, if you will—today, it could be expressed in terms of "time for decision-making" and "selection of information." The problem is essentially the same for the President, a Congressman, a governor, or the mayor of a large city. Existing information systems are outmoded. Innovations which might provide better filters and more timely, accurate, relevant information are deprecated through misunderstanding or fear of change. Yet these changes must come, and they will occur in an environment where change has become a way of life.

The two-fold emphasis of this seminar—through an examination of current developments in information systems and the ramifications of future expansion of capabilities—is designed to indicate the technical feasibility and political realities of employing information technology. In addition, the importance of man maintaining mastery over his own creations deserves serious consideration. Such control can be achieved only through a coordinated effort by government, the industrial and academic researchers and developers, and the critical user community. Robert W. King was quite accurate in his treatise on "Technology and Social Progress" when he noted that:

"As mankind amalgamates itself more and more into a machine society, it will be the human elements who will make the essential accommodations and adjustments."

It is in the spirit of preparing ourselves, both legislators and technologists, that this discussion opportunity has been organized.

SCIENTIFIC MANAGEMENT IN AN AGE OF ANXIETY

The impact of technological innovation has been severe and the tradeoffs between benefits and deleterious effects doubtless will be debated for years to come. Some call this the "Age of Anxiety," and cite the concern felt by the populace as it witnesses unprecedented changes in traditional institutions, laws, and mores.

Our civilization *does* face problems of enormous scope and complexity. Some are in areas where our expertise and technological might can be applied with readily recognizable results, as in aerospace and military endeavors. In a number of other, equally critical, areas the benefits are less sure, and the adaptation of computer-oriented procedures and devices more difficult. Governmental officials at all levels are striving to provide the leadership which we must have if order is to come out of the confusion which is rampant in many areas today. The crux of the challenge is set forth in the report of the National Commission on Technology, Automation, and Economic Progress:

"Our problem is to marshall the needed technologies, some of which are known and some not yet known. If we are to clean up our environment, enhance human personality, enrich leisure time, make work humanly creative, and restore our natural resources, we shall need inventiveness in the democratic decision making process as well as in the needed technologies."

During this seminar, we have explored the effects of the systems approach in general and computer technology in particular on the values of our civilization. Especial attention has been paid to the application of automatic data processing to the social sciences. Man's creative genius has allowed him to develop machines which must be *understood and controlled*. An entire nation must be oriented to a new way of life, and educated in the social, political, and economic changes wrought by these innovations. No one can escape the intrusion of "the machine," for even the most simple function now seems to be linked irretrievably to communications networks and computer data banks. As the number of computers in this country nears the 100,000 mark, the swirls and eddies of their tidal wave are felt in the far reaches of our country.

The array of social and community problems which must be faced during the 1970 decade is sure to tax our every skill and resource. Air and water pollution, transportation, housing, health and welfare services, education, law enforcement—a formidable set of problems for "management" to deal with, and overcome. But we *do* have proven tools and techniques with which to solve these dilemmas. *How* we organize to meet this challenge, and how well we plan may decide whether our efforts result in success or failure. Management must analyze the overall situation in terms of established goals and then decide upon a course of action. This is often referred to as "management analysis," and the focus in our time, and at this seminar, is on *scientific* management analysis.

Many attending this session are well aware that scientific management analysis is not a new thing. One can go back several decades, both in government and in the industrial realm, to find the origins of such activity in the United States. The pioneering efforts of Frederick W. Taylor, commencing with his famous time studies, and the Gilbreths concentrated on improving production in factories. It was not long, however, until the principles of scientific management were being adopted by those responsible for government operations. The problems of government management were recognized both at the Federal and State levels prior to World War I, and the City of New York led the way at the municipal level. In 1916 the Federal Government established the Institute for Government Research, which was combined in 1928 with the Carnegie Institute of Economics and the Brookings School of Economics to become the present Brookings Institution.

President William Howard Taft was chief executive when the Committee on Efficiency and Economy was created in 1910. At about the same time, the "city management movement" got underway, led by Richard S. Childs. State reorganization proposals were prepared in several regions of the nation, with Illinois being the first to approve such a move in 1927. The President's Committee on Administrative Management was formed in 1937, giving impetus to a new, exciting, and generally better accepted approach to handling certain management functions. The two Hoover Commissions (in 1949 and 1955) carried many of the recommendations forward.

THE ADVENT OF PLANNING-PROGRAMMING-BUDGETING

These happenings provided a backdrop for the development and acceptance of what came to be called the "Planning-Programming-Budgeting System" or simply "PPBS" during the Kennedy and Johnson administrations. The management philosophy of Secretary of Defense Robert McNamara is reflected in his explanation of the strategy which he helped conceive and followed:

"I see my position here as being that of a

leader, not a judge. I'm here to originate and stimulate new ideas and programs, not just to referee arguments and harmonize new interests. Using deliberative analysis to force alternative programs to the surface, and then making explicit choices among them is fundamental."

The Department of Defense became the test bed for many analytical techniques and procedures. The orientation and education of those charged with research and development, as well as those responsible for on-going programs and projects, were performed with a concomitant emphasis on measuring the impact of the new approach on management at all levels. The importance of PPBS, which was expanded to virtually all Federal executive departments and agencies in 1965, soon became apparent to State and local government leadership looking for better ways of managing an increasingly complex political organism. While some of the notions embodied in PPBS were not new, it became a rallying cry, something the top level manager, the budgeteer, and the project implementer could identify with. The four major characteristics of this methodology merit restatement in the light of congressional interest in the exchange of essential fiscal and program data between the executive and legislative branches:

1. PPBS identifies basic governmental objectives and without regard to organization, relates all programs to these objectives;

2. The implications of given programs in the future are delineated in detail;

3. Cost considerations are set forth; and

4. A methodical examination of alternatives is executed, including each one's projected cost, results, and relationship to the stated objectives.

With the extension of PPBS to most Federal agencies, the Congress has had to assess its impact on the authorization-appropriations activities of its committees. The transition of handling budget request information within the Congress was bound to be gradual. Also, the persons responsible within the Bureau of the Budget for structuring and presenting the fiscal planning data recognized that—in the words of William Capron, former Assistant Director—"for the execution of the budget—we needed an input-oriented, organization-unit-oriented budget for administration."

Several committee elements, both in the Senate and the House of Representatives, have held hearings and engaged in further staff study to determine if traditional methods of budget preparation, submission, and review should or could be altered. The Joint Economic Committee, through its Subcommittee on Economy in Government, following hearings in 1967, prepared two compilations of papers on the role of PPBS. The first, issued early in 1969, was entitled "Innovations in Planning, Programming, and Budgeting in State and Local Governments" and provided a useful insight into PPB at the sub-Federal level through a series of illustrative case studies. Later in the same year. "The Analysis and Evaluation of Public Expenditures: the PPB Systems" was issued by the Subcommittee. Senator William E. Proxmire, the chairman, set the tone for the three-volume series in an instructive Foreword called "PPB, the Agencies and the Congress," which was followed by commentary of more than 50 specialists and experts knowledgeable about government spending policies and practices.

The role of management science in a technological society also has been scrutinized by the Subcommittee on National Security and International Operations of the Senate Committee on Government Operations. Under the leadership of Senator Henry M. Jackson, the Subcommittee conducted hearings during the 1967–1969 period with an emphasis on a "frank stock-taking of the benefits and costs of the planning-programming-budgeting system." The testimony—including statements by Charles L. Schultze, then Director of the Bureau of the Budget, and Comptroller General Elmer B. Staats—and subsequent dialogue allowed a more meaningful assessment of PPBS policy, management practices, personnel selection and performance, program evaluation procedures, and individual department and agency experience. Starting in 1967, the Subcommittee has issued a series of committee prints, designed to present various facets of PPBS; these have included volumes on "Uses and Abuses of Analysis," "Program Budgeting in Foreign Affairs: Some Reflections," and "Rescuing Policy Analysis from PPBS."

Yet another congressional element concerned with the need for more rational management of our government and society was the Special Subcommittee on the Utilization of Scientific Manpower of the Senate Committee on Labor and Public Welfare. Senator Gaylord Nelson, the Subcommittee chairman, carried out a series of hearings during 1965–1967 which stressed acquiring factual data and expert opinion on the utility of using systems analysis and computer technology in coping with non-defense, non-space societal problems. The transfer of aerospace technology to the civil sector was examined through testimony on the efficacy of PPBS, problem-oriented experience, and the developments in better management at all levels of government. A study then was prepared at the direction of the Subcommittee by the Science Policy Research Division of the Legislative Reference Service (Library of Congress). Entitled "Systems Technology Applied to Social and Community Problems," this volume presents a full treatment of the issues involved in Federal-State-local use of systems tools and techniques (including PPBS) in dealing with such problems as environmental pollution, transportation planning, housing redevelopment, and law enforcement and administration of justice. The value in this report, already viewed as a standard reference work, resides in its thorough review of legislative and executive efforts to utilize advanced management and program technology, current information—derived from questionnaires in 1966 and 1968—from State and local governments on use of systems analysis and automatic data processing, and a wide range of actual examples of the employment of innovative technology in specific problem areas.

The management of our machine society, then, might be viewed from several sides of a prism. First, better advance planning in a society of this complexity has become an absolute prerequisite. Second, on-going monitoring of programs in existence must be improved. In this area, a number of Senators and Representatives has called for the creation of an "Office of Program Analysis and Evaluation" capable of applying analytical techniques to the performance of all Federal program activity. Third, a measured hindsight evaluation of major programs in the light of stated national goals and departmental objectives is needed.

RATIONAL MANAGEMENT: THINGS TO REMEMBER

Merely pointing out the various optimum arrangements for managing a conglomerate nation does not answer all of the questions which must be considered. At present, many top level persons are debating the instrumentality which must be assigned these tasks, or perhaps established specifically to undertake such an effort. The Reorganization Act No. 2, prepared during the present administration, provides for certain modifications to and expansion (in selected areas) of the newly named Office of Management and Budget. Regardless of which governmental entity ends up as the capstone in the planning-managing-assessing hierarch, certain hard questions still must be considered:

Where shall the success, progress, or failure of a program or project be determined, and by what criteria?

What new or remodeled management practices can be instituted and made functional in order to achieve both larger national goals and more limited, problem-oriented agency objectives?

Are the necessary criteria for systems development and management to be the result solely of in-house thinking, or made with external consultant involvement?

As our Nation has become more and more complex, the need for cohesion and regulation in management has grown apace. With numerous activities cutting across agency lines, and yet others affecting government at *all* levels, a requirement for certain inviolable guidelines by which all involved elements must operate has arisen. Man's mastery of his environment is contingent upon such guidelines and the associated management dicta, and the measure of control will be increasingly vulnerable to mischance in the decades to come. Inasmuch as this seminar has been designed to involve congressional participants, whose concern for the effective functioning of our government is of long standing, the iteration of the key steps in outlining, developing in detail, testing, and finally implementing a given program can be useful in establishing a set of norms for future discussion. The enumeration of these steps is presented within the context of the role which information technology can and must play in decision-making—ergo, management—at the national level.

1. Preparation of the basic mission statement, in conformance with overall Federal responsibilities in the subject area.

2. Establishment of criteria for determination of departmental and sub-departmental long-range goals and short-range program objectives.

3. Delineation of lang-range goals in terms of management responsibility, planning-programming-budgeting functions, and for the purpose of providing for the ultimate implementers a framework of reference.

4. Identification of short-range program objectives for purposes of performance-cost analysis, inter-program comparison, resource allocation, and management assessment of longer-range impact.

5. Presentation of alternatives for each program, including quantitative and qualitative descriptions, all necessary summary, statistical and interpretative data, and projections (on a multiple-year basis) of program results in narrative and graphic form for examination and option selection by management.

6. Establishment, and check-out, of management control mechanisms, including man-machine arrangements, at all levels of governmental operation where program performance is directed and/or monitored.

7. Comparison and measurement, within a circumscribed time-activity framework, of progress or its lack in terms of both long-range goals and program objectives.

8. Evaluation of mission fulfillment by top level management, carried out within a context of changing national needs and commitments, and evaluations or related missions.

The intrusion of computer technology in the handling of the various data required to carry out all of the above functions has been a cause for public debate and private introspection in recent years. Many persons feel that as the use of electronics in communicating and processing data becomes more widespread, there is a danger that management will seek to capitalize upon its capacious memory, manipulative ability, and fantastic processing speed and in so doing, delimit the type of information which then is used in making critical decisions. Dr. Donald Michael, a perceptive observer of our changing society and the role of technology cautions his fellow man regarding the tendency to "select out" certain essential information:

"Already planners and administrators are tending to place undue emphasis on—that is, coming to value most—those aspects of

reality which the computer can deal with just because the computer can do so. The individual—the point off the curve—becomes an annoyance."

SECURITY AND PRIVACY OF INFORMATION

Another area of critical concern to those responsible for managing the massive machinery of our society relates to protecting the privacy of the individual and the corporate entity. The trend today is to gather vast amounts of information so that certain functions may be expedited. In government, the handling of social security, census, and economic data requires huge information processing establishments. In the private realm, hundreds of applications now involve ADP, including such large volume areas as payroll, credit checks, insurance, and industrial inventory control. The need for—and control of—these data are commencing to receive, deservedly, a great deal of attention. Some critics of large scale data collection and computer manipulation speak in terms of the Orwellian 1984 controlled state. Others can accept the necessity of acquiring data necessary for managing, through improved planning, our society, but believe that the present approach to the problem is not well thought out, and should receive cognizance at the highest level of government. Many hard questions have been put to those designing the census data collection forms, and a second wave of concern now is evident as summary data is being made available for sale by franchised disseminators.

Where do we draw the line on what is demanded of the private citizen, or the corporation? Should not the individual be able to refuse to answer certain questions about his past, and do so without penalty or censure? In some instances, today, information collected from citizens for one purpose is then vended to others for completely different purposes. The built-in protection inherent in the decentralized, paper-oriented files of the past now is being obliterated by the capacities and capabilities of computer-supported information systems. The elements of our society are entitled to privacy, and the integrity of any files containing information on their past activities or present status deserve the utmost protection.

It is not enough simply to indulge in fatuous generalities about protecting the privacy of the citizen. There *are* identifiable forms of safeguards which can do much to guarantee personal and corporate privacy. In a study prepared for the Congress—entitled "The Federal Data Center: Proposals and Reactions"—several such safeguards are noted:

1. Legislative and administrative regulations, already in effect in some agencies, could be augmented and strengthened.

2. Establishment of uniform, multi-agency criteria controlling "need to know" both for government and other data users.

3. More explicit explanation of the scope and nature of the data available, thus reducing the number of unnecessary or illogical requests by users.

4. Creation and uniform use of classification and coding systems, to include the assignment of unique accession codes and indicators to privileged data elements.

5. Establishment of an expert in-house group for receiving, transcribing, and refining the request for information from the system according to the needs of the users and existing regulations.

6. Employment of "a number of servicing procedures based upon computer technology that can satisfy the needs of the user in most cases without violating disclosure regulations.

7. In some instances, data reduction by design can be performed thus transforming absolute figures to percentages, increments to gross and vice versa.

8. Anonymous sampling, with the removal of identifying data elements already has been used; here again the need for a uniform Federal set of procedures and criteria is apparent.

TECHNOLOGY BEGETS RESPONSIBILITY

The management of information and knowledge is a solemn responsibility. The mutual education of the lawmakers and technologists during this forum must continue, for none can gainsay the crescendoing effect of computers, communications and cybernetics on this and succeeding generations. This must be a matter for all to acquaint themselves with, for everyone is affected. On some occasions in history man has been called upon to answer a "call" largely on faith. This led to the witticism that "Man is ready to die for an idea, provided that idea is not quite clear to him." Those existing in our "one world" know without question that empathetic interaction between individuals, groups, and nations is on the upturn, and that the trend is irreversible. Each new challenge requires a wrenching change in our patterns of behavior or institutional modes of operation.

While none of us can assess fully the impact of this burgeoning technology on the nation and its peoples, we must strive to manage wisely. The ways in which we use the atomic generator, the laser, the electronic computer, will result in more than surface reverberations. We are closer to manipulating our future than ever before, and there must be a conscious connection in our leadership actions between the thought, the desire, and the end result. While most of our national planning will and must be directed toward tangible, material ends, there is a greater responsibility. There is an overriding *moral imperative* to examine with excruciating thoroughness the rationale for our technological programs, the direct and side effects of their execution, and the imprint which will be carried forward into the future. This will require the finest effort on the part of all facets of our society, and will result in action based on reason, and not futility.

BUDDY PONTIAC INNER CITY INTERNATIONAL TENNIS TOURNAMENT IN WASHINGTON, D.C.

Mr. HUMPHREY. Mr. President, over the weekend of February 5 through 7, a notable event took place in Washington, D.C. Twelve accomplished professional tennis players, including the top-ranked player in the United States, competed for $10,000 in prize money on a synthetic court laid over the basketball floor of an inner city high school gymnasium. This tournament, the Buddy Pontiac, Inc., Inner City International Tennis Classic, was designed to bring first-class tennis to youngsters who may get no closer to the game in their ordinary lives than a blacktop playground or the side wall of an apartment building. A lot of dedication and idealism went into this tournament, and I believe that the results were most encouraging.

Donald Dell, the 1968–69 Davis Cup captain and a longtime Washington area resident, has often spoken of the need to bring tennis to the ghetto instead of waiting for the inner city black players and spectators to make their way out to the suburbs. Until this was done, he felt, tennis would remain a rich man's sport in the eyes of most black citizens. The few, like Arthur Ashe, who overcome innumerable handicaps to rise to the top in American tennis, would only prove the rule that tennis is a country club activity.

Bill Riordan, who did so much to make Salisbury, Md., the capital city of U.S. indoor tennis, put his influence to work as president of the International Players Association and player coordinator for the U.S. tennis championship program. He lined up the 12 players who came to Washington on February 5. Next year he hopes to bring the inner city tennis tournament concept to a total of 13 American cities. This is a hopeful development, among other things because it is not a moneymaking venture for the promoters.

McKinley Technical High School, at Second and T Streets NE., is not the kind of place where you expect to see a tennis tournament. Although the court surface was excellent, there was too little room for the players along the sidelines and behind the baselines. The linesmen got in the way of sharply angled shots. High lobs bounced off the overhead lighting. Spectators constantly moved back and forth and talked almost incessantly. In other words, the audience treated this much as they would a baseball or basketball game, where formal etiquette hardly exists.

The great thing about it, however, was the attitude of both the players and the spectators. Not a single player expressed annoyance over crowd behavior or the constricted space around the court. To all appearances each of them realized that sacrifices had to be made for the purpose of presenting the best image of professional tennis to an audience which was largely unfamiliar with it. Although spectators had to be cautioned from moving directly in the line of sight of the players during the final singles match, the general deportment of the small crowd was excellent. When the youngsters and their parents overcame the mysteries of the scoring system, they followed the play with intense interest and genuine appreciation.

Attendance was sparse until the last day even though most of the seats were free of charge. On the first day, large numbers of young people were bused in. The audience was predominantly black, which was just what the tournament organizers had intended. Mayor Walter E. Washington, honorary chairman of the event, was present for part of the final match on Sunday.

The players came from Brazil, Chile, the British West Indies, Canada, Pakistan, Spain, and the United States. The best U.S. player was No. 1 ranking Cliff Richey, who lost a hard-fought semifinals match to the eventual winner, Jaime Fillol of Chile. Two other U.S. players included seventh-ranking Jim Osborne of Honolulu and ninth-ranking Jim McManus of Berkeley, Calif. The high point of the weekend was the five-set final between Fillol and Brazil's "Tiny Tom" Koch—pronounced "Kosh"—on Sunday. Koch, trailing two sets to one, broke Fillol's serve in the fourth set to set up a tiebreaker, which he won by a single point to even up the match. He was unable to hold off the Chilean in the fifth and final set. The crowd was treated to brilliant play. Both players wanted badly to win, but they never compromised their fine sportsmanship. They executed sharp volleys, crisp overheads and passing shots; their agil-

ity on the court was astounding. The players were a credit to the game and their countries.

Aside from Buddy Pontiac, Inc., the organizations contributing to the tournament were the U.S. Lawn Tennis Association, the Greater Washington Tennis Association, the District of Columbia Department of Recreation, the National Capital Park Service, the District of Columbia Public Schools, and the District of Columbia Youth Opportunity Services. Assisting were the Courtesy Patrol, the Metropolitan Boys Club, and the Police Boys Club. The tournament received prominent coverage in the Washington newspapers, and Sunday's play was shown live on the Eastern Educational Television Network—WETA, channel 26. Thus, the tournament had official and voluntary support from a variety of sources.

Mr. President, you and others in this chamber may be aware of my feelings with respect to football and baseball, especially if the competition involves a team from Minnesota. I am certainly not blind, however, to the civic consciousness revealed in the account which I have just given you of an attempt to engage the interest of inner city youth in a major sport which should be more and more accessible to people in our crowded cities. I hope that tournaments of this kind will stimulate demand for tennis courts and equipment throughout the cities of this land. We can only applaud the expressed wish of the tournament planners that out of such events will one day come "the Austin Carr of tennis" in Washington. For that matter, another Arthur Ashe would do just fine.

Mr. President, I request unanimous consent that certain items concerning the inner city tennis tournament be printed in the RECORD.

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

[From the Washington Post, Feb. 8, 1971]

TIEBREAKER RULE BRINGS CONFUSION: FILLOL TURNS ASIDE KOCH IN FIVE-SET TENNIS FINAL

(By Mark Asher)

Jaime Fillol of Chile continued his high level of tennis and defeated Thomaz Koch of Brazil, 6–1, 3–6, 6–4, 6–7, 6–4, for the Buddy Pontiac International championship yesterday at McKinley High School.

The even match between two South Americans, who had split six previous encounters in the past two years, turned on Koch's confusion about the rule on who serves first following a best-of-nine-point tiebreaker game.

Koch served the final three points and staved off a quadruple match point to win the fourth-set tiebreaker, 5–4. The tiebreaker is counted as a single game and in this case was counted as Fillol's service game.

According to the rules Koch should serve the next game. But Fillol was given the balls and served the first point of the fifth set before Haig Tufenk, the umpire, rectified the situation. Koch had won the point, which did not count.

"I was confused," the long-haired Brazilian said. "When I served I really wasn't in it."

SERVICE PROBLEMS HURT

Koch lost his service and each player then proceeded to hold his serve for the remainder of the match. But Koch noted he never should have been in such a predicament because he lost a 4–2 advantage in the third set when he ran into service problems and lost 16 of 18 points in dropping four straight games.

Tufenk explained the tiebreaker situation: "The problem is that neither the players nor the ballboys know the rules. It's the first time the tiebreaker has been used in Washington."

The tiebreaker is newly implemented on the indoor circuit this year as the game of tennis reaches streamlined proportions for television and attempts to lose its country club image.

EVERYBODY CONFUSED

Coincidentally, this player confusion arose at the nation's first professional indoor tournament at an indoor city facility. If the players were confused, imagine the confusion of the inner-city youth to whom the tournament was directed as a pilot project to expose them to the sport.

Following the match, one youngster turned to a reporter and asked, "Hey, mister. Who beat?"

In an informal survey, the youngsters in the crowd of 1,200 were most confused by tennis' traditional scoring system, which scores four points as 15, 30, 40 and game. They also wanted to know most about how much money the players make.

The scoring system made about as much sense to most of the 400 youths as the scoring in a cricket match does to the average American.

Bill Gaskins, the tournament director, said he would favor experimenting with a simplified scoring system next year. In addition, both he and the players did not object to noise during the match.

Both Fillol and Koch stopped play frequently yesterday. But Koch noted this was not because of the noise, but because of the movement behind the court, making it difficult for the players to follow the flight of the ball.

As for money, Fillol won about $20,000 last year. He is not considered among the world's 25 best players. The $1,500 he pocketed yesterday was the biggest payday of his career. Koch won $1,000. The match was the first loss in Washington by Koch, the winner of the 1969 Washington Star International.

Jim Osborne and Jim McManus of the United States defeated Juan Gisbert and Manuel Orantes of Spain, 3–6, 6–3, 6–3, for the doubles title.

BUDDY PONTIAC INC. WELCOMES AMERICA'S FIRST INNER-CITY TENNIS TOURAMENT

It is seldom that an individual or an institution is presented the opportunity to make a major contribution to an important cause. With this thought in mind, I should like to assure our honorary chairman, Mayor Walter Washington, our distinguished guests and all of the students attending the matches, that it is our sincere pleasure and our privilege to be associated with this event.

We are extremely grateful to Mr. William Riordan, player chairman for the U.S.L.T.A. for bringing to us an outstanding field of players; to the Greater Washington Tennis Association for their fund raising support; to Henry Kennedy our chairman for his expertise and general assistance; and certainly to Dr. James Jones, Director of Youth Opportunity Services, and his competent staff, who did so much to make ours a "first class" tournament in every respect.

As one who was born, schooled and has worked in the "inner city" during his entire lifetime, I can speak from experience regarding our progress to date and what still lies ahead in order to make our city into a model for the entire nation.

In recent years we have accomplished much, primarily through the utilization of government funding. In the future we may accomplish much more through the involvement of private industry in neighborhood and youth projects throughout our city.

Our secret hope is that somewhere in the grandstand sits tomorrow's Arthur Ashe, a boy who can go to the top of professional tennis, but be that as it may, we are certain that our matches and our high school tennis clinics will provide entertainment, challenge and personal fulfillment to the youth of our Nation's Capital . . . none deserve more.

Sincerely,

MORTON W. COHEN,
President, Buddy Pontiac, Inc.
WASHINGTON, D.C.

I am happy to serve as honorary chairman of this Inner City Tennis Tournament that will stimulate interest in tennis among inner-city residents.

We welcome to our city these international tennis stars—representing seven countries—who will participate. Their wide-range representation and outstanding skills will provide an arena in which young minds can be challenged, international goodwill fostered and tennis promoted.

We are extremely gratified that our Nation's Capital has been selected as the inaugural city for this event. Hopefully, as a result of our efforts in this first "Inner-City" Tennis Tournament, next year we will see similar programs instituted in other major metropolitan areas through the nation.

Proceeds from this tournament will go to the Washington Interscholastic Tennis Association to aid our on-going inner-city tennis programs.

This tournament is made possible through the concerted efforts of Buddy Pontiac, Inc., the United States Lawn Tennis Association, the Greater Washington Tennis Association, the D. C. Department of Recreation, National Capital Park Service, D. C. Public Schools and the D. C. Youth Opportunity Services, with the assistance of the Courtesy Patrol, the Metropolitan Boys Club and the Police Boys Club.

This is another fine example of business, government, community organizations and individual citizens working together to better our community.

Mayor WALTER E. WASHINGTON.

One of the more gratifying aspects of being a professional tennis player is watching interested youths developing their athletic talents in pursuit of becoming top-notch competitors. I am confident that seeing many of the world's top tennis players in action during this tournament will not only provide exciting sports entertainment for all but will inspire many potentially great athletes living in the inner-city to become seriously interested in the game of tennis as well.

Professional tennis, like football, basketball and baseball, now provides an excellent living for any underprivileged youth who works hard and makes it to the top. But more than that, the physical demands of tennis help develop a healthy mind and body for every boy or girl who plays the game.

I am very happy to welcome the many Washington area public school students to this great new tournament. You will be seeing outstanding champions competing for the title and prize money. I hope to compete here next year and challenge this year's winner. All of us owe a debt of thanks to Buddy Pontiac, Inc., for their successful effort to bring big-time tennis to the Washington inner-city.

Everyone cannot become a championship tennis player, but each of us *can be a championship person*—and that's what it's all about!

Sincerely,

ARTHUR ASHE.

THE SONTAY PRISON CAMP RAID

Mr. FULBRIGHT. Mr. President, Mr. Stuart H. Loory, one of the most percep-

tive journalists in Washington and a representative of the Los Angeles Times, has written an excellent account of the recent raid on the Sontay prison camp.

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

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

STORY BEHIND RAID ON SON TAY PRISON

(Stuart H. Loory)

WASHINGTON.—When Secretary of Defense Melvin R. Laird testified that the Administration had no way of knowing for certain that American prisoners would be found at Son Tay last November, he was understating an intelligence problem that gives American military planners the shivers.

Among all the other problems of fighting the war in Indochina, the problem of divining the intentions, plans and movements of the North Vietnamese has been the toughest.

That problem made the commando raid on the small compound only 23 miles west of Hanoi one of the biggest gambles in American military history—a gamble decided on by President Nixon for trying to get captured Americans out of North Vietnam but also for what one high Administration official has called "transcendent reasons."

Officially, the Son Tay raid was conducted for one reason only—to rescue American prisoners. Transcendent reasons are admitted only for the deepest background. But since the Administration admitted they existed, others have been speculating on what they might have been.

Idea No. 1: The American military machine, caught in a "dirty, grubby war" that no one wants, scarred by the tragedies at My Lai and stories of other atrocities, condemned at home and facing serious dissension in the field, needed an act of heroism to boost its morale.

Idea No. 2: The Nixon Administration, having helped create a prisoner-of-war lobby since grown impressively vocal, felt the political need to respond to its demands that something be done for the 339 Americans living under cruel conditions in North Vietnam.

Idea No. 3: The President had to show the North Vietnamese that they could not count on using the prisoners as hostages for a political settlement embarrassing to the United States, that he would take steps as drastic as invading North Vietnam to secure their freedom.

The President's gamble failed. To understand why, follow it from its inception late last May in a little-known office on the ninth corridor of the Pentagon's first floor.

Office 1E962 is marked "SACSA." The acronym stands for Special Assistance for Counter Insurgency and Special Activities."

It was SACSA that conceived, planned, organized and oversaw the Son Tay operation.

SACSA is both a military officer and the office he directs. The officer, at the time the Son Tay raid was conceived, was Brig. Gen. Donald Dunwoody Blackburn, a 54-year-old infantryman whose career has such great storybook qualities that it has been the subject of a book and a movie—"Blackburn's Headhunters."

As a first lieutenant, Blackburn arrived in the Philippines in October, 1941, to become an adviser to the Philippine army. The following April he evaded capture by the Japanese on Bataan Peninsula, disappeared into the jungles of northern Luzon, organized a small guerrilla force of primitive tribesmen who were just beyond the practice of headhunting and fought a backwoods campaign against the Japanese until the war ended.

Blackburn became one of the recognized experts in "special warfare," the military's euphemism for American involvement in protecting friendly governments against incipient revolution.

In 1957, when the 1954 Geneva accords which settled the French Indochina war were being honored mostly in the breach by all involved, Blackburn joined the American military assistance advisory group in South Vietnam to help shore up the Saigon government of Ngo Dinh Diem against the then-budding Viet Cong insurgency.

In August, 1969, after a series of assignments in the United States and Vietnam, Blackburn was named SACSA.

SACSA, the office, was created by President John F. Kennedy early in his administration to systematize the United States' role in dealing with insurgencies throughout the world.

SPECIAL WARFARE BIBLE

SACSA's doctrine was originally set out in a three-inch thick volume that became the bible of special warfare. Originally that bible dealt mostly with counterinsurgency.

The early counterinsurgency doctrine was based on the simple premise that American technology—the same know-how that would land a man on the moon and create a machine-aided life of comfort for consumers—would conquer insurgencies.

To gain superiority over a guerrilla who has lived in a region for years, you need only fight him in the dark, provided you can see and he cannot, the doctrine said. So radios were developed to penetrate the jungle canopy, helicopters that fly 80 m.p.h. over areas where guerrillas move on foot were brought in. Heat-seeking infrared sensors for detecting enemy campfires were developed.

The enemy found it relatively simple to deal with Western technology. Learning of the campfire detectors, for example, he simply ordered no campfires could be built within a mile of camp, and that rendered infrared sensors relatively useless.

So the insurgency in South Vietnam, instead of being brought under control, developed into the longest war the United States has ever fought. The few thousand American advisers of the early 1960s grew into a force of over half a million ground troops.

By the time Blackburn established himself in the Pentagon's Room 1E962, counter-insurgency had passed its heyday.

THINKS ABOUT CONTRIBUTION

Last May, as concern over the fate of American war prisoners in North Vietnam was rising throughout the country and the military, Blackburn began to think about what contribution of his office could make.

Blackburn studied what was then known of Son Tay and the other known North Vietnamese POW camps and decided that, if prisoners were held at Son Tay, it was the only location where a raiding party could land. The other known prisons are all in downtown Hanoi.

In June, he presented the idea of liberating some American prisoners to the Joint Chiefs of Staff and received permission to conduct a "feasibility study."

"The initial phase started in June," Blackburn told the Times. "We really wanted to satisfy ourselves on the American prisoners. . . ."

Blackburn had consummate faith in the ability of the military to do the job without outside help. During the feasibility study, he called on the Central Intelligence Agency only minimally.

Working from reconnaissance photographs, the CIA built a scale model of the tiny compound, which was just over a half acre in all, the size of a medium-priced suburban housing lot, measuring 185 feet from north to south and 132 feet from east to west. The model was accurate right down to the location of branches on the trees.

"The CIA had a minimum participation in it," Blackburn said.

But the agency was apparently not asked to contribute intelligence on the key question: were there or were there not prisoners at Son Tay?

The feasibility study was completed in July and submitted to the Joint Chiefs of Staff and Laird. Mr. Nixon did not see it. Neither did Henry A. Kissinger, Mr. Nixon's chief foreign policy adviser, nor anyone else on the National Security Council staff.

Adm. Thomas H. Moorer, chairman of the Joint Chiefs, and Laird approved the feasibility study and gave the go-ahead for the drafting of a plan sometime in July.

Blackburn's team wrote a 200-page plan, a second-by-second scenario for the attempt, complete down to the assignments for each person and each piece of equipment involved. It even included proposals or diversionary air strikes over a wide area of northern North Vietnam.

"The further we got into the details, the more feasible the whole thing became," Blackburn said. "We had the plan broken down second by second. It was only five seconds from the time the chopper landed until we entered the first building where there were guards."

The detailed Son Tay plan was approved by Moorer and Laird in early August and, on Aug. 8, Air Force Brig. Gen. Leroy J. Manor and Army Col. Arthur D. (Bull) Simons were selected as commander and deputy commander of Joint Contingency Task Force Ivory Coast, with orders to carry out Blackburn's plan.

Manor, 49, commander of the Air Force's Special Operations Force, headquartered at Eglin Air Force Base, Fla., was chosen by the Air Force for the job. His selection was natural. The SOF, formerly named the Special Warfare Center, was established in 1961 as the Air Force's contribution to carrying out the original SACSA doctrine.

Simons, 52, like Blackburn, had experience in small-force operations going back to World War II in the Pacific, where he served as an officer in the Rangers—the forerunners of the Green Berets.

In 1961, he went to Laos as part of the White Star Mobile Training Team to help shore up the anti-Communist Laotian government in its civil war. In 1965, he went to Vietnam where, according to some reports, he played a role in infiltrating intelligence teams into North Vietnam.

Before Laird and Moorer approved the plan, they presented it to the President, who also approved. There is some indication that Kissinger was not told of the plan at that point, when all the momentum began for the raid three months later.

ASSEMBLED IN PANHANDLE

By Aug. 21, Joint Contingency Task Force Ivory Coast—101 men in all, half of whom would actually land at Son Tay—assembled at Eglin, an 800-square-mile reservation in Florida's panhandle.

The go-ahead for training the Ivory Coast task force was made on the "assumption" that prisoners would be found at Son Tay.

Actually, based on the record, there appears to have been a far better chance that there would be no prisoners found.

"We've drilled a lot of dry wells there," Blackburn said, admitting candidly that each time American authorities staged a rescue based on intelligence information they had received, the raids came too late.

Blackburn lent credence to this judgment when he told his interviewer that several rescue attempts had been made in South Vietnam and none had been successful.

American prisoners were almost never found where they were reported to have been. The "almost" is significant.

In July, 1969, the South Vietnamese army learned from a defector that Spec. 4 Larry D. Aiken of New York City, an infantryman, who had been captured two months earlier,

was being held by the North Vietnamese north of the town of Tamky in the northern part of South Vietnam. A joint South Vietnamese-American rescue attempt was organized. Aiken was rescued—unconscious. The North Vietnamese had bashed his head in when the rescuers approached.

The rescue was publicized; Aiken's death, three weeks later, went unreported.

Several of the nine former American prisoners who have been released by the North Vietnamese, other military officials and some who are knowledgeable about prisoner-of-war procedures now privately predict that future rescue attempts would result in grave danger to captives in North Vietnam.

"It is a bunch of crap that the prisoners would be shot up," Blackburn said. "I would have bet a year's salary that, when we got in there, not one would be hurt. There wasn't any way those guys could have been hurt. The enemy would have had to break into those cell blocks just like we did. And he would have been worrying about his own hide."

JOB HARDER IN NORTH VIETNAM

If gathering accurate intelligence about the enemy in South Vietnam is impossible, it is doubly so in North Vietnam.

One former general with long experience in Vietnam said, "Every jot and title of intelligence we get out of there is stale. It can't be fresh. If it is fresh you can be sure it's been planted to deceive us."

Blackburn said intelligence for the mission came from three sources—interrogation of captured North Vietnamese soldiers in South Vietnam, captured documents and reconnaissance flights by American aircraft.

Captured documents and the captured North Vietnamese who carry them can hardly give an up-to-date account of what is happening in the north. It takes a minimum of three months for the typical North Vietnamese soldier to march down the Ho Chi Minh trail.

Aerial reconnaissance is another matter. The information that jet spy planes pick up can be carried back to South Vietnam, Thailand or some carrier at sea, processed and transmitted to Washington in hours.

Since World War II, American optical and aeronautical technologists have worked miracles with photography. Camera-carrying aircraft can snap stereo pictures from which interpreters can later divine such minute details as the size of bricks in a wall, vegetation on the ground, construction materials in a building.

CAN DETERMINE BUILDING HEAT

From infrared scanners, they can determin whether a building is heated.

From a series of pictures that would reveal traffic patterns, personnel movement, even such items as how garbage is disposed of, an experienced interpreter can make good deductions about what is going on on the ground.

There are two general hitches in aerial reconnaissance, as far as North Vietnam is concerned, and one particular hitch relating to Son Tay.

First, like so much in the Vietnam war, American reconnaissance technology was simply too sophisticated.

"They have consistently underflown our capability," Amrom H. Katz of Los Angeles, formerly of the RAND Corp. and a specialist in reconnaissance technology, said.

"For example, we are set up to spot trucks and they use bicycles. They operate just below our threshold."

After the Son Tay raid, Laird lamented that the technological approach had indeed not gone far enough. A camera that could see through roofs, Laird told the Senate Foreign Relations Committee, could have indicated for certain if there were prisoners at Son Tay.

Laird's assertion is open to question. Pictures are only as good as the men who read them.

That is the second hitch. A see-through camera might show people. Interpreters would have to have enough experience in studying North Vietnam to say whether the human forms are American prisoners.

The reconnaissance photos of Son Tay showed, according to Manor, that the topographical features of the courtyard were changing but the interpreters guessed wrong about the meaning of the change. They assumed that the changes, which showed a vegetable garden growing, were related to activities of the prisoners.

EXPERIENCE NECESSARY

To do a good job of interpreting photos of North Vietnam, interpreters with experience on the ground there are necessary. The United States has few, if any, such men.

Patrick J. McGarvey, a former employe of the Central Intelligence Agency and the Defense Intelligence Agency tells the story of how interpreters, in early 1966, were searching pictures for targets of the American bombing campaign against North Vietnam.

In one picture, they spotted a huge, heavily guarded compound at a village called Quynh Loc. The compound was isolated, ringed with barbed wire and included a number of buildings. Inside the compound were areas shut off from each other with more barbed wire. The conclusion of the interpreters, McGarvey said, was that the installation was a division headquarters. And so, a bombing raid was ordered against it on May 6, 1966.

A few days later the North Vietnamese charged that the United States had bombed a leper colony at Quynh Loc, killing 30 patients and wounding 34. Privately, according to McGarvey, the Pentagon later conceded the error.

The photo interpretation for the Son Tay mission was done by Christopher R. Guenther. For years Guenther has worked in DIA as an air defense specialist, studying pictures of the North Vietnamese countryside, picking out installations that would be of danger to American planes flying missions over North Vietnam.

He would not consent to an interview, but it is known from others that his work with the pictures shed no light on the question of whether there were prisoners at Son Tay. It was more concerned with the operational aspects of the raid—getting the commandos in and out safely.

The particular reconnaissance problem of Son Tay was that too many overflights would have alerted the North Vietnamese to impending danger.

Laird, however, testified that reconnaissance photos were the prime source of intelligence for the mission.

Neither the White House nor the Pentagon has disclosed the latest date on which the Administration knew for certain that Americans were being held at Son Tay.

SPOTTED AS POW CAMP IN 1967

Defense officials have said that it was spotted as a POW camp as far back as 1967. There has been one published report that last September a North Vietnamese defector, Tran Thuai, told American psychological warfare officials that in 1967 he was a prison observer at Son Tay, which he knew as Lamson I.

Actually Thuai's account was given to American intelligence experts earlier and was part of the intelligence report Blackburn received in May.

Officially, Pentagon spokesmen say they cannot disclose the last date on which they knew prisoners were at Son Tay because that, in turn, would compromise intelligence-gathering procedures. It is not unfair to speculate that it would prove a source of embarrassment to the Pentagon as well.

The assumption can be made that the last definite date was before Blackburn even started studying the feasibility of the raid. In fact, it might have been the information on which he originally began the study.

Once training began toward the end of August, the matter of whether there were prisoners at Son Tay became, in a sense, secondary. The operation had achieved a life of its own.

The mission planners were aiming toward two possible dates—they called them "windows." One was in October and one in November, when a quarter moon would be shining on Son Tay—a moon bright enough to give some light but dim enough to cover movements of the raiders.

The October date was scrubbed because of weather forecasts. At least, that is the official version. The possibility must be raised, however, that such matters as the impending congressional elections in the United States played some role in putting the raid off.

ABRAMS WAS NOT INFORMED

At that point, not even Gen. Creighton W. Abrams, commander of all Americans in Southeast Asia, had been informed that the raid was in prospect.

In early November, Blackburn and Manor flew to Saigon and briefed Abrams and Gen. Lucius D. Clay Jr., commander of the American air forces in Southeast Asia, on the plans.

There has been one report that Abrams opposed the idea.

Blackburn said that is not so.

Abrams, he reported, listened to the briefing, received the request for the accompanying air support that Clay's men would have to give, and then said: "You certainly seem to have thought of everything."

Only a few days before the mission, the raiders were moved from Eglin to Thailand. At that point they still did not know they were going to penetrate so deeply into North Vietnam.

"Simons told them just a few hours before they took off," Blackburn said, "and they all stood up and cheered."

On Nov. 18, Mr. Nixon discussed the forthcoming raid with Laird, Moorer, Kissinger and William P. Rogers, secretary of state. Only Rogers and U. Alexis Johnson, undersecretary of state for political affairs, from the State Department knew about the plan.

How, when or why Rogers and Johnson were told is not known. Blackburn said the planners deliberately tried to cut out civilian agencies of government for security's sake—not because they were not trusted, but just to be extra careful.

ADVISERS KEPT IN DARK

On Nov. 19, at a regular meeting of the National Security Council, Mr. Nixon apparently decided to keep even those most trusted advisers in the dark. Instead of telling them openly what would happen the next day, he slipped Laird a note saying that, regardless of the outcome, the operation had his wholehearted support.

The next day, Friday morning in Washington and Friday night in Southeast Asia, the troops were making ready to board their large, jet-powered HH–53 helicopters.

At bases in Thailand and on carriers at sea, the aircraft that would provide the cover and fly the diversionary strikes were ready to go. And at still other air bases, about 250 American planes were getting ready to strike a massive bombing attack on targets in southern North Vietnam, allegedly in retaliation for the shooting down, the week before, of an American reconnaissance plane by the North Vietnamese.

At about the time Simons was briefing his men in Thailand, Mr. Nixon was in the White House reviewing a weather report from the field. It was satisfactory and, in a formality, he gave the final "go" signal.

The raid itself is history. As American planes flew the diversionary strikes over a wide area of North Vietnam from Hanoi to

the China Sea, firing live missiles at radar sites as well as lighting dummy flares, the raiding party, protected by fighter planes, picked its way down the upper Red River Valley and zoomed in on Son Tay.

A chopper landed at 2:18 a.m. Saturday (midafternoon in Washington), and within five seconds, the first empty cell was entered.

Ivory Coast task force knew in an instant that the camp had been empty for some time—"probably three months" as Manor said later.

The raiders had a high-level audience half a world away. In the National Military Command Center in the Pentagon, a group of men clustered around a loudspeaker. Present were Laird, Blackburn, his deputy, Col. Edward E. Mayer, Moorer and the other members of the Joint Chiefs.

RUNNING ACCOUNT GIVEN

About 11 a.m. Friday in Washington, a 12,000-mile direct line had been opened from Manor's secret Ivory Coast headquarters in Southeast Asia to the command center in the Pentagon's basement. And on that line, Manor gave his superiors a running account of the mission from takeoff to touchdown at Son Tay, from expectation to disappointment, from the first "zero-zero" reports to the conclusion.

Manor thought those first reports from Son Tay were garbled and refused to believe them. He passed this disbelief on to Washington.

Moorer, at the command center, in turn gave periodic reports to the White House. It is uncertain whether he talked directly to the President, but most of his reports were believed made to Brig. Gen. Alexander Haig of Kissinger's staff.

A controversy developed over how closely Richard Helms, director of the CIA, or his organization was consulted on the raid, after The Times published the fact that he was not involved in the final consideration and Sen. J. William Fulbright, chairman of the Senate Foreign Relations Committee, complained to Laird about this at a hearing.

Laird told the committee that he had advised Helms and consulted with him on the raid "four or five weeks" before it took place. (By that time, the training at Eglin was well under way.)

Later Laird told newsmen, "I well remember sitting in my office with the director of the Central Inteligence Agency as we waited for the helicopters to take off at Son Tay, as we waited for them to cross the border, as we waited for our first reports as to whether or not POWs had been rescued at Son Tay. I can well remember listening to the clock tick as we waited for those messages."

Actually, according to one source, Helms had gone to Laird's office on a different matter and Laird, after the first preliminary reports indicating no prisoners had been found at Son Tay, left the command center in disappointment, knowing no prisoners had been rescued, and went back to his office to meet Helms.

And so the clock ticked away on the Son Tay raid, leaving nothing to be done but to bring home all the commandos and decorate them for their heroism—and to explain the escapade to the American people and the world.

What did it all mean?

"It certainly put the prisoner-of-war issue on the front pages," a senior military official commented. "Before the raid you could not get any interest at all in POWs and now everyone's talking about them."

POW'S ON FRONT PAGES

POWs certainly are on the front pages now. But whether that will help in securing their release is problematic. One can argue that Hanoi will respond to such pressure only by making the prisoners a more important bargaining counter in any negotiation to end the war.

"It showed Hanoi that no part of its territory was invulnerable to American attack," another senior military officer said.

However, it also revealed to Hanoi that American intelligence on what's going on in the north is so poor that, even with the most careful planning and coordination and most masterful execution, American military operations in the north cannot achieve their goals.

It showed the wives of the prisoners and the prisoners themselves that we care, and that will boost morale, Laird has said.

The wives have, for the time being, been assuaged. No one can say, however, whether the prisoners have been given new hope. Most of the nine American prisoners who have been released so far say North Vietnamese security is so tight in the prisons that the Americans there still know nothing of the abortive rescue attempt.

LITHUANIAN INDEPENDENCE DAY

Mr. KENNEDY. Mr. President, it is only proper, considering the pride we all have of our own Nation as a symbol of freedom and justice, that we commemorate the 53d anniversary of Lithuanian independence.

Lithuanians have had a long and rich history in their continuing struggle for freedom and independence. It was just a half century ago that the courage and determination of the Lithuanian people were rewarded with the establishment of independence for their homeland. This achievement was realized after many years of suffering at great human costs—both in terms of body and spirit. Once having achieved independence, Lithuanians set up a constitutional government, a model of democratic ideals. Freedom of speech, assembly, and religion were the foundations of free Lithuania. Yet, in only a few short years, the hard-won freedom of the Lithuanian people was brutally snuffed out by the Stalinist government of the Soviet Union. In the 26 years since the end of World War II, Lithuania has remained an imprisoned state, a satellite of the Soviet Government.

We must all recognize, Mr. President, that it is indeed a credit to the courageous Lithuanian people, that after all these years they have maintained their freedom in mind and spirit. The continued determination of Lithuanians to win back their freedom and independence is an example for the entire world, an inspiring torch lighting the way for all men in the unending struggle for the freedom and the natural rights with which every man has been endowed.

Today, all Americans join in the continuing hope and determination of the Lithuanian people that someday soon freedom and independence for Lithuania will be more than the echo of an eternal dream; that the dream will become a long deserved reality.

SENATOR SCHWEIKER SUPPORTS DIRECT ELECTION OF THE PRESIDENT

Mr. SCHWEIKER. Mr. President, it is a privilege for me again this year to join the distinguished majority leader (Mr. MANSFIELD), the distinguished Senator from Indiana (Mr. BAYH), and many other Senators, in cosponsoring Senate Joint Resolution 1, proposing a constitutional amendment to provide for the direct election of the President and Vice President.

Last year, I testified before Senator BAYH's Subcommittee on Constitutional Amendments in favor of this proposed constitutional amendment, and I was gratified with the thoroughness and dispatch with which this subcommittee and the entire Judiciary Committee were able to report it to the Senate for full consideration. Unfortunately, through the use of the Senate filibuster, we were unable to follow the Members of the other body and bring this proposal to a vote. Thus it is heartening to see that the momentum will be maintained this year.

In my testimony last year, I stated my beliefs, which I still strongly maintain, that, first, a national President should be selected by the direct will of the people of our Nation, that, second, it is imperative for us to change the current electoral college system to eliminate the possibility, which currently exists, of a candidate winning the popular election but losing the electoral college vote, and, that, third, there is a need to increase the sense of personal participation by the voters in their role in selecting the President of the United States.

There is one new factor in our national electoral system which, I believe, adds even more weight to these three considerations: the lowering of the voting age to 18 in Federal elections. Not only are there more voters who now will participate in selecting the President, but there will be thousands of new voters who will want their individual vote to directly influence the outcome of the presidential election.

The fact remains that under the existing electoral college unit rule, whereby the plurality winner in a State receives all the electoral votes of that State each voter who casts a ballot for someone other than the plurality winner is, in effect, disfranchised. Although the proportional plan, whereby the States' electoral votes are cast in proportion to the number of votes each candidate receives in the election, and the district plan, whereby the electoral vote of each congressional district is given to the plurality winner in that district, are both improvements over the current unit rule, I feel strongly that if we are going to reform our system, we ought to take the full step necessary.

I cannot stress enough that the electoral college concept was created in an era when travel and communications were in their infancy and when such a representative system was the only feasible way to insure that the will of the people was being exercised. But today, when Presidents can instantly travel to any section of the country, and when the modern media allow a President to have an instant national constituency, the need for a two-stage election is removed. The people of a congressional district directly elect their Representative; the people of a State directly elect their Senators and Governor; the same logic that resulted in our Founding Fathers instituting these systems dictates, in my view, that the people of our Nation

should likewise be able to directly elect their President.

The joint resolution has been changed since it was originally introduced last year, and I commend the sponsors of the resolution for making a number of important improvements and for building upon the experience of last year's debate to create a stronger measure, which I hope will have a better chance for speedy passage.

First of all, providing for an automatic formula as a substitute for an actual runoff election, in case no one candidate receives 40 percent or more of the popular vote, is a constructive change. Under the revised amendment, the candidate who receives the largest vote, but who does not receive 40 percent of the popular vote, is still the winning candidate if he would have had a majority under the electoral college system.

An important factor of this alternative tabulation is that it does not apply to a candidate who has received less than a plurality of the popular vote, and thus the electoral college formula cannot be applied to give the Presidency to a candidate who came in second in the popular vote.

A second important factor in this runoff provision is that the electoral votes of each State are applied automatically, eliminating any "deals" or maneuvering between candidates.

I feel this formula for a runoff is a significant step toward meeting the objections of critics of the direct election system, who feared chaos from the situation where a candidate did not receive a clear majority of the vote. The combination of a plurality of the popular vote, and a majority of the States, can help insure that the President-elect is truly the choice of the majority of the people in our Nation.

In addition, this resolution has been strengthened this year by changing the system by which a President is chosen by the Congress when there is no clear winner in the popular vote or electoral college runoff formula. Rather than having the choice made in the House of Representatives alone, utilizing a unit system by States, the final determination will be made by all Senators and Representatives, in joint session, voting individually. I support this change.

Finally, the resolution is improved by providing for the elimination of some of the most glaring inadequacies of the electoral college, in case the direct election proposal has been ratified by the necessary three-fourths of the States, but has not taken effect at the time of a presidential election. By binding each elector of the electoral college, the "faithless elector" problem is eliminated. And also, even with an electoral college system, in this interim situation, a failure to obtain an electoral college majority would result in the election of the President by a joint session of Congress, with each Senator and Representative voting separately.

Mr. President, all elected officials must do everything in their ability to restore the confidence of the public in our governmental institutions, and to make our electoral process fair and representative of the will of the people. In my judgment, there is no step which can do more to accomplish this than eliminating the archaic institution of the electoral college and approving the direct election of the President. The issue has been thoroughly studied and debated in recent years. Now is the time for action.

THE GREEK MILITARY DICTATORSHIP

Mr. GRAVEL. Mr. President, for a long time I have been concerned with our policy toward the Greek military dictatorship, which in fact negates both the spirit and the objectives of the Truman Doctrine of 1947. That is why today I would like to bring to the attention of the Senate two very interesting and useful documents which I do hope President Nixon and his foreign policy advisers will have a chance to study: First, an article written by the well-known syndicated columnists Rowland Evans and Robert Novak, published in the Washington Post of January 31, 1971, concerning the tragic but also most revealing Elias P. Demetricopoulos affair. Second, a statement addressed to the North Atlantic Assembly signed by 21 distinguished former Greek cabinet ministers, both conservatives and liberals, and representing a very wide spectrum of the political life of Greece, which was brought to my attention by my good friend Elias P. Demetricopoulos, a leader of the Greek resistance movement.

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

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

SENATOR FULBRIGHT VERSUS THE JUNTA

(By Rowland Evans and Robert Novak)

Political reaction here against the dictatorial military regime in Greece has reached such a peak that Sen. J. W. Fulbright of Arkansas, chairman of the Senate Foreign Relations Committee, is quietly sending two committee investigators to Athens for an on-the-spot probe of how U.S. policy is being carried out.

What has moved Fulbright and other committee members is accumulating evidence that the military junta shows no intention of keeping its agreement with President Nixon of last Sept. 22. On that date, Mr. Nixon decided to resume full-scale arms shipments to Greece—a clear signal that the junta had worked itself back into the good graces of the United States. In return, the junta pledged political reforms, including release of political prisoners and a move toward democratic elections.

That end of the bargain is not being kept. Moreover, there is deepening suspicion on Capitol Hill that U.S. Ambassador Henry Tasca is too close to the colonels.

To make the committee's investigation, Fulbright has assigned two top investigators—Richard Moose and James Lowenstein, both ex-Foreign Service officers. They will proceed to Athens in the first on-the-spot congressional inquiry since the military dictatorship took power in a bloodless coup d'etat almost four years ago. Their last assignment was U.S. policy in Cambodia.

Although Fulbright has been brooding about the junta for many months, the recent tragedy involving the leading anti-junta Greek exile, Elias Demetracopoulos, played a significant part in the decision to dispatch Moose and Lowenstein.

Despite direct intervention of the State Department, Demetracopoulos was unable to obtain an advance safe-conduct pledge from the junta to visit his dying father in December. One result of that was a letter to Fulbright from three U.S. senators suggesting that Tasca be summoned to Washington for testimony before the Foreign Relations Committee.

Fulbright's response to the three Democrats—Sens. Frank Moss of Utah, Mike Gravel of Alaska and Quentin Burdick of North Dakota—stated that "the nature and conduct of U.S. relations with the junta have long been a source of consternation to me." He said that the Demetracopoulos incident "is similar to many others in the past few years."

Fulbright's subsequent decision for a committee probe in Athens carries the most serious implications for the junta and its souring relations with the Nixon administration.

MILLS' ALTERNATIVE

Despite veiled threats of retaliation against congressmen who oppose President Nixon's $5 billion revenue-sharing proposal, the political prognosis today is that the plan will die a slow and (in Congress) unlamented death.

The veiled threats, emanating from administration backers, hint that recalcitrant members of Congress may get redistricted by angry state legislatures into new and unfriendly districts. Almost all congressmen will be vulnerable to redistricting this year or next to take account of the 1970 census.

But the chance of that actually happening is zero. In fact, even if proponents of the plan could prove that it will happen, the opposition of both Rep. Wilbur Mills of Arkansas, powerful chairman of the Ways and Means Committee that will handle the President's general revenue-sharing plan, and Rep. John W. Byrnes of Wisconsin, ranking Republican member, assures the plan's defeat in the House.

Moreover, intimates of Mills predict that he is moving toward a substitute plan that would have roughly the same result as Mr. Nixon's general revenue-sharing proposal: gradual federalizing of the welfare program, with Uncle Sam picking up most or all the states' welfare bill, now running at $7.3 billion a year.

Some governors have been lobbying for just such a change for years. Switching from the present welfare program to Mr. Nixon's Family Assistance Plan, passed by the House but not the Senate last year, would cost the federal government an estimated $4 billion extra in the first year—but would *not* reduce state welfare costs more than $600 million.

A footnote: The President's "special" revenue-sharing plan—grouping present and narrow categorical grant programs into six broad functions such as education and transportation—has a far better prospect in Congress. I will not go to the Ways and Means Committee.

STATEMENT ADDRESSED TO THE NORTH ATLANTIC ASSEMBLY (THE HAGUE, 1970)

BY 21 FORMER GREEK MINISTERS

1. The undersigned Greek parliamentarians, residents of Athens, who have been ministers of Greek governments in the last ten years, address themselves to the parliamentarians of the NATO Assembly and invoke, on the occasion of the 1970 meeting in The Hague, their moral support in the pursuit of the implementation in Greece—a member of the Atlantic Alliance since 1952—of the objectives proclaimed in the preamble of the Treaty, namely the defence of Democracy, Freedom and Human dignity, which were all dismantled in Greece on 21 April 1967 by a coup of a small group of ambitious army officers who, under the pretext of a communist revolution, turned against the King, the then legal government and the ex-

pression of the popular will through the general election due on 28 May 1967.

2. Since then there have been loud public declarations, by those who captured power by force of arms and fraud, concerning the rapid return to constitutional order and the renewed functioning in our country of the democratic parliamentary system. Notwithstanding the binding obligations to this effect undertaken at various times by the military regime towards the member countries of the Council of Europe, the Common Market and NATO, including the U.S.A. (see inter alia, the Government's timetable presented by Foreign Minister Pipinelis to the Council of Europe and included in the white paper of the Greek Ministry of Foreign Affairs) and instead of the expected movement, after 3½ years, towards free elections for a Parliament and a Government backed by the electorate, indisputable facts and official pronouncements of authoritative Government personalities reveal the real intention of the Colonels to organize further and perpetuate their tyrannical regime. We recall that, following the unexpected announcement of the resumption of American military aid ("unexpected" because instead of progress towards normalisation there has been retrogression in Greece) and the visit of the American Defence Minister Laird to Athens, there have been official interviews and statements by the Deputy Prime Minister Patakos (one of the principal leaders of the coup) and by Press Minister Georgalas (who is the official spokesman of Colonel Papadopoulos), according to which

(a) the Pipinelis timetable, mentioned above, is hereafter not binding to the regime,

(b) elections will take place—if they ever do—at some undetermined time and after a multitude of conditions are satisfied, which, by their very nature, require decades, and, in any event, the question of whether they are satisfied or not, will be judged by the Colonels themselves,

(c) the "Revolution" is not—as it used to be constantly declared by the usurpers of power—an *interlude*, but will continue after the "elections," which means that the procedure will be such as to ensure 100% election of *their own men*.

3. The King remains exiled in Rome, with his constitutional responsibilities suspended. He receives indirect warnings that he may be dethroned or that the Constitutional Monarchy will be revoked because he does not deny the news published from time to time in the international press that "he continues to insist unwaveringly on the four basic preconditions for his return to Greece and the resumption of his Royal duties", which he enunciated when he found himself exiled in Rome, namely:

(i) release of all prisoners held for political reasons,

(ii) formation of a political government,

(iii) real press freedom,

(iv) in due course the holding of free elections.

Instead of these, the Junta is currently attempting a confidence trick—the creation of a strongly advertised and euphemistically named by the Colonels "small Parliament", which is to be elected by approximately 1000 (out of 5,500,000 Greeks of voting age) government-appointed electors. The members of this so-called Parliament, after being elected in this fashion, will be subject to the final approval of the dictator.

4. The martial law, with all its terrorist implications (daily arbitrary arrests, detention incommunicado in police and military stations, preventive arrests of indefinite duration, extraction of statements in the absence of a defense lawyer and trials by Court Martial) engulfs not only citizens acting or pronouncing themselves against the government, such as politicians, ex-military men, proprietors, editors and other staff of newspapers, on whom severe sentences are usually imposed, but the defence lawyers themselves who occasionally are subjected to disciplinary and pseudojudicial sanctions. But the terrorisation of 8,500,000 Greek citizens is not achieved only through martial law, the lifting of which by the end of September 1970 was categorically promised by Papadopoulos. A drastic measure with the same objective and one which has been used by the Junta from the first day of the coup and continuously to this day, has been the administrative deportation without any formality (not even the examination of those concerned or the opportunity for them to answer any charges). Deportations are made by irrevocable decision of the Minister of Public Order (formally co-signed by the decorative Minister of Justice), the initial period is nearly always extended (two and even three times) and the location varies from camps of "disciplined living" (Leros, Oropos) to inaccessible mountain villages. At intervals, the removal of the deportees from one village to another is ordered. The victims of deportations (with the sole charge that they have anti-junta sentiments) are left-wingers who were arrested immediately after the coup but also hundreds of centrists and right-wingers and in particular (1) brave and distinguished generals, admirals, officers of the army, navy and airforce of both high and low rank, some of them decorated by member-countries of NATO, including the United States (2) dozens of ex-Ministers and Deputies of ERE and the Centre Union, some of the latter held to this day. The Colonels claim (a) that the number of deportees is diminishing and is supposed to be smaller than 1500 and (b) that deportations were taking place even under parliamentary governments. A conclusive answer to the false claim in (b) has been given by the ex-Ministers of Justice Papaconstantinou (ERE) and Zigdis (Centre Union) and by the President of the last Greek Parliament Papaspyrou in his statement of 18 October 1970. As for (a) we observe that what matters is not the number under deportation at any one time, but that each of the 8,500,000 Greek citizens faces at any time the risk of arbitrary and unexplained arrest, detention, imprisonment or deportation.

5. As Greek parliamentarians, having served as members of parliamentary governments during the past ten years, we have an obligation to express a very strong protest against the continuing detention of our colleague from the Dodecanese, Mr. John Zigdis. Mr. Zigdis, who was a member of Parliament from 1950 to 1967, served in several governments as Minister and he was, until 1967, a member of the Greek delegations to the Consultative Assembly of the Council of Europe, the North Atlantic Assembly, the Parliamentary Commission of Association with the E.E.C., the Inter-Parliamentary Union. He is presently serving a five-year sentence to which he was condemned by a Military Tribual for committing the "crime" of asking publicly for the formation of a government of National Unity.

You, as our colleagues in the North Atlantic Assembly, have the duty to express your solidarity towards this prominent Greek former Minister, as well as towards our other detained colleagues and all those magistrates, officers, artists, intellectuals and other innocent Greek citizens, who are rotting in prison and in prison camps, after having been deprived of their freedom without any recourse to a due process of law.

It is also your duty, and it is the duty of your Governments, to contribute to a peaceful return of Greece to the democratic community of European nations. This is the only way by which the Greek people will recover their faith in the democratic ideas and the objectives of NATO which purport to preserve peace and to strengthen our democratic institutions.

ATHENS, *October 27, 1970.*

Signed:

Bakladsis, Emmanuel—Former Speaker of Parliament

Papaspyrou, Dimitri—Speaker of the last Parliament

Diamantopoulos, Jacob—Deputy Speaker of the last Parliament

Toumbas, John, (Admiral)—Former Minister of Foreign Affairs.

The following are Generals and Former Ministers.

Avramidis, Christos, Allamanis, Stelios, Galinos, Michael, Yannapoulos, Athanase, Thanopoulos, Dimitri, Kefaloyannis, Emmanuel, Maris, Costas, Kothris, Emmanuel, Mavridis, Athanase, Bakatselos, George, Papalazarou, Zisis, Papaligouras, Panayotis, Perrotis, Aristomenis, Pitoulis, Fotios, Rallis, George, Stefanopoulos, George and Chadsigakis, Dimitri.

Annexe:

(a) list of Centre Union Deputies under deportation or detention.

Angelousis, Angelos (since 21–4–1967).

Alevras, John (since 14–8–1968).

Katsikopoulos, Takis (since 21–4–1967).

Koniotakis, Constantin (since 14–8–1968).

Manavis, Charis (since June 1968).

Papadimitriou, John (since September 1968).

Papaspyrou, John (since 14–8–1968).

Charalamdopoulos, Constantin (since April 1968).

(b) In addition, fifteen Deputies, members of the EDA-party are under deportation or detention (since 21–4–1967).

SIGNIFICANCE OF RECENT DEVELOPMENTS IN SOUTHEAST ASIA

Mr. FULBRIGHT. Mr. President, Mr. Don Oberdorfer has written a perceptive and penetrating analysis of the significance of the recent developments in Southeast Asia. I commend Mr. Oberdorfer's analysis to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

[From the Washington (D.C.) Post, Feb. 11, 1971]

NIXON'S VIEW OF THE WAR

(By Don Oberdorfer)

What is President Nixon up to in Indochina? Why is he spreading the war geographically while phasing out American ground combat troops? What is he likely to do in the future?

In the absence of definitive projections or inside revelations, a reporter can only watch and listen and draw his own conclusions. These are mine:

The cardinal point is that the President seems truly to believe that a non-Communist South Vietnam is extremely important to the interests of the United States. He appears to believe this may be achievable and he is prepared to take important risks and incur large costs to further this cause.

In other words, the President appears to believe that the United States can win the war or, if you prefer, can avoid losing it. When he speaks of "peace," he does not mean the same thing the critics of the war mean. He means a non-Communist South Vietnamese regime, reasonably secure against enemies too weak or too scared to mount effective challenge. He means by "peace" what other people think of as "victory."

He has had, right along, a theory of how to achieve this, and it is derived in large measure from the Eisenhower administration. It involves the use of "Asians to fight Asians,"

instead of American ground troops. When the going gets tough, it involves the use of American airpower and seapower—and the threat of even more massive use of such power—to force the issue with the enemy.

In Vietnam, Mr. Nixon is withdrawing United States ground combat troops, partly because public opinion in this country leaves him little choice and partly because he believes that war-by-proxy (the Communists call it "special war") is a better way.

He has created a justification for continuing or even increasing the use of airpower and seapower—to protect the dwindling number of American troops remaining. He pointed out to visitors Wednesday that each withdrawal of U.S. troops leaves those who remain in greater jeopardy.

By extending the fighting to Cambodia last summer, Mr. Nixon eased the Communist military pressure on South Vietnam, reducing the possibility of major offensives last fall and early this year. The action also made more credible his public threats to respond massively against the enemy if things get tough. Though U.S. ground troops withdrew from Cambodia as promised, the United States is supplying and supporting 21,000 ARVN troops in Cambodia today and a Cambodian army which has grown to 200,000.

By extending the fighting to Laos this week, Mr. Nixon seeks to interfere with the Ho Chi Minh Trail supply lines, ease military pressure on South Vietnam and Cambodia, reduce the possibility of major offensives in late 1971 and early 1972, and demonstrate further that his threats of strong action are real. If one believes that a permanent non-Communist regime in South Vietnam is possible, then permanent interdiction of the Communist supply lines in Laos and Cambodia is nearly essential.

If it works, Mr. Nixon will be a hero. But the dangers are great.

The danger abroad is that the Vietnamese Communists may refuse to be deterred or to give up, as in the past, and that war-by-proxy may not go well. Forces supplied and supported by the United States could be fighting throughout Indochina and—if the going gets tough—Mr. Nixon could face a decision on massive air attacks on North Vietnam, bombing or mining of Haiphong harbor and other high-risk measures. The Soviet Union and China would have to decide whether to respond by giving their ally new weapons or other help.

The danger at home is that stretching-out of the war, and particularly air escalation, could further divide this country in a terrible and destructive way. A large part of the public, the press, the Congress, the private leadership of America and even high-ranking military officers and Administration officials no longer believe that victory is possible in Vietnam at any price this country is or should be prepared to pay.

Richard Nixon has not given up. Like Lyndon Johnson, he thinks he can win it, or at least is determined not to be the one to lose it. In one sense, we are back again in 1968. In another sense, we are back in 1965, or maybe 1954. The war goes on, in another of its infinite permutations.

SENATOR SCHWEIKER SUPPORTS CONSTITUTIONAL AMENDMENT FOR 18-YEAR-OLD VOTE

Mr. SCHWEIKER. Mr. President, it is an honor for me to join the distinguished Senator from West Virginia (Mr. RANDOLPH) as a cosponsor of Senate Joint Resolution 7, a constitutional amendment to lower the voting age to 18 in all Federal, State, and local elections.

In 1969, at the beginning of the 91st Congress, I introduced my own constitutional amendment for the 18-year-old vote, and subsequently joined as a cosponsor of Senator MANSFIELD's amendment to the Voting Rights Act of 1965, which enacted the 18-year-old vote through the regular statutory process. I have continuously supported lowering the voting age during my entire 12 years in Congress, and was delighted that last year Congress finally took some action on this worthwhile proposal.

This year, Senator RANDOLPH has already obtained the support of more than 80 Senators behind his constitutional amendment. I welcome this united effort, and hope that through all of us joining behind one resolution we can quickly pass this important measure and allow the States to begin the process of ratification.

The recent Supreme Court action, affirming the right of Congress to lower the voting age in Federal elections through a statutory amendment, but prohibiting any statutory change for the State and local level, has created a special urgency for us to take quick action to pass a comprehensive constitutional amendment.

First of all, there is an inherent unfairness, to the men and women between the ages of 18 and 21, and also the public at large, in having different standards apply to different offices in the same election year. It seems incongruous for a young man or woman to be able to vote for his Congressman and Senator, but not for his State Governor.

Secondly, the mechanical steps which the States and local communities will have to take in order to make sure that the differentiation between the Federal and State elections is adhered to will be costly, and confusing.

Because of both of these fundamentally unfair situations, the best way to clear up the confusion is to enact a constitutional amendment providing for the 18-year-old vote in all elections, to settle the issue once and for all.

A number of State referendums have indicated some opposition to lowering the voting age. However, many more States have indicated a willingness to bring our young people directly into our political process. I hope that under the incentives of the existing Federal law allowing 18-year-olds to vote and decisive congressional approval of a constitutional amendment, the States will follow suit and make it official.

My reasons for cosponsoring this joint resolution and urging swift approval, however, go far beyond the mere coordination of State and Federal requirements.

My primary reason for endorsing the 18-year-old vote is on the merits. Our young people have continually demonstrated the political awareness, the public concern, the desire to participate in our process, and the capability of exercising responsible judgment, sufficiently to have earned the right to vote.

In 1969, when I introduced my earlier resolution on the 18-year-old vote, I discussed the importance of the mass media and modern communications in providing greater sophistication among our young people concerning today's social problems. I also predicted generally that young people would demonstrate their concern for solving these problems in an effective and responsible fashion.

Since I made these remarks, one area of interest in particular stands out to prove my contentions: the environment. There have been many areas of political involvement where students and young men and women have had a significant impact, but I merely want to point out that it was our young people who created, and carried out, the events of Earth Day last April, an event which contributed enormously to the present awareness by all the public of our environmental problems. The fact that most persons recognize that cleaning up our environment is one of our most critical priorities is due in no small part to the initial work in the environment by our young people.

Actions by revolutionaries, bombings on our campuses and in cities, and irresponsible demonstrations are the work of a minority of young people. In addition, although I do not have any figures available to confirm my suspicion, I dare say that many of these active revolutionaries are over 21. This radical fringe should not be used to deprive the majorty of our responsible young people from having the right to vote.

As our problems become more complex, as the average age of our population gets lower and lower, and as the need for greater participation in our governmental processes by larger sections of our population becomes greater and greater, it is imperative that we allow young people this most basic right of our democratic society—the right to vote, and to have a say in the selection of elected officials. This basic responsibility and duty should not be differentiated between Federal and State levels—it is inherent in the electoral process regardless of what the specific office is.

I urge Senators to approve this measure quickly, and I equally urge all State legislators to share our concern and swiftly approve the 18-year-old vote.

LITHUANIAN INDEPENDENCE

Mr. HUMPHREY. Mr. President, on February 16 Americans of Lithuanian heritage will be celebrating the 53d anniversary of their country's independence and the 720th anniversary of the founding of the Lithuanian State.

This country has a long and rich history to which I should like to pay tribute today. Lithuania has provided a lasting example of a flourishing culture and political system whose strength and endurance remains a vivid example for the world today.

Lithuanians throughout the world are carrying on these fine national traditions with the hope of achieving once again the independence for their country that was theirs.

I want to join others in expressing my admiration for these people and in supporting their campaign for self-determination—a right to which all peoples throughout the world are entitled.

THE SOVIET UNION, THE UNITED STATES AND THE UNITED NATIONS

Mr. MUSKIE. Mr. President, last year the member countries of the United Nations joined in celebration of the 25th

anniversary of that organization. In the addresses of their representatives to the General Assembly, the members pledged renewed support and effort toward increasing its vitality in its next quarter-century.

The United Nations did not survive 25 years by remaining the organization created in 1945. It adapted to cope with new challenges. It created new procedures and new machinery in its efforts to deal with a diversity of problems and crises as affairs among nations took new forms.

If it is to become all that we hope it can be, the United Nations must continue this evolution.

In this context, I would draw the attention of the Senate to an article which appeared in the Foreign Service Journal of December 1970, entitled "The Soviet Union, the United States, and the United Nations." The article was written by Prof. Richard Gardner, professor of law and international organization at Columbia University. It is significant, I believe, that the article was drawn from the text of a paper presented by Professor Gardner to the Soviet Academy of Sciences in June 1970. Both we and the people of the Soviet Union can profit from its wisdom.

In the course of the article Professor Gardner suggests a number of organizational and procedural changes for the United Nations intended to increase its effectiveness and to enable it to cope with contemporary international problems.

Problems are arising that require international cooperation of an unprecedented scope, and Professor Gardner deals with a number of these, such as development of the resources of the ocean and exploration of the solar system, controlling the world's burgeoning population and enriching the standard of living for our human race as a whole. In each case he offers serious proposals for change.

Of particular interest to me was Professor Gardner's argument that the protection of our environment must be the responsibility of all peoples and countries, and that only through international cooperation can we fulfill our role as guardians, not exploiters, of our natural heritage.

The 1972 Stockholm conference should be an important step in this direction.

We should also seek opportunities to work with the Soviet Union on environmental questions. Cooperation in this nonpolitical area would have a useful effect on our relations generally.

Professor Gardner's article is a thoughtful, provocative, and important document which deserves serious study.

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

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

THE SOVIET UNION, THE UNITED STATES, AND THE UNITED NATIONS

(By Richard N. Gardner)

I believe, in the words of the Soviet memorandum submitted to the UN General Assembly on September 26, 1969, that "the strengthening of international security requires a fresh collective effort, fresh initiatives, and fresh action." What are needed, of course, are not just rhetorical declarations by the General Assembly, but concrete actions by our two countries and others and specific steps to strengthen the effectiveness of the United Nations.

Concrete measures to strengthen international security will require a new approach by both our countries. Perhaps I can best summarize the approach I have in mind by recalling the following exchange of views which I had at the UN several years ago with a member of the Soviet delegation.

"You believe," I remarked to him, "that history will demonstrate the superiority of your system and that 'rotten reactionary regimes' will fall into Communism like so many ripe apples. Although we disagree with your view of history, we certainly do not contest your right to hold it. And if you wish to place some baskets under the tree to catch the apples when they fall, we can't object to that either. But don't shake the tree—and don't try to pluck the apples off it!"

To which my Russian friend made what I thought was a very fair reply: "Very well," he said, "we won't do those things, but don't you Americans go around pasting the apples up either!"

This exchange, it seems to me, highlights the central problem. We shall never have peace and security as long as some countries claim a right to assist revolutionary forces in other countries under the banner of "wars of national liberaton," while other countries claim the right to aid established governments under the doctrine of individual or collective self-defense.

The world urgently needs a policy of non-interference in internal affairs of others, scrupulously observed by all states, large, middle, and small. This means that American power should never be used to prevent a people from choosing the government it wants—even if that is a Communist government. And Soviet power should never be used to prevent a people from choosing a government it wants—even if that is a non-Communist government.

In other words, we should both permit the political and social systems of other countries to develop under their own momentum, without outside interference. We should be prepared to accept history's verdict about the comparative merits of our two systems for other countries—and not try to "help history along."

You may ask at this point whether the United States is prepared to accept such a policy of mutual non-interference in the affairs of other countries. I believe the answer is yes. I would draw your attention in particular to the significant statement by Under Secretary of State Elliot Richardson before the Soviet-American Convocation in New York last month in which he called for a policy of reciprocal restraint by our two countries.

Both the United States and the Soviet Union have recently experienced the perils of over-involvement in third areas. As you know very well, the American people are anxious to end the Vietnam war and avoid military intervention elsewhere. The current trend in American opinion in favor of disengagement offers a great opportunity to the Soviet Union—not an opportunity to alter the balance of power unilaterally at our expense, which would be a very risky and unwise policy, and certain to provoke an American reaction, but rather an opportunity to work with us for mutual disengagement and political settlements in our common interest.

If such a policy of mutual non-interference is to work, it will require a much stronger UN capability for peacekeeping and peacemaking. For in specific situations there will be factual disputes as to what the people of a country want and whether there is actually intervention from outside. There is no really satisfactory way to resolve such disputes except through an international agency which can patrol borders, supervise elections, and verify compliance with non-intervention norms.

UN peacekeeping efforts, while imperfect, have made practical contributions in the Middle East, Cyprus, the Congo, and Kashmir. Both the Soviet Union and the United States have a common interest in using the UN to contain local conflicts that might draw in both our countries and trigger a nuclear war.

If we are honest with ourselves, however, we have to admit that neither the United State nor the Soviet Union is presently doing what it should do to strengthen the UN as a peacekeeping agency. Indeed, there is a widespread suspicion at the UN that the two superpowers want to keep the UN weak, so they can divide up the world between themselves without interference. But a two-power hegemony, based on spheres of influence, will not be acceptable to the rest of the world, nor does it serve the best interests of our two peoples.

What can our two countries do, in specific terms, to strengthen the UN's capacity for peacekeeping and peacemaking?

First, we can make better use of the peacekeeping machinery that already exists.

We should work together in the UN for a settlement of the Middle East conflict that will take account of the reasonable interests of all the countries in the area, and back such a settlement up with a UN force under a Security Council mandate so that the force could not be removed without the concurrence of all the Council's Permanent Members.

We should support the neutralization of South Vietnam, Laos, and Cambodia under UN guarantee, with a UN peacekeeping force to verify the cessation of hostilities, the withdrawal of all foreign forces, the inviolability of borders and the carrying out of free elections. The Soviet Union, as Co-chairman of the Geneva Conference, could take a historic first step toward this end by reconvening the Geneva Conference machinery.

Second, we should take joint initiatives to strengthen the UN's peacekeeping machinery. Such initiatives should include a $100 million Peace Fund, with substantial contributions from both the US and the USSR, to liquidate the UN's deficit and provide a modest sum for future peacekeeping emergencies.

I note with interest that the letter of Foreign Minister Andrei Gromyko to U Thant of April 29, 1970 calls for "the increase in the role and efficiency of the Security Council as the organ upon which the primary responsibility for the maintenance of international peace and security is conferred." In implementation of this point in your Foreign Minister's letter, let us now agree on guidelines for peacekeeping operations undertaken by the Security Council. These could provide for a committee of the Council consisting of the "Big Four" and troop supplying countries to advise the Secretary-General on the conduct of each peacekeeping operation, while preserving sufficient operational control in the Secretary-General to assure peacekeeping effectiveness. We should also agree that members of the Council should support financially those operations which the Council carries out consistently with these guidelines.

Third, we should develop new UN machinery for fact-finding and mediation.

There is a need for procedures for peaceful settlement that can provide a cooling-off period for the fever of controversy to subside, that can mobilize opinion behind a reasonable settlement and that can enable international agencies to take responsibility for outcomes for which the parties themselves cannot take full responsibility.

A new UN panel should be created of persons who could be drawn upon for fact-finding, mediation, and other kinds of assistance in the dispute-settlement. Its members should be chosen at least in part by means other than nomination by national governments with a view to each individual's personal qualifications.

It would be unrealistic for the time being to expect UN members to agree in advance to accept the judgments of third parties in all cases in which they were involved. But it is not unreasonable to ask UN members to agree in advance to accept the *process* of fact-finding or conciliation, reserving the right to challenge the facts found or settlements recommended by members of the panel. This would be a modest, but important, step forward toward a more civilized world peacemaking system.

Fourth, we should initiate joint studies of more far-reaching measures to transform the UN into a more effective instrument of world order.

Such studies should begin on a non-official level with conferences and joint studies by scholars and scientists from the US and USSR. The "Joint Statement of Agreed Principles for Disarmament Negotiations," negotiated by our two countries in the Zorin-McCloy talks of 1961, contains the following paragraph:

"7. Progress in disarmament should be accompanied by measures to strengthen institutions for maintaining peace and the settlement of international disputes by peaceful means. During and after the implementation of the programme of general and complete disarmament, there should be taken, in accordance with the principles of the United Nations Charter, the necessary measures to maintain international peace and security, including the obligation of States to place at the disposal of the United Nations agreed manpower necessary for an international peace force to be equipped with agreed types of armaments. Arrangements for the use of this force should ensure that the United Nations can effectively deter or suppress any threat or use of arms in violation of the purposes and principles of the United Nations."

Since that paragraph was negotiated, there has been no serious or sustained discussion between Soviet and American citizens on what changes in the UN would be necessary to make substantial progress toward disarmament possible. Let us begin a serious dialogue on this subject as soon as possible.

Fifth, we should make the UN universal—with membership for Mainland China and Taiwan, the two Germanys, the two Koreas, and the two Vietnams.

I believe US public opinion is moving rapidly in favor of universality of UN membership, and that this will soon be reflected in our official policy. Our Soviet colleagues should not interpret US efforts to bring mainland China out of its isolation as an unfriendly act toward the Soviet Union. Rather, they should see it as a necessary measure for effective peacemaking on a global scale.

Agreement by the Permanent Members of the Security Council would be needed to secure the admission of East and West Germany North and South Korea, and North and South Vietnam. But the seating of the People's Republic of China and Taiwan as successors to the membership of the Republic of China could be achieved by a vote of two-thirds of the General Assembly and by the procedural majority of nine in the Security Council, thus bypassing a possible veto by the Taiwan regime. Of course, the Security Council seat would be assigned to the People's Republic. The seating of all these regimes could be done in a way which did not prejudice the possibility of unification by peaceful means.

While it is true that the problems of the two Germanys, the two Koreas, the two Vietnams and the two Chinas are all different, a "package deal" on all of them would make it easier for many countries to swallow their opposition to the seating of one or more. Such a bold step would give the United Nations opportunities it now lacks for assisting peaceful settlements in Indochina and Korea, as well as elsewhere, would open new channels of communication between the two halves of these divided states, and would enhance the long-term potential of the organization for dealing with such global problems as development, population and environmental defense. New steps should also be taken to encourage Switzerland to seek membership, in recognition of the diplomatic as well as financial resources which the Swiss could make available.

If the twenty-fifth General Assembly is not prepared to seat these states immediately, it could at least appoint a committee to study how universality of membership might be achieved. The committee could provide an opportunity for the United States and the Soviet Union to reassess their positions. It could also recommend interim steps toward universality—the adherence of all states to multilateral conventions and invitations to all states to participate in such UN meetings as the 1971 Stockholm conference on the environment.

Sixth, we can work together to reduce the gap between voting power and real power in the United Nations.

One measure already under consideration would be to offer "ministates" associate membership in the organization with the privilege of circulating documents and addressing meetings, but without the privilege of voting and the burden of paying a share of UN expenses. Hopefully some of the "ministates" already in the United Nations as well as those that are expected to apply for membership could be persuaded to accept this new status.

Even with such an arrangement, however, there would still be a great disparity between voting power and real responsibility for implementing UN decisions. This problem exists even in the Security Council where, despite the Charter stipulation that members be chosen with regard to their contribution to the maintenance of international peace and security, six of the ten elected members currently pay the minimum .04 percent toward the expenses of the organization. The members might well consider some formula under which five of the ten elective seats could be reserved for ten middle powers (e.g. Japan, India, Italy, Brazil and the UAR), which would thus be guaranteed a place on the Council for two out of every four years.

In the General Assembly, where the disparity between voting power and real power is even greater, more use could be made of small committees (e.g. a Peacekeeping Finance Committee of 21) in which the large and middle powers would have a greater proportion of places than they have in the Assembly as a whole. To make such a committee system fully effective the Assembly would have to agree that resolutions could be adopted only when they had been approved both by the small committee and the General Assembly—in effect a bicameral arrangement. More fundamental—and probably incapable of adoption in the short run—would be a system of dual voting (double majorities), under which certain kinds of resolutions would be considered adopted only when approved by the regular two-thirds majority including a majority of the large and middle powers.

It is frequently argued that no reforms along these lines will be possible, since they require the approval of the small countries which now have the voting majority. Certainly such reforms will not be easy. But they may not be impossible if the small nations can be convinced by our two countries that the reforms would result in a United Nations more effective on matters of interest to them—and that in the absence of such reforms the major powers will increasingly bypass the organization on matters of substance.

The whole world has marveled at the heroic achievements of Soviet and American cosmonauts in outer space. As the two great space powers, it is natural that we should take the leadership in space cooperation. By cooperating under UN auspices, we can assure other countries that their interests will be fully protected, and we can encourage cooperation from other countries helpful to our space programs.

Our two countries, working with others, have already accomplished much by way of space cooperation in UN agencies. We have concluded the Outer Space Treaty banning weapons of mass destruction from outer space and prohibiting the appropriation of space and celestial bodies through claims of national sovereignty. We have developed the World Weather Watch, a global system for gathering, analyzing and disseminating weather information. We have agreed on the allocation of radio frequencies for space broadcasting. And we have drafted a treaty on the Rescue and Return of Astronauts. I believe we can take pride in these accomplishments, which have served the enlightened self-interest not only of our two countries but of all mankind.

But can we not go further still?

Let me recall to you the words of President Kennedy in his speech to the General Assembly of September 20, 1963:

"In a field where the States and the Soviet Union have a special capacity—the field of space—there is room for new cooperation, for further joint efforts in the regulation and exploration of space. I include among these possibilities a joint expedition to the moon. . . . Why . . . should the United States and the Soviet Union, in preparing for such expeditions, become involved in immense duplications of research, construction and expenditure? Surely we should explore whether the scientists and astronauts of our two countries—indeed, of all of world—cannot work together in the conquest of space, sending some day in this decade to the moon not the representatives of a single nation but the representatives of all of our countries."

I am proud to have played a part in President Kennedy's decision to make that bold offer of cooperation. Unfortunately, he died a few weeks later and the idea died with him. Instead, for the better part of a decade, our two countries conducted wholly separate space programs, with a massive duplication of effort and a substantial waste of expenditure on both sides. Important opportunities for the enhancement of international cooperation were lost. But surely it is not too late to try a new approach in the phase of space exploration that is now opening before us.

A first step toward fuller cooperation could be the creation of a United Nations Space Institute. The Institute, which might be located in Geneva or Vienna, would be a center for the cooperative planning of space exploration in which all UN members could be invited to take part.

Scientists from the United States and the Soviet Union and other countries could work together on such subjects as the medical problems of manned space flight. They could recommend a set of common priorities for mankind in space and a specific timetable of space missions.

Instead of both the United States and the Soviet Union putting instruments on Mars and Venus, for example, we could divide up responsibility for instrumented landings on different planets. Each such space venture would be considered part of a total UN program and every opportunity would be found to let other countries participate in the prep-

aration of the venture and in the sharing of the information derived from it.

The Soviet Union and the United States could also establish a United Nations Space Station, a true joint venture of mankind in what most authorities now agree is the most important space task of the next decade.

Joint ventures in space between our two countries have hitherto been regarded as impractical by many people. It has been said that the presence of your astronauts and scientists at our launching sites would give you access to our rocket technology and thus prejudice our national security—and vice versa.

But technology now offers a way around this problem. Both our countries have developed the art of rendezvous and docking in space. Both of us could launch elements of a space station that could be assembled in outer space. The equipment could be agreed on in advance to assure compatibility. The astronauts, drawn not only from the United States and the Soviet Union but from other UN members, could be trained together at the United Nations Space Institute.

When other UN members, for example, Japan and European countries, develop sufficient space capabilities, they could be invited to launch additional modules for the space station. In the meantime, their scientific abilities could be used to the full in designing and producing the equipment to be launched by the US and the USSR.

A UN Space Station could be an orbiting astronomical laboratory, gathering information about the solar system and the universe beyond. It could also be used for practical earth applications—for weather forecasting, observing ice and snow accumulations, mapping ocean currents, monitoring the environment, and locating mineral deposits. One day it might help patrol troubled borders and verify arms control agreements.

Such a cooperative space program could serve the enlightened self-interest of all. The sharing of the costs of space exploration and the adoption of a space timetable geared to scientific cooperation rather than political competition could save billions of dollars which our two countries could devote to pressing domestic needs. The non-space powers, including the less developed countries, could participate more fully in space exploration. Every country would have access to information gained from space activities, for example, the discovery of mineral deposits made possible by observation from a space station. Finally—and by no means least important—significant political benefits could be realized in closer US-Soviet cooperation and a stronger United Nations.

I recall that in the course of drafting the Declaration of Legal Principles governing outer space adopted by the General Assembly in 1963 the Soviet delegation introduced the concept that the cosmonauts of our two countries should be regarded as "envoys of mankind." They will not be true "envoys of mankind" as long as our two countries maintain separate and competitive programs. Let us find ways to make these brave men "envoys of mankind" in fact as well as in name as they pilot spacecraft orbited as a joint venture of all mankind under the auspices of the United Nations.

Developing the resources of the seabed could be a highly significant joint project. The Soviet Union and the United States have the largest coastlines in the world, and the largest portions of the relatively shallow submerged area abutting the world's coastlines known as the continental shelf. We are the world's two foremost naval powers and the two countries furthest advanced in submarine technology. We are the world's principal consumers of the oil, natural gas and hard minerals which technology is making increasingly exploitable in submarine areas.

There are two key questions about these seabed resources that need early and satisfactory answers: First, what should be the width of the continental shelf in which a coastal state has exclusive mineral rights? Second, what kind of regime should apply to areas beyond the jurisdiction of coastal states? The discussions in the United Nations have so far not produced a clear answer to these questions. Instead, there has been an unfortunate polarization of views.

At one extreme, there are some UN members who want national jurisdiction in the seabed narrowly limited and who want the UN itself to carry on exploitation in the seabed beyond national jurisdiction, with most of the profits from this activity going to the less developed countries.

At the other extreme, there are some members who want to extend national jurisdiction out to the seaward edge of the continental rise, and who oppose any kind of international regime over a part of the seabed which contains valuable resources.

The first view is clearly unrealistic. There is little in the experience of the UN that suggests that it could effectively discharge this kind of operating responsibility. The know-how and the technology for exploitation of the seabed is in the hands of private companies and governments, mainly in our two countries. If the riches of the seabed are ever to get above water, adequate incentives and security of investment will have to be given those who have the ability to do the job.

The second view is no less shortsighted. The United States and the Soviet Union have only a fraction of the world's geological continental shelf. As the world's principal resource consumers, we should not be seeking a solution that puts 80 percent of the continental shelf of the world (and a similar portion of the seabed up to the continental rise) under the exclusive jurisdiction of other countries. Nor should we expect that bilateral negotiations to operate on the continental shelves of other countries will be more manageable than dealings with an international authority. Moreover, it is only just that the technologically advanced nations and those states placed in the proximity of rich offshore resources by an accident of nature should agree to allocate a reasonable portion of the value of these resources for the development of the two-thirds of humanity that lives in backwardness and poverty. And it is only fitting that the Soviet Union and the United States, committed as we are to the idea that property should be employed with due regard to the community interest, should join in support of a solution of this kind.

The Soviet Union and the United States, as countries furthest advanced in seabed technology, are in a strong position to negotiate an international regime acceptable to themselves as well as other nations. A UN agency could be established to license operations by governments, public enterprises and private companies, in return for an appropriate royalty. The royalties could be channeled for world development through appropriate international agencies.

The UN agency could be established for the seabed with voting arrangements assuring an appropriate voice for all the different interests involved—the Soviet Union, the United States and other leaders in seabed technology, developed countries, less developed countries, coastal and non-coastal states and so on. The amount of the royalty could be fixed at a level that would provide adequate incentives for seabed production and a generous amount of new financial resources for the developing countries.

Such an international regime would be far superior in terms of our countries' enlightened self-interest to the scramble for resources inherent in the extension of national jurisdiction to the seaward edge of the continental rise. An international regime, for one thing, would provide safeguards against wildcatting and a system for the orderly registering of claims and settling disputes. Most important of all, it would provide for international anti-pollution and conservation measures in a vast area of the seas that might otherwise be subject to unregulated or inadequately regulated national and private activity.

If an international regime can be worked out along these lines—and with Soviet and American leadership I believe it can—we could both accept a relatively narrow boundary for the continental shelf under national jurisdiction. To be specific, the limits of national jurisdiction could be set at 200 meters or a lateral distance of 50 miles from the shoreline, whichever is greater.

It is obvious that the width of the boundary is inseparably bound up with the nature of the international regime. What is less obvious, but probably true as a matter of practical politics, is that these questions are linked to the questions of the breadth of territorial waters and fishery rights. For example, certain Latin American countries less well endowed with seabed resources off their coasts than our two countries and concerned with rich off-coast fishery resources are not likely to make arrangements in the one area without satisfaction in the other. To put it more broadly, these and other states will want to trade off acceptance of a 12-mile territorial sea boundary (which our two governments are apparently now both prepared to support) in return for some special recognition of their fishery interests beyond and some reasonable sharing in the benefits of seabed resource development.

For these reasons, there will probably have to be one international conference to deal with all these complex law of the sea questions, or at least two closely related conferences—one on the seabed and the other on the territorial seas and fisheries. The tradeoffs are now too well and widely recognized to compartmentalize these questions. Of course, if one international conference is held, the different law of the sea questions could be discussed in separate commissions, but the final compromises could be made in inter-related negotiations at the senior political level.

The oceans, which cover some three-fourths of the surface of our planet, have received less popular attention than outer space, but their wise management is vital to the future of humanity. Let us seize the fleeting opportunity that now exists to protect and develop them through global cooperation.

Protection of the human environment is a logical area for Soviet-American cooperation in the United Nations. Our two countries cover vast areas of the world, and we are the two most advanced countries of the world industrially and scientifically. Therefore we have special responsibilities and potentialities for leadership in preventing the destruction of man's natural environment.

Both our countries have become concerned with environmental problems within our borders. We are both coming to recognize, I believe, that the problems of pollution and environmental degradation are not problems unique to either market economies or socialist economies. They are the result of a single-minded pursuit of growth and material satisfactions without sufficient regard to the quality of life. We must both change our value systems so that clear air and water and open spaces have at least equal importance to steel production and GNP.

Of course, some measures to protect the environment can be taken by individual nations acting alone. But there are parts of the environment that do not belong entirely to any one nation—the atmosphere, the sea, lakes and rivers bounded by more than one nation, migratory animals—whose effective management requires international cooperation. Even the management of the environment within the confines of a single nation may benefit from the sharing of national experience.

Moreover, there is growing recognition that how a nation deals with its national environment is no longer its own exclusive concern. The political map of the world is divided into nation states, but the world is a single system from the point of view of ecology. Air, water and soil pollution in one country can quickly affect its neighbors. The progressive poisoning of the oceans and the atmosphere could make our entire planet uninhabitable. All mankind depends on the same scarce and relatively shrinking resource pool, and therefore has an interest in the wise husbanding of resources wherever they may be located. Moreover, nations concerned with their competitive position in international trade may be reluctant to accept the additional costs of anti-pollution measures unless their foreign competitors do the same.

For all these reasons, the international community will be increasingly involved in environmental issues—even those that have hitherto been regarded as "domestic." Indeed, the most powerful impetus to international cooperation may now come from the urgent necessity of new trans-national measures to protect the global environment.

Our countries have already cooperated on environmental problems in such agencies as the Economic Commission for Europe, the World Health Organization, UNESCO, the International Atomic Energy Agency, and the International Maritime Consultative Organization. But opportunities for even closer cooperation will arise in two important meetings which lie ahead—the ECE Conference on the Environment in Prague in 1971 and the UN Conference on the Environment in Stockholm in 1972.

What specific measures of cooperation could our two countries propose at these meetings? Let me suggest some possibilities:

We could propose that the UN undertake a massive program to educate the world's people, particularly political leaders, on the problems of the environment; that it sponsor joint research efforts and studies; and that it finance the training of specialists to handle environmental problems.

We could propose that the UN organize a world-wide observation network, using satellites of the Soviet Union and the United States, as well as terrestrial devices, to monitor the world's environment on a continuing basis, and we could urge that the UN operate a service for the evaluation and dissemination of this information for all nations.

We could support the negotiation of international agreements providing for firm anti-pollution and other environmental commitments so that nations accepting their environmental responsibilities suffer no competitive disadvantage in international trade.

We could insist that multilateral aid programs be carried forward with due regard for their environmental implications, and we could encourage the application of environmental safeguards in bilateral aid.

Finally, we could support the establishment of a UN Program for the World Heritage. Such a program would include scenic, historic and natural resources now in danger of destruction whose survival is a matter of concern to all mankind.

Obviously, each nation should be free to decide whether or not to nominate a property within its territory for inclusion in the Program. At the same time, the community of nations should be free to decide whether or not to accept it.

Countries whose resources were included in the Program would gain the advantage of international advice and financial aid in their development with consequent benefits to their economies as a whole. And the world community would be in a position to safeguard unique and irreplaceable resources. Venice, Angkor Wat, some of the great wildlife reserves of Africa—in which all mankind has a common interest.

I believe there is a particularly urgent need for Soviet-American cooperation in international research on environmental problems. For example, some scientists say that our planet will eventually be rendered uninhabitable by the increase in the carbon dioxide content of the atmosphere. Others say that DDT and other wastes could seriously impair the oxygen-making function of the oceans. Just how serious are these problems and just what should we do about them? Can we find an acceptable substitute for DDT? Can we develop new technology which limits air and water pollution without stunting economic growth? Our two countries are the world leaders in science and technology. We have an opportunity—I would even say a duty—to take the lead in a global research program to find the answers to these questions.

Since environmental problems are global problems, it is only right that they should be dealt with in the United Nations. But the UN is not yet effectively organized for this purpose. With the existing UN pattern of functional specialization there is a danger that ecological interrelationships will not be adequately considered. For example, FAO voted recently to continue use of DDT; but this question needs to be looked at by a group whose thinking is not mainly focused on agricultural productivity. Moreover, environmental questions need to be considered in the UN at a higher level of decision-making than is presently the case.

It would be useful if, in advance of the 1972 Stockholm Conference, our two governments could consult with one another on the organizational changes in the UN that are necessary to make it a really effective world authority for environmental defense. I do not wish to anticipate the outcome of such possible consultations, but I do wish to express the doubt that the proper solution lies in the creation of yet another specialized agency, which would only compound existing problems of coordination.

Instead, I believe we should seek a solution through the strengthening of the UN's central machinery for coordinating and directing the work of the existing agencies. For example, we might create a new expert Commission on Science and the Environment, composed of the world's most eminent scientists, to deal with environmental as well as other scientific problems. We might change the committee structure of the General Assembly so that a Committee on Science and the Environment replaces the largely inactive Special Political Committee. And we might create a strong new Secretariat unit under an Under Secretary or Assistant Secretary-General to support this new work.

I have no fixed views on these organizational details; what I do feel confident about is that our two countries should work for a strong organization at the center which can make a harmonious and effective environmental effort out of the present piecemeal and often competitive activities of the different UN agencies.

The world population problem is supremely critical. The threat to man's future from unregulated population growth is now widely appreciated in both our countries. We have only to recall that it took hundreds of millions of years, from the beginning of life on earth until the beginning of this century, for world population to reach 1.5 billion, that this number doubled to 3 billion in the first 60 years of this century, and that it is likely to double again to 6 billion well before the end of this century. If present trends continue, world population will reach 12 billion by 2010, at which time many of our children and grandchildren will still be alive and probably cursing us for having allowed the population problem to reach such devastating proportions.

Population growth is a world problem, but it weighs particularly heavily on the prospects of the less developed countries. In many countries of Asia, Africa, and Latin America, the population is doubling every 20 or 30 years. The population of Latin America, which is about 250 million today, will reach 600 million by the year 2000. The figures for population growth in the principal countries of Asia between now and 2000 are even more frightening: India, 500 million to 1 billion; Indonesia, 120 million to 280 million; China, 800 million to at least 1.2 billion.

For many years neither the Soviet nor the American governments were prepared to recognize this problem. In a General Assembly debate on population in 1962, President Kennedy authorized me to make the first statement of an American official offering U.S. assistance in family planning to developing countries both bilaterally and through the UN. The Soviet representative in that debate expressed doubt that population growth was a serious problem or that UN action was appropriate. Since then, however, the Soviet Union has taken a more positive attitude toward international cooperation in this field.

To avoid any possible misunderstanding, let me emphasize that I am not an exponent of what you call the "neo-Malthusian fallacy"—that population control by itself is a solution for the problems of the developing countries. I fully agree with Professor Y. N. Guzevaty and other Soviet scholars whom I have read on this subject that population control is not a substitute for necessary changes in the political, economic and social structures of developing countries or for large transfers of capital and technical aid from the advanced countries. I do say, as he does, that without programs of family planning the efforts of most of the developing countries to raise their living standards significantly will be doomed to frustration. I also believe that, quite apart from its adverse effect on economic development, world population trends are dangerously overloading the natural environment, undermining the stability of the social order, and breeding tensions that will increasingly erupt into international as well as domestic violence.

I would go still further: I believe that the rate of population growth is now so great—and its consequences are now so grave—that ours is the last generation that has the opportunity to limit population growth on the basis of free choice. If we do not make voluntary family planning possible in this generation, we will make compulsory family planning inevitable in future generations. Surely that is an outcome we would all wish to avoid.

What can our two countries do about this urgent problem?

To begin with, we can take the question out of the area of ideological controversy and work together in the UN and elsewhere to emphasize the need for sound population policies on the part of all countries, regardless of their political or social systems. In particular we must explain to certain developing countries that the question is not simply the absolute size of their population in relation to their land area, but the *rate* of their population growth and the demands it imposes on their countries for more food, schools, housing, health facilities, and so on.

Second, we can accelerate family planning efforts in our own countries. It is true that the population problem is not exactly the same in the Soviet Union as in the United States, nor is it the same in either of our two countries as in the less developed countries. But access to modern methods of family planning is a good thing for Soviet and American women no less than it is for Asian, African and Latin American women. Moreover, we cannot be in the position of urging other countries to limit their populations while failing to follow this advice ourselves. A Soviet-American agreement to work toward

zero population growth in our two countries by the end of this century could set an example for the world and make a historic contribution to the future of humanity.

Third, we can work together for a World Population Program under the auspices of the United Nations. The UN and its family of agencies are a logical place for increased efforts to deal with the population problem. The UN can help promote a broad consensus on the nature of the population problem and on what ought to be done about it. It can help countries share responsibility for taking controversial steps that may be opposed by certain domestic interests. It can help prevent family planning from becoming an international political issue, or a subject of disagreement between national or racial groups.

A World Population Program in the UN should be financed from voluntary contributions of at least $100 million a year. The fund could be used to stimulate research into improved contraceptive methods (our two countries could cooperate with particular benefit in this field). It could finance the training of medical and para-medical personnel and it could support other elements of effective family planning programs. The fund should be administered by a UN Commissioner for Population, who would be responsible for the implementation of population projects and represent the UN in dealings with governments and in international forums concerned with population.

There is time to mention only briefly one other area of global cooperation: aid and trade measures to help the less developed countries. Surely it would be in the interest of all humanity if our two countries, the greatest industrial powers in the world, could work together more effectively to accelerate the economic progress of the less developed countries.

It is true that our political objectives may differ in certain parts of the less developed world, but I believe we have a common long-term interest in the progress and stability of these areas. I realize that Soviet spokesmen have taken the position that the poverty and backwardness of the less developed countries result from colonialism and imperialism for which the Soviet Union bears no responsibility. But if this poverty and backwardness threatens your long-term interests—and if it offends your sense of social justice, as it must—then should you not do what you can to improve these conditions? And should not our two countries work together in this task so far as possible rather than squander scarce resources in politically motivated and wasteful forms of economic and military asistance? Would we not see more and better development if our aid were channeled in support of projects and programs worked out by impartial and professional international agencies?

If we are frank about it, I think we must admit that neither the United States nor the Soviet Union is yet doing what it should in aid to the less developed countries. Annual U.S. aid and capital transfers have dropped to about one-third of one percent of our GNP. The annual Soviet aid effort, if my statistics are correct, is about one-tenth of one percent of your GNP. At the very minimum, we should agree to the steady escalation of our assistance efforts to triple the proportion of our GNP represented by our aid to less developed countries. In view of the anticipated increases in the GNP of our two countries, this would mean increasing our aid by four or five times by 1980, while still permitting significant improvements in the standard of living of our own peoples.

Both our countries could do much more for the less developed countries in the field of trade. A really bold policy in this field is particularly necessary, since 80 percent of the foreign exchange of the developing countries comes from trade, and only 20 percent from aid. The developed market economies of the Atlantic region and Japan should, in my view, eliminate *all* their restrictions on the exports of the developing countries in agreed stages over a period of 10–20 years. As part of a global program of trade development, I would hope that the socialist countries of Eastern Europe could agree to undertakings of equivalent significance in view of the different character of their economic systems. I have in mind either global purchase commitments by the socialist countries on behalf of the developing countries or the progressive lowering of the prices at which the state economic authorities offer imported goods from developing countries for sale to the consumer.

The working out of such a global program of assistance to the developing countries through measures of aid and trade would be assisted if the socialist countries could be associated in some mutually acceptable way with certain international economic agencies in which they do not presently participate. I have in mind the General Agreement on Tariffs and Trade, the International Bank for Reconstruction and Development, the International Development Association, the International Monetary Fund, and the Asian Development Bank. If full membership should prove impractical for the time being, perhaps there are ways in which the socialist countries could associate themselves with certain selected activities of these agencies. For example, the Soviet Union might participate in the World Bank consortium for India, since all of us have a stake in India's political stability and development. If we examine the work of these agencies on a pragmatic and case-by-case basis, I am confident we could find possibilities for fruitful cooperation.

I conclude on the same basic theme on which I began. Let us focus on those things that unite us rather than on those things that divide us. Let us remember that we belong to one human family and that this brotherhood is more important than any national, racial or ideological differences. Let us constantly remind ourselves that we are fellow travelers on a common spaceship—planet earth—and that we can easily wreck our ship unless we work out cooperative ways of steering it.

NEW ERA FOR THE UNITED NATIONS

Mr. PROXMIRE. Mr. President, more than 25 years ago the United Nations, an instrument of world peace and of human rights was formed. Today, as well as in 1945, we can recognize that the United Nations, as presently constituted, is inadequate to meet fast-developing world needs.

In April and May of 1968 an International Conference on Human Rights was held at Tehran to determine the progress the United Nations had achieved in the field of human rights since 1948, to evaluate the effectiveness of methods and techniques involved—such as conventions—and the formulation of human rights program to be undertaken after 1968.

It is regrettable, said members of the conference, that in 1968 the world had not yet reached the point at which the issue of human rights can be lifted above national boundaries and bloc politics. Roy Wilkins, in an opening statement for the United States, stated this problem most succinctly:

In part the problem is the unlimited claim of national sovereignty. I submit that under the United Nations Charter no nation is entitled to wrong its own citizens. Either Charter provisions dealing with human rights have meaning or they are a cruel fraud. If these provisions are meaningful, they must carry their thrust into the boundaries of member nations.

In the February 6 issue of the Saturday Review, Norman Cousins, in a brilliant editorial, discusses the struggle last fall in the United Nations by the Philippines, Mexico, Japan, Brazil, Haiti, Colombia, Nicaragua, and Costa Rica to open the question of Charter review. The aim was to strengthen the world body, to make international cooperation and organization a reality. It was hoped that the United Nations could effectively deal with colonialism and racism, and could make a start toward ending war and famine.

The struggle last fall opened a new era in the history of the United Nations. There is hope that the nationalism so apparent to Roy Wilkins in 1968 might be growing less strident.

The Secretary General of the United Nations, U Thant, has said many times that mankind must decide this decade whether it is willing to change in order to take advantage of its new potentials; to meet the challenge of a peaceful future or no future at all; to act imaginatively.

I suspect that one obstacle in the way of ratification of the Genocide Convention is the idea that the United States is giving up some of its national sovereignty or national rights. I have argued before on this floor showing that this fear is unfounded.

Our vote in favor of the U.N. resolution authorizing Secretary General U Thant to invite member nations to submit suggestions on charter review is an encouraging development and may provide a basis for ratifying the U.N. Human Rights Conventions.

Mr. President, we must affirm the strength of the United Nations as a body of international cooperation. We must reaffirm our belief that human rights do have meaning, that they are not a cruel fraud. We must change. We must act anew. We must meet the challenge before us. I therefore urge this body to give its advice and consent to the Convention on the Prevention and Punishment of the Crime of Genocide.

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

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

GOOD NEWS ABOUT THE U.N.

Change for the better in the world will not happen by accident. Nor will it happen because national governments spontaneously take dramatic initiatives against their sovereign interests and for the human interest. It will happen only as enough people understand that their biggest need today is to protect their planetary habitat.

But the development of public understanding requires information. And the essential information isn't always readily available. Consider, for example, the lack of public information about one of the most important and promising events in recent months concerning the United Nations. We

refer to the decision of the U.N. to move in the direction of reforming the U.N. Charter. This represents a possible beginning for the long overdue retructuring and strengthening of the United Nations.

At the time of the founding of the U.N. at San Francisco in 1945, it was generally recognized that the U.N. as then constituted was inadequate to meet fast-developing world needs. But attempts to design a stronger organization were blocked by those nations, including the U.S. and U.S.S.R., that resisted any fundamental challenge to unfettered national sovereignty. Advocates of a strong U.N. were successful, however, in persuading a majority of delegates to accept two provisions in the Charter that could lead to a later attempt to strengthen the Charter. One provision specified that a conference could be called for revising the Charter whenever two-thirds of the delegates wished to do so. The second provision specified that, if they failed to do so, the question of Charter review would come up automatically within ten years.

This was the situation in 1955, when the United States and the Soviet Union led the opposition to Charter review. The United States contended that a revision conference would have the effect of hurting the U.N. since various nations would try to make the U.N. weaker than it was. Proponents of a review conference argued that any prescription for an ill patient involved some risk that the medication might also be harmful, but that it was irresponsible to forgo the kind of treatment that was so clearly indicated.

General Carlos P. Romulo, former President of the U.N. General Assembly and Foreign Minister of the Philippines, spoke prophetically about the widening of the arms race, areas of tension, the growing needs of the developing nations, and the predatory assault on the Earth's resources. These problems, he said, required adequate world authority.

Since 1955, when Charter review was defeated, the United Nations has not been in a position to prevent or deal effectively with wars and threats of wars in Vietnam, the Middle East, Biafra, the Sudan, and Goa. It has not been able to put an end to the volatile arms race. Nations making nuclear weapons have continued to do so, even though most of the other nations have agreed to forgo pursuit of nuclear power on the assurance that the United States and Soviet Union would seriously undertake negotiations looking to cessation of manufacture and reduction of existing nuclear stockpiles. Between them, the U.S. and the U.S.S.R. have accumulated some twenty tons of destructive force, in dynamite equivalents, for every person on the globe.

When the U.N. General Assembly met last fall, statement from different nations expressed concern about growing public skepticism throughout the world toward the U.N. Belief in the overriding need for world organization was as strong as ever, it was pointed out, but people were becoming disillusioned over the inability of the U.N. to cope with the principal problems of our time. Eight governments—the Philippines, Mexico, Japan, Brazil, Colombia, Nicaragua, Costa Rica, and Haiti—led the fight to reopen the question of Charter review. Once again General Romulo spoke eloquently and persuasively about the dominant challenges before the U.N. and gave nine examples of ways in which the world body could be strengthened. In effect, the changes he sought would make the U.N. an effective third party in peace negotiations such as are now going on in Paris; would upgrade the entire U.N. peacekeeping capability by providing specific machinery for peaceful settlement and agreement; would suspend the veto in the Security Council in matters of *common* world concern; would empower the World Court of Justice to decide cases even if the governments involved were unwilling to bring these cases before the body; and would strengthen the Human Rights Commission and the Economic and Social Council.

These changes, to be sure, do not add up to a federated United Nations with authority to make and invoke world law. But, as Carlos Romulo pointed out, they are the irreducible minimum if the U.N. is to have even a reasonable chance of doing its job.

The resolution supported by the eight governments did not call for Charter review. But at least the resolution has started the process; it requires that the Secretary General invite the member government to furnish him, before July 1, 1972, with specific views and suggestions on reviewing and reforming the Charter.

In this form, the resolution passed the General Assembly by a vote of 82 to 12. At first, the United States was opposed to any resolution leading to Charter review but, to its credit, joined the large majority when the vote was called.

It may be said that the resolution was so perfunctory that opponents to Charter review could vote for it in complete confidence that it would never come about. Not necessarily so. The great gain achieved by passage of the resolution is that it now provides world public opinion with a place to take hold. If enough people become sufficiently animated about the need to strengthen the U.N., they now have a track on which they can move. In the United States, public opinion is in a position to get the government to take the question seriously. Several men whose names have been mentioned for Presidential nomination have already identified themselves with the call for a stronger U.N. They can be encouraged to make world law through the U.N. a campaign issue in 1972.

One way or another, an opportunity for improving the U.N. now exists. Individual citizens keep asking what they can do; they now have at least one possible answer.

SENATOR SCHWEIKER COMMEMORATES FEBRUARY 16, 1971, LITHUANIAN INDEPENDENCE DAY

Mr. SCHWEIKER. Mr. President, on February 16, 1918, the Republic of Lithuania was established, recognizing one of the most outstanding group of people in Eastern Europe, who have suffered many invasions and much oppression in their long history.

However, the freedom of this Republic was relatively short lived, and since the beginning days of World War II, the people of Lithuania have tragically been in the status of a captive nation.

Next week, on February 16, 1971, Lithuanians all across America, and in many other parts of the globe, will be celebrating the 53d anniversary of the establishment of the Republic of Lithuania, and the prayers of all Lithuanians in the free world will go out to their relatives and friends who still remain under an oppressive yoke.

Since Congress will not be in session on this memorable occasion, I think it is pertinent for us to take a moment at this time to recognize this day, and express our understanding of its importance to Lithuanian communities, and to extend our sympathies to their cause of freedom.

The desire for freedom by the Lithuanian people was most poignantly demonstrated last November when a Lithuanian sailor on a Soviet fishing vessel jumped onto a U.S. Coast Guard cutter seeking political asylum, and Soviet personnel were permitted to board the cutter, beat the Lithuanian, and take him back to the Soviet ship. At the time I issued a strong statement of protest over our handling of this incident, which I would like to repeat at this time:

President Nixon has called for a "very full and immediate investigation," and I commend the President for his concern and speedy action in investigating this shocking event.

Indignation is the best word to describe my reaction to this incident. At a time when men and women in many Eastern European nations, including the Lithuanians, are struggling under the yoke of oppression, and when many of us in this country want to do whatever we can to ease the plight of the "Captive Nations," it is incomprehensible to me that any Americans would allow this Lithuanian to be returned to un-certain fate.

In addition to my concern over this individual, I deplore this violation of the American tradition of granting political asylum. Many oppressed people around the world dream of the opportunity of coming to our free land, and this senseless rejection of a Lithuanian who sought this freedom can only discourage future attempts and tarnish our image.

I look forward to seeing the results of the Presidents' investigation, and am confident that he will take the necessary Executive action to insure that this tragic incident is never repeated.

Mr. President, many communities throughout Pennsylvania will be taking part in commemorative exercises in recognition of Lithuanian Independence Day on February 16, but these will not be joyous occasions. As an example of the depth of feeling within the Lithuanian-American community, which is shared by Lithuanian supporters throughout Pennsylvania and throughout the world, I ask unanimous consent to have printed at the conclusion of my remarks, the declaration, which will be presented at the commemorative exercise to be held in Philadelphia.

I salute the Lithuanian people for their solidarity and their compassionate support for their people who still suffer the yoke of oppression, and I share their hope for freedom for all.

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

DECLARATION

We, the participants in this commemorative exercise on the occasion of the 53rd Anniversary of the Restoration of Independence to Lithuania, on the 21st day of February 1971, at the Lithuanian Music Hall in Philadelphia, hereby affirm the following declaration:

(1) Lithuania has her own tradition of separate nationhood dating back to the establishment of the Kingdom of Lithuania in 1251.

(2) In 1918 the people of Lithuania had exercised their right of self-determination by declaring the restoration of independence to Lithuania, and Lithuania remained a fully independent and sovereign nation up to the outbreak of World War II.

(3) In the peace treaties of 1920, Soviet Russia recognized the sovereignty and independence of Lithuania and voluntarily and forever renounced all sovereign rights and claims over the Lithuanian people and territory.

(4) Since the occupation by the Soviets in 1940, Lithuania has been ruled by the Soviet Union as if she was its province and, in ef-

fect, a Soviet colony. Lithuania shares all essential characteristics of a dominated country with other subjugated and colonially ruled peoples of the world: (a) imposition by an alien rule by force; (b) alien domination of all political and economic activity; (c) systematic depopulation of the original inhabitants and an extensive settlement by nationals of the ruling country; (d) economic exploitation and artificial integration of the economies of the subject country with the economy of the ruling country; (e) forcible imposition of the cultural and spiritual values of the ruling nation in a sustained policy of ethnical assimilation—Russification in this case.

(5) The Soviet Union even today continues to ruthlessly suppress the human rights and aspirations to freedom of the Lithuanian people as most recently revealed by the clandestine efforts of the Soviets to force the return of Pranas and Algirdas Brazinskas after their dramatic escape to Turkey, by the Soviets' brutal beatings of Simas Kudirka after his heroically attempted pleas for asylum—in this case denied by the U.S. Coast Guard—and by the unduly harsh and unjust sentence of death imposed by the Soviets upon Vytautas Simokaitis after he and his wife sought to escape to Sweden.

Therefore we respectfully address to: Richard M. Nixon, President of the United States; William P. Rogers, U.S. Secretary of State; George Bush, U.S. Ambassador to the United States; Hugh Scott, Senate Minority Leader from Pennsylvania; Richard S. Schweiker, U.S. Senator from Pennsylvania; and the Congressional delegation from the state of Pennsylvania the following:

APPEAL

We urge that, without further delay, the United States initiate action in the United Nations to implement the Declaration on Granting of Independence to Colonial Countries and Peoples in reference to Lithuania by restoration of her independence since she has already exercised her right of self-determination by the Declaration of Restoration of Independence to Lithuania of February 16, 1918.

We further strongly urge the United States Government to issue explicit directives which would establish conclusive guidelines for the handling of political asylum requests. We especially emphasize that such directives necessarily be clear, precise and readily available to the public so that no such tragedies as that of Simas Kudirka would re-occur in the future.

NEW USES FOR HELIUM

Mr. HART. Mr. President, as we continue to expand construction of electric generating and transmission facilities, we are reminded constantly of the difficulties of reconciling increasing power demands with our concern for environmental preservation.

As new technologies develop, it is natural to hope that they will provide solutions to this ever-present problem.

One technological advance which gives good reason for such hope is the use of helium in the production and transmission of electricity. Several months ago, the able Assistant Secretary of the Interior, Hollis Dole, spoke eloquently on the use of helium in new technologies which may provide the breakthrough we have been seeking.

In his speech, Mr. Dole described the uses to which helium may be put in closed-cycle cooling systems and more efficient generating facilities. He went on to point out that helium is also potentially valuable in the long-distance underground transmission of electricity.

Since 1961, the Government has been engaged in a helium conservation program which the administration recently has announced will be terminated. Without going into the merits of the administration's action, I urge Senators to read Mr. Dole's speech and give some thought to the exciting prospects contained therein.

It is my hope that, through significantly expanded industrial research, new technology such as he described will enable us to meet the twin goals of producing sufficient power to meet the needs of our people and preserving our natural environment. The potential benefits he referred to would appear to argue strongly for rapid and thorough exploitation of helium-based technology.

I ask unanimous consent that Mr. Dole's speech be printed in the RECORD.

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

HELIUM AND THE ELECTRIC POWER INDUSTRY

(Remarks of Hon. Hollis M. Dole, Assistant Secretary, Mineral Resources Department of the Interior, to the annual meeting of the Northwest Electric Light & Power Association, Edmonton, Alberta, Sept. 21, 1970)

The motto on the front of an impressive Government building in Washington, says, "What is past is prologue." A visitor, on his first trip to Washington, asked the tour guide "Just exactly what does that mean?" The guide's answer was, "Man, you ain't seen nothing yet."

That about sums up how it is for helium's future in electric power—you ain't seen nothing yet.

Although helium in small quantities is presently used in the nuclear power industry some major new uses are on the electric power horizon. Not just in nuclear power generation, but in transmission and MHD generation as well. As for the significance of these new uses for helium—we're going to be impressed, I believe, with what develops in the future.

The importance of helium to the electric power industry is bound up in technology, which requires, for a number of specialized purposes, a material with some amazing properties. That's helium.

You don't have to get too involved in the physics and chemistry of helium to put together a profile that looks something like this:

Helium is a gaseous, inert element. It is extremely lightweight. Helium is tasteless, odorless, colorless, and nontoxic. It cannot be made radioactive. Liquid helium's temperature is only a few degrees above absolute zero.

These properties add up to the right combination for some extremely valuable uses.

In some nuclear power reactors (the Peachbottom installation in Pennsylvania, for example) helium transfers heat from the reactor to the steam system. The nuclear core, surrounded by helium, heats the gas to about 1,380 degrees Fahrenheit. The hot gas flows through steam generators where its heat converts water to steam. Passing through a purification cycle, the helium is compressed and returned to the reactor.

Steam is generated at 1,450 pounds per square inch, and 1,000 degrees Fahrenheit. Electric power is produced by a conventional steam turbine-driven generator. The Peachbottom installation is small—40,000 kilowatts—and was designed as a prototype. Actual operations started in June 1967, and so far as is known, the plant has operated without difficulty.

The helium capacity of Peachbottom is slightly less helium than the volume shipped as a compressed gas from a Bureau of Mines helium plant in *one* railway tank car. Loss from the system is small—about 400 cubic feet per day, or less than 150,000 cubic feet annually.

The Peachbottom reactor is the first helium-cooled atomic power station in North America, and the first nuclear plant capable of operating at modern high-temperature, high-pressure steam conditions. This makes it the first nuclear plant able to approach the high thermal efficiency of contemporary coal, gas, or oil-fired plants. It has the highest net efficiency—35 percent—of any nuclear plant yet built.

Peachbottom demonstrates the economic and technical feasibility of high-temperature, gas-cooled reactors using helium as the coolant. A second helium-cooled reactor plant is now under construction at Fort St. Vrain, Colorado. This will be a 330,000 kilowatt plant. It, too, will generate high-temperature, high-pressure steam dependent upon helium as the heat transfer agent. It will need about 900,000 cubic feet of the gas, with a helium-outlet temperature of about 1,430 degrees Fahrenheit. Present helium-cooled reactors will probably be followed by second- and third-generation reactors to reach the goal of the fast breeder reactor. These future reactors—helium-cooled—will likely produce new fuel supplies and offer a promise of solving the thermal pollution problem.

A study by the Bureau of Mines indicates that by the year 2000 our installed electrical generating capacity will be more than 3 times that of today. Many stations will probably be nuclear installations. A good portion could well be helium-cooled reactors. Some of the new installations may be steam plants, following on the technology of Peachbottom and Fort St. Vrain. Some of them may be direct-drive gas turbines, with hot helium spinning the turbines instead of steam.

Some work is being done, developing such a gas turbine for a nuclear plant. Helium is the substance that gives this idea the promise of some day becoming practical. Helium's special properties make it an ideal direct-drive gas as it does not undergo phase change, nor become radioactive, and is inert.

Shifting now to the low end of the temperature scale, let's look at another property of helium. I mentioned earlier that liquid helium produces the lowest temperature known. It is the coldest substance on earth. Liquid helium imparts a unique and useful property to some other materials—the property of superconductivity. This is how helium gets even more deeply involved with electric power technology.

At the near absolute temperature of liquid helium, some materials lose all electrical resistance. These materials become superconductors. Science has known about superconductivity for about 60 years. But only during the past ten years has research started pointing to possible practical applications with special significance for the power industry. One possibility is the development of superconducting transmission cables for the transmission of alternating current. Such cables could ease one of the bottlenecks in delivering large amounts of electricity to consumers with minimum environmental problems. Preliminary studies indicate that superconductors contained in a single pipe less than 20 inches in diameter could carry more power than New York City now uses. The superconducting pipe, superinsulated, and filled with liquid helium, would really be an energy "pipeline." This would mean that very large generating sites could be located where they would have minimal environmental impact. The actual electrical carrier would be a thin film of high-purity niobium (one of the best superconductors) deposited on one or both surfaces of conventional thin-wall copper

pipe located within the outer shield. Helium liquefaction units to maintain a filled liquid pipe would be provided at intervals. According to some estimates, one such 20-inch line could handle up to 10,000 megawatts at 345,000 volts—or the equivalent of at least 20 ten-inch conventional cables at the same voltage. Environmentalists ought to purr-r over this concept.

How long it will take for superconducting lines to become an everyday part of power transmission operations depends on research progress—and on decisions made inside the power industry. If superconducting cables do become a reality, they'll be moving large blocks of power—essentially without loss and with a minimum of problem to the environment—from the generator to the consumer. Helium will make it possible.

Another application of superconductivity is with us now. Superconducting electromagnets—with coils cooled by liquid helium—have already become a common laboratory tool. They are uniquely useful because of their extremely high-strength magnetic fields.

The world's largest superconducting magnet was placed in operation more than a year ago by the Atomic Energy Commission at the Argonne National Laboratory. Part of the largest bubble chamber installation in existence, the 18 kilogauss magnet consists of 110 tons of circular coils stacked in a 1,600-ton steel yoke. A ten volt, 3,000 ampere power supply is all that is required to charge the magnet for operation. This is said to take about 2½ hours. After charging, the only power required to keep the magnet operating is its 250 horsepower liquid helium refrigerator. A conventional magnet of the same power is reported to require 10 million watts of power during operation. Cost of the magnet system, either superconducting or conventional was reported to be about $2,400,000. Operating costs of the superconducting magnet over a 10-year period were calculated to be $400,000, as compared to $4,000,000 for a conventional magnet. An advantage of ten to one.

The properties of superconducting magnets—high field strength—low operating cost—links them, and the helium that cools them, to the possible future power generation through another development, Magnetohydrodynamics. MHD power generation has a lot in common with conventional generators. In both, a conductor moves rapidly through a magnetic field, and an electromotive force (voltage) is produced at right angles both to the direction of motion and to the direction of the magnetic field.

What makes MHD revolutionary is that the conductor is not a rotating armature. Instead, it's a continuous flow of plasma-ionized gas. MHD is attractive because it has a calculated efficiency of 60 or 70 percent. The best steam turbine electrical plants are only 40 to 41 percent efficient. This promise of getting more out of the primary energy source is especially important to the non-renewable and finite fossil fuel reserve.

Ideas for MHD plants fall into two broad categories. In the first, the ionized working gas is the combustion product from burning fossil fuel. The other uses super-heated helium or argon. In both, the plasma must be seeded with something like cesium to accelerate the degree of ionization. Both need superconducting magnets. Helium could thus come to play a dual role in MHD power generation.

MHD research and development in the United States, Japan, France, Germany, and the Soviet Union has identified some problem areas. One of these is the cost of seeding the plasma. Another is the development of suitable metals for the high temperatures involved. Technology for the magnet systems is ready for application if other problems can be solved.

Aside from these two possible future developments—superconducting power transmission and MHD generation—there are still others which could make helium extremely important to your industry. Superconducting transformers and superconducting motors are two of the intriguing possibilities. Some work has been done in France on superconducting transformers and the British are experimenting with a direct current superconducting motor. But most important, I believe, is that as technology advances, these possibilities come closer and closer to probabilities. What then is the future helium supply picture?

We believe helium supplies are adequate to support large demands until well into the next century. Helium is unique not only because of its combination of valuable properties, but also because of the unusual way in which it occurs. Helium is abundant in the universe—in fact, the sun and other stars are composed largely of hydrogen and helium. But helium is relatively scarce on earth. It occurs in our atmosphere in a concentration of only about 5 parts per million, or 5 ten thousandths of 1%—a concentration far too low to be of commercial value and requiring astronomical amounts of energy to recover. However, for reasons not completely understood, helium occurs in significant quantities in some deposits of natural gas. In the United States, natural gas from the great Hugoton-Panhandle area of Kansas, Oklahoma, and Texas is relatively rich in helium. (We consider any natural gas that contains three-tenths of one percent or more of helium by volume as "helium-rich" or "helium-bearing" natural gas.) About 85 percent of our known resources of helium occur in the Hugoton-Panhandle area, where concentrations occasionally approach 1½ to 2 percent, but average about ½ of one percent.

In a sense, helium is a by-product of natural gas. Unlike by-product materials which can be recovered at virtually any stage during processing and use, helium is irretrievably lost unless it is removed from the natural gas before the gas is burned. When natural gas is burned, helium, because it is inert, passes into the atmosphere along with the products of combustion. In such a case the lost helium represents nothing but waste. It adds nothing to the fuel value of the natural gas . . . serves no useful purpose as it vanishes into the atmosphere.

Each year, prior to 1961, ten times the helium needed to supply total domestic annual demand was going to fuel markets in helium-rich natural gas, and was lost. A unique and valuable natural resource, helium, was being removed in vast quantities from its place in nature, and wasted. Meanwhile, the importance of helium for Government use was expanding at a rapid rate, as its valuable properties were put to use in new space, defense, and atomic energy applications.

By the late 1950's, the Government became concerned about helium conservation. President Eisenhower appointed a cabinet committee to study the problem and recommend a program he could propose to Congress. As a result of the committee's work and President Eisenhower's subsequent recommendations, the 86th Congress passed the Helium Act of 1960, which authorized the Secretary of the Interior to sign long-term contracts to purchase helium which occurred in the natural gas that was being consumed. This saved the helium and made it available for future use—a real departure from the ordinary way of doing business as it paid for something for coming generations. Following enactment of the legislation, the Department of the Interior, through its Bureau of Mines, moved to put the helium conservation program in operation. Within a short time, contracts had been signed with four companies. All four contractors controlled large volumes of helium-bearing natural gas. The contracts called for them to build and operate helium extraction plants at their expense. The Government, in turn, would purchase the entire helium output of the plants, at a set price, subject only to a specified annual dollar limitation.

While the contractors were building their plants, the Bureau of Mines reworked some gas wells in the Government owned Cliffside gasfield (near Amarillo, Texas) and constructed a 430-mile pipeline system tying together the five private plants, and three existing Bureau of Mines helium plants. Helium deliveries began in January 1963.

The helium conservation program is simple. Five contractor plants extract helium from natural gas before gas goes to fuel markets. The "crude" helium—about 70 percent pure—is purchased by the Bureau of Mines. The pipeline system takes it from the extraction plants to the Cliffside field, where it is injected into a partially depleted underground natural gas reservoir. When needed in the future, it will be withdrawn, then refined to 99.997 percent purity for sale and use.

Technically, the conservation program has worked as planned. But other serious problems have arisen. The program is required to repay to the United States Treasury all costs of the program within 25 years including borrowed funds and interest. Income from the sale of helium is the source of funds to pay out the program. In the last few years, total helium demand has fallen below earlier predictions and a vigorous private helium industry has developed. The private helium industry undersells the Government and has captured much of the market which was counted on for revenue. Consequently, the program has a debt which cannot be repaid at the present level of income. Payments to contractors are in arrears. There is some feeling that the Government has stored too much helium. Others fear that not enough has been stored. During the last several months we have been negotiating with the helium conservation contractors in an effort to restore balance to the program.

To date, the Helium Conservation Program has placed more than 27 billion cubic feet of helium in storage for use in the future. That helium, plus any additional conservation purchases, will be available for use when it is needed.

This represents no small achievement. The conservation program shows clearly that with imagination, a precious and irreplaceable natural resource can be saved.

We know there are a few substitutes for helium. But for superconductivity and other applications near absolute zero, there are no substitutes. No other element measures up.

From the direction technology is leading, we can see that industry . . . especially the electric power industry . . . may become more familiar with helium.

FINANCING FOREIGN MILITARY OPERATIONS

Mr. FULBRIGHT. Mr. President, apparently there is some confusion over the legal effect of a proviso added in conference to a provision in section 838(a) of the Defense Appropriation Act which prohibits financing of South Vietnamese or other foreign military operations in support of the Cambodian or Laotian Governments.

In a press conference on January 20, Secretary Laird, commenting on congressional restrictions relating to the war, said:

We will follow those mandates. But as far as air and sea activities, the law is very

clear that as far as the sanctuaries or as far as protecting the Vietnamization program, protecting American lives, insuring withdrawal, all of those terms are written very emphatically and clearly into the Congressional legislation, which passed in this last session of Congress.

There is no such language relating to use of American forces in any act passed by Congress last year.

A January 26 column by Col. R. D. Heinl, Jr., military analyst for the Detroit News, stated:

In the defense appropriations act, passed at nearly the same time as Cooper-Church, Congress flatly said that any funds could be user for "actions required to insure the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia, or to aid the release of Americans held as prisoners of war."

This is exactly what we are doing in Cambodia.

Section 838(a) of the Defense Appropriation Act, to which Secretary Laird and Colonel Heinl apparently were referring, relates only to U.S. financing of military operations by foreign forces; it has nothing whatsoever to do with the President's use of U.S. forces, of any kind. In order to help clear up the confusion as to the meaning and application of the proviso involved, I asked the Senate legislative counsel to prepare a memorandum on the legislative history of the matter. Mr. Hugh C. Evans, of that office, has written a concise, thorough memorandum which I believe will set the record straight.

I ask unanimous consent that the memorandum and the column by Colonel Heinl be printed in the RECORD.

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

MEMORANDUM FOR SENATOR FULBRIGHT

This memorandum is written in response to your request, transmitted by Mr. Norvill Jones, for an opinion of this office regarding the third proviso of section 838(a) of the Department of Defense Appropriation Act, 1971 (P.L. 91–668). Specifically, you asked whether or not the language of that proviso provides any affirmative grant of authority to the President to use the Armed Forces of the United States in Cambodia.

I

The third proviso of section 838(a) of the Department of Defense Appropriation Act, 1971, was a provision which was added to that section by the conferees of the two Houses of Congress appointed to consider the differences between the House and Senate passed versions of H.R. 19590 of the 91st Congress. Section 838(a) provides as follows:

"SEC. 683. (a) Not to exceed $2,500,000,000 of the appropriations available to the Department of Defense during the current fiscal year shall be available for their stated purposes to support: (1) Vietnamese and other free world forces in support of Vietnamese forces; (2) local forces in Laos and Thailand; and for related costs, on such terms and conditions as the Secretary of Defense may determine: *Provided*, That none of the funds appropriated by this Act may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States under section 310 of title 37, United States Code serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970: *Provided further*, That nothing in clause (1) of the first sentence of this subsection shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided further*, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia or to aid in the release of Americans held as prisoners of war."

A brief history of the development of the language of section 838(a) during the second session of the 91st Congress will provide some assistance in arriving at the intent and purpose of the language of the proviso here in question.

The text of section 838 (a), authorizing the use of funds appropriated to the Armed Forces of the United States to be available for their stated purposes to support Vietnamese and other free world forces and local forces in Laos and Thailand, is essentially the same language contained in section 502 of Public Law 91–441 (the military procurement authorization Act for fiscal year 1971), which amended section 401 (a) of Public Law 89–367, approved March 15, 1966 (80 Stat. 37). As passed by the House of Representatives, section 401 if H.R. 17123 of the 91st Congress, which subsequently was enacted as section 502 of Public Law 91–441 (the procurement authorization Act), amended subsection (a) of section 401 of Public Law 89–367 to read as follows:

"Funds authorized for appropriations for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other Free World Forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1971 on such terms and conditions as the Secretary of Defense may determine."

The Senate Armed Services Committee retained that House provision but made two significant changes in the text thereof. It limited the amount of funds which could be expended under the authority granted to $2,500,000,000 and removed the requirement that the use of funds to support Vietnamese and other free world forces must be *in Vietnam* and authorized the use of such funds to support Vietnamese and other free world forces *in support of Vietnamese forces*.

The pertinent part of the amendment to section 401 (a) of Public Law 89–367, as it was reported to the Senate by the Senate Armed Services Committee, reads as follows:

"(a) (1) Not to exceed $2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos and Thailand; and for related costs, during the fiscal year 1971 on such same terms and conditions as the Secretary of Defense may determine."

The $2.5 billion limitation had been included in the Act authorizing funds for military procurement for fiscal year 1970. The change made by the committee in the support language was very carefully explained by the committee in its report as follows:

"The Committee is of the opinion that the use of the authority in section 401 of the fiscal year 1970 act (and its related appropriation act provision) to support South Vietnamese and other free world forces in border sanctuary operations in Cambodia and in protective reaction strikes in these same areas was correct. Such action is in line with the policy of Vietnamization which in turn has and will continue to assist in the reduction of U.S. forces in Vietnam and the protection of such U.S. forces as remain in Vietnam. Doubt has been expressed by some that because of the use of the words "In Vietnam" in this section, as to whether any support for South Vietnamese or free world forces outside of Vietnam in the sanctuaries of Cambodia is authorized. The Committee desires that there be no misunderstanding about the authority for those important actions and has accordingly changed the language of this section to remove all such doubt.

"In making this clarification it must be clearly understood that there is no intent to broaden the authorization beyond the support of participation in border sanctuary and related operations in order to protect U.S. forces in Vietnam or to accomplish protective reaction strikes. The purpose of the clarification is to make clear that the use of Defense funds is authorized to support in those areas of Cambodia where for the purposes of Vietnamization or the protection of U.S. troops military action becomes necessary.

"There is no intent to permit the use of DOD appropriations under this authority to support Vietnamese and other free world forces in actions designed to provide military support and assistance to the Cambodian Government." (PP. 106 and 107, Senate Report No. 91–1016, 91st Congress).

On August 20, 1970, while H.R. 17123 was being considered by the Senate, you offered an amendment to the committee amendment to section 401(a) of Public Law 89–367. You expressed concern that the removal of the requirement that support of Vietnamese and other free world forces must be "in Vietnam" might be looked upon as authorizing the use of funds to support Vietnamese and other free world forces to move into Cambodia and Laos and provide support to the Governments of Cambodia and Laos. Despite the statement contained in the report, you considered it very desirable to have in the statute language similar to that contained in the Senate report. Your amendment went one step beyond the report language in that it included a reference to the Government of Laos as well as Cambodia. In explaining your concern and the purpose of your amendment you said in part—

"Although the committee's stated intent was to make it clear that U.S. funds can be used to support Vietnamese operations in the Cambodian sanctuary area and for "protective reaction strikes in these locations" the change in language permits the executive branch to foot the bill for any operations the Vietnamese choose to undertake, including an invasion of Laos or China. And it would also permit the financing of any Thai operation in Laos or Cambodia as long as it is claimed that the action is to aid Vietnamese forces in these countries.

"There is certainly no assurance that the executive branch will follow the committee's restricted intent when the language in the statute is far more broad. And, the Senate has no assurance that the House conference report will not seize upon a generous—and quite different—interpretation of the new wording, superseding the effect which the Senate committee hoped to achieve. If the legislative history is confused, we can be sure that the executive branch officials who will be implementing this authority will choose the broadest interpretation possible. The only practicable way to insure that the language is not used to finance Vietnamese military adventures in Cambodia and Laos is to say so in the statute.

"The Senate is slowly but surely imposing effective limits on U.S. involvement in this

tragic war. To approve the language in the bill, as now written, would reverse that process and invite a further expansion of the war by the Vietnamese and the Thais, using an American proxy. I hope that the Senate will continue to build on the record of the past and adopt this amendment by an overwhelming margin.

"Mr. President, as I conceive this amendment, it is, as I said, a further step in the same direction taken by the COOPER-CHURCH amendment, which was passed by this body only recently. It is also consistent with the amendments offered by the Senator from Kentucky and others last December on an appropriation bill, forbidding the sending of American ground combat forces to Laos and Thailand.

"All we are saying now is that money in this bill shall not be used to finance Vietnamese troops to go into Cambodia or into Laos." (CONGRESSIONAL RECORD, vol. 116, pt. 22, p. 29573–4).

Subsequently, during the course of the debate on your amendment you reiterated the purpose of the amendment:

"My intention in offering the amendment was to express my explicit agreement with the Senator's statement in the report. That was my purpose; to show I agree with the Senator's sentiment expressed in the report. My difficulty is that I was afraid the language in the bill itself did not accurately and forcefully enough reflect the Senator's intention. My intention is the same as his. I do not want us to get involved in all-out support of the Government of Cambodia—and that is what the report said—or the Government of Laos.

"Then, the only question is, how to tie that down so that the administration would be in agreement with the Senator and me. It is not that I disagree with the Senator but we might find ourselves in disagreement with future administrations." (CONGRESSIONAL RECORD, vol. 116, pt. 22, p. 29581).

The amendment was agreed to on August 21, 1970, as follows:

"On page 19, after the period in line 8, insert the following: 'Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos.'" (CONGRESSIONAL RECORD, vol. 116, pt. 22, p. 29688).

That amendment was agreed to in conference without change and is the last sentence of section 401(a)(1) of Public Law 89–367, as amended by section 502 of Public Law 91–441, the military procurement authorization Act for fiscal year 1971. Another amendment offered by you to the same section 401(a)(1), relating to the use of funds under such section to pay free world forces in Vietnam, was also adopted by the Senate, agreed to in conference, and became a part of that section. The amount authorized to be expended under such section was set by the conferees at $2.8 billion.

Section 838(a) of the Department of Defense Appropriation Act, 1971, repeated the substance of section 401(a)(1) of Public Law 89–367 (as amended by the authorization Act) except for two changes: (1) the amount was reduced from $2.8 to $2.5 billion, and (2) the addition of the proviso here under consideration. The two so-called Fulbright amendments included in section 401(a)(1) of Public Law 89–367 are carried as the first two provisos in section 838(a) of the defense appropriation Act (Public Law 91–668). As originally passed by the House, H.R. 19590, which subsequently became Public Law 91–668, carried none of the provisos. The Senate added the two so-called Fulbright amendments and the third proviso was added by the Senate and House conferees at the insistence of the House conferees.

You were strongly opposed to the proviso added in conference. You were apprehensive that it could be interpreted as nullifying the intent of the second proviso relating to use of funds to support the Governments of Cambodia and Laos.

II

In attempting to determine the meaning of the proviso added in conference two points should be mentioned at the outset and kept in mind throughout the discussion: (1) section 838(a) deals only with authority to use funds appropriated for the use of the Department of Defense to support Vietnamese and other free world forces and local forces in Laos and Thailand, and (2) all three provisos are written in the negative, the first two imposing prohibitions on the use of funds made available under the section.

According to the discussion on the Senate floor during the consideration of the conference report on H.R. 19590, the House conferees insisted that the language of the last proviso be included to make it clear that the preceding proviso, relating to the use of funds to provide military aid to the Governments of Cambodia and Laos, did not prohibit the use of such funds to support Vietnamese and other free world forces in actions to promote the safe and orderly withdrawal or disengagement of United States troops from Southeast Asia or to aid in the release of Americans held as prisoners of war.

The debate on the Senate floor during consideration of the conference report on H.R. 19590 indicates that the conferees intended that the language have very limited application and was not any broad grant of authority.

Mr. ALLOTT. "Now, we come to the last few sentences, which is cause of concern to the Senator, and in view of the way he has been burned in the past, I can understand it:

"Or to aid in the release of Americans held as prisoners of war.

"I explained the House attitude on that. Now, the only question left is whether this is to be broadly interpreted, such as the Gulf of Tonkin resolution was stretched a few years ago. Is this to be taken as a resolution to permit these forces we are talking about in the beginning of section 838 to mount an invasion of Cambodia or Thailand or North Vietnam under the guise that it is done for the liberation of prisoners?"

Mr. FULBRIGHT. "That is correct."

Mr. ALLOTT. "I can only say this to the Senator. As far as I am concerned, there is no such element in it, and I am sure, listening to the conferees in the House all day, there is no such element as that in the minds of the conferees from the House.

"I am sure if the distinguished Senator from Maine were here, and she was another member of the conference, she would say the same thing. Other members of the conference were the Senator from Louisiana, the Senator from Arkansas, the Senator from Missouri, the Senator from North Dakota who is behind me. They would all say exactly the same thing: that *this is to be considered and interpreted in a restrictive manner and that is it is strictly what it says, which is to aid in the release of Americans held as prisoners of war.*

"Let me say for myself, and I am sure every member of the conference committee will agree, that as far as this is concerned, not one of us would vote for this language if we thought it meant by interpretation the possibility of an invasion, which the Senator from Arkansas is so concerned about. I do not know that I personally can add more than I have except to try to eliminate all of these other things and to bring it down to this one question and say this is how we all feel about it. I am sure no one disagrees with me."

Mr. YOUNG of North Dakota. "Mr. President, will the Senator yield?"

Mr. FULBRIGHT. "Certainly."

Mr. YOUNG of North Dakota. "I want to associate myself with the remarks made by the distinguished Senator from Colorado. There is no intent to broaden it. In fact, there is no possibility of that with South Vietnamese troops now in Cambodia. The fact that they are there makes this language more limiting in nature. There are two purposes for the assistance—our withdrawal of troops and rescuing our prisoners. We do have about 75 prisoners in Cambodia. There might be a problem there. If there is, I do not think there could possibly be objection to trying to get them out. The South Vietnamese are presently helping Cambodia. I think this language to some extent serves the purpose of the language sponsored by the Senator from Arkansas."

* * * * *

Mr. COOPER. "I was very interested in the statements made by the Senator from Colorado, the Senator from North Dakota, and the Senator from Louisiana, all conferees. They provide an interpretation of this section. *Would they say the proviso must be construed to mean that our support of Vietnamese or other free forces goes only to their use to insure and to protect the withdrawal of U.S. forces from Southeast Asia?"*

Mr. YOUNG of North Dakota. *"That is exactly what the language says."*

Mr. COOPER. "We have argued for months in the Senate over the war power of the President. It has been interpreted many times on this floor that he has the power as Commander in Chief to protect American forces. I do not think there is any question about that. The differing ways that the power can be used is subject to debate, but in the present case—that is, regarding the war in Vietnam I believe the colloquy between the Senator from Idaho (Mr. CHURCH) and the Senator from Mississippi (Mr. STENNIS) on December 15 established very well what that power means.

"Do the Senators who are conferees agree that the proviso which appears in the conference report is designed chiefly for the protection of our Armed Forces under the constitutional power of the President?

"Would the Senator from North Dakota answer that question?"

Mr. YOUNG of North Dakota. "That would be my understanding of it."

Mr. COOPER. "What does the Senator from Colorado say?"

Mr. ALLOTT. "Yes; I shall be glad to answer for myself. Probably the right person to answer is the chairman of the committee, but the answer is 'Yes.'"

Mr. ELLENDER. "That is my answer."

Mr. COOPER. "The concern I have about the language has been expressed by the Senator from Arkansas. (Mr. Fulbright). But, I must say that the President of the United States and the Secretary of State have said publicly that the policy of the administration is withdrawal of our forces. In convention with the express policy of the President the interpretation given today is of extreme importance.

"Inasmuch as the language in question is the House language. I would like to ask the Senate conferees if their interpretation of the language is as important and as binding as the interpretation of the House managers?"

Mr. ALLOTT. "I would like to be corrected if either the Senator from North Dakota (Mr. Young) or the Senator from Louisiana (Mr. Ellender) have a different understanding, but in listening to all the discourse I detected not one word that would indicate that their interpretation of this language would be any different than the one we have tried to place on it on the floor. There was not one word said in the whole conference to indicate otherwise." (CONGRESSIONAL RECORD, vol. 116, pt. 33, p. 43905).

The explanation of the Chairman of the Appropriations Committee of the House of

Representatives during consideration of the conference report on H.R. 19590 in the House would seem to remove any doubt that the proviso under consideration here relates only to the second Fulbright amendment regarding the use of funds to provide military aid to the Governments of Cambodia and Laos and was not intended to relate to authority of the President to use the Armed Forces of the United States.

Mr. MAHON. "On October 7 of 1970, the defense procurement authorization bill became law—Public Law 91-441. In that bill, language with respect to the use of defense funds to support South Vietnamese and other free world forces in Cambodia or Laos was carried as follows:

" 'Nothing in Clause A of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos.

" 'This provision appeared to be a direct denial of any right on the part of the President to use funds in the Defense appropriation bill for the support of the South Vietnamese or other free world forces in their efforts to prevent a Communist takeover in Cambodia or Laos. From the standpoint of the House conferees on the Defense appropriation bill, this language, which had been enacted into law, was intolerable at this particular point in time.

" 'Almost identical language was incorporated in the Senate version of the Defense appropriation bill. The House conferees refused to adopt the language, tie the President's hands, and make it impossible for him to use funds in the bill to support South Vietnamese and other free world forces in their efforts to prevent a Communist takeover in Cambodia or Laos.

" 'So, in the first conference we had with the other body, we left this language, which became known as the "Fulbright amendment," in the bill, but we modified the amendment by attaching the following proviso:

" '*Provided further,* That nothing contained in this section shall be construed to prohibit support of free world or local forces in actions designed to promote the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.'

"That language gave the President considerable latitude in the use of Defense funds to support the Vietnamese and other free world forces in their efforts to make Vietnamization operative, in their efforts to make the disengagement of U.S. troops possible, and in their efforts to prevent a very drastic deterioration in their military situation by a complete Communist takeover in Cambodia or Laos.

"So, in the conference today with the other body we agreed to include the objectionable language, which I have quoted, but we insisted upon a proviso which in substance is approximately the same proviso as was contained in the original conference agreement. This relates to section 838 of the Defense appropriation bill. The new proviso is as follows:

" '*Provided further,* That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war.'

"We thought that this sufficiently modified the provision in the bill which relates to the same subject and which was very restrictive upon the President.

"The fact is that the language in the Defense Procurement Authorization Act—Public Law 91-441—raised grave doubt in my mind as to whether or not that language actually would control the Defense appropriation bill carrying the money, but since this language had been almost identically repeated in the Defense appropriation bill in the Senate, it was thought we should take some action to modify what we consider to be the very damaging language to which I made reference.

"So it seems to me the House of Representatives has performed a good function in making it possible for the President to have the latitude which is required to exercise his judgment, to meet the situation in Southeast Asia from the standpoint of the use of South Vietnamese and other free world forces." (CONGRESSIONAL RECORD, vol. 116, pt. 33, p. 43809).

Under basic rules of statutory construction, the proviso here in question must be read in the context of the entire subsection and not by itself. There is nothing in the entire provision relating to the use of the Armed Forces of the United States; the subject matter dealt with is the use of funds of the Department of Defense to provide foreign assistance ot Vietnamese and other free world forces and to local forces in Laos and Thailand. Certain specific limitations were added by the first two provisos regarding the use of those funds. The third proviso merely states that a certain interpretation shall not be placed upon the language of the section. The last proviso confers no affirmative authority for any purpose.

It may be argued, of course, that since the Congress explicitly stated in the third proviso that the section is not to be construed to prohibit certain actions, it intended that such actions be authorized. Even accepting the validity of this argument, any authority granted by the proviso would be circumscribed by the basic purpose of the subsection. Consequently, the most that can be said to have been granted under the third proviso is a sanction to use the funds made available under section 838(a) to support Vietnamese and other free world forces and local forces of Laos and Thailand in "actions required to insure the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war." To the extent that Vietnamese or other free world forces engage in any action designed to support Cambodia or Laos, the support of such action is not prohibited if such action is required for one of the two purposes stated in the third proviso.

III

It would be a strained construction of the third proviso of section 838(a) to conclude that it confers any affirmative authority on the President to use the Armed Forces of the United States in Cambodia. It is the conclusion here that the proviso does not grant any such authority and was not intended by the Congress to do so. This conclusion is predicated upon the wording of the proviso itself in context with the rest of section 838(a) and upon the purpose and legislative history of that section.

Respectfully,

HUGH C. EVANS,
Assistant Counsel.

FEBRUARY 8, 1971.

[From the Detroit News, Jan. 26, 1971]

COOPER-CHURCH AMENDMENT IS HELD INTACT

(By Col. R. D. Heinl, Jr.)

WASHINGTON.—An immediate and forseeable effect of the North Vietnamese military charades being conducted around and inside Phnom Penh has been to raise questions as to whether the "spirit" of Congress's Cooper-Church restriction on Cambodian operations is being violated by our forces.

The so-called Cooper-Church amendment was a Senate concoction adopted in conference by the House during closing moments of the late lameduck session. Its provisions are simple: no American ground troops or military advisers in Cambodia. This mandate is being rigorously adhered to.

Unfortunately, in the uproar of confusion and doubt that the word Cambodia instantly triggers, elements of the public, as well as editorial writers and politicians who really know better, are complaining that the "spirit" of Cooper-Church is being flouted by the President's authorization of U.S. air and helicopter support for the Cambodians.

Such complaints—as the Communists well understand—impugn and discredit the domestic as well as the international veracity of the President and of our government in general.

To get at the "spirit" of Cooper-Church, whatever it may exactly be, one has to look into the legislative history of the amendment, which is unusual to say the least.

To begin with, Cooper-Church represents a Senate notion, conceived in the covens of the anti-militarist New Left. It was never really passed by Congress at all, at least in the normal fashion.

The House of Representatives never debated Cooper-Church. Certainly the House didn't explore the implications of this amendment, let alone its "spirit." The only time the House ever specifically voted on Cooper-Church (in an earlier round nearly a year ago), it rejected it.

In the words of Rep. Samuel S. Stratton, New York Democrat, a senior member of the House Armed Services Committee, the restrictive amendment (which its sponsor, Senator Frank Church hailed as "an historic decision") was "slipped through in a conference committee as, frankly, a ransom to the Senate for getting their approval of the supplemental foreign aid appropriations for Cambodia."

Dismissing Cooper-Church as "a strictly shotgun wedding," Stratton bluntly said that the House (and the government) are committed only to the actual letter, and not to various broad or vague implications that its sponsors or supporters would like to read into it.

Looking behind the Cooper-Church restrictions and whatever they imply, it seems fair to ask those who are fussing so vocally—what do they really want?

Wind down the war? Cambodia or not, the war is irreversibly winding down (and the Communist rampage around Phnom Penh merely represents a desperate attempt to hype up U.S. opinion to the contrary).

Get the troops home? The troops are coming home. As this is written, we are 82,000 men ahead of (i.e., below) the troop ceiling scheduled for the present phase of our troop-withdrawal plans. All U.S. ground combat forces will be out of action in Vietnam by this summer.

Reduce American casualties? We had only 37 soldiers and airmen killed in Vietnam last week—a tenth of what were being inflicted before Mr. Nixon became president. More enlisted men are being killed in jeep accidents in Vietnam today than in combat.

Get Asians to fight their own land wars (i.e., the Nixon doctrine)?

The Cambodians, aided by the South Vietnamese, are making a surprising and resolute fight to defend their own homeland against foreign Communist invaders from North Vietnam, now backed, according to intelligence sources, by North Korean and Chinese elements in northeast Cambodia.

All we are doing is providing a minimum of supplies and some air support in the clinches.

Those who agonize over some imagined infringement of the Cooper-Church restriction (which incidentally represented the first limitation Congress has ever placed on the President's power to send U.S. troops into combat overseas) ought to look at another provision by the same Congress.

In the defense appropriations act, passed at nearly the same time as Cooper-Church, Congress flatly said that any funds could be used for "actions required to insure the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia, or to aid the release of Americans held as prisoners of war.

This is exactly what we are doing in Cambodia.

By helping to open Highway 4 into Phnom Penh, and by giving the Cambodians gear to fight their own battles, we are supporting an effort that keeps most of South Vietnam quiet, and will—despite Communist psychological warfare around Phnom Penh—assuredly facilitate continued orderly withdrawal of U.S. combat troops on schedule and as promised.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER (Mr. GAMBRELL). The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9 to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection it is so ordered.

Mr. THURMOND. Mr. President, last week I participated in the debate on rule 22 and discussed the importance in the Senate rejecting any change in the present requirement to limit debate. At that time I began a discussion of a method used in the period between 1789 and 1806 to call for a vote on an issue. As pointed out, many writers appear to be under the impression that a limitation on debate existed at that time. The inference was incorrectly drawn because of the application of Senate rules which allowed the use of a motion called the previous question.

Mr. President, I feel that it is important to trace the development and use of "the previous question" to clear up any misunderstanding that there was any limitation of debate in the Senate in the period between 1789 and 1806. For this reason I shall continue a discussion of the use and application of the motion called the previous question.

Mr. President, there appear to have been 10 instances when the motion "previous question" came into play in the Senate between 1789 and 1806. Briefly, the circumstances in those 10 cases were this:

On August 17, 1789, a committee report on a House bill concerned with providing expenses for negotiating a treaty with the Creek Indians was taken up for consideration. The bill as referred from the House made no mention of measures to be taken to protect the people of Georgia in the event efforts for a treaty failed. After the resolution embodied in the committee report and a second resolution originating on the floor were moved and defeated, a third resolution was moved which proposed to authorize the President to protect the citizens of Georgia and to draw on the Treasury for defraying the expenses incurred. At this point in the proceedings the previous question was moved. A majority of nays prevailed and the Senate adjourned. The next day the bill was again brought up for consideration. After a number of motions pertaining to particular clauses in the bill were proposed and, save one, defeated, a resolution was moved making it the duty of Congress to provide for expenses incurred by the President in defense of the citizens of Georgia. At this point the previous question was again moved. It was defeated and the bill, with the solitary amendment previously adopted, was then put to a vote and approved.

On August 28, 1789, during the discussion of a bill fixing the pay of Senators and Representatives, William Maclay offered an amendment which sought to reduce the pay of Senator from $6 to $5 per day. Maclay records in his journal that his proposed amendment evoked a storm of abuse and that Izard, a Senator from South Carolina, moved for the previous question. He further notes that Izard was replied to that this would not smother the motion and that when it was learned that abuse and insult would not do, then followed entreaty. Maclay, however, remained undaunted. He knew that his amendment would be defeated; his object was simply to get a record vote on the amendment in the minutes. In this he was successful. The amendment was put to a vote and defeated, but the yeas and nays were recorded. The motion for the previous question was either not seconded or withdrawn since there is no mention of it in the Senate Journal. In this instance, as in the last two, it is clear that use of the previous question was attempted for the purpose of avoiding or suppressing an undesired decision. However, the reasons why the motion for the previous question was not persisted in are not clear. The critical factor to be resolved is whether the motion was killed voluntarily because it was undesired or forcibly because power was lacking to insist on it.

On January 12, 1792, consideration of the nomination of William Short to be Minister resident at The Hague was resumed. After a committee had reported certain information concerning Short's fitness to be appointed a resolution was moved which stated that no Minister should at that time be sent to The Hague. The previous question was then moved in its negative form; that is, that the main question be not now put, despite the fact that the rules provided only for the positive form of the mechanism. At this point, however, the Senate decided that the nomination last mentioned and the subsequent motion thereon, be postponed to Monday next. On that day, January 16, 1792, the Senate resumed its consideration of the nomination and the resolution moved on the nomination. The previous question was put in negative form and carried with the help of a tie-breaking vote by the Vice President. This removed the resolution which would have prohibited sending a resident Minister to The Hague. The Senate then proceeded to the Short nomination and approved it.

On May 6, 1794, James Monroe, then a Senator from Virginia, asked the permission of the Senate to bring in a bill providing, under certain limitations, for the suspension of the fourth article of the Treaty of Peace between the United States and Great Britain. The previous question in its normal, affirmative form was moved on Monroe's motion and it was approved by a vote of 12 to 7. The main question was then put and permission to bring in the bill was denied by a vote of 14 to 2. Monroe and John Taylor, his fellow Senator from Virginia, were the only Senators in favor.

Once more we may conclude that the previous question was moved in an attempt to avoid or suppress an undesired decision. This can be decided from the fact that neither the proponents nor the opponents of Monroe's motion had any reason to attempt to obstruct decision by prolonging debate. This certainly was not in Monroe and Taylor's interest; they wanted a decision on the motion, preferably an affirmative one. As for the opponents, their numbers were such that they had no need to obstruct decision. The only Senators, then, who had a motive for moving the previous question were those seven Senators who voted against the previous question. For these men the previous question offered a means of suppressing a decision they wished to avoid.

Unfortunately, the Annals do not record the name of the Senator who moved the previous question. Nonetheless, convincing evidence exists to support our deduction that the previous question was moved by a Senator who voted nay on that motion. John C. Hamilton's account indicates that such a Senator, James Jackson of Georgia, was the man who moved the previous question. He reports that Jackson made the following announcement to the Senate:

> I deem the proposition ill-timed * * * I wish for peace, and am opposed to every harsh measure under the present circumstances. I will move the previous question.

Debate continued after this statement, presumably because Jackson held back on his motion to allow the other Senators to have their say. Undoubtedly, the reasons why Jackson considered Monroe's

motion as ill timed related to the fact that only a few weeks before John Jay had been appointed special envoy to Great Britain and was at that very moment making preparations to depart on his historic mission.

On April 9, 1798, after the Senate had gone into closed session James Lloyd, a stanch Federalist Senator from Maryland, moved that the instructions to the envoys to the French Republic be printed for the use of the Senate. Six days previous on the 3d, the President had submitted to Congress the instructions to and the dispatches from these envoys. Four days previous on the 5th, the Senate had agreed to publish the dispatches for the use of the Senate. These papers were the famous ones in which Talleyrand's agents were identified as x, y, and z and the whole affair was seen by the Federalists as a great vindication and triumph for their party.

Lloyd first moved his motion on the 5th when the Senate agreed to publish 500 copies of the dispatches, but it was postponed on that day. When he moved it again on April 9, 1798, John Hunter, a Senator from South Carolina, moved the previous question. The motion for the previous question was approved by a vote of 15 to 11, with Hunter voting nay. The main question; that is, that the instructions be printed, was also approved by a vote of 16 to 11, Hunter again voting nay.

In this instance, once again, it is clear that the previous question was not used as a mechanism for cloture. Rather, it was brought forward as a means of avoiding or suppressing an undesired decision. This is attested to by the fact that the Senate was in closed session when the previous question was moved and by the fact that Hunter, the mover of the previous question, voted nay both on his own motion and on the main question. It is also supported by the fact that 10 of the 11 Senators who voted nay on the motion for the previous question also voted nay on the main question.

On February 18, 1799, President Adams proposed to the Senate that William Vans Murray be appointed Minister Plenipotentiary to the French Republic for the purpose of making another attempt to settle our differences with France by negotiation. This proposal caused dismay and consternation in the ranks of the Federalists. For one thing, Adams acted suddenly on the basis of confidential communications he had received abroad without informing anyone in the Cabinet or the Senate as to his intentions. For another thing, a strong prowar faction existed among the Federalist Members of Congress and the party as a whole had been engaged in driving a number of war preparedness measures through Congress. Moreover, ever since the X, Y, Z affair the Federalists had been using the presumed wickedness and hostility of France as a weapon for humiliating and destroying the strength of the Jeffersonian Republicans. Lastly, a number of prominent Federalists distrusted Murray and thought him too weak.

The nomination of Murray was referred to a committee headed by Theodore Sedgwick, a Federalist Senator from Massachusetts. Meanwhile, pressure was brought to bear on Adams and he was threatened with a party revolt if he did not agree to modify his request for the appointment of Murray. The result was that on February 25, 1799, Adams sent a second message to the Senate asking that a commission, composed of Murray, Patrick Henry, and Oliver Ellsworth, be appointed in lieu of his original request. The next day, February 26, 1799, a resolution was moved and it passed in the affirmative. The effect of this decision was to bring about a vote on the resolution and it also was approved. The Senate then proceeded to consider the nominations of Murray, Henry, and Ellsworth to office and all three were approved on the following day.

In order to determine how the previous question was used in this instance we must consider the motives that seem to have prompted it. If the previous question was used for cloture, the Federalists would have been the ones to move it. However, there is no reason to believe that the Federalists were motivated to act in this manner. The Jeffersonians do not appear to have staged a filibuster on the resolution. In truth, this would have played into the hands of the war Federalists by giving them an excuse to refuse any kind of peace mission while throwing all blame on the Jeffersonians. Nor is there any reason to believe that the Federalists moved the previous question because they feared the consequences of a discussion on the resolution. The anti-Adams Federalists well realized that it was essential to unite on the commission idea as the only possible compromise under the circumstances and the problem of defection or embarrassment through debate was a slight one, if it existed at all.

In contrast, there are a number of reasons for believing that the Jeffersonians moved the previous question in an attempt to suppress the resolution. First, the Jeffersonians feared that the commission alternative might just be a subterfuge for torpedoing the negotiations. They much preferred the appointment of Murray alone and, second, tactically much was to be gained by confining the choice to simply approving or disapproving Murray. If he was approved, the Jeffersonians would have gotten exactly the kind of peace mission they desired; if he was disapproved, a party split in the ranks of the Federalists was likely and, what is more, the Federalists would stand before the public as a group of truculent warmongers.

Now it is true that the very reasons that would have led the Jeffersonians to attempt the previous question also helped to insure the defeat of the maneuver by solidifying the Federalists. Nonetheless, the Jeffersonians, not knowing exactly how united the Federalists were, could very well have thought the previous question worth a try. We may conclude, then, that in all probability this case is no different than the others we have considered.

On February 5, 1800, a bill for the relief of John Vaughn was brought up for its third reading. A motion was made to amend the preamble of the bill. On this motion the previous question was moved, but ruled out of order on the grounds that the mechanism could not be applied to an amendment. A motion was next made to postpone the question on the final passage of the bill until the coming Monday. This motion was defeated. Having disposed of the attempt to postpone, the majority then proceeded to vote down the amendment and approve the bill.

The purpose for which the previous question was used in this instance seems in no way to depart from the usual pattern. In this case the opponents of the amendment appear to have attempted to suppress it by applying the previous question. They failed in this but still succeeded in defeating the amendment in a direct vote.

The impeachment trial of Judge John Pickering of the New Hampshire district court commenced on March 2, 1804. The Representatives selected by the House to manage the impeachment completed their case against Pickering on March 8, 1804. Two days later Samuel White, a Federalist Senator from Delaware, rose and offered a resolution which stated that the Senate was not at that time prepared to make a final decision on the Pickering impeachment. The resolution also stated a number of reasons in support of its contention: That Pickering had not been able to appear but could be brought to Washington at a later date, that Pickering had not been represented by counsel, and that evidence indicating that Pickering was insane had been introduced.

The Jeffersonian leadership in the Senate received this resolution with hostility. Their first reaction was to try to suppress it by having it declared out of order, but this maneuver failed. That the Jeffersonians would have preferred not to face the resolution directly is quite understandable since it advanced potent legal grounds for inducing the Senate to refuse to convict Pickering, for example, that the trial had not been impartial and that Pickering as an insane man could not legally be held responsible for his acts. However, the hostility of the Jeffersonians was based on more than the fact that the resolution endangered the success of the Pickering impeachment. By implication it also threatened the success of the upcoming impeachment of the hated Judge Chase. To lose the Pickering impeachment on the grounds stated in the White resolution would create a precedent which denied the Senate broad, quasi-political discretion in impeachment and limited it to the determination of whether "high crimes and misdemeanors" in a quasi-criminal sense had actualy been committed.

Unfortunately, the three accounts we have of Senate proceedings on March 10, 1804, differ significantly. One area of important difference concerns the exact order of events on this day. Both the Annals and the diary of William Plumer report that the previous question was moved by Senator Jackson, Republican of Georgia, after Senator Nicholas, Republican of Virginia, urged that the

White resolution not be recorded, if defeated. Both these accounts report that Jackson's motion was followed by a statement of Senator White and by an amendment offered by Senator Anderson, Republican of Tennessee, which proposed to strike out of the resolution all material relating to Pickering's insanity and lack of counsel. In addition, both of these accounts report that after the moving of the Anderson amendment the Senate proceeded to vote down the White resolution. Despite these similarities an important difference does distinguish these two accounts. In the Plumer account Nicholas' statement, Jackson's motion, White's statement, and Anderson's motion are all made when the Senate is in closed session. In the Annals they are all made before the Senate is reported to have gone into closed session. We should also note that neither the Annals nor Plumer supply any further information regarding the previous question aside from the fact that it was moved. The Annals are similarly obscure with respect to the fate of Anderson's amendment, but Plumer records that this motion failed to secure a second which would explain why it was never brought to a vote.

Further complications are introduced when we add the report of events given in the diary of John Quincy Adams. Adams and Plumer were both Members of the Senate at this time. In the Adams account no mention is made of the previous question or of White's statement. Anderson's amendment is reported to have been moved when the Senate was in open session. Nicholas' remarks are reported as occurring later when the Senate was in closed session. In addition, in contrast to Plumer, Anderson's amendment is reported to have secured a second but to have been withdrawn when the Senate was in closed session.

A second important area of difference concerns the nature of the rules governing the Senate during the Pickering impeachment. According to Adams, the rules restricted debate to closed session and required all decisions to be taken in open session by a yea-and-nay vote. Thus, he reports that when the Senate was in closed session on the White resolution the Jeffersonians were very impatient to return to open session so as to end debate and bring the resolution to a vote. Adams further explains that the reason Anderson withdrew his amendment was to end debate on it in order that the time the Senate was in closed session need not be prolonged.

The Annals and Plumer's diary do not directly contradict Adams' interpretation of the rules. Indeed, on the whole, the record of events in these accounts does not depart from Adams' rendition of what the rules required. However, on occasion they do present examples of action which suggest either that the Senate did not necessarily follow its own rules or that Adams' interpretation is not entirely correct. In the Plumer account of events on March 5, 1804, the Senate is reported to have voted on two motions when it was still in closed session. In the Annals' account of events on March 10, 1804, and Plumer's account of events on March 9, 1804, the Senate is reported to have entered into debate when it was in open session.

Merely moving the previous question would not and could not have ended debate and forced the Senate to return to open session. As long as the previous question was not voted on and determined affirmatively, the only way debate could be cut off and a vote on the White resolution forced would have been by passing a motion to open the doors. It is true that, if the motion for the previous question received a second, it would have cut off debate on the main question; that is, on the White resolution. But debate could have and undoubtedly would have continued on the motion for the previous question itself. The Federalists would have objected strenuously to any Republican maneuver designed to avoid the necessity of directly facing the embarrassing issues contained in the White resolution. Given the fact that the previous question was moved after the White resolution had already been subject to discussion, we may conclude that instead of serving to end debate the motion for the previous question threatened to prolong it.

Second, both the Annals and Plumer record that Anderson's amendment was moved after the previous question while the Senate was still in closed session. This indicates that the previous question either failed to secure a second or was withdrawn soon after it was moved. Otherwise, an amendment of the main question would not have been in order. Thus, it cannot be argued that the Senate returned to open session to vote on the motion for the previous question since the motion itself seems to have been killed while the Senate was still in closed session. The fact that Adams does not even mention the previous question in his account supports our contention that the previous question was killed before it could play a significant role in the events of the day. Given the care with which Adams documents each and every Jeffersonian move to avoid facing or discussing the White resolution, it is highly unlikely that he would have failed to mention the previous question if it had been used as Brant and Douglas suggest.

The events of March 10, 1804, merely furnish another illustration of the use of the previous question for the purpose of suppressing an undesired discussion and/or decision? The answer is "Yes." We may note that on March 5, 1804, Jackson spoke and voted against allowing evidence bearing on Pickering's sanity to be introduced. We may note that on March 10, 1804, when the Senate returned to open session, he voted against the White resolution which listed insanity to be introduced. We may note vict Pickering. We may also note that Jackson moved the previous question immediately after Nicholas urged that the resolution not be recorded, if defeated. It is probable, therefore, that Jackson moved the previous question for the purpose of suppressing the White resolution rather than for the purpose of forcing a vote on it. If cloture were his aim and such an aim only would have been feasible if debate was in fact prohibited in open session, either that end could have been achieved more easily by simply moving to return to open session, or alternatively, if the Senate was already in open session, there would have been no reason not to press the previous question to its ultimate conclusion.

Why, then, would the previous question have been refused a second or withdrawn? The answer is that under the circumstances which existed the best way to get rid of the White resolution and clear the way for a vote on the impeachment was to face the resolution directly. The timing and the substance of Nicholas' words indicate that the Senate was just about ready to proceed to a vote on the White resolution. To introduce the previous question at such a point would be to complicate and prolong the proceedings. This is true whether or not the Senate could have actually voted on the previous question in closed session. In either event debate on the motion would still have been possible. It is also true whether the previous question was moved in open or closed session. Both the annals and Plumer indicate that debate took place immediately before and after the previous question was moved. This means that, if the previous question was moved in open session, debate was possible in open as well as closed session.

Thus, the reasons Adams suggests for the killing of Anderson's amendment probably apply to the previous question as well. The Jeffersonians desired to get rid of the White resolution and push on to a vote on the impeachment as fast as possible. They knew they had the votes to defeat the resolution. Moreover, though they might have preferred to suppress or amend the resolution, they also knew that they could not really save themselves from embarrassment by adopting either alternative. That Pickering had not appeared, that he had not been represented by counsel, and that evidence had been introduced indicating that he was insane were part of the record of the trial. Hence, it is not surprising that the Republicans elected to face the White resolution without delay. This was the course that promised the swiftest and surest attainment of their basic objective—the conviction of Pickering.

On December 24, 1804, the Senate resumed consideration of a set of rules proposed to govern the Senate during the Chase impeachment. These rules had been recommended by a select committee whose chairman was William Giles, a Virginia Republican, who led the anti-Chase forces in the Senate. Four days earlier, when the Senate was involved in a discussion of these rules, Stephen Bradley, an independent Republican from Vermont, had moved an amendment to one of the rules proposed by the Giles committee. Bradley, however, was ill on the 24th and was not present in the Chamber, John Quincy Adams reports in his diary that he therefore moved that the whole subject be postponed until Bradley could attend. This bid for postponement was defeated. Adams relates that "Giles then offered to postpone or put the previous question

upon Mr. Bradley's amendment; but this the Vice President declared to be not in order." Following Burr's ruling, the Senate proceeded to vote down the amendment and before the day was ended it agreed to adopt all or most of the rules recommended by the Giles committee, including the rule on which Bradley's amendment had been moved.

This case presents another instance in which the previous question was attempted to suppress an undesired decision. Giles' intention was obviously to remove the amendment either through postponement or through the previous question as a preliminary to voting to adopt the rule. The practical effect of this would have been to kill the amendment, even though technically neither postponement nor the previous question would have permanently suppressed the amendment.

Mr. President, the motion "previous question," as it was included in the rules of the Senate between 1789 and 1905 is no precedent for cloture in the Senate. It was not then understood as a cloture mechanism, it was not designed to operate as a cloture mechanism and in practice, it was not used as a culture mechanism.

An explanation, or comment, on "the previous question" in Robert's Rules of Order is also illuminating on this subject. The passage to which I refer appears on page 117 of Robert's Rules of Order, Revised, 75th anniversary edition, as follows:

Note on the previous question: Much of the confusion heretofore existing in regard to the previous question has arisen from the great changes which this motion has undergone. As originally designed, and at present used in the English Parliament, the previous question was not intended to suppress debate, but to suppress the main question, and therefore, in England, it is always moved by the enemies of the measures, who then vote in the negative. It was first used in 1604, and was intended to be applied only to delicate questions; it was put in this form, "shall the main question be put?" and being negatived, the main question was dismissed for that session. Its form was afterward changed to this, which is used at present, "Shall the main question be now put?" and if negatived the question was dismissed, at first only until after the ensuing debate was over, but now, for that day. The motion for the previous question could be debated; when once put to vote, whether decided affirmatively or negatively, it prevented any discussion of the main question, for, if decided affirmatively, the main question was immediately put, and if decided negatively (that is, that the main question be not now put), it was dismissed for the day.

Our Congress has gradually changed the English previous question into an entirely different motion, so that, while in England, the mover of the previous question votes against it, in this country he votes for it. At first the previous question was debatable; if adopted it cut off all motions except the main question, which was immediately put to vote; and if rejected the main question was dismissed for that day as in England. Congress, in 1805, made it undebatable. In 1840 the rule was changed so as not to cut off amendments but to bring the House to a vote first upon pending amendments, and then upon the main question. In 1848 its effect was changed again so as to bring the House to a vote upon the motion to commit if it had been made, then upon amendments reported by a committee, if any, then upon pending amendments, and finally upon the main question. In 1860 Congress decided that the only effect of the previous question, if the motion to postpone were pending, should be to bring the House to a direct vote on the postponement, thus preventing the previous question from cutting off any pending motion. In 1860 the rule was modified also so as to allow it to be applied, if so specified, to an amendment or to an amendment of an amendment, without affecting anything else, and so that if the previous question were lost the debate would be resumed. In 1880 the rule was further changed so as to allow it to be applied to a single motions, or to a series of motions, the motions to which it is to apply being specified in the demand; and 30 minutes' debate, equally divided between the friends and the enemies of the proposition, was allowed after the previous question had been ordered, if there had been no debate previously. In 1890 the 30 minutes' debate was changed to 40 minutes. The previous question now is simply a motion to close debate and proceed to voting on the immediately pending question and such other pending questions as it has been ordered upon.

From this discussion it should be clear that between 1789 and 1806 "the previous question" used in the Senate was not intended to suppress debate, but to suppress the main question, and, therefore, to avoid a vote on a particular piece of legislation.

In 1816, the House of Representatives debated the issue of free debate. They adopted a strict cloture by a perversion of the meaning of "the previous question."

Mr. Gaston, speaking in favor of free debate, pointed out that the original purpose of "the previous question" was to postpone one subject in order to take up another. In other words, it was simply a demand that the House should first announce whether it was then expedient to decide the question under debate or to turn temporarily to other business.

The Continental Congress had followed this procedure and had made proper use of "the previous question."

Over the years after the First Congress, there were attempts to pervert the meaning of "the previous question." That was the reason for the debate in 1816. Mr. Gaston pointed out at that time that the House, in attempting to change the historic and true meaning of "the previous question," was abandoning its true principles.

On this particular question the elder Senator Henry Cabot Lodge said in 1893:

There never has been in the Senate any rule which enabled the majority to close debate or compel a vote. "The previous question," which existed in the earliest years and was abandoned in 1806, was "the previous question" of England, and not that with which everyone is familiar today in our House of Representatives. It was not in practice a form of cloture, and it is, therefore, correct to say that the power of closing debate in the modern sense has never existed in the Senate.

Through the years the Senate has debated the pros and cons of unlimited debate, but it remains a fact that for 125 years, from 1789 to 1917, the Senate had no cloture rule at all. During that time the parade of great men to the Senate continued, and most of them were firm advocates of free debate. Since 1917, we have had a two-thirds requirement for cloture in one form or another.

In the interest of objectivity, let us compare rule XXII with rule XXIX, "The Previous Question," of "Robert's Rules of Order."

From 1949 until 1959, rule XXII required a two-thirds vote of all Senators to end debate. A parliamentary body acting under "Robert's Rules of Order" can end debate and force a vote on the pending question by passing a motion of the previous question by a two-thirds majority of those present and voting. Even under "Robert's Rules of Order" a majority vote, even with notice, cannot end debate.

The difference, in practical effect, was not overly large. For example, had the limitations of debate in the Senate always been governed by "The Previous Question" in the present "Robert's Rules of Order," no result on previous efforts to invoke cloture would have been different from the result under the rules as they have existed. Had the 1949–59 rule XXII of the Senate always controlled the limitation of debate, only in one instance would the result on cloture attempts have been changed. The particular instance to which I refer was a cloture vote which prevailed in 1927 under a rule requiring two-thirds of those present and voting to end debate.

The destruction between the 1949–59 rule XXII and Robert's "Previous Question," though slight in practical effect, is not without a strong basis in reason. "Robert's Rules of Order" was designed for the general use of societies, which, not being governmental bodies, have no authority to compel attendance of delegates. "Robert's Rules" therefore recognize the impracticality of making the actions of those bodies for whom his rules were designed contingent on membership. Robert used the most practical basis for his purposes for protecting the rights of minorities in societies generally.

The U.S. Senate, to understate the matter, occupies a position greatly different from the general societies for which "Robert's Rules" was designed. Its membership is under oath to support the Constitution and well and faithfully to discharge the duties of their offices. Surely a presumption by the rules of regular attendance is not unduly harsh. If it is too harsh, why has there been no attack on the provision of rule V which authorizes the Sergeant at Arms to compel the attendance of absent Senators?

Mr. President our Nation was established in a form which relies quite heavily on the principle of federalism. One of the principle facets of federalism incorporated into the Constitution is the equal representation of the several States in the U.S. Senate.

While not incorporated into the Constitution, the practice of permitting unlimited debate in the Senate until 1917 strengthened immeasurably the concept of federalism in the practical operation of our Government. In many ways, including the various cloture rules which have prevailed in the Senate since 1917, the concept of federalism has been weakened and our country hampered thereby.

The concept of federalism and its historical development is not, I am afraid, fully understood and appreciated and I feel that a review of some of the facets of this concept would be helpful to a decision on the pending question.

There is nothing particularly meritorious in a constitution, per se. A constitution has potentialities for providing at least two of the most desirable ingredients of a government—stability and political principles. Some constitutions provide practically none of either—as for example, the various Soviet constitutions, which are apparently changed at the whim of the Central Committee of the Communist Party and which are absolutely devoid of underlying principles.

The Constitution of the United States is a document to which we should and must adhere, not just because it is dignified by the high sounding name of "Constitution," not even because of its relatively ancient vintage. In the first place, our Constitution provides stability. It is difficult to change by the prescribed methods, and has thereby proved largely impervious to emotional fads and the glib sales pitches for political expedients.

The quality of stability, alone, however, could never inspire men to fervently swear to defend a document from all enemies foreign and domestic. And even stability, itself, could not derive in permanence from a relatively slow and intentionally difficult method of amendment. Something deeper is responsible for the deference which is the due of the Constitution of the United States. The something "more" in the Constitution of the United States is its reflection of sound and timeless principles.

The framers of the Constitution labored in conscious or subconscious awareness that government, while necessary, constituted a principal source of danger to individual liberty. The purpose of the Constitution is to provide a government with sufficient power to maintain order, commercial intercourse, and common defense, but so limited and arranged as to constitute a minimum possibility of its use to infringe on individual liberty. This purpose precluded resort to Rousseau's "pure democracy," on the one hand, and any major concentration of power on the other.

In seeking, and finding, the proper balance, the Constitution drew primarily on three concepts—republican form, the doctrine of separation of powers, and federalism—although not in equal quantities nor with equal consistency. When I speak of republican form or republicanism, I refer not to any political party but to a Republic, that type government in which the people govern themselves through election of persons to represent them.

In the shaping of this new Government the principles of republicanism were heavily relied on, although not consistently adhered to; for there is little, if anything, that smacks of republicanism in the judicial branch of the general government. Had the constitutional scheme relied solely on republicanism, the experiment in government would have been doomed to failure. The Constitution fairly shouts that republicanism is essential; but it, alone, is not sufficient to insure the preservation of individual liberty. Governments which are just republican in form are most susceptible of conversion at the hand of tyrants into instruments of despotism. As one impediment to such conversions, the powers of the National Government were separated according to their nature; and an elaborate system of checks and balances was devised to preserve the separation. Both the principles of republicanism and the implemented doctrine of separation of powers contributed most substantially to the dual objective of maintaining individual liberty and providing orderly government, but in neither, nor in the combination of them, alone, lies the secret that distinguishes our great constitutional system from the mediocre. While it must be acknowledged that the constitutional blend of republican principles with the doctrine of separation of powers results in a near perfect superstructure of government, it is not on the superstructure that the strength and duration of the Government depend, but on the foundation. The foundation of the constitutional system is federalism.

Federalism, as the foundation of our constitutional governmental system, cannot be numbered among the contributions of the delegates to the Philadelphia Convention, although with a few possible exceptions, the delegates both understood and endorsed the virtues of federalism. Indeed, when the convention met, it was predetermined by history that whatever governmental system, if any at all, might be designed, be precluded from any foundation other than federalism. The constitutional concept that the maximum safeguards consistent with the orderly government be imposed against the concentration of power in the hands of any individual or group—was thereby dictated in advance to the delegates at Philadelphia, so that it remained only for them to construct a superstructure of government which fitted the foundation and conformed to the concept. The plan they devised was a masterly one, inconsistencies and contradictions so widely cited by critics of the Constitution to the contrary, notwithstanding; for the inconsistencies and contradictions lie in the application of republican principles, as illustrated by the absence thereof from the judicial branch of the National Government; and in the application of the doctrine of separation of powers, as is illustrated by the Executive's power of veto over legislative acts. The deviations from the principle of republicanism and from the doctrine of separation of powers were made to achieve consistency with the even more important constitutional concept which has its roots in federalism.

Those who assembled at the Constitutional Convention in 1787 were not empowered as representatives of the population of European derivation on the American continent east of the Mississippi, north of Florida, and south of Canada, but as representatives of 13 separate States, or nations at that time, allied for specific purposes. The votes in the Convention were, therefore, by States, each having an equal voice in the deliberations, without any distinction as to the size or population of a particular State.

The proposed Constitution agreed on by the delegates was submitted not to the people as a whole, but to the several States; and by its very terms it could not be ratified by the affirmation of a majority—not even a large majority—of the population of the combined United States, but only by nine of the 13 States; and even when so ratified and adopted, it still applied only to those States which adopted it. Complete sovereignty lay with the people of any given State, and it was not within the legal power of the people of the other States, or all of them combined, to impose a political will from outside the State. The people of each State were sovereign.

Each of the Thirteen Colonies was a political entity. Although each as a colony, acknowledged the dominance of England, all attempts to eradicate distinctions between the separate colonies were repulsed. New England refused to be governed by England as New England, even while each colony in New England was still willing to be governed by England as an individual colony.

Even in the midst of a common cause—the war with England for independence—the colonies maintained their distinct and separate identity. The Declaration of Independence presented to England and to the world a united front, not as a people united—however much so they may have been—but as 13 States, united in purpose. By that instrument it was declared, not that the people of America are and ought to be free and independent, but that colonies are and "ought to be free and independent States."

The Revolution sought to establish 13 free countries, not one, and it succeeded. Under the Articles of Confederation the States preserved the separate status of each with the express provision "each State retains its sovereignty," except to the extent that the Congress of States was authorized to act for them in certain specific matters. Although associated as colonies by geography, allied in a common cause against England, and federated under the Articles of Confederation in the early days of their independence, the Thirteen Colonies became 13 nations and so remained when the Constitutional Convention met in 1787.

Nothing better illustrates the complete sovereignty of the several States than the history and manner of the ratification of the Constitution. The final clause of the Constitution provided that "The ratification of the Convention of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same." On June 21, 1788, the United States came into being, upon ratification of the Constitution by New Hampshire, the ninth State to do so. On the eastern seaboard there were then the United States, comprised of nine States, and four other independent nations, for a total of five. Of the other States, most ratified the Constitution and joined the United States shortly thereafter. None were compelled to do so. They could have remained separate and apart. Rhode

Island did remain a separate nation for almost 2 years, despite former alliances and common causes with the others, and when Rhode Island did join the Union on May 29, 1790, it was by a two-vote margin of the Convention of that State and not from any external compulsion.

Mr. President, I shall continue this address on another day.

Mr. MUSKIE. Mr. President, this is a time for change and a time of change in the U.S. Senate. I think it is clear that we must adapt our internal structures and procedures to the requirements of a highly industrialized, fast moving democracy. Congress cannot rigidly adhere to rules and practices that no longer serve any meaningful purpose and that hinder its work if it is to continue to be a responsible branch of Government and to enjoy the confidence of our people.

There have been cries for reform of Congress since our Nation was founded; but today I sense that there is a mood toward our Government—and Congress in particular—of cynicism, discouragement, and resignation borne of a conviction that reform will not come. There is a growing feeling that we cannot provide solutions to our common problems.

There is a growing feeling, Mr. President, that we cannot provide solutions to our common problems. Sometimes, it seems, our procedures are so outdated and encumbered that we respond neither to crisis nor to our constituents.

Many people have noted this widespread lack of confidence in Government. I believe it is the proper perspective in which to judge the efforts being made to revise rule XXII of the Senate in order to permit three-fifth rather than two-thirds of those present and voting to invoke cloture.

This is, Mr. President, a modest and reasonable reform of the Senate rules which has been repeatedly considered and should have been adopted long ago.

I urge the Senate to take this simple step forward.

Now, the debate over cloture, at the beginning of successive Congresses, has raised two central issues; namely, the need for allowing an adequate debate on any issue, and the protection of minority rights.

I feel that adequate debate and consideration of every measure would be fully protected by rule XXII even if it were amended. The two-thirds requirement for cloture, rather than three-fifths, is simply not needed for this purpose.

The issue of cloture, then, becomes the issue of a minority veto in the Senate. The question is: Should one-third of the Senate be granted an absolute veto over every piece of legislation that comes before this body? The answer, in my opinion, is "No."

DEBATE

Being realistic, we must recognize that on almost all measures, detailed discussion and drafting takes place in the committees. On almost every occasion when major legislation is considered, floor debate acquaints the Members of the Senate not involved in committee consideration with the provisions of a particular piece of legislation and arguments for its passage or rejection. Occasionally, legislation is actually written on the floor, and occasionally, extended debate is required because an issue is particularly complex or controversial. Normally, those who want to discuss any measure, even for hours on end, are granted that privilege without question. Indeed, experience suggests that the problem of debate in the Senate is usually one of germaneness, not inadequate time for discussion.

Of course, rule XXII is not written for the normal situation. But the proposed three-fifths modification of rule XXII would be more than sufficient to protect the rights of Senators to full debate. In the past decade, cloture was attempted 24 times; it succeeded on only four occasions. If the three-fifths modification had been in effect, cloture would have been invoked only eight times.

More significantly, the Senate moves toward cloture only after full debate, because many Senators, including myself, will not vote for it until an issue has been fully aired. In 1962, cloture was invoked after 2 months of debate on the Communications Satellite Act. Cloture on the Civil Rights Act of 1964 followed 57 days of formal debate; consideration of the Voting Rights Act of 1965 was ended after a month and a half of debate. Finally, the 1968 open housing law was voted upon after cloture stopped a full month of consideration. Certainly, modification of the two-thirds requirement to three-fifths will not alter the Senate tradition of full and adequate debate.

And it should be noted that even after cloture is obtained, rule XXII provides for 1 hour of floor time for each Senator. In 1968, 7 days of debate followed cloture on the civil rights bill. Theoretically, there could be debate for 6 hours every day lasting over 3 weeks after cloture under the provisions of the cloture rule.

There will always be enough Senators who believe deeply in full debate in principle and for their own protection, and they will not vote for cloture until after everyone has had his say. Thus rule XXII, as modified, to require three-fifths of those present and voting for cloture will remain as a firm protection for each Senator's "first amendment" rights on the floor.

The question before us then, is not so much one of the full debate, but one of minority veto.

MINORITY VETO

The question of minority rights in the Senate, as in the Nation, is necessarily complex. Let us recognize from the outset that our conception of democracy is much broader than just rule by a majority vote. At its core, the American conception of democracy has always contained many guarantees to real and potential minorities. Some guarantees concern democratic procedures, such as voting, free speech, and redress of Government; others involve substantive rights such as protection from Government harassment, intimidation, or injustice. But most important, our society of varying groups and diverse interests has evolved a system of government and tradition that permits each minority to have access to the decisionmaking when its own interests are at stake. We try—not always successfully—to consult every group that is affected by a decision. In order to maintain a democratic society and a government of consent, we must guarantee that every minority has substantial access to decisionmaking in areas that affect it.

These democratic principles and guarantees are imbedded in our traditions, our Constitution, and our institutions of Government. The Senate plays a key part in providing minorities—racial, geographic, and ideological—an access to power and a protection of their fundamental interests. Whether it has been State representation, committee structure, or Senate rules, this body is a fundamental piece of the structure of minority rights. No discussion of rule XXII, or any changes in the Senate should brush over this point lightly.

But minority protection and minority representation are not the equivalent of minority veto. Not at all. A minority veto is an extreme and powerful way to protect minorities, but it is not the only way by any means. This point is important, because minority rights must be balanced against majority rule. This may seem a trite phase, but it also represents the most difficult task of democratic government. The business of government must go on. In the long run, a substantial amount of what a majority wants must be granted, or democracy fails and government founders. Compromise is the key to accommodating the majority and minority. But obstruction is not compromise, and rule XXII too often is obstruction.

In striking the balance between the minority and the majority, we are working in the Senate with an ongoing legislative process. We are talking about the ability of minorities to influence the course of action, to make their weight felt, to demand a compromise. This is quite different from other kinds of minority rights—such as constitutional protection of democratic processes, which demand absolute protection.

In the Senate, we are concerned with relative power, with the shifting alliances and reappearing minorities. We must adjust the various rules, committee structures, and overall organization of the Senate to insure that minorities are not ignored and that they must be consulted, while allowing a majority to perform the tasks of Government.

When we examine candidly, the balance between the power of minorities and majorities in the Senate, I believe we can conclude only that rule XXII, as it is written and applied today, grants too much power to minorities. This results from two factors. First, the two-thirds requirement gives 34 or so Senators an absolute veto over any measure that comes before the Senate. This is not merely minority influence, it is absolute minority decision—in a negative way.

Second, the filibuster has been used more and more. In the past decade, cloture was attempted 24 times on major issues. It was successful only four times. It is impossible to count accurately the number of measures that were abandoned because a certain filibuster made the cause hopeless. Some of the most

pressing business of the Nation, some of its most needed reforms, and protection of some of its most precious values were delayed or destroyed by rule XXII.

What has developed is almost a replacement of the normal majority rule of the body with a two-thirds majority rule. I see no sanction for this procedure in the Constitution, nor justification for it in our practice.

Our Nation needs a Congress that can grapple with its great problems, and that produces reasoned, adequate responses to those problems. Experience of the past decade indicates that events move so swiftly, and matters are so complex, that we can survive only if we anticipate our gravest challenges. But all too often, we are struggling to cope with yesterday's challenges. No wonder our citizens are so critical of our performance.

The cost of delay is often staggering. For example, had we been able to meet the challenge of the civil rights movement more rapidly, if we had granted equal rights more quickly, I am convinced that much of today's violence and disillusion among black people would not have developed. A majority was ready to act, but it could not.

Our Nation demands greater responsiveness from Congress. Responsiveness requires more than good listening; it requires a positive feedback—a response. But we move too lowly, mired in outdated traditions.

Our procedures are imbalanced. We have, with the two-thirds requirement of rule XXII, created a veto that seriously obstructs the main business of the Senate. For this reason, I support Senate Resolution 9 which would lower the requirement for cloture to three-fifths of those voting. This would still give a substantial minority veto, while allowing legislation to pass which receives the backing of a very large majority.

Such a change does not by any means deprive a minority of its influence in this body. In fact, our procedures are still riddled with rules and practices that grant what in effect are numerous vetos to small numbers in this body. The whole fabric of our traditions in the Senate is one of delay and compromise. No one will be trampled and nothing will be stampeded if this change is made.

We should also be clear that matters of fundamental importance, constitutional changes, require a two-thirds majority in the Senate regardless of rule XXII. We are only discussing the power of the majority over ordinary legislation. Indeed, it is significant that the Constitution does not provide for any minority veto at all in the Senate. Minority protection rested on the principle of State representation. The Founding Fathers of the Continental Congress and the organizers of the first Senate used the "previous question" allowing a majority to cut off debate. There is nothing sacred or constitutional about rule XXII or the two-thirds number, both of which have been changed often in the history of the Republic.

The prospects of amassing a two-thirds majority to bring about a vote may rest in large measure this year upon the vote-gathering efforts of the White House. I hope the President will publicly and forcefully back the efforts of those who are attempting to modernize the Senate procedures.

In the past 2 years this administration has on occasion blamed Congress for a failure to respond to its legislative programs. And no doubt, if the President's program does not move forward, we shall hear more of this. It seems to me incumbent upon an administration which asks so much responsiveness from Congress to help reform procedures so that programs cannot be stopped by a small minority.

I was deeply disappointed by the Vice President's failure to join our effort in reforming outdated Senate procedures. His failure to issue even an advisory opinion on the appropriate procedures needed to revise rule XXII not only represents a rejection on the position of the then Vice President HUBERT HUMPHREY in 1969, but also is a retreat from the stance President Nixon took as Vice President in 1958.

In such a complicated parliamentary situation as the one in which we find ourselves today, the assistance of the President of the Senate could be absolutely critical to the success of reform. In the light of the President's suggestion of January 5 of this year that Congress revise its "'turn-of-the-century' work schedules and procedures" coupled with a bitter attack upon our legislative record, the Vice President has a heavy burden of responsibility which he has evaded. We need the help of the President and the Vice President. I hope they will offer it. I ask for it.

If the Congress is to remain a responsive and responsible body, we must reform our procedures. If we are to begin to grapple with our most basic difficulties, we must streamline those procedures and make them more democratic. For if we cannot do better, if we cannot govern more effectively, we will lose the confidence of our people.

Modification of rule XXII is the first substantial step in that direction. If we fail to take it, we cannot begin serious reform.

APPLICATION OF GERMANENESS RULE

Mr. COOPER. Mr. President, I send to the desk a bill to provide——

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. BYRD of West Virginia. Mr. President, may I respectfully call to the attention of the able Senator from Kentucky that the Pastore rule covering germaneness has not yet run its course. It will do so shortly.

Mr. COOPER. I thank the Senator.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the standing rules of the Senate with respect to the limitation of debate.

Mr. HUMPHREY. Mr. President, ever since my first days in the U.S. Senate, I have been deeply concerned about the efficacy and adequacy, and, indeed, the justice of the rules of this body.

It has always been my view that each Senator as he comes to this body in each election has the opportunity to cast his vote as to the kind of rule or set of rules he would like to have to govern his performance or his participation.

This is why, during my career in the Senate and my service as a presiding officer of this body, I believed that each new Congress should have within its prerogative the right and the power to establish a new set of rules by majority rule.

The question before us is Senate Resolution 9, and that resolution represents years of consultation, years of cooperation and conciliation, over the subject of rule XXII. There have been Senators in this body in years past who believed in what we call a simple majority as the proper number to put a stop to debate under the rule of cloture. After all, article I of the Constitution provides that a quorum shall be adequate to do business, that a majority of a quorum can do business. It is entirely possible within this body, with 51 Senators answering the roll, that 26 of those 51 would pass important legislation.

There are others who believe we ought to have what is known as a constitutional majority to bring debate to a close, which would require, under the present number of Senators, 51 votes.

Changes have been made in rule XXII. At one time it was required that there be a two-thirds majority of Senators in order to impose cloture. We now have the requirement of a two-thirds majority of those present and voting to impose cloture—a slight modification, a slight improvement, over the earlier rule.

On this occasion, in this the 92d Congress, we are not pressing for a simple majority to close debate. We are not pressing for a constitutional majority to close debate. We are asking for a very slight modification of the existing rule XXII, which would permit three-fifths of the Senators present and voting to close debate. That would mean that if all 100 Senators were present, 60 could close debate.

Mr. President, a majority of this body, along with the House of Representatives, can declare war. A majority of this body, along with a majority of the House of Representatives, can appropriate hundreds of billions of dollars. A majority of this body can supena a citizen, can hold him in contempt of the Congress.

The only time that a vote of two-thirds is required under the Constitution is when it specifically so requires as in consent to treaties and the overriding of Presidential vetoes.

So while I have long been a supporter of what I consider to be a constitutional principle of representative government, namely, majority rule, I have indicated to the distinguished majority leader, to our distinguished majority whip, to my colleagues in this body, that I believe the time is at hand for us to settle on at least some modest improvement in the rules, and therefore I support Senate

Resolution 9, believing it will expedite the work of this body without in any way jeopardizing the rights of any Member of this body.

Let us not forget that even when cloture was applied, if it were applied, 100 hours of debate would be available, 1 hour for each Senator. Cloture is never applied, nor even attempted, until this body has worked its will for a long period of time, as the distinguished Senator from Maine (Mr. MUSKIE) has just so fully identified and outlined for us.

I would like to bring one message to my colleagues. I have been removed from this body as a Senator and a Presiding Officer for 2 years, returning here with the 92d Congress. I know that my colleagues have also been home to visit their constituents. I know that they are avid readers of the press, that they are alert to the weight and force of public opinion. But when one is away from here every day for some 2 years and hears the people complaining about what they consider to be the ineffectiveness of the congressional processes, the lag, the slowdown, the failure to act decisively, and when there are good citizens, without regard to party, who are unable to understand even though they are the educated and intelligent people that they are, why this body cannot move, why it is caught in its own system, why it is bogged down in its own procedures, while it fails to come to grips with substance and dilly-dallies with procedure—I think it is time for the Senate to take a good look at its processes.

Why do I say that? To restore the confidence of the people in congressional government, in the system of government which is ours.

Mr. President, I am privileged to be one of the signers of the cloture motion and it is my hope that cloture can be applied. But whatever may be the result of the cloture vote since every day, and day after day, so to speak, every Senator has had an opportunity to be heard and get on the record, I hope we can just go ahead and vote on Senate Resolution 9. We can amend the rules of the Senate by a simple majority, unless there is a filibuster, unless the most undemocratic of all procedures is exercised.

I repeat, in the filing of the cloture motion, and when that motion is called up for a vote, on Thursday next, I would hope we would have sufficient votes to apply cloture. Even after that we will have 100 hours of prolonged debate, in which period of time nothing new, really, can be said. It has been said time after time, year after year, week after week, month after month, day after day. God in his infinite wisdom could not create a new argument on rule XXII. It has all been said. It is but a matter now of each of us getting on record.

Therefore, I would hope those Senators who feel so strongly in opposition to Senate Resolution No. 9 would permit us just to come to a vote on the change of rule XXII from the figure of two-thirds of those present and voting to three-fifths of those present and voting—a modest change, but it may be very, very important. It protects individual rights. It protects the right of the minority to be heard. It protects people from any emotional action on the part of this body.

There is merit in debate. There is considerable merit even in prolonged debate over crucial issues. But there is no merit in a procedure which stops the processes of representative government; and that is what the effect of the present rule XXII has been in most instances, until we arrive at the point where the Nation is ready to explode.

I well recall when I was floor leader for the comprehensive Civil Rights Acts of 1964, the months of time that we put in to get action on that all important measure; and as has been said today, had we acted possibly five years or ten years sooner, much of the troubles that we have gone through these last few years might well have been avoided; at least I would have hoped so.

Mr. President, we are fortunate in having for Senate Resolution 9 great, broad bipartisan support, including the support of both the leaders, the majority leader and the minority leader of the Senate. We are fortunate in having support across all geographical areas of this country, from large States and small States, and from new Senators and Senators with considerable seniority.

I think that the resolution represents the distilled wisdom and judgment of this body. I remember, when the Senator from New Mexico (Mr. ANDERSON) first presented the proposal for a three-fifths vote of the Senate as an adequate number to end debate, there were those of us in those days who felt that this was not enough, and that he was not going far enough.

Perhaps it is to be expected that time and experience would bring about a rethinking of earlier positions. I would hope so. I believe it is desirable for us to move ahead, even if not as far as I would like, but to move in the right direction, namely forward. Sometimes we cannot make a quantum jump. Sometimes we have to settle for what may be even better: a qualitative improvement. I believe Senate Resolution 9 is a qualitative improvement, and I am convinced that the people will feel so.

My plea is not just to Senators, but to the whole institution of government, that we show by our actions here that we know we are in the last third of the 20th century, and that we act accordingly, and demonstrate that there may be need for change. Everything else is changing all around us. It is as inevitable as death itself. And yet, for some reason, there are those who feel that there needs to be no change in the procedures—particularly the all important procedure of debate, which govern the institutions of representative government.

I, too, rise to call upon the representative leaders of this government, in and out of Congress, to speak up now, not only for reform where it may be needed in the executive branch, but for reform where it is needed in the legislative branch.

Reforms are being made. They have been made in the Senate. There are more of them yet to be made. Reforms are being made in the other body. But the great reform that is needed is that which will permit this body to work its will without diminishing the rights of any minority, without in any way stifling appropriate, proper, and extended debate, so that the Senate of the United States can act.

It has been said today that the present President of the United States once, through an advisory opinion from the presiding officer's chair, gave impetus to the possibility of the change of rule XXII. It was an important advisory opinion, and I rose on that occasion, Mr. President, to support the then Vice President of the United States, Mr. Nixon. I was one of the Democrats who supported his advisory opinion. It is not a partisan matter with me. And now I would hope that, since the President of the United States is so deeply concerned about cooperation between the legislative branch and the executive, that once again he would at least remind the country and Congress that rules of procedure sometimes affect the substance of legislation. I am sure that he feels that, once having made his advisory opinion, it is a matter of record; and it is. For that I commend him. The President is a powerful political figure. I say to him, "You have asked for many changes in government, in direction, and in policy, and I would hope that one of those changes might be in procedures which could expedite other changes."

I would hope also that those who oppose us now on this change of rules would have a change of heart. Not a single State would be injured. Not a single citizen would be denied his equal protection of the laws. Not a single region will suffer if the Senate of the United States modifies rule XXII within the instructions of Senate Resolution 9. It is not a rule change that would deny anyone his rights or his citizenship privileges or senatorial prerogatives.

It is not a gag rule, as so often has been said in debates in other years. We do not gag a Senator or the Senate by changing rule XXII to the point where three-fifths of the Senators present and voting can terminate debate under cloture, with that termination having another lifeline of 100 hours of debate following cloture. That is not gagging. Gag rule, Mr. President, is when nothing can be done; when the processes of the Senate are gagged by the filibuster—an ugly word at a time when we need to be rid of ugliness, and a word, if you please, that defies every principle of democratic government.

Throughout the 50 States of this land, Mr. President—and we have many Members of this body who speak of the importance of local government and State government—there is not a single city council nor a single State legislature that I know of which permits the use of the filibuster to destroy or make inoperative the processes of majority rule. And yet we say the power of the Government of the United States is derived from the people, and the 10th amendment says that all powers not delegated to the National Government reside in the States or the people thereof. That is called the great principle of federalism. I would suggest that there is adequate precedent in history, in democratic principle, and in governmental practice, for the adoption of Senate Resolution 9, and I would

further suggest that when we adopt it, we can be on with the important business of this body, which will gather up upon us rapidly as the weeks go by.

So, Mr. President, I join with other Senators in supporting Senate Resolution 9, and hope we may act promptly on it in the coming weeks.

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

Mr. HUMPHREY. I yield.

Mr. RANDOLPH. Mr. President, the able Senator, who comes to us again in the role as a Senator from Minnesota, is, of course, welcomed to this Chamber and remembered for his leadership in public affairs over a long period of time. This is not a cursory compliment, because I state it in connection with the continuing effort of the Senator from Minnesota, our former Vice President, to secure revision of Senate rule XXII.

I wonder if the Senator would tell us why he retreats at least in part from advocating the simple majority position to the position represented in the resolution of three-fifths of the Senate. I recall very well when he led a magnificent effort, in company with former Senator Wayne Morse, of Oregon, in pressing for a simple majority to limit debate.

Mr. HUMPHREY. I will be happy to respond to the Senator.

The Senator may recall that the distinguished minority whip, Senator Kuchel, the former Senator from California, was also a very active participant in those days, as was the Senator from West Virginia. I know that when he spoke to us in the Democratic caucus, he once again reminded us of his commitment to the principle of majority as the way of governing and also of stopping the so-called filibuster.

I say to the Senator from West Virginia that I have not abandoned my basic feeling or basic commitment to the right of a majority to govern, to legislate, to change rules, and to cut off debate. But I think that I am very realistic. I do not think that that is possible to achieve in this Senate. It was not possible before, and I have seen no real rush of converts.

I am anxious that we make some progress, that we at least relax and make more flexible, and I think much more effective, rule XXII by a modification such as presented in Senate Resolution 9.

Some people would say, "Well, you have abandoned your fight, Mr. HUMPHREY." My answer is, "No, I have not."

I must say that if my target is to run a mile and I feel that all that is possible within my means is to run a half mile, it is better to go the half mile than it is to stand still and never start on the journey.

I want to support Senate Resolution 9 because I want action, because I want to see things done in the Senate to restore the confidence of the people in the adequacy, the efficiency, the efficacy, and the ability of this body to govern and to legislate, and I believe that Senate Resolution 9 will help. It is not a cure, but it is more than a palliative. It is a step, an important step, in the right direction.

We have new leadership for it here, in the Senator from Idaho and the Senator from Kansas—bipartisan leadership. As I have said, we have the majority leader, the distinguished Senator from Montana, and the distinguished minority leader, the Senator from Pennsylvania, in support of it. I think we have in this body the votes overwhelmingly to adopt Senate Resolution 9; and I hope that those who have stood in opposition to it now will recognize that among the supporters of Senate Resolution 9 are some of their most faithful and trusting friends and associates.

That is my position.

Mr. RANDOLPH. Mr. President, I am grateful for the forthright response of my distinguished colleague in this matter. I did not presume to think that he had abandoned his earlier crusade. I, of course, join him wholeheartedly in wishing very much for modification from the two-thirds to the three-fifths.

But I want to vote in this body upon the simple majority, just as there have been earlier votes on the issue of a simple majority. I believe that it was right when it was offered in the past, and an amendment to require only a simple majority to limit debate is pending at the desk.

It shall be my purpose to support the three-fifths. But I am hopeful that we can vote on the other proposal. I do not want to move ahead of anyone in this matter, but if there is not an attempt to vote upon the simple majority, I will endeavor to have that done. I firmly believe that the Members of the Senate should be given this further opportunity.

I remind Senators—and I emphasize this—that limiting debate by a simple majority will not preclude adequate and sufficient debate on any important measure. We know that a cloture petition certainly would not be offered in the first 2 or 3 days of discussion and debate. It would be filed 10 days or 2 weeks or even longer after a matter comes before us for determination. After those several days—possibly weeks—of debate, if cloture were imposed by a simple majority, 100 hours of debate would remain, if it were to be used by the 100 Senators in this body. It is understood that the 1 hour allotted to each Senator could not be allotted to another Senator. Thus there would be a substantial time for Senators who might want to speak beyond the date when cloture had been invoked. This could add many days of debate on the subject matter under consideration.

So I trust that my colleague will not lessen his interest in the simple majority. He is a realist, as he has said. I am a realist, too. I know we are nearing the time when we can possibly modify rule XXII to require only three-fifths. I have read news stories, however, that we are five, six, or seven votes short even of that departure from the present rule. I reiterate my belief that we should have a testing again of the proposal to limit debate by a simple majority.

The Senator from Minnesota has just returned to this body, through the action of the electorate of Minnesota last November. I do not know what his exact majority was. It was a very substantial, splendid, and deserved majority. However, had he won by one vote, he would be in the Senate and he would be speaking at this time. That is the basic way we should govern and exercise control over the debate in this Chamber. We pass upon an important appropriation bill involving billions of dollars, and it can be approved if there is a majority in favor of that measure. That is our procedure here except in the case of a constitutional amendment.

In this time of so many critical and complex issues, we can no longer afford the luxury of unlimited debate. I have said many times that I felt there is a deterioration in the consideration of the public business when a filibuster is resorted to in the United States. It is my belief that the citizens of our Nation sense and feel this. They know well of the failure of the Senate to conduct crucial business in an orderly manner when the membership becomes engaged in a filibuster. A most recent and glaring example of our inability to proceed with consideration and action on legislative proposals was witnessed during the closing days of the 91st Congress. At that time, I stated that the filibuster in the Senate has created a legislative shambles. And I do not feel that my comment was an overstatement of the case. There is no doubt in my mind that we will find ourselves in that situation more and more. The very nature of our increasing responsibilities and issues which we must resolve demand that the Senate develop more orderly and reasonable procedures. Modification of rule XXII is long overdue. The Senate must make a change now—and that change should be approval of the proposal requiring only a simple majority to limit debate on an issue. Thomas Jefferson said:

> I know that laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times.

The Senate is an institution and it must advance also to keep pace with the times.

Mr. President, I am grateful for the courtesy of the Senator from Minnesota in yielding to me.

I hope I may have his further expression—if he desires to make it—of an endorsement of this proposal that may be long in coming into being. When it does, it will be through the aid and the leadership of men like the Senator from Minnesota.

Mr. HUMPHREY. I respond to the Senator from West Virginia by saying that when the amendment providing for a simple majority is called up, it shall again have my vote. But I want to say to the Senator that I am most anxious that we make the progress that I believe this body must have, particularly at this very critical time, when there is great disenchantment with Government—really, a lack of faith on the part of the people, a lack of confidence in Government on the part of the people and in what we call parliamentary processes.

Therefore, we shall continue our struggle to improve these rules. I consider the three-fifths a decided improvement. I do not consider it to be all that

I want. The Senator may recall that I felt in my role as Presiding Officer of this body at one time that a majority, in the opening of a new Congress, had the right to establish its own rules. That was overruled by a vote of the Senate, but not overwhelmingly. It was a rather close vote. One learns in Government, particularly in our system of government, that we make our fight, we take our stand, we hopefully get a vote, and, if we lose, we accept that decision and come back to fight again another day.

What I am asking for and what the Senator from West Virginia is asking for is that we have the right to do that under rule XXII; namely, that we have the right to debate and come to a decision on the substance of legislation. But what rule XXII presently does is to deny this body in all too many instances—not all, but in too many instances—as has been described so fully by other Senators, the opportunity for the Senate and Senators to make an ultimate decision or a definitive decision on substance or substantive legislation.

What the Senator said a moment ago about the majority, for example, on appropriations, that the majority can make a declaration of war, and a majority can hold a fellow citizen in contempt of Congress—all kinds of things—practically everything we do here is by majority rule, with the exception of those few instances where it is specifically detailed by the Constitution that it will require other than a majority. For instance, that a quorum shall be sufficient to do business. When a majority of a quorum is had, we can do anything, with the exception of the limitations imposed in the Constitution.

But, again I say, I want our colleagues to know that we are not obstructionists, that those of us for favor and continue to favor what we call majority rule or constitutional majority in rule XXII shall not take the time to argue ad infinitum about that.

I would like the chance, once again, to reaffirm my position, but I would also like the opportunity to see the Senate get down to business on substance. I am going to help in every way that I can to bring about a reconciliation of views here. One thing the country needs today is reconciliation. It needs that more than anything else. We are going to have to spend, I believe, some time with each other, not to compromise away our principles, but I think, in a sense, to reconcile some of the minutia from the important things so that we make steady progress.

What this Nation needs is a cruising speed toward its objectives, not what we might call a hazardous takeoff or a crash landing. We do not need spurts. We need a steady forward movement.

I consider the modifications which are being suggested here in the rules a steady, forward, constructive movement. I want to do what I can in any way to help. In fact, may I say to the Senator, if I thought it would help to get one extra vote for the three-fifths, I would stand aside on any other proposal. I must say that to the Senator in all honor, even though this would be an abdication of what I have stood for for a long time, simply because I want to see action.

We have the right to call up the majority rule amendment, and if the Senator sees to that, as he has in the past, he will have my support. I will be, let me say, most pleased to stand shoulder to shoulder with him.

Mr. RANDOLPH. Mr. President, I am appreciative of the response of the Senator from Minnesota. As always, he speaks eloquently and effectively. I just want him to continue to climb the hill. I do not want him to feel that he has to stop at any point until he meets that summit toward which he looks.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and also ask unanimous consent that I retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, has the period for germaneness passed?

The PRESIDING OFFICER (Mr. BEALL). It has.

S. 750—INTRODUCTION OF A BILL TO PROVIDE COMPENSATION FOR PERSONS INJURED BY CERTAIN CRIMINAL ACTS

Mr. MANSFIELD. Mr. President, the U.S. Senate in the past Congress, in my estimation, achieved an outstanding record in the area of crime control. It focused its attention squarely on every proposal submitted as a crime-fighting tool. It considered fully every recommendation offered against the criminal. And it passed an abundance of legislation. Hopefully, its efforts in the fight against crime will be effective.

For my own part in the fight, I introduced legislation which would increase penalties and make them mandatory for all persons convicted of crimes involving the use of guns. That measure was enacted into law. With it, the criminal gun user is on notice that his act of violence will be met squarely with a separate and certain penalty.

But in directing our full attention to how we can best combat the alarming crime rise we have ignored, unfortunately, certain aspects of the problem. The point has been reached, for example, where we must give consideration to the victim of crime—to the one who suffers because of crime. For him, society has failed miserably. Society has failed to protect its members adequately. To those who suffer, society has an obligation.

At the very least, the victim of crime should be made whole for suffering personal injury. To that end, at the close of the last Congress, I submitted a proposal to compensate those who suffer from criminal violence. Under it, any person who is personally injured in the perpetration of any crime would receive pecuniary compensation. There would be established a Federal Violent Crimes Compensation Commission which would make direct awards to the victim for injuries suffered in the course of the crime committed within the Federal criminal jurisdiction. In addition, a system of revenue sharing in the form of grants would underwrite similar State compensation commissions for the victims who suffer from crimes within State and local criminal jurisdictions.

I would only reiterate that, when the protection of society is not sufficient to prevent a person from being victimized, society then has the obligation to compensate the victim for that failure of protection. The measure I suggest covers everyone. The unsuspecting victim of rape. The policeman ambushed answering a routine call. The fireman shot by a sniper when responding to an alarm. The ghetto dweller. The suburbanite. In short, this proposal provides for all who suffer personal injury from criminal violence.

Mr. President, this is a time for bold action. This is a time for Congress to demonstrate to the people of America that it is as interested in the problems and suffering of victims of criminal acts as it is in protecting rights of accused criminals.

The time has come to give these matters early attention, and I hope that the Judiciary Committee can schedule early consideration of this and other measures which are designed to give long overdue consideration to the victim.

I submit my bill and ask unanimous consent, as it concerns the general criminal laws, that it be appropriately referred and that its text be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. BEALL). The bill will be received and appropriately referred; and, as requested by the Senator from Montana, the bill will be printed in the RECORD.

The bill (S. 750) to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes; introduced by Mr. MANSFIELD, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 750

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

TITLE I—SHORT TITLE AND DEFINITIONS

SECTION 1. This Act may be cited as the "Criminal Injuries Compensation Act of 1971".

DEFINITIONS

SEC. 102. As used in this Act the term—

(1) "child" means an unmarried person who is under eighteen years of age and includes a stepchild or an adopted child, and a child conceived prior to but born after the death of the victim;

(2) "Commission" means the Violent Crimes Compensation Commission established by this Act;

(3) "dependent" means those who were wholly or partially dependent upon the income of the victim at the time of the death of the victim or those for whom the victim was legally responsible;

(4) "personal injury" means actual bodily harm and includes pregnancy, mental distress, nervous shock, and loss of reputation;

(5) "relative" means the spouse, parent, grandparent, stepfather, stepmother, child, grandchild, siblings of the whole or half blood, spouse's parents;

(6) "victim" means a person who is injured, killed, or dies as the result of injuries caused by any act or omission of any other person which is within the description of any of the offenses specified in section 302 of this Act;

(7) "guardian" means one who is entitled by common law or legal appointment to care for and manage the person or property or both of a child or incompetent; and

(8) "incompetent" means a person who is incapable of managing his own affairs, whether adjudicated or not.

TITLE II—ESTABLISHMENT OF VIOLENT CRIMES COMPENSATION COMMISSION

SEC. 201. (a) There is hereby established an independent agency within the executive branch of the Federal Government to be known as the Violent Crimes Compensation Commission. The Commission shall be composed of three members to be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the members of the Commission as Chairman, who shall have been a member of the bar of a Federal court or of the highest court of a State for at least eight years.

(b) There shall be appointed by the President, by and with the advice and consent of the Senate, an Executive Secretary and a General Counsel to perform such duties as the Commission shall prescribe in accordance with the objectives of this Act.

(c) No member of the Commission shall engage in any other business, vocation, or employment.

(d) Except as provided in section 206(1) of this Act, the Chairman and one other member of the Commission shall constitute a quorum. Where opinion is divided and only one other member is present, the opinion of the Chairman shall prevail.

(e) The Commission shall have an official seal.

FUNCTIONS OF THE COMMISSION

SEC. 202. In order to carry out the purposes of this Act, the Commission shall—

(1) receive and process applications under the provisions of this Act for compensation for personal injury resulting from violent acts in accordance with title III of this Act;

(2) pay compensation to victims and other beneficiaries in accordance with the provisions of this Act;

(3) hold such hearings, sit and act at such times and places, and take such testimony as the Commission or any member thereof may deem advisable;

(4) promulgate standards and such other criteria as required by section 504 of this Act; and

(5) make grants in accordance with the provisions of title V of this Act.

ADMINISTRATIVE PROVISIONS

SEC. 203. (a) The Commission is authorized in carrying out its functions under this Act to—

(1) appoint and fix the compensation of such personnel as the Commission deems necessary in accordance with the provisions of title 5, United States Code;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals;

(3) promulgate such rules and regulations as may be required to carry out the provisions of this Act;

(4) appoint such advisory committees as the Director may determine to be desirable to carry out the provisions of this Act;

(5) designate representatives to serve or assist on such advisory committees as the Director may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies developing or carrying out policies or programs related to the purposes of this Act;

(6) use the services, personnel, facilities, and information (including suggestions, estimates, and statistics) of Federal agencies and those of State and local public agencies and private institutions, with or without reimbursement therefor;

(7) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(8) request such information, data, and reports from any Federal agency as the Director may from time to time require and as may be produced consistent with other law; and

(9) arrange with the heads of other Federal agencies for the performance of any of his functions under this title with or without reimbursement and, with the approval of the President delegate and authorize the redelegation of any of his powers under this Act.

(b) Upon request made by the Administrator each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates and statistics) available to the greatest practicable extent to the Administration in the performance of its functions.

(c) Each member of a committee appointed pursuant to paragraph (4) of subsection (a) of this section shall receive $——— a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

TERMS AND COMPENSATION OF COMMISSION MEMBERS

SEC. 204. (a) Section 5314, title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(55) Chairman, Violent Crime's Commission".

(b) Section 5315, title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) Members, Violent Crime's Commission".

(c) Section 5316, title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(130) Executive Secretary, Violent Crimes Commission

"(131) General Counsel, Violent Crimes Commission".

(d) The term of office of each member of the Commission taking office after December 31, 1971, shall be eight years, except that (1) the terms of office of the members first taking office after December 31, 1971, shall expire as designated by the President at the time of the appointment, one at the end of four years, one at the end of six years, and one at the end of eight years, after December 31, 1971; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(e) Each member of the Commission shall be eligible for reappointment.

(f) A vacancy in the Commission shall not affect its powers.

(g) Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(h) All expenses of the Commission, including all necessary traveling and subsistence expenses of the Commission outside the District of Columbia incurred by the members or employees of the Commission under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Executive Secretary, or his designee.

PRINCIPAL OFFICE

SEC. 205. (a) The principal office of the Commission shall be in or near the District of Columbia, but the Commission or any duly authorized representative may exercise any or all of its powers in any place.

(b) The Commission shall maintain an office for the service of process and papers within the District of Columbia.

PROCEDURES OF THE COMMISSION

SEC. 206. The Commission may—

(1) subpena and require production of documents in the manner of the Securities and Exchange Commission as required by subsection (c) of section 18 of the Act of August 26, 1935, and the provisions of subsection (d) of such section shall be applicable to all persons summoned by subpena or otherwise to attend or testify or produce such documents as are described therein before the Commission, except that no subpena shall be issued except under the signature of the Chairman, and application to any court for aid in enforcing such subpena may be made only by the Chairman. Subpenas shall be served by any person designated by the Chairman;

(2) administer oaths, or affirmations to witnesses appearing before the Commission, receive in evidence any statement, document, information, or matter that may in the opinion of the Commission contribute to its functions under this Act, whether or not such statement, document, information, or matter would be admissible in a court of law, except that any evidence introduced by or on behalf of the person or persons charged with causing the injury or death of the victim, any request for a stay of the Commission's action, and the fact of any award granted by the Commission shall not be admissible against such person or persons in any prosecution for such injury or death.

TITLE III—AWARD AND PAYMENT OF COMPENSATION

AWARDING COMPENSATION

SEC. 301. (a) In any case in which a person is injured or killed by any act or omission of any other person which is within the description of the offenses listed in section 302 of this Act, the Commission may, in its discretion, upon an application, order the payment of, and pay, compensation in accordance with the provisions of this Act, if such act or omission occurs—

(1) within the "special maritime and territorial jurisdiction of the United States" as defined in section 7 of title 18 of the United States Code; or

(2) within the District of Columbia.

(b) The Commission may order the payment of compensation—

(1) to or on behalf of the injured person; or

(2) in the case of the personal injury of the victim, where the compensation is for pecuniary loss suffered or expenses incurred by any person responsible for the maintenance of the victim, to that person;

(3) in the case of the death of the victim, to or for the benefit of the dependents or closest relative of the deceased victim, or any one or more of such dependents;

(4) in the case of a payment for the benefit of a child or incompetent the payee shall file an accounting with the Commission no

later than January 31 of each year for the previous calendar year;

(5) in the case of the death of the victim, to any one or more persons who suffered pecuniary loss with relation to funeral expenses.

(c) For the purposes of this Act, a person shall be deemed to have intended an act or omission notwithstanding that by reason of age, insanity, drunkenness, or otherwise he was legally incapable of forming a criminal intent.

(d) In determining whether to make an order under this section, or the amount of any award, the Commission may consider any circumstances it determines to be relevant, including the behavior of the victim which directly or indirectly contributed to his injury or death, unless such injury or death resulted from the victim's lawful attempt to prevent the commission of a crime or to apprehend an offender.

(e) No order may be made under this section unless the Commission, supported by substantial evidence, finds that—

(1) such an act or omission did occur; and

(2) the injury or death resulted from such act or omission.

(f) An order may be made under this section whether or not any person is prosecuted or convicted of any offense arising out of such act or omission, or if such act or omission is the subject of any other legal action. Upon application from the Attorney General or the person or persons alleged to have caused the injury or death, the Commission shall suspend proceedings under this Act until such application is withdrawn or until a prosecution for an offense arising out of such act or omission is no longer pending or imminent. The Commission may suspend proceedings in the interest of justice if a civil action arising from such act or omission is pending or imminent.

OFFENSES TO WHICH THIS ACT APPLIES

SEC. 302. The Commission may order the payment of, and pay, compensation in accordance with the provisions of this Act for personal injury or death which resulted from offenses in the following categories:

(1) assault with intent to kill, rob, rape;

(2) assault with intent to commit mayhem;

(3) assault with a dangerous weapon;

(4) assault;

(5) mayhem;

(6) malicious disfiguring;

(7) threats to do bodily harm;

(8) lewd, indecent, or obscene acts;

(9) indecent act with children;

(10) arson;

(11) kidnaping;

(12) robbery;

(13) murder;

(14) manslaughter, voluntary;

(15) attempted murder;

(16) rape;

(17) attempted rape;

(18) or other crimes involving force to the person.

APPLICATION FOR COMPENSATION

SEC. 303. (a) In any case in which the person entitled to make an application is a child, or incompetent, the application may be made on his behalf by any person acting his parent or attorney.

(b) Where any application is made to the Commission under this Act, the applicant, or his attorney, and any attorney of the Commission, shall be entitled to appear and be heard.

(c) Any other person may appear and be heard who satisfies the Commission that he has a substantial interest in the proceedings.

(d) Every person appearing under the preceding subsections of this section shall have the right to produce evidence and to cross-examine witnesses.

(e) If any person has been convicted of any offense with respect to an act or omission on which a claim under this Act is based, proof of that conviction shall, unless an appeal against the conviction or a petition for a rehearing or certiorari in respect of the charge is pending or a new trial or rehearing has been ordered, be taken as conclusive evidence that the offense has been committed.

ATTORNEYS' FEES

SEC. 304. (a) The Commission shall publish regulations providing that an attorney shall, at the conclusion of proceedings under this Act, file with the agency a statement of the amount of fee charged in connection with his services rendered in such proceedings.

(b) After the fee information is filed by an attorney under subsection (a) of this section, the Commission may determine, in accordance with such published rules or regulations as it may provide, that such fee charged is excessive. If, after notice to the attorney of this determination, the Commission and the attorney fail to agree upon a fee, the Commission may, within ninety days after the receipt of the information required by subsection (a) of this section, petition the United States district court in the district in which the attorney maintains an office, and the court shall determine a reasonable fee for the services rendered by the attorney.

(c) Any attorney who willfully charges, demands, receives, or collects for services rendered in connection with any proceedings under this Act any amount in excess of that allowed under this section, if any compensation is paid, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

NATURE OF THE COMPENSATION

SEC. 305. The Commission may order the payment of compensation under this Act for—

(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(2) loss of earning power as a result of total or partial incapacity of such victim;

(3) pecuniary loss to the dependents of the deceased victim;

(4) pain and suffering of the victim; and

(5) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable.

FINALITY OF DECISION

SEC. 306. The orders and decisions of the Commission shall be reviewable in the appropriate court of appeals, except that no trial de novo of the facts determined by the Commission shall be allowed.

LIMITATIONS UPON AWARDING COMPENSATION

SEC. 307. (a) No order for the payment of compensation shall be made under section 501 of this Act unless the application has been made within two years after the date of the personal injury or death.

(b) No compensation shall be awarded under this Act to or on behalf of any victim in an amount in excess of $25,000.

(c) No compensation shall be awarded if the victim was at the time of the personal injury or death living with the offender as his spouse or in situations when the Commission at its discretion feels unjust enrichment to or on behalf of the offender would result.

TERMS AND PAYMENT OF THE ORDER

SEC. 308. (a) Except as otherwise provided in this section any order for the payment of compensation under this Act may be made on such terms as the Commission deems appropriate.

(b) The Commission shall deduct from any payments awarded under section 301 of this Act any payments received by the victim or by any of his dependents from the offender or from any person on behalf of the offender, or from the United States (except those received under this Act), a State or any of its subdivisions, for personal injury or death compensable under this Act, but only to the extent that the sum of such payments and any award under this Act are in excess of the total compensable injuries suffered by the victim as determined by the Commission.

(c) The Commission shall pay to the person named in the order the amount named therein in accordance with the provisions of such order.

TITLE IV—RECOVERY OF COMPENSATION

RECOVERY FROM OFFENDER

SEC. 401. (a) Whenever any person is convicted of an offense and an order for the payment of compensation is or has been made under this Act for a personal injury or death resulting from the act or omission constituting such offense, the Attorney General may within — years institute an action against such person for the recovery of the whole or any specified part of such compensation in the district court of the United States for any judicial district in which such person resides or is found. Such court shall have jurisdiction to hear, determine, and render judgment in any such action.

(b) Process of the district court for any judicial district in any action under this section may be served in any judicial district of the United States by the United States marshal thereof. Whenever it appears to the court in which any action under this section is pending that other parties should be brought before the court in such action, the court may cause such other parties to be summoned from any judicial district of the United States.

(c) The Commission shall provide to the Attorney General such information, data, and reports as the Attorney General may require to institute actions in accordance with this section.

EFFECT ON CIVIL ACTIONS

SEC. 402. An order for the payment of compensation under this Act shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death.

TITLE V—VIOLENT CRIMES COMPENSATION GRANTS

GRANTS AUTHORIZED

SEC. 501. Under the supervision and direction of the Commission the Executive Secretary is authorized to make grants to States to pay the Federal share of the costs of State programs to compensate victims of violent crimes.

ELIGIBILITY FOR ASSISTANCE

SEC. 502. (a) A State is eligible for assistance under this title only if the Executive Secretary, after consultation with the Attorney General, determines, pursuant to objective criteria established by the Commission under section 504, that such State has enacted legislation of general applicability within such State—

(1) establishing a State agency having the capacity to hear and determine claims brought by or on behalf of victims of violent crimes and order the payment of such claims;

(2) providing for the payment of compensation for personal injuries or death resulting from offenses in categories established pursuant to section 504;

(3) providing for the payment of compensation for—

(A) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(B) loss of earning power as a result of total or partial incapacity of such victim;

(C) pecuniary loss to the dependents of the deceased victim;

(D) pain and suffering of the victim; and

(E) any other pecuniary loss resulting from the personal injury or death of the vic-

tim which the Commission determines to be reasonable, and which is based on a schedule substantially similar to that provided in title III of this Act.

(4) containing adequate provisions for the recovery of compensation substantially similar to those contained in title IV of this Act.

STATE PLANS

SEC. 503. (a) Any State desiring to receive a grant under this title shall submit to the Commission a State plan. Each such plan shall—

(1) provide that the program for which assistance under this title is sought will be administered by or under the supervision of a State agency;

(2) set forth a program for the compensation of victims of violent crimes which is consistent with the requirements set forth in section 502;

(3) provide assurances that the State will pay from non-Federal sources the remaining cost of such program;

(4) provide that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title; and

(5) provide that the State will submit to the Executive Secretary—

(A) periodic reports evaluating the effectiveness of payments received under this title in carrying out the objectives of this Act, and

(B) such other reports as may be reasonably necessary to enable the Executive Secretary to perform his functions under this title, including such reports as he may require to determine the amounts which local public agencies of that State are eligible to receive for any fiscal year, and assurances that such State will keep such records and afford such access thereto as the Executive Secretary may find necessary to assure the correctness and verification of such reports.

(b) The Executive Secretary shall approve a plan which meets the requirements specified in subsection (a) of this section and he shall not finally disapprove a plan except after reasonable notice and opportunity for a hearing to such State.

BASIC CRITERIA

SEC. 504. As soon as practicable after the enactment of this Act, the Commission shall by regulations prescribe criteria to be applied under section 502. In addition to other matters, such criteria shall include standards for—

(1) the categories of offenses for which payment may be made;

(2) such other terms and conditions for the payment of such compensation as the Commission deems appropriate.

PAYMENTS

SEC. 505. (a) The Executive Secretary shall pay in any fiscal year to each State which has a plan approved pursuant to this title for that fiscal year the Federal share of the cost of such plan as determined by him.

(b) The Federal share of programs covered by the State plan shall be 75 per centum for any fiscal year.

(c) Payments under this section may be made in installments, in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(d) Grants made under this section pursuant to a State plan for programs and projects in any one State shall not exceed in the aggregate 15 per centum of the aggregate amount of funds authorized to be appropriated under section 603.

WITHHOLDING OF GRANTS

SEC. 506. Whenever the Executive Secretary, after reasonable notice and opportunity for a hearing to any State, finds—

(1) that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under section 503; or

(2) that in the operation of any program assisted under this Act there is a failure to comply substantially with any applicable provision of this Act;

the Executive Secretary shall notify such State of his findings and that no further payments may be made to such State under this Act until he is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected.

REVIEW AND AUDIT

SEC. 507. The Executive Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, to any books, documents, papers, and records of a grantee that are pertinent to the grant received.

DEFINITION

SEC. 508. For the purpose of this title the term "State" means each of the several States.

TITLE VI—MISCELLANEOUS

REPORTS TO THE CONGRESS

SEC. 601. The Commission shall transmit to the President and to the Congress annually a report of its activities under this Act including the name of each applicant, a brief description of the facts in each case, and the amount, if any, of compensation awarded, and the number and amount of grants to States under title V.

PENALTIES

SEC. 602. The provisions of section 1001 of title 18 of the United States Code shall apply to any application, statement, document, or information presented to the Commission under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 603. (a) There are authorized to be appropriated for the purpose of making grants under title V of this Act $——— for the fiscal year ending June 30, 1972; $——— for the fiscal year ending June 30, 1973; and $——— for the fiscal year ending June 30, 1974.

(b) There are hereby authorized to be appropriated such sums as may be necessary to carry out the other provisions of this Act.

EFFECTIVE DATE

SEC. 604. This Act shall take effect on January 1, 1971.

S. 787—INTRODUCTION OF THE RIMROCKS NATIONAL MONUMENT BILL

Mr. MANSFIELD. Mr. President, on behalf of my able colleague, Senator LEE METCALF and myself, I have sent to the desk legislation which would provide for the establishment of the Rimrock National Monument near Billings in eastern Montana. The purpose of this legislation is to authorize the inclusion of the Rimrocks, a fantastic natural formation, in the national park system as a national monument.

In the past year, a movement has been generated to give the Rimrocks National Monument status so as to protect them in their natural state and preclude any damaging development. In September of last year the National Park Service was most cooperative in sending a task force to Billings for an on-the-ground survey of the natural rock formations. It is my understanding that the Federal officials were most impressed with the beauty, history, and scientific values of the Rimrocks. This group is now in the process of preparing its report for the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, which will meet in April. Hopefully, this recommendation will be favorable. In the interim, the people of Montana wish to let it be known that we stand behind this proposal 100 percent, and it is for this reason that my distinguished colleague and I have now introduced this bill. As soon as the report to the Advisory Board is made available, I hope that the Congress will then be able to expedite the enactment of Senator METCALF's and my Rimrocks National Monument proposal.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks "The Case for the Rimrocks National Monument" as prepared by one of the many enthusiasts in the Billings area, Kim Larsen.

I also ask unanimous consent that a copy of the bill introduced by the Senators from Montana be printed in the RECORD.

The PRESIDING OFFICER (Mr. BEALL). The bill will be received and appropriately referred; and, without objection, the bill and the material referred to by the Senator from Montana will be printed in the RECORD.

The bill (S. 787) to authorize the establishment of the Rimrocks National Monument in the State of Montana, and for other purposes, introduced by Mr. MANSFIELD (for himself and Mr. METCALF), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve in public ownership for the education and inspiration of the people a significant natural area of open space containing typical geological and erosional features, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to designate an area of not to exceed eight hundred and fifty acres comprising the rimrocks adjacent to the City of Billings, Montana, for establishment as the Rimrocks National Monument.

SEC. 2. Within the area designated pursuant to section 1 the Secretary is authorized to acquire lands and interests therein by donation, purchase with donated or appropriated funds, or exchange. Property owned by the State of Montana or any political subdivision thereof may be acquired only by donation. When the Secretary determines that lands and interests therein have been acquired in an amount sufficient to constitute an efficiently administrable unit for the purposes of this Act he shall establish the Rimrocks National Monument by publication of a notice to that effect in the Federal Register. Pending such establishment and thereafter, the Secretary shall administer the lands and interests therein acquired for the purposes of this Act in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented.

SEC. 3. In the administration of the national monument the Secretary shall cooperate with appropriate State, country, and municipal authorities for the purpose of assuring to the extent practicable the use of property adjacent to or in the vicinity of the national monument in a manner compatible with the purposes of this Act.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The material, presented by Mr. MANSFIELD, is as follows:

THE CASE FOR RIMROCKS NATIONAL MONUMENT

The beauty of the Rimrocks in southern Montana is almost indescribable. This is because of the fascinating daily changes in appearance the Rims go through as the sunlight and shadows play on the massive cliffs.

An array of yellows, reds, browns, and oranges sparkling from the Rimrocks, and interspersed with the green of pines and junipers, is as impressive as the colorful sunsets and sunrises in the Big Sky Country. At night the Rims seem to glow in the moonlight. When the sky becomes gray and rain or snow falls, the Rimrocks take on yet another majestic appearance with the moisture seeping down the face of the cliffs, creating interesting patterns. The Rimrocks and Montana's famed Big Sky complement each other, expressing themselves in the epitome of Western beauty.

The Rimrocks are the West That Was; the West of cowboy artist Charles Marion Russel; the West of General Custer, the Sioux, the Crow, the Cheyenne, and even the great Nez Perce; the West of Yellowstone Kelly, Will James, and Calamity Jane; the West first made famous by Meriwether Lewis and William Clark. The country of the Montana Rimrocks is a salutation to the history of the West that created a new culture in America.

The Montana Rimrocks offer both the amateur and professional geologist a treasure-trove of fascinating rock formations carved by time, wind, rain, and snow. Here are erosion factors that stand out impressively on the great Montana Plains.

Scenic beauty, history, and scientific values are the major attributes of the Rimrocks. They also are a refuge for some minor species of wildlife, some of which are facing extinction or at least exile because of an ever-expanding population. The Rims offer recreational opportunities for hikers, picnickers, artists, photographers, and Saturday morning explorers.

In approaching Billings, Montana, from the east, west, or south, the visitor first spots the Rimrocks as slight uprises on the horizon. They stretch some 60 miles west to east, from near the town of Laurel, through Billings, to Pompeys Pillar where William Clark left the only physical evidence of the Lewis and Clark Expedition in this part of the country by carving his name on the rock he named for the son of Sacajawea, the expedition's Indian guide.

From the distance these cliffs do not seem too impressive. They tend to blend into the rest of the rather flat landscape in the Billings area. They almost disappear completely for a short distance between Billings and Pompeys Pillar.

Perhaps this is why they have been ignored by many tourists in this motorized age which puts emphasis on making good time on the highways rather than enjoying the sights that are near the roads.

But, as native Montanans will attest, a real treat awaits the curious who investigate this unusual geological formation called the Rimrocks. As one comes closer to the Rimrocks, what at a distance left little impression, suddenly changes to sheer magnificence. And the treat becomes a feast for those who get out of their automobiles and explore the Rimrocks on foot.

Aside from the Pompeys Pillar area, the Rimrocks in Billings are the most spectacular. This is an unusual benefit for the city dweller since most cities offer nothing but pavement and commercial developments. The Rimrocks can be reached from any point in town in a matter of minutes. Truly relaxing recreation is available for everyone without having to fight infuriating traffic to get there. Indeed, any part of the 60 miles of the Rimrocks can be reached in a short time and with little difficulty.

But the Rimrocks are not a complete paradise. They are facing possible desecration from commercial developments and already are littered in parts with abandoned automobiles, empty beer cans, and waste paper. Other areas on top of the Rimrocks are being trampled down by motorcycles and trail bikes. The top of the Rims by Zimmerman Trail is cluttered with billboards. All of this can become worse if something constructive is not done immediately.

Indeed, commercialism has moved onto the Rims near Logan Field where an ugly night club destroys the view of the horizon. That area around the supper club is being considered by some business interests for a convention center-motel complex. That part of the Rimrocks called Sacrifice Cliff is despoiled by tall, ugly radio and television towers. An extremely beautiful section of the Rimrocks along the Yellowstone River east of Billings has been ruined by the construction of industrial plants. It is too late to do anything about the industry that has moved into that section of the Rimrocks. But there still is time to save the Rimrocks bordering the northern edge of Billings where some entrepreneurs want to build a commercial area.

News of the commercial undertaking disturbed many Billings resident in 1969 and they conducted a massive petition drive asking the county commissioners to save the Rimrocks. But the residents soon learned that it takes more effort than just a single petition drive to get something done in that maze called bureaucracy. Undaunted by their first defeat, the citizens took their case to court. All the local judges disqualified themselves from the case, and a Miles City, Montana, judge was called in to make a decision. The residents faced another defeat when the judge ruled in favor of the commercial interests.

It was a sad event for the hundreds of people who worked so hard to preserve the Rimrocks. It would be impossible to list everyone who put up the courageous and time-consuming effort to save the Rims. The organized drive was spearheaded by the Concerned Citizens for a Better Billings, led by Larry J. Keller and John Link, the Wilderness Club at Eastern Montana College, and other organizations. These groups were supported en masse by the residents of Billings, especially those who live in the shadow of the Rimrocks.

The court decision brought the drive almost to a halt. It was a long and difficult battle. Full-time could not be spent on the project because residents had to think about earning livings. They had to tend to their jobs so they could cope with the high cost of living and increasing taxes. But they did not lose their concern. They needed another avenue of attack. They found that avenue when The Billings Gazette published an editorial column suggesting that the Rimrocks be designated a National Monument. The column sparked new interest among the residents of Billings and the surrounding area. That column, reprinted here in full, stated:

When concerned Billings residents combed the city with petitions seeking support to preserve the Rims, which some want to desecrate with businesses and neon lights, they were faced with a few discouraging remarks.

"Why, I never notice them," one man said of the Rims when he refused to sign the petition.

This is the kind of complacent attitude opportunists take advantage of in seeking to change Billings' most spectacular scenery into another Grand Avenue.

This attitude and a Miles City judge's decision in favor of the businessmen is enough to make preservationists despair.

But they should not give up hope—yet. There are other possibilities which should be explored.

Montana's congressional delegation should be approached about the possibility of having the Rims designated a national monument.

Criteria for such designation are threefold: to conserve the scenery, and natural and historic objects, and the wildlife.

The Rims meet all three requirements, the most important being the scenery. The Rims become more majestic the closer the observer comes toward them. They are ever-changing throughout the day as the sun hits them from different angles. On top they provide pleasant surroundings for hikers and nature watchers.

The Rims and the surrounding country are important in Montana's history. The Indians used nearby areas as buffalo jumps. The Maguire and Zimmerman Trails played important roles in the area's early farming. This history should not be buried by neon signs and other business paraphernalia.

As natural objects, the Rims are treasure-troves for geologists and others interested in fascinating erosion factors and rock formations.

The Rims do not swarm with wildlife, but there are enough small animals and birds there to qualify. The Rims are a haven for those delicate species that cannot survive in a business atmosphere. The ever-expanding city already is driving away the Meadowlarks, Montana's state bird. Preservation of the Rims may stop this tragedy.

Businessmen should like the idea of a Rims National Monument because it would attract more tourists, who could use existing facilities not on the Rims. In an age of environmental concern, businessmen would do well to seek their dollars from the tourist trade rather than from businesses that would spoil the land.

Billings is noted as a stopping point for Eastern visitors heading for Yellowstone and Grand Teton National Parks. They stop here because of the convenience. But they do not stay any longer than they have to in their rush to the parks. A Rims National Monument may encourage the tourists to stay a bit longer and to spend a bit more money.

Under proper supervision, the magnificent Rims could be turned into a tourist mecca, offering respite from all the Grand Avenues in the country.

There is a strong case for a Rims National Monument. It might be the only solution to saving the Rims from encroaching business interests. But it must be done quickly before it is too late. Senators Mansfield and Metcalf and Congressmen Melcher and Olsen should be notified of the possibilities.

Future generations will thank those who helped to save such magnificent scenery from despoilation. And Billings residents would receive a tremendous bonus for themselves in having a national monument to be proud of.

The response to this suggestion was immediate. Senator Mike Mansfield of Montana, who serves as the Senate Majority Leader, looked into three possibilities for preserving the Rimrocks. He outlined these in a letter to the author.

"One," he said, "providing the City of Billings is interested in preserving this area, it should submit necessary application to the State Fish and Game Commission for designation as a Land and Water Conservation Area through the Bureau of Outdoor Recreation. The State of Montana presently has a backlog of $443,609 of unused Federal funds available for matching programs. These are fiscal year 1970 appropriations and are due to expire at the end of fiscal 1972, which would be June 30, 1972. Apparently, the State has this backlog. These funds are only held for a three year period and then reverted to the general fund of the Bureau of Outdoor Recreation.

"Two," Mansfield pointed out, "would be for me to request the National Park Service

to send a Task Force of people to Billings to assess the situation and determine the feasibility of designation or legislation to preserve this area as a National Monument.

"Three," he continued, "would be to encourage the interested citizens of Billings to make their views known to the City Government about their desire for a finalization of plans for a City Park in this area."

It was Senator Mansfield's second suggestion that met with quick response and success. Through his efforts, the National Park Service decided to send a Task Force to Billings to study the feasibility of designating the Rimrocks a National Monument. The study group was scheduled to arrive in Billings 28 September 1970. After viewing the Rimrocks, the Task Force was to prepare a report to be presented to the Interior Secretary's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments at its semi-annual meeting in April, 1971.

The enthusiasm created by this quick development made optimists out of many Billings residents. More people than before came out in favor of saving the Rimrocks. They are now anxiously awaiting the decision of the Interior Department's Advisory Board.

The case for Rimrocks National Monument looks good. The fact that the Interior Department has shown interest in it is an excellent sign in itself. The fact that Pompeys Pillar, a part of the Rimrocks, is already a National Historical Landmark, makes the monument idea most feasible. If not designated a monument, extending the landmark designation to all the Rimrocks could well be in order.

The history surrounding the Rimrocks deserves nothing less than National Historical Landmark status. But at most it has earned National Monument status. The history of the Rims is monumental. It can only be stated briefly here.

This history begins with Pompeys Pillar. This is where William Clark rested on his exploration of the Western wilderness and where, during some idle moments, he carved his name on the rock, perhaps aware that sometime in the far future, the etching would be of great significance.

The West's history is incomplete without mention of the Indians. Pompeys Pillar served as a burial ground for the Indians. The Indians attacked General Custer at Pompeys Pillar prior to the battle at the Little Big Horn. It was Pompeys Pillar that Custer climbed so to survey the country ahead of him.

A huge butte between Billings and Laurel, which is part of the Rimrocks, played an important role for the early farmers and ranchers in the area. Because the steep-cliffed butte has only one accessible side, the settlers were able to use it as an excellent defense against attacking Indians.

Sacrifice Cliff played a sad part in history. Here Indians would leap to their deaths in an effort to rid themselves of the spirits that brought the scourge of smallpox to them.

At Gallery 85 in the Rimrocks area is a buffalo jump where the Indians easily killed the herds for food, clothing, and shelter. Near Billings to the southeast are the Indian Caves, which early tribes used as living quarters. The caves are in close enough proximity to the Rimrocks to be included within monument territory. Indeed, it would be a shame to exclude them. The caves are a monument themselves to the Billings area.

Also near Billings is the Black Otter Trail, named for an Indian chief, which leads to Boothill Cemetery where forgotten men of the West are buried. And near Boothill is the grave of Yellowstone Kelly, famous Indian scout and friend of the phenomenal Calamity Jane, who owned a ranch under another part of the Rimrocks near Laurel. Her ranch was near the so-called Sturgis Battlefield where Col. Samuel D. Sturgis engaged in battle with Chief Joseph and his Nez Perces as this Indian tribe was retreating to Canada to escape the cavalry. The Nez Perces, one of the best known peaceful tribes, were unjustly treated by the whites and forced from their home in Idaho. Their near-escape has become known as the greatest military retreat in American history. The warriors hid near the tops of the Rimrocks to fire upon Sturgis and his troops.

The Nez Perces also formed a small raiding party while in the area and attacked the small town of Coulson on the Yellowstone River. Coulson became famous as the site where the steamboat Josephine made history. The Josephine marked the highest steamboat navigation on the Yellowstone.

The Rimrocks are near the vast Montana interior where Charles Russell painted his immortal pictures of the West That Was. The Rimrocks country was the home of Western author Will James, whose log cabin still stands below the Rims in Billings. Billings itself was named for the railroad mogul who brought the iron horse to the Rimrocks country.

It is unfortunate that space does not allow extensive discussion of the history surrounding the Rimrocks. But this brief mention of a few of the historical highlights points out the historical significance of the Rimrocks.

The case for Rimrocks National Monument is substantial. In addition to meeting the criteria for such designation, it is important to take into account that America is now experiencing a great concern over environmental deterioration. America has learned in a most unfortunate way that the land cannot be mistreated and has witnessed much of the land succumb to commercialism and other desecrations. That land which is still free of commercialism should be preserved for us and the generations to come. Not to do so would only belie the ecological concern being expressed everywhere, from the White House to the little guy in the street. The Rimrocks offers a tremendous opportunity to show that that concern is genuine and real. Rimrocks National Monument will stand as a monument to the real greatness of man. This is the case. It is a strong and compelling case.

ORDER OF BUSINESS ON WEDNESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday next, immediately following the disposition of the reading of the Journal, the recognition of the majority and minority leaders, if they so desire, and the call of any unobjected-to items on the legislative calendar, there be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

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

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider five nominations which were reported earlier today by the Committee on Banking, Housing, and Urban Affairs. The nominations are at the desk.

This matter has been cleared with the minority.

I ask unanimous consent that Senate rule XXXVIII be waived, and that the Senate proceed to the immediate consideration of the nominations.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

SECURITIES INVESTOR PROTECTION CORPORATION

The legislative clerk read the names of Andrew J. Melton, Jr., of New York; Glenn E. Anderson, of North Carolina; George J. Stigler, of Illinois; Donald T. Regan, of New York; and Byron D. Woodside, of Virginia, to be Directors of the Securities Investor Protection Corporation for the terms indicated.

The PRESIDING OFFICER (Mr. BEALL). Without objection, the nominations are considered and confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

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

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

S. 788—INTRODUCTION OF THE DRUG IDENTIFICATION ACT OF 1971

Mr. GRIFFIN. Mr. President, at the request of the Senator from Colorado (Mr. DOMINICK), on his behalf and on behalf of the Senator from New York (Mr. JAVITS) and the Senator from Pennsylvania (Mr. SCHWEIKER), I send to the desk a bill entitled "Drug Identification Act of 1971," for introduction and appropriate reference. I ask unanimous consent that certain remarks of the Senator from Colorado (Mr. DOMINICK) concerning the bill be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. (Mr. BEALL). The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 788) to amend the Federal Food, Drug, and Cosmetic Act to establish a code system for the identification of prescription drugs, and for other purposes introduced by Mr. GRIFFIN (for Mr. DOMINICK, for himself, Mr. JAVITS, and Mr. SCHWEIKER), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

STATEMENT OF SENATOR DOMINICK

Mr. President, I am pleased to introduce, on behalf of myself, the senior Senator from New York (Mr. Javits), and Senator Schweiker of Pennsylvania, the Administration's bill to amend the Federal Food,

Drug, and Cosmetic Act to establish a code system for the identification of prescription drugs and which may be cited by the short title, "Drug Identification Act of 1971."

The present labeling provisions of the Federal Food, Drug, and Cosmetic Act relating to the identification of drug products and their production or distribution origin do not require that this information be shown directly on the tablets or capsules of drugs marketed in these forms. Thus, in cases of personal emergency, such as overdosage or accidental ingestion of a drug, identification may be seriously delayed and may require elaborate and time-consuming laboratory analysis. A quick identification of the drug in such emergencies, by labeling and direct product coding, could facilitate prompt and appropriate medical treatment. A uniform drug coding system to identify drug manufacturers and distributors would also be of great value to the Department of Health, Education, and Welfare and other Federal agencies and to State agencies in the administration of drug purchase and reimbursement programs.

The bill would amend the Federal Food, Drug, and Cosmetic Act to authorize the Secretary to establish a uniform code or system of coding for prescription drugs representing (1) the identity of the manufacturer, (2) the identity of the drug, (3) the identity of the final packager if different from the manufacturer, (4) the dosage form and strength of the drug, and (5) the number of drug units in the package. The applicable code information would have to appear on the label of the trade package of each prescription drug. In addition, if the drug is in tablet or capsule form, each tablet or capsule would have to be marked with the code symbol representing the identity of the manufacturer and the identity and strength of the drug. The coding requirements would apply to drugs in intrastate as well as interstate commerce.

Where compliance would be impracticable because of the size or other relevant aspects of the container or the tablet or capsule, exemptions from these requirements could be granted if the exemption would not be inconsistent with protection of the public health.

The label of the trade package of a prescription drug would also have to bear the name and place of business of the manufacturer or, if different, the final packager; such a drug could no longer be marketed carrying only the name of the distributor who is not the final packager. It is the purpose of this feature to assist the Food and Drug Administration in effecting recalls of subpotent or other dangerous drugs down to the consumer level when necessary for protection of the public health and safety.

The name of a prescription drug (whether brand or generic) as written by the prescriber, and its strength, would be required to appear on the label of the drug container which is dispensed to the consumer, unless specifically indicated otherwise by the physician. In this event, the code symbols identifying the manufacturer and the drug and its strength would have to be on that label. In addition, the bill would make applicable to the container of the dispensed prescription drug the requirement of the Act, now applicable only to the trade package, that the label state the quantity of the contents. I might add parenthetically that the Secretary would, however, retain his present authority to exempt from this requirement packages so small that compliance would not be practicable.

The preparation of the drug code directory and its distribution, without charge, to hospitals, to poison control centers, and to such other persons as is deemed necessary to carry out the purposes of the bill would be the responsibility of the Department of Health, Education, and Welfare. Others could, of course, purchase the drug code directory from the Government Printing Office.

The coding requirements for prescription drugs imposed by this bill would take effect two years after the month in which regulations establishing the code system are promulgated and would be applicable to products manufactured thereafter. This lead time would permit drug manufacturers who do not now code their products to phase in such procedures in their manufacturing and distribution operations. Earlier effective dates are specified in the bill for other labeling requirements contained therein.

In closing, I would like to bring to the attention of my colleagues that this bill is designed to carry out the recommendation on this subject in the President's Consumer Message of October 30, 1969, and would carry out the recommendations by the President in his message on legislation not enacted during the 91st Congress.

S. 789—INTRODUCTION OF A BILL TO PROVIDE POUNDAGE QUOTAS IN LIEU OF ACREAGE ALLOTMENTS AS THE PRODUCTION CONTROL MECHANISM FOR THE BURLEY TOBACCO PRICE-SUPPORT PROGRAM

Mr. COOPER. Mr. President, I send to the desk a bill to provide poundage quotas in lieu of acreage allotments as the production control mechanism for the burley tobacco price-support program, and ask that it be appropriately referred.

On December 31, 1970, I introduced a similar bill in the 90th Congress, and I said at that time I did so in order that the proposal might be discussed by burley tobacco growers, their farm organizations, and other interested groups, and that following this opportunity for discussion I expected to introduce a similar bill early in this session of the Congress. Since that time, there have been meetings in Kentucky of representatives of farm organizations, cooperatives, warehouse groups, dealers, and others; meetings sponsored by the College of Agriculture of the University of Kentucky, presentations of the plan by county agents and others to farmers, and, I believe, discussions in all the other States producing burley tobacco.

I believe an understanding and consensus has developed in support of poundage controls for the burley price-support program—especially if the alternative is a large cut in acreage allotments for the 1971 crop.

There may be some difference in preference on some details of the proposal, and also I am sure there is concern among individual farmers, as may be expected, about any change in the burley tobacco program. However, there is also concern, and I am deeply concerned, that unless provision is made to keep the burley tobacco program sound, burley growers could lose their price-support program. It is for this reason that I am reintroducing a poundage control bill today.

I will ask the Senate Committee on Agriculture and Forestry to hold hearings promptly. I would hope before the end of February, and it may be that the House Committee on Agriculture will also wish to hold hearings and consider such a proposal.

I discussed in my statement on December 31 the problems now confronting the burley tobacco program, together with the provisions of the poundage proposal which has been developed, and I will ask that my statement at that time be included in the RECORD following my remarks.

In brief, it appears that acreage allotments—which have been the method of controlling production so that the price-support program for burley tobacco may operate without a large Government investment or cost to the taxpayers—will not in the future be able to effectively control burley tobacco production, and certainly without massive cuts in acreage which would injure thousands of growers. This situation arises because yields per acre are increasing approximately 4 percent a year, and at the same time the use of burley tobacco has begun to decline. Further, Government loan stocks now amount to nearly 1 year's supply, and if this surplus continues to increase, the program is likely to come under attack, and it would be more difficult to sustain public support and support in the Congress for the program.

I emphasize that the question of whether to shift from acreage allotments to poundage quotas is not, in my view, an issue between large and small growers. Rather, this is an effort to save the burley tobacco price-support program for all growers—large and small—in all the burley tobacco-producing States.

In December, I introduced, and we secured, a resolution postponing until March 1 the declaration which the Secretary of Agriculture is required to make announcing acreage allotments for the 1971 crop under the old program, and postponing the referendum on whether farmers wish to have a burley tobacco price support program with accompanying production controls for the next 3 years, which is held within 30 days of the quota declaration. I consider it very important that consideration of the poundage proposal take place before that referendum, and there is not much time remaining. Farmers must begin to make their plans for the 1971 crop.

Before this next referendum, I am concerned that the provisions of existing law governing acreage allotments will require the Secretary to announce a large reduction in burley tobacco acreage allotments—at perhaps 25 percent, and perhaps more. If poundage controls are enacted, on the other hand, the existing law would also be modified to provide for an orderly reduction of surplus supplies over a period of years, and because poundage controls would assure effective control farmers could produce and market crops not very much less than their average marketing in recent years.

I believe the proposal I am introducing today would be fair to all. It also includes some provisions which I believe would be helpful to farmers—including the carryover provision which provides some elements of crop insurance, and a provision for limited leasing of quotas within counties. But more important, I believe it would keep the burley tobacco program on a sound basis, so that it would not be brought down by surplus production or by controversy over sharp cuts in acreage.

Mr. President, I hope very much that this proposal would be considered by burley tobacco growers, all segments of the industry, the Department of Agriculture, by the Agriculture Committees of the Senate and the House of Representatives, and action taken before the next referendum. I ask unanimous consent that excerpts from my statement of December 31, and the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. BEALL). The bill will be received and appropriately referred; and, without objection, the bill and the excerpts from the statement will be printed in the RECORD.

The bill (S. 789) to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, introduced by Mr. COOPER, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", is amended by adding immediately following section 318 a new section 319 to read as follows:

"FARM POUNDAGE QUOTAS FOR BURLEY TOBACCO

"SEC. 319. (a) Notwithstanding any other provision of law, if the amount of the national marketing quota for burley tobacco for the marketing year beginning October 1, 1971, as determined under section 312 of the Act will result in a reduction of more than 15 per centum in farm acreage allotments which are subject to reduction, and the Secretary finds that acreage allotments provided in section 313 of the Act as limited by Public Law 528, Eighty-second Congress (66 Stat. 597), as amended by Public Law 21, Eighty-fourth Congress (69 Stat. 24), approved March 31, 1955 (7 U.S.C. 1315), will not continue in future years to be effective in adjusting supplies to the reserve supply level, because of increasing per acre yields, decreasing usage or otherwise, the Secretary shall proclaim national marketing quotas for the three marketing years beginning October 1, 1971, as provided in this section.

Within thirty days following such proclamation, the Secretary shall conduct a referendum of the farmers engaged in the production of the 1970 crop of burley tobacco to determine whether they favor or oppose the establishment of farm marketing quotas on a poundage basis as provided in this section for the three marketing years beginning October 1, 1971. If the Secretary determines that two-thirds or more of the farmers voting in such referendum approve marketing quotas on a poundage basis, marketing quotas as provided in this section shall be in effect for those three marketing years. If marketing quotas on a poundage basis are not approved by at least two-thirds of the farmers voting in such referendum, no marketing quotas or price support for burley tobacco shall be in effect for the marketing year beginning October 1, 1971. Thereafter, the provisions of section 312 of the Act shall apply: *Provided,* That national marketing quotas for burley tobacco for any marketing year subsequent to the marketing year beginning October 1, 1971, shall be proclaimed as provided in this section.

"(b) The Secretary shall determine and announce, not later than the February 1 preceding the second and third marketing years of any three-year period for which marketing quotas on a poundage basis are in effect under this section, the amount of the national marketing quota for each of such years. If marketing quotas have been made effective on a poundage basis under this section, the Secretary shall, not later than February 1 of the last year of three consecutive marketing years for which marketing quotas are in effect under this section, proclaim national marketing quotas for burley tobacco for the next three succeeding marketing years as provided in this section. Within thirty days following such proclamation, the Secretary shall conduct a referendum in accordance with section 312 (c) of the Act. If the Secretary determines that more than one-third of the farmers voting oppose the national marketing quotas, he shall announce the results and no marketing quotas or price support shall be in effect for such kind of tobacco for the first marketing year of such three-year period. Thereafter, the provisions of section 312 of the Act shall apply: *Provided,* That the national marketing quota and farm marketing quotas shall be determined as provided in this section. Notice of the farm marketing quota which will be in effect for his farm for the first marketing year covered by any referendum under this section shall insofar as practicable be mailed to the farm operator in sufficient time to be received prior to the referendum.

"(c) The national marketing quota determined under this section for burley tobacco for any marketing year shall be the amount produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during such marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 10 per centum of such estimated utilization and exports. For each marketing year for which marketing quotas are in effect under this section, the Secretary in his discretion may establish a reserve (hereinafter referred to as the 'national reserve') from the national marketing quota in an amount not in excess of 1 per centum of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas, and for establishing marketing quotas for new farms (i.e., farms for which farm marketing quotas are not otherwise established).

"(d) When a national marketing quota is first proclaimed under this section, the Secretary shall through local committees determine a farm yield for each farm for which a burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970. Such yield shall be determined by averaging the yield per acre for the four highest years of the five consecutive years beginning with the 1966 crop year: *Provided,* That if tobacco was produced on the farm in fewer than five of such years, the farm yield shall be the simple average of the yields obtained in the years during such period that burley tobacco was produced on the farm: *Provided further,* That if no burley tobacco was produced on the farm but the farm was considered as having planted burley tobacco during the immediately preceding five years, the farm yield will be appraised on the basis of the yields established for similar farms in the area on which burley tobacco was produced during such five year period: *And provided further,* That the farm yield established for any farm shall not exceed 3,500 pounds per acre.

"(e) A preliminary farm marketing quota shall be determined for each farm for which a burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970, by multiplying the farm yield determined under subsection (d) of this section by the farm acreage allotment (prior to any reduction for violation of regulations issued pursuant to the Act) established for such farm for the marketing year beginning October 1, 1970. For each farm for which such a preliminary farm marketing quota is determined, a farm marketing quota for the first year shall be determined by multiplying the preliminary farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of all preliminary farm marketing quotas as determined under this subsection: *Provided,* That such national factor shall not be less than 95 per centum.

The farm marketing quota for each succeeding year shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined for such succeeding marketing year. The farm marketing quota so computed for any farm for any year shall be increased by the number of pounds by which marketings from the farm during the immediately preceding year were less than the farm marketing quota (after adjustments): *Provided,* That any such increase shall not exceed the amount of the farm marketing quota (including leased pounds) for the immediately preceding marketing year prior to any increase for undermarketings or decrease for overmarketings. The farm marketing quota so computed for each farm for any year shall be reduced by the number of pounds by which marketings from the farm during the immediately preceding year exceeded the farm marketing quota (after adjustments): *Provided,* That if on account of excess marketings in the preceding year the farm marketing quota is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made in subsequent marketing years.

"The farm marketing quota for a new farm shall be the number of pounds determined by the county committee with approval of the State committee to be fair and reasonable for the farm on the basis of the past burley tobacco experience of the farm operator; the land, labor, and equipment available for the production of burley tobacco; crop rotation practices, and the soil and other physical factors affecting the production of burley tobacco: *Provided,* That the farm marketing quota for any such new farm shall not exceed 50 per centum of the average of the farm marketing quotas for similar farms for which farm marketing quotas are otherwise established: *Provided further,* That the number of pounds allocated to all new farms shall not exceed that portion of the national reserve provided by the Secretary for establishing quotas for new farms.

"(f) When a poundage program is in effect under this section, the farm marketing quota next established for any farm shall be reduced by the amount of burley tobacco produced on any farm (1) which is marketed as having been produced on a different farm; (2) for which proof of disposition is not furnished as required by the Secretary; and (3) as to which any producer on the farm files, or aids or acquiesces in the filing of, any false report with respect to the production or marketings of tobacco: *Provided,* That if the Secretary through the local committee finds that no person connected with such farm caused, aided, or acquiesced in any such irregularity, the next established farm marketing quota shall not be reduced under this subsection. The reductions required under this subsection shall be in addition to

any other adjustments made pursuant to this section.

"(g) When a poundage program is in effect under this section, farm marketing quotas (after adjustments) for burley tobacco may be transferred to other farms in the same county under the terms and conditions contained in section 316 of the Act: *Provided*, That such transfers shall be on a pound for pound basis: *Provided further*, That any adjustment for undermarketings or overmarketings shall be attributed to the farm to which transferred: *And provided further*, That not more than 5,000 pounds may be transferred to any farm under this section.

"(h) Effective with the marketing year beginning October 1, 1976, no marketing quota, other than a new farm marketing quota, shall be established for a farm on which no burley tobacco was planted or considered planted in any of the five years immediately preceding the year for which farm marketing quotas are being established.

"(i) When marketing quotas under this section are in effect, provisions with respect to penalties for the marketing of excess tobacco and the other provisions contained in section 314 of the Act shall apply, except that:

"(1) No penalty on excess tobacco shall be due or collected until 110 per centum of the farm marketing quota (after adjustments) for a farm has been marketed, but with respect to each pound of tobacco marketed in excess of such percentage the full penalty rate shall be due, payable, and collected at the time of marketing on each pound of tobacco marketed, and any tobacco marketed in excess of 100 per centum of the farm marketing quota (after adjustments) will require a reduction in subsequent farm marketing quotas in accordance with section 319(e): *Provided*, That if the Secretary, in his discretion, determines it is desirable to encourage additional marketings of any grades of burley tobacco during any marketing year to insure traditional market patterns to meet the normal demands of export and domestic markets, he may authorize the marketing of such grades without the payment of penalty or deduction from subsequent quotas to the extent of 5 per centum of the farm marketing quota for the farm on which the tobacco was produced, and such marketings shall be eligible for price support.

"(2) The provisions with respect to penalties contained in the third sentence of section 314(a) shall be revised to read: 'If any producer falsely identifies or fails to account for the disposition of any tobacco, the Secretary, in lieu of assessing and collecting penalties based on actual marketings of excess tobacco, may elect to assess a penalty computed by multiplying the full penalty rate by an amount of tobacco equal to 25 per centum of the farm marketing quota (after adjustments) and the penalty in respect thereof shall be paid and remitted by the producer.'

"(3) The provisions contained in the fourth sentence of section 314 (a) shall not be applicable. For the first year a marketing quota program established under the provisions of this section is in effect, the farm marketing quota determined under the provisions of section 319(e) shall receive a temporary upward adjustment equal to the amount of carryover penalty-free burley tobacco for the farm. For subsequent years, the provisions of section 319 (e) shall apply.

"(j) The Secretary shall prescribe such regulations as he considers necessary for carrying out the provisions of this section."

SEC. 2. Section 378 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding subsection (d) to read as follows:

"(d) In applying the provisions of this section to a farm for which a tobacco marketing quota has been determined under section 319 of this Act, the words 'allotment' and 'acreage', wherever they appear, shall be construed to mean 'marketing quota' and 'poundage', respectively, as required."

SEC. 3. Subsection (c) of section 106 of the Agricultural Act of 1949, as amended, is amended to read as follows:

"(c) If acreage-poundage or poundage farm marketing quotas are in effect under section 317 or 319 of the Agricultural Adjustment Act of 1938, as amended, (1) price support shall not be made available on tobacco marketed in excess of 110 per centum of the marketing quota (after adjustments) for the farm on which such tobacco was produced, and (2) for the purpose of price support eligibility, tobacco carried over from one marketing year to another shall, when marketed, be considered tobacco of the then current crop."

The excerpt of the statement presented by Mr. COOPER is as follows:

A BILL TO AMEND THE TOBACCO MARKETING QUOTA PROVISIONS

(Reprinted from CONGRESSIONAL RECORD, December 31, 1970)

Mr. COOPER. Mr. President, my State of Kentucky produces most—some three-fourths—of the burley tobacco, which is second only to Flue-cured or "bright-leaf" tobacco in volume, in its importance to the agricultural economy—about $400 million for the 1970 crop—and in its contribution to the cash income of thousands of farm families. Burley tobacco is grown on 282,000 farm allotments, most of them family farm operations. Production was restricted to 231,000 acres in 1970, which means that the average allotment is less than 1 acre, on which a typical farmer might produce over a ton of tobacco selling this year for a little over 70 cents a pound.

During my service in the Senate, I have each year followed the progress of the tobacco price support and production control program, which is so important to farmers in Kentucky and other States. In fact, it was my amendment, with Senator Barkley in 1947, which secured 90 percent price support for tobacco as a permanent provision of law, and with Senator JORDAN of North Carolina in 1960 I sponsored the amendment which further stabilized the guarantee of 90 percent price support for tobacco.

Over the years the burley tobacco program has worked well, and every 3 years farmers have expressed their approval by voting in referendum by overwhelming majorities of 97 or 98 percent to continue the program. It has operated generally without large losses to the Government or heavy subsidy by the taxpayers—which have been characteristic of many other farm commodity programs—because tobacco growers have been willing to abide by the production controls necessary to keep their program sound.

I must say, however, that the burley tobacco program is now in difficulty, and I believe modifications must be made to continue to keep the program sound, and to avoid the loss of public support which would result if large Government loan stocks are allowed to build up. This could happen because burley yields per acre have increased about one hundred pounds per acre annually in recent years, reaching 2,585 pounds in 1970, and there is no sign they would not continue to do so under the present acreage control program. At the same time, the domestic use of burley tobacco has declined for the second consecutive year, and with continued use of filter cigarettes and changing manufacturing techniques, this trend also may continue.

In 1965, a modified system of production control known as acreage-poundage was adopted for flue-cured tobacco, but was not adopted for burley tobacco by the required two-thirds vote of growers in all States, in the special referenda held in 1966 and 1967. Further, the cuts in acreage allotments ordered for burley tobacco in 1964, 1965, and 1966, and again in 1970, have resulted in a greater proportion of farm allotments at or below the one-half acre minimum—which under present law is protected from cuts. Less than half the burley farm allotments—in fact, only 40 percent—are now subject to the acreage reductions which until now have been the method of keeping supplies in line with demand.

Now we are informed that under existing law, a cut in 1971 crop acreage allotments of at least 25 percent, and theoretically as much as 40 percent, will be required to bring supplies into line with use. Such a cut would work an extreme hardship on tens of thousands of farms which depend on burley tobacco for a large part of their livelihood. Even so, it would not solve the problem which confronts us, for it would simply drive more allotments into the protected half-acre category, and make production control through acreage adjustments increasingly ineffective and impractical for future years.

Those of us familiar with this problem—in the Congress, in the Department of Agriculture, and among the leadership of farm and grower groups in Kentucky and other burley-producing States—have recognized for some time that the situation was becoming critical, and efforts have been made over the last year to develop a solution. It was for this reason that representatives of Kentucky farm organizations and burley tobacco groups, together with representatives of the Department of Agriculture, presented their recommendations at a hearing held by the Senate Committee on Agriculture on December 8, which was chaired by Senator JORDAN of North Carolina. I think the facts brought out at that hearing show clearly that if the price support program for burley tobacco is to be saved, the production control mechanism, upon which that price support depends, must be modified.

This ought to be done before the Secretary of Agriculture proclaims the national marketing quota for the 1971 crop of burley tobacco. That would ordinarily be done by February 1, but will now be postponed for 30 days by the resolution which I introduced following the Senate hearing—a resolution cosponsored by Senators COOK, BAKER, JORDAN of North Carolina, ERVIN, BYRD of Virginia, and SPONG, and identical to the resolution introduced by Congressman WAMPLER of Virgina—which has been passed by the Senate and the House of Representatives. Within 30 days following the proclamation, the regular referendum will be held, to determine whether burley growers will have a price support and production control program for the next 3 years, or no program, no price support, and unlimited production.

It is already late, and there will not be a great deal of time for the Committees on Agriculture of the Senate and the House of Representatives to hold hearings and act to revise the burley tobacco program for the 1971 crop. The changes which need to be made must be discussed by burley farmers and their organizations, and by all concerned segments of the tobacco industry. It is for this reason that I am introducing today a bill proposing modifications in the system of production control for burley tobacco—changes which I consider could keep the burley price support program on a sound basis by avoiding increased Government stocks, and by removing the present incentive for each farmer to increase production on his limited and often repeatedly reduced acreage.

I do not take the position that this proposal is the final one that I may offer, or farmers may support, but I consider it a necessary start. I emphasize that I am introducing the bill at this time in order to make it available to those who are interested in the future of the burley tobacco program,

and so that this proposal and any others which may be suggested may be discussed and considered before the Congress returns in late January. When the Congress returns, I would propose to reintroduce the bill, or a similar bill, and at that time it may be that other Members of Congress from States producing burley tobacco may wish to join me in doing so, or present recommendations of their own.

While the general plan of this bill evolved from meetings during 1970 of farmers and grower groups, together with representatives of cooperative, warehouse, and dealer organizations in Kentucky and in other States as well, its specific provisions are not identical to the recommendations, for example, of the Kentucky Farm Bureau Federation, the Tennessee Farm Bureau Federation, the Department of Agriculture, or any other that I have seen. I have tried to settle on a plan which will be fair to all, and which will fulfill the essential requirement of limiting production to the amount of burley tobacco which will actually be used.

Primarily, the bill would shift production controls for burley tobacco from a limitation on acreage planted and harvested—the familiar farm acreage allotments—to a limitation on the number of pounds of burley tobacco which may be marketed and sold from any farm—a farm poundage quota. As I have pointed out earlier, acreage controls can no longer continue to work if yields per acre keep increasing—through the application of fertilizer, irrigation, new varieties and other intensive cultural practices—if domestic use of burley continues to remain stable or decline somewhat, and particularly if the reductions in acreage which have always been used to control production can only be applied to fewer and fewer farms. The poundage quota system of production control proposed by the bill would, however, be much less complicated than the acreage-poundage system formerly proposed, and I believe will be easier for farmers to understand and work with.

If we can bring burley production under control in this way, only a modest reduction—certainly far less than 25 percent—would be required for the 1971 crop. In subsequent years, I believe effective production control would be assured without drastic cuts or without any cuts, while permitting an orderly reduction over a period of years of Government stocks.

I know that farmers in Kentucky and other States will want to know how their farm poundage quotas would be calculated under this proposal. I will outline the main provisions of the bill:

First. The poundage system for burley tobacco would not be proclaimed, and growers would vote in March instead on the usual acreage program, unless an acreage cut of more than 15 percent is required for the 1971 crop, and unless the Secretary of Agriculture finds also that the present system of acreage allotments will not continue to work because of increasing yields and declining use of burley tobacco. However, I must say it now appears that both of these conditions would be met. In fact, the Department estimates that an acreage cut of at least 25 percent would be required for the 1971 crop under the old program.

Second. (a) For each farm now having a burley allotment, the yield per acre—that is, the number of pounds marketed per acre of allotment—would be calculated for the 1970 crop just sold, and for the 1969, 1968, 1967, and 1966 crops. The four highest of these yields for the last 5 years would be averaged. In this way, if a farmer has had a poor crop year for any reason, that year would not be included. Farmers would have the advantage of their 1970 crop—a good year.

A 4-year average yield in excess of 3,500 pounds per acre would be reduced to that figure. Individual years could be higher than 3,500 pounds, and I do not believe many farms would have a 4-year average that would have to be reduced.

This average "farm yield" would then be multiplied by the 1970 farm acreage allotment—the burley acreage permitted for the farm this last year. The result is called the preliminary farm quota.

The total of the preliminary farm quotas for all burley farms would then be considered by the Secretary of Agriculture in view of the supplies on hand and the anticipated demand for the 1971 crop. If the total would somewhat exceed expected demand, the Secretary could reduce all preliminary farm quotas equally—but not by more than 5 percent for the 1971 crop.

That would establish farm poundage quotas for the 1971 crop—for most farms within 10 percent of their 1970 crop sales. I should think this would be more fair, and more effective than a cut of 25 percent or more under the present acreage system.

Third. In future years, after the Secretary of Agriculture has calculated estimated use of burley tobacco and the total production needed, each farm quota for the previous year would be adjusted up or down accordingly, with all farmers treated alike. The bill provides that in setting the total national marketing quota for future years, the Secretary may not require a reduction of more than 10 percent below the estimated use of barley tobacco.

Fourth. The poundage plan includes a crop insurance feature. If a farmer does not sell tobacco one year, or markets less than his quota—whether because of hail, drought, or for any other reason—the unused quota would be carried forward to the next year, and could be grown and sold, with price support, at that time. Similarly, if weather is good and the farmer produces a little more than his quota, it would not have to be destroyed. He could sell and receive price support for 10 percent more than his quota—but no more than that—which would be deducted from his farm quota for the next year.

Fifth. The bill also provides for the first time for the leasing of burley quotas. Leasing is already permitted for other types of tobacco. I have opposed leasing in the past because I believed it could lead to a concentration in the hands of fewer growers, and would increase surplus supplies. But with a change in the program, leasing may be appropriate. A burley quota could be leased to another farmer in the same county having a burley allotment. Not more than 5,000 pounds of quota could be leased by any farm. That is the equivalent of about 2 acres of tobacco. It would mean that any farmer already having an allotment—perhaps a one-half acre allotment last year—could lease 5,000 pounds of quota, and so grow perhaps three or four times his present production. Or a larger farm could lease and grow the quota of three or four or five minimum farms, which would provide these farmers some income. That seems to me an ample amount, and as much leasing as should be permitted, at least until we see how it works out.

I have given this outline of the poundage proposal I have offered so that it can be discussed, and I hope there will be meetings of farm groups and consideration by leadership of the burley industry in the coming weeks. To be effective, such a proposal would have to be enacted by the Congress in time for the 1971 crop, and before the referendum at which burley growers will decide whether or not to have a price support program for the next 3 years.

If the Secretary proclaims quotas by March 1, that referendum must be held before April 1. If this plan, or a similar one, is enacted by the Congress, burley growers would then vote instead on whether it should be in effect for the next 3 years, or whether there would be no production control program and no price support for burley tobacco in 1971.

I recognize that it is a difficult matter to propose changes in the burley tobacco program—particularly changes that affect the minimum acreage—for the program affects the livelihood and the incomes of thousands of farm families. But I am deeply concerned that unless changes are made so that a surplus will not continue to build up, the price support program for burley tobacco will go down.

I think it is clear to all who have looked at the facts, and who think about the burley program, that we have come to the end of the line in attempting to control burley tobacco production through acreage alone, especially at a time when most burley growers have become exempt from acreage reductions.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PROGRAM FOR WEDNESDAY AND THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, the Senate, pursuant to the provisions of House Concurrent Resolution 135, as amended, will shortly adjourn until 12 o'clock meridian on Wednesday, February 17, 1971.

The program for Wednesday next is as follows:

Immediately following disposition of the reading of the Journal and recognition of the two leaders under the order previously entered, there will be a period for the transaction of routine morning business with statements therein limited to 3 minutes. Indication has already been made that unobjected items on the Legislative Calendar may be called if the two leaders so desire. Under the previous order, the yeas and nays have been ordered on two items on the Executive Calendar, Executive L, 91st Congress, second session, the convention with Nicaragua, and Executive N, 91st Congress, second session, the Extradition Treaty with Spain. The first vote under the order previously entered will occur at 3 o'clock p.m. on Wednesday next. Following the rollcall vote on Executive L, the rollcall vote on Executive N will immediately occur.

Under the previous order the Senate will adjourn on Wednesday next at the close of business until 12 o'clock meridian on Thursday next. In view of the motion that has been entered to invoke cloture under rule XXII, the procedure on Thursday next will be as follows:

Immediately following the prayer and the disposition of the reading of the Journal, there will be 1 hour of debate on the motion to invoke cloture. That 1 hour will be equally divided between the majority leader and the minority leader or their designees. At the close of the hour a quorum is mandatory under the rule, and once the quorum has been

established by a call of the roll, the Chair will order that the roll be called on the motion to close debate. A yea-and-nay vote is automatic under the rule.

All Senators are, therefore, hereby reminded of rollcall votes scheduled for Wednesday and Thursday next.

ADJOURNMENT TO WEDNESDAY, FEBRUARY 17, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the terms of House Concurrent Resolution 135, as amended, that the Senate stand in adjournment until 12 o'clock meridian on Wednesday next, February 17, 1971.

The motion was agreed to; and (at 3 o'clock and 28 minutes p.m.) the Senate adjourned until Wednesday, February 17, 1971, at 12 meridian.

NOMINATION

Executive nomination received by the Senate February 11 (legislative day of January 26), 1971:

APPALACHIAN REGIONAL COMMISSION

Donald W. Whitehead, of Massachusetts, to be Federal Cochairman of the Appalachian Regional Commission, vice John B. Waters, Jr.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 11 (legislative day of January 26), 1971:

NATIONAL CREDIT UNION BOARD

Richard H. Grant, of New Hampshire, to be Chairman of the National Credit Union Board.

The following-named persons to be members of the National Credit Union Board for the terms indicated:

John J. Hutchinson, of Connecticut, for a term expiring December 31, 1971.

Lorena Causey Matthews, of Tennessee, for a term expiring December 31, 1972.

DuBois McGee, of California, for a term expiring December 31, 1973.

Joseph F. Hinchey, of Pennsylvania, for a term expiring December 31, 1974.

James W. Dodd, of Texas, for a term expiring December 31, 1975.

Marion F. Gregory, of Wisconsin, for a term expiring December 31, 1976.

SECURITIES INVESTOR PROTECTION CORPORATION

The following-named persons to be Directors of the Securities Investor Protection Corporation for the terms indicated, to which offices they were appointed during the last recess of the Senate:

Andrew J. Melton, Jr., of New York, for a term expiring December 31, 1972.

Glenn E. Anderson, of North Carolina, for a term expiring December 31, 1972.

George J. Stigler, of Illinois, for a term expiring December 31, 1972.

Donald T. Regan, of New York, for a term expiring December 31, 1973.

Byron D. Woodside, of Virginia, for a term expiring December 31, 1973.

EXTENSIONS OF REMARKS

SECRETARY HITTLE ON THE BATTLE OF NEW ORLEANS

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. HÉBERT. Mr. Speaker, I was pleased and honored that my good friend James D. Hittle, Assistant Secretary of the Navy, Manpower and Reserve Affairs, accepted an invitation to be guest speaker at the observance of the Battle of New Orleans on January 8.

His speech was enjoyed by the many New Orleanians in attendance, and I insert it in the RECORD at this point so all may have the benefit of his words:

ADDRESS BY THE HONORABLE JAMES D. HITTLE

It is for me a privilege to be with you on this occasion commemorating the Battle of New Orleans.

I hope that you will appreciate my feelings when I say that I view with some trepidation the privilege of being your speaker for this occasion. After all, each of you, because of your interest in the Battle of New Orleans, have, I strongly suspect, an intimate knowledge of that Battle to which this lovely city gave its name.

One of the most unenviable tasks is talking history to history buffs. However, because I like to think I am such a buff also, I trust that you will take a charitable view of my efforts.

It would be presumptuous, and quite redundant, were I to give you a stereotype rehash of the Battle of New Orleans. Its salient aspects are well set forth in history books from grade school on up. What I would like to do this evening is to discuss with you some of the Naval aspects of the Battle of New Orleans. Understandably, the general impression of the Battle of New Orleans is one of Andy Jackson and his sharpshooters standing behind bales of fine Louisiana cotton and mowing down successive waves of British Redcoats marching as if on parade.

With the exception of Andy and his sharpshooters delivering a deadly fire from behind the cotton ramparts, this is a very inadequate visualization of the Battle of New Orleans.

Actually, the Battle of the cotton bales was only a part—although a climactic one—of what was really a vast strategic Naval campaign by the British. In terms of modern Naval doctrine, British campaign culminating in the Battle of New Orleans falls into a clearly discernible operational pattern: the assembly and embarkation of the landing force, the transoceanic approach, the en route replenishment of supplies, preliminary operations, gun-fire support, reconnaissance, the ship to shore movement and the assault inland.

Actions by the United States defending forces sort out into clear cut procedures of current Naval doctrine for defense of a base against attack from the sea.

That base, we well know, was the City of New Orleans. Whatever the British may be faulted for in the conduct of that Naval campaign, they must be given a high grade for their strategic evaluation of the importance of New Orleans. New Orleans, from her founding, was destined to become a strategically important as well as a lovely city.

Endowed with a favorable geography, New Orleans not only has stood at the confluence of great waters, but she has stood at the confluence of great history.

The British knew full well, as did the citizens of New Orleans, Andy Jackson, and Commodore Patterson, that this city was both the sentinel and the gateway to the river highways leading to the heartland of the American continent. Likewise New Orleans was both the strategic springboard and economic gateway to the Gulf, the Caribbean, Western Europe, and the world.

The maritime character of your city is its fundamental strategic and geographic feature. In fact, the partnership between New Orleans and the Navy was founded in 1801 with the establishment of a Naval base and Marine Barracks here. The Naval base remains today. In addition, New Orleans is the Headquarters of the Eighth Naval and Marine Corps Districts which include five states of Louisiana, Arkansas, Texas, Oklahoma, and New Mexico, and the many Naval and Marine Corps installations within their boundaries. The Naval Air Station at Alvin Callendar Field is one of our major Reserve air bases, housing elements of the Reserve air components of all the Services.

It was on January 8, 1815, 156 years ago today, that U.S. Forces, under General Andrew Jackson whipped a numerically superior British force, and effectively broke the back of the British Southern Campaign.

Andrew Jackson's career was as distinguished and colorful as that of New Orleans itself. He gained prominence in the Army by his defeat of the Creek warriers at the famous battle of Horseshoe Bend in March 1814. Upon the resignation of General William Henry Harrison, this victory won him the commission of Major Genral to fill the vacancy created. He was given command of the Seventh Military District, with the task of defending Louisiana and the Gulf Coast.

In 1814, about the same time as the Battle of Horseshoe Bend in America, the Emperor of Russia and the Duke of Wellington entered the city of Paris, ending, temporarily, the war of the Allies against Napoleon. This victory enabled Britain to turn more attention to the war with the young upstart nation, her former colonies, across the Atlantic. And so, as Major General Andrew Jackson was assuming command of the Seventh Military District, major elements of the British Army of invasion commenced to gather at Bordeaux. With the news of the fall of Napoleon, there immediately followed rumors of a great British invasion of Louisiana.

The United States prepared its reception. Secretary of War John Armstrong issued new militia quotas from the territories of Kentucky, Tennessee, Georgia, and Louisiana to defend against the expected attack from the South.

Apprehensions in Washington and New Orleans couldn't have been more justified with respect to British offensive action against our young nation. With victory over France, and Napoleon exiled to Elba, England had naval and land forces available for the American campaign.

As the diaries of the British soldiers so well reflect, they didn't have much time to stack arms, take off their packs, and reminisce about their rough victory under Wellington on the Iberian Peninsula. Seasoned veterans who had fought under Wellington and Moore were ordered out of the rest camps in the Bordeaux and Bayonne areas. Embarking on ships commanded by Admiral Cochrane, they sailed as a mighty armada for the United States.

At this point, we should recognize that these British soldiers who were to sail up the Chesapeake, burn Washington, and later attack New Orleans were no recently recruited rabble. Rather, they were battle-seasoned, tough, well trained, disciplined and resourceful fighting men. They were flushed with victory over Napoleon, who had long ruled as military master of the Continent. It was these forces that the Americans under Jackson were to face on the approaches to New Orleans.