"HOUSTON, TRANQUILLITY BASE HERE . . . THE EAGLE HAS LANDED"*

(By Marvin Hurley)

Now that the Apollo 11 Astronauts have landed on the Moon and returned safely to Earth, a national commitment to greatness, made early in the decade, has been met.

This, then, is a time of achievement. It is a time when people of good will around the world applaud the pioneers of space. And, the people of Houston, especially, are deeply committed to the conquest of space.

We have profound admiration for the entire space team—the administrators, the engineers and the technicians as well as the Astronauts and their families.

We have worked with them and played with them. We have studied with them and worshipped with them. We have shared the crisis of tragedy and the triumph of achievement with them.

We have found them deeply dedicated, highly capable, and intensely human.

Ten years ago, the exploration of space existed for most of us only in the realm of science fiction. But increasingly, during the decade, we have experienced the exciting possibilities along that fantastic frontier that floats above us.

To the genuine revolutions in human achievement that are honored in history's hall of fame, we can already add with assurance the exploration of space.

Every age has its world of tomorrow, and ours in found in the ocean of space. Today's Marco Polos and Christopher Columbuses and Charles Lindberghs ride millions of pounds of thrust beyond the Earth's influence to the unfriendly terrain of the Moon.

Not all, of course, have recognized the significance of this new adventure. The same type of people who questioned Galileo, Columbus, surgery, the steam engine, railroads and the airplane are now questioning space exploration—simply because their minds do not comprehend its portent.

The engineering basis of heavier-than-air flights was laid in the early 19th century, but in 1896, Lord Kelvin, great British research physicist, said, "I have not the smallest molecule of faith in aerial navigation other than ballooning."

After the Wright brothers had been making successful airplane flights for five years, the British Secretary of War said, "We do not consider the airplane will be of any possible use for war purposes."

We should remember that history has dealt harshly with the doubters of human progress, whether it be in surgery, wireless communication, aviation or other fields of achievement.

The full impact of the space program will unfold over a period of time. Now that man has slipped the leash on his earthly environment, the future holds promise for completely new frontiers for pioneering.

The search for knowledge and the development of complex skills which the space programs has motivated cannot be adjourned. This interdisciplinary exploration is revealing secrets at the heart of the universe as well as out in the skies. The new knowledge can be applied to some of the age-old needs of man as well as to some of his more recent dilemmas, as the thoughts and actions of mankind are being led into new channels of great wisdom.

It is impossible for us to think of so signal a victory in space and not reflect upon our outlook on the more mundane challenges here on Earth.

Our urban crisis as well as other pressing domestic issues, our international tensions, will be solved only as men's thinking is opened to a more perceptive recognition of these problems and to the possibilities of settling them. No man, no nation, no race, can fail to think of such problems more deeply and with greater confidence and understanding as a result of men having visited the lunar surface.

To find solutions to our complex and interrelated problems of today and tomorrow, we can draw increasingly upon data processing and the systems approach of the type that management technical groups have developed in our space program.

There are some events that are beyond the power of words to describe, and landing on the Moon by earthlings who return to Earth to tell us about it falls into this category. When this is linked to the miracles of television and all the other sciences and technologies involved, we stand in awe at mankind's application of his intelligence.

In the long run it may well be that the chief contributions of space pioneering and exploration will not be the fields of science and technology at all but rather in the fields of human relations and of the spirit. It may well be that we are developing channels of understanding and unification far deeper and more important than politics or diplomacy.

This was expressed by Archibald MacLeish in his comments on the Apollo 8 success, when he said, "To see the Earth as it truly is, small and blue and beautiful in that silence where it floats, is to see ourselves as riders on the Earth together, brothers on that bright loveliness in the eternal cold—brothers who know now they are truly brothers."

Time after time during the Mercury, Gemini and Apollo flights, and more particularly during the more recent flights as the Astronauts have looked across the lunar distance toward the agate Earth, our thoughts have turned to God, and each of us has found new spiritual meanings in our own lives.

Now that dauntless Astronauts have strolled the Moon's desolation, and, as man's ancient dream of direct contact with this celestial body is transformed into reality, human life, inescapably, will take on new dimensions.

*Astronaut Neil Armstrong (Landing on the Moon, 7–20–69).

SENATE—*Wednesday, September 17, 1969*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore.

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

O Thou Infinite and Eternal Spirit, whose presence fills the universe, we open our hearts to Thy spirit. Make us aware of Thee in all we do this day. When we are right confirm us. When we are wrong correct us. When we are uncertain guide us.

We pray especially for the youth of this land, in schools and colleges, on missions of mercy, and in the Armed Forces, that they may be guarded in moments of temptation, and strengthened in times of peril, and in every way grow in the image of the Divine Master. Be near the unloved, unfed, and unrewarded, and let justice and grace flow from compassionate hearts to assuage their hurt and provide for their needs.

Guide all who confer for the peace of the world. Give Thy higher wisdom to the President and all our leaders that they may know and do Thy will.

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, September 16, 1969, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

(For nominations this day received, see the end of Senate proceedings.)

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

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

Mr. MANSFIELD. Mr. President, with the consent of my colleagues, I would like to yield briefly at this time to the distinguished senior Senator from Colorado (Mr. ALLOTT).

The PRESIDENT pro tempore. The Senator from Colorado (Mr. ALLOTT) is recognized.

VISIT TO THE SENATE BY A MEMBER OF THE BRITISH HOUSE OF COMMONS

Mr. ALLOTT. Mr. President, I am very happy today to introduce to the Members of the Senate a very distinguished Member of the British House of Commons, a former Minister of the British Government, who is paying us a brief visit today. He is the Right Honorable Geoffrey Rippon.

I would like to have him stand and have the Senate greet him and perhaps say hello to him.

[Applause, Senators rising.]

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.

EXECUTIVE SESSION

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

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

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

NATIONAL MEDIATION BOARD

The bill clerk read the nomination of George S. Ives, of Maryland, to be a member of the National Mediation Board.

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

RAILROAD RETIREMENT BOARD

The bill clerk read the nomination of Neil P. Speirs, of New York, to be a member of the Railroad Retirement Board.

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

DEPARTMENT OF JUSTICE

The bill clerk proceeded to read sundry nominations in the Department of Justice.

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

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

AMBASSADORS

The bill clerk proceeded to read sundry nominations of ambassadors.

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

The PRESIDENT pro tempore. Without objection, the nominations of ambassadors will be considered en bloc and are hereby confirmed.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

The bill clerk read the nomination of Robert H. B. Wade, of Maryland, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

The PRESIDENT pro tempore. Without objection, the nomination is considered and 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, the President will be notified.

LEGISLATIVE SESSION

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

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

SENATOR MANSFIELD INTERVIEWED ON "ISSUES AND ANSWERS"

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the transcript of a television program on which I appeared last Sunday, "Issue and Answers."

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

ISSUES AND ANSWERS, SEPTEMBER 14, 1969

Guest: Senator MIKE MANSFIELD (D., Mont.), Senate Majority Leader.

Interviewed by: Bob Clark, ABC News Washington Correspondent; John Scali, ABC News Diplomatic Correspondent.

Mr. SCALI. Senator, welcome to "Issues and Answers."

Do you share the feeling of some critics that the Nixon Administration in this past week has botched up, either through indecision or confusion, an opportunity to take a new initiative toward ending the war in Vietnam?

Senator MANSFIELD. No one can tell until the President gives us an explanation of the zigs and zags which have occurred over the past several days. So far as I am concerned, I am curious and confused. I thought there was an opportunity to do something to speed withdrawals of American troops, but I am sure the President has his reasons and I would anticipate that he would explain them to the American people shortly.

Mr. SCALI. Do you feel the "on again—off again" halt in the B–52 bombings perhaps reflects conflicting advice the President is receiving from his top advisors?

Senator MANSFIELD. Yes.

Mr. CLARK. There is a widespread impression that Mr. Nixon is going to announce within the next few days a new troop withdrawal. Would you like to see any such withdrawal announcement coupled with a new cease fire offer, or an offer to halt B–52 bombings?

Senator MANSFIELD. No, I think that opportunity has been passed by and to make such an offer of that nature at this time would be, I think, counter productive.

I would like to see a very substantial withdrawal of American troops and on a time basis. I think that we have got to get out of Vietnam over a period of time and to use Secretary Laird's phrase, the war should be more and more Vietnamized but we should lay down the procedure and the policy which we intend to follow so that President Thieu will know what we are going to do and be prepared if he wants to survive, to act accordingly.

Mr. CLARK. Some Republican leaders of Congress are talking openly about a withdrawal of something in the neighborhood of 35,000 to 45,000 troops. Would that meet your definition of "very substantial?"

Senator MANSFIELD. It would be better than no withdrawal. I would like to see a more substantial withdrawal.

Mr. CLARK. Would you like to see the so-called timetable for withdrawal, the phased withdrawal where we would announce that we will go ahead and withdraw up to 200,000 troops or something in that neighborhood?

Senator MANSFIELD. Yes. Not necessarily officially, but I think President Thieu ought to be informed so that he can act, as I have said, accordingly.

Mr. SCALI. Senator Mansfield, you have been very sympathetic toward Mr. Nixon's approach on Vietnam. Is your patience beginning to wear a little thin now? Is there anything else, for example, that you believe Mr. Nixon should do in addition to what you have already mentioned here?

Senator MANSFIELD. Well, my patience began to wear thin with the start of this tragic, useless, barbaric war, some years ago. I have never been in favor of it. I think that it is in an area where we have no vital interests. It is not tied to the security of the United States.

I would like to see in South Vietnam a coalition government; the neutralists, the Viet Cong and all the rest of the people in that area get together so that they could decide among themselves on the basis of self-determination, and we have advocated that for years, what kind of a government they want there. If that could be done, then I think it might be more possible for us to get together with Hanoi.

Mr. SCALI. Well, Senator, one of the big barriers to a coalition government is obviously the attitude of the leaders in Saigon. Today, for example, Vice President Ky says in an interview with the New York Times that if there is a new government formed in Saigon which seeks to bring about a coalition with the Communists, there would be a coup in ten days by members of the South Vietnamese Army.

Now, what do you think of that attitude?

Senator MANSFIELD. That is Marshall Ky's judgment; one man's judgment. I think that we ought to have a coalition government there regardless of what Vice President Ky thinks or what he says.

Mr. SCALI. Well, how do you impose a coalition government?

Senator MANSFIELD. I didn't say "impose."

There ought to be elections there within a reasonable length of time, as President Thieu advocated some months ago. I thought then that he was advocating a free election among all people of South Vietnam in a period of three to six months and a few days later he said it wouldn't be until two years after the end of hostilities. Well, that is no answer and if President Thieu and Vice President Ky are going to be the tail which wags us, then I think it is time for us to take a look at our relations with them.

Mr. CLARK. Well, do you think President Thieu and Vice President Ky should both step down if that appears to be the only way to achieve a coalition government.

Senator MANSFIELD. If that was the only way in which a coalition government could be arrived at and peace brought to Vietnam and the eventual withdrawal and the solution to the difficulties in which we find ourselves there, that ought to be given every consideration.

Mr. CLARK. Do you think the tail is wagging——

Senator MANSFIELD. Not to say that it will.

Mr. CLARK. Do you think the tail is wagging the dog; that the Nixon Administration is being influenced too much by the Thieu Government?

Senator MANSFIELD. I would say that pressure has been applied by the Saigon Government on us which places us in a very embarrassing position from time to time.

Mr. SCALI. Well, do you think that Mr. Nixon is being influenced unduly by the views of President Thieu and Vice President Ky?

Senator MANSFIELD. No, I wouldn't say so. I think that President Nixon is very desirous of bringing this war to a close. He is walking a tightrope trying to solve a situation which he inherited. He is trying to do what he thinks is right and in a way which will bring about a responsible solution. So far his efforts have been thwarted because the checkers haven't fallen in line as anticipated.

Mr. SCALI. Vice President Ky goes on to say in this same New York Times interview that "President Thieu cannot afford any more concessions with the Communists. It is a matter of his survival."

Senator MANSFIELD. Well, we can't afford any more casualties or costs either. I think we ought to look after our own interests for a change and give them primary consideration.

Mr. CLARK. Senator, if we can move on to a thought for a moment about South Korea, do you have any views about the constitutional amendment that the supporters of President Park of South Korea pushed through yesterday that would permit him to run for a third term?

Senator MANSFIELD. Oh, that is a Korean internal question. I would have no comment on it.

Mr. CLARK. You wouldn't be disturbed about the charges that this is going to extend what his opponents regard as a dictatorship?

Senator MANSFIELD. If it has been a dictatorship so far, it has evidently been a willing one because President Park has had the votes to serve two terms. Now he wants to serve a third term, but that is something for the Koreans to decide and not for me to comment on.

Mr. SCALI. Senator, to get some of the domestic questions out of the way here, you made a promise to Senate liberals that there would be speedy action this year on a meaningful tax reform bill.

Senator MANSFIELD. I did not make a promise to the Senate liberals. I made a promise to the Senate that there would be a tax reform bill reported out of the Finance Committee by October 31. That promise was made in the open. I expect that promise to be kept.

Mr. SCALI. Well, I was going to ask whether in view of the fact that some critics are saying that you will be unable to keep that promise, whether we could expect a tax reform bill this year?

Senator MANSFIELD. As far as I am concerned, we will have a tax reform bill this year.

Mr. CLARK. Well, Senator, as you know there is a great deal of talk in town and among some of the lobbyists who are working on various parts of that tax bill that there is not going to be a tax reform bill until spring. Can you really promise action by the end of this year?

Senator MANSFIELD. No, I can't promise definitive action. I can only give you my point of view and reiterate the promise made to the Senate when this matter was referred to the Finance Committee. I would point out that I think that Senator Russell Long, the Chairman of the Finance Committee, who was in on the meetings with the Policy Committee and with whom I had a dialogue on the Floor, is a man of his word and I would expect Senator Long to keep his word. That is a very important factor in the affairs of the Senate.

Mr. SCALI. Do you feel the Nixon Administration is backtracking on the whole principle of tax reform by suggesting that the House-passed bill be amended to reduce tax relief for middle income groups and give some of this to corporations instead?

Senator MANSFIELD. No, I do not. They are presenting their views to the Finance Committee. It will not be up to the Administration but the Finance Committee in the Senate to decide what sort of a tax bill will be considered in our body and the Administration has the right to present its views whether we agree with them or not.

Mr. CLARK. Well, Senator, on this question of timing, do you feel that your pledge was a promise to push for enactment of a tax reform bill by the end of this year?

Senator MANSFIELD. No. To get a tax bill out of committee and on the calendar by October 31. I cannot foresee what the Senate will do. It will carry on extended debate. There may be filibusters. There will be special interests which various people will be interested in—myself included—but the promise was to get it out by October 31. Hopefully I would like to finish it before the end of the year, but whether or not we can depends on a number of factors. We have, I believe, 13 Appropriation Bills to consider.

Mr. SCALI. Senator Mansfield, inflation continues to be quite a national problem. This week the automobile companies jacked up prices on new models, even as William McChesney Martin, the Chairman of the Federal Reserve Board, was predicting that inflationary pressures were abating. (A), are you unhappy that the Administration made no outcry against the increased prices in automobiles, and do you think that the Administration generally should be blamed for letting inflation go as long as it has?

Senator MANSFIELD. I would have preferred that they had raised their voices at the time the GM auto raises were announced, but then I would point out while we are singling out the auto industry on this particular occasion, that a good many other industries have likewise raised their prices and nothing was said.

The previous Administration did raise its voice. Sometimes it was successful; sometimes not.

President Nixon is operating on a low key basis. He is hopeful that the economy will even itself out. I have been encouraged by what William Martin of the Federal Reserve Board has said because I have great confidence in his judgment and usually he is a pessimist. Maybe they know what they are doing, but I certainly hope that we will watch this inflationary spiral which hits into the pocketbooks of every American, and take whatever steps are necessary to curb it.

Mr. SCALI. Among these necessary steps would you include the possibility of wage-price controls?

Senator MANSFIELD. I would indeed, and I have been advocating them for the past three years, and across the board. And also profits would be included in that category.

Mr. CLARK. Senator, you had a very close personal relationship with the late Senator Everett Dirksen, and a relationship that was very important in marshaling bipartisan support behind programs in Congress.

What is Senator Dirksen's death going to mean in terms of getting programs through Congress and getting remaining parts of the Nixon program through Congress?

Senator MANSFIELD. Well, my relationship with Everett Dirksen was a dream relationship. He was a man of his word. I always informed him what I was going to do and he kept me informed of his moves.

I anticipate that whoever succeeds him will carry on in the Dirksen tradition. At least I hope he will, and I assume he will. And as far as the program is concerned, I think we have been doing fairly well so far because a Congress should not be judged on quantity but rather on quality and I think we have made some sizable advances in this short session.

Mr. CLARK. I would like to call your attention at this point to a comment made today on another panel program by Senator Scott, who is one of the three candidates seeking to succeed Senator Dirksen as Minority Leader, and he said the Democratic Congress is foot-dragging at this stage and he also said "I am most dissatisfied with the failure of the Democratic Congress to achieve anything of importance."

Senator MANSFIELD. Well, I would imagine it if I were in Hugh Scott's shoes I would probably say the same thing, but I would suggest to my good friend Senator Scott, that he look at the calendar. It is pretty well clear and he recognizes the fact that it isn't quantity but quality which counts, that the Democratic controlled Congresses over the past five years did pass a tremendous amount of legislation and that it is time to shake it down, make it more effective, see that there is less money spent for administration and more money spent as the Congress intended, and to just look at the record, as Al Smith would say, and I think he would come to a different conclusion.

Mr. SCALI. Senator Mansfield, you know the other two contestants for the post of Republican leader are Senator Hruska and Senator Baker. Does it make any difference to you who wins out?

Senator MANSFIELD. Oh, no. They are all good men and just as Bob asked me about the situation in Korea and I replied that was a Korean problem, this is a Republican problem.

Mr. SCALI. Well, if either Senator Baker or Senator Hruska wins out, it will be regarded as victory for the Republican conservatives over the liberals. You have worked very closely with the moderates and the liberals in your time in office here.

Senator MANSFIELD. And the conservatives.

Mr. SCALI. Won't this, however, strengthen the conservative trend in Congress?

Senator MANSFIELD. Well, I wouldn't think so. Any of these three men would do a good job in that position and I would work very well with any of them.

Mr. CLARK. Well, Senator, on your side of the aisle doesn't it make any difference whether the Democratic leader is a liberal, moderate or conservative, as they all do the same kind of job?

Senator MANSFIELD. Both parties have their differences. The Republicans are getting more and more a party of split personalities as time goes on. We have been that way for decades and it is all right.

Mr. CLARK. There is also in this struggle already raging the element of a battle between youth and age.

Would you like to see the infusion of more youth in the leadership of the Senate?

Senator MANSFIELD. Well, speaking for the Democrats only, yes.

Mr. CLARK. Senator, there are reports that President Nixon is planning to announce major draft reforms in the near future in an effort to diffuse some of the campus demonstrations against the Vietnam War. Would you favor this as an executive move without referring it to Congress in view of the fact that Congress has been dragging its feet on draft reform for several years?

Senator MANSFIELD. Yes, on that basis I would.

Mr. CLARK. Do you have any reason to believe that Mr. Nixon does plan to move in this direction?

Senator MANSFIELD. None at all, but I hope he would because he does have some executive authority which I believe he could put into effect to dampen down the situation which has developed around the draft question, which, incidentally, I did not vote to extend the last time.

Mr. SCALI. Would you be in favor of suspending the draft for the time being?

Senator MANSFIELD. I couldn't say at the moment. You caught me off base on that one. I hadn't thought about it.

Mr. CLARK. Senator, what has been the reason for the foot-dragging on the draft? There have been draft revision bills before Congress for the last two or three or four years. Senator Edward Kennedy had a rather lengthy one this term.

Senator MANSFIELD. I would imagine the Armed Services Committee has gotten so involved on the Military Authorization Bill and other matters that are coming up which will take the time of a good many of the members, in appropriations and in defense matters, that they feel they cannot give it the proper consideration this year.

I know that it is the intention of Senator Stennis, who has been on the floor now for well over two months handling this particular bill under consideration, to take it up at the first opportunity and if he could he would do it this year, but he feels it may not be possible. But, if it is possible, he will take it up this year in the Senate.

Mr. CLARK. I know he has indicated that it is not possible.

Do you think draft reform is a problem than can safely be deferred until next year with all the unrest, the—

Senator MANSFIELD. Oh, no, I have been very much disturbed about the draft law. As I said, I did not vote for its extension the last time because I think it is too inequitable and something has to be done to bring about a facing-up to this situation which becomes more significant each passing day.

Mr. SCALI. This all ties in, Senator, with President Nixon's hope for an all-volunteer army. Do you think this is a goal which can be achieved or is it more a dream?

Senator MANSFIELD. Well, I think we ought to look into it very carefully, read the fine print, calculate the cost and I would hope that the President's proposal would be given consideration as soon as possible.

And, incidentally, Senator Hatfield and others have advanced the same proposal.

Mr. SCALI. On Tuesday of this week the Senate Judiciary Committee is going to begin hearings to determine whether Judge Haynsworth should be promoted to the Supreme Court. In your view, have the charges of conflict of interest which have been directed against him placed any cloud on his nomination?

Senator MANSFIELD. I would think there would be some opposition to his nomination. I am not prepared to render a judgment yet. I think the Judiciary Committee ought to hold the hearings which, as you say, will start tomorrow. I am sure that all these questions will be brought out at that time and then, on the basis of these hearings and the conclusions of the Judiciary Committee, I will make up my mind.

Mr. CLARK. Senator, do you see the Haynsworth nomination as a priority matter before the Senate? Of course, the Supreme Court starts its fall term October 6th. Would you expect to act by that time?

Senator MANSFIELD. It would all depend on what happens in the Judiciary Committee when the nomination is reported out and what the situation is on the floor.

Mr. CLARK. As of now would you think the prospect is that it will be acted on before the start of the fall term of the court?

Senator MANSFIELD. Again I couldn't say, Bob, until we see what happens in the committee and, as you know, in the Judiciary Committee it is my understanding that any member can ask for—when the hearings are concluded, that is—for an extension of a week or ten days before reports are filed. So it might be running up against a pretty thin deadline and my curbstone opinion at the moment would be that he probably wouldn't make it by that time.

Mr. SCALI. Senator Mansfield, the Arab-Israeli War escalated another notch or so this week with all of these air battles and raids across the Suez Canal. Do you see any sign at all that the Soviets are really interested in agreeing with the United States on some formula for bringing peace to this area?

Senator MANSFIELD. Well, they are still meeting with us from time to time. The matter will be discussed next week when Secretary Rogers meets Gromyko in New York. The United Kingdom and France are trying to do what they can, but the Israelis seem to think that it is a matter of direct confrontation or negotiations with the Arabs. I think they are right but they can't seem to get that basis for negotiating so it appears to me that it is up to the Big Four, really, rather than the Big Two, to try and continue to see what they can do to bring this war to a close.

Mr. SCALI. But do you see any sign that the Soviets are willing to stop encouraging the Arabs; willing, perhaps, to stop their shipments of vast quantities of arms into this area?

Senator MANSFIELD. No, but in all fairness, it must be pointed out that we are shipping jets to Israel while the Soviet Union is shipping jets, tanks and other armaments to the various Arab states.

Mr. CLARK. Senator, you and your fellow Democrats in the Senate face some rather mean arithmetic in next year's congressional election. I believe there are a total of 25 Democratic seats which are up and only nine Republicans. The Republicans are already claiming very much out loud that they have an excellent chance of winning control of the Senate. Are you worried about all this?

Senator MANSFIELD. Well, the Republicans are saying that I think as we would in their situation, with their fingers crossed.

Yes, it is going to be tough, but I think we will be able to maintain control of the Senate and we will do it on the basis of the record made not only in the Senate itself, but by the individual Senators concerned.

Mr. CLARK. Some political observers are saying, as you know, that Senator Kennedy's unfortunate accident has destroyed his chances of becoming the Democratic nominee, not only in 1972, but possibly forever. Would you agree with that?

Senator MANSFIELD. Well, that is hard to say. I said before the tragedy that in my opinion he would not be a candidate in 1972. What happens beyond that is too far into the future for me to conjecture on at this time.

Mr. SCALI. Do you think the next Democratic nominee for President will come from the Senate?

Senator MANSFIELD. Yes, I do, and I would say that Senator Muskie is in the lead at the present time. Former Vice President Humphrey is right behind him. There is Senator Fred Harris to consider, and there will be others and it is my belief that the trend which has developed in recent years will continue and that probably the Democratic nominee will be selected from the Senate.

Mr. CLARK. I believe you just assumed Senator Humphrey will be elected back to the Senate from Minnesota in 1970, is that——

Senator MANSFIELD. No, whether or not he is elected, he will be a contender, and I assume he will be elected.

Mr. SCALI. Senator, to go back to foreign affairs for a moment——

Senator MANSFIELD. If he runs. He hasn't announced yet.

Mr. CLARK. I believe you have just announced for him.

Mr. SCALI. Senator, there are some advance predictions that Foreign Minister Gromyko will finally say when he meets with Mr. Rogers in New York next week that, yes, Russia is interested in meeting with the United States to see whether or not the deployment and perhaps the number of missiles can be controlled.

Do you think that the first order of business in any such talks should be to halt the deployment of the so-called MIRV, the multiple warhead weapon?

Senator MANSFIELD. I most certainly do, and I hope the SALT talks do finally get under way. They are way overdue. Much damage, through delay, has been done in the meantime. It is partly our fault, as well as that of the Soviet Union because we have been playing games back and forth and I don't think it has done either of us any good and certainly as far as the cause of disarmament is concerned, which is both expensive and deadly, it has been retarded.

Mr. SCALI. How have we been playing games, Senator?

Senator MANSFIELD. Well, I understand there were feelers by the Soviet Union unofficially during the last months of the previous administration and the first months of this administration and it took us a long time to react to those feelers and when we did it took the Soviet Union a long time to react and we started playing games and nobody benefits by it.

Mr. CLARK. Senator, on a rather detached subject this is the week that the Congress does honor to the astronauts in a joint session of Congress, but there are strong demands in Congress both among Republicans and Democrats to cut back space spending. Where is future space exploration going to fit in the national priorities?

Senator MANSFIELD. I think it should be cut back. I think that we ought to pay more attention to the difficulties, the ills and the evils on earth rather than the projections which we have towards the moon and other planets. We have spent over $25 billion, I believe, on the Apollo mission so far. We finally got a man on the moon. The moon seems to have nothing of value up to this time, but these problems down on earth have to be faced and we better think of our own people down here rather than what might be up there.

Mr. SCALI. Would you favor landing a man on Mars?

Senator MANSFIELD. No.

Mr. CLARK. Senator Mansfield, I am sorry, our time has run out. It has been a great pleasure having you with us on "Issues and Answers."

Senator MANSFIELD. Thank you.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield, I should like to comment that the majority leader's excellent presentation was applauded, by all of us who saw him, for his fairness, his restraint, and his statesmanship. I know that millions of people like myself must have enjoyed the program.

Mr. MANSFIELD. I thank the minority leader.

EXECUTIVE COMMUNICATIONS, ETC.

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

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Government Operations:

"ASSEMBLY JOINT RESOLUTION 66

"Relative to the Intergovernmental Cooperation Act of 1968

"Whereas, In enacting the Intergovernmental Cooperation Act of 1968 (P.L. 90-577), the Congress of the United States has declared its intent to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our federal system in an increasingly complex society; and

"Whereas, The California Legislature concurs in and supports this objective; and

"Whereas, The Congress of the United States is presently considering amendments to the Intergovernmental Cooperation Act of 1968, including certain provisions designed to improve the system of grants-in-aid to the states; and

"Whereas, Within the federal system the states have unique capabilities in terms of

innovating and serving as a testing ground for possible solutions to critical public problems; and

"Whereas, The California Legislature has demonstrated its willingness and ability to take the initiative in seeking new approaches to problems such as air pollution, crime prevention, transportation, education and other pressing problems;

"Whereas, Such efforts on the part of state legislatures will advance the objectives of the Intergovernmental Cooperation Act of 1968 and therefore merit endorsement and support at the federal level, including the provision of financial assistance; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact amendments to the Intergovernmental Cooperation Act of 1968 to permit state legislatures to receive funds for research, demonstration and feasibility purposes under existing federal grant-in-aid programs; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 246. Resolution authorizing the printing of additional copies of Senate hearings on "Riots, Civil and Criminal Disorders" (Rept. No. 91–407);

S. Res. 247. Resolution authorizing the printing of additional copies of Senate hearings on "Riots, Civil and Criminal Disorders" (Rept. No. 91–408);

S. Res. 248. Resolution authorizing the printing of additional copies of Senate hearings on "Riots, Civil and Criminal Disorders" (Rept. No. 91–409); and

S. Res. 250. Resolution authorizing the printing of additional copies of part 1 of the hearings entitled "Economics of Aging" (Rept. No. 91–410).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

H. Con. Res. 193. Concurrent resolution authorizing the printing as a House document of a revised edition of "The Capitol," and providing for additional copies (Rept. No. 91–412); and

H. Con. Res. 309. Concurrent resolution, second listing of operating Federal assistance programs compiled during the Roth study (Rept. No. 91–413).

By Mr. SPARKMAN, from the Committee on Foreign Relations, with amendments:

H.R. 11039. An act to amend further the Peace Corps Act (75 Stat. 612), as amended (Rept. No. 91–414).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. SPARKMAN, from the Committee on Foreign Relations:

Joel Bernstein, of Illinois, to be an Assistant Administrator of the Agency for International Development; and

Ernest Stern, of the District of Columbia, to be an Assistant Administrator of the Agency for International Development.

By Mr. ELLENDER, from the Committee on Agriculture and Forestry:

Thomas K. Cowden, of Michigan, to be a member of the Board of Directors of the Commodity Credit Corporation.

BILLS INTRODUCED OR REPORTED

Bills were introduced or reported, read the first time, and, by unanimous consent, the second time, and referred or placed on the calendar, as follows:

By Mr. SCOTT:

S. 2907. A bill for the relief of Johanna George; to the Committee on the Judiciary.

By Mr. YOUNG of Ohio:

S. 2908. A bill to amend the Military Selective Service Act of 1967 so as to reduce from 24 months to 18 months the period of time persons inducted into the Armed Forces under such act may be required to serve; to the Committee on Armed Services.

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

By Mr. MATHIAS:

S. 2909. A bill to provide for the expansion of the Antietam Battlefield in the State of Maryland, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. JORDAN of North Carolina:

S. 2910. A bill to amend Public Law 89–260 to authorize additional funds for the Library of Congress James Madison Memorial Building; to the Committee on Public Works.

By Mr. CRANSTON:

S. 2911. A bill for the relief of Trinidad O. Tenefrancia; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 2912. A bill for the relief of Quenia Uychinco (A17345880); and

S. 2913. A bill for the relief of Jose B. Teneza (A17646859) and Adelaida R. Teneza (A14332026); to the Committee on the Judiciary.

By Mr. MONDALE:

S. 2914. A bill for the relief of Russell Arthur Ward, wife Wilna Irene, sons Lyle Russell, Peter Edward, Brian, and Craig Charles; to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 2915. A bill to improve railroad safety; to the Committee on Commerce.

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

By Mr. KENNEDY:

S. 2916. A bill to establish the Plymouth-Provincetown Celebration Commission; to the Committee on the Judiciary.

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

By Mr. WILLIAMS of New Jersey:

S. 2917. A bill to improve the health and safety conditions of persons working in the coal mining industry of the United States; placed on the calendar.

(The remarks of Mr. WILLIAMS of New Jersey when he reported the bill appear later in the RECORD under the appropriate heading.)

S. 2908 INTRODUCTION OF BILL TO AMEND THE MILITARY SELECTIVE SERVICE ACT OF 1967 TO REDUCE THE PERIOD OF SERVICE TO 18 MONTHS

OUR DISCRIMINATORY AND UNFAIR DRAFT LAW MUST BE SCRAPPED, DRAFT SHOULD BE FOR 18 MONTHS ONLY

Mr. YOUNG of Ohio. Mr. President, I introduce for appropriate reference a bill to amend the Military Selective Service Act of 1967 to reduce from 24 months to 18 months the period of time young men inducted into the Armed Forces may be required to serve.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2908) to amend the Military Selective Service Act of 1967 so as to reduce from 24 months to 18 months the period of time persons inducted into the Armed Forces under such act may be required to serve, introduced by Mr. YOUNG of Ohio, was received, read twice by its title, and referred to the Committee on Armed Services.

Mr. YOUNG of Ohio. Mr. President, while there unfortunately remains a continuing need for conscription to meet our military manpower requirements during our involvement in the immoral undeclared war in Vietnam, the need for a 24-month term of service no longer exists, if indeed it ever did.

The present tour of duty of men in our Armed Forces in Vietnam is 1 year. Even assuming that an inductee were given 6 months of training instead of the present 4 months before being assigned to combat duty overseas it is obvious that our military manpower needs could be fulfilled with an 18-month draft. In my judgment, it is unfair and unnecessary to require these young men to serve for 2 years. Why disrupt the lives, education, and careers of our youngsters for any longer period of time than is necessary?

Furthermore, in recent years, nearly 1,900,000 young men have annually attained the age of 19. Next year that number will probably exceed 2 million. Under current standards, three of 10 will probably be disqualified for physical reasons, or deferred for reasons of hardship or unfitness. Therefore, approximately 1,300,000 19-year-olds will be qualified and available for conscription in our Armed Forces each year. May I state that I utterly abhor the idea of conscription of our youth into the Armed Forces except in time of a declared war or grave national emergency.

According to a former Assistant Secretary of Defense in charge of Manpower, in a typical post-Vietnam year—which we all hope will be very soon—it is estimated that 110,000 inductees will be required annually. These men would be selected from the residual pool of draftees available, exclusive of those who had already volunteered.

If shortening the tour of duty to 18 months should conceivably result in a need for more young men, they could be drawn from the additional hundreds of thousands of available men who otherwise would be exempted.

Furthermore, it is unfair to continue to draft young American boys for 24 months when our allies, Great Britain and Canada, have no draft laws whatsoever. New Zealand and Belgium conscript for only 12 months. France and Norway conscript for 12 to 15 months; Denmark from 12 to 14 months; West Germany for 18 months. I wish to emphasize that we are sending thousands of men, some of them draftees, to protect these nations, some of which have no draft laws whatever.

In South Vietnam, where more than 40,000 young Americans have died and 250,000 others have been wounded in our involvement in an immoral, undeclared war, Vietnamese nationals of 18 and 19 have been able to buy exemptions from the draft upon payment from $600 to $800, depending upon the greed of the provincial leaders and of those generals of the Saigon militarist regime.

In 1965 and again last year when I was in Saigon I saw thousands of young Vietnamese youth on motorcycles, out at night, in bars, on the streets, and emptying out of movie theaters at 10 o'clock. There were thousands of them who should have been in the armed forces of that militarist regime.

My bill would remove at least one of the gross inequities in our present Selective Service System. Apart from General Hershey's maladministration of the system and his crude attempts to use the draft to suppress freedom of speech, the law itself has many defects.

I am cosponsor of legislation to reform our draft laws. This would, among other things, institute random selection, whereby a young man at age 20 could plan his future accordingly. It also provides for induction of the youngest first, administrative reorganization of the Selective Service System, mandatory national standards for classification and elimination of occupational deferments except where the President may determine them justified in the national interest.

While I strongly support these proposals, I believe that they do not go far enough in that they do not shorten the outmoded 24-month service requirement for draftees.

We in Congress should review the Selective Service System very thoroughly, and enact into law a greatly improved Selective Service Act.

It is bad enough to go about conscripting youngsters into our Armed Forces. It is absolutely and totally unfair, arbitrary, and capricious to continue the present discriminatory system without adopting guidelines to achieve decency and fairness in operation of draft boards throughout the country. Even in my home city of Cleveland one draft board in one ward operates directly opposed to the decisions of a board in a neighboring ward.

Any law that compels some young men to sacrifice their freedom and even their lives in the Armed Forces of our country while others remain free to pursue normal lives is inherently unfair. Unfortunately, in this grim period of international anarchy and throughout our involvement in a miserable civil war in Vietnam, whether our fighting in this country 10,000 miles distant and of no importance whatever to the defense of the United States should end this year or continue into future years, it may continue to be necessary for our Nation to maintain an army composed in large part of draftees. However, there is no reason for any selective service law that contains as many inequities as the one under which young Americans are now being called to military duty

Reform of the draft is long overdue. No draft law will please everybody, but it is surely high time that we enact into law a Selective Service System designed to meet the realities of 1969 and not a world war that ended in 1945.

S. 2909—INTRODUCTION OF A BILL TO PROVIDE FOR THE EXPANSION OF THE ANTIETAM NATIONAL BATTLEFIELD AND CEMETERY

Mr. MATHIAS. Mr. President, I am today introducing legislation (S. 2909) to provide for the expansion of the Antietam National Battlefield and National Cemetery in Washington County, Md.

Identical legislation is being introduced in the other body by Congressman J. GLENN BEALL, JR., and GILBERT GUDE.

Today is the 107th anniversary of the Battle of Antietam on September 17, 1862. The fearsome struggle which exploded that day around the quiet little town of Sharpsburg, Md., was the great confrontation between the Grand Army of the Potomac, commanded by Gen. George B. McClellan, and the Army of Northern Virginia, led by Gen. Robert E. Lee. It was the bloodiest single day in our Nation's entire history, with over 23,000 Union and Confederate casualties.

The significance of Antietam was vast. As James B. Murfin wrote in his foreword to "The Gleam of Bayonets," his excellent study of the battle:

> Few battles in which Americans died have left such a mark on history as did Antietam. Few battles have held in their final moments of victory and defeat the vast political, economic, and military implications that did this bloodiest single day of the Civil War. Antietam was the turning point in the history of the Confederacy; it was, diplomatically speaking, one of the decisive battles in the world; on it hinged the very existence of the United States . . .
>
> On September 4, 1862, General Robert E. Lee began crossing the Potomac River with the Army of Northern Virginia. His sojourn in Maryland lasted only 14 days, but they are 14 days we can ill-afford to forget. Lee brought with him the hopes and fears of a newborn nation; an undefeated nation on the verge of foreign recognition and independence. When he returned to Virginia on the night of September 18, he left on record one of the most gallant struggles in military history; a battle which brought neither victory nor defeat, but which opened the door for the ultimate downfall of his government.

As Prof. James I. Robertson, Jr., has summarized:

> Tactically, Antietam was a draw. Strategically, politically, diplomatically and morally, it was a Union victory of high magnitude. The Confederates were forced back to the battle-scarred fields of Virginia. Southern morale received a stiff blow. Even worse for the Confederates, the stalemate at Antietam cut short the prospects of foreign intervention at a time when it seemed most likely to materialize in behalf of the South. Lastly, and in many respects most importantly, Lincoln used the springboard of the Antietam "victory" to issue his preliminary Emancipation Proclamation, a document which crystallized liberal opinion around the world in support of the Northern cause.

The Battle of Antietam thus was a crucial mark in the evolution of the Civil War from a political and economic battle into a moral cause. This tragic day of slaughter was also the beginning of two humanitarian movements. The field hospital which Clara Barton maintained on the battlefield became the birthplace of the American Red Cross. And the memorial services which began at Antietam National Cemetery near the end of the Civil War have been regarded by many authorities as the precursors of Memorial Day.

Much of the site of this tremendous struggle has been preserved as the Antietam National Battlefield, originally established by the then War Department in 1890 and maintained as a unit of the National Park Service by the act of April 22, 1960. Public holdings now total 1,087.7 acres, including the 11-acre national cemetery. The National Park Service has built a handsome visitor center and has provided excellent interpretive exhibits and signs, including a self-guiding tour. With highway access via Interstate 70 and other routes improving, the area becomes more popular every year. Almost 400,000 people registered at the visitor center in 1968.

Since the beautiful Sharpsburg area is still primarily agricultural, few visitors to Antietam realize that the national battlefield itself embraces only a portion of the actual battle scene. Many of the most important battlegrounds, in fact, are outside the present Federal holdings. These include the cornfield, scene of tremendous slaughter; the west woods behind the Dunkard Church; the probable site of Clara Barton's field hospital; the locations of much of the Union lines opposite the sunken road, now called Bloody Lane; and much of the fields south and east of Sharpsburg where A. P. Hill's forces rebuffed the afternoon advance of Union troops under General Burnside to end the battle.

Like so many other historically important sites in the Potomac Basin, these portions of the battlefield have been preserved in much the same status for over a century by private citizens, who appreciated their significance and have a real commitment to conservation and historic preservation. However, more intensive development is spreading in Washington County as elsewhere in this region, and we cannot rely on the best of private intentions indefinitely.

Accordingly, I am introducing legislation today to authorize the expansion of the Antietam National Battlefield to a maximum of 2,800 acres, 1,712.3 more than currently held. This additional land would include 400 acres to be set aside for the expansion of the Antietam National Cemetery in an appropriate location. It would enable us to preserve virtually all of the important fields of the actual battle, and to insure that this historic and beautiful environment would remain as it is now, essentially as it was when the two armies faced each other there 107 years ago.

In addition to authorizing the battlefield's expansion, the bill provides for archaelogical investigations and research to determine the actual site of Clara Barton's field hospital. It also directs the Secretary of the Interior to work closely with State and local governments and interested groups on his-

toric preservation, environmental protection, and interpretation of the area's history for the benefit of the public.

The battle of Antietam was so important in our Nation's history that its site should not be only half preserved. I view the bill I am introducing today as a starting point and a stimulus for discussion with all concerned, including public officials and interested historical, conservation, and veterans' groups. Toward this end, I will encourage the Committee on Interior and Insular Affairs to seek comments on the bill from executive agencies and to hold public hearings as soon as possible.

Mr. President, the battle of Antietam was one of the most inhumane days in our Nation's history. Ironically, its result was to advance humanitarian interests, including the Red Cross and the cause of individual liberty. There was no victor on the bloody fields on Antietam, but the battlefield stands today as a monument to human courage and a reminder of the horror of war. Its true meaning may be summed up in the words of one Union survivor, who described his thoughts on the night of September 17:

> There was no tree over our heads to shut out the stars, and as I lay looking up at these orbs moving so calmly on their appointed way, I felt, as never so strongly before, how utterly absurd in the face of high Heaven is this whole game of war, relieved only from contempt and ridicule by its tragic accomplishments, and by the sublime illustrations of man's nobler qualities incidentally called forth in its service. Sent to occupy this little planet, one among ten thousand worlds revolving through infinite space, how worse than foolish these mighty efforts to make our tenancy unhappy or to drive each other out of it.

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

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2909) to provide for the expansion of the Antietam Battlefield in the State of Maryland, and for other purposes, introduced by Mr. MATHIAS, 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. 2909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in furtherance of the purposes of the Act entitled "An Act to provide for the protection and preservation of the Antietam Battlefield in the State of Maryland", approved April 22, 1960 (74 Stat. 79), and other Acts relative thereto, and additionally to provide for the protection and preservation of the historic Clara Barton field hospital site and birthplace of the American Red Cross, and for expansion of the Antietam National Cemetery, the Secretary of the Interior is hereby authorized to acquire in fee, by purchase, exchange or donation, additional lands over and above the limitations as previously authorized: *Provided,* That the total of lands previously acquired and currently included within the Antietam National Battlefield Site and Antietam National Cemetery, plus such lands as may be acquired under authority of this Act, shall together not exceed 2,800 acres: *Provided further,* That within the total acreage as herein authorized, 1,800 acres shall be identified by the Secretary of the Interior as comprising the historic battlefield scene and the same shall be protected and preserved solely as such for the cultural benefit and inspiration of the public; and the remaining 1,000 acres as may be acquired under this authorization shall be contiguous to the historic battlefield and shall provide environmental protection thereto, and shall be utilized in part for National Cemetery purposes up to a limit of 400 acres therefor at such location as is conducive to cemetery use, and for such other public uses as may be compatible to the purposes of this Act.

SEC. 2. The Secretary of the Interior is further authorized to accept through donation and to assume responsibility for administration and maintenance of the Mumma Graveyard located within the Antietam National Battlefield Site and those cemetery sites within the corporate limits of Hagerstown, Maryland, and Shepherdstown, West Virginia, that contain composite burials of Confederate soldiers killed during the historic Battle of Antietam: *Provided,* That such transfer of jurisdiction of cemetery sites shall be consummated only if the trustees or commissioners concerned so desire, and that area contained within such historic cemetery sites shall, if such jurisdiction is so transferred, become detached sections of the Antietam National Cemetery but shall not be included within the acreage limitation as provided under the first section of this Act.

SEC. 3. The Secretary of the Interior is hereby authorized to undertake such research as is necessary to define those lands actually comprising the historic Antietam Battlefield scene and to identify them as such for protection and preservation within the purposes of this Act; to undertake research, including archeological investigations, as necessary, to identify actual site of the historic Clara Barton field hospital and birthplace of the American Red Cross for purpose of acquisition and protection and preservation as provided herein; to undertake geological studies as necessary to determine lands within the environmental protection area suitable for cemetery use under the purposes of this Act; and to enter into such agreements with affected property owners as may be necessary to carry out such research and field studies.

SEC. 4. The administration, protection, preservation and such minimal development as is necessary to provide for public use and enjoyment of the Antietam National Battlefield Site shall be exercised by the Secretary of the Interior in accordance with provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the National Cemetery enlargement, as provided herein, to be known as the Antietam National Cemetery Annex, shall be administered and maintained by the Secretary of the Interior in accordance with provision of the Act of Congress entitled "An Act to establish and preserve National Cemeteries," approved February 22, 1867, and within current national cemetery regulations as issued by the Department of Defense in conjunction with the Veterans Administration.

SEC. 5. To carry out the purposes of this Act, those lands situated in Washington County, Maryland, and identified as "Fort Ritchie—Site B" as indicated on county tax maps numbers 67 and 72 and currently under the jurisdiction of the Department of Defense and administered by the Commanding Officer at Fort Ritchie, Maryland, containing 289 acres more or less, are hereby transferred to the jurisdiction of the Secretary of the Interior, and shall be utilized in acquisition of lands as authorized by this Act, either through exchange upon the basis of equal value, or sold under sealed bid at not less than a fair market value as shall be determined through appraisal, with monetary proceeds therefrom to be applied directly towards purchase of land as herein authorized.

SEC. 6. In carrying out the purposes of this Act, including historic preservation and restoration, environmental protection, and historical interpretation for the benefit and enlightemnent of the public, the Secretary of the Interior is hereby authorized and directed to consult and cooperate with appropriate agencies and officials of the State of Maryland Washington County, Maryland, and interested local governments, and with interested organizations, groups and individuals.

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 2915—INTRODUCTION OF A BILL TO IMPROVE RAILROAD SAFETY

Mr. RIBICOFF. Mr. President, today I introduce legislation designed to halt the tragic increase in railroad accidents.

Between 1963 and 1968, the number of railroad accidents increased from 4,821 to 8,028. An average of 20 train accidents occur every day.

Thousands of persons have been killed and injured in these accidents, many of which could have been prevented had proper safety precautions been taken. For instance, the most deadly accidents occur at rail-highway grade crossings, where 1,547 people were killed and 3,807 were injured in 1968. Although such accidents account for 65 percent of train fatalities and rank second only to aviation mishaps in severity, only 20 percent of the 225,000 crossings in this country are protected with automatic devices.

Railroad accidents assume an additional deadly dimension when dangerous materials such as chemicals, gases and explosives are being transported. The increased shipment of such hazardous materials has complicated the railroad safety problem and has created a greater threat to public safety. Only last week, a train carrying phosphates derailed, caught fire and threatened thousands of residents with death from the phosgene gas created.

We cannot stop all accidents. But we can improve the accident record of our railroads.

Present State and Federal laws are inadequate to meet this problem. The States are unable to regulate effectively our intricate, national railroad system. The Department of Transportation has broad authority over highway and air safety. At present however, it has only limited piecemeal control over the safety of our railroads. It has been estimated that 95 percent of railroad accidents in this country are caused by factors beyond the Department of Transportation's present jurisdiction. The steep increase in railroad accidents is forceful testimony that further Federal safety regulations are needed to govern our Nation's railroad activity.

The legislation I am introducing today will give the Secretary of Transportation authority to set safety regulations for operating rules and procedures, employee

qualifications, railroad equipment, railhighway grade crossings, bridges, tunnels, railroad tracks and roadways, and such other matters as the Secretary determines to be in the public welfare.

This bill also provides for a Railroad Safety Advisory Commission of 15 members, including representatives of railroad labor and management, to advise the Secretary of Transportation in his preparation of railroad safety regulations.

This legislation gives the Secretary of Transportation power to issue a cease and desist order calling for the immediate termination of any violation of the regulations promulgated under this act.

This bill also provides for the participation of a representative nominated by the Governor of the State in which a railroad accident occurs to the investigating board of the Department of Transportation carrying out the investigation of that accident.

My distinguished colleague, the senior Senator from Indiana, is chairman of the Commerce Committee's Surface Transportation Subcommittee and has scheduled hearings to begin next week. The Senator has expressed his concern about these problems and has introduced his own bill. I hope that the differences in our bills will be considered by his subcommittee and that a comprehensive railroad safety bill will be reported out this year for Senate floor action.

I ask unanimous consent that the bill be printed in the RECORD at this point.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2915) to improve railroad safety, introduced by Mr. RIBICOFF, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Railroad Safety Act of 1969."

PROMULGATION OF FEDERAL RAILROAD SAFETY REGULATIONS

SEC. 2. (a) The Secretary of Transportation shall promulgate safety standards for common carriers (as defined in the first section of the Act of February 17, 1911 (45 U.S.C. 22)), relating to—

(1) operating rules and procedures:

(2) employee qualification;

(3) equipment design, construction and maintenance;

(4) rail-highway grade crossings, bridges, tunnels, railroad tracks and roadways; and

(5) such other matters as the Secretary determines to be in the public welfare.

(b) In carrying out the provisions of this Act, the Secretary shall provide fair and equitable arrangements, to protect the interests of employees who are affected by any action of the Secretary authorized by this Act.

Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) to such employees under existing collective bargaining agreements or otherwise; (2) the continuation of collective bargaining rights; (3) the protection of such individual employees against a worsening of their positions with respect to their employment; (4) assurances of priority of reemployment of employees terminated or laid off; and (5) paid training or retraining programs.

(c) The Secretary shall establish an inspection program, and a staff of railroad safety inspectors. He shall also provide such other staff personnel as are necessary for the enforcement of regulations established pursuant to subsection (a) within the Federal Railroad Administration.

RAILROAD SAFETY ADVISORY COMMISSION

SEC. 3. (a) The President, with the advice of the Secretary of Transportation, shall appoint a Railroad Safety Advisory Commission consisting of 15 members which shall include, but not be limited to, representatives of railroad management and labor. Such members shall serve for six years and shall not be eligible for reappointment. The President shall also appoint a chairman for such commission.

(b) Such commission shall advise the Secretary in the preparation and revision of standards pursuant to this Act and the Secretary shall revise standards established pursuant to this Act as necessary from time to time.

(c) Such Advisory Commission shall inform the Congress yearly of the standards it has proposed to the Secretary of Transportation and the Secretary's comment and action thereon.

(d) Members of such commission who are not regular full-time employees of the United States, shall, while serving on the business of the commission, be entitled to receive compensation at rates fixed by the Secretary of Transportation, but not exceeding $100 per day, including travel time; and, while so serving away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(e) The Secretary of Transportation shall engage such technical assistance as may be required to carry out the functions of such commission, and the Secretary shall, in addition, make available to the commission such secretarial, clerical, and other assistance and such pertinent data prepared by the Department of Transportation as the commission may require to carry out its functions.

(f) In carrying out its functions pursuant to this section, such commission may utilize the services and facilities of any agency of the Federal Government, in accordance with agreements between the Secretary of Transportation and the head of such agency.

EFFECT OF STATE SAFETY STANDARDS

SEC. 4. (a) No State standard providing a more stringent regulation of common carriers in the interest of safety than regulations established pursuant to this Act shall be superseded by such regulations established pursuant to this Act unless for the purposes of safety the Secretary of Transportation shall find that such state regulation adversely affects regulations established pursuant to this Act.

(b) The Secretary may grant such exemptions from any regulation established under authority vested in him by this Act as he considers to be in the public interest after a public hearing in which any party of interest will be heard.

PENALTIES

SEC. 5. (a) Any common carrier which violates any regulation established pursuant to this Act shall be subject to a civil penalty of not less than $1,000 for each violation. Each day of such violation shall constitute a separate offense.

(b) The civil penalties provided by subsection (a) may be compromised by the Secretary, when deemed in the public interest.

INJUNCTIVE RELIEF

SEC. 6. (a) The United States district courts shall, upon petition by the appropriate United States attorney or the Attorney General on behalf of the United States, have jurisdiction, subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of regulations established pursuant to this Act.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

CEASE AND DESIST POWERS

SEC. 7. (a) Whenever the Secretary of Transportation finds that any common carrier or employee in carrying out their functions are in violation of regulations established pursuant to this Act, he may immediately issue an order providing for the immediate termination of such violation.

(b) Any common carrier which violates an order of the Secretary pursuant to this section shall forfeit and pay to the United States a civil penalty of not less than $5,000 for each violation. Each day of such violation shall constitute a separate offense.

(c) The United States district courts shall have jurisdiction to enforce any order of the Secretary under this section, and any person aggrieved by such order may obtain review thereof by such courts.

STATE PARTICIPATION IN ACCIDENT INVESTIGATIONS

SEC. 8. The Secretary of Transportation shall provide for the participation, in any railroad accident investigation carried out by the Department of Transportation of a representative nominated by the Governor of the State in which such accident occurred.

AUTHORIZATION

SEC. 9. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

S. 2916—INTRODUCTION OF A BILL TO ESTABLISH THE PLYMOUTH-PROVINCETOWN CELEBRATION COMMISSION

Mr. KENNEDY. Mr. President, I introduce, for appropriate reference, a bill to provide for the establishment of a Special Commission to plan for the observance of the 350th anniversary of Plymouth and Provincetown, Mass. I ask unanimous consent that the bill be included in the RECORD at the end of my remarks.

On July 20, 1969, two courageous Americans became the first men to land on the moon and to begin the exploration of this new and vast territory. Our Nation's pride in this unparalleled achievement is shared by every citizen of this great country—and by citizens of the world who viewed, via a worldwide communications network—the long and successful journey of these men into the unknown.

Certainly, one can predict that future generations will mark well this most significant date and the events it recalls.

Next year, this Nation will celebrate an anniversary which recalls the courage of men who explored an earlier unknown—the New World. On September 6, 1620, the square rigged English merchant vessel *Mayflower* cleared Plymouth, England, carrying 101 passengers bound for America. No one was there to record their journey as it occurred and no one shared in the trials and joys of that arduous

trip. And yet, every American on Thanksgiving Day recalls the triumph of these first Americans and honors their memory.

Two months after setting sail, the *Mayflower* dropped anchor for the first time in the New World. Provincetown, located inside the "hook" of Cape Cod, offered the first protected anchorage and safe harbor to the vessel and its passengers. From here, scouting parties were sent onto the mainland and up the coast to select a site suitable for a permanent settlement. During this month of exploration, the Pilgrims drafted and signed a document of self-government—the Mayflower Compact.

Today, Provincetown continues to provide safe harbor to one of Massachusetts' fine fishing fleets. The people of Provincetown retain a pride in the history of their land and harbor. And so, today, they are actively planning a suitable celebration for next year's anniversary.

Plymouth is the oldest continuously occupied English-speaking settlement in the United States. The story of this settlement—the hardships, the hunger, the sense of isolation in a vast wilderness, the illness, heartbreak, death, and the indomitable courage of the Pilgrims, are too well known to bear repetition here. But, despite the passage of time, all Americans cherish the tale and the history it began.

Three-hundred and fifty years have passed since the landing of the Pilgrims. And, in that time, the Nation they helped to found has become the leader of the free world. Much of its success as a nation can be traced directly to an adherance to the principle of freedom—the principle which brought the Pilgrims to America in search of a new world.

The diversity of religious belief we enjoy today in America, which is unique in the world, is a natural outgrowth of the Pilgrims' own search for a land in which to practice their religion free from hierarchical dictates.

The origins of our American constitutional government can be traced, in part, to the Mayflower Compact, in which the Pilgrims established one of the world's first civil governments based on the principle of consent of the governed.

The fortitude the Pilgrims demonstrated in the face of cruel adversity as they struggled to maintain their settlement is a continued inspiration to all of us.

Plymouth, today, is a town proud of its heritage. The people of Plymouth have taken great care to preserve its historic sites—not only those dating to the original colony, but others which reflect the course of early American history. However, since the economic stability of the community has not been constant, many of the areas adjacent to historic sites have been given over to commercial exploitation.

As they approach their 350th anniversary, the citizens of Plymouth hope, with our assistance, to be able to remove all evidence of commercialism from these environs. They wish to make their community a welcome site to those many Americans who will travel from all over this land to come to the town of this Nation's birth.

Thus, it seems more than fitting that the Congress should involve the Nation in the planning of the 350th anniversary of Provincetown—the site where the Mayflower first anchored and where the historic Mayflower Compact was drafted—and Plymouth, Mass.—the first settlement in English-speaking America. It is my hope that next year's celebration will be one in which every American participates and on which the Nation focuses.

The legislation I introduce today, to establish the Plymouth-Provincetown Celebration Commission, would create a 15-member commission for the purpose of developing suitable plans for the celebration of the 1970 anniversary.

I have already reintroduced legislation to establish Plymouth Rock as a National Memorial. I would hope that the Congress would consider favorably both of these measures and that plans for this most significant celebration will get underway in the very near future.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2916) to establish the Plymouth-Provincetown Celebration Commission, introduced by Mr. KENNEDY, 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. 2916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the three hundred and fiftieth anniversary, in 1970, of the landing of the Pilgrims at Provincetown and Plymouth, which led to permanent settlements whose influence on our history, culture, law and commerce extends through the present day, there is hereby established the Plymouth-Provincetown Celebration Commission (hereafter referred to as the "Commission"), for the purpose of developing suitable plans for, and conducting the celebration of, such anniversary in 1970.

SEC. 2. (a) The Commission shall be composed of 15 members as follows:

(1) Five Members of the Senate, to be appointed by the President pro tempore of the Senate;

(2) Five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

(3) Five members to be appointed by the President.

(b) The President shall, at the time of appointment, designate one of the members appointed by him to serve as chairman.

(c) The members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

(d) Within 90 days after the termination of such celebration, the Commission shall furnish a report of its activities, including an accounting of funds received and expended, to the Congress. Upon submission of such report to the Congress, the Commission shall terminate.

SEC. 3. In order to carry out the purposes of this Act, the Commission is authorized—

(1) to appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(2) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per diem;

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

(4) to solicit and to accept gifts of money or property;

(5) to procure supplies, services, and property, and to make contracts, without regard to the laws and procedures applicable to Federal agencies;

(6) to request the assistance and advice of, and to cooperate with, civic, historic and patriotic bodies, institutions of learning, and State and local governments;

(7) to request the cooperation and assistance of such Federal departments and agencies as may be appropriate;

(8) to invite the participation of such other nations as may be appropriate, with the assistance and advice of the Department of State; and

(9) to make such expenditures as it may deem advisable from funds appropriated or received as gifts.

SEC. 4. Any property acquired by the Commission remaining upon termination of such celebration is the property of the United States and may be used by the Secretary of the Interior for purposes of the National Park system, or may be disposed of as surplus property. The net revenue, after payment of Commission expenses, is the property of the United States and shall be deposited in the Treasury of the United States.

SEC. 5. There is hereby authorized to be appropriated the sum of $100,000 to carry out the purposes of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

S. 2004

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Rhode Island (Mr. PASTORE), I ask unanimous consent that, at the next printing, the name of the Senator from Florida (Mr. GURNEY) be added as a cosponsor of S. 2004, to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses.

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

S. 2482

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. ANDERSON) be added as a cosponsor of S. 2482, to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases.

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

SENATE JOINT RESOLUTION 139

Mr. SCOTT. Mr. President, on behalf of the Senator from Kansas (Mr. DOLE), I ask unanimous consent that, at the next printing, the name of the Senator from Maryland (Mr. TYDINGS) be added as a cosponsor of Senate Joint Resolution 139, providing for the establishment of an annual "Day of Bread" and "Harvest Festival Week."

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

SENATE CONCURRENT RESOLUTION 37—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO TREATMENT OF PRISONERS OF WAR

Mr. SCOTT. Mr. President, I submit a concurrent resolution for appropriate reference.

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

The concurrent resolution (S. Con. Res. 37) relating to the treatment of prisoners of war, submitted by Mr. SCOTT, was referred to the Committee on Foreign Relations.

Mr. SCOTT. Mr. President, I applaud the administration's decision to again reduce the number of Americans in Vietnam. I have repeatedly urged such action, when appropriate, and I am pleased that developments have now made the announcement of a further return of our Armed Forces possible. I join with the President in the prayerful hope that his latest decision will be interpreted as another significant indication of our sincere desire to achieve the honorable and lasting peace which all Americans so earnestly seek.

But what of those Americans whose return, at best, is indefinite because of their unfortunate status as prisoners of war? One of the greatest tragedies of Vietnam has been the arrogant, persistent refusal of both the Government of North Vietnam and the National Liberation Front of South Vietnam to observe the humane requirements of the Geneva Convention Relative to the Treatment of Prisoners of War. The fact that the Government of North Vietnam has itself endorsed this international agreement makes this refusal particularly distressing. This callous response, which strikes blatantly at the most basic human values, is in marked contrast to the behavior of our military forces and those of the Republic of Vietnam.

The enemy's adamant refusal to release the names of Americans held captive, to allow the inspection of facilities where prisoners of war are held, or even to permit a regular flow of mail to and from these prisoners, is well known, and has been properly the subject of public outrage. I have the deepest sympathy for their families and those members of our military services, now estimated at 1,300, who must bear the added burden of uncertainty that comes from being a prisoner of war.

Mr. President, this situation demands that we pursue with renewed vigor every possible effort to mobilize the force of world public opinion to focus on the Government of North Vietnam and the National Liberation Front. Therefore, I introduce a concurrent resolution through which Congress can make its determined will known. My resolution calls not only on the President and all concerned departments and agencies of this Government, but also on the United Nations, and on all the people of the world, to appeal for the humane treatment and prompt release of our prisoners of war. This resolution is fully in keeping with the purposes of the newly formed Association of Wives and Families of Captured and Missing American Military Men. I am truly hopeful that the weight of congressional opinion, expressed concretely through specific action, may help resolve this issue, and I urge prompt consideration of my resolution.

I ask unanimous consent to have printed in the RECORD the text of the concurrent resolution.

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

The concurrent resolution (S. Con. Res. 37) is as follows:

S. CON. RES. 37

Whereas the United States Government and the Republic of Vietnam have continuously honored the requirements of the Geneva Convention relating to the treatment of prisoners of war;

Whereas the United States Government has repeatedly appealed to North Vietnam, and the National Liberation Front of South Vietnam to respect the requirements of the Geneva Convention, which North Vietnam has endorsed;

Whereas the North Vietnamese and the National Liberation Front of South Vietnam have disregarded the provisions of the Geneva Convention and refused to release the names of prisoners of war who are members of the Armed Forces of the United States, to permit the regular flow of mail to or from those prisoners, and otherwise to accord humane treatment to those prisoners, and to permit inspection of the facilities in which those prisoners are held; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President, the Department of State, the Department of Defense, and all other concerned departments or agencies of the United States Government, the United Nations, and the peoples of the world to appeal to North Vietnam and the National Liberation Front of South Vietnam to comply with the requirements of the Geneva Convention relating to the treatment of prisoners of war and to take such steps as may be appropriate to obtain the prompt release of all members of the Armed Forces of the United States so held as prisoners of war.

SENATE RESOLUTION 256—RESOLUTION RELATING TO COMMITTEE ASSIGNMENTS

Mr. SCOTT submitted a resolution (S. Res. 256) relating to committee assignments, which was considered and agreed to.

(The remarks of Mr. SCOTT when he submitted the resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 257—RESOLUTION TO SECURE HUMANE TREATMENT FOR PRISONERS OF WAR HELD BY THE NORTH VIETNAMESE GOVERNMENT

Mr. TOWER. Mr. President, today I submit for myself and for 22 other Senators a resolution to express the sense of the Senate with regard to the treatment of Americans held captive by North Vietnam. On June 2 of this year I spoke out against the inhumane treatment of American prisoners of war by the Government of North Vietnam. Since that time little has changed. There remain over 1,400 U.S. servicemen classified by the services as either missing in action or prisoners of war. There is reason to believe that a large percentage of those reported as missing are, in fact, prisoners. And yet we have no certain information regarding these men, and their families are consequently forced to bear a tremendous burden of anxiety unnecessarily.

The Government of North Vietnam has repeatedly refused to provide a list of Americans being held prisoner, to repatriate the sick and wounded, to permit neutral inspections of the places of detention, and to allow the free flow of mail between prisoners and their families as required by the Geneva Convention.

I would like to point to a dramatic example of the suffering going on in the families of American servicemen who have been missing in action for long periods of time. These families suffer the anxiety of receiving no word whatsoever as to whether their loved one is alive or dead. Four young Texas women have become so anxious about their husbands that they have flown to Paris in hopes of talking with the North Vietnamese negotiators there.

I want the North Vietnamese to know that the entire U.S. Senate, regardless of our individual views on the Vietnam war, stand as one voice on this issue of humane treatment for prisoners of war. This is a matter which concerns us all. In recent weeks many Senators have expressed their strong protests against this clear breach of international law and outrage to human decency. Several resolutions similar to the one which I introduce today have been proposed. It is time for the Senate to speak with a single voice on this subject, and I feel that it is important that we find language for a resolution which will have the wholehearted support of all Senators. It is for this reason that I introduce the present proposal for the consideration of my colleagues.

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

The resolution (S. Res. 257), which reads as follows, was referred to the Committee on Foreign Relations:

S. RES. 257

Resolved, That it is the sense of the Senate that the illegal and inhumane practices of the North Vietnamese Government with regard to prisoners of war must necessarily be condemned and that the various signatories to the Geneva Convention, recognizing their interest in the preservation of the prescribed standards in that agreement and acknowledging the basic principles of human decency which they have ratified, should bring all pressure within their power to bear on the Government of North Vietnam to compel that government's compliance with those principles.

SENATE RESOLUTION 258—RESOLUTION TO PAY A GRATUITY TO DOROTHY S. ANDERSON

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 258); which was placed on the calendar:

S. RES. 258

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Dorothy S. Anderson, widow of Leeman Anderson, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 259—RESOLUTION TO PAY A GRATUITY TO LUCIE C. DOWNER AND JANE C. OSTERLOH

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 259); which was placed on the calendar:

S. RES. 259

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Lucie C. Downer and Jane C. Osterloh, sisters of Hugh A. Cunningham, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum to each equal to three months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

TAX REFORM ACT OF 1969—AMENDMENTS

AMENDMENT NO. 166

Mr. ALLEN. Mr. President, I submit an amendment, intended to be proposed by me to the income tax reform bill, H.R. 13270, the purpose of which is to increase the amount of the deduction for each personal exemption from $600 to $1,200.

Mr. President, I am aware of the arguments advanced against an amendment of this nature.

Some will say that tax relief of this scope will cost the Federal Government too much. I say that it will cost the Federal Government nothing.

It costs nothing to cut taxes. The word "cost" is simply not appropriate in the context of reducing Federal taxation and any effort which associates tax reduction in the public mind with "costs" of Government, indicates confused thinking on this subject.

What the proposed amendment would involve, as a matter of fact, is a reduction in Federal spending. It would involve getting the Federal Government out of many areas and activities where it has no rightful place and no appropriate responsibilities. It would require cutting back on authorizations and appropriations. It would involve a reversal of the trend toward concentration of powers in the Federal Government.

Yes, Mr. President, it would require a tightening of the Federal belt, cutting out waste and extravagance in every department and agency of the Federal Government. It would require an emphasis on efficiencies and better management and more effective leadership, initiative, imagination, and determination on the part of every department and agency head in the Federal Government.

I suggest, Mr. President, that the taxpayer wants and will insist on a Federal efficiency dividend. He wants and will insist on a Federal contraction dividend. He wants a reorientation of the Federal Government recognizing the average taxpayers' problems and the burdens and difficulties of maintaining home and family and providing for the education of his children at a time when his income is seriously eroded by inflation and increased taxation. And I think that Congress must recognize the fact that the average taxpayer is not willing to accept a Federal priority that imposes on him the added responsibility of supporting the family of another at a time when the taxpayer is so hard pressed to provide adequate support for his own family.

Then, of course, this proposed amendment must face the argument that to reduce taxes is inflationary.

Mr. President, I submit that this argument is utter nonsense. Why is it more inflationary to let the taxpayer spend his own money for his own needs and the needs of his family than it is to let the Federal Government spend it for him? Or to let the Federal Government give it away, or waste it in half-baked, hopped-up, disordered, extravagant, and wasteful boondoggles and impractical schemes cooked up by utopian dreamers from modern academies of Lagado?

Mr. President, what is inflationary about taxpayers paying cash for their necessities rather than having to charge them?

What is inflationary in cutting down Federal expenditures?

What is inflationary about an individual having a few dollars to put aside for a rainy day in savings banks, or in life insurance, or in retirement funds?

What is inflationary about savings banks, and insurance companies, or commercial banks, putting these savings to use in building homes and providing jobs in the homebuilding industry?

Mr. President, the inflation argument in support of higher taxation will not hold water. Sure we must have a balanced budget. But we can get a balanced budget just as effectively by reducing expenditures as by increasing revenues through increased taxation. The man in the street knows that and he wants relief from crushing taxation.

Mr. President, a personal exemption from taxation of income in a mere amount of $600 is no longer realistic in this day and time. It results in frightful inequities and particularly in its effects on the average family and the single person and the aged. Something must be done. A modest increase in the personal exemption from $600 to $1,200 is a step in the right direction. This proposed amendment takes that step.

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

The PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred; and, without objection, the amendments will be printed in the RECORD.

The amendment (No. 166) was referred to the Committee on Finance, as follows:

On page 366, after line 19, insert the following new section:

"PERSONAL EXEMPTIONS

"SEC. 805. (a) Increase to $1,200.—The following provisions are amended by striking out '$600' wherever appearing therein and inserting in lieu thereof '$1,200':

"(1) Section 151 (relating to allowance of deductions for personal exemptions);

"(2) Section 642(b) (relating to allowance of deductions for estates);

"(3) Section 6012(a) (relating to persons required to make returns of income); and

"(4) Section 6013(b)(3)(A) (relating to assessment and collection in the case of certain returns of husband and wife).

"(b) Conforming Amendments.—The following provisions are amended by striking out '$1,200' wherever appearing therein and inserting in lieu thereof '$2,400':

"(1) Section 6012(a)(1) (relating to persons required to make returns of income); and

"(2) Section 6013(b)(3)(A) (relating to assessment and collection in the case of certain returns of husband and wife).

"(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1969."

On page 366, line 20, strike out "805" and insert "806".

On page 367, line 18, strike out "$600" and insert "$1,200".

AMENDMENT NO. 170

Mr. GOODELL (for himself and Mr. JAVITS) submitted an amendment, intended to be proposed by them, jointly, to House bill 13270, which was referred to the Committee on Finance and ordered to be printed.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH—AMENDMENTS

AMENDMENTS NOS. 167 AND 168

Mr. BROOKE. Mr. President, at an appropriate time I intend to call up two amendments to the pending bill (S. 2546). I will not take the time of the Senate to explain them now. However, copies have been placed on every Senator's desk. In addition, I ask unanimous consent that the text of the amendments, as well as a brief explanation of their contents and purpose, be printed for the convenience of my colleagues at this point in the RECORD. At this time, I submit the two amendments, intended to be proposed by me, to the bill.

The amendment (No. 168), submitted by Mr. BROOKE (for himself and Mr. CRANSTON) is as follows:

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

"TITLE VI—SPECIAL RESEARCH GRANTS

"SEC. 601. (a) There is hereby established an interagency advisory council to be known as the Interagency Advisory Council on Domestic Applications of Defense Research (hereinafter in this title referred to as the 'Council').

"(b) The Council shall be composed of the following members:

"(1) One member from the Department of Defense, to be designated by the Secretary of Defense.

"(2) One member from the Department of

Health, Education, and Welfare, to be designated by the Secretary of Health, Education, and Welfare.

"(3) One member from the Department of Housing and Urban Development, to be designated by the Secretary of Housing and Urban Development.

"(4) One member from the Department of Transportation, to be designated by the Secretary of Transportation.

"(5) One member from the Office of Economic Opportunity, to be designated by the Director of the Office of Economic Opportunity.

"(c) The member of the Council designated by the Secretary of Housing and Urban Development shall serve as Chairman of the Council.

"(d) Three members of the Council shall constitute a quorum; and a vacancy in the Council shall not affect its powers but shall be filled in the manner in which the original appointment was made.

"SEC. 602. (a) It shall be the function of the Council to study and evaluate proposed research programs and projects submitted to it pursuant to this title. The Council shall accept for consideration research projects that are of mutual interest to the Department of Defense and one or more of the participating departments or agencies, and such other categories of research bearing on important national needs as the Council may specify, including physical and social aspects of cities, housing, education, transportation, and other domestic problems.

"(b) The Council shall advise the Director of Defense Research and Engineering of the Department of Defense regarding research proposals submitted to it for consideration pursuant to subsection (a) and shall make such recommendations to the Director as it deems appropriate as to the merits of proposals submitted to it for consideration.

"(c) The Council shall review the results of research conducted under its auspices and shall advise the Director of Defense Research and Engineering of the Department of Defense as to the desirability of continuing, modifying, or terminating such research activities.

"SEC. 603. (a) The Secretary of Defense is authorized to make grants to colleges, universities, and other not-for-profit institutions engaged in research and/or development activities sponsored by the Department of Defense for the purpose of supporting selected research programs and projects promising significant domestic benefits. Proposals for such research shall be submitted to and reviewed by the Council. The decision of the Secretary of Defense with respect to which, if any, research proposals approved by the Council will be sponsored shall be final.

"(b) The total amount in grants made under this title in any fiscal year shall not exceed an amount equal to 5 per centum of the total funds expended in such fiscal year by the Department of Defense under contracts entered into with colleges, universities, and other not-for-profit institutions for the performance of defense research.

"(c) In no case shall any one institution receive more than $5 million under this title in any one fiscal year.

"SEC. 604. Research grants made by the Secretary of Defense under this title shall be made subject to such rules and regulations as the Secretary may prescribe after consultation with the Council."

The PRESIDENT pro tempore. The amendments will be received, printed, and will lie on the table; and, without objection, the amendments and explanations will be printed in the RECORD.

The amendment (No. 167), submitted by Mr. BROOKE (for himself, Mr. ANDERSON, Mr. EAGLETON, and Mr. SCHWEIKER), is as follows:

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

"TITLE VI—COMMISSION ON NATIONAL SECURITY POLICY

"ESTABLISHMENT OF COMMISSION

"SEC. 601 (a) There is hereby established a commission to be known as the Commission on National Security Policy (hereinafter referred to as the 'Commission') which shall be composed of fifteen members as follows:

"(1) Five appointed by the President of the Senate from among persons recommended by the Majority Leader of the Senate with the concurrence of the Minority Leader of the Senate, the Chairman of the Committee on Armed Services and the Chairman of the Committee on Foreign Relations of the Senate;

"(2) Five appointed by the Speaker of the House of Representatives from among persons recommended by the Majority Leader of the House of Representatives with the concurrence of the Minority Leader of the House of Representatives, the Chairman of the Committee on Armed Services and the Chairman of the Committee on Foreign Affairs of the House of Representatives; and

"(3) Five appointed by the President of the United States.

"(b) Of each class of members not more than three members appointed under subsections (a)(1), (a)(2), or (a)(3), of this section shall be from the same polilitical party. Members shall be appointed from private life from among persons who are specially qualified by virtue of experience or training to serve on the Commission.

"(c) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

"(d) The Commission shall elect a Chairman and Vice Chairman from among its members.

"(e) Eight members of the Commission shall constitute a quorum.

"DUTIES OF THE COMMISSION

"SEC. 602(a) The Commission shall make a full and complete study and investigation of national security policy and programs for the purpose of making recommendations with respect to—

"(1) the nation's international commitments and responsibilities;

"(2) the strategic policy options available and related manpower and equipment requirements needed to carry out such commitments and responsibilities;

"(3) the costs, capabilities, preferred types and numbers of military systems for offensive and defensive purposes, specifically including but not limited to missiles, aircraft, aircraft carriers, missile-launching and attack submarines, and other major systems.

"(4) the organization, management, procurement practices and other administrative arrangements of the Department of Defense and other agencies responsible for the support, formulation, and implementation of national security policies and programs;

"(5) the development and implementation of programs permitting economies and the identification of programs demanding priority expenditures; and

"(6) Such other matters as the Commission deems appropriate to a realistic and strengthened national security.

"(b) The Commission shall submit to the President and to the Congress an interim report with respect to its study and investigation not later than March 15, 1970, and a final report, not later than December 31, 1970, containing its findings and recommendations.

"POWERS AND ADMINISTRATIVE PROVISIONS

"SEC. 603. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings, take such testimony, and sit and act as such times and places as the Commission, subcommittee, or member deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or member thereof.

"(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information, including classified data, as the Commission deems necessary to carry out its functions under this title.

"(c) All members and employees of the Commission having access to classified information shall be subject to established security requirements.

"(d) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

"(1) to appoint and fix the compensation of such staff personnel as he deems necessary, including an executive director who may be compensated at a rate not in excess of that provided for level IV of the Executive Schedule in title 5, United States Code, and

"(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

"COMPENSATION OF MEMBERS

"SEC. 604. Members of the Commission shall receive compensation at the rate of $125 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

"EXPENSES OF THE COMMISSION

"SEC. 605. There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums, not to exceed $5,000,000, as may be necessary to carry out the purposes of this title.

"EXPIRATION OF THE COMMISSION

"SEC. 606. The Commission shall cease to exist ninety days after the submission of its report."

The explanation, presented by Mr. BROOKE, is as follows:

A COMMISSION ON NATIONAL SECURITY POLICIES AND PROGRAMS

In our efforts to deal critically with the defense authorization bill many of us have been anxious to develop a more systematic and comprehensive analysis of the Nation's strategic options, weapons needs and budgetary alternatives. A number of us have been apprehensive about dealing with these complex issues on a piecemeal basis.

A large factor in the present pressure on military expenditures is not only the soaring costs of modern weapons, but the widespread dissatisfaction in the Senate and in the country with the recent record of Executive recommendations in this field. There is a very grave need to re-establish national confidence in the wisdom and justification of the Nation's military programs and even more in the process by which decisions on those programs are made.

For these reasons I have drafted a proposed amendment to S. 2546 to create a 15-member commission on national security policies and programs, primarily responsive to Congress and authorized to report its findings and recommendations by the end of next year. Five members of the commis-

sion would be appointed by the Senate, five by the House and five by the President.

The special appointing procedure is designed to insure a most distinguished membership for the commission would constitute the most far-reaching inquiry into the Nation's international commitments, military requirements and related matters. The nation needs a demonstrably objective review of these issues on which Congress can later act. A well staffed, competent commission could provide a solid basis for a renewed consensus on these vital issues in future years.

The explanation of amendment No. 168, presented by Mr. BROOKE, is as follows:

DOMESTIC APPLICATIONS ON DEFENSE RESEARCH

This amendment to S. 2546 is designed to increase the possibility that defense research will have domestic benefits as well. It will create an interagency advisory council on domestic application of defense research and would authorize the Department of Defense to use some of its funds to support research of mutual interest to it and other agencies (e.g. HUD, HEW), with promise of significant domestic benefits. There are a number of examples of such work:

Spin-off of military radar and computer technology to domestic air traffic control, experimental work on housing on military bases, certain categories of manpower training and educational research, and many others.

Many institutions doing defense research are seeking an opportunity to apply their skills to the Nation's domestic problems. Presently, there is no good mechanism for encouraging such domestic applications. This amendment seeks to create such a mechanism, and to insure that the large sums expended for defense research include a special effort to realize useful applications outside the strictly military area.

This proposal is compatible with other efforts under way in the Department to employ the large resources it commands in ways which assist other sectors of our society. Discussions with prominent members of the research community revealed substantial interest in this kind of idea, both as a means of realizing important short-term benefits and as a method of re-allocating over a period of time some fraction of our defense capabilities to non-defense applications. The intent would be that, as non-defense research programs expand in the coming years, sponsorship and supervision of work begun under the auspices of the proposed council would shift to other departments.

AMENDMENT NO. 169

Mr. MOSS. Mr. President, I submit an amendment which expresses for the Senate a simple but meaningful desire.

I think it is the Senate's desire that the burden of military spending be reduced wherever possible. We have disagreed about the need and efficacy of some weapon systems, but I think we would all like to see fewer men in uniform.

This resolution does not have the force of law, but it does put the President on notice that as he withdraws troops from Vietnam and other places overseas, the Senate wants a corresponding reduction in the Armed Forces or an explanation why not.

I am, of course, aware of the amendment sponsored by Senators COOK and BAYH, which contains a statutory requirement that manpower be reduced. I plan to support their amendment, but I suspect the Senate will want the President to retain more flexibility in determining manpower levels than their amendment provides.

Reasons for reducing the size of our Armed Forces are numerous and obvious. Manpower cuts have a very immediate and significant impact on the defense budget. Just the President's 60,000-troop withdrawal could be translated into a savings of at least $600,000,000. And it would take effect now—we would not have any leadtimes and contract commitments that so frustrate us in dealing with weapons systems.

But more important than money are the lives of the men who would be discharged from the service. Many of them would have a much more rewarding and enriching life outside the military. Or at least with lower draft calls, more would have the choice. Certainly in terms of the gross national product they would be more productive in civilian life.

Less directly this resolution implies the Senate's desire that our commitments be reduced. Today the United States has more men in uniform than any other country in the world. Military involvement is far less tempting if the President must call up the Reserves or ask Congress for more troops.

The PRESIDENT pro tempore. The amendment will be received, printed, and will lie on the table.

CONTINUATION OF PROGRAMS AUTHORIZED UNDER THE ECONOMIC OPPORTUNITY ACT OF 1964—AMENDMENTS

AMENDMENTS NOS. 171 THROUGH 174

Mr. KENNEDY submitted four amendments, intended to be proposed by him, to the bill (S. 1809) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, to require notice to Congress prior to delegation of any program to another agency, and for other purposes, which were referred to the Committee on Labor and Public Welfare and ordered to be printed.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, September 17, 1969, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 83. An act for the relief of certain civilian employees and former civilian employees of the Bureau of Reclamation;

S. 85. An act for the relief of Dr. Jagir Singh Randhawa;

S. 348. An act for the relief of Cheng-huai Li;

S. 1686. An act relating to age limits in connection with appointments to the U.S. Park Police;

S. 1766. An act to provide for the disposition of a judgment recovered by the Confederated Salish and Kootenai Tribes of Flathead Reservation, Mont., in paragraph 11, docket numbered 50233, U.S. Court of Claims, and for other purposes; and

S.J. Res. 149. Joint resolution to extend for 3 months the authority to limit the rates of interest or dividends payable on time and savings deposits and accounts.

SENATOR COOK ADDRESSES TRADEWATER RIVER AREA RESOURCE CONSERVATION AND DEVELOPMENT PROJECT

Mr. PACKWOOD. Mr. President, last Saturday night, the junior Senator from Kentucky (Mr. COOK) delivered a very excellent speech on the subject of environmental control and pollution control. I ask unanimous consent that the text of his speech be printed at this point in the RECORD.

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

REMARKS BY SENATOR MARLOW W. COOK

"It had to happen eventually. We couldn't go on the way we had. At last someone has stopped us."

So went a recent editorial in the Washington *Evening Star* reporting that the Quinault Indians in Washington state have closed down 25 miles of scenic Pacific coast to all but members of the tribe. It seems that they grew weary of the white man's ways of littering, defacing and generally vandalizing the tribal grounds.

While the real problem is decidedly more complex, this recent action does illustrate what we have known for years—that the new technological man is slowly, but effectively, wasting and depleting the remaining resources and contaminating the environment.

At first blush, environmental alteration is a deceptively simple problem—man's interaction with his natural habitat.

However, upon closer examination the real problem confronting us today is man's constant tampering with the delicate, yet complex, chemical and ecological balance in nature—the full consequences of which we still do not fully comprehend.

Complete and comprehensive knowledge of our actions and the resulting reactions in nature is a desirable, yet a realistically distant goal. We know comparatively little about the fate of pollutants in our environment. We know even less about the interaction of these contaminants with one another.

Let us pause here for a minute and speculate upon the increase of one apparently harmless gas, carbon dioxide into the atmosphere. Doctor Lamont C. Cole, Professor of Ecology at Cornell University, estimates that in New York City alone our commercial jets in burning petroleum hydrocarbon release into the air approximately 36 million tons of carbon dioxide in one year.

Professor Cole theorizes that carbon dioxide and water vapor are more transparent to shortwave solar radiation from the earth to space. Thus the increased proportion of these substances in the atmosphere tends to bring about a rise in the earth's surface temperature, and thus altering earth's climates.

While the scientific community generally agrees with this "Greenhouse" theory, everyone does not agree on the effects. One school of thought holds that an increase in temperature will melt the Arctic icecaps, raising the sea level by as much as 300 feet and engulfing the world's major cities. Another theory is that this will bring about an increase in precipitation, additional snow and the beginnings of a new Ice Age.

No one is absolutely sure what change this one example may bring. However, what we can and must understand are our immediate technological, industrial and agricultural actions and their immediate effects on what the ancient Greeks termed the basic elements—air, water and soil.

Ironically, one of the tributes to man's scientific advancement is also a prime contributor toward one of his most serious problems. This is the conversion of the fossil fuels, petroleum, gas and coal into energy

resulting in the waste products of carbon monoxide, hydrocarbons, sulphur and nitrogen oxides.

The Public Health Service only recently reported that toxic material is being released into the air over the United States at a rate of over 142 million tons per year. This amounts to three fourths of a ton per American per year.

It is estimated that in a single day the 90 million motor vehicles in the United States emit 180 thousand tons of carbon monoxide, 33 thousand tons of hydrocarbons and 27 thousand tons of nitrogen oxide.

That such a voluminous discharge endangers our welfare and adversely affects our health has been amply demonstrated by a number of experts in many fields.

In March of this year, the United States Department of Health, Education, and Welfare issued a summary of the Federal Abatement Conference on Interstate Air Pollution involving a six county area in Kentucky, Ohio, and West Virginia.

The report states that air pollution while not only being harmful to health, also caused an economic loss to the communities involved. The loss involves frequent cleaning of filters in air conditioning systems, and in general, internal and external maintenance and cleaning. Besides the individual homeowner's own cost, he is required to pay, indirectly, for commercial and government buildings through increased prices and higher taxes.

Damage from deterioration and soiling of materials has been conservatively estimated to be $20 million annually. This figure represents the cost of only loss by soiling, and is based only on the number of people living in this six county area.

In the entire United States, the cost of air pollution damage to clothes, metals, buildings and agricultural crops is between 11 and 12 million dollars a year.

In South Ironton, Ohio, a local realtor testified that pollution causes an average reduction of $1,000 in the appraised value of homes as compared to similar structures in other parts of the area.

Physicians in that area have been concerned wih the rising rate of occurrence of respiratory diseases, especially Emphysema, among the urban population. The report states that respiratory diseases are the main cause of visits to physicians.

Unfortunately, our water resources do not escape contamination. The continued disposal of raw sewage and industrial wastes into our streams and rivers presents an immediate threat to our health.

The Department of Health, Education and Welfare has stated that about 8 million people are drinking water from municipal water systems that contain more bacteria than the maximum level recommended by federal standards. A preliminary study by the Department indicated that this sanitary deficiency is likely to become worse before any improvement is achieved.

It is little wonder that the nation's water supplies are becoming increasingly unsafe for both man and wildlife.

A recent report of the Senate Public Works Committee points out that in January of 1968 a spill of chemicals into the Buck Creek in Indiana caused a large fish killing in 65 miles of the stream. Just a month ago 450 thousand gallons of an acid leaching material was spilled into the San Francisco River killing over 50 thousand fish in the first ten hours. In 1968, the largest fish kill on record occurred in the Allegheny River, Bruin, Pennsylavnia. In this instance, a petroleum refinery lagoon overflowed and toxic chemicals killed over 4 million fish.

The report also said that the discharge of acid and akali pollution by drainage of abandoned mines poses an additional problem. It is estimated that over 3.5 billion tons of acid finds its way into the 6,000 miles of our major waterways.

Unfortunately, nuclear energy, one of the alternatives to fossil fuels, is itself fraught with potential danger. Because nuclear plants are less efficient and are therefore 50 percent hotter than conventional power plants, thermal pollution is also a problem. Atomic Energy Commission member, Wilfred E. Johnson, observed that by 1990 more than half of all the river run-off in the United States will be required for cooling if the nuclear plant expansion continues at the present rate. Super heated water discharged into a bay, river or ocean can drastically affect the water and marine life cycle.

All human life depends upon a thin layer of fertile topsoil in which the average depth is estimated to be a little more than 8 inches.

And yet since the arrival of the Pilgrims over 300 years ago, one third of this productive topsoil in the United States has been eroded away. The United States Conservation Service estimates that we are losing the equivalent of 500 thousand acres of farmland every year. Wasteful clearing and burning, strip mining, overuse and misuses of our lands have resulted in serious erosion problems. We are faced with a rapid advancement of the Mississippi Delta due to the accumulation of silt washed down from once fertile and productive land.

As Huck Finn so aptly stated,

"There is nutritiousness in the mud, and a man that drank Mississippi River water could grow corn in his stomach, if he wanted to."

The remaining land which is not washed into the oceans is increasingly under attack by the latest and most sophisticated tools of modern man. We constantly expose ourselves and our soil to powerful chemical pesticides. While reaping short term benefits, we are only starting to evaluate some of the possible less obvious side effects and potential risks.

The preceding are but a very few of the problems created by our ever increasingly effluent society. When man was fewer in number, when he was confined to limited portions of the planet, and more important, when life was simpler—nature's own self cleansing powers removed many of the pollutants from the environment. However, this self renewing ability has been exceeded in many areas, and is dangerously close to becoming so in the remainder.

If there is a message here, it is that man in the process of seeking a better standard of living is endangering the environment which sustains any kind of human life.

There are two major contributing factors to our environmental problem. First, is the rapid increase in population. In the year 2000 in the United States the population will rise from the present 200 million to 300 or 340 million. During that time the world population will rise from 3.3 billion to between 6 or 7 billion.

A recent study conducted by the Committee on Resources and Man of the National Academy of Sciences—National Research Council indicated that as population rises there will be a reduced availability of natural resources resulting in a lowering of the quality of life and individual freedom.

A second factor is the increased amount of pollution per load, per person resulting from the use and disposal of our relatively new conveniences wrought by the industrial and technological revolutions.

Unfortunately, the simple solution employed by the Quinault Indians is not practical in terms of protecting the environment of an expanding industrial and agricultural society. There is only so much land, water and open areas that we can put aside for limited recreational use. The problem lies in the orderly development of the remaining resources with a proper regard to its effect on the overall balance in nature.

The entire problem is certainly a very complex one involving the interrelated factors of biology, chemistry, ecology, economics and technology. Improving the quality of the environment requires bold and imaginative thinking, and the development of effective programs. Much systematic and comprehensive research remains to be done in many areas. Equally important is the governmental coordination of this research, of the solutions discovered, and finally of the necessary planning.

Most important of all, the solution lies in the understanding and support of the people that our system of government requires. In the final analysis, it is the people who must decide what quality of life they prefer and what value they place upon that quality.

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

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TESTIMONY OF SENATOR JAVITS BEFORE FINANCE COMMITTEE TODAY ON TAX REFORM BILL

Mr. JAVITS. Mr. President, this morning I had the privilege of testifying at considerable length before the Finance Committee on the tax reform bill.

I made this testimony because of the tremendous concentration of various elements of the economy, and of philanthropy both on the giving and the receiving end, in New York State and particularly New York City. Hence, I went into considerable detail and made many recommendations with respect to the tax reform bill.

As I believe that this is a matter of great interest not only to my own State but to all the States of the Union, and that considerable expertise is reflected in the presentations which have been made to me by many diverse interests in New York, I ask unanimous consent to have this testimony printed in the RECORD.

These being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR JAVITS

Before appearing before the Finance Committee today, I have made a careful study of the House-passed tax bill, which represents an enormous effort by the House in an area where reform is long overdue. I also have reviewed the Administration's proposed changes as so ably presented by the Secretary of the Treasury David Kennedy and Assistant Secretary for Tax Policy Edwin S. Cohen, and I find much wisdom in many of the suggestions made by the Administration. I have had numerous conversations with tax experts, business leaders and philanthropic leaders and I have been impressed by my voluminous constituents mail and by the lively tax debate raging in the press.

In my testimony today, I have two principal purposes:

I. To offer specific amendments to correct inequities in the tax reform bill (H.R. 13270) or to offer other tax reform measures which should be included; and,

II. To consider the propriety of the eco-

nomic effects of the bill in view of the current inflationary situation and to consider the revenue effects of the bill, given the choice of reducing revenue by cutting taxes or by being able to meet more adequately the acceptable demands on the Treasury for desirable appropriatons.

At the outset, we must remember that the most important thrust of the bill we are considering is its reform provisions. I am convinced that the citizens of our nation will support legislation which makes a serious attempt to tackle the abuses of our present tax system—even if this legislation does not make any changes in the tax rate structure. Most Americans, I am sure, concur with Justice Holmes when he said that taxes are the way in which one buys civilization. Right now the American people are demanding justice within our tax system by means of the tax reform bill—even more than they are demanding lower federal tax rates—and it is this equity of treatment that we should work towards.

I, therefore, fully support those reform provisions of the bill which would (1) provide for a minimum income tax through limitations on tax preferences and allocation of deductions, (2) remove 5,000,000 of our poorest taxpayers, whose incomes are below the poverty level, from the tax rolls, (3) reduce oil depletion allowances and intangible drilling costs, and (4) prohibit tax avoidance through the improper use of tax provisions affecting foundations. I also support the Administration's recommendations on increasing the minimum standard deduction.

However, in working toward the equity of tax reform, we must be exceedingly careful that we do not throw out the baby with the bath water. It is in this respect that I am seriously concerned about certain of the proposals contained in H.R. 13270 and also about certain reforms that are omitted both from this bill and the Administration's proposals.

I. SPECIFIC AMENDMENTS TO H.R. 13270

At the earliest possible opportunity, I will offer amendments to this bill or co-sponsor amendments by some of my Senate colleagues in the areas of particular concern to me. Those amendments will include proposals on: (1) special tax exemptions for the handicapped; (2) revisions relating to philanthropy and foundations; (3) revision of the proposed changes in the tax treatment of small business; (4) repeal of the investment credit; (5) elimination of the repeal of tax exemption of municipal bonds; (6) treatment of capital gains; (7) those sections dealing with real estate depreciation as it affects housing, in particular the recapture provisions; (8) accelerated amortization of pollution control equipment; (9) oil depletion allowances and intangible drilling costs; (10) incentives for banks to participate in redevelopment and other socially desirable projects; (11) the establishment of new reporting requirements under the jurisdiction of the Secretary of the Treasury.

Equitable treatment of the taxpayer is therefore my principal concern for appearing today.

II. H.R. 13270—ECONOMIC AND REVENUE EFFECTS

It is of the highest importance that this Committee and the Senate carefully examine the economic effects and revenue effects of this legislation. The Chairman of the Federal Reserve Board last week eloquently stated a fact that has become apparent to us all. Chairman Martin said that our economy is going through a "very, very difficult and unpredictable period"—referring to the surprisingly stubborn inflationary forces plaguing our economy and our pocketbooks. In an effort to dampen these forces our authorities have adopted highly restrictive monetary and fiscal policies—and it appears that the upward thrust of the inflationary spiral has been dampened. It is in the interest of every citizen of this nation that the tax bill passed by this Congress not upset the economic applecart just at the time when our hard anti-inflationary labors are begining to bear fruit.

To illustrate what I mean, the magnitude of the change in purchasing power which the bill contemplates would add two percent to total personal consumption expenditures. Some $7.3-billion more (in addition to those amounts made available by the expiration of the surtax) would flow to the consumer market. Generally speaking, these sums would accrue to those income groups which spend, rather than save, their income. In other words, most of the $7.3-billion to which I refer would show up as additional consumer demand. Would this not just add additional fuel to the inflationary fires burning a hole in all our pockets? I ask what benefit the average taxpayer would receive if an additional 3 percent tax rate reduction would almost certainly guarantee that he would continue to lose 6 percent a year on the value of his dollar because of inflation. I also ask how would this help our elderly living on fixed pensions.

Would it not be the wise course to accept the smaller tax rate reductions as proposed by the Administration—reductions that still would average in excess of 6 percent for the taxpayer in the $7,000-to-$15,000 income class and in excess of 10 percent for those in the $3,000-to-$7,000 class—if this would help insure that the purchasing power of our dollar does not continue to erode at a 6 percent rate per year?

I have asked the Internal Revenue Service to prepare a table outlining the income tax paid by the average family with two children over the past five years. This table clearly indicates that federal tax levels—even with the surtax—have remained at fairly constant levels over this period. The table shows that the federal income-tax burden of our middle income families is at exactly the same level it was in 1964. In my opinion, these figures—which I ask unanimous consent to insert in the record—clearly show that higher federal income taxes are not an important contributing factor to the so-called "tax revolt." One must look elsewhere, and I strongly suspect the principal culprit would be found in the inflationary spiral—and in local taxes.

INCOME TAX AS A PERCENT OF ADJUSTED GROSS INCOME

[Individual income tax returns]

Income classes	1964		1965		1966		1967		1968		1969	
	Standard deduction returns	Itemized deduction returns	Standard deduction returns	Itemized deduction returns	Standard deduction returns	Itemized deduction returns	Standard deduction returns	Itemized deduction returns	Standard deduction returns	Itemized deduction returns	Standard deduction returns	Itemized deduction returns
$7,000	9.5	8.0	8.6	7.3	8.6	7.3	8.6	7.3	9.3	7.7	9.5	8.0
$8,000	10.5	8.9	9.7	8.1	9.7	8.1	9.7	8.1	10.4	8.7	10.6	8.9
$9,000	11.3	9.7	10.5	9.0	10.5	9.0	10.5	9.0	11.3	9.6	11.5	9.9
$10,000	12.1	10.6	11.1	9.8	11.1	9.8	11.1	9.8	12.0	10.6	12.3	10.8
$11,000	12.7	11.1	11.9	10.4	11.9	10.4	11.9	10.4	12.7	11.1	13.0	11.4
$12,000	13.5	11.6	12.6	10.8	12.6	10.8	12.6	10.8	13.5	11.6	13.9	11.9
$13,000	14.3	12.3	13.3	11.5	13.3	11.5	13.3	11.5	14.3	12.4	14.7	12.6
$14,000	14.9	12.9	13.9	12.0	13.9	12.0	13.9	12.0	15.0	12.9	15.3	13.2
$15,000	15.5	13.3	14.5	12.4	14.5	12.4	14.5	12.4	15.6	13.4	15.9	13.7

It is for these reasons that I also support the Administration's proposals as they relate to raising the present standard deduction of 10 percent with a $1,000 ceiling to 12 percent with a $1,400 ceiling, instead of 15 percent with a $2,000 ceiling as proposed by the House-passed bill.

The story of the corporations over the same period is quite different. Between 1965 and 1969, corporate tax liability has increased 38.3% while corporate taxes after profits increased 11.6%. To put this 11.6% gain in profits in better perspective, personal consumption expenditures (the money that is available to individuals for spending after taxes) increased 30.9% over the same period. The undistributed profits of corporations were running at a lower level in 1969 than they were in 1966. The money needed to finance expansion plans came increasingly from borrowings—which means upward pressure on interest rates—and the excess of investment over gross retained earnings rose to $38.1-billion in 1969. This excess was only $23,400,000 in 1965.

This does not present a very encouraging picture. For this reason I introduced an amendment last Friday providing for a two year phase-out of the investment credit and requesting prompt Administration action on instituting permanent investment incentives in the form of revised depreciation schedules. If the Administration does act promptly and institutes revised depreciation schedules, I would see no need for a 2 percent tax reduction for corporations.

The overall revenue effect of the bill is another item which concerns me. In discussing this effect, we must consider not only the $2.4-billion revenue loss which the House bill is expected to bring, but also the estimated $9-billion which the government will lose when the tax surcharge expires. This reduction in revenues would not only put a crimp in Federal spending programs, it would also affect substantially the amount of investment money which could go into such important areas as housing mortgages.

We have heard a lot in recent weeks about the "peace dividend," and the long range "fiscal dividend" which we can expect over the coming decade. Despite the controversy over the amount of the dividend, one point remains clear: the claims upon the Federal budget in the foreseeable future will be immense. A comprehensive welfare plan, revenue sharing, aid to urban mass transit and the expansion of existing social programs are all activities which people generally agree should be undertaken by the Federal government in the near future. Add to this the claims made by our national security needs, and one can see that revenue cuts cannot be made without considering our long-range national goals.

This tax-cut proposal, moreover, comes at a time when responsible economists are urging that we maintain substantial budget surpluses in order to keep interest rates down

and release investment money for housing mortgages. Last year, Congress solemnly declared a ten-year national housing goal of 25,000,000 new units. But this goal can only be met if the resources exist to finance this gigantic construction project. If mortgage brokers—especially those who deal in FHA and VA financing—must compete with the Federal government and with cash-starved businesses for investment funds, then I predict we may never see the end of exorbitantly high interest rates.

I therefore recommend that we accept the changes in the tax-rate schedules for individuals as recommended by the Administration. By doing so, a great deal will have been gained since in my judgment, the changes proposed in the House bill (1) are inflationary, (2) will put additional upward pressure on interest rates, (3) will make it more difficult for the federal government and private investors to fund important social programs, and (4) will not produce the budget surpluses sufficient to release investment funds into the mortgage market and thus prevent us from meeting our national housing goals.

Mr. Chairman, I now return to a more complete discussion of the specific areas of amendment of the tax reform bill that are of particular concern to me.

(1) Special tax exemptions for the handicapped

Legislation is already on the floor of the Senate (S–1069) and the House (H.R. 424) which would give cognizance to the special needs of our handicapped citizens. H.R. 424 was introduced by the distinguished chairman of the House Ways and Means Committee as the companion bill to S–1069 which I introduced in the Senate.

This legislation would provide the disabled an income-tax deduction of up to $600 to cover transportation to and from work and would also allow the disabled the same additional $600 income-tax deduction now given to the blind.

It is estimated that some 300,000 disabled persons would qualify under this legislation, at a maximum cost to the Government of about $130 each, or $40,000,000 per year. This cost seems small when we consider the average cost of from $480 to $545 per year to rehabilitate a disabled person. What we will be doing through this measure is helping these people to help themselves and enabling them to achieve some person independence from institutions, from overburdened families, and from local and state governments.

Our handicapped citizens are capable of being productive workers, contributing to the nation's economy instead of being dependent upon it. But their disabilities impose upon them additional expenses in pursuit of their livelihoods which are not otherwise tax deductible. Such expenses include special orthopedic devices; extra travel costs because they are unable to utilize routine methods of transportation; expensive additions to office, shop or home to facilitate their movements; special prosthetic devices; higher insurance costs; and the costs of hiring help to perform simple tasks which the nonhandicapped perform for themselves. In addition, rapidly rising costs are particularly burdensome to the handicapped—for example, the prices of some special orthopedic shoes required by the disabled have doubled in the past year.

Under the bill, the disabled taxpayer, in order to qualify for the additional $600 exemption, must suffer from a loss of one or more extremities or 40% or more loss of ability as defined under the Schedule for Rating Disabilities of the Veterans Administration. In addition, both the blind and the disabled would qualify for the tax deduction of up to $600 for expenses of going to and from work.

Hundreds of thousands of Americans have endeavored valiantly to transform their physical handicaps from stumbling blocks to building blocks. They wish to use their crutches to move on, not to lean on. This legislation will help them to do just that. It is as practical in economic terms as it is humanitarian. It is, in effect, a practical bill to benefit those who have no alternative than to be practical.

(2) Philanthropy and foundations

In view of the growing role of government, I believe that it is essential to the pluralism of our society that the activities of private philanthropies be proportionately increased—not decreased as the House bill and to a lesser extent the Administration's proposals would do. Basically, I see in many of the features of both measures a two-pronged attack on the viability of our private philanthropies. First, charitable giving is likely to be seriously restricted and secondly, our philanthropic institutions are likely to be so curtailed in their activities and have their resources affected in such a manner that they will not function with the flexibility and innovativeness that we should have a right to expect.

a. *Philanthropic Giving*—The problems of our philanthropic institutions cannot be properly considered without also considering the means by which these institutions receive their major source of revenue—through the charitable concern of our citizens. We have heard considerable talk in the last several years about how a very few of our higher-income taxpayers have dramatically reduced their federal income-tax liability—despite their substantial incomes—by use of certain provisions of our Internal Revenue Code respecting charitable contributions. I am not in favor of abusing the intent of these provisions to the extent that a taxpayer's obligation to his government is unfairly reduced. However, it is also an indisputable fact that philanthropic activities have been the source of considerable good and insuring the access of worthy foundations to funds of individual donors is in the interest of us all.

President Nixon, in announcing the start of the national fund raising campaign for the United Community Chests, was very careful to stress the importance of philanthropic activity, characterizing it as a sacred American tradition of private initiative. Enough has already been said about the need for and the desirability of private philanthropic activities. Therefore, I wish to direct my attention to certain of the specific provisions of the House bill which in my judgment will unwisely stifle this individual initiative. In all fairness to the great effort of the House, I also believe that the House bill has done much to correct abuse and provide greater incentives to some taxpayers to support philanthropic activities.

I agree wholeheartedly with the principle of increasing the size of the charitable deduction limitation from the present 30% to the proposed 50% of adjusted gross income and support this provision of the House bill. However, in my opinion, this increase to 50% in the charitable deduction would not result in the very large contributions being made today to educational institutions, hospitals, etc.

We must, therefore, make certain that the provisions which encourage the very large contributions which are being made today are not written out of our tax laws. The only alternative to the anticipated reduced services from such institutions would be government intervention—this is a step which I hope we would all wish to avoid. I therefore recommend that we continue the unlimited charitable deduction so long as we properly circumscribe it with minimum income tax provisions such as I proposed in my tax reform bill, S. 1522.

I am also concerned about the proposed treatment of gifts of appreciated property. This represents not only a major source of the very large contributions but also is one of the major inducements for gifts of valuable works of art and literature to our libraries, universities, and museums. Frequently, these provisions are the very reason why such works become available to the public rather than remaining in private collections where they can be enjoyed by only a few. In the case of fungible appreciate property, such as securities, having a readily determinable market value, it may be possible to sell a portion to generate sufficient funds to satisfy the additional tax burdens imposed by the House bill. But how does one sell a corner of a painting or a few pages from a rare book? For these reasons, I will support the Administration proposal to continue the charitable deduction for appreciated property subject to the 30% limitation as an acceptable compromise.

In my judgment, the provisions of the House bill respecting charitable income trusts and remainder trusts, and gifts of partial interests to charity, are unnecessarily severe. These provisions offset what are in most instances substantial benefits to charity without providing a commensurate return. I believe that the Administration does not go far enough in reducing the severity of the House provisions and I ask this Committee to reject both the House position and the Administration's proposal and retain the current tax treatment of these items.

Since the provisions of the House bill and the Administration proposals will have impact on gift and estate taxes, in addition to affecting the income tax treatment of many charitable dispositions, I urge the Committee to give careful consideration to the effective dates of these provisions. In my judgment, we should allow at least one full tax year to elapse before such provisions become effective.

b. *Philanthropic Institutions*—I find serious problems with the proposed treatment of foundations by the House bill. Many of these problems are only partially corrected by the Administration proposals. First, I can support the Administration's proposed reduction in the House proposed tax on foundation investment income from 7½% to 2%. It is estimated that at 2% the amount of tax will approximate the additional administrative costs in policing foundation activities, and this is acceptable as a compromise. However, I would much prefer to see some upper limit placed on the amount of this "user fee." I might add parenthetically that a very good case can be made to eliminate such a tax altogether and I would not be adverse to such a decision if the Senate made that choice.

I believe that our first duty in accomplishing tax reform with respect to foundations is not to curtail drastically the activities of the great bulk of these institutions which are functioning as we would wish merely because of the sins of a few. Our first duty is rather to sharpen our understanding of the abuses we are trying to correct. In this regard, I have grave reservations about the broad provisions of the House bill which go far beyond the principle that philanthropic institutions should not operate principally as vehicles for tax avoidance.

For example, many foundations own more than 20% of several businesses. In some cases where the amount of the business owned represents control and the balance is widely held, there is no alternative but total divestiture since there is virtually no market where control is not being sold. However, there must be some flexibility in this regard. I will, therefore, be offering in the immediate future an amendment to H.R. 13270 which would basically provide that where a foundation owns effective control of a business, there would be a rebuttable presumption that the needs of the business take precedence over the exempt purposes of the foundation. If a foundation has owned effective

control of a business for ten years or more, then there would be a rebuttable presumption that the needs of the business do not take precedence over the exempt purposes of the foundation. Where a business is owned for 25 years or more the latter presumption would be conclusive.

The position of the House bill regarding the current distribution of income is, in my judgment, too inflexible. The House itself recognizes this since they allow the accumulation of income with advance permission, and also there is a permanent exemption for those foundations which are prohibited from distributing income by a charter which cannot be judicially changed. I believe an approach similar to that provided by Sec. 531 of the Code is appropriate here. My amendment also will provide that accumulations up to a certain amount or percentage of assets would be more or less automatic. Accumulations in excess of such amount or percentage would be subject to tax only if found to be unreasonable in light of the charitable purpose for which they were accumulated. I would retain the House provisions with respect to unamendable charter documents.

While I support in principle the provisions which would limit activities which are political in nature on the part of foundations, again in my judgment, the House bill will deprive us of much needed and valuable information and services. We must be certain that our foundations can properly investigate and report on problems which confront our society and which may presently be or which may become the subject of legislation.

For example, legislation which would prevent a philanthropic organization from giving to a congressional committee the benefit of its expertise on a child daycare center, or in conducting a recreation center for the aged on the grounds that it will have some influence on the decision of any governmental body, is carrying regulation too far. We must have a more carefully worded provision consistent with our true intent—the prevention of so-called lobbying and the furtherance of special interests.

I am greatly troubled by the definitions of private foundation and private operating foundation contained in the House bill. My amendment will also provide for a new category, the public service foundation and will greatly broaden the House definitions to among other things include a longer base period to account for year to year variations.

More information is needed concerning philanthropic activities before we can be prepared to offer conclusive solutions. Some foundations have abused their privilege, and this cannot be permitted. However, the sweeping comprehensive measures contained in the House-passed bill take too much for granted the good that the great bulk of our foundations provide.

Perhaps the most important part of the House bill is the increased reporting requirements. We need greater knowledge in order to approach this important area with intelligence. I would hope that the Committee in considering these areas will recognize how little we know, and will not adopt positions which, with a broader perspective, we will later regret. The amendment I intend to present in the very near future attempts to balance needed reforms while maintaining the philanthropic activities which have been such a source of innovation, pluralism, freedom and creativity in American society.

(3) Tax treatment of small business

Small businesses represent in terms of numbers approximately 95% of all the businesses in this country. I need not remind the Committee of Congress' concern over the years for the small businessman and for the development of healthy small businesses. One measure of the House bill will have severe impact upon small business. As ranking Minority member of the Select Committee on Small Business, I feel that I must bring this matter to your attention and ask that you restore the benefits of the multiple surtax exemption to small business.

The House Ways and Means Committee in adopting this measure noted that the multiple surtax exemption was designed to aid small business but that large organizations had been deriving substantial, unintended benefits, and therefore recommended its elimination. It is inconceivable to me that we would want to injure small business because of an abuse of a small-business provision by big business. I believe that this Committee can and should devise a means whereby the benefits of the multiple surtax exemption can be retained by small business without, at the same time, permitting big business to abuse those benefits.

I am also saddened that of all the recommendations regarding Subchapter S corporations proposed by the Treasury last April that the only thing to appear in the House bill was the provision dealing with retirement plans. I concur fully with the recommendation of the Administration that this measure be deleted and that the entire area of the taxation of the small business corporation receive separate attention.

(4) Repeal of the investment credit

I have previously mentioned that last Friday I introduced an amendment calling for a two year phase-out in the investment credit in order to provide a transition period during which permanent investment incentives in the form of revised depreciation schedules are phased in. I will not dwell on this matter at greater length now since I am aware that this Committee is not hearing testimony on the investment credit at this time. Suffice it to say that in the long run, I do not believe that we can afford to operate our economy without some sort of major equipment incentives—the soundest of which are modernized depreciation schedules. The level of business investment is closely tied with those social and national goals which we—liberals and conservatives alike—can agree upon: increased production; an improved competitive position in the world economy; increased purchasing power; and a full level of employment.

(5) Elimination of the repeal of tax exemptions of municipal bonds

The financial health of our states and municipalities are of vital concern to me, and I cannot support those provisions of H.R. 13270 as they relate to federal taxation of interest paid on municipal bonds. The Administration has now indicated that it plans to recommend to the Congress different proposals than those contained in H.R. 13270 at an early date. I feel that it is particularly important that any tax changes in this area be consistent with the revenue sharing proposals that this Congress will be considering in the near future.

The facts are incontrovertible—many of our state and local governments, and particularly our cities, are caught in a financial crisis. These governments have traditionally relied on rather limited tax bases and these bases are now, in many cases, taxes as heavily as prudence will allow. In addition, when we consider the total tax burden placed upon our ctizens, the component which represents state and local taxation is rising far faster than all others.

In light of the prevailing conditions, I do not consider it wise to entertain measures which are likely to impose greater burdens on these governments without careful study as to the consequences. As a case in point, we already have witnessed the almost complete deterioration of the municipal bond market as a result of the proposed imposition of a tax on the presently exempt interest on the obligations of state and local governments. Simultaneous with this deterioration has been an increase of approximately 36% in the market rate of return on such investments. Ultimately this must be translated into higher interest costs to these governments with resultant higher taxes.

Now is not the time to remove the tax exemption of interest on state and municipal bonds. Until such time as alternative means of Federal support have been enacted and are available to states and localities, this important means of raising capital should not be made exorbitantly expensive—and, thereby, unavailable—to them. The inevitable result wolud be a contraction of action at the state and local level in dealing with important community and social problems and an increasing burden on the Federal government to devise and operate such programs.

(6) Treatment of capital gains

The changes proposed in HR 13270 are too drastic and would seriously impede investment and the flow of investment capital in our economic enterprises. They also probably would have adverse revenue effects by slowing the capital gains turnover of stock issues. On the other hand, the limited changes proposed by the Administration in the treatment of capital gains provide meaningful reform by providing that unusually large capital gains will be taxes at higher rates while at the same time captial gains which are not excessive in relation to a taxpayer's usual income continue to be taxed at present rates. Similar treatment is also accorded corporate capital gains. This reform will not seriously affect the important revenue flows accruing to the Federal government from stock market activity and will not drastically change the rules of the game for the more than 26,000,000 U.S. investors in stocks and bonds.

(7) Real estate depreciation

Section 521 of the House-passed tax reform bill would amend those provisions of the Internal Revenue Code dealing with real estate depreciation in several ways: it reduces real estate depreciation except as to new residential housing; it provides that accelerated depreciation taken in excess of allowable straight-line depreciation is to be recaptured as ordinary income; and it recommends a new section under which rehabilitation expenditures of low-cost rental housing are to be permitted to be written off over 60 months.

The House Ways and Means Committee noted in its report that existing law provides a real estate "tax shelter" which often bears little relation to true economic loss. The report states: "The present treatment creates a tax environment favorable to frequent turnover which tends to discourage long-range 'stewardship' and adequate maintenance; it also encourages thin equities and unsound financial structures which could topple if the market for real estate and rental housing weakened."

The Ways and Means Committee concluded, "The present tax treatment of real estate does not efficiently stimulate investment in low- and middle-income housing."

Mr. Chairman, unquestionably, tax reform in this vital area is needed, but the elimination of present tax incentives, which the Ways and Means Committee describes as "inefficient,"—without the enactment of alternative incentives for increasing the supply of housing for low- and moderate-income persons—would have the most serious possible effect on this sector of the economy.

The fast "write-off" for rehabilitation of older rental housing represents an improvement over existing law and I support this provision, but it alone will not provide the necessary alternative incentives to housing.

Section 521 of the bill—in particular that portion of it dealing with present recapture provisions—could have a disastrous effect on the achievement of the national housing goals as articulated in the Housing Act of 1968. The 1968 Act was premised upon a major contribution by private capital to the achievement of adequate rental housing. Yet, the proposed tax reform contained in the House bill will significantly reduce yields and the profitability of investment in real estate and will thereby drive private equity capital away from residential rental construction and into other areas where the yields are competitive and more attractive. In other words, at a time when we must promote new investment in housing, this bill would provide a disincentive to such financial commitments.

It may be expected that Federal programs to involve private investors in low- and moderate-income housing will be particularly hard-hit. It should be emphasized that the 1968 Housing Act contained several programs which were based upon such a heavy involvement by the private sector—the homeownership program (section 235), rental assistance program (section 236) and the National Corporation for Housing Partnerships. Investment in low- and moderate-income housing is more risky and less profitable, and under these new programs tax benefits provide the main source of yield on private investment. Inevitably, then, if this section of the tax reform bill is enacted in its present form, there will be a fall-off in the production of housing for low- and moderate-income families at the very same time that the Congress has established greatly increased production of such housing as a national goal.

Mr. Chairman, at the present time, inflation and increasing interest rates have hit the housing market particularly hard. Investment capital is increasingly difficult to find. Nevertheless, the need for rental housing, particularly in our major cities, has never been greater. Vacancy rates are below one percent in New York and Chicago; rents are spiraling upward and production is not adequate to meet the demand. In these circumstances, we should be considering new incentives, not eliminating them.

In light of this situation, I recommend that this committee consider, and I am prepared to support, an additional provision in this bill which would offer a specific incentive to investment in housing for low and moderate-income persons. I do not recommend any changes in the bill's provisions with regard to depreciation—that is, accelerated depreciation would be permitted for new residential housing and straight line depreciation for used buildings. However, in the specific case of low- and moderate-income housing projects, which have been constructed or rehabilitated with public assistance, which are sold or transferred to a nonprofit or tenant group, or to a cooperative, which will operate the project as low-cost rental housing—there would be no recapture of the depreciation previously taken. In effect, the gain or income recognized in such dispositions would not include depreciation. Such a provision should also distinguish between short-term and long-term investors—favoring the latter.

Such a provision would be an important incentive to private investment capital in the sector in which it is most needed—that is, housing for persons of low or moderate-income. By reducing the tax on the disposition of such projects, this provision would lower the debt-service requirements of the subsequent owning group or cooperative and would thereby permit it to set and maintain low rents. Lest it be thought that such a provision would afford too great a possibility of abuse, it should be noted that the limited number of prospective buyers in such dispositions would restrict the potential gain which might be achieved by a taxpayer.

Moreover, any abuses could be met by increasing the burden on the individual taxpayer, rather than on the housing industry as a whole. Thus, the preferences which an individual taxpayer might obtain under such a provision should be subject to the limited tax preference which is contained in this bill.

Mr. Chairman, it is critical that the interests of tax reform and the production of housing for persons of low- and moderate-income be harmonized. I believe that it is incumbent upon this Committee and the Senate to insure that the tax reform bill will be enacted with this objective in mind.

(8) Accelerated depreciation of pollution-control equipment

I basically support the concept of Section 704 of H.R. 13270, a section which would accelerate the amortization of pollution control facilities. The question of pollution of our environment has become one of the major issues of the day, and this problem must be attacked by every resource available—including the use of our tax laws.

I would suggest, however, Mr. Chairman, that the law that allows for the amortization of pollution control facilities should be made consistent with the aims and procedural design of other existing federal laws in this field—particularly with the Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.

These laws have established procedures which emphasize the States' responsibility in setting the standards and enforcement regulations to combat pollution. It is the procedures and standards established pursuant to these Acts that should determine whether a pollution facility should be "certified" for an accelerated depreciation. In addition, the effect of these laws, which have had initial success, would be seriously delayed if there were a requirement that new minimum standards be developed by the Federal government as a basis for "certification".

(9) Oil depletion allowance and intangible drilling costs

I have long been on record that we cannot achieve satisfactory tax reform in this area without first making adjustments in the magnitude of these tax advantages. Let me emphasize from the very beginning that I am not in favor of eliminating these advantages altogether but rather, I feel that they should be reduced somewhat. I do not believe that the oil and gas industries should be allowed to retain their present tax advantages at a time when all other taxpayers are being asked to carry such a heavy burden. These industries should share in this burden-carrying by assuming a somewhat heavier burden themselves.

The history of the oil depletion allowance dates back to 1926 and has remained at 27.5% of the gross income from the property since that date (subject of course to a maximum limit of 50% of the taxable income from the property.) The tax rates in 1926 were substantially lower than today with the result that this allowance now provides for greater tax inducements. An argument can therefore be made in favor of reducing this allowance substantially below the 20% level. However, I am not in favor of reducing the oil depletion below 20% because I believe that these industries, which are vital to our national defense, need an incentive if their continued viability is to be insured.

While I agree with and will support the House bill on the reduction of the allowance I must concur with the Administration with respect to the elimination of the allowance for foreign deposits. In my judgment, this would needlessly increase the foreign tax burdens of American business without substantially increasing federal tax revenue.

I do not believe that the House bill or the Administration proposals adequately deal with intangible costs. These costs often represent a greater tax preference than the depletion allowance and should be subject to reasonable limitations. I will therefore introduce an amendment to HR 13270 which will over a five year period limit the deductibility of these costs to 50% of actual expenditures.

(10) Redevelopment and social incentives for banks

The tax code as it relates to financial institutions should provide for two things: (1) the ability to weather both good times and bad; and (2) incentives for activity in socially desirable areas which might be underfunded if these incentives did not exist.

For these reasons, I strongly urge the Committee to leave in effect the bad-debt provisions of financial institutions as they presently stand. I support the very imaginative proposals of the Treasury Department as they relate to the granting of a special deduction to encourage financial institutions to make loans in certain socially desirable areas such as residential housing, student loans, and SBA guaranteed loans, et cetera. The proposals of Mr. Preston Martin of the Federal Home Loan Bank, for tax deductions of 5 and 10 percent respectively of the income derived from loans in housing and other areas and inner city projects are also very commendable.

While in concept the limitation of bad debt reserves to actual experience is very appealing, we should not lose sight of the reasons why it has in the past been deemed desirable to permit such reserves in excess of experience. Reserves limited to experience are no doubt sufficient in rather stable times. However our concern for a sound banking industry has taught us to allow prudently for those times when conditions are not stable. I would submit that we may even now be on the verge of such times if we are unable to bring inflation within reasonable limits and interest rates remain at such high levels. In addition government has been making every effort, and the banking industry is responding, to encourage more receptivity to socially desirable projects such as increased loans within the inner city. I would hope that maintaining reserves at present levels would serve as encouragement to increase activity in such areas.

This brings me to my second recommendation in the financial institutions field: incentives for certain kinds of investment. Mr. Martin on Monday very correctly pointed out that there is no incentive in our tax code for financial institutions to invest directly in inner city projects. The same could be said of the loans of which Assistant Secretary Cohen spoke. Partly because of market factors and partly because of anticipated risk, many loans in inner-city areas carry an interest rate which makes the enterprise or borrower hard-pressed to make a reasonable return. Nevertheless, this country is committed to promoting private activity in funding urban renewal, in housing construction, in education and in other kinds of socially oriented activities. This is not only proper but it is often the more efficient alternative. I realize that the kinds of loans which would qualify for the 5 and 10 percent deductions would have to be carefully defined, in order to prevent abuse. However, I believe that this is mainly a problem of administration and careful drafting of the code, and I look forward to Assistant Secretary Cohen's more detailed statement.

(11) New reporting requirements

I will offer a bill in the near future which would call for two new types of information to be provided as a regular part of the Secretary of the Treasury's annual report:

1. Estimates of the losses in revenues resulting from income presently excluded from tax under the Internal Revenue Code, from deductions allowed under the Code, from the deferral of the imposition of the taxes imposed by the Code and other such special tax provisions of the Code and other laws as the

Secretary of the Treasury considers appropriate.

2. Estimates of how much the government subsidizes such areas as housing, agriculture, and natural resources through the income-tax laws as compared to direct expenditures through the Federal budget.

This phenomenon—known as the tax expenditure budget—gives rise to claims upon Federal resources just as real as the claims made by direct budgetary outlays. Publication of the first type of information is therefore needed to make the public aware of the cost to the Treasury of tax preferences. In this way, the public can intelligently call the attention of the Congress to take appropriate action where needed.

The second type of information would be extremely valuable to Congress, and to the Executive Branch, by permitting a clearer insight into the allocation of public resources. The Treasury made a first attempt in this direction when Secretary Barr provided some of this data in his testimony before the Joint Economic Committee on January 17, 1969. The Treasury is to be commended for this, and my bill would ensure that such information will be made a regular part of its annual report.

SENATOR GOODELL'S FIRST YEAR IN THE SENATE

Mr. JAVITS. Mr. President, if I may have the attention of the Senate, as this is not routine business, I would like to take a few minutes of the time of the Senate to refer to the fact that this month will see the completion of the first year of service to the Senate by my colleague, Senator CHARLES GOODELL.

Senator GOODELL came to us by appointment of Gov. Nelson Rockefeller of New York after the terribly tragic passing of my former colleague, Robert F. Kennedy.

With very big shoes to fill, Senator GOODELL came up from the House of Representatives. I am very proud to say, and it deserves saying, after 1 year of service, that rarely have the citizens of any State had so skilled and experienced a legislator represent them as a freshman Senator. For CHARLES GOODELL brings to the Senate an educational and political background equal to any. A Phi Beta Kappa graduate of Williams College, he went on to earn a master's degree in government and a law degree from Yale. A former college teacher, Sunday school teacher, and semipro baseball player, he became chairman of the Chautauqua County New York Republican Committee in 1958, and was elected to the House of Representatives the following year. There he rose to a leadership position as chairman of the House Republican Committee on Planning and Research, and thus was able to bring with him to the Senate the accumulated background of years of effective educational and political activity and leadership.

I, personally, had great experience with him, as I held a senior position on the Committee on Labor and Public Welfare while he was on House Education and Labor Committees, in drafting manpower and other critically important legislation.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent to proceed for 5 additional minutes.

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

Mr. JAVITS. Mr. President, it was once thought customary for a junior Senator to spend his first year quietly learning the ropes, saying little, doing little, and leaving matters of national importance to his elders. But, as I said before, Bobby Kennedy's shoes were very big and CHARLIE GOODELL did not have the privilege of just sitting by for awhile to learn the ropes. He had to have the courage of his convictions and the determination to speak out and to act forcefully.

His first year, therefore, has been a year of accomplishment and augurs well for him, his party, and the country.

The breadth of Senator GOODELL'S legislative interests is revealed in the bills he has sponsored and cosponsored, including such wide-ranging subjects as conservation, consumer protection, defense, foreign affairs, education, manpower, government operations, health, poverty, race relations, and transportation. Mr. President, I ask unanimous consent to have printed in the RECORD a list of his legislative proposals.

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

CONSERVATION AND NATURAL RESOURCES

Environmental Quality Improvement Act of 1969—provides more effective coordination of Federal air quality, water quality and solid waste disposal programs, for the consideration of environmental quality in public works programs and projects, for the coordination of all Federal research programs which improve knowledge of environmental modifications resulting from increased population and urban concentration;

Endangered Species Bill—prohibits the importation of any species of fish, wildlife or product thereof that is threatened with extinction;

Legislation which directs the Secretary of the Interior to order a cessation of all drilling in the Santa Barbara Channel until he has completed a study of the effects of such drilling;

Legislation to enlarge the boundaries of the Grand Canyon National Park to encompass adjacent lands of scenic and scientific value;

Resolution requesting the President of the United States to convene an International Conference on Problems of Human Environment;

Resolution under which the Federal government consents to and enters into the Mid-Atlantic States Air Pollution Control Compact, creating the Mid-Atlantic States Air Pollution Control Commission as an intergovernmental, Federal-State agency;

Legislation to continue the National Council of Marine Resources and Engineering Development.

Legislation authorizing a new program of loan guarantees for land development under the Housing and Urban Development Act of 1968 for recreational development;

Legislation consenting to the Susquehanna River Basin Compact.

CONSUMER PROTECTION

Youth Camp Safety Act—provides for the development and enforcement of Federal standards of youth camp safety;

Consumer Protection Assistance Act—authorizes the Secretary of Commerce to make grants for the purpose of assisting States to develop, establish, and strengthen their consumer protection programs;

Wholesale Fish and Fishery Products Act—authorizes the Secretary of Health, Education and Welfare to formulate, issue, and enforce standards of good manufacturing practice for fish processing establishments and vessels. Extends the provisions of the Federal Food, Drug and Cosmetic Act to products derived from shellfish and imposes continuous inspection for fish and fishery products;

Toy Safety Act—provides for the labeling under the Federal Hazardous Substance Act of toys and other articles intended for use by children and which are hazardous due to the presence of electrical, mechanical or thermal hazards.

DEFENSE AND FOREIGN AFFAIRS

Resolution making it the sense of the Senate that the President of the United States undertake negotiations, alone or in concert with other heads of state, to secure and facilitate the emigration to acceptable lands of refuge of the Jewish remnant in Iraq;

Legislation to promote the foreign policy and security of the United States by providing authority to negotiate commercial agreements with Communist countries.

Legislation providing that no member of the armed forces be assigned to a combat zone if his father, brother or sister has been killed as a result of military service or whose father, brother or sister is serving in a combat zone;

Legislation providing for a medal to be known as the Supreme Sacrifice Medal to be presented to the widow or next of kin of members of the armed forces who have lost their lives as the result of armed conflict;

Legislation providing for the procurement and retention of judge advocates and law specialists in the armed forces through pay incentives;

Resolution urging the President of the United States to suspend testing of MIRV systems and seek immediate negotiations with the U.S.S.R. on limiting both offensive and defensive strategic weapons;

Amendment to the Military Procurement Authorization to ban deployment of the Anti-Ballistic Missile system.

EDUCATION AND MANPOWER

Manpower Training Act of 1969—establishes a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment;

Human Investment Act of 1969—provides tax credits to businesses that hire and train individuals who ordinarily would be unable to have steady and remunerative employment;

Comprehensive Community College Act—provides assistance to the States for the development and construction of comprehensive community colleges;

Veterans Employment and Relocation Assistance Act—establishes a Veteran's Employment Center to compile and maintain a comprehensive list of available job opportunities throughout the nation and to provide the education for such opportunities;

Legislation encouraging universities to engage in urban problem-solving by setting up a special fund.

GOVERNMENT IMPROVEMENT

Legislation requiring the Comptroller General of the United States to make quarterly reports to Congress on all government contracts in which substantial cost overruns or late deliveries have been recorded;

Legislation requiring all legislative, executive, and judicial officials who earn in excess of $18,000 per year to file a complete statement of their liabilities, gifts, and earnings. This also applies to candidates for Congressional office;

Judicial Reform Act—provides for establishment of a Commission on Judicial Disabilities and Tenure within the Judicial Branch of government empowered to remove a judge for misconduct, poor health, or men-

tal disability. Provides retirement benefits for judges and requires them to disclose all their major gifts, liabilities, income sources, etc.;

National Economic Conversion Act—establishes a commission which will convene a national conference in order to define policies and programs to facilitate, encourage, and improve the Nation's ability to convert its industry from military to civilian uses;

Program Information Act—directs the President of the United States to transmit to Congress a catalog of Federal assistance programs which would aid persons in determining whether particular assistance is available to them.

HEALTH

National Kidney Disease Act of 1969—establishes an Office of Kidney Disease and Kidney-Related Disease in the Department of Health, Education and Welfare and provides incentive grants for the construction, equipment, planning, and operation of cooperative medical programs for research and patient care in the field of kidney disease;

Alcoholism Care and Control Act—establishes a division of alcoholism and alcohol problems within the National Institute of Mental Health and provides grants to public alcohol education and regional centers for research on alcoholism;

The Neighborhood Health Center Act—authorizes funds for construction or modernization grants to nonprofit or public medical centers. Also allots to States, by formula, funds to aid the medically indigent;

Legislation directing the Federal Aviation Administration to prohibit nonmilitary aircraft from creating sonic booms over the United States and to conduct research and report to Congress regarding possible health or other hazards created by sonic booms;

Resolution creating a National Advisory Commission on Health, Science and Society to undertake an investigation of the legal, ethical, and social implications of medical research.

POVERTY AND HUMAN NEEDS

Legislation to amend the Equal Opportunity Act of 1964 to authorize an appropriation of $2,048 million for the fiscal year ending June 30, 1970, and for such amounts as may be necessary for the following fiscal year;

Resolution to extend the life of the Senate Select Committee on Nutrition and Human Needs to December 31, 1969, and authorizes expenditures by the Committee of $250,000.

Legislation to advance medical knowledge of malnutrition by providing funds to the appropriate schools for instituting courses of study in this area. Also provides grants-in-aid to those who research malnutrition;

Appalachian Regional Development Act Amendments—authorizes expenditures for the Appalachian Regional Development Act and for the Appalachian development highway system;

Legislation establishing a National Institute of Building Sciences which would advise the housing industry and local authorities as to the latest technological developments in building materials and construction techniques and to propose nationally-acceptable standards for local building codes.

RACE RELATIONS

Omnibus Civil Rights Act—prohibits discrimination in the selection of juries; broadens and strengthens the enforcement powers of the Equal Employment Opportunity Commission; removes the appropriations ceiling placed on the Civil Rights Commission; and extends the Voting Rights Act of 1965 until 1975;

Legislation creating a Commission on Negro History and Culture to study all proposals on how to create a better understanding of Negro history and culture which would make recommendations to Congress and the President;

Legislation providing that South Africa, where racial policies are anathema to the conscience of the world, should not enjoy the privilege and benefit of a quota under the Sugar Act of 1948.

TRANSPORTATION

Air Traffic Congestion Relief Act—establishes a formula and fund to facilitate construction of new airports; provides for systematizing service schedules;

Legislation establishing an Advisory Commission on Air Traffic Control to make a study of air traffic control and the duties and responsibilities of air traffic controllers;

Legislation to reduce or eliminate hazards at road crossings of new high-speed passenger train tracks and authorizing the Secretary of Transportation to pay each State the cost of such projects with certain restrictions;

Legislation authorizing Congressional ratification of a compact between New York and Connecticut that would permit the two States to receive Federal money to modernize facilities and purchase equipment to revitalize the operations of the Penn-Central's New Haven division;

Public Transportation Act of 1969—provides long-term financing for expanded urban public transportation programs.

DISTRICT OF COLUMBIA

Legislation authorizing a Federal contribution for the effectuation of a transit development program for the National Capitol region and to further the objectives of the National Capitol Transportation Act of 1965;

District of Columbia Court Reorganization Act of 1969—restructures the D.C. courts, transferring jurisdiction from the Federal courts in the District to the District of Columbia Courts, revising the District's code of criminal procedure and making conforming changes throughout the D.C. Code;

Constitutional Amendment giving Congressional representation to the District of Columbia as if it were a State.

MISCELLANEOUS

Resolution revising Senate Rule XXII so as to provide that debate may be shut off by a vote of three-fifths of those present and voting (now requires two-thirds);

Constitutional Amendment abolishing the Electoral College and providing for the direct popular election of the President and Vice President. In the event that no candidate receives more than 40% of the vote, a runoff election will be held;

Legislation authorizing the Small Business Administration to provide financial assistance to certain small businesses suffering from substantial economic injury as the result of the current work stoppages at east and gulf coast ports;

Legislation amending the Rural Electrification Act of 1936 to provide an additional source of financing for the rural telephone program;

Legislation authorizing the Civil Aeronautics Board to extend half-price air fares on a standby basis during off-peak travel hours to young people, elderly people, military personnel, and the handicapped;

Constitutional Amendment providing that equality of rights under the law shall not be denied or abridged by the U.S. or any State on account of sex;

Legislation to repeal the emergency detention provision (Title II) of the Internal Security Act of 1950;

Horse Protection Act—forbids the transportation in interstate commerce of Tennessee Walking Horses whose feet have been deliberately made sore so as to force the animal to assume a prancing gait. This practice, known as "soring," is further declared to be cruel and inhuman;

Legislation incorporating the Catholic War Veterans of the United States and the Jewish War Veterans of the United States.

Mr. JAVITS. Mr. President, we all well know, however, that introduction of legislation is but a part of effective legislative work. In his committee assignments and on the floor, my colleague has been a steady and consistent force for progressive legislation. His committee assignments are the Banking and Currency Committee, including its Subcommittees on Financial Institutions, Housing and Urban Affairs, Production and Stabilization and Small Business; the Commerce Committee, including its Subcommittees on Communications, Energy, Natural Resources and the Environent, Merchant Marine, Consumers and St. Lawrence Seaway; and the Committee on the District of Columbia, including the Subcommittee on Judiciary. His work in these committees has afforded him an opportunity to support effectively the many forward-looking measures he has sponsored and cosponsored. Mr. President, I ask unanimous consent to have printed in the RECORD a summary of that work.

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

GOVERNMENT ORGANIZATION

Senator Goodell has introduced the "Executive Reorganization and Management Improvement Act" (S. 66) to establish a bipartisan commission on Economy and Efficiency in Government. This commission would make a full study and evaluation of all federal programs and activities in order to recommend to the Congress ways to better organize the structure of our Federal Government and to bring about a consolidation of the proliferation of federal programs.

HOUSING

The Senate Banking and Currency Committee adopted three "Goodell" amendments to the 1969 Housing and Urban Development Act. The amendments will provide significant assistance to New York in meeting its housing needs.

Goodell introduced an amendment which would replace the present inflexible cost limits for public housing—which have seriously impeded public housing construction in New York City—by more realistic and flexible limits. Under this amendment:

The existing statutory cost limit of $2,400 per room could be increased by the Secretary of HUD to reflect increases in nationwide construction costs since 1965, on the basis of cost indices approved by the Secretary.

The limits as adjusted by this sliding scale could be *further* increased by the Secretary in high cost areas such as New York City by the amount of 45%.

Another "Goodell" amendment would preserve the non-cash credits of cities such as Schenectady which converted from conventional urban renewal to neighborhood development programs and are now facing loss of these credits because of HUD's freeze on the NDP program. The amendment would allow any community which applied under the NDP program before August 11 of this year to have the duration of the non-cash credits for public facilities extended from three to four years. This amendment was introduced in the Senate as S. 2812 on August 8. If approved by the Congress, this amendment could save the city of Schenectady over two million dollars, and provide similar benefits to a number of other communities including Syracuse and Glens Falls.

Senator Goodell and Senator Walter Mondale of Minnesota successfully urged the Committee to remove the unrealistically low income limits from the Section 312 rehabilitation loan program. Due to these loan limits, tenants are now barred from getting the benefits of this rehabilitation program because the landlord's income is not low enough to qualify.

LIMITING FARM SUBSIDIES

Senator Goodell introduced an amendment to the 1970 Agriculture Appropriations Act to eliminate excessively large farm subsidy payments.

The amendment was developed in cooperation with former Undersecretary of Agriculture John A. Schnittker, who completed an extensive and authoritative study of payments limitation last November. Covering only the 1970 crop, the amendment:

Limited the payment made to an individual farmer to $10,000 for each of the 1970 crops of cotton, wheat and feed grains.

Repealed the so-called "snapback" provision in the present law. Under this provision, if payment limitations are imposed on cotton producers, the cotton would still have to be supported at no less than 65% of parity.

Allowed for some adjustment in the amount of acreage allotments to permit increased planting.

Because Senate rules do not allow legislation to be amended to an appropriations bill, vote on the merits of Goodell's amendment was not taken. Goodell first had to move to suspend the Senate rules for consideration of his amendment. Although defeated, both the Republican and Democratic Whips and 23 other Senators supported Goodell's motion to suspend the rules.

GATEWAY NATIONAL RECREATION AREA IN NEW YORK HARBOR

Senator Goodell and Senator Javits have been closely involved in the initiation of federal legislation to create an urban recreation area in New York Harbor. Last April, they requested that the Department of the Interior prepare draft legislation to establish a national seashore comprising Sandy Hook, New Jersey, Riis Park, Staten Island beaches, Breezy Point, Fort Tilden, and other parcels of publicly owned waterfront property around the New York harbor area.

In May, Secretary Hickel announced that the Department of the Interior would consider the establishment of a national park incorporating Breezy Point and Jamaica Bay, New York, and Sandy Hook, New Jersey to be known as the "Gateway National Recreational Area." A Department task force is currently reviewing plans for the introduction of legislation to bring about the transfer of city, state, and Federal properties and the development of the area.

Goodell has been instrumental in advocating this type of legislation in order to preserve unutilized park land within large metropolitan areas and allow for easy, inexpensive access to recreation areas for the residents of the central city.

REVENUE SHARING WITH STATE AND LOCAL GOVERNMENTS

Senator Goodell has introduced two major bills on revenue sharing in the 91st Congress. He proposed revenue sharing legislation since entering the House in 1959.

The Goodell "Federal Revenue Sharing Act" (S. 50), introduced on January 15, distributes federal funds to states, cities, and urban counties without limitations on their use. A specified portion of payments must be "passed through" by the states to cities and counties having more than 50,000 population. States and urban governments that make the greatest tax effort are rewarded with bonuses, and there is a special allocation for the 17 poorest states (those having the lowest per capita income).

The formula as it relates to metropolitan governments is based upon recommendations made by the National Advisory Commission on Urban Problems—The Douglas Commission—headed by former Senator Paul Douglas of Illinois.

On June 25, Senator Goodell and Senator Edmund Muskie of Maine introduced the "Intergovernmental Revenue Act" (S. 2483).

The objective of this proposal is to help redress the fiscal imbalance of our federal system of government by:

Supplementing the tax base of States and localities through a system of Federal revenue-sharing payments;

Encouraging States and localities to adopt stronger tax systems of their own, by establishing Federal tax credits for State and local income and estate taxes.

This combination of revenue sharing with tax credits to reinforce the fiscal independence of State and local governments is unique. Revenue-sharing supplements the tax base of States and localities. Tax credits help strengthen the tax base of States and localities, by creating an effective incentive for improving their tax systems.

The bill was prepared in cooperation with the Advisory Commission on Intergovernmental Relations. The system of revenue sharing in this legislation is closely analogous to Senator Goodell's proposals in S. 50.

The Subcommittee on Intergovernmental Relations of the Committee on Government Operations will hold hearings on the Muskie-Goodell bill in the third week of September. Senator Muskie, Chairman of the Subcommittee, has personally invited Senator Goodell to take part in these hearings.

Senator Goodell has also worked closely with officials of the Nixon Administration in drawing up the President's revenue sharing plan.

WELFARE AND EDUCATION

At the request of Governor Nelson A. Rockefeller, Senator Goodell introduced two bills on April 15 to improve our system of providing funds for education and welfare.

The Federal Public Assistance Act (S. 1806):

Creates a national system of public assistance for needy individuals.

Provides Federal grants to states for non-medical services, such as child welfare services, to these individuals.

Would bring about increased Federal support of state medical assistance for the needy and medically indigent.

The Federal-State Education Act of 1969 (S. 1807):

Establishes a new program of federal block grants to the states for education. The amount of each state's block grant would be based on population, need and tax effort. The grants would be available for elementary, secondary, higher, vocational, technical, preschool and adult education.

Leaves each state wide discretion to develop the educational programs it needs.

REFORMING OUR ELECTION SYSTEM

Campaign financing

Senator Goodell has reintroduced legislation he sponsored in the House to reform our laws on campaign fund raising and spending in federal elections. "The Federal Clean Elections Act" (S. 77) requires:

Meaningful and timely public disclosure of the sources of a candidate's financial support;

Eliminates the loopholes in existing disclosure requirements;

Creates an independent, bipartisan Federal Elections Commission with adequate organization and powers to administer the law.

Lowering the voting age

Senator Goodell has introduced a constitutional amendment (S.J. Res. 105) to lower the voting age to 18 in all elections at the Federal, State and local levels.

Direct popular election

As an active supporter of direct popular election of the President, Senator Goodell testified before the Senate Subcommittee on Constitutional Amendments of the Senate Judiciary Committee.

RAT CONTROL

Senator Goodell joined Senator Javits in sponsoring legislation (S. 576) to authorize $20 million for rat control programs in the 1970 fiscal year. The measure extends the rat control programs instituted under the Partnership for Health Amendments of 1967 for an additional year.

Although Congress in 1967 authorized $20 million for rat control for the succeeding two years, nothing was spent in 1968, and only $15 million was spent in 1969 for this purpose. It is necessary to continue the program for at least another year to catch up our lagging efforts.

HOME RULE FOR THE DISTRICT OF COLUMBIA

Senators Goodell and Charles Mathias introduced legislation (S. 1991) to bring about Home Rule for the District of Columbia. The Mathias-Goodell bill would enable District residents to elect their own Mayor, an eleven member City Council, and a non-voting delegate from the District in the House of Representatives, a new position.

The bill would grant the people of Washington local self-government, while at the same time preserve the Constitutional power of the Congress to oversee the operations of the District Government and to legislate directly for the District. It also provides for a Presidential veto of local acts which adversely affect a Federal interest.

PRESERVATION OF HISTORIC SITES

Senators Goodell and Javits and Congressman Hamilton Fish, Jr. joined in sponsoring legislation (S. 2098 and H.R. 10165) to establish "Lindenwald," former home of President Martin Van Buren in Kinderhook, New York, as a National Historic Site.

President Van Buren occupies a unique and significant place in our history. Lindenwald, his home, is of genuine historical importance in its associations with our eighth President and with the whole tradition of the scenic Hudson River Valley.

BLACK CAPITALISM

On January 15, Senator Goodell reintroduced the Community Self-Determination Act of 1969 (S. 33) legislation he originally sponsored in the House.

The bill provides for new, locally controlled Community Development Corporations (CDCs) to promote development of low-income urban and rural areas. Concepts basic to the bill are community action, popular control, local leadership, individual ownership of property, and private enterprise.

The bill provides for the creation of Community Development Banks (CDBs) and for tax incentives to encourage private business to enter "turnkey agreements" with Community Development Corporations (CDCs).

COMMON-SITE PICKETING

Senator Goodell has reintroduced a bill (S. 1365) he sponsored in the House which would amend the National Labor Relations Act with respect to strikes at the sites of construction projects.

MEDICAID

Shortly after coming to the Senate, Senator Goodell joined Senator Javits and other Senators in staging a Senate debate—called by the press a "minibuster"—to prevent passage of an amendment cutting $130 million in Federal matching funds from New York State's Medicaid program. The Federal Government had made a commitment to the states to pay for a share of Medicaid costs. Pulling back on this commitment at the expense of New York taxpayers and the medically needy would have been an intolerable situation.

CIGARETTE ADVERTISING

As a member of the Subcommittee on the Consumer of the Commerce Committee, Senator Goodell took part in the recent hearings on the Public Health Cigarette Smoking Act of 1969. At the hearings, Goodell made known his concern over the apparent lack of success of the cigarette industry to regulate its advertising, particularly with regard to youth. Senator Goodell, therefore, made a

special request that Robert Meyner, the Administrator of the Cigarette Advertising Code, appear before the Committee at a future hearing. Senator Frank Moss, Subcommittee Chairman, agreed to Senator Goodell's request.

FAIR-BIDDING OPPORTUNITY ON NAVY CONTRACTS

Last fall, Senators Goodell and Javits unsuccessfully offered an amendment to open ship repair contracts of the Navy to competitive bidding. This amendment would have reversed Navy regulations which allocate ship repair contracts on a geographic basis of "Naval district lines," the consequence of which discriminates against New York.

PLACING RESTRICTIONS ON GAS AND GERM WEAPONS

Senator Goodell working jointly with Senator Gaylord Nelson of Wisconsin introduced on August 5 three amendments to regulate chemical and biological weapons (CBW). These amendments were incorporated into the Omnibus Anti-Chemical and Biological Warfare Amendment. The Senate passed the Omnibus Anti-CBW Amendment on August 11 by a vote of 91–0.

Senator Goodell has emphasized that the Omnibus Anti-CBW measure represents "a significant first step" in placing Congressional control over a spiraling gas and germ arsenal. He has urged that the Senate Armed Services Committee hold hearings in the near future to give full review of CBW from the standpoints of deterrence, proliferation, use in combat, and targets for further disarmament.

Recommendations made by Senator Goodell for additional steps to control chemical and biological weapons include:

Presentation of the Geneva Protocol by the President to the Senate for ratification. The United States signed, but never ratified, the 1925 Protocol outlawing use of gas and germs in war.

Review by the Senate Armed Services Committee of the Pentagon's foreign officer training program in CBW. Since 1951 officers from over 35 foreign countries have come to the United States for study of chemical and biological weapons. United States contributions to CBW proliferation cannot be ignored. Some serious questioning is in order as to whether this program is reasonable or mere folly.

Report by a non-governmental Scientific and Medical Advisory Committee on Chemical and Biological Warfare. This report could focus on scientific, medical and arms control aspects of chemical and biological weapons. The report should be presented to both the President and to Congress. Paralleled with Congressional examination and that of the National Security Council, such a report could be an important contribution in options for charting a long-range course of action on gas and germ weapons.

SLOWING DOWN THE MANNED BOMBER PROGRAM

Senator Goodell is a major co-sponsor with Senator George McGovern of South Dakota and Senators Mark Hatfield of Oregon and William Proxmire of Wisconsin of an amendment to the Military Procurement Authorization bill to reduce fiscal year 1970 funds by $80 million for an advanced manned strategic aircraft (AMSA). This amendment would hold the 1970 AMSA authorization to the fiscal 1969 spending level, thereby halting any accelerated work on the system during the next year. It would leave $20 million in the authorization level which would be combined with $5 million in carryover authority in fiscal 1969.

Although no final decision on production and deployment must be made now, without this amendment the research and development phase on the system would be accelerated by one year. It is estimated that the total AMSA system will cost a minimum of $12 billion, at least $2 billion of which will be on research, development, test and evaluation. It is Senator Goodell's view that a thorough review of our strategic bomber program is needed before spending larger sums.

WATER RESOURCES MANAGEMENT

Senator Goodell joined Senator Javits in introducing legislation (S. 2831) designed to help smaller cities and towns provide additional water storage facilities. Senator Goodell sponsored this legislation in the House; he and Senator Javits were joined by Senator Edward Brooke of Massachusetts as a co-sponsor.

Passage of this bill would:

Help to minimize water pollution problems in smaller rivers and streams during periods of drought and to construct reserve water storage facilities in anticipation of future industrial and community needs.

Fill a gap in recent legislation by allowing Federal assistance to water quality control projects on the smaller rivers and tributaries which are the lifelines of so many of our smaller cities and towns.

Help to prevent the contamination of larger rivers caused by the passage of concentrated pollutants in small streams during times of drought, thereby assisting our larger water pollution projects.

Mr. JAVITS. Mr. President, following this and other legislation to the Senate floor, Senator GOODELL has compiled an impressive voting record, including support of such legislative initiatives as the proposed revision of rule XXII—the cloture rule—support of ratification of the Nuclear Nonproliferation Treaty; increased funds for the Neighborhood Youth Corps; extension of the income tax surcharge as an anti-inflationary measure; and a number of important votes on military procurement. Mr. President, I ask unanimous consent that a compilation of the voting record of Senator GOODELL be printed in the RECORD.

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

VOTING RECORD OF SENATOR CHARLES E. GOODELL, 91ST CONG., 1ST SESS. (THROUGH AUG. 13, 1969)

Issue	Answer	Senate vote	Goodell vote
Electoral vote challenge: Shall the Senate sustain the Muskie-O'Hara objection to the vote of Elector Dr. Lloyd W. Bailey.	Yes	33	----------
	No	58	No.
Size of Senate standing committees:			
Fong amendment to retain the numerical size of the Committees on Appropriations and Foreign Relations instead of reducing their size.	Yes	36	Yes
	No	51	----------
Senate adoption of resolution changing the size of 10 of the 16 standing committees of the Senate.	Yes	56	----------
	No	35	No
Rule XXII—Proposed revision:			
Church, et al., motion to invoke cloture on Hart motion to proceed to the consideration of S. Res. 11, to provide for bringing debate to a close by a vote of 3/5 of those Senators present and voting, rather than the existing requirement of 2/3.	Yes	51	Yes
	No	47	----------
Is the decision of the Chair to stand as the judgment of the Senate?	Yes	45	Yes.
	No	53	
Walter J. Hickel nomination	Yes	73	Yes.
	No	16	
David Packard nomination	Yes	82	Yes.
	No	1	
Rule XXII—Proposed revision: Church, et al., motion to invoke cloture on Hart motion (as above).	Yes	50	Yes.
	No	42	

VOTING RECORD OF SENATOR CHARLES E. GOODELL, 91ST CONG., 1ST SESS. (THROUGH Aug. 13, 1969)—Continued

Issue	Answer	Senate vote	Goodell vote
Salary increases for top officials of the legislative, iudicial, and executive branches of the Government: Senate adoption of resolution disapproving President Lyndon B. Johnson's recommendations for salary increases for top officials of the legislative, iudicial, and executive branches of the Government, including an increase in the salaries of Members of Congress from $30,000 to $42,500 annually.	Yes	34	
	No	47	No.[1]
Treaty on the nonproliferation of nuclear weapons:			
Pastore motion to table Ervin reservation No. 2 to Nuclear Non-proliferation Treaty.	Yes	61	Yes.
	No	30	
Tower reservation to treaty	Yes	17	
	No	75	No.
Dodd executive understanding No. 2 to treaty.	Yes	15	
	No	81	No.
Dodd executive understanding No. 3 to treaty.	Yes	15	
	No	79	No.
Thurmond executive understanding No. 5 to treaty.	Yes	17	
	No	77	No.
Ervin executive understanding No. 4 to treaty.	Yes	25	
	No	69	No.
Senate adoption of resolution of ratification of the treaty on the nonproliferation of nuclear weapons.	Yes	83	Yes.
	No	15	
Public debt: Senate passage of the bill providing a permanent debt limitation of $365,000,000,000 and a temporary limitation of $377,000,000,000 to expire June 30, 1970.	Yes	67	Yes.
	No	18	
Vice President, legislative and judicial salary increase:			
Williams (Delaware) et al., amendment to repeal the Presidential Commission on Executive, Legislative, and Judicial Salaries.	Yes	49	
	No	36	No.
McGee motion to recommit the bill to the Senate Post Office and Civil Service Committee.	Yes	64	
	No	21	No.
James E. Allen, Jr., nomination	Yes	55	Yes.[1]
	No	15	
Convention on offenses committed on board airlift: Senate adoption of resolution of ratification of the Tokyo Convention which established international rules providing for continuity of jurisdiction with respect to crimes and other offenses committed onboard aircraft engaged in international aviation.	Yes	93	Yes.
	No	1	
Agreement with Canada on Niagara River diversions: Senate adoption of resolution of ratification of the agreement with Canada to provide for the temporary diversion of water from the American Falls on the Niagara River for power production purposes.	Yes	94	Yes.
	No	0	
Job Corps:			
Prouty motion to recommit S. Res. 194 to the Senate Committee on Labor and Public Welfare.	Yes	46	Yes.
	No	47	
Javits, et al, amendment (in the nature of a substitute) expressing as the sense of the Senate, that (1) equivalent training shall be provided for any trainee affected by Job Corps closings; and (2) aggregate opportunties for job and related training for disadvantaged youth under Federal manpower training programs shall be no less than that for fiscal 1969.	Yes	40	Yes.
	No	53	
Senate adoption of S. Res. 194, expressing as the sense of the Senate that any action to shut down Job Corps centers and camps should be deferred until Congress has an opportunity to review the Job Corps program and decide upon the legislation extending the Economic Opportunity Act and authorizing appropriations for that program.	Yes	40	
	No	52	No.

Footnotes at end of table.

VOTING RECORD OF SENATOR CHARLES E. GOODELL, 91ST CONG., 1ST SESS. (THROUGH AUG. 13, 1969)—Continued

Issue	Answer	Senate vote	Goodell vote
International Development Association: Senate passage of the bill to provide authorization for a U.S. contribution of $480,000,000 toward a 3-year replenishment of the International Development Association funds.	Yes	49	Yes.[1]
	No	34	
Warren E. Burger nomination	Yes	74	Yes.
	No	3	
Second Supplemental Appropriations, 1969:			
Williams (Delaware) modified substitute (for committee provision) to force, in effect, a reduction in the budget (expenditure and net lending) for fiscal year 1970 (as proposed in the revised budget) of not less than $5,000,000,000 instead of $1,900,000,000 as reported by the Senate Appropriations Committee.	Yes	16	
	No	80	No.
Yarborough, et al., amendment to exempt the Office of Education programs from statutory budget cuts.	Yes	52	Yes.
	No	43	
Magnuson amendment to exempt the health programs of the Department of Health, Education, and Welfare from statutory budget cuts.	Yes	45	Yes.
	No	47	
Committee amendment, as amended, to limit expenditures and net lending (budget outlays) for fiscal year 1970 to $187,900,000,000, with certain exemptions.	Yes	80	Yes.
	No	9	
Committee amendment to repeal sec. 201 of the Revenue and Expenditure Control Act of 1966, to limit and maintain the number of civilian employees in the executive branch at the June 30, 1966 level.	Yes	61	Yes.
	No	24	
Javits' motion to table the Byrd (West Virginia) substitute amendment to reduce funds for summer jobs for Neighborhood Youth Corps to $10,000,000. (Note: Goodell was a cosponsor of Javits amendment to provide $55,000,000 additional funds for Neighborhood Youth Corps summer jobs).	Yes	46	Yes.
	No	44	
Allen motion to reconsider the vote by which Byrd substitute amendment was tabled.	Yes	52	
	No	40	No.
Byrd (West Virginia) substitute amendment of $10,000,000 for Neighborhood Youth Corps summer jobs.	Yes	73	
	No	18	No.
Javits amendment to increase from $7,500,000 to $10,000,000 in funds for Neighborhood Youth Corps summer jobs as amended by Byrd substitute amendment.	Yes	89	Yes.
	No	1	
Final passage of 2d supplemental appropriations bill.	Yes	87	Yes.
	No	2	
Ratification of radio broadcast agreement with Mexico.	Yes	89	Yes.
	No	0	
Otto F. Otepka nomination:			
Motion to recommit the nomination.	Yes	35	Yes.
	No	56	
Will the Senate advise and consent to the nomination of Otto Otepka to the Subversive Activities Control Board?	Yes	61	
	No	28	No.
National commitments resolution:			
Mundt amendment in nature of substitute.	Yes	36	(2)
	No	50	
Modified Fulbright-Cooper resolution.	Yes	70	(2)
	No	16	(2)
Authorization of appropriation for Padre Island National Seashore, Tex.	Yes	57	(2)
	No	4	(2)
Fiscal year 1970 agriculture appropriations bill:			
Committee amendment to delete $20,000 payments limitation as passed by House.	Yes	53	
	No	34	No.
Motion to suspend Senate rules to take up consideration of Goodell amendment to limit farm payments to $10,000 per crop. (⅔ vote necessary for passage).	Yes	26	Yes.
	No	65	
Final passage of fiscal year 1970 Agricultural Appropriations Act.	Yes	88	
	No	2	No.
Release of lead from national stockpile: Amendment to strike Williams (Delaware) amendment which required sale of lead to "highest responsible bidder," and authorizing sale by negotiation or otherwise.	Yes	58	Yes.
	No	32	
Nomination of Carl Gilbert	Yes	61	Yes.
	No	30	
Extension of income tax surcharge:			
Long amendment to extend surcharge to Dec. 31, 1969, at the rate of 10 percent	Yes	51	Yes.
	No	48	
Williams (Delaware) amendment to extend the surcharge at the rate of 5 percent from Jan. 1 to June 30, 1970.	Yes	41	Yes.
	No	59	
Motion to table Williams (Delaware) amendment to repeal the investment tax credit.	Yes	66	Yes.
	No	34	
Senate vote on final passage of amendments to extend the surcharge.	Yes	70	Yes.
	No	30	
Authorizations of appropriations for fiscal year 1970 military procurement:			
Smith amendment to delete all funds for ABM.	Yes	11	
	No	89	No.
Modified Smith amendment to delte all funds for safeguard ABM system.	Yes	50	Yes.
	No	50	
Cooper-Hart amendment to ban deployment of safeguard ABM system.	Yes	49	Yes.
	No	51	
McIntyre amendment to permit installation of ABM system but no deployment of missiles.	Yes	27	Yes.
	No	70	
Stennis motion to table Schweiker amendment to increase audit of Department of Defense contracts by Government Accounting Office.	Yes	44	
	No	51	No.
Senate passage of Schweiker amendment.	Yes	47	Yes.
	No	46	
Motion to lay on the table the motion to reconsider Schweiker amendment.	Yes	46	Yes.
	No	45	
Vice President and other legislative salary increases:			
Williams (Delaware) amendment to repeal the Presidential Commission on Executive, Legislative and Judicial Salaries.	Yes	47	
	No	50	No.
Dirksen motion to table Williams (Delaware) amendment to eliminate all salary increases except those of the Vice President.	Yes	68	Yes.
	No	25	
Authorizations of appropriations for fiscal year 1970 military procurement:			
Goodell-Nelson omnibus anti-CBW amendment.	Yes	91	Yes.
	No	0	
Tydings amendment to cut $25,000,000 from Department of Defense emergency fund.	Yes	94	Yes.
	No	0	
Emergency insured student loan Act of 1969:			
Dominick amendment to strike out regulations regarding bank lending procedures.	Yes	21	
	No	72	No.
Dirksen amendment to delete Committee increases in authorizations for student assistance programs.	Yes	38	
	No	56	No.
Senate passage of S. 2721, Emergency Insured Student Loan Act.	Yes	92	Yes.
	No	1	
Authorizations of appropriations for fiscal year 1970 military procurement: Fulbright amendment to cut $45,000,000 in Department of Defense social science research funds.	Yes	49	Yes.
	No	44	
Motion to adjourn for August recess.	Yes	76	Yes.
	No	14	

[1] Absent—Announced position in Congressional Record.
[2] Absent—Position not announced in Congressional Record

Mr. JAVITS. Mr. President, I am also very proud that a very distinguished and forward-looking organization of college students, teachers, and other interested intellectuals, called the Ripon Society, thought so well of Senator GOODELL that they did a profile of him of a most interesting, informative, and favorable kind. I ask unanimous consent to have it printed in the RECORD.

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

WILL THEY LOVE HIM IN GOTHAM AS THEY DID IN CHATAUQUA?

Charles Goodell, the 43-year-old ex-Congressman from Jamestown, New York, selected by Governor Nelson Rockefeller to complete the term of the slain Robert F. Kennedy, does not look like a man in crisis. Although his days always seem one stop from chaos, ("We're pretty much on a full campaign schedule here," he says, "and we will be until after the 1970 election"), he moves from place to place with steady deliberation. McLuhan would call him "cool"—he plays with his unlit, but ever-present pipe, and leans forward to speak in measured, even tones. Driving from his office in the New Senate Office Building to the State Department one morning soon after his trip to Biafra, he is already twenty minutes late; but he shifts the battered, family VW sedan slowly. He answers questions in rambling, thoughtful phrases, almost talking to himself at times. If a question amuses him, the Senator may prevent the interviewer from moving on to other areas for long minutes.

His mind is top notch—incisive, analytical, quick (at Williams he was Phi Beta Kappa; he has both a law degree and a M.A. in government from Yale). His political skills within the House were well known in the Washington inner circle. (Goodell was one of the progenitors of the "Ford Rebellion" in 1965, for which he was given the chairmanship of the spanking new Policy and Research Committee for Republican House members). His legislative talent is sound—(his maneuvering with Minnesota's Albert Quie during the mid-sixties to present a Republican "alternative" to the War on Poverty was the high point in this regard). He is athletically built (he turned down a professional baseball contract for Law School and although he plays rarely, boasts a 9 handicap in golf); has an attractive family (tall, blonde wife and five sons); and prides himself on his self-development through the past ten years (he has inconspicuously visited almost every large ghetto in the country, for example). In a normal state, Charles Goodell, after two years of exposure as United States Senator, would be a good bet for election in his own right.

A MATTER OF DEFINITION

But New York is not a normal state. It is a political jungle of the first rank. And Charles Goodell is in trouble. In a State which elects state-wide figures like Nelson Rockefeller, Robert Kennedy and Jacob Javits, Goodell is saddled with a past record which is relatively conservative. He smarts a bit when questioned about it; contending, with some justification, that the press tends to over-classify. "I was never as conservative as most make me out to have been," he explains, "and my development to more constructive positions has been gradual and steady through all the years I've been in Washington." He points to the fact that by 1962 he was taking independent approaches on many issues. He was one of the first House Republicans to begin the search for constructive alternatives ("back in 1962, you know, 'constructive alternative' was a dirty word among Republicans and it was pretty lonely sometimes").

Thus, he concludes, by the time he was selected to fill the Senate slot, he was already a progressive Republican with modern approaches and with an outlook amenable to the large urban centers in New York State. But while he may have been "over-classified" in his early House career, Goodell in turn oversimplifies his posture during the past four years.

The Goodell who campaigned almost recklessly during the summer of 1968 for Nelson Rockefeller with full knowledge that that same Rockefeller would soon be naming a Senator was not quite the same Goodell who six months earlier was whispered about by Rockefeller campaign personnel as one of the few House Republican members in New York who might be questionable in his loyalty. The Goodell who celebrated the first weeks of his Senate position by sniping at Richard Nixon was not the same Goodell who voted against the stronger House bills in education, poverty, rent supplements and food inspection. And the Goodell who flew to Biafra in February and returned with urgent pleas for more efficient and concentrated assistance to save hundreds of thousands of starving Africans was not the same Goodell who joined other Republicans and Southern Democrats in ignoring the original effort to pass a comprehensive program to control rats.

There are good reasons why the two Goodells are not identical. The Goodell in the House was a man whose ambition it was to be Speaker; and no one becomes a Republican Speaker by rocking the boat inordinately. The Goodell in the Senate now has very different ambitions to pursue and a dramatically different constituency to please. In any event, the changes make good political sense. Jacob Javits was winning the state by a million votes in November, while Richard Nixon was losing by 500,000. The lesson is clear enough. But it does create strains.

SOME THINGS TO ALL PEOPLE

These strains are implicit in his schizophrenic posture since the appointment. In his office there are pictures of African kids, strewn casually on desks, and over the receptionist's desk is a picture of the Beatles. The Washington Office is "with it." But his newsletter, geared to an upstate Republican mailing list, has Goodell ponderously puffing on his pipe and pictures him shaking hands with Richard Nixon and introducing his son to Everett Dirksen. In the Senate, he speaks of the "protein crisis" in Biafra and warns of potential genocide. He introduces legislation on "clean elections," community self-development and federal revenue-sharing; on the Senate floor he urges fine points about the Commodity Credit Corporation and urges strong restrictions on the military's use of chemical biological warfare weapons.

But in a pre-election speech before the Women's National Republican Club in New York City, Goodell comes across like a high school orator in an American Legion speaking contest: "With positive priorities as our program, with party harmony as our banner, with victory as our goal, let every Republican woman and every citizen who cares about our country make this election a crusade for a new and better day in America." And at an upstate GOP dinner in mid-March, the Senator began his speech by saying: "Isn't it great to be meeting here tonight with a Republican administration in Washington!", and via complaints about taxes, interest rates, inflation, and disregard for God and country, proceeded to go downhill from there.

The problem is not merely trying to pacify upstate Republicans while trying to build bridges to Democratic New York City in a state where Democrats hold a substantial registration edge. Every name Republican in New York State has to make that effort and Rockefeller, Javits and Keating made it successfully (it took Robert Kennedy, a force unto himself, to defeat Keating). The more basic problem is that Goodell has moved almost too quickly—he has yet to find his personal niche. The psychological aspect of taking the seat of his predecessor contributes to this. How does someone react who is trying to pick up broken dreams left behind by a slain Kennedy? Efforts are made to be accepted in the same places where Robert Kennedy, and few other white men, could walk safely. Efforts are made to appeal to the young—by capitalizing on the almost McCarthy-like coolness of the man.

Yet one of his staff complains openly of the self-consciousness of it all. Waving a recent press release, she exclaimed, "He's trying to sound like McCarthy. It just isn't him. When will he realize that he's better than McCarthy? He doesn't have to apologize to anyone for his seat!" In an emotional moment, she was getting at the core of it all. Goodell's strengths are much different from those of a Kennedy or a McCarthy. He is not an ideologue; he lacks the gut appeal of a Kennedy. But he is an incredibly hard-working, open problem-solver with limitless potential for growth. The rub is that sometimes this feature does not sell with an electorate which, like all others, often prefers form to substance.

NEW VIEWS ON OLD JOKES

There are other difficulties for the new, pressured Senator as well. A Senator from a large, urbanized state has to have a considerably different personal focus from a Congressman from a generally rural area, such as Chatauqua County, from which Goodell comes. He looks back at his House career with some affection and enjoys dividing up the House conceptually into four groups—those who are representatives (who come to Washington to mirror their district and serve their constituents only); those who are legislators; those who are politicians; and those who come to the House to retire. Goodell looks upon himself as having been a legislator (others point out that he was also very much a politician)—these divisions do overlap after all. He talks with pride of the legislative work that he was able to do personally while in the House. Now he finds little or no time for such luxuries ("There used to be a joke when we were in the House that in joint conferences we never met with Senators, we always met with their staffs; now I see that it has to be that way . . . I really miss digging into the things I vote on") Goodell recognizes that one of the major problems is that new members of the Senate simply are not adequately staffed for the job. Senior Senators are assigned considerable staff help from their committees, but the newer members must rely on their office staff itself. Goodell does not have the resources to remedy this himself. ("I use my salary to live on; a lot of Senators use it to hire more staff") and his committee preparation suffers as a result. ("Sometimes four or five subcommittees meet at the same time here, and you are on so many more committees than in the House . . . you just can't keep up with things . . . there is so much more legwork to do in the Senate.")

And this, in itself, is only one small part of the problem. A Senator has many more political demands on his time than a House member. Goodell receives some 200 speaking requests every week (twenty times what he received during his last year in the House) and harsh reality demands that he be in New York two, three or even four days during the week. Goodell freely comments on all this and knows more staff would help but refuses to be unnerved about it. He views staffing as a practical problem, not a theoretical one.

The same pragmatic approach is revealed when Goodell turns his attention to other areas. While some are suggesting that federalism itself is failing, the Senator suggests that different stresses are necessary. ("This Administration will be helpful in this regard," he insists. "We are saddled now with horribly anachronistic tax structures and the most regressive taxation is conducted on the local level, where the need is biggest. State government has to be revitalized, following New York's example. County governments have to be strengthened. We're going to have increasing reliance on regional approaches among states in a particular area of the country. And most of all, we have to develop a much more sophisticated way to compute federal aid formulae.") Goodell becomes almost excited, in his steady way. He is talking about big problems and that is very much "his thing." He'd certainly rather be doing that than digesting chicken dinners on the circuit and going through the motions at innumerable county meetings.

ROOT OF ALL CAMPAIGNS

But he also has to win a statewide election in 15 months. To do so he needs to surmount large obstacles. The biggest is money. Goodell needs lots of it; he has almost none. The situation cries out for a state-wide organization in the field *today;* Goodell is so strapped for finances that he cannot even afford to have a staff member accompanying him on many of his trips from Washington to New York.

Very recently, efforts were begun to piece together a group of individuals residing in various parts of the state to act as eyes and ears on a part-time basis for the Washington office; but even this modest effort is taking painfully important months to organize.

Another problem is recognition. After his trip to Biafra in February, Goodell made a major speech to the National Press Club—reporting his findings and announcing the Nixon Administration's promise of future transport assistance to starving civilians there. In the *Washington Post* it was front page news. In the *New York Times,* where, for him it really counts, there was not even a one-line mention of the story.

Fortunately, the dry season may be coming to an end. A minor, but perhaps significant victory occurred last month when the *New York Times* referred to Goodell as a "liberal Senator" in the midst of a front-page story. One casual mention does not create a new image, but when the mention comes on the front page of the *Times,* it sure helps. And as an escape from Summer doldrums, the Senator took on none other than the venerable Everett Dirksen; a ripple which was highlighted in the Evans-Novak column and resulted in some meaty stories over the wire services on three or four different days. Just as important as the actual publicity was the fact that Goodell clearly came out on top; his criticisms serving as the catalyst for numerous complaints from other Republican Senators about Dirksen's erratic, grumpy leadership this year. But there are still millions in the State who don't recognize Goodell's name. Partially because of this, polls show him far below others in popular recognition state-wide (and, not without definite connection, show him running 2–1 behind Arthur Goldberg in popularity).

Thus, almost inevitably, there are rumblings about a primary battle. State Senator Edward Speno has expressed possible interest, Congressman Ogden Reid is conducting polls, and some State leaders have even suggested pushing Lt. Gov. Malcolm Wilson into the 1970 contest. But such ideas are speculation at best. It can be argued at least as persuasively that the Party will go to some extreme to avoid a bitter primary.

The last thing in the world Governor Rockefeller needs on the eve of his bid for an unprecedented 4th term (which comes along next year as well) is a bloody and divisive primary, which, especially if the Conservative Wilson opposes Goodell, could turn into a free-swinging replay of the Lindsay-Marchi fight in New York City. The Governor has worked mightily over the past year to straddle the State Party's middle (thus the 1969 State Legislature's veer to the right and Rockefeller's reluctant endorsement of Marchi in the New York City mayoralty race); and he can hardly desire that the wounds be reopened over the Senate seat held by the man he himself appointed.

But even if no serious primary opponent does appear, well known Democrats are on

the horizon. Besides Arthur Goldberg, potential nominees Theodore Sorensen, Howard Samuels, Stephen Smith and Robert F. Wagner are being mentioned.

But things will get better. Goodell may be having some trouble getting together with himself, but he also is a gifted man with extraordinary personal talent. And importantly, he is a decent individual with the potential to be a dynamic source of ideas and energy in the Senate.

One close associate summed him up this way: "Charlie will be a creative legislator if he can get elected in 1970. He doesn't have the time now, but if he can get returned, he'll be dynamite. Everywhere he has gone in his adult life he has given life to a new corps of leadership. With time, he'd even make a superior candidate on the national ticket. But right now, he needs all the help in the world just to survive." Another associate added glumly, "no one north of Westchester County can make it on his own, and he is going to be very much on his own for the next year and a half."

But, then again, problems are not alien to Charles Goodell; and if New York Republicans will wake up to the calibre of their newest Senator he may not be alone much longer.

Mr. JAVITS. Mr. President, these are only some of the highlights of CHARLES GOODELL's first year in the Senate. I know my colleagues who serve in committee with him or know him in the many other contexts in which he works are equally or even more familiar with this record of accomplishment than I am.

I take this opportunity simply to say what a pleasure it is to have him here beside me as my New York colleague, to wish him well in the challenging days ahead and to tell him of my satisfaction with his first year's record and my hopes for a brilliant future.

Mr. AIKEN. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. AIKEN. I have been interested in the remarks of the Senator from New York regarding his colleague, Mr. GOODELL. I must confess that when Senator GOODELL first came to the Senate, I did not know much about him. I have since become intrigued by the speed with which he has acquired his knowledge of the workings of the Senate and winning the respect of his colleagues.

I think that Senator GOODELL has been notable for two traits—all of us wish we could have them—that is, courage and conscience. They have stamped his career in the Senate so far, rather indelibly.

Thus, I am glad to take this opportunity to join the senior Senator from New York in commending his junior partner for the work he has accomplished since he became a Member of this body 1 year ago.

Mr. JAVITS. I am so grateful to the Senator from Vermont, whose standing and repute in the Senate, in the country, and throughout the world are of the highest, for his commendation of Senator GOODELL.

I am also cognizant of the fact that in a very large part of northern New York, Senator AIKEN is regarded with the same respect—which I hope I can attain in due course—because of the tremendous services he has rendered to the people of our Nation.

Mr. AIKEN. Let me add that there is a large part of northern New York which, I am afraid, never yet has fully recognized the jurisdiction of Albany, but still considers itself to be a part of Vermont. [Laughter.]

In fact, I believe there are about 40 towns in northern New York who were insistent upon becoming a part of Vermont about 1789 or 1790, I believe.

I think we made a mistake in not taking them on.

Mr. JAVITS. I hope we will win their allegiance back.

Mr. AIKEN. We had to give them up in order to become the 14th State of the Union.

Mr. CASE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. CASE. If I may speak for a State on the other side of New York, a close neighbor, and one much interested in what goes on in the Empire State, not only out of necessity but also because it is so instructive, I join my colleagues from New York and Vermont in expressing the satisfaction I have increasingly felt at the quality of the service rendered by Senator GOODELL.

We are fortunate in this Chamber to have had his services for this year and the anticipation of them for another year. I am confident that the quality of the service he has rendered will so commend itself to the electorate of the great State that both Senators JAVITS and GOODELL represent that this may be just the beginning of a very long and satisfying service.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent to proceed for an additional 5 minutes.

Mr. MANSFIELD. Mr. President, in view of the situation which has developed, I ask unanimous consent that they may proceed for not to exceed 15 minutes.

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

Mr. JAVITS. I thank my colleague from Montana.

Mr. CASE. I join my colleagues in expressing satisfaction and confidence that the valuable services rendered by Senator GOODELL will be continued for many years to come, as they should be.

Mr. JAVITS. Mr. President, I am very grateful to the Senator from New Jersey for his comments. It is symptomatic of the service of Senator GOODELL that he has commended himself to the Senator from Vermont and the Senator from New Jersey who, by mandate of the citizens of their States, stand so high in their esteem as to earn long-continued tenure in this body and a measure of respect to which any other Senator can only aspire as it is so great and so well merited.

I yield now to the Senator from Michigan (Mr. GRIFFIN).

Mr. GRIFFIN. Mr. President, I thank the Senator from New York for yielding. I commend him for taking this time today to observe the completion of 1 year of service in this body by the junior Senator from New York. Unlike our most senior Republican, the distinguished Senator from Vermont, who earlier indicated that he had not known Senator GOODELL before he came to this body, I have known CHARLIE GOODELL for a number of years, and I served very closely with him in the House of Representatives.

His was a significant voice and was a significant influence throughout his service in the House of Representatives. Accordingly, it has not been surprising that he has been a very significant influence in the Senate from the very day he was sworn into this body.

I had the opportunity to work closely with Senator GOODELL on the Education and Labor Committee of the House of Representatives. He is a superb attorney, extremely able and very objective in his approach to some of the most difficult and complex problems facing our society.

Particularly in the field of education, he was a force which often brought divergent views together in working out honorable compromises—compromises which were substantial factors in enacting the vitally important and significant Federal education legislation. Indeed, much of that critical legislation might not be on the books today if it had not been for the work of Representative GOODELL.

In the field of labor, his concern for workingmen provided leadership in the House of Representatives in such matters as manpower training and development. He is truly an expert in these fields, and he provided the kind of leadership that has made it possible for thousands of Americans to benefit from our existing manpower training and development programs.

And in civil rights as well as many other areas, he was a leader in the House.

Now in the Senate it is obvious that he has already demonstrated his capacity to lead. He is articulate, brilliant, an astute politician, and an excellent parliamentarian. I think this body is very fortunate that we have him serving with us. And I have great confidence that he will continue to serve with us for a good many years to come.

I thank the Senator from New York for yielding to me.

Mr. JAVITS. I am very grateful to my colleague from Michigan. I had the privilege of helping him in his own campaign in Michigan and, in other ways, working closely with him in many other matters.

I yield now to my colleague from Oregon (Mr. HATFIELD).

Mr. HATFIELD. Mr. President, I am grateful to the Senator from the State of New York for providing us with the opportunity today to recognize the first year anniversary of the service of the junior Senator from New York in the Senate and to his constituents in New York.

I join in my colleagues' tributes to Senator GOODELL. In his first year here, he has done much to earn the respect of everyone in the Senate. I think that he has seen the true role of a Senator in today's Congress and in today's world.

My distinguished colleague, CHARLIE GOODELL, saw the path he felt he should

follow here in the Senate: He knew he must act—not merely react. He has spoken words that have needed to be said; he has stood to be counted when he knew he should; he has taken positions he knew he must. Such a man is welcome in this Senate, and I am happy to join in this colloquy.

Two examples with which I am most familiar come to mind. The first concerns his fine staff, and the second concerns our work together as Members of Members of Congress for Peace Through Law.

It is one thing to state that young people should be involved in the political process, and still another to provide channels for their access to our political system. At the end of the summer, I met many of the young people who had come to Washington to work as interns for Senator GOODELL. Those 29 students returned to their respective campuses with a better knowledge of how they can contribute from within our system. Senator GOODELL gave them constructive work to do, and they responded to a leader who they knew would listen to their views. These summer interns—the largest number of any Senator—will carry the word across their campuses that "CHARLIE GOODELL is a man we can talk to; a man who will listen to us; a man who will stand up for us."

Senator GOODELL's permanent staff has an average age of 30—even more proof of his belief that younger Americans should be heard on today's issues.

Another example of how I have come to respect CHARLIE GOODELL and his views has resulted from our work in Members of Congress for Peace Through Law. Even those who do not agree with the findings of this group have welcomed the focus by this Senate on the broad question of military spending and the proper roles of the Senate, the Pentagon, and the Department of Defense.

In particular, his leadership in the chemical biological warfare amendment was a factor in the overwhelming acceptance of the compromise amendment. His research assisted us as we studied this grave issue. CHARLIE GOODELL was one of the two Republican Senators who joined to sponsor the amendment concerning AMSA. His contributions in these specific areas, as well as his support for the overall question of military spending cutbacks, was welcomed by all of us who are concerned over our mammoth defense budget.

CHARLIE GOODELL sees that the problems of urban America cannot be postponed by giving dollar priority to areas of defense spending that do not merit these funds. He realizes that, in order to come to grips with problems like decent housing, good schools, and a clean environment, a reordering of national priorities is in order.

Mr. President, in closing, I want to add a personal word. I think Senator GOODELL has done a fine job representing his State. He has sensed what the people felt, and acted in their behalf. In addition, I have enjoyed getting to know him as a person, and I always will value our friendship. As the man who sits at the desk next to him, I have been exposed to the Goodell wit and charm. In addition, his legislative expertise and his warm sense of humor, coupled with his sincere concern for others, make him a man I am proud to call my friend.

I thank the senior Senator from New York for permitting me to make these comments at this time.

Mr. JAVITS. Mr. President, I am very grateful to the Senator from Oregon, who is not only a Senator but a former Governor of his State, for the generosity of his statement and for his appreciation of the worth, to the Senate and to the country, of my colleague from New York.

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

Mr. JAVITS. I yield to the Senator from Kansas.

Mr. DOLE. I speak as one of the junior Members of the Senate who had the privilege of serving with Senator GOODELL in the House of Representatives.

Let me say at the outset that the fact I have high regard for Senator GOODELL, though he and I disagree philosophically from time to time, indicates his initiative, his resourcefulness, and his concern for the State of New York and the people who live in that great State.

As the Senator from Michigan (Mr. GRIFFIN) has said earlier, CHARLIE GOODELL was a leader in the House of Representatives. As chairman of the Committee on Planning and Research, CHARLIE GOODELL brought about significant Republican changes with respect to programs and planning, and the direction we should take.

As a former Member of the House of Representatives and a junior Member of the Senate, I believe many of these programs, plans, and ideas have brought about gains for the Republican Party, not just in the State of New York, but all across our Nation.

As a more conservative Member of the Senate, my respect for Senator GOODELL is proof, again, that we have a broad-based party. It proves to me, and I hope to many Americans, and especially to the people of New York, that we can have differing views and still respect one another's opinions.

So I join other Senators in paying tribute to the junior Senator from New York. I hope we will have Senator GOODELL with us for many, many more years; and that I shall be here with him.

Mr. JAVITS. Mr. President, may I say, in thanking the Senator from Kansas, that I have heard his statement with great interest. I think it is a matter of great importance not only that we should have an amalgam of views here, of a conservative, liberal, and progressive character, but that my own constituents, notwithstanding how I vote or what I advocate—and the same, of course, would be true for Senator GOODELL—should hear those points made with effect. We want Senators here who will make their points with the greatest effect, just as we hope to make our own effectively, because they reflect not only sound opinions, but the opinions of the people of the Nation. And just as I hope to have an effect on the people in your State, I want you to have an effect on the people in mine.

So I accept what the Senator says with the greatest appreciation and understanding, and thank him for joining in this colloquy.

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

Mr. JAVITS. I yield to the Senator from Maryland.

Mr. MATHIAS. I appreciate the opportunity that the senior Senator from New York has afforded me to say a few words about his distinguished colleague in the Senate, Mr. GOODELL.

I have shared with the Senator from Kansas the privilege of serving with CHARLIE GOODELL in the House of Representatives and in the Senate, and I share also with the Senator from Kansas that high regard for CHARLIE GOODELL's qualities—his probing mind and inquisitive intellect which led him to adopt sound and thoughtful positions which are not based on any kind of ideological dogma.

As the Senator has just stated, it is most important that we have people around here who have the ability to view the whole spectrum of opinions and make the right decisions as they ought to be made.

All of us in the Senate, I think, are aware of the currents which surround each of us; and I have not been unaware that CHARLIE GOODELL has been subjected to some criticism. One quotation which has come to my attention stated that he "rapidly and dramatically converted to liberalism." I suspect, in view of the fact that next year is an election year, that this kind of quotation might be propagated by some who aspire to sit in the seat he now occupies. But it seems bizarre to me, who have had a long time and intimate acquaintance with Senator GOODELL. As a matter of fact, I think it reflects a misunderstanding of his approach—a misunderstanding which only demonstrates the fact that he was so far ahead of some of his critics that they did not understand exactly how thoughtful and how progressive his positions were.

The PRESIDING OFFICER. The Senator's additional 15 minutes have expired.

Mr. JAVITS. I ask unanimous consent for 3 additional minutes.

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

Mr. MATHIAS. I think the facts speak for themselves; I do not have to embellish them.

In the House of Representatives, he was a progressive activist who was dissatisfied with the situation that existed on our side of the aisle, and he did something about it. He moved forward to establish a new leadership, with a new progressive impetus. He not only helped to engineer the change—a rebellion that turned into a revolution—but he became a part of the new leadership.

His career has maintained several key themes. He has been a stalwart proponent of civil rights legislation. He has long been concerned with the imbalance in Federal revenue distribution. Here we are, talking in 1969 about revenue sharing as a new liberal concept. But he was talking about it in 1959, when he went on record and introduced revenue shar-

ing legislation. The great New York Times recognizes revenue sharing now as potentially the most important governmental reform in a generation. If you look at the dates, you will see that the Senator from New York was about half a generation ahead of the New York Times in proposing it. On many occasions, to my personal recollection, he called the last administration to account for failing to support it.

So I think CHARLIE's record has been a consistent record of progress, of independence, of constructive and positive positions, and I hope it is the type of record he will continue to create for many more years in this body.

Mr. JAVITS. I thank the Senator from Maryland, who is himself a leading progressive thinker and activist in the Senate and in the country.

Mr. SCOTT. Mr. President, it is my great pleasure today to add a few words to the tributes already paid our distinguished colleague from New York. Senator CHARLES GOODELL has been a dedicated and tireless advocate for the people of his great State.

Like my own Commonwealth of Pennsylvania, New York is a cross-section of America. Although I have served Pennsylvania in the Congress for 27 years, I still marvel at the diversity of her citizens. That same diversity—urban and rural, industrial and agricultural—has made Senator GOODELL's first year in the Senate an extraordinary challenge. He has met the challenge well.

My affection and respect for our distinguished colleague reflects more than our service together in the Senate. For he and I have shared many other experiences. We are both veterans of the Navy in World War II; we both served in the Korean war; we are lawyers and former teachers; we have worked for our party and our President; we even share a fondness for pipes.

I am proud to have cosponsored with Senator GOODELL bills to protect our environment and the endangered wildlife which we both treasure. Our shared concerns are also reflected in our efforts to encourage development of the Appalachian region.

And so today I offer my congratulations to a friend, a colleague, and a fine man.

Mr. BROOKE. Mr. President, what is the measure of a man? Surely it is not to be found solely in his public positions or his private thoughts, in his travels, in his friends and supporters, in his good works or his involvement with his fellow men, in his accomplishments alone or in his goals. Rather, it is found in all of these attributes combined, and in all of these CHARLES GOODELL stands tall indeed.

I have known CHARLIE GOODELL for many years, first as a thoughtful, careful Congressman, eager to learn and open to all men and their ideas. But it has been since he came to the Senate a little over a year ago that our friendship and our mutual concerns have grown and taken shape.

We have worked together to impose greater congressional and public supervision on an often reluctant military, and to pare back those programs which our studies led us to believe were unnecessary. CHARLIE GOODELL led the fight himself this year to prohibit open-air testing and other irresponsible or questionable methods of handling chemical and biological weapons. In this he was eminently successful, and for this he deserves our country's lasting gratitude.

In his public life, CHARLIE GOODELL has consistently adhered to the philosophy that the Nation's ills are closely interrelated. His commitment to individual issues and his dedication in the pursuit of particular goals has not obscured his view that a multitude of areas require our prompt and constructive attention. In this year alone, Senator GOODELL has introduced or cosponsored legislation to improve the quality of our air and water and thereby better the health of all Americans. He has cosponsored the Manpower Training Act to provide job training and employment to those who previously lacked the skills for a constructive role in our economy. He has cosponsored an alcoholism care and control bill, a neighborhood health center proposal, and is soon to introduce legislation pertaining to the control and cure of drug addiction.

Senator GOODELL is concerned with the problems which puzzle all America: How to alleviate racial tension, how to provide adequate jobs and housing, how to improve the quality of our educational system, how to make our highways and our airways safer and more efficient. He is anxious to improve the responsiveness and the flexibility of government, to make it possible for all citizens to play a greater role in determining the laws and the precepts by which they are governed. Within the Senate itself he has sought committee reform and revision of Senate procedures in order to speed the process by which legislation is considered and passed.

Senator GOODELL's interests and travels, his statements and public policy recommendations, have ranged from Asia to the Middle East, from Watts and Harlem to South Africa, from Lake Erie to the Hudson and all the pollution problems in between. With his own commitments and energies, coupled with a concerned and competent staff, it may truly be said of CHARLES GOODELL that he is a man for all men. He stands tall for his time; with the support of the people of New York, he and his State and his country may hope to grow taller still.

Mr. PEARSON. Mr. President, I wish to speak in praise of the very able junior Senator from New York (Mr. GOODELL). He has been a Member of this body for only a year, but in that short time he has distinguished himself as a man of courage and compassion.

He has been active in support of legislation which he considers meritorious, and he has shown a much needed willingness to investigate and emphasize to the American people the human problems of suffering faced in Biafra and Nigeria.

Senator GOODELL has already made positive contributions to legislation in this body, including amendments to the defense appropriation bill now before us. We who have come to know and respect Senator GOODELL during the past year are confident that he has in abundance the qualities of intelligence, imagination, and perserverence to make increasingly valuable contributions to the activities of the Senate.

Mr. SCHWEIKER. Mr. President, I am pleased to join Senators in paying tribute to CHARLES GOODELL as he marks the first anniversary of his tenure as a Senator from New York. I wish him well.

He came to this body after distinguished service in the House of Representatives, bringing with him energy and experience.

When he was named to this position, a year ago, he said:

> I shall bow to no special interest but I will work with all who have a legitimate cause.

He has hewed to that philosophy all during the past 12 months, and he can take pride and satisfaction in that fact.

Senator GOODELL has accomplished much in his year of service in this Chamber. The specifics have been detailed today by my fellow Senators. Allow me to add only that Senator GOODELL has worked hard and faithfully for his country, his State, and his party.

I salute him.

Mr. BENNETT. Mr. President, I am happy to join with Senators to congratulate the junior Senator from New York (Mr. GOODELL) on the completion of his first year of service in this body. Of course, this is by no means a measure of the extent of his service in Congress. He has had many years of experience in the other House, and we are fortunate that he has been able to bring this experience with him to the Senate.

My opportunity to observe the value of Senator GOODELL's contribution to the Senate legislative process began when, in January of this year, he became a member of the Committee on Banking and Currency. I think I can understand the problems that one faces on this committee because I have served on it for 17 years, and Senator GOODELL moved into the committee's problems like a veteran. While he and I have not always been in agreement on the decisions the committee has made, I know that his judgments have always been arrived at after careful consideration of the problem and in light of his experience in representing the great State of New York, in which many of our most serious housing and credit problems exist.

On the basis of the record of his first year, I know that Senator GOODELL will be able to make an even greater contribution, both to the committee and to the Senate as a whole, in the years that lie ahead, and I look forward to the privilege of working with him on an even closer basis.

Mr. JAVITS. Mr. President, I am sure that the people of my State are deeply interested in the appraisals of his colleagues which have been earned by Senator GOODELL. This is critically important. One man in 100 has to have a leadership faculty and the prestige and respect of his colleagues, if he is to be truly effective. So this is very important to the life and future of Senator GOODELL, which I look forward to being brilliant and tremendously useful to his

country, our country, and the world, as well as to my own and his State of New York. I am very pleased, Mr. President, that we have signalized his first year in the Senate in the way that we have this morning, and I hope very much that it will be a source, not only of satisfaction, but incentive to him in going on and on in his work, and that it also may be a source of very deep satisfaction to Mrs. Goodell, their children, and his family, who have every reason to take pride in the esteem in which he is held, and in his achievements.

Mr. GOODELL. Mr. President, I rise with great humility to thank my colleagues for their tributes. As I listened to them, I almost felt as though I had passed away. I assure my colleagues, however, that I shall be here as long as I am able to be here. I believe very deeply in the things which I have been working to accomplish in the U.S. Senate, as I worked to accomplish them in the House of Representatives.

This has been a convulsive year for our country. It has been a challenging and rewarding year for me, and I cherish the friendships that I have gained in the U.S. Senate. I particularly cherish the tradition of this great body. Here, men can differ without distemper, and here men can debate and still respect each other's views and integrity.

It has been the most challenging and rewarding year of my life. And I thank my senior colleague from New York (Mr. JAVITS) and all other Senators for their encouragment and support which will help me to go forward and to do my best in the year ahead.

STATE TAXATION OF NATIONAL BANKS

Mr. SPARKMAN. Mr. President, the Committee on Banking and Currency has announced hearings to consider legislation in connection with the taxation of national banks by the various States. At present, two bills are pending before the committee dealing with this subject matter. These are H.R. 7491 and a bill introduced by the Senator from Florida (Mr. HOLLAND) S. 2906. Meanwhile, I have a letter, with enclosure, dated September 16, 1969, from the American Bankers Association which suggests another matter for consideration in reaching the aims now desired in connection with the taxation of national banks by States.

I ask unanimous consent that the letter with enclosure that I have received from the American Bankers Association be printed in full in the RECORD at this point, so that all who are interested in this matter will have the opportunity to study the proposals being made by that association, and indeed of all of these three different approaches to this matter.

I add, Mr. President that I do this so that all who may be interested may have this information. My doing so is not to be deemed as my support of any of them.

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

THE AMERICAN BANKERS ASSOCIATION,
Washington, D.C., September 16, 1969.

Hon. JOHN J. SPARKMAN,
Chairman, Senate Banking and Currency Committee, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: In its testimony before the Committee at the hearing on H.R. 7491, "an Act to clarify the liability of national banks for certain taxes", The American Bankers Association will support a substitute proposal. A copy of this is attached.

The A.B.A. bill would leave unchanged the basic structure of R.S. Sec. 5219 (12 USC 548), authorizing States to tax national banks by any one of four specified methods (in addition to real estate taxes). It would make three changes in the present situation:

1. The home State of a national bank (the State where its head office is located) and the political subdivisions of that State would also be authorized to impose on the national banks taxes generally imposed on State banks and business firms, subject to three exceptions: sales taxes on purchases contracted for before September 1, 1969, taxes based on the same general factors as the four specified methods, and taxes in lieu of which other taxes, or increased rates, are already imposed. The provision does not set forth a "laundry list" of taxes which would be authorized—instead it uses general language, which would clearly cover, for example, state and local sales and use taxes, documentary stamp taxes, and motor vehicle taxes.

2. A State other than the home State of a national bank would be authorized to impose on tangible personal property of the national bank located in the State, ad valorem taxes, sales and use taxes, and motor vehicle taxes. (The tangible personal property of an insured State bank so located would be subject to the same taxes, and of course real property would be subject to tax by the locality in which it is situated.)

3. Insured State banks would be given the same privileges, protections, and immunities as national banks now have with respect to States other than the ones in which they are chartered. (This provision is based on S. 2364, 90th Congress, introduced by you on August 30, 1967, at the request of the New York State Superintendent of Banking.)

The A.B.A. bill would give full and clear authority (with only the three exceptions specified above) for national banks to pay sales and use taxes—and other similar taxes—to the States and cities in which they are located.

In addition, where a national bank owns tangible personal property located in another State, the customary taxes on such property could be levied by that State.

These provisions would give to the States and municipalities the additional sources of revenue they need and seek. National banks which belong to the A.B.A., and State banks too, recognize that banks should contribute to the financing of their States and localities through the payment of sales and use taxes and similar special excise taxes, as well as through the four methods specified in R.S. Sec. 5219 and through real estate taxes. In fact, in many States national banks are now paying sales taxes directly or indirectly, and in such cases the bill would clarify and simplify the situation.

At the same time the A.B.A. proposal would fit in with the complex and involved constitutional and statutory bank tax structure which has been developed in the States over the 40 years since the last substantive amendment to R.S. Sec. 5219 and the 100 years years since the first version of the provision was written into the National Bank Act.

In this respect, the A.B.A. considers that its proposal is far superior to the apparent simplicity of H.R. 7491, which would in fact have the most widely varying results in different States, ranging from probable double taxation in some States, to legislation and litigation in other States. The A.B.A. fully supports the principle of equality, as between State banks and national banks, as between commercial banks and other financial institutions and as between financial institutions and other business corporations. However, equality is not necessarily achieved by simplistic methods, and we feel strongly that in this case, brevity would not necessarily result in equality.

The A.B.A. also considers that its proposal is superior to that of H.R. 7491 with respect to taxation by States other than those in which the home office of the bank is located. The House bill would provide equality by eliminating exemptions and privileges which national banks have as Federal instrumentalities, exemptions such as relief from doing business taxes and licensing under such statutes. This provides equality but at a cost to national banks and to their customers by authorizing the imposition of restrictions on such transactions.

The A.B.A. proposal on the other hand would eliminate the inequality by giving to insured State banks—the State branch of the dual banking system—the privileges, protections and immunities which national banks now have. The A.B.A. in other words would provide equality by improving the situation of State banks and their customers rather than by impairing the situation of national banks and their customers. And since national banks, and by derivation State banks, would pay ad valorem, sales and use, and motor vehicle taxes on tangible personal property located in these other states, this equality would be achieved with little, if any, loss in revenue to these other states

Since the A.B.A. proposal is a substantial departure from H.R. 7491, and since the subject matter is extremely complicated and involved, we would appreciate it if you would make the A.B.A. proposal available to the members of the Committee and to other interested parties and organizations so that careful consideration can be given to it at the Committee hearings on September 24.

Sincerely yours,

CHARLES R. MCNEILL,
Director, Washington Office.

A BILL TO CLARIFY THE LIABILITY OF NATIONAL BANKS FOR CERTAIN TAXES AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5219 of the of the Revised Statutes (12 U.S.C. 548) is amended by adding at the end thereof new subparagraphs (5) and (6) reading as follows:

"(5) In addition to the method of taxation which a State may elect under the first four forms of taxation under this section, a State or political subdivision thereof may impose upon a national bank having its principal office in such State any tax other than one of such four forms of taxation to the same extent and in the same manner that such other tax is imposed generally upon State chartered banks and business corporations having their principal offices within such State, except that no sales or use tax complementary thereto shall be imposed upon purchases, sales and use within such State or political subdivision of tangible personal property which is the subject matter of a written contract of purchase entered into by a national bank prior to September 1, 1969, and except that no tax authorized hereunder shall be levied upon or measured by cash, intangibles (except taxes on sale, the execution or recordation of documents, and other similar single-incident transactions), capital, surplus, undivided profits, reserves, or bank indebtedness, and except that no such other tax may be imposed by a State which imposes any tax, or imposes an increased rate of tax, in lieu of such other tax.

"(6) The legislature of each State (includ-

ing the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam) may impose, or may authorize any political subdivision of such State to impose, the following taxes, if generally imposed throughout such State or political subdivision on a non-discriminatory basis, upon tangible personal property located within the borders of such State or political subdivision and owned by a national bank not having its principal office located in such State: (i) ad valorem taxes; (ii) sales and use taxes complementary thereto shall be imposed upon purchases, sales and use within such State or political subdivision of tangible personal property which is the subject matter of a written contract of purchase entered into by a national bank prior to September 1, 1969; (iii) license, registration, transfer, excise or other fees or taxes imposed on the ownership, use or transfer of motor vehicles.

Sec. 2. The Federal Deposit Insurance Act is amended by adding after section 22 (12 U.S.C. 1831) a new section 23 reading as follows: "Sec. 23. Notwithstanding any State law to the contrary, an insured State bank, and the shares, evidence of debt and other securities of such bank, shall enjoy the same privileges, protections, and immunities in a State other than the one in which it is chartered, as a national bank whose principal office is located in the same State as such insured State bank, and the shares, evidences of debt and other securities of such national bank, would enjoy in such other State. This section shall not be construed to grant an insured State bank greater powers than those granted by the laws of the State in which such bank is chartered."

Sec. 3. This act shall take effect on January 1 of the year following the year in which it was enacted.

PUBLIC HEARINGS ON TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, today the Senate Finance Committee received testimony from witnesses concerning the tax treatment of charitable contributions. Statements were directed toward repeal of the unlimited charitable contribution deduction. Testimony was also received concerning other significant changes which involve new restraints on the deduction for gifts of appreciated property, for gifts of papers and documents created by the donor, and for so-called split gifts.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that the attached summary of the testimony be inserted in the RECORD.

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

CHARITABLE CONTRIBUTIONS—WITNESSES

JOHN D. ROCKEFELLER, 3D, NEW YORK CITY

General

Maintains that philanthropy must be increased, not cut back. Contends that the House bill would penalize philanthropy, and thus upset the delicate balance of our pluralistic system of private nonprofit voluntary organizations.

Tax on foundations

States that this is a dangerous precedent, as its effect would be to tax the recipients of charitable giving.

Gifts of appreciated property

Contends that the change in tax treatment of gifts of appreciated stock to foundations would constitute a major deterrent to the creation of new foundations and growth of existing ones.

Limit on tax preferences

Maintains that requiring the untaxed appreciation on gifts of property to be included in tax preference income would be a disincentive to charitable giving.

Allocations of deductions

Asserts that the allocation of deductions proposal would reduce the incentive for charitable giving through eliminating a portion of the charitable deduction.

Unlimited charitable deduction

States that elimination of unlimited charitable deduction would primarily affect large givers whose contributions are essential to major capital campaigns.

Political activity of tax-exempt organizations

Argues that the language of the bill is not certain in that it will be very difficult to determine objectively what is nonpartisan analysis and what is not. Considers the penalties to be too harsh. Maintains that the real need is to enforce existing law to prohibit political activity.

DR. ERNEST L. WILKINSON, PRESIDENT, BRIGHAM YOUNG UNIVERSITY, ON BEHALF OF AMERICAN ASSOCIATION OF INDEPENDENT COLLEGE AND UNIVERSITY PRESIDENTS

Financial crisis of private colleges and universities

Maintains that there is a critical need for special tax treatment for charitable gifts in view of current financial crisis of private colleges and universities. Notes that several private colleges of considerable size have gone public.

Complexity of House bill

States that we need a simplified tax bill, rather than one more complicated and more difficult to understand.

Limitation on tax preference and allocation of deductions

Supports Treasury recommendations to remove the unrealized appreciation in gifts of property from the limitation on tax preferences and allocation of deductions proposals. Otherwise, contends that Government will be forced into greater expenditures in areas not served by private charity and education. States that bulk of all gifts by universities are in appreciated property, and are made by substantial contributors. Asserts that the combined effect of the LTP and allocation of deductions will critically penalize contributors so that substantial gifts will no longer be made.

Increase in limit on charitable contributions

Contends that the increase from 30 to 50 percent is virtually meaningless to higher education because gifts of appreciated property are still held to the 30-percent limitation. Recommends that appreciated property also be eligible for the 50-percent rule.

Gifts of appreciated property

States that many properties have both ordinary income and capital gains elements. Indicates that many deferred giving programs would no longer be possible under the House bill.

Set-aside trusts

Believes that present law allowing tax exemption on sales of assets by nonexempt trusts or estates should be continued.

Present gifts of fractional interests

Argues that bill prevents the present gift of a fractional undivided interest in a property. Recommends that sections 201(a)(3), 201(b)(1), and 201(c)(4) of the bill be eliminated in order to allow present gifts of fractional interest and creation of future interest gifts without penalty.

Split-interest trusts

Maintains that section 201(e) of the bill could be disastrous to universities holding such property in trust, as assets would have to be sold in order to meet the guaranteed payout. Claims that annual value determinations would be very costly and uncertain.

Suggests that the solution to the abuses would be to require the gifts to be made to an independent trustee or to the university itself as trustee or cotrustee.

Pooled split-interest trusts

Asserts that the proposed charitable remained annuity trust and unitrust requirements coupled with the present set-aside provisions will effectively eliminate the pooling of trust funds.

Reserved legal life estate to donor

Believes that the new 170(b)(8) subsection should be amended to clarify the fact that it only applies to the mere use of property by the donee.

Bargain sales

States that "bargain sales" to universities would no longer be advantageous from a tax standpoint. Suggests that the solution is to merely disallow a portion of the charitable contribution deduction to the extent that the donor made a "profit" by giving "ordinary income" property.

Gifts of income interests

Agrees with the Treasury that provision is unduly stringent. Considers the solution to all gifts of income to be through the disallowance of a portion of the deduction to the extent the donor "makes a profit" from the gift. Feels that the trustee should be independent or else the university itself should be a trustee or cotrustee.

Information returns—Publicity

Oppose requirements for filing information returns under section 101(d) of this bill. Contends that this will be burdensome and costly with no offsetting revenue to Government.

Taxation of passive income from controlled corporations

Argues that there is no good reason for the taxation of passive income such as rent and interest if the amounts paid are reasonable.

DR. ROLAND C. MATTHIES, COCHAIRMAN, COMMITTEE ON GIFT ANNUITIES

Gifts of appreciated property

Advocates retention of a deduction for the fair market value of appreciated property with no capital gains on the appreciation. States that appreciated property gifts often comprise over 50 percent of a charity's support from the private sector, and believes this support would be greatly reduced if the law is changed.

Allocation of deductions

Suggests the charitable deduction should not be one of the deductions subject to allocation. Believes a donor would delay his gift until he knows the sources of his income and the amount of his capital gains. Suggests that a postponed gift is often a lost gift.

States that appreciation on contributed property should not be considered a tax preference which would reduce a donor's other itemized deductions. Indicates support for the Treasury's position. Contends that such a provision penalizes the generous individual, and that it is an indirect way of taxing appreciation.

Limit on tax preferences

States that appreciation on contributed property should be deleted from the limit on tax preferences provision of the House bill. Claims that it is an indirect tax on appreciation and will inhibit charitable gifts.

Life income (deferred) gifts

Claims the contribution of property to a charity with retention by the donor of the income from the property for life is an important source of support for most charities. Indicates these gifts are mainly made by older individuals who are comfortably situ-

ated but by no means wealthy. States that capital gains should not be realized when charitable remainder trusts and life income contracts are funded with appreciated property, and that the deduction should be based on fair market value, not the cost basis.

WILLIAM P. THOMPSON, STATED CLERK, UNITED PRESBYTERIAN CHURCH IN THE U.S.A., ON BEHALF OF THE NATIONAL COUNCIL OF CHURCHES OF CHRIST IN THE U.S.A.

Tax exemption of churches

States that the reference to "churches and associations and conventions of churches" in H.R. 13270 are satisfactory and appropriate. Approves ending of the exemption of churches from the unrelated business income tax.

Suggests certain changes: (1) exception of churches from the mandatory and public disclosure requirements; (2) limitation of *Clay Brown* application—at least for churches—to taxing debt-financed *rents* rather than all passive or investment income; (3) define "unrelated business income" in such a way that it does not include any activity related to the tenets and traditional functions of churches; and (4) tax as income the cash housing allowance paid clergymen in lieu of a parsonage or rectory.

Private foundations

Maintains that certain restrictions placed on private foundations would inhibit or eliminate some of the most creative social pioneering, which has been done by private foundations.

Opposes the restriction on support by foundations for nonpartisan voter registration drives, and the restriction on foundation financed studies or recommendations that might affect legislation.

Urges that the proposed 7½ percent tax on investment income of foundations be eliminated, and a "user fee" of no more than 2 percent be substituted to cover cost of regulation.

Charitable contributions

Feels that the new policy in portions of H.R. 13270 does not encourage charitable giving, but makes it more difficult. Contends that large, pace-setting gifts will be discouraged. Recommends that: (1) the tax code be simplified so that donors are not hindered in understanding the tax effect of contributions; (2) charitable contributions be excluded from both the "allocation of deductions" and "limit on tax preferences;" (3) charitable contributions be allowed by users of the standard deduction, above some possible level, such as 2 percent of adjusted gross income; and (4) charitable contributions of appreciated property or of an interest in, or portion of, property be encouraged by exclusion from taxable income *or* deduction as a charitable contribution (at the option of the taxpayer), but not *both*.

WILLIAM R. CONSIDENE, GENERAL COUNSEL, U.S. CATHOLIC CONFERENCE

General principles

States that this testimony rest on three general principles: (1) tax reform must respect and reflect the principle of separation of church and State as it has been developed in this country; (2) the objective of tax reform legislation should be the elimination of inequities and abuses, not the reduction of the income of exempt organizations, much less the reduction of the income of churches, or the imposition of unnecessary burdens; and (3) the vitality of voluntarism in the social welfare field should be preserved.

Information returns

Maintains that religious organizations should not be required to file annual information returns. Asserts that only if a church engages in unrelated business activities should it be required to make the appropriate report with respect to these activities.

Tax on debt-financed passive income

Agrees that the Clay Brown loophole and the variations of it should be closed but this does not necessarily require a tax on the endowment income of churches.

Definition of unrelated business income

Indicates that churches should pay taxes on unrelated business income—and the United States Catholic Conference has agreed to this change in the law. Maintains, however, that the definition of unrelated business income of churches should be clarified to insure that the tax does not include any activities related directly or indirectly to the tenets and traditional functions of a church, including operation of cemeteries, printing and distribution of religious publications with or without advertising, fundraising activities and the sale under church auspices of religious articles and pamphlets.

Moratorium for churches

States that the Senate should retain the provisions of the House bill which give churches until January 1976 to dispose of an unrelated business or place it in a tax status.

Limit on audits of churches

Emphasizes that the Senate should retain the provision of the House bill that a church would be subject to audit only upon determination by the Secretary or his delegate (not below the level of the regional IRS Commissioner) of reason to believe that the church owes a tax.

De Minimus rule

Suggests that no tax be assessed in the event the unrelated business gross income does not exceed $5,000 in the case of a single congregation or $50,000 in the case of a diocese, religious order or convention or association of churches.

Acquisition of indebtedness

Indicates that this term was defined in the House bill in such a way to make it difficult to determine whether a church is actually engaged in a transaction which involves acquisition indebtedness. Believes that the definition should be clarified to insure that an indebtedness must be directly connected with income-producing property owned by a church and to insure that related indebtedness would not be attributed to acquisitions of unrelated property.

Fifteen-year rule relating to real estate acquisitions

States that the Senate should retain provisions in the House bill that rentals from property on debt-financed land acquired by a church for expansion within or without the church neighborhood will not be subject to taxation if the land is converted to an exempt use within 15 years.

Private foundations

Asserts that private foundations should not be taxed on investment income. Maintains that the Treasury proposal to reduce the 7½-percent tax in the House bill to 2 percent and consider it in the nature of a service or regulatory assessment is just as surely a tax on funds and income permanently set aside for a tax-exempt charitable purpose as would be a 7½-percent levy, or a 10-percent or a 50-percent levy.

Limit on tax preferences

Urges that appreciation on contributed property should be deleted from the items of tax preference income that would be subject to the provisions in the House bill.

Allocations of deductions

States that the appreciation on contributed property also should be deleted from the list of preferences which would reduce a donor's other itemized deductions. Argues that if charitable contributions are to be subject to allocation, this should be done only to the extent such deductions exceed $10,000.

Gifts of partial interest

States that if the Senate decides to abolish the deduction for gifts of the use of property (fair rental value), it is suggested that the House bill be clarified so present tax treatment is continued for gifts subject to a retained life estate and for gifts of undivided interest in property.

Life income (deferred gifts)

Argues that the life income gifts should retain their present tax treatment. Maintains that these gifts would be unduly restricted by the House bill by failure to make provision for *gift annuity, life income contract* and *charitable remainder trust* plans currently in use.

Increased standard deduction

States that there should be a provision for charitable contributions outside of the standard deduction. Contends that families using the increased standard deduction provided for in the House bill should be allowed a deduction for gifts in excess of 1½ or 2 percent of adjusted gross income.

Minimum standard deduction

Supports this provision, particularly the decision to end the "low income phase-out" after 1970. Maintains that the Senate should provide for continued sharing of the poor in the tax relief contemplated for 1972 and beyond by H.R. 13270. States that the $100 minimum standard deduction for each dependent should be retained and added to the basic allowance of $1,100 provided in 1971 and thereafter. Recommends that the ceiling should be raised to $2,000 so large families get full benefit from the increased minimum standard deduction.

Head of household treatment for single persons

States that there are a significant number of single persons (aside from widows and widowers) who have children under their care and custody but who may not under the terms of the current tax law claim head of household treatment since the children have not been adopted or do not have a close blood relationship. Maintains the head of household treatment should be extended to single persons described in the above circumstances.

LEONARD S. SILK, PRESIDENT, THE NATIONAL ASSEMBLY FOR SOCIAL POLICY AND DEVELOPMENT INC.

Description

Indicates that the National Assembly for Social Policy and Development is an independent organization of individuals representing a broad spectrum of citizen and organizational interest and concern whose primary purpose is to contribute to the development of sound national and social planning, policies, and programs; to develop strategies for action and implementation in both governmental and voluntary sectors; and to strengthen citizen participation in such activities.

Low-income allowance

Supports the provisions in the House bill for the relief of millions of low-income families of the necessity to pay Federal income taxes.

Charitable contributions, in general

States that there has never been a greater need to strengthen voluntary organizations as a complement to the role of government. Believes that the objective should be to strengthen rather than to weaken reserves to voluntary philanthropy giving.

Points out that the Federal and State governments have adhered consistently to the principle of tax exemption for charitable organizations. Indicates that the deductibility of contributions is an inherent aspect

of tax exemption, since without it most of our tax-exempt institutions would cease to exist.

Charitable contribution deduction distinguished from other deduction

Suggests that charitable contributions should not be grouped or considered with other deductible items. Indicates that the other deductions are economically mandated whereas charitable contributions are voluntary. Points out that the other deductions benefit the individual but that the charitable contributions benefit our committees.

Inclusion of charitable contributions within the allocation of deduction provision

Suggests that charitable contributions be deleted from items subject to the allocation of deductible provisions contained in the House bill. Points out that the discretionary charitable contribution is not comparable to the expenditures comprising the balance of the itemized category.

Limitation of gifts of future interest in appreciated property

Indicates that the proposed limitation of gifts of future interests in appreciated property will effectively eliminate major sources of funding for religious, educational, and charitable organizations. Suggests that it be deleted from the House bill.

Inclusion of appreciated property contributions in the limit on tax preference and allocation of deductions

Supports the concept of the limit on tax preference and allocation of deductions, but suggests that the part including appreciation in value of property contributed to charity be eliminated. Indicates that the inclusion of this item in the computation will substantially depress the level of many charitable contributions which now are relied on as "leadership gifts" in major fund raising drives by publicly supported fund raising organizations.

Limitations on contributions of appreciated tangible personal property

Suggests that gifts of appreciated property to charity should not be treated differently from gifts of appreciated securities and recommends the deletion of this provision from the House bill.

Limitation on deductions on a charitable trust income

States that the deduction of charitable trust income interests should not be limited. Urges the committee to accept the administration's suggestions in this regard.

Tax on investment income of foundations

Opposes the tax on investment income of foundations as violating basic principles of tax exemption and as representing, in reality, a tax on those nonfoundations, nonprofit organizations that the House intended to leave tax exempt.

States no objection to the imposition of an annual filing or audit fee sufficient to defray the cost of Federal supervision.

WALTER H. WHEELER, JR., PRESIDENT, UNITED COMMUNITY FUNDS AND COUNCILS OF AMERICA

General

Agrees with the reform measures contained in the House bill which will remove the poor from the tax rolls, give relief to the middle taxpayer and require that everyone pay his fair share in taxes.

Opposes the tax revision proposals which would curtail, lessen or discourage charitable contributions. Does not believe that tax reform should be realized at the expense of the poor and the needy. Indicates that Government encouragement of voluntary action in meeting health and welfare needs should be increased and strengthened by retaining the present and adding more incentives for charitable contributions.

A 7½-percent tax on foundation income

States that no tax should be levied on the income of foundations. Indicates that a tax on foundation income would be a direct cut for the United Fund because in many cases the United Funds have been receiving some or all of the income realized annually by foundations as a regular contribution to their yearly campaign.

Charitable contributions of appreciated property

Believes that no tax should be imposed, either directly or indirectly on appreciated property contributed to charity.

Inclusion of charitable contributions within allocation of deductions provision

Argues that the charitable contribution deductions should not be included as an item subject to allocation under the allocation of deductions provision in the House bill.

Definition of a private foundation

States that the definition of a private foundation, as contained in the House bill, is ambiguous and should be clarified or revised so that United Funds and their member agencies are clearly excluded from the definitions of private foundations.

Increase in the limitation of the charitable contribution deduction

Favors the increase in the allowable deduction from 30 percent to 50 percent for the individual contributor, but believes that its income producing potential for charitable organizations is minimal and would not make up for the harmful effects of the other provisions relating to chartiable contributions contained in the House bill.

KYRAN M. M'GRATH, DIRECTOR, AMERICAN ASSOCIATION OF MUSEUMS

Appreciated value of donated tangible personal property

Notes the House bill applies a tax consequence on the appreciated value of donated tangible personal property. States that 90 percent of museums are barely able to meet operating costs and have no funds left over for acquisitions, and that they depend on donations and gifts for acquisition of the objects exhibited to the public.

A 7½-percent tax on private foundations

States the House bill would apply a tax of 7½ percent on private foundations, and notes that the definition of a private foundation would include many museums; that is, those receiving most of their income from private endowment income. States the tax, or even a 2-percent tax as proposed by the administration, on the investment or endowment income of these museums would work a very severe hardship. Expresses concern that the House bill looks to the source of funds of museums rather than to the educational and cultural services they offer to the public.

Charitable contribution limitation for privately supported and publicly supported museums

Notes that privately supported museums must compete with universities, colleges, hospitals, as well as publicly supported museums. Expresses concern regarding the definition of an operating foundation in the House bill and is disturbed that many privately supported museums would not be so classified.

PERRY T. RATHBONE, PRESIDENT, ASSOCIATION OF ART MUSEUM DIRECTORS

Charitable contributions of works of art

Contends the House proposals would cancel the existing tax incentives to giving works of art, although tax incentives for gifts of intangible property (stocks, bonds, securities) would be preserved and reaffirmed. States that while this would quite properly preserve the lifeblood of universities and colleges, the lifeblood of equally deserving educational institutions, museums, would be summarily cut off. Contends that in the world of art and culture the damage would be prolonged and catastrophic, and out of all proportion to the relatively small fiscal return to the Government.

Disagrees with statements to the effect that while stock values may be readily verified, values of paintings or antiques are not. Contends that works of art are just as susceptible to valuation as are stocks. Notes the existence and operation of the Advisory Panel on the Evaluation of Works of Art, and the aid it has given to the Revenue Service in identifying and controlling the minority of abuses that have given the donation on works of art an occasional bad press, and an ill-deserved reputation.

H. STEWART DUNN, JR., ON BEHALF OF LONGWOOD FOUNDATION, INC.

Description

States that the Longwood Foundation owns and operates Longwood Gardens, which is a 1,000 acre-park and horticultural garden open to the public throughout the year without charge, and will be visited by approximately 1 million persons during its current fiscal year.

Definition of an operation foundation

Indicates that the Longwood Foundation apparently would not be an operating foundation under the House bill. Points out that operating private foundations are not subject to the penalty tax on the failure to distribute income or 5 percent of principal, whichever is higher; whereas other private foundations are subject to this tax. Indicates that the problem with the House bill is that it apparently does not include as an operating asset the investments held by the foundation to produce the income needed to maintain a foundation's public operations; consequently, it is practically impossible for new self-sustaining private operating foundation to meet the definition of a private operating foundation in the House bill. Points out that the House bill, as applied to Longwood, would annually erode its endowment and would ultimately make it impossible to operate Longwood Gardens.

Feels that this was not the intention of the House or of the Ways and Means Committee. Notes that the Ways and Means Committee report expressly states that the assets test in the definition of an operating foundation was to protect organizations such as museums, Calloway Gardens, Colonial Williamsburg and Jackson Hole. Believes that Longwood Gardens is engaged in the same type of activity as the organizations referred to in the House report.

Suggests that the definition be clarified to include in operating assets the portion of the endowment fund of a foundation which is required to provide the income expended in the active operations of the foundation. Suggests, also, that the Senate Finance Committee report make it clear that an existing foundation be divided into two separate foundations so that the operating portion may meet the dual test for an operating foundation.

Excess holdings requirement

States that the provision in the House bill contains an ambiguity regarding the tax on excess business holdings when the stock held by the foundation is in a passive holding company. Indicates that there is no reason why the restrictions should be applied to a holding company provided the stock held by the holding company is proportionately attributed to the foundation, its managers and its major contributors in determining whether the foundation has an excessive or a underlying business.

Points out that the House bill uses the term "business enterprise" and indicates that this should not include a corporation which

conducts no business, but only holds a minority stock interest in operating companies. Feels that this portion of the House bill is clear and suggests that the committee report define a public enterprise so that it does not include a holding company.

JOHN J. SCHWARTZ, EXECUTIVE VICE PRESIDENT, AMERICAN ASSOCIATION OF FUND-RAISING COUNSEL, INC.

General

Indicates that the House bill would have a very detrimental effect on the development—and probably the continued assistance—of many of our social institutions which rely on voluntary private contributions for a share of their support. Maintains that tax incentives have encouraged private support which now stands at $15.8 billion annually. Indicates that in 1968 these funds were distributed to the major philanthropic areas approximately as follows:

	Percent	Amount (billions)
Religion	46.8	$7.4
Health and hospitals	17.3	2.7
Education	16.7	2.6
Human resources	7.0	1.1
Civic and cultural	4.5	.71
Other	7.7	1.2

Points out that several provisions in the House bill will have a significant effect on voluntary giving: (1) allocation of deductions; (2) limitation on tax preferences; (3) 7½ percent tax on foundations; and (4) treatment of capital gains in gifts of property to private foundations.

Gifts of appreciated property

Claims that a recent survey indicates gifts of appreciated property comprise 48 percent of total giving to educational construction, 27 percent of annual gifts to colleges, 38 percent of gifts to hospital construction and 35 percent of annual gifts to hospitals. Indicates that although recent surveys have not been conducted in other areas, our experience has proven that these gifts are equally important to fund-raising programs for youth and welfare agencies, churches, and civic and cultural projects—particularly those for capital expansion. States that it is obvious that these gifts, in a monetary sense, are important to the success of programs to maintain, expand, or improve the Nation's social resources.

Foundation proposals

States that some of the proposals in the House bill affecting private foundations would also weaken support of our philanthropic institutions. Maintains that imposition of the 7½-percent tax the House bill proposes would reduce funds available for distribution by just about the same percentage. Indicates that another harmful provision is that gifts of appreciated property to private foundations must be distributed by the foundation within 1 year if the donor is to deduct the appreciated portion of the gift. States that if this provision had been in effect in the past, many of the large foundations which now exist might never have been formed.

Recommendations

Urges that the committee consider at least the following changes to the House bill: (1) exclude charitable deductions from those which must be allocated between taxable income and tax preference income; (2) exclude appreciation in the value of property contributed to charitable institutions in computing tax preference income; (3) delete provisions for imposition of a 7½ percent tax on net investment income of private foundations; and (4) continue present treatment of appreciated property gifts to all foundations.

LLOYD W. TUPLING, WASHINGTON REPRESENTATIVE, SIERRA CLUB

Tax-exempt status

States that the Sierra Club's loss of its tax-exempt status illustrates the shortcomings of existing law as it affects broadly supported public, charitable, and educational groups. Points out that the Internal Revenue Service denied tax exemption on grounds that the club had engaged in the propaganda and influenced legislation in a manner that violated the limitations of the Internal Revenue Code. Asserts that only an insubstantial part of its activity was involved with opposition to the construction of dams or to other legislative matters. Believes that the Internal Revenue Service misunderstood the facts and that its decision cannot be squared with the Internal Revenue Code, with first amendment freedoms or with sound public policy.

Maintains that the core problem is the amount of legislation activity which present law allows to exempt organizations is so vague as to deter any such activity by many organizations. Asserts that the distinction between "private foundations" and traditional, publicly based charitable organizations now makes feasible reconsideration of limitations imposed by present law on broadly based charities falling outside the "private foundation" category.

Recommendations

Urges that the present unworkable, unnecessary, discriminatory limitation on activities of broadly based, public charitable organizations which affect legislation be removed. Points out, however, that two limitations should remain: (1) permissible legislative activities must be related to legislation affecting the continued existence of the organization or to legislation involving the objectives that this organization was formed to pursue; and (2) there must be no intervention in elections.

Suggests an amendment to section 501(c)(3) which is closely related to that proposed by the American Bar Association Committee on Exempt Organizations be adopted. Indicates that the Sierra Club proposal differs in one respect from the American Bar Association proposal in that the club's proposal recognizes that appeals to the general public respecting legislation is part of the same process as is a direct representation to the legislature.

Maintains that it is important in liberalizing the tax treatment afforded nonprofit membership organizations that allowance be made for both *indirect,* and direct, lobbying by such charitable organizations. Argues that while there is a distinction between communication directly with Congress and communicating to the public at large for the purpose of urging them to contact Congress, these two approaches are not easily separated and practiced. Asserts that all organizations interested in legislation engage in both operations simultaneously.

Contends there is no reason why charities, unlike private business and their associations, should be precluded from receiving any tax deductible gifts merely because a small part of the charity's funds were used for influencing legislation.

BRONSON P. CLARK, EXECUTIVE SECRETARY, AMERICAN FRIENDS SERVICE COMMITTEE

Charitable contributions

Opposed to the following provisions of the bill:

(1) The inclusion of appreciation on gift property as a "tax preference" and gifts to charity in the "allocation of deductions" formula.

(2) Limitations on "deferred giving arrangements."

(3) Increase in the standard deduction.

(4) Tax on foundation income, because it is really a tax on charitable organizations that receive foundation grants.

(5) Limitations on foundation activities related to legislation.

Contends that the adoption of any of these provisions would seriously hurt the organization financially, and the adoption of all of the proposals would require the drastic curtailment of its present programs and prevent expansion of its charitable activities.

THE MINIMUM WAGE

Mr. EAGLETON. Mr. President, the July 1969 issue of the American Federationist contains a timely article on the minimum wage. "Up From the Sweatshops—50 Years of Minimum Wage," written by Francis X. Burkhardt, presents a brief social and legislative history of the fight for fair labor standards. The article also pulls together the employment impact reports prepared by the Secretary of Labor after each increase in the minimum wage; these findings, as reported in the article, demonstrate the absence of any negative effects on aggregate employment and the very inconsequential effects on industries once thought to be most affected by minimum wage improvements.

The most noteworthy discussion in the article is that involving minimum wage and teenage unemployment.

Mr. Burkhardt points out that there has always been opposition to the concept and practice of a statutory minimum wage. At first there was the legal opposition—but that has been put to rest by the 1941 Supreme Court decision of the Darby case. The economists and businessmen who feared disaster have been proved wrong, the adverse effects on unemployment never occurred. Now there is a new focus of opposition. Opponents of the minimum wage have charged that the minimum wage causes teenage unemployment. Frequently, I have seen this allegation in the press and academic journals.

The author reminds those who make this charge that the unemployment rate for teenagers has always been high, in fact, it was as high in 1950 as it was in 1968. The real problems are the worsening rate for teenagers relative to adults and the abnormally high rate for Negro teenagers. But as the article points out, the types of occupations using the majority of teenagers were not covered under the Fair Labor Standards Act until after teenage unemployment relative to adults had already worsened. The author also draws attention to the increasing number of teenagers seeking employment, as a result of the World War II baby boom, and the fact that the type of unskilled jobs usually employing teenagers has not kept pace with their growing demand for jobs. He also notes the high quit rates for teenagers and the increasing participation of older women in the work force as being additives to the problem. He concludes that the minimum wage has not been responsible for the worsening teenage unemployment situation relative to adults.

The article also discusses some of the problems that can be expected if a lower minimum wage for teenagers is enacted.

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

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

UP FROM THE SWEATSHOP—50 YEARS OF THE MINIMUM WAGE

(By Francis X. Burkhardt)

Fair labor standards legislation has had strong opposition from the very beginning. There are those who have opposed any attempt by federal or state law—or even by collective bargining between unions and employers—to establish minimum rates of pay. They cried "disaster," when the Fair Labor Standards Act was passed 30 years ago and they have repeated their predictions of general disaster whenever any improvements of FLSA have been discussed.

Other opponents of fair labor standards legislation have concentrated their predictions on increased unemployment. Every increase in the minimum wage has been greeted by predictions of rising joblessness.

Some opponents have increasingly concentrated their dire forecasts on specific groups—the minimum wage according to them will result in rising unemployment of young people or Negroes.

Yet the Fair Labor Standards Act and its improving amendments have raised the wages of most of the nation's lowest-wage workers—raising the standard of living and helping to bring them and their families into America's mainstream. Employment has increased and business has prospered. Reports to Congress by the Secretary of Labor on the effects of increases in the federal minimum wage—required by law—show that there have been substantial benefits and only rare isolated instances of adverse effects, involving a few small firms and very few employes.

The unceasing opposition has resulted in denying the protections of the law to all workers. There are 13 million non-supervisory workers who are not protected by FLSA. Many of these workers earn less than the present minimum wage. And many of them and their families live in poverty. Their incomes from work are so low that welfare payments are often needed to supplement them.

Early advocates of minimum wage laws understood that workers have a right to a living wage. Monsignor John Ryan, one of the early leaders in the fight for minimum wage laws, wrote:

"The goods and products of the earth are controlled in our industrial system by the employer. If it were the state that managed and operated the right of the laborer would be against the state, because the state would then have control of the means out of which wages must come. As a matter of fact, it is not the state that controls in our system; it is the employer. Therefore, the laborers' right to a decent livelihood from the fruits of the earth becomes a right against the employer for a living wage. The employer is bound to pay that because he is the paymaster of society."

In the U.S., changes in the economy after 1870 had disastrous effects on wages. The scarce labor supply before 1870—in an economy of farms, small shops and small factories—had caused a generally favorable level of wages. But the growth of big industry and the flood of immigrants after 1870 quickly changed the picture.

By the turn of the century, immigration to the U.S. reached more than a million persons a year. Many of the immigrants considered a wage of a dollar a day a sharp improvement over their "old country" level.

The competition for jobs was intense and, in most industries, unions were weak or non-existent. It was necessary for women and children to go into the factories to work. Since many of the factory jobs at that time required little or no skill, it was not uncommon for a boy of 10 or 12 to be working in the same factory as his father or mother. In a sense, he was competing for their jobs and thus driving down their wages even further. It was not surprising, then, that the first efforts of labor-legislation advocates, in the early 1900s, included a campaign to curb child-labor.

By 1909, all but six states had adopted some limitation on the age of employment in factories. And by 1913, most states had established 14 years as the minimum age for factory work. Also by 1913, 19 jurisdictions had succeeded in passing an 8-hour law for working children under 16. But these standards were undermined by many exemptions.

During this same period the health of women working in factories created great concern. Professors Harry A. Mills and Royal E. Montgomery, in their study of the economic problems of the period, reported: "Virtually all other studies of women's earnings during the prewar period (before 1917 point to the same fact: that at least 60 percent did not receive wages sufficient for decent existence." Professor C. E. Persons, in 1915, estimated that 75 percent of women workers were paid less than the $8.00 a week which he regarded as necessary for a decent existence.

National attention was drawn to the need for minimum wage laws for women workers by such early advocates of labor legislation as Florence Kelley, Secretary of the National Consumers League. Monsignor John Ryan and the Women's Trade Union League, led by Rose Schneiderman.

In 1912, the Massachusetts state legislature passed the first minimum wage law for women. Eight other state laws followed in 1913. However, most of these early state laws provided no effective means of enforcement. Consequently, their effects were minimal. But these early laws did provide a valuable beginning in the fight for the right of workers to a living wage. For example, the Oregon minimum wage law of 1913 declared: "It shall be unlawful to employ women in any occupation within the state for wages which are inadequate to supply the necessary cost of living and to maintain them in health." The Industrial Welfare Commission set the minimum wage at $8.64 per week.

Although these early laws establish the right of women workers to a minimum living wage, this right had to be reconciled with the U.S. Constitution and the interpretations of the federal courts. One of the chief reasons these state laws had not been made applicable to adult men was the virtual certainty that such legislation would have been held unconstitutional as abridging the "freedom of contract" that was considered to be implied by the word "liberty" in the Fourteenth Amendment to the Constitution.

The Oregon law was upheld by the Oregon Supreme Court as a justifiable police measure in protecting the health of women. The U.S. Supreme Court upheld the state court's decision by a four-to-four vote in 1917, but no opinion was written. So the matter was far from settled.

In 1923 the U.S. Supreme Court held that the District of Columbia minimum wage law was unconstitutional. It was held to be in contravention of the Fifth Amendment, as violating the implied freedom of contract. This time, the ruling was five against the legislation, three for it and one not participating (Justice Brandeis, because he had defended minimum wage legislation before the Oregon Supreme Court when he was a practicing attorney). The case, Adkins v. Children's Hospital, involved a woman elevator operator who had been discharged, because the employer would not pay the wage set by the Washington, D.C., Minimum Wage Board, as necessary to safeguard health and morals. The job was given to a man who was willing to work for less and men were not covered by the law. The court felt that the moral right of an individual to a living wage was outweighed by the moral right of the employer to refrain from paying more than a "just wage," and it was assumed that whatever wage the employer paid was a just wage.

But this was not the universal opinion of the times. In his dissenting opinion in the Adkins case, Chief Justice William Howard Taft stated:

"Legislatures in limiting freedom of contract between employe and employer by a minimum wage proceed on the assumption that employes, in the class receiving the least pay, are not upon a full level of equality with their employer and in their necessitous circumstances are prone to accept pretty much anything that is offered. They are peculiarly subject to the overreaching of the harsh and greedy employer . . . it is not the function of this court to hold congressional acts invalid simply because they are passed to carry out economic views which the court believes to be unwise or unsound."

In the two years after the 1923 Supreme Court decision, five more state minimum wage laws were declared unconstitutional on the basis of the decision in the Adkins case. It was not until the depression of the 1930s—a period of mass unemployment and wage cuts—that the minimum wage fight received new impetus. The National Consumers League, which had played an important part in the early drive, helped to rebuild the movement for fair labor standards.

To get around the objections of the Supreme Court majority in the Adkins case, the National Consumers League wrote a model bill, supplementing the living wage or health and decency standard by the "reasonable-value" or "fair-value" principle. This approach was based on a sentence in the court's opinion in the Adkins case: "A statute requiring an employer to pay in money, to pay at prescribed and regular intervals, to pay the value of services rendered, even to pay with fair relation to the extent of the benefit obtained from the service, would be understandable."

Seven states—Connecticut, Illinois, New Hampshire, New Jersey, New York, Ohio and Utah—enacted minimum wage laws in 1933, and all except Utah followed the model bill of the Consumers League. In 1934 Massachusetts repealed its original law and substituted a new one, based on the Consumers League model. Between 1933 and 1936, sixteen states had minimum wage laws, eight of these being holdovers from the earlier period.

However, this was not the only activity. On the federal level, in 1933, following the inauguration of President Franklin D. Roosevelt, the National Industrial Recovery Act was passed—a key part of the early New Deal legislation. One section of this act required that employers "shall comply with the maximum hours of labor, minimum rates of pay, and other conditions . . . approved or proscribed by the President."

The goals of the NIRA went further than the social-welfare purposes of the old minimum wage laws. The NIRA declared that increased wage rates would revive employment by increasing the purchasing power of the people. Moreover, the NIRA as a federal law, was nationwide in application, and it applied to men as well as women and children.

But once again the Supreme Court stepped in. The court decided, in 1935, that the NIRA was invalid because it, like the early state minimum wage laws for women, supposedly violated individual freedoms.

In June 1936, the Supreme Court also held that the New York State minimum wage law was unconstitutional.

For the second time, the fair labor standards movement faced an apparent impasse.

In the fall of 1936, the Supreme Court agreed to hear a case, involving the Washington state minimum-wage law, which was identical with the District of Columbia statute, invalidated by the Adkins case decision of 1923. This case, West Coast Hotel Co. v. Parrish, involved Elsie Parrish, a former chambermaid who claimed she had been paid less than the state minimum wage and demanded $216.19 in back pay. On March 29, 1937, the Supreme Court upheld the Washington state minimum-wage, overruling the Adkins decision of 1923.

Chief Justice Charles E. Hughes, writing the Parrish decision, put to rest the "implied" doctrine of "freedom of contract." Hughes asked, referring to the interpretation of the Fourteenth Amendment that had blocked fair labor standards legislation for many years: "What is this freedom? The Constitution does not speak of freedom of contract." The court majority had returned to the opinion of the court minority in the 1923 decision. It was now possible for the states to protect workers against starvation wages. And the decision made possible a reconsideration of federal legislation.

President Roosevelt moved fast. On May 24, 1937, he sent a message to Congress, requesting legislation to establish federal fair labor standards. It declared:

"All but the hopelessly reactionary will agree that to conserve our primary resources of manpower, government must have some control over maximum hours, minimum wages, the evil of child labor, and the exploitation of unorganized labor."

Senator Hugo S. Black, of Alabama, and Representative William P. Connery, of Massachusetts, immediately introduced bills to establish a fair labor standards law. These bills were amended, before adoption by both houses of Congress and on June 25, 1938, the Fair Labor Standards Act was approved by the President and became Public Law No. 718.

Although the Fair Labor Standards Act was subjected to court tests, its constitutionality was definitely established in the Darby case of 1941. The Supreme Court's landmark opinion in the case of U.S. v. F. W. Darby Lumber Co., written by Justice Stone, said:

"Since our decision in West Coast Hotel Co. v. Parrish, it is no longer open to question that the fixing of a minimum wage is within the legislative power and the bare fact of its exercise is not a denial of due process under the Fifth more than under the Fourteenth Amendment. Nor is it any longer open to question that it is within the legislative power to fix maximum hours.

"Similarly the statute is not objectionable because applied alike to both men and women."

The central ideas of the Fair Labor Standards Act of 1938 were: (1) To set "a floor under wages," (2) a "ceiling over hours" and (3) to "give a break" to children. Its main objectives were to eliminate "labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers," as well as to avoid unfair competition.

Section 6 of the act set up the following minimum wage schedule for employes covered by the law: 25 cents an hour from October 24, 1938 to October 23, 1939; 30 cents an hour from October 24, 1939 to October 23, 1945; 40 cents after October 24, 1945.

The law was to be administered by the Administrator of the Wage and Hour Division. It also provided for the establishment of tri-partite industry committees, representing labor, management and the public, with the authority to speed up the pace of minimum-wage increases to 40 cents an hour. All of the industry committees moved to the 40-cent an hour rate by 1943.

The act also set up the following maximum work-week schedules, and work above the maximum would be paid at the rate of at least one and one-half times the employe's regular rate of pay. 44 hours a workweek from October 24, 1938 to October 23, 1939; 42 hours a workweek from October 24, 1939 to October 23, 1940; 40 hours after October 24, 1940.

The 1938 act also prohibited the employment of "oppressive child labor" in the production or distribution of goods and services. "Oppressive child labor" was defined as (1) employment of minors under 16 years of age in manufacturing and mining (2) employment of minors under 18 years of age in occupations found to be hazardous. Exceptions could be made for minors, between 14 and 16 years, in industries other than manufacturing and mining, if employed outside of school hours under certain conditions to be certified by the Wage and Hour Division.

The estimated number of workers, covered by FLSA, was 12.6 million in April 1939, or about 23 percent of the total civilian labor force. About 60 percent of the covered workers were in manufacturing, and most of the others were in transportation, commerce, wholesale trade and mining industries.

The first improvement of the act came in 1949 when covered employes received an increase in the legal minimum wage. The new rate was raised from 40 cents to 75 cents an hour, effective on January 25, 1950. It was estimated that this increase brought direct pay raises to 1.3 million low-wage workers in 1950. Unfortunately, Congress coupled the increase with a reduction in the scope of the law's coverage.

The 1949 amendments also dropped the industry committees, except in Puerto Rico and the Virgin Islands.

In 1955, FLSA was improved for the second time. The statutory minimum wage was increased from 75 cents an hour to $1.00 an hour effective March 1, 1956, bringing additional gains to some of the lowest-wage workers in the country. There was no change in the coverage provisions of the act.

In 1961, Congress approved increases in the legal minimum wage for jobs covered under the act and the first extension of the law's coverage to workers who were not previously protected by the act.

For those previously covered, the minimum wage was set at: $1.15 an hour effective September 1, 1961; $1.25 an hour from September 1, 1963.

The minimum wage for newly covered workers, as a result of a shift to annual dollar volume of sales as the criterion of interstate commerce, was set at: $1.00 an hour effective September 1, 1961; $1.15 an hour effective September 1, 1964; $1.25 an hour effective September 1, 1965.

Congress decided in 1961 that a fair test of coverage was the scope of the employer's engagement in interstate commerce. In order to limit the law's coverage to larger establishments, the Congress adopted a sales-volume test: $1 million dollars, except in construction, where the test was set at $350,000.

An additional 3.6 million workers were covered by FLSA, primarily in large retail trade and service establishments, local transit and construction firms. As a result of the 1961 improvements, there were 27.5 million workers under FLSA—34 percent of the total civilian labor force—but there were still many nonsupervisory workers left unprotected.

By 1966, with the expansion of employment, there were 32.3 million workers holding jobs covered by FLSA. Under the amendments adopted in 1966, coverage was extended substantially, to an additional 9.1 million workers, bringing the total covered to 41.4 million workers or 54 percent of the civilian labor force.

This extension of the law's coverage resulted in part from congressional action to include public schools, nursing homes and laundries. The annual sales figure for covered retail establishments was lowered to $250,000. Large farms were covered, for the first time, if they used 500 man days of labor in a peak quarter. Also, the entire construction industry was covered.

The minimum wage for the 32.3 million workers covered prior to the 1966 amendments was set at: $1.40 an hour effective February 1, 1967; $1.60 an hour effective February 1, 1968.

For 8.6 million newly covered workers, excluding farm workers, the minimum wage was set at: $1.00 an hour effective February 1, 1967; $1.15 an hour effective February 1, 1968; $1.30 an hour effective February 1, 1969; $1.45 an hour effective February 1, 1970; $1.60 an hour effective February 1, 1971.

For the over 400,000 newly covered farm workers, the minimum wage was established at: $1.00 an hour effective February 1, 1967; $1.15 an hour effective February 1, 1968; $1.30 an hour effective February 1, 1969.

In 1950, when the minimum wage went to 75 cents an hour, total employment grew 1,300,000. Reporting on the effects of increasing the minimum wage from 40 cents to 75 cents an hour, the Secretary of Labor concluded: "Though causing significant payroll increases, the 75 cent rate had only very minor determinable effects on employment and other non-wage variables in the five low-wage manufacturing industries surveyed. Even within a selected group of establishments as those with reported adjustment problems, the non-wage consequences of the 75 cent requirement were on a whole not very substantial."

In 1956, when the minimum wage was raised to $1.00, total employment again increased, by 1,600,000 workers. The Labor Department studied the effects of this rise of the minimum wage in seven low-wage, small-city areas. The Secretary of Labor concluded, "Few employers in subject industries indicated that they found it necessary to discharge workers in adjusting to the higher federal minimum."

In 1962, after the $1.15 minimum wage had gone into effect in late 1961, total employment increased 1 million, following a slight decline during the recession of the previous year.

The Report of the Secretary of Labor stated: "The 1961 minimum wage increases had no discernible effect on the nation-wide level of employment in the industries affected. On an overall basis employment has risen in these industries since the 1961 amendments took effect."

In 1966 after evaluating the effects of the $1.25 minimum wage, which became effective in September 1965, the Secretary of Labor reported: "On balance it would appear that the $1.25 minimum wage was adjusted to without adverse employment effects in these low-wage, high impact areas. . . ." This conclusion was based on a study of 15 low-wage areas particularly affected by changes in the minimum wage.

As for total employment in the nation, it expanded 1.8 million in 1966, after the $1.25 an hour minimum wage became effective. And it rose 1.5 million in 1967 and another 1.5 million in 1968, as the 1966 amendments went into effect.

After trying to find a possible disemployment impact from the increase in the minimum wage to $1.40, which went into effect on February 1, 1967, the Labor Department could find only 63 people in the whole country whose layoffs may have been related in some form or other to the higher minimum wage.

However, the opponents of fair labor standards legislation continue to make vague charges of its disemployment effects. They have ignored the available facts—for the economy as a whole, and for those industries which have been primarily affected by minimum wage—and the facts repudiate their dire predictions.

One of the major blindspots of opponents of fair labor standards legislation is their

failure to understand that the national economy, industries and firms are constantly changing in response to numerous changes in consumer demand, technology, output per manhour of work and various other factors. Professor Richard Lester of Princeton University pointed out in his textbook Economics of Labor:

"Some of the evidence does seem to support a conclusion that even in relatively small, low-wage firms, managements have some latitude of adjustment and can, therefore, adapt to a new minimum in a variety of ways, including better utilization of labor and efforts to improve the workforce."

He added: "Because legal minimum wages have a restricted application and an uneven application and an uneven impact firm by firm, they serve to stimulate improvements in managements and in worker performance." He also noted the beneficial impact on business, itself, from the elimination of low wages: "Experience with minimum-wage legislation has demonstrated that managements, even in highly competitive industries, may be inefficient and wasteful in some respects, perhaps partly because low wages permit them to be."

Thus, almost all firms, with a few rare exceptions, have adjusted to the increased wage costs of improved fair labor standards legislation, while the entire national economy has benefited from the increased buying power of low-wage workers and their families.

What are the "special problems" that opponents of minimum wage laws claim to occur? Some opponents of fair wage legislation allege that minimum wage legislation puts young people out of work.

To understand the employment problems of youth it is important to remember that teenage unemployment has always been higher than the national average for all workers. This is because teenagers are new jobseekers, they often seek only part-time employment near home, they look for temporary summer jobs and then return to school. Out-of-school teenagers tend to have very high quit rates.

The unemployment rate for 16-to-19-year-olds in the labor force increased from under 10 percent in 1947 and 1948 to about 16 percent and 17 percent in the recession years 1958 and 1961, and was equally high in 1963 and 1964 when the general employment situation had begun to improve. With the continuing improvement in employment, it declined to slightly less than 13 percent in 1966 and remained at about that level in 1967–1968—after the 1966 amendments went into effect.

The real problem of teenage unemployment in the 1960s is that it has not dropped as fast as the decline of joblessness among adults 25 years of age and older. In the early years after World War II the teenage unemployment rate was about three times greater than the unemployment rate among adults. In 1963, it moved to four times higher and by 1966–1968, it was five times greater.

This worsening of teenage unemployment in relation to adults could hardly have been caused by FLSA when it began to show up in 1963 or in the years that immediatley followed. For from 1938, when the law was passed, until February 1, 1967, most typical teenage occupations were not covered by FLSA—such as medium-sized and small retail stores, restaurants, service establishments and farms. Such business activities that typically employ teenagers were not covered substantially by FLSA until 1967.

The roots of the teenage unemployment problem of the 1960s can be found in the sharp rise of the birthrate after the end of World War II. The great increase in births in the years after World War II resulted in a sudden, sharp rise of teenagers, looking for employment, in the 1960s. And although teenage employment increased considerably in the 1960s, it was not enough to match the influx of youngsters.

During the decade 1948–1958 there was actually a slight decline in the number of teenagers in the labor force—reflecting the low birthrate of the depression years of the 1930s. But in the 10 years, 1958–1968, the number of 16-to-19-year olds in the labor force skyrocketed 53 percent, from 4.3 million to 6.6 million. The average yearly increase of teenagers in the labor force was about 230,000 in 1958–1968, in sharp contrast to the slight decline in the previous 10 years. One would expect that such massive change in the numbers of teenagers in the labor force could create problems, particularly if the demand for teenage workers did not keep pace.

Many of the part-time farm jobs, once held by teenagers, disappeared, with the growth of large industrial-type, mechanized farms and the general decline of farm employment. The rapid decline of small neighborhood stores eliminated many other jobs once held by teenagers. The expansion of less-skilled jobs in retail stores and the various services has not been as fast as the skyrocketing supply of teenagers in the labor force. Harold Goldstein of the Bureau of Labor Statistics has estimated that employment in the kinds of jobs, typically employing three out of four teenagers, increased 20 percent in the past decade—in contrast to the over-50 percent rise in the supply of teenagers in the labor force.

In addition, there has been the increasing participation in the labor force of married women, 35 years of age and over, which results in some degree of job-competition with teenagers. Many married women, with no small children at home, are now at work on part-time or full-time jobs that often employ teenagers—for example, in supermarkets, restaurants, retail stores and movie theaters.

Nevertheless, employment of teenagers increased sharply in 1958–1968 in contrast to a small decline of teenage employment during the previous decade. In response to the massive influx of teenagers into the labor force in 1958–1968, teenage employment increased from 3.6 million to 5.8 million—an average of about 220,000 a year. This turn-around in teenage employment, from a small decline in 1948–1958 to a sharp rise in 1958–1968, occurred despite the improvements in FLSA, which minimum-wage opponents claim result in denying jobs to teenagers. But this great expansion of teenage employment was insufficient in the face of the even-greater growth in the numbers of teenagers in the job markets.

Despite the clear record, some opponents of fair labor standards laws—including Professor Milton Friedman of Chicago University, the leading conservative economist—claim that the federal floor for wages results in all kinds of supposed troubles, particularly Negro teenage unemployment. This assertion is as far from the facts as other attempts to blame fair labor standards legislation for the economy's ills.

The causes of higher unemployment rates among Negro teenagers—about twice as high as among white teenagers—are similar to the problems confronting teenagers in general, except for two major differences: 1) racial discrimination in education and hiring has had adverse effects on Negro teenagers in the job markets: 2) the migration of a large proportion of Negroes from the rural South to the cities, as well as the mechanization of farming has resulted in a decline of teenage farm employment.

In 1958–1968, the non-white teenage labor force rose even somewhat faster than the total teenage labor force. The number of non-white 16-to-19 year olds in the labor force rose from 504,000 in 1958 to 780,000 in 1968—about 27,600 per year. But the migration of the Negro population to the cities and the mechanization of southern agriculture sharply reduced farm employment of Negro teenagers.

Educational opportunities for Negro youngsters have been inferior—in both the rural South and in urban slum areas, and the preparation of many Negro youngsters for employment was also inferior. In addition, there is discrimination in hiring. For example, in 1966, non-white high school graduates had a somewhat higher unemployment rate than white high school dropouts. And Negro high school graduates, between 16 and 24 years of age, had only a slightly lower unemployment rate than Negro dropouts in the same age-group—indicating employer discrimination in hiring, with only little regard for high school graduation.

Despite these difficulties, non-white teenage employment increased sharply—from 366,000 in 1958 to 585,000 in 1968, or nearly 22,000 per year. However, this sharp increase in employment was less than the sharper rise of the non-white teenage labor force. The result was increased unemployment.

These are the real problems that have caused high unemployment rates for 16-to-19 year olds, in general, and for Negro teenagers, in particular. The Fair Labor Standards Act and its improvements are not among these causes and reducing wages for teenagers cannot be expected to solve their job problems.

The solution to teenage unemployment, generally, and especially Negro teenage joblessness, requires a growing economy and full employment. For the major solution to teenage unemployment is increased jobs. And when there are insufficient job opportunities in the regular job markets, there should be a federal program of public service employment—for both adults and teenagers—to create jobs for the long-term unemployed and seriously underemployed in providing badly needed public services in parks, recreation centers, hospitals, schools and other public and private non-profit facilities.

The Neighborhood Youth Corps—a part-time public-service employment type program for both in-school and out-of-school youth—should be expanded considerably to provide young people with regular work-experience, training and encouragement to remain in high school through graduation.

The Job Corps program for unemployed out-of-school youth should be maintained to provide them with basic education and skill-training for entry into the job market.

Improved vocational training is needed in the school systems, to prepare young people for the skill-requirement of the job markets. Manpower training programs should be geared to meeting actual requirements in the labor market. Outreach programs—such as those sponsored by the building trades unions in many areas—should be expanded, to motivate and assist young people for entry into apprenticeship programs and skilled occupations. And federal law should be enforced to wipe out racial discrimination in hiring.

The solid base of increasing teenage employment of the 1960s and the start of federal aid for education, manpower training and youth employment programs should be continued and improved.

Such continued progress and the expected leveling off of the rise of teenagers in the labor force in the coming years could begin to solve the teenage unemployment problem. But what should *not* be done is to establish a special, lower minimum wage for teenagers.

Opponents of the federal minimum wage often advocate that teenagers should be covered by lower minimum wage rates than adults, because they are supposedly less productive. The effects of such special lower minimum wage for teenagers would have

four clear social disadvantages: displacement of working family heads, discrimination against young workers, a loss of dignity in the work performed by teenagers, and increased profits to those employers who would discriminate against teenagers by paying them lower wages than adults for the same work.

Many employers would be more than happy to hire teenagers at a lower wage than adult workers, especially since low-wage employers are those most affected by minimum wage legislation. On February 1, 1968 there were about six million workers who required wage increases to bring them up to the new federal standard of $1.60 an hour. Many of these six million are adults and some of them would have lost their jobs if employers had the choice of raising their wages to $1.60 an hour or firing them and hiring teenagers for a lower wage. Such potential displacement of heads-of-families by lower-wage teenagers would be socially undesirable.

Also, most lower-wage jobs are unskilled or semiskilled and require little training. Hence, the volume of work in these occupations, regardless of the age of the worker, is approximately equal. To pay a lower wage to teenagers for the same job as a higher-wage adult would be clearly discriminatory against teenagers.

It should also be remembered that many teenagers measure the dignity of a job by the amount of money the employer is willing to pay. Work would hardly seem worthwhile to a teenager doing the same job as an adult if he were receiving a lower wage than his adult counterpart.

The advocates of a two-step minimum wage—lower for teenagers—use the high unemployment of teenagers to plead their case. They do not seem to realize that what they would achieve by lowering the minimum wage for teenagers, relative to adults, is to attack the effect of the problem and not the cause. Providing the basis in federal law for teenagers to work for less than adults on the same job does not create more jobs; it only decreases the wage costs of those employers who would displace adults and hire teenagers, thereby raising their profits.

The need is to provide more job opportunities for both teenagers and adults—with FLSA as a uniform wage floor—rather than to encourage low-wage employers to displace adults and hire lower-wage teenagers.

The Fair Labor Standards Act's protection against unduly low wages and long working hours should now be extended to all workers. Today, 13 million non-supervisory workers are still not covered by the law's provisions. Still excluded from the protection of the Act are over one-third of the retail trade workers or 4,000,000; about one-third of the service workers or 2,300,000; one-fourth of the employes in finance, insurance and real estate or 750,000; one-fourth of wholesale trade employes or 800,000; 700,000 hired farm workers or two-thirds of all hired farm labor; and all household domestic workers, who number over two million; in addition, over two million state and local government employes are not protected by FLSA.

Many of these workers are paid much less than the federal minimum wage and their working hours, in many cases, amount to 60 or 70 hours per week.

The minimum wage standard should be raised from $1.60 to $2 an hour. A $2 minimum wage would allow a worker, employed full-time year-round, to earn an income of $4,000. This would mean that work could be a real incentive and would give a full-time worker a bit more than the government-defined poverty level for a family of four.

The 1966 Amendments to FLSA were a major instrument in helping several million low-income families to improve their living standards. The benefits of FLSA must be extended to those workers who are still outside of the law's protection.

While improved minimum wage legislation is not the sole answer for meeting all the problems of poverty, it is a major tool in alleviating the poverty of over half of the 22 million poor, by the government's definition of poverty, who are in the labor force—particularly the one-third of the poor who are in families headed by a full-time, year-round, low-wage worker. Most of the sweatshops and child labor of the early part of this century have been eliminated by legislation, collective bargaining and general improvement of living standards.

The working poor are the people who are trying to make it out of poverty, but can't. They are the men and women who work and try to eke out a living in the cities, rural areas and farms. They do not seek charity—they want decent wages. They are not impressed by promises—they want better wages for the jobs they have. And they do not need economic theorists to tell them about "pay according to productive contribution." They need more pay in their paychecks for the work they are doing. Paying a worker less than is needed for an adequate standard of living degrades his work. And it tends to degrade him as a person.

The Fair Labor Standards Act has gone a long way in providing protection to low-wage workers. It has lifted millions of workers and their families out of poverty. These have been the purposes of fair labor standards legislation from the beginning—since the early efforts of Msgr. John Ryan, Florence Kelley and their associates, the Massachusetts minimum wage law of 1913, the 1938 Act and its improvements.

UNPAID CAMPAIGN DEBTS AND THE FEDERAL INCOME TAX

Mr. WILLIAMS of Delaware. Mr. President, the Washington Post of May 15, 1969, contains an article entitled "Kennedy Campaign Debts Still Total $1 Million," written by Mr. William Greider.

Since that article was printed I have received considerable correspondence as to whether or not unpaid campaign debts could be deducted as a business loss for Federal income tax purposes.

To clarify this point, under date of July 21 I directed a letter to Dr. Laurence Woodworth, chief of staff of the Joint Committee on Internal Revenue Taxation, calling this to his attention and asking for an official interpretation of section 271 of the Revenue Code which deals with this problem.

As pointed out in this correspondence, in 1952 a similar question had arisen wherein a considerable amount of funds were being diverted into national campaigns under the guise of loans and then being written off as bad business debts. Following this disclosure, the Revenue Code was amended to prohibit this practice.

In order that this point may be clear to all concerned, I ask unanimous consent to have printed in the RECORD:

First. Three articles, the first of which was written by Mr. William Greider and published in the Washington Post of May 15, 1969, followed by two from the Associated Press dated May 12 and May 19, 1969, all dealing with these campaign debts.

Second. My letter of July 21, 1969, addressed to Dr. Laurence Woodworth, and his reply thereto under date of September 2, 1969. The correspondence with Dr. Woodworth makes very clear that the law does not permit unpaid campaign debts to be written off as bad debts for Federal income tax purposes.

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

[From the Washington Post, May 15, 1969]

KENNEDY CAMPAIGN DEBTS STILL TOTAL $1 MILLION

(By William Greider)

When Sen. Robert F. Kennedy began his ill-fated campaign for the Presidency last year, he told his brother-in-law Stephen Smith, "I think I'm going to cost you a lot of money this year."

The Kennedy campaign was indeed expensive and Smith, the business manager in the family, is still grappling with the debt left behind after the Senator's assassination.

Even though the Democratic National Committee is expected to help and the family held five fund-raising dinners across the country, the outstanding obligation will be about $1 million, according to a rough calculation by a former Kennedy campaign aide.

This deficit is subject to the usual negotiations which follow losing political efforts, when managers try to pare down their bills before settling. In this case, the family's great wealth might make hotels or airlines or print shops less eager to bargain.

In California, the state organization set up separately for the Kennedy campaign, has offered creditors 33 cents on the dollar as a settlement of the $600,000 in outstanding bills, according to Stanley Caidin, a Beverly Hills attorney.

Fund-raising dinners were not as successful as they had hoped, Caidin said, but many creditors are accepting the settlement without complaints.

"We incurred these debts independent of the Kennedy family," he said. "They had nothing to do with these obligations. They were incurred by local people. Obviously, if the Kennedys had had any connection with what we were doing out here, the bills would have been paid."

In other states, creditors will also probably be asked to pare bills, depending on the claim, according to the former Kennedy aide.

An aide to Sen. Eugene McCarthy's rival for the Democratic nomination, reported that the McCarthy campaign debt has virtually been liquidated now, through the same process.

"The winners pay their bills, the losers negotiate," he said. "That's the way it is."

The McCarthy managers, he said, offered 50 cents on the dollar for many of the larger bills. But this often meant more than that because the original deposit was included in the payment.

"Nobody trusted us," he said, "so we had to make substantial deposits." Campaign managers frequently bargain with people like hotel managers, pointing out that setting up a campaign headquarters in the hotel brings in extra business.

In the Kennedy campaign through five state primaries, the debt left after his death has been estimated at $3.5 million.

His brother, Sen. Edward M. Kennedy, and the rest of the family hosted five fund-raising dinners earlier this year which produced close to $1.5 million. According to a Kennedy associate, the proceeds were approximately: New York, $375,000; Washington, $375,000; Los Angeles, $225,000; San Francisco, $115,000; and Boston, $375,000.

Although final approval has not been given yet, the Democratic National Committee expects to absorb $1 million of the outstanding Kennedy debt as well as $1 million in debts left from Hubert Humphrey's pre-convention campaign. This will leave the National Committee with approximately $8 million to pay off before the next national campaign in 1972.

The National Committee's interest in helping to liquidate the Kennedy debt is not purely sentimental. The understanding is that Edward Kennedy, a top attraction on the political circuit, will help out the National Committee by appearing at its fundraisers. The first big one is scheduled for next month in New York City.

KENNEDY CAMPAIGN DEBTS

LOS ANGELES.—Debts from the California presidential campaign of the late Sen. Robert F. Kennedy, are being settled at 33 cents on the dollar, a spokesman said Wednesday. Stanley R. Caidin, an attorney and trustee of Kennedy's campaign committee, said about 250 creditors are owed a total of about $500,000. He said debts smaller than $100 are being paid in full. The debts belong to the campaign committee and not the Kennedy family, Caidin said.

LOS ANGELES HOTEL SUES FOR KENNEDY BILL

LOS ANGELES, May 19.—The Ambassador Hotel, where Sen. Robert F. Kennedy was assassinated last year, has sued his campaign committee for his unpaid $85,000 hotel bill—plus 7 per cent interest.

The suit was filed in Superior Court here April 18, as a closed attachment and made public today. A report indicated the county marshal's office had attached a Kennedy campaign bank account at the United States National.

The suit, directed against the national Kennedy-for-President committee, Kennedy national headquarters, Kennedy campaign committee and its trustees, said no part of the bill had been paid, despite payment demands. Attorney Stanley R. Caidin acknowledged two weeks ago that the campaign committee had been unable so far to raise sufficient funds to pay off all debts and creditors had been asked to accept settlement at 33 cents on the dollar.

JULY 21, 1969.

Dr. LAURENCE WOODWORTH,
Chief of Staff, Joint Committee on Internal Revenue Taxation, Longworth House Office Building, Washington, D.C.

DEAR LARRY: Enclosed are copies of three newspaper articles concerning the possibility that certain campaign debts will be written off as uncollectable.

On April 29, 1952, a similar situation developed wherein this write-off of campaign debts developed into a roundabout procedure whereby campaign contributions were being taken as deductible business expenses. A copy of my statement of that date, with which are included the Treasury rulings, is also enclosed.

On a subsequent date, I do not have this exact, an amendment was adopted to the Internal Revenue Code. As I recall it this was my amendment, but it was attached as a rider to some bill. The purpose of this amendment was to prohibit loans or advances to campaigns which were not subsequently collected from being treated as deductible items for tax purposes.

There is no rush to this inquiry, but I would appreciate your checking this out to see whether or not this is another potential violation of that Act.

Yours sincerely,

JOHN J. WILLIAMS.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON INTERNAL REVENUE TAXATION,
Washington, D.C., September 2, 1969.

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

DEAR SENATOR WILLIAMS: In your letter of July 21, you sent me copies of three newspaper articles concerning the possibility that certain debts incurred in the course of the 1968 campaign of the late Senator Robert F. Kennedy will not be paid. You inquire whether the amendment you offered in 1952 (now section 271 of the Inernal Revenue Code of 1954) would apply to the Kennedy campaign debts.

Setcion 271 of the Code provides that no deduction shall be allowed under section 166 (relating to bad debts) by reason of the worthlessness of any debt owed by a political party. (This provision does not apply to banks but applies to any other creditor. The definition of political party is broadly defined in section 271 and it would cover the Kennedy campaign committees.

I might point out that the regulations under section 271 provide:

"* * * it is immaterial that the debt may have arisen as a result of services rendered or goods sold or that the taxpayer included the amount of the debt in income."

Thus, in the case of the Los Angeles hotel bill, it is quite likely that the bill of $85,000 was included by the hotel in gross income in its return for 1968, since nearly all hotels report their income on the accrual basis rather than the cash basis. Under the regulations, no deduction could be claimed for the worthlessness of the debt if it turns out that it is uncollectable even though the full amount was included in income in the tax return filed for 1968.

If I can be of further assistance, please let me know.

Sincerely yours,

LAURENCE N. WOODWORTH.

PROBLEMS AND CHALLENGES OF PARTY REFORM

Mr. McGOVERN. Mr. President, an article published recently in the Los Angeles Times analyzes some of the problems and challenges of party reform.

I commend it to the attention of the Senate and to everyone who shares a concern for the future of democratic institutions in America.

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:

POLITICAL PARTY REFORM IS RISKY

(By D. J. R. Bruckner)

CHICAGO.—This summer in Chicago has been cooler and wetter than any in a decade. Lake Michigan has already turned to the deep blue color it takes on in autumn, and the lakefront parks are dark green and bright with flowers. It is hard to believe that only a year ago the Democratic Party was gathering in Chicago for its convention, or to recall the heat, the odor of gas, the singing and screaming and the sounds of running in the night.

There is a tendency, as time passes, to think of that pandemonium as a weird television show put on by former President Lyndon Johnson and Chicago's Mayor Richard J. Daley. The truth is probably closer to Daley's discomfitting pronouncment that "the convention mirrors the state of the society." At least, it exposes the insides of the party.

There is also now a growing reluctance among many Democratic officeholders to make the kind of structural changes in the party which last year's convention demanded when it set up the commission on party structure headed by Sen. George S. McGovern (D–S.D.). Coolness to reform has grown markedly in the last few weeks since Sen. Edward M. Kennedy (D–Mass.) fell into a political limbo. Now, some other national figures who think they have a chance of their party's presidential nomination in 1972, are beginning to fear that extensive party reform could create a convention they could not sway.

Yet, systematic reform would seem to be the only way for the party to maintain itself as a national political force. The alternative is not necessarily a repetition of the violence of last year; it might be simply a drifting away of the people from the party, until the party would seem as remote to the people as last year's convention seems from this August. Not long ago a majority of Americans identified with the Democratic Party. A steep slippage started during the Johnson years and it continues. National polls indicate clearly that a rapidly growing number of Americans consider themselves independents, especially the younger voters.

The McGovern Commission has completed 17 regional hearings, interviewing 500 witnesses from 48 states. On Aug. 28, the first anniversary of the Battle of Grant Park, the commission's executive committee will meet to give its staff directions on drawing up a report for the state Democratic parties, with recommendations for reform. Later, a similar report will go to the Democratic National Committee, before the McGovern Commission goes on to its next task, recommending reform of the national party's structures and procedures.

Reform of this kind is always a dangerous undertaking. The McGovern Commission has already spawned reform commissions in the party in 30 states and territories. Two states have revised state laws governing elections of delegates and party officials. In one state, the party is rewriting its entire constitution. In Missouri, where the party has never had any written rules, a reform commission is at work. And, indeed, this is where reform must happen, at the local level, for the constituency of the national party is formed at local levels and it is locally that the party gains its power.

Some party regulars see the end of all reform movements as New York, where the Democratic Party is little more than a mess of factions without ideals or loyalties. That could happen to the party nationally, but it need not, and the old system of political discipline and rewards is dying anyway. The politics of this country is becoming continually less a politics of party or person and more a politics of issues. In an age of widespread discontent, such politics is bound to be turbulent, and it is possible that many future political conventions will be as angry as the Democrats' meeting last year.

McGovern has said he wants to open up the party structure so that his party will become a national forum for the battles over issues in the future. This is a risky business. But one suspects that the alternative is a shrinking of the political parties and an elevation of the ideological battles into the national election campaigns to be resolved only at the polls. And, after all, national elections conducted on the model of the 1968 Democratic Convention are probably not desirable.

MANDATORY OIL IMPORT PROGRAM

Mr. HANSEN. Mr. President, I am confident that President Nixon will not be misled by those who advocate the abolishment of the mandatory oil import program in favor of the uncertainties of more cheaply produced foreign oil.

We are now importing about 25 percent of our total domestic needs to supplement our own production and help maintain U.S. self-sufficiency for a national emergency we hope may never develop. But if recent threats by some Middle East nations to use oil as a lever

or instrument for implementing certain policies of their own materialize, we certainly would not want to be dependent upon those nations for any substantial amount of our petroleum requirements.

The British are well aware of the risks involved in dependency on such sources. An article published recently in the Financial Times, of London, pointed out:

The fundamental instability and political unreliability of the countries on which Britain and most of the rest of the industrialized world, apart from the U.S., depend.

Let us keep the United States apart from those other countries of the world which now depend on sources that could be withdrawn, curtailed, or exorbitantly priced at the whim of a new regime.

I ask unanimous consent that the article entitled "Oil Priorities After Libya" be printed in the RECORD.

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

OIL PRIORITIES AFTER LIBYA

The news of the Libyan coup caused a few anxious moments in both official and oil industry circles throughout Europe. Since the closure of the Suez Canal and the outbreak of the Nigerian civil war Libya has assumed a crucial role in Europe's supply pattern. This is less true of Britain than of some continental countries. But in the first six months of 1969 Libya was second only to Kuwait as a source of supply, and provided about 18 per cent of our imports. Moreover Libya's importance is greater than even this substantial proportion implies. Unlike Kuwait crude, its oil is largely sulphur free, and so produces a relatively clean burning fuel oil. With the increasing attention being paid to clean air this is a significant factor since the cost of desulphurising crude to meet modern standards is considerable.

WISE DECISION

So far, at least, the change of regime seems to have been carried through peacefully and the British Government's speedy decision to recognize the new government was a wise one in circumstances where the Arab radicals have been trying to associate Britain with the deposed King Idris. The oil has also continued to flow. It is to be hoped that this state of affairs continues. However, the coup has once again demonstrated the fundamental instability and political unreliability of the countries on which Britain and most of the rest of the industrialized world, apart from the U.S., depend for their oil.

This fact would not justify a decision to use less oil and more indigenous coal. Oil is now so much the cheaper that to displace it in favour of coal would make as much sense as paying out more in insurance premiums than the paid-up value of the policy. But in moderation insurance is always a wise policy. Last week's events confirm the wisdom of preventing the oil companies from reaping the full benefit of their cost advantages to dominate completely the British fuel market. They confirm the rightness of the Government's policy to maintain a viable coal industry based on the most economic pits. The decision to press ahead with the development of nuclear power despite its cost, and despite the fact that nuclear power stations are more expensive to run than would be those fired by untaxed oil, is also right. So is the rapid exploitation of the North Sea gas reserves.

However, there is no getting round the fact that imported oil will be the country's most important single source of fuel throughout the 1970s. In 1975 it is expected to account for about 40 per cent of Britain's total fuel consumption. The need therefore is to be clear about the principles on which an oil policy should be based.

The first is that Britain will do better if it continues to rely on the international companies than if it becomes involved in direct dealings through a state-owned concern, such as the proposed exploration subsidiary of the Gas Council. Only the international oil companies have the spread of reserves in different parts of the world to withstand the shock of the closure of any one supply point, or combination of supply points.

SUPPLY PRIORITY

Secondly, security of supply should be given a higher priority than cheapness. In the short run this means that no one country should be allowed to secure a dominant position among Britain's suppliers. In the longer run it may mean that if relatively expensive oil is discovered either in Europe's offshore water, or elsewhere—the Canadian Arctic, for instance—in a politically secure country, it should be exploited to our advantage if at all possible, even if it is more expensive than oil from the Middle East and North Africa.

DETECTION OF POTENTIAL DROPOUTS

Mr. EAGLETON. Mr. President, conscientious educators in our country are directing their efforts to solve hard-core problems of the public educational system. Chief among them is the dilemma of the dropout student. From the point where a student leaves school, the downward spiral of his personal goals and achievements is too easily predictable. This is not merely a personal saga of failure; the entire Nation becomes poorer with the loss of the creative resources of every high school dropout.

The public school system of my home city of St. Louis has initiated a program to conserve the creativity of youth before it is stifled into patterns of failure. Entitled "Project Stay," this federally funded program is aimed at detecting potential dropouts. The energies of teachers and local businesses are then pooled to plan work-study programs and curriculums pertinent to the individual needs of the student.

I ask unanimous consent that an article explaining Project Stay, published in the September 10, 1969, issue of the Christian Science Monitor, be printed in the RECORD.

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

ST. LOUIS TRIES TO FIND POTENTIAL DROPOUTS

ST. LOUIS.—A federally funded program that will seek to discourage student dropouts at two St. Louis schools is being introduced this fall by the city's board of education.

Called Project Stay, the program has one of the largest single grants ever received by the St. Louis Public School System.

A total of $770,000 was approved by the Office of Education for the first year and, depending on the project's success this year, the five-year program could receive $5 million.

Explaining the objectives, Rufus W. Young Jr., project director, said:

"What we're trying to do is create changed attitudes in students early enough in life to make them see the value of education and the need to stay in school.

"Our eventual goal is to work on pupil attitudes in the middle grades [fourth through sixth] of the elementary schools. At that time, teachers can predict with pretty good accuracy which students might drop out of school later on."

Mr. Young and his associates will attempt to identify the potential dropouts among 3,700 students in grades seven through 12 at Soldan High School and Enright Middle School. The latter enrolls grades seven and eight.

Steps then will be taken by project workers to determine the needs of these students and develop preventive measures to keep them from dropping out of school.

REASONS PINPOINTED

Under Missouri law, pupils must attend school until they are 16 years old. The experience of schoolteachers in this state has shown that the potential dropout frequently can be identified in the eighth grade when his absences from school begin to show a marked increase, and he declines to participate in extracurricular activities.

The St. Louis Board of Education has found through studies that "the dropout is frequently the student who goes unnoticed, whose problems are not fully understood by school personnel, or who receives only limited attention or counseling from school personnel."

The major reasons for leaving school are the desire to earn money and a lack of interest in classroom work, the board has reported. Pregnancy and emotional instability are among other reasons mentioned.

A high-school dropout is most often a Negro male who leaves school in the 10th grade at the age of about 16, school officials here have determined. The dropout usually has low scores on intelligence tests, is behind in his grade level, and is likely to be failing in his classroom work.

As a general rule, he is a member of a low-income family, and financial difficulties play a major role in his decision to quit school.

"These young people are not only unskilled when they leave school, but most of the unskilled labor jobs which were available three or more decades ago in our economy have disappeared with automotive and technological advances in industry and the steady decrease in unskilled jobs in agricultural areas," the board of education noted in a study.

JOBLESSNESS CALLED LIKELY

Youths who leave high school today before gratuation "may well remain jobless" and will therefore have to be supported by society in some way, the study adds.

A work-study program will be given particular emphasis in Project Stay. It will be directed primarily toward those students who leave school because they do not believe it is advantageous to their present or future.

About 325 pupils will participate in the work-study program, which will include part-time employment with local businesses, service stations, hospitals and home-remodeling companies.

More guidance services will be provided for students in Project Stay. The number of social workers will be increased, and teachers will assume a larger part in counseling pupils.

"The key to this whole program is the teachers," Mr. Young commented. "They must be willing to do everything to meet the goals we have set."

Applications for a dropout prevention program were submitted to the federal government by 360 school systems in all parts of the nation. Grants for the first year were approved for only nine school systems. The largest grant was made to St. Louis.

THE PESTICIDE PERIL—L

Mr. NELSON. Mr. President, the naturalist writer for the Washington Post, Irston R. Barnes, in a number of recent columns, has expressed his concern about the threat to our environment from the continued use of persistent, toxic pesticides. In a recent issue of the Post, he

again focuses attention on this crucial matter.

Conservationists and ecologists are primarily responsible for alerting the public to the grave dangers of these chemicals and waging the battle against the chemical industry and agricultural community to establish a ban on DDT and related pesticides. According to Mr. Barnes, wildlife specialists at the Patuxent Wildlife Research Center at Laurel, Md., first began experiments with DDT in 1945, and have since accumulated vast amounts of scientific evidence which are now the "basis of understanding of the chemical pesticide disasters—of its catastrophic effects on wildlife, of its worldwide contamination of all environments and all forms of life, and of its threat to man."

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

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

THAT INFAMOUS BUG-KILLER

(By Irston R. Barnes)

The Wall Street Journal recently gave first-page attention to the search for safer insect controls, heading the article, "Replacing DDT." This is a most hopeful augury of wider recognition that the dangerous contamination of the environment by powerful, persistent pesticide chemicals must be stopped.

"The famed bug-killer DDT is losing its deadly wallop (with the appearance of resistant insect strains) and falling into disfavor as a threat to wildlife and mankind. But even if DDT fades from use, the insects will hardly take over the world, for potential replacements are on the way." Thus Burt Shorr introduces a quick overview of the promise of biological methods of insect control.

The major credit for the solid scientific basis of understanding of the chemical pesticide disaster—of its catastrophic effects on wildlife, of its worldwide contamination of all environments and all forms of life, and of its threat to man—belongs to the wildlife specialists, most notably to work carried on at the Patuxent Wildlife Research Center at Laurel, Md.

The first experimental uses of DDT in the summer of 1945 alerted wildlife specialists to the large kills of birds, fish and amphibians, as well as insects, that followed applications of as little as 2 pounds per acre to woodland areas. Further study reduced the application rates for forest, orchard and farm uses, but still extensive mortalities were reported.

The fire ant fiasco, where massive applications of heptachlor as advocated by the Department of Agriculture and the chemical industry were used despite widespread public protests, demonstrated that only irrefutable scientific evidence could prevail against bureaucratic and industrial chemists with no interest in biological realities.

In addition to field observations of the immediate consequences of chemical pesticides, the Fish and Wildlife Service began careful laboratory investigations to determine what levels of DDT and other pesticides caused death to various forms of wildlife.

Then, as universal environmental contamination became a fact, a new and more difficult problem was posed—that of the cumulative effects of sub-lethal ingestion of pesticides. Some of the most important of the Patuxent studies on low level, long-term exposure established the loss of reproductive capability among birds as a clear consequence of exposure. These results confirmed the hypothesis of ornithologists that the wiping out of extensive populations of bald eagles, ospreys and falcons, as well as sharp declines among other predators, were attributable to pesticides in wildlife food chains.

The refined research techniques developed at Patuxent, far beyond anything undertaken in industrial research laboratories, are now capable of detecting not only the presence of the pesticide chemical applied, e.g., DDT, but also the metabolites of such chemicals, e.g., DDD and DDE. These techniques become critical in distinguishing the cumulative effects of different contaminants.

A phenomenon that was slow to be recognized, but that is now known to be one of the most serious aspects of the use of chemical pesticides, is the biological concentration of poisons in successive stages of various food chains. The most publicized example relates to the way in which the spraying for Dutch elm beetles leads to concentrations of residues and metabolites in earthworms, so that robins, eating the earthworms, quickly accumulate lethal doses.

The same biological concentration mechanism wipes out predatory game fish while leaving food fish surviving in the same pond. Similarly sub-lethal accumulations in fish and pray species end the reproductive lives of eagles, ospreys, peregrines, and other raptorial birds.

The investment in developing the chemistry laboratory at Patuxent, with its union of the expertise of chemists and biologists and with its super-refined and tested technologies, is now about to pay out in even larger benefits to the public. Environmental contamination arises from many sources other than chemical pesticides—notably from industrial wastes, from PCB's (polychlorinated byphenyl solutions) and other synthetics, and from automobile exhausts and other combustion.

With wildlife as sensitive indicators of the quality of the environment, the Patuxent Wildlife Research Center can now broaden its scope to examine all sorts of environmental pollution. And mankind will be the ultimate beneficiary.

PUBLIC AID TO PAROCHIAL SCHOOLS

Mr. ERVIN. Mr. President, one of the most enduring problems which faces our Nation is working out the proper relationship of church and state. The Constitution lays down the fundamental principles that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." In other words, the complementary ideas of "separation of church and state" and "free exercise of religion" are the basic touchstones of church-state relations.

The importance of maintaining strict adherence to these constitutional principles should never be forgotten. Religion touches the roots of men's beings, and so religious disputes are always hotly conducted. The Founding Fathers recognized this, and sought through the words of the Constitution to free our country as much as possible from the destructive nature of religious discord. Their efforts have been largely successful. Our country has so far been spared the religious dissension that has torn so many other nations throughout history. However, we must always remember that politics and religion is a dangerous mixture. The tragic situation that has occurred in Northern Ireland is a reminder, if we need one, that we should never be complacent about the necessity for abiding by these constitutional rules.

The principles of the first amendment are now being tested by growing Federal and State aid to sectarian education and by the public school prayer issue. Public aid to private, sectarian schools has been increasing yearly in quantity and in diversity. And despite the Supreme Court's unequivocal decisions to the contrary, school districts in many parts of the country have disregarded the Court's ruling that the Constitution forbids prayer in public schools.

These two issues demonstrate that the application of the first amendment is always fraught with difficulty. First, the principles of "separation" and "free exercise" may sometimes be in conflict. What is "separation" to one person may appear to be infringement of "free exercise" to another. Second, what is meant by separation and what is meant by free exercise are not always evident, and rarely free from dispute.

Thus, to many Americans, the need to provide an excellent education to all children means that public aid to sectarian schools should not be prevented because of fears of violating the Constitution. Indeed, many citizens argue that such aid is mandatory if we are not to penalize parents economically for their religious convictions. Similarly, critics of the Supreme Court's school prayer decision see no harm and much good in simple, nondenominational prayer at the start of a school day.

These are difficult constitutional problems. They perplex and disturb Americans who are looking for guidance in resolving them.

On questions of the first amendment, as on so many areas of constitutional law, there is no more learned and lucid voice than that of Prof. Paul Freund of Harvard Law School. In a recent article in the Harvard Law Review, Professor Freund discusses the recent case of *Board of Education* v. *Allen*, 392 U.S. 236 (1968), which deals with the question of whether public funds may be used to buy textbooks for loan to parochial school students.

The Allen decision is a milestone on the question of public aid to religion, but it is by no means a landmark. The case presented many questions, but the decision raises many more than it settled. It leaves the proper dimensions of public aid to religious schools as much in doubt as before. As Professor Freund points out, public assistance in the form of providing free transportation, or even the giving of other benefits such as free lunches and medical examinations, may well be constitutionally permissible when it is offered to children attending religious schools. But the "child benefit" theory is no great help in resolving the difficult constitutional question presented when public aid to religious schools involves the content of education in the form of providing textbooks. The theory is more a rationalization than a justification for aid to religious institutions. Whatever benefits a school may always be categorized as benefiting the child, just as it is always possible to say that whatever benefits the child, benefits the school.

Rather than basing constitutionality on a matter of semantics, we must look to the consequences of such aid to determine whether it infringes upon the Constitution. If the textbooks are chosen by the religious school, and then provided by public aid, they may well contain religious matter. If they are chosen by public officials, then the school may have to accept books which lack the religious content the schools desire. In the one case, public funds will be used to aid religious education—a violation of the establishment prohibition. In the second case, we have infringed upon the religion's right to free exercise through the seductiveness of governmental assistance.

Professor Freund's discussion of the Allen case and the question of public aid to religious schools is an important contribution to public understanding of this crucial question. His analysis of the constitutional principles and their meaning is also helpful in understanding the other church-State issues that are yet to be resolved. For these reasons, I believe that his article should be given wider circulation and brought to the attention of Members of Congress and the general public. Therefore, I ask unanimous consent that the article "Public Aid to Parochial Schools," published in Harvard Law Review 1680, 1969, be printed in the RECORD. For the further information of the Senate, I also ask unanimous consent to have printed in the RECORD an article entitled "School to Evade Ban on Prayer by Using CONGRESSIONAL RECORD," published in the New York Times of September 16, 1969.

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

PUBLIC AID TO PAROCHIAL SCHOOLS

(By Paul A. Freund*)

(NOTE.—Taking the recent Supreme Court decision in *Board of Education* v *Allen* as his starting point, Professor Freund examines the constitutionality of state support for church-related schools in light of three policies behind the first amendment's religious guarantees: voluntarism, mutual abstention, and governmental neutrality. He concludes that the interests of both Church and State would best be served were the Court to constrict the future operation of Allen.)

Since June 10, 1968, a discussion of state aid to parochial schools can profitably start with the Supreme Court decision of that date in *Board of Education* v. *Allen*.[1] The case was brought by members of a local school board to enjoin the Commissioner from enforcing a law of New York, enacted in 1965 and amended in 1966, that requires them to lend textbooks, under stated conditions, to students enrolled in grades seven to twelve of parochial and private, as well as public schools.[2] The statutory conditions are that the book be required for use as a text for a semester or more in the particular school and that it be approved by a board of education or similar body, whether or not designated for use in any public school. By judicial interpretation in New York, this duty embraces the loan of "secular," not "religious" textbooks. On cross-motions for summary judgment on the pleadings the trial court held the statute unconstitutional under the first and fourteenth amendments; the appellate division reversed on the ground that the complainants had no standing to raise the question.[3]

Footnotes at end of article.

The New York Court of Appeals, differing from both courts below, held, in a four-to-three decision, Judges Van Voorhis, Fuld and Breitel dissenting, that the law does not contravene either the state or federal constitution, "merely making available secular textbooks at the request of the individual student and asking no question about what school he attends." [4] It is hard to accept this bland description literally since under the law a loan is limited to books prescribed as texts in the school attended by the borrowing student. Moreover, pursuant to its statutory authority, the state Department of Education has provided forms for textbook requisition, to be filled out on behalf of students and sent to the local school board by an official of a parochial or private school.

On appeal to the Supreme Court, the decision was affirmed, Justice White writing for the majority, with a concurring opinion by Justice Harlan and dissenting opinions by Justices Black, Douglas, and Fortas.[5] The majority opinion is in terms a guarded one. There is repeated reference to the lack of a factual record. As there was no evidence concerning the nature of the books requested or concerning the character and practices of the parochial schools involved, these matters were taken most favorably to the defense. The opinion is a narrow one, too, in its stress on the formal aspects of the arrangements, namely, that the books were loaned, with title remaining in the state, and that the requests were made by and on behalf of the students, not the school. "So construing the statute," said Justice White, "we find it in conformity with the Constitution, for the books are furnished for the use of individual students and at their requests." [6]

How crucial were these limiting factors? The case is obviously the beginning, not the end, of constitutional litigation—now fostered in the case of federal programs by the decision in *Flast v. Cohen*,[7] recognizing federal taxpayers' suits—to determine the bounds of public aid to parochial schools. Suppose, for example, that the Court is ready to pursue its negative pregnant and to inquire into the nature of textbooks and the character of teaching in parochial schools. That prospect might understandably offend parochial school authorities, and pressures would mount for unconditional grants of funds, free from the textbook strings, for certain curricular fields. This is precisely what has occurred in Pennsylvania, where a statute was recently enacted appropriating a fixed annual amount, to be derived so far as possible from the public proceeds of horseracing, for the support of the teaching in parochial schools of mathematics, modern foreign languages (Latin is evidently too obsolete or too explosive), and physical training.[8] The funds could presumably be used for books, equipment, buildings, or teachers' salaries, in the discretion of the schools. Gone is the elaborate minuet of the individual student's request for specific books and its approval by the public school board; all is now modern ballet, bold and muscular.

Will the Court re-score its composition to accommodate the new movement? Indeed, the movement may develop even more vigorously. Arguing that the aid in the New York case was sustained because it was available neutrally to pupils in all accredited schools, the proponents are likely to insist that such aid is not merely permissible, but is mandatory, since the first amendment enforces just this standard of neutrality among religions and between a religious and a secular promotion of a common public purpose. Later I will turn to this question of mandatory aid as an issue of principle. Meanwhile it can be said that whatever the force of this logic, to make public aid mandatory would seem as a matter of prediction to call for more than a re-scoring of the Court's composition; it would, more probably, require a re-composition of the Court itself.

The decision in the New York case purported to rest on the principle of *Everson* v. *Board of Education*,[9] a 1947 decision upholding state reimbursement of bus fares for school children regardless of the school they attend. *Everson* was a five-to-four decision, which Justice Black, writing the majority opinion, was at pains to say went to "the verge." [10] It in turn rested on the analogy of police and fire protection for church buildings: a general safety measure could be applied for the benefit of the community—indeed might have to be so applied—irrespective of the religious or non-religious character of the beneficiaries. Thus it could be said that an ordinance permitting schoolchildren to ride for half fare might (or must) encompass all, whatever school they attend. The same principle would, in my view, support free medical examinations or hot lunches for all schoolchildren, wherever they might be found. It is true that buses and nurses and lunches may well benefit the parochial school by making it more attractive to parents or less expensive for the church; the sharp dichotomy between pupil benefit and benefit to the school seems to me a chimerical constitutional criterion. It is akin to the ineffectual effort in the mid-nineteenth century to classify such local measures as pilotage laws as either regulations of safety or regulations of commerce, and to make their validity turn on the classification. It was the beginning of wisdom when the Court candidly recognized that such measures were regulations of both safety and commerce, and that before a sensible judgment could be made, a closer look had to be taken at their consequences for both, as well as their exigency, in light of the policies underlying the commerce clause.

Now buses and nurses and lunches are not ideological; they are atmospherically indifferent on the score of religion. Can the same be said of textbooks chosen by a parochial school for compulsory use, interpreted with the authority of teachers selected by that school, and employed in an atmosphere deliberately designed through sacred symbol to maintain a religiously reverent attitude? Perhaps if the atmosphere had been so delineated in the record, the result would have been different. If so, as I have suggested, either the actual significance of the decision for parochial schools is very limited or on a case-by-case basis such schools will confront what they would regard as a highly unwelcome and impertinent secular intrusion into their internal affairs.

In the realm of books, the apt analogy to bus fares would be the public library, accessible to every schoolchild, aiding the pupils and no doubt the schools themselves, but managed by public authorities not delegating responsibility for selection of books or personnel or symbolic decor to any religious group, and certainly not engaged in the business of supplying instructional materials, the staple requirements of denominational schools. It is hardly surprising that Justice Black, the author of the bus decision, was a fierce dissenter in the textbook case. Of course a bridge that carries you to the verge is apt to be burned behind when you discover that the verge is farther ahead after all. The judicial process resembles the episode that began when the King of England visited the White House during World War II. Both the Chief Justice and the senior member of the foreign diplomatic corps, then the British Ambassador, were invited to a state dinner for His Majesty. There had long been an unresolved issue of precedence as between those two offices, and the matter was put before President Roosevelt. Displaying more of his Columbia Law School training than was his wont, the

President reasoned that the Ambassador's claim rested on his representing his sovereign; and since the sovereign himself was to be present, the Ambassador should be subordinated to the Chief Justice. Thereafter, when the same issue of precedence again arose (no sovereign being present) the protocol officer was able to announce happily that President Roosevelt had determined that the Chief Justice outranks the head of the diplomatic corps, and so the rule of law was settled—by precedent.

It is not enough, to be sure, to maintain that precedent was reinterpreted in the New York case. After all, the newer majority may have read the Constitution more recently, or they may have read further in Robert Frost than "Good fences make good neighbors"—may in fact have reached the lines:

Why do they make good neighbors? Isn't it
Where there are cows? But here there are no cows.
Before I built a wall I'd ask to know
What I was walling in or walling out,
And to whom I was like to give offense.
Something there is that doesn't love a wall,
That wants it down.

To translate Frost into legal prose, why does observance of the ancient religious guarantees of the first amendment continue to be important? Beyond ancestral voices, are there now any grounds of policy or polity that are threatened? Three, such grounds need to be considered: voluntarism in matters of religion, mutual abstention of the political and the religious caretakers, and governmental neutrality toward religious and between religion and non-religion. In a large sense, both of the guarantees of the first amendment—the free-exercise and the non-establishment clauses—are directed harmoniously toward these purposes, though in the context of specific governmental measures the two guarantees may point in different directions and the purposes themselves may be discordant.

The policy of voluntarism generates least tension between the free-exercise and non-establishment clauses. Religion must not be coerced or dominated by the state, and individuals must not be coerced into or away from the exercise or support of religion. The school-prayer decisions [11] reflected the principle of voluntarism on both counts; taxpaying families could not be required to support a conceded, religious activity; nor could pupils, by the psychological coercion of the schoolroom, be compelled to participate in devotional exercises. When the state provides textbooks, taxpayers are forced to finance books selected by sectarian authorities for instruction in denominational schools maintained at considerable expense to preserve and strengthen the faith. Of course those schools serve a public purpose; that is why the loan of textbooks was held valid in the early *Cochran* case,[12] before the religious guarantees were thought to be embodied in the fourteenth amendment.

It will be argued that if the general taxpayer is coerced for an improper purpose where public funds buy parochial school books, the parochial school families are similarly coerced into paying taxes to support public schools, which, to be sure, their children are legally free to attend but which they regard either as an enemy of all religion, or, if "secularism" itself be deemed a form of religion, then as a friend of a repellent kind of religion. Note that this argument does not deny that the principle of voluntarism is violated by aid to parochial schools; the argument pleads rather by confession and avoidance, relying on an argument of reciprocity or fairness or neutrality. Note too that if it is indeed the case that public schools are an enemy of religion, or a fountainhead of an obnoxious kind of religion, then the argument, it seems, should call for the abolition of the public schools as being themselves in violation of the first amendment. I will return presently to these arguments of avoidance on the score of government reciprocity.

If textbooks were selected by the public school authorities to be used in public and parochial schools alike, the problem of voluntariness for the taxpayer might be mitigated somewhat, but by no means removed. It was this aspect of the New York case—the selection of books by the parochial schools—that particularly troubled Justice Fortas, who, like Justices Black and Douglas, dissented. But consider the position if the selections were in fact to be made by the public authorities. The parochial schools might well consider their own autonomy—their voluntarism—compromised. In certain school districts the reverse might obtain: for the sake of uniformity the school authorities would be pressured into selecting books for the public schools that were particularly desired by the parochial schools. In that event there would be a double loss of voluntariness by the general taxpayer.

This risk of intrusion from one side or the other points up a second policy embodied in the religious guarantees—mutual abstention—keeping politics out of religion and religion out of politics. The choice of textbooks in any school is apt to be a thorny subject; witness the current agitation over the recognition of the Negro, his contributions and his interests, in the books assigned in public schools. For the identity and integrity of religion, separateness stands as an ultimate safeguard. And on the secular side, to link responsibility for parochial and public school texts is greatly to intensify sectarian influences in local politics at one of its most sensitive points.

The third policy—in addition to voluntarism and mutual abstention—is governmental neutrality, among religions and between religion and non-religion. It is this policy that is chiefly relied on by proponents of public aid. The concept of neutrality is an extremely elusive one, generally raising as many questions as it answers, because it depends on sub-concepts like comparability and on definitions (whose?) of religious and non-religious activities, on a determination whether it overrides the policies of voluntarism and mutual abstention, and on a decision whether in any event it requires or only permits public aid. Let me illustrate one difficulty of definition. One might suppose that "neutrality" requires the law to deal even-handedly with Jehovah's Witnesses and Unitarians. Yet in the school prayer cases Unitarians (speaking generally) succeeded in eliminating all ceremonial prayers from the public schools, while in the flag-salute case Jehovah's Witnesses succeeded only in getting themselves excused from a ceremony that to them was at least as unacceptable and religious in nature as the prayers were to the Unitarians.[13] In fact, the Witnesses regard the flag-salute as the profanation of a religious gesture, a bowing before idols, a Black Mass in the schoolroom. And yet their claim was recognized only to the extent of excusal exposing them to the repugnant ceremony. Why? Because the prevailing, dominant view of religion classifies the flag salute as secular, in contravention of the heterodox definition devoutly held by the Witnesses. Neutrality, that is, does not assure equal weight to differing denominational views as to what constitutes a religious practice.[14]

Nor is there any general principle that requires the state to compensate those who out of religious conviction incur a handicap under law. Pupils in public schools may (perhaps must) be excused on their religious holidays; but it scarcely follows that those pupils are not responsible for the work they miss, even if they must resort to the expense of private tutoring. Businesses that close on Saturday as a religious observance and must close on Sunday under the law are disadvantaged materially because of religious faith; but exemption from the Sunday laws is not required.[15] The state requires a certain formal ceremony to render a marriage valid in law, and provides magistrates at public expense who are available to satisfy this requirement. For those couples, however, whose religious faith compels them to hold an ecclesiastical ceremony, additional expense is involved, either to the couple or to their church or both. Must the state therefore compensate the minister or the bridegroom and bride? Would it help their case to insist that no true marriage can be celebrated without churchly blessing and that a ceremony before a judge is anti-religious, a profanation subsidized with public money? Would not the answer be: If your religion prevents you from availing yourself of the public facility and impels you to make a financial sacrifice for the sake of your faith, surely the spirit of religion is the better served by your act.[16]

At this point account must be taken of *Sherbert* v. *Verner*,[17] which held that eligibility for unemployment benefits cannot be denied to a man who is not willing to accept a job calling for Saturday work, where his refusal is based on religious conviction. Proponents of public aid would generalize this holding to establish the principle that a public benefit (unemployment compensation or subsidized secular education) cannot be withheld where the claimant's ineligibility derives from his pursuit of a religious calling (refraining from work on Saturday or attending parochial school). Several points should be made in response to such a proposition. First, it is entirely too broad, as the *Sherbert* opinion indicates. Suppose the claimant's religious belief required him to abstain from all work, or to work only one day a week, or only in a church. The opinion points out that in the case before them, to recognize the claim would not materially affect the working of the secular program; only two of the more than 150 Seventh Day Adventists in the area had been unable to obtain suitable employment. On this ground the case was distinguished from the question of exemption from Sunday closing laws.[18] Moreover, the case did not involve subsidy to a religious institution, but dispensation from a general regulatory law or condition. Dispensation granted under the free-exercise clause is quite distinct from disbursement challenged under the non-establishment clause, the very kind of measure that precipitated the historic struggle for religious liberty and disestablishment in Virginia. Finally, the *Sherbert* case at most would relate to a shared time arrangement, that is, to a plan making the public educational program available to those whose religious convictions inhibit them from full-time attendance at a public school. Whether such an arrangement can be maintained without detriment to the concept of a unified school day, like that of a unitary day of rest, would seem to lie in the judgment of those administering the secular program. I do not argue at all that shared time is unconstitutional, but only suggest that it is the limit, under precedent and principle, to which the policy of neutrality carries us; and at present the parochial school authorities do not seem, on their part, to regard it as an acceptable solution.

Their reluctance may stem from a rejection of the premise of separability of education into a religious and a non-religious component. That premise clearly underlies the Court's thinking in *Allen*, and it has been presupposed thus far in this discussion. Ironically, the premise is incompatible with the philosophy that largely fosters the maintenance of parochial schools.[19] They do, to be sure, perform a public function and satisfy state-imposed standards for compulsory education; but, their proponents insist, they do so with a difference that is of central im-

Footnotes at end of article.

portance for religion. Suppose a state were to require bus transportation of school pupils over long distances and made buses available to all. If a church-related school chose to maintain its own bus in order to conduct religious services during the journey, the secular interest in safety would be satisfied perfectly, and yet a serious question would surely remain whether the transportation could be publicly subsidized.

We turn, then, to this alternative thesis of public aid: that there is a religious element in education that is pervasive, inescapable, and inseparable. This position, in turn, may take either of two forms—that public school education is empty of religious content and therefore not genuine education at all, or that it inculcates a religion of its own, secularism, and hence the parochial schools are entitled to equal support for their brand of religious education.

Consider now each of these positions and its consequences—first, that public school education is not true education. If it is deficient because under the Constitution public schools cannot impart religion (as they cannot provide devotional prayers), then the argument is simply that since by reason of the first amendment the state cannot subsidize religion in common schools, it must by reason of the first amendment subsidize religion in church schools—surely an incongruous result. Or the meaning may be that the public schools are wanting in a religious atmosphere that they could constitutionally create but that they fail to provide. Here the concept of "religious" is being employed in a different and non-constitutional sense, to mean what I have described on another occasion as concern for moral reasoning and a quality of teaching that conveys a sense of reverence for knowledge, humility in the face of the unknown, and awe in the face of the unknowable.[20] To these attributes of an educational process the Constitution sets no barriers, and I earnestly trust that they are embodied in public school teaching, as I am sure they are in the classrooms of the best teachers. But if parents find these attributes lacking, their first recourse is to seek to improve the quality of education offered in their school, or seek a transfer to another school, or move to another district. Failing that, they may be so dissatisfied that they will send their children to a school of better quality outside the public school system, whether it be a private non-church school or a parochial school. But in seeking this superior quality of inspiration they surely lay no basis for a constitutional claim to be reimbursed by the state, any more than in the case of an ecclesiastical wedding. And so I conclude, taking the ambiguous premise that education without religion (whether in the constitutional or nonconstitutional sense) is not true education, it by no means follows that education in parochial schools must or may be subsidized by the state.

Now we are ready to consider the alternative view of inseparability—that public school education is itself necessarily religious, but in a perverse sense, as so-called secularism is itself a form of religion, however degraded a form. If a state school worships the Anti-Christ, equal support is due to a school that worships Christ. But we must be careful not to construct a syllogism out of a metaphor of this kind, any more than out of the countervailing metaphor, "wall of separation." To say that Americans worship what William James called the bitch-goddess Success, is not to assert anything relevant to the usage of "religion" in the first amendment. To say that the absence of Crucifixes or Torahs in a public school is itself a religious statement is either a play on words or an idiosyncratic characterization, like the Jehovah's Witnesses' view of the flag salute, which is not controlling as a definition of religion. To say that moral training cannot be separated from religious training in a constitutional sense is to contradict the judgment underlying the one reference to religion in the constitutional text prior to the Bill of Rights—that no religious test "shall ever be required" for "any Office or public Trust under the United States."[21] For if good moral character is relevant to holding a position of public trust, and if religious training is essential to sound morality, it would have been reasonable to allow a religious test as at least a presumptive assurance of moral qualification.

Actually the confrontation between so-called secularism and the religion of parochial schools is not as stark as I have here assumed in order to meet the proponents of public aid on their own ground. In point of fact most parents who avail themselves of the public schools are anxious that their children shall receive religious training, but outside the community of the school, in the home and the church or in an after-hours church school or a Sunday school. Taking this into account, the idea of reciprocity or neutrality becomes more complex. Public aid to parochial schools maintained by Catholics or Lutherans or Orthodox Jews would in some measure benefit the religious mission of these faiths, because religion, on our present hypothesis, permeates all their instruction. As a counterpart, the Baptists and other separationists could fairly insist that equalization would require some contribution by the state to their own churches or Sunday schools which perform the same mission that would be subsidized in the parochial schools of other denominations. It would be ironic if the Baptist separationists, who triumphed over the Anglican theorcrats in the historic struggle against establishment in Virginia, should find themselves disadvantaged in the name of a Constitution that repudiated establishment.

Are there, then, any forms of public aid to parochial schools that should be sustained? I would enumerate the following, which are general non-religious state activities that operate in effect to mitigate certain costs borne by parochial schools or their patrons:

1. General welfare services for children, wherever they may be located, including medical examinations and hot lunches.

2. Prizes and awards in general academic competition, usable by the recipients as they please, like veterans' benefits that constitute deferred compensation.

3. Shared time instruction in the public schools, treating participating parochial school children as part-time public school children.

Institutions of higher learning present quite a different question, mainly because church support is less likely to involve indoctrination and conformity at that level of instruction.

One final observation. In facing the issues that will soon be raised—provision of textbooks not on loan or not in form requested by pupils, or books of a character or for use in schools different from the circumstantial presumptions in the New York case; unconditional grants for specified areas of learning; lump-sum grants—three courses are open constitutionally: to hold the aid mandatory, to hold it permissible, and to hold it impermissible. The mandatory result seems least pre-figured, notwithstanding the logical course of the argument from "neutrality." A choice between the permissible and the forbidden is in essence a choice whether to leave the issue to the political process in each state or locality, or to defuse the political issue. Ordinarily I am disposed, in grey-area cases of constitutional law, to let the political process function. Even in dealing with basic guarantees I would eschew a single form of compliance and leave room for different methods of implementation, whether in pre-trial interrogation under the privilege against self-incrimination, or libel of public figures under freedom of the press, or exclusion of evidence under the search and seizure guarantee. The religious guarantees, however, are of a different order. While political debate and division is normally a wholesome process for reaching viable accommodations, political division on religious lines is one of the principal evils that the first amendment sought to forestall. It was healthy when President Kennedy, as a candidate, was able to turn off some of the questions addressed to him on church-state relations by pointing to binding Supreme Court decisions. Although great issues of constitutional law are never settled until they are settled right, still as between open-ended, ongoing political warfare and such binding quality as judicial decisions possess, I would choose the later in the field of God and Caesar and the public treasury. This basic preference may help to account for what otherwise may seem a too rigid, and not sufficiently permissive, view of constitutional commands.

FOOTNOTES

[*] Carl M. Loeb, University Professor, Harvard University. A.B., Washington University, 1928; LL.B., Harvard, 1931, S.J.D., 1932.

This article is based on a paper read before the Section on Individual Rights and Responsibilities, American Bar Association, August 4, 1968.

[1] 392 U.S. 236.

[2] N.Y. EDUC. LAW § 701 (McKinney Supp. 1968).

[3] 51 Misc. 2d 297, 273 N.Y.S.2d 239 (Sup. Ct.), *rev'd*, 27 App. Div. 2d 69, 276 N.Y.S.2d 234 (1966).

[4] 20 N.Y.2d 109, 117, 228 N.E.2d 791, 794, 281 N.Y.S.2d 799, 805 (1967).

[5] Board of Educ. v. Allen, 392 U.S. 236 (1968).

[6] *Id.* at 244 n.6. The unsatisfactory abstractness of the record for purposes of a definitive decision is reminiscent of Times Film Corp. v. Chicago, 363 U.S. 43 (1961), which has become a derelict in the field of motion picture censorship.

[7] 392 U.S. 83 (1968).

[8] PA. STAT. ANN. tit. 24, §§ 5601–09 (Supp. 1969).

[9] 330 U.S. 1 (1947).

[10] *Id.* at 16.

[11] Abington School Dist. v. Schempp, 374 U.S. 203 (1963); Engel v. Vitale, 370 U.S. 421 (1962).

[12] Cochran v. Louisiana State Bd. of Educ., 281 U.S. 370 (1930). The decision in Pierce v. Society of Sisters, 268 U.S. 510 (1925), though it involved a parochial school, was placed on the ground of liberty to direct the upbringing of children and to pursue a lawful occupation; the opinion also encompassed a companion case involving a private military academy not church-related. Illinois *ex rel.* McCollum v. Board of Educ., 333 U.S. 203 (1948), was the first application of the non-establishment clause to the states, although a dictum in Cantwell v. Connecticut, 310 U.S. 296, 303 (1940), had stated the proposition. It has been argued with much cogency that the first amendment guarantee against a federal law "respecting an establishment of religion" was essentially a shield of federalism, and that neither historically nor textually does it lend itself (as contrasted with "free exercise of religion") to absorption into the guarantees of liberty and property in the fourteenth amendment. *See* Corwin, *The Supreme Court as a National School Board*, 14 LAW & CONTEMP. PROB. 3 (1949). Since, however, the Court has continued to treat the non-establishment guarantee as embracing both federal and state laws, the present discussion does not differentiate the sources of public aid.

[13] *Compare* West Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624 (1943) *with* Abington School Dist. v. Schempp, 374 U.S. 203 (1963).

[14] It may be suggested that a conventional definition of religion or religious practice is

controlling in applying the non-establishment clause, while a heterodox version is entitled to protection under the free-exercise clause, which safeguards the nonconformist conscience. This analysis is indeed useful, and indicates that the apparent discrepancy in definition is not unprincipled; but from the point of view of an idiosyncratic sect the sense of non-neutrality cannot but remain.

[15] *See e.g.*, Gallagher v. Crown Kosher Super Market, 366 U.S. 617 (1961).

[16] A realistic appraisal of financial burdens from the standpoint of neutrality would have to take into account tax exemptions for the property of church-related and other private schools, including an inquiry into the correlation between the extent of property holdings by the respective churches and their maintenance of separate schools.

The traditional tax exemption of church-related property is sometimes advanced as a legal argument for subsidies, which are viewed as an economic equivalent. The argument, however, proves too much, since church buildings themselves are exempted, and it would hardly be argued that therefore subsidies for the building of churches would be valid. Moreover, the symoblism of tax exemption is significant as a manifestation that organized religion is not expected to support the state; by the same token the state is not expected to support the church. Psychologically, too, the exemption differs from subsidy; the former is viewed as an entrenched status, the latter as a recurring political issue.

[17] 374 U.S. 398 (1963).

[18] *Id.* at 399 n. 2, 408–09.

[19] *See, e.g.*, Drinan, *Does State Aid to Church Related Colleges Constitute an Establishment of Religion?—Reflections on the Maryland Colleges Cases*, 1967 UTAH L. REV. 491, 510:

"The exclusion of nonsecular ideas and forces from education, even if it were possible, is absurd. Neither the secular nor the sacred is comprehensible if one is isolated from the other; for the state to try to isolate them in its schools is to attempt a task which educators, believers, and nonbelievers must all agree is impossible.

"* * * * *

"The crucial question, therefore, is this: what is the state to do with those individuals and groups whose basic religious convictions forbid them to separate the 'secular' and 'sacred' in education?

"A valuable compendium of views on the issue of public aid is THE WALL BETWEEN CHURCH AND STATE 55–116 (D. Oaks ed. 1963)."

[20] P. FREUND & R. ULICH, RELIGION AND THE PUBLIC SCHOOLS 19–22 (1965).

[21] U.S. CONST. art. VI.

[From the New York Times, Sept. 16, 1969]

SCHOOL TO EVADE BAN ON PRAYER BY USING CONGRESSIONAL RECORD

NETCONG, N.J., September 15.—The Netcong Board of Education said today that its students would not use the Bible to pray in school in defiance of the United States Supreme Court ban. They will use the Congressional Record instead.

Palmer Stracco, president of the board, said that he could see no difference in the right of Congress to say a prayer and the right of students in school to do the same thing.

He said that beginning tomorrow, each morning, five minutes before the start of classes, a student moderator will recite a prayer from the Congressional Record, quoting the official chaplain to Congress.

Mr. Stracco said he hoped the plan would circumvent the High Court's ban on school prayer.

He said students and faculty members who wanted to attend the prayers would arrive at school five minutes early, adding that no one would be forced to pray.

Meanwhile, in Sayreville, students in schools paused today for five minutes of silent meditation for the first time. The school board maintains the meditation period does not defy the Supreme Court ban.

But the New Jersey branch of the American Civil Liberties Union said today that both school boards were in defiance of the High Court's ban on prayer in schools and added that it would take them to court.

The plan to read from the Congressional Record in Netcong was formulated by a committee composed of three students and faculty members formed to find a prayer when the school board earlier this month voted to institute prayers in school.

TREATYMAKING POWERS OF CONSTITUTION CONSISTENT TOWARD RATIFICATION OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, a contention made in conjunction with the Genocide Convention that there is some conflict in this treaty with the power given by the Constitution to Congress to define and punish an offense against the law of nations. In the first place, that power is not exclusive. If it were, we could not have entered into treaties having to do with various international matters previously. This convention is in strict conformity with that provision of the Constitution, because it does put it to the Congress of the United States to define and punish an offense against the law of nations. It does that in article 5 of the Genocide Convention. Article V states that the parties undertake to enact "in accordance with their respective constitutions" the necessary legislation to implement the provisions of the convention.

The argument is advanced that, under article I, section 8 of the Constitution, Congress shall have the power to "define and punish offenses against the law of nations," and that, therefore, the President and the Senate may not make treaties of that kind. No authority has been cited in support of that proposition. Article I, section 8, states:

The Congress shall have Power. . . . To define and punish Piracies and Felonies committed on the High Seas, and Offenses against the Law of Nations. . . .

Article II of the Constitution states:

He (the President) shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur. . . .

Therefore, the treatymaking power in article II of the Constitution is concurrent with the congressional power in article I.

HIJACKING OF TWA JET AIRCRAFT

Mr. CRANSTON. Mr. President, on September 15, 1969, I sent to Secretary of State William P. Rogers a letter regarding the recent hijacking and destruction of a TWA aircraft in the Middle East. Forty-two Senators joined me in cosigning the letter.

In the letter, we propose that the United States bring this wanton case—including the detention of two private Israel citizens by Syria—before the United Nations Security Council.

We also propose that procedures be established to insure the lives and safety of airline passengers and crewmembers, and to prevent unlawful seizures of commercial and private aircraft in the future. In this regard it is necessary to strengthen the Tokyo convention at the September 23 meeting, at Montreal, of the International Civil Aviation Organization by a new protocol providing for the apprehension, extradition where applicable, and punishment of air pirates.

I ask unanimous consent that the letter and the names of the Senators who cosigned it be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., September 15, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: We condemn the recent hijacking of a TWA jet aircraft in which passengers and crew were detained and the airplane was partially destroyed. This is the first time a hijacker has exploded a bomb on an American-owned airplane, causing serious property damage. We are also deeply concerned that two private Israeli citizens are still being detained in Syria.

We strongly urge you to bring this criminal and wanton act before the United Nations Security Council immediately so that the full facts of the case can be heard publicly by this international tribunal. On August 30, 1969, you said that condoning this unlawful act by Syria, a United Nations member, could only have the most serious implications for international air travel and world peace. This condition remains.

We believe that actions must be taken—the immediate release of the detainees and appropriate criminal prosecution of the individuals responsible for this illegal act—to right a dangerous situation.

We also believe that procedures must be established to ensure the lives and safety of airline passengers and crew members, and to prevent unlawful seizures of civil aircraft in the future.

In this regard we are gratified that the United States has ratified the Tokyo Convention on Offenses and Certain Other Acts Committed on Board Aircraft. The United States should propose at the upcoming Montreal meeting of the International Civil Aviation Organization a new convention, or a protocol to the Tokyo Convention, providing for the apprehension, extradition where applicable, and punishment of air pirates. This would be, we believe, a vital step toward solution of the problem of air piracy.

Sincerely,

ALAN CRANSTON.

COSIGNERS

James O. Eastland, B. Everett Jordan, Albert Gore, Gordon Allott, Frank E. Moss, Richard S. Schweiker, Joseph D. Tydings, Robert W. Packwood, Harold E. Hughes, Clifford P. Case, Abraham Ribicoff, Fred R. Harris, Philip A. Hart, Howard W. Cannon, Hugh Scott.

Edward W. Brooke, Warren G. Magnuson, Henry M. Jackson, Mike Gravel, Robert Dole, Stephen M. Young, Vance Hartke, George Murphy, Daniel K. Inouye, Thomas J. McIntyre, Gaylord Nelson, Birch Bayh, Charles E. Goodell, Charles Percy.

William Proxmire, Alan Bible, Gale McGee, Harry F. Byrd, Jr., Walter F. Mondale, Ralph W. Yarborough, Russell B. Long, Jennings Randolph, Jacob Javits, William B. Saxbe, Ernest F. Hollings, George McGovern, Richard B. Russell.

INHUMANE TREATMENT OF PRISONERS OF WAR BY NORTH VIETNAM

Mr. BELLMON. Mr. President, American citizens have long been appalled and angered by the cruel and inhumane treatment accorded our prisoners of war by the Communist Government of North Vietnam. While our Government and the Government of South Vietnam have religiously abided by the rules of the Geneva Convention, there is abundant evidence that the North Vietnamese have used methods that are little short of inhumane.

There is a deep and growing national resentment against the North Vietnamese Communists because of their mistreatment of our prisoners of war. There is now evidence that this feeling is becoming international.

On September 13, the 21st International Conference of the Red Cross, held at Istanbul, Turkey, adopted a resolution relating to the protection of prisoners of war. This resolution passed by a vote of 114 nations for the resolution and no votes against. It is obvious that the representatives of these nations feel as we do that abuses of helpless and injured prisoners of war are beneath the dignity of any civilized country which aspires to be a respected member of the international family of nations.

Also, on September 13, in Paris, U.S. Ambassador Henry Cabot Lodge again requested humane treatment of prisoners of war at the 33d plenary session of the Paris meetings on Vietnam. In his statement, Ambassador Lodge summarized the evidence regarding the North Vietnamese abuses of prisoners of war as contrasted to our own methods.

On September 10, Ambassador Graham Martin, chairman of the U.S. delegation to the International Conference of the Red Cross, issued a similar statement at Istanbul, Turkey. These statements clearly point up the differences between the methods used by the North and South Vietnamese Governments in the treatment of prisoners of war. As these facts become more and more clearly understood, I believe the international community of nations will join in efforts to require that the provisions of the Geneva Convention of 1949, on the protection of prisoners of war, be strictly followed by the Government of North Vietnam.

I ask unanimous consent that the resolution adopted by the 21st International Conference of the Red Cross, Istanbul, Turkey, September 13, 1969, and the statements of Ambassador Lodge and Ambassador Martin be printed in the RECORD.

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

PROTECTION OF PRISONERS OF WAR

Resolution adopted by the 21st International Conference of the Red Cross, Istanbul, Turkey, September 13, 1969

The XXIst International Conference of the Red Cross,

Recalling the Geneva Convention of 1949 on the protection of prisoners of war, and the historic role of the Red Cross as a protector of victims of war.

Considering that the Convention applies to each armed conflict between two or more parties to the Convention without regard to how the conflict may be characterized,

Recognizing that, even apart from the Convention, the International community has consistently demanded humane treatmet for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick or wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisals,

Requests each party to the Convention to take all appropriate measures to ensure humane treatment and prevent violations of the Convention.

Calls upon all parties to abide by the obligations set forth in the Convention and upon all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are treated humanely and given the fullest measure of protection prescribed by the Convention; and further calls upon all parties to provide free access to the prisoners of war and to all places of their detention by a protecting Power or by the International Committee of the Red Cross.

Adopted by vote of 114–0.

(NOTE.—The International Conference of the Red Cross is held every four years and is the highest governing body of the Red Cross. Its membmership consists of governments which have signed the Geneva Conventions of 1949, national Red Cross Societies, the International Committee of the Red Cross and The League of Red Cross Societies.)

STATEMENT ON PRISONERS OF WAR BY U.S. AMBASSADOR HENRY CABOT LODGE

At the last Plenary Session, I repeated our request for the humane treatment of Americans held prisoner in North Vietnam, stating that international custom, the Geneva Convention, and humanitarian considerations all require that there be impartial inspection of the prisoner of war camps, a guarantee of a regular flow of mail to and from the prisoners and a release of the sick and wounded prisoners on both sides. In addition, a minimum regard for the peace of mind of the prisoners' next of kin requires that a list of names of the prisoners be made available so that the next of kin—who are assuredly innocent of any warlike act—at least know whether their relative is alive or dead.

To this request, the representative of the Democratic Republic of Vietnam at our last session responded—and I quote—"The question of captured American military personnel will be settled at the same time as all the other elements of the overall ten-point solution, it cannot be separated." End of quotation.

Let us now consider this answer.

In the first place, it is unresponsive. Our request at the last meeting was concerned solely with the treatment of prisoners during captivity—not with the broader question of the repatriation of prisoners. You repeat your statement that you give humanitarian treatment. But you refuse to talk about camp inspection, flow of mail, release of sick and wounded, and lists of prisoners.

In the second place, your answer is not only unresponsive; it also partakes of the irrelevant. I say this for the following reason: You say that you will not discharge your responsibilities regarding prisoner treatment until you are willing to repatriate the prisoners. But, ladies and gentlemen, when that time comes, your policy concerning treatment of prisoners will be largely academic since the prisoners will have either been repatriated or will be awaiting repatriation. The point is that prisoners are entitled to humane treatment under the protection of the Geneva Convention at all times and under all circumstances—and particularly during the period before repatriation. That is the time that counts. The point is so obvious that it should not require any statement. But your declaration at the last Plenary Session requires us to state it.

While I am on the subject, let me add that we have long been concerned by your refusal to permit impartial inspection of your prison camps. Frankly, this refusal inevitably brings up the thought that you fear that an inspection would not confirm your claims of humane treatment.

This concern has now been deepened by statements which have recently been made by two of the Americans recently released from captivity in North Vietnam. One of these Americans, Seaman Douglas B. Hegdahl, said on September 2nd—and I quote—"I was kept in solitary confinement for over a year—7 months and 10 days at a stretch. I was made to stand with my hands over my head for trying to talk with other prisoners of war." Seaman Hegdahl said—and I quote—that "many of the prisoners of war have been in solitary confinement for years"—end of quotation—and he also said—and I quote again—that "many prisoners of war do not write or receive mail." End of quotation.

Another prisoner of war, Navy Lieutenant Robert Frishman, on the same date, pointed out your failure to make available the best medical treatment and to repatriate immediately the sick and wounded. He said that the removal of his elbow had been done in a professional way, and that he was thankful still to have the right arm. However, he also pointed out—and I quote—"They failed to remove the fragments of the SAM missile in my arm. It took six months just for my incision to heal over." End of quotation. He also indicated Lieutenant Commander John McCain will require further medical treatment as soon as he returns to the United States. His remarks underline how important it is for sick and wounded prisoners to be repatriated as soon as possible.

Let me also quote what Lieutenant Frishman said about the condition of Lieutenant Commander Richard A. Stratton, another prisoner of war. He said—and I quote—"The North Vietnamese tried to get Lt. Commander Stratton to appear before a press delegation and say that he had received humane and lenient treatment. He refused because his treatment hadn't been humane. He's been tied up with ropes to such a degree that he still has large scars on his arms from rope burns which became infected. He was deprived of sleep, beaten, had his fingernails removed and put in solitary, but the North Vietnamese insisted that he make the false 'humane treatment statement' and threw him into a dark cell alone for 38 days to think about it." End of quotation.

Lieutenant Frishman also said—and I quote again—"Stratton knows that I have been released. He told me not to worry about telling the truth about him. He said that if he gets tortured some more, at least he will know why he is getting it and will feel that it will be worth the sacrifice." End of quotation. We certainly hope that neither Commander Stratton nor any of the other prisoners will suffer as a result of Lieutenant Frishman's statements.

Lieutenant Frishman further indicated that prisoners of war have been made to sit on a stool for days in a hot room until they make statements conforming to the wishes of their captors.

I can do not better than to repeat the words of Lieutenant Frishman, when he said—and I quote—I don't think solitary confinement, forced statements, living in a cave for three years, being put in straps, not being allowed to sleep or eat, removal of fingernails, and not allowing exchange of mail to prisoners of war are humane. End of quotation. Any impartial observer—and even

you yourselves, who do not consider your selves to be impartial—must agree with this statement.

You should cease this inhuman treatment. You cannot escape the responsibility therefor.

You should also realize that your failure to act in accordance with humane practice flies in the face of world opinion as a whole.

Just this week, 101 Members of the Congress of the United States, including both Democrats and Republicans, have presented in the House of Representatives a resolution condemning your side—and I quote—for violating the fundamental standards of human decency and grossly deviating from civilized concepts of international accords and agreements on prisoners of war. End of quotation. In addition, 96 Members of the House of Representatives have signed a statement protesting your—and I quote—inhumane and inexcusable—unquote—conduct with regard to the Americans you hold prisoner.

The Twenty-First International Red Cross Conference composed of the parties to the Geneva Conventions of 1949 and Red Cross and Red Crescent Societies, is now meeting in Istanbul, Turkey. The International Humanitarian Law Commission of that Conference has adopted without dissent a resolution calling for humane treatment of prisoners of war. The resolution states that the Geneva Prisoner of War Convention—and I quote—"applies to each armed conflict between two or more parties to the Convention without regard to how the conflict may be characterized." End of quotation. The resolution also calls up—and I quote—"all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are accorded the humane treatment and the full measure of protection prescribed by the Convention, including free access to the prisoners of war and all places of their detention by a protecting power or by the International Committee of the Red Cross.

If I may, I will depart from my prepared statement for just a moment to say that I have just received word during the recess that the International Red Cross Conference in Istanbul this morning passed this resolution without dissent by a vote of a hundred fourteen to nothing.

In contrast with your treatment of the prisoners whom you hold, consider the many thousands of your military personnel held in prisoner of war camps administered by the Republic of Vietnam. In accordance with the Geneva Convention, the Government of the Republic of Vietnam has provided lists of prisoners' names to the International Committee of the Red Cross. The prisoners are allowed to correspond with their families. These camps conform to the standards established by the Geneva Convention, and they are visited frequently by representatives of the International Committee of the Red Cross, who inspect them thoroughly and hold private interviews with prisoners. A number of sick and wounded prisoners have been released, and our side has expressed willingness to make arrangements for the release of all seriously sick or wounded prisoners.

STATEMENT BY AMBASSADOR GRAHAM MARTIN

Those of you who were present at the Twentieth International Conference of the Red Cross in Vienna in October 1965, will recall that the Conference expressed its concern for the treatment of prisoners of war whose confinement removed them from combat and whose presence presented no threat to their captors. The armed conflicts that existed at that time and the conduct of some governments who have acceded to the Geneva Conventions in failing to honor their obligations under the Conventions to provide humane treatment to prisoners of war, showed the need for the resolution which the Conference passed four years ago.

Now four long years have passed since the adoption of that resolution, which called "upon all authorities involved in an armed conflict to ensure that every prisoner of war is given the treatment and full measure of protection prescribed by the Geneva Convention of 1949. . . ." In the case of the Communist authorities in southeast Asia, the solemn appeal of the last conference fell on deaf ears. North Vietnam and the Viet Cong have refused consistently to observe even internationally recognized minimum standards of humanitarian treatment for prisoners they hold as a result of the armed conflict in Vietnam.

The concern of the United States about these prisoners as been expressed by President Nixon and also by Ambassador Lodge at the Paris Peace Talks. Secretary of State Rogers and Secretary of Defense Laird also have repeatedly publicly expressed urgent concern about the failure of the Communist authorities in Vietnam to live up to the humanitarian standards of the Convention and to treat humanely personnel who have fallen into their hands.

The concern of these highest officers of the United States is universally shared by all the American people. I am glad to note that we are not alone in our concern. Speaking in London on March 19, Jacques Freymond of the ICRC, said concerning the work of the committee:

"In Vietnam, it has so far had limited success. In fact, in spite of repeated representations, it has not been able to obtain the agreement of the Democratic Republic of Vietnam to the installation of a delegation in Hanoi nor even to the visiting of prisoners of war.

"The Hanoi authorities have, it is true, assured the ICRC that these prisoners are treated humanly by them. The committee has therefore had to contend itself with sending medicines, medical equipment and, more recently, two field hospitals to the Democratic Republic of Vietnam.

Mr. Freymond went on to say:

"On the other hand, the ICRC is represented in Saigon and the delegates are able to visit all prisoner of war camps. They also regularly receive nominal rolls of these prisoners."

I might add that the Government of the Republic of Vietnam, in cooperation with its allies, has placed great emphasis on proper treatment of prisoners of war captured by allied forces.

Today, in September 1969, I have the sad duty to report to you that we have seen that the Communist authorities in southeast Asia have refused to cooperate with the ICRC. We also know as a fact that North Vietnam is violating every basic provision of the prisoner of war convention it signed and is in fact seriously mistreating our men it holds as prisoners. We are deeply concerned and outraged by this grave affront to human dignity and international responsibility.

When I said that we know that our men who are captured in Vietnam are being mistreated, I spoke with the assurance of unmistakable evidence—a touching witness provided by one who had himself actually been subjected to this savage and inhuman treatment. Since the time of the last conference we have known that North Vietnam was refusing to provide the names of all the men it held as prisoners, and that they have refused to permit impartial inspection of its prisoner facilities by the ICRC or any other impartial intermediary. It has long been obvious that prisoners have been denied or severely restricted in their right to communicate with their families. The hundreds of waiting families who do not even know if their man is alive today are sad witnesses to this fact. We also have seen the North Vietnmese release photographs of seriously sick or wounded prisoners who should be repatriated immediately.

Today we have confirmation of what has been an even greater concern for us—our men are being seriously physically and mentally mistreated. The men whom North Vietnam recently chose to release have, in spite of threats by their captors, felt duty bound to tell the world how North Vietnam treats its prisoners. Their story is not a pleasant one and it pleads for prompt and strong action by this Conference. North Vietnam denies universally accepted standards of humanitarian treatment for prisoners and violates the provisions of the Geneva Convention to which it acceded by:

(1) Refusing to identify the prisoners it holds and account for those missing in North Vietnam.

(2) Torturing prisoners both physically and mentally.

(3) Keeping prisoners in isolation cut off from their fellow prisoners and from the outside world.

(4) Failing to provide an adequate diet.

(5) Failing to repatriate the seriously sick or wounded.

(6) Refusing to permit impartial inspection of prisoner facilities by the ICRC or another appropriate intermediary.

(7) Using prisoners for propaganda purposes.

(8) Denying regular exchange of mail between all prisoners and their families.

(9) Failing to provide adequate medical care to all prisoners in need of treatment.

May I ask you to hear the actual words of Lt. Robert F. Frishman, USN, one of the prisoners recently released by North Vietnam. On September 2, 1969, less than a fortnight ago, from our Naval hospital in Bethesda where he is recovering from his ordeal, he had this to say:

"My intentions are not to scare wives and families but Hanoi has given false impressions that all is wine and roses and it isn't so. All I'm interested in is for Hanoi to live up to their claims of humane and lenient treatment of prisoners of war. I don't think solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of finger nails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing an exchange of mail to prisoners of war are humane.

"Why don't they send out a list of their prisoners of war? Why do they try to keep us from even seeing each other? Certain prisoners of war have received publicity. Others are kept silent. Why aren't their names officially released? If they don't have any secondary alternatives or motives in mind, then release the names of the prisoners of war so their families will know their loved ones' status. I feel as if I am speaking not only for myself, but for my buddies back in camp to whom I promised I would tell the truth. I feel it is time people are aware of the facts."

Lt. Frishman was addressing his own people in America. But it is time for the world to know these facts. Therefore, I share Lt. Frishman's words with you gathered here in this Conference.

In the most recent provisional activity report submitted to this Conference by the ICRC, it is stated that "on 3 June 1969 the ICRC again wrote the Government of the Democratic Republic of Vietnam reminding it of the obligations incumbent on it in accordance with the 1949 Geneva Conventions for the protection of war victims." And at our opening session the distinguished new President of the ICRC reported to us that North Vietnam had not yet allowed any representative of the ICRC to enter its territory.

Each of us has a moral duty to see that signers of the Convention honor the interna-

tionally accepted principles of humane treatment of prisoners of war. We trust that this conference, which has a fundamental and abiding interest in the Geneva Prisoner of War Convention will declare itself clearly and unequivocally concerning the humane treatment of prisoners—all prisoners in all parts of the world. The resolution before us was carefully drafted by the co-sponsors to insure the universality of its coverage to all prisoners of war wherever held, by whatever nation, great or small. We hope, therefore, that all national delegations and all national societies will join those nations and national societies which have already sponsored this resolution. We believe, Mr. Chairman, it should be supported unanimously.

DEVELOPMENT OF AN ADEQUATE COMMUNICATIONS SYSTEM FOR ALASKA

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated September 16, 1969, from me to Mr. James McCormack, Chairman, Communications Satellite Corp., Washington, D.C., and an article entitled "Satellite Communication System for the State Still Is in Doubt," published in the Anchorage, Alaska, Daily Times of Saturday, August 30, 1969.

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

U.S. SENATE,
Washington, D.C., September 16, 1969.

Mr. JAMES MCCORMACK,
Chairman, Communications Satellite Corp., Washington, D.C.

DEAR MR. MCCORMACK: The *Anchorage Daily Times* of August 30th quoted William Miller of your organization as advising Alaska that an "optimum solution" for satellite communications would cost between $10 and $20 million" annually just for the satellite and the earth stations.

This is an outrageous statement, and I am surprised that you permit such statements by a purported expert. Certainly there is no limit to the amount of money that can be spent on communications. But the "optimum solution" is far below the $10–20 million annual range. Considering the number of meetings we have had on this point I cannot excuse Comsat's public insistence on an inflated figure as a case of simple misunderstanding. Comsat appears to be engaged in a deliberate campaign to undermine the immediate application of satellite communications in Alaska for the full range of intra-Alaska communications services.

The cost figures that I have, confirmed by the highest authorities in the field, indicate that Alaska could have a comprehensive communications system within a price range that would make immediate economic sense. In meetings with your representatives, these cost figures have never been denied.

Since February I have been attempting to secure from your organization a cost effectiveness study that has been repeatedly promised as forthcoming. I trust that its eventual appearance will withstand the light of public examination.

Comsat's regressive position is seriously impairing the development of an adequate communications system for Alaska. I challenge Comsat to publicly justify the $10–$20 million annual program Mr. Miller so blithely talks about in print.

Sincerely,

MIKE GRAVEL.

SATELLITE COMMUNICATION SYSTEM FOR THE STATE STILL IS IN DOUBT

A vast amount of expert information on satellite communications for Alaska was aired in the past two days, but at the close of the first Alaska conference on satellite telecommunications, it was still doubtful when the state could expect such things as live television and educational television.

The proposed satellite communication network for the state was described as the "optimum solution," by William Miller, project manager for the Communications Satellite Corp.

However, he said the network would cost some where between $10 to $20 million annually for just the satellite and earth stations.

The smaller price he quoted would provide limited service to a limited area, while the higher cost would bring greater service to a larger area.

At the close of the conference Friday afternoon, Chairman George Sharrock, also chairman of the Alaska Federal Field Committee, said the meeting provided a "better perspective of our problems" in communication and "better ideas on how to solve them."

He said committees organized during the course of the conference would continue to look into such aspects as the realistic requirements of the state, the amount of revenues needed and sources for these revenues, possible use of a commercial system by the conventional and satellite systems and a realistic timetable for full satellite communication.

Committee reports were the last item on the agenda Friday.

The committees had been formed primarily to investigate aspects of the satellite demonstration program. Sharrock said, however, that until "we know where the money for this is coming from," he could not state definitely that the demonstration, using television as an educational medium, would go ahead.

The cost of this demonstration, according to Dr. Charles Northrip of the educational broadcast commission, who headed the requirements committee, would be in excess of $2 million. Although the state would obviously participate in the funding of this program to some extent, he said, "it is premature at this time" to outline full funding. More exploration, said Northrip, was needed in this area.

TOWARD A CLEANER COUNTRY

Mr. RIBICOFF. Mr. President, I invite attention to a campaign begun by a leading company located in the State of Connecticut which could be an example for the entire Nation.

More and more Americans now have sufficient leisure to travel the country's highways and to explore the countryside. Unfortunately, increased travel has meant increased litter. All too few travelers recognize their responsibility to help preserve the beauty and cleanliness of the areas they visit.

It is gratifying to note the positive steps the makers of Schweppes—U.S.A.—tonic water have taken to help keep America beautiful.

Schweppes has begun an antilitter campaign through the use of a public service message on the reverse side of its bottle labels. The label reads:

Keep America Beautiful. Please Dispose of This Bottle Thoughtfully.

The message is simple. But when we multiply the message by the number of Schweppes bottles distributed through out all the States, we have a far reaching contribution toward a cleaner country. The campaign can serve as an example to business and industry in all of our States and should encourage them to cooperate in insuring a more beautiful America.

ANTIETAM CREEK: BATTLE AND LESSON

Mr. TYDINGS. Mr. President, 107 years ago today one of the bloodiest battles ever fought on Maryland soil came to an end. On September 17, 1862, some 50 miles northwest of Washington near Sharpsburg, Md., Lee and his invading Army of Northern Virginia met the Union troops under McClellan along Antietam Creek.

The resulting blood bath ended Lee's first invasion, postponed England's threatened recognition of the Confederacy, and gave Lincoln the opportunity to issue the Emancipation Proclamation.

There are those today who romanticize history and see the Civil War as a time of glory. I view it otherwise. The War Between the States pitted American against American. Both sides "lost the war" and the years 1861–65 mark a sad chapter in our history.

The war resulted from a tragic failure of our political institutions to respond to deepseated social and economic changes.

It reflected a disastrous rigidity in our law and judicial system as only a few years before the shooting started a court of law ruled that a man who happened to be black was a piece of property rather than a person.

It became inevitable when intolerance and injustice predominated and men became more interested in shooting and killing than reasoning and listening.

We might pause for a moment now, honoring the dead of Antietam and remind ourselves that, in one sense, the problems of the 1850's are with us today.

Our political institutions including the Congress, are too slow in responding to change. Our way of life is undergoing heavy social pressures as more of our young men and women become a force in American politics. Our economy is changing as technology and science post unbelievable advances. At the same time our social sciences and institutions of civilization have failed to achieve similar progress. Finally, violence at times has replaced reason as a means to effect change.

Unless we recognize the changes today confronting us, unless we seek sound and reasonable solutions to our problems, our society and its institutions will not be judged a success.

I now ask unanimous consent that the moving introduction to the Interior Department's pamphlet on Antietam now be reprinted in the RECORD.

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

"The night after the battle . . . was a fearful one. . . . The dead and dying lay as thick over [the field] as harvest sheaves. The pitiable cries for water with appeals for help were much more horrible to listen to than the deadliest sounds of battle. Silent were the

dead, and motionless. But here and there were raised stiffened arms; heads made a last effort to lift themselves from the ground; prayers were mingled with oaths, the oaths of delirium, men were wriggling over the earth; and midnight hid all distinction between the blue and the gray. . . ." So wrote an officer on "Stonewall" Jackson's staff. The view from Union headquarters was equally sobering. "The night . . . brought with it grave responsibilities," reported the commander of the Army of the Potomac. "Whether to renew the attack on the 18th or to defer it . . . was the question. . . . After a night of anxious deliberation, and a full and careful survey of the situation and condition of our army . . . I concluded that the success of an attack was not certain. . . . I should have had a narrow view of the condition of the country had I been willing to hazard another battle with less than an absolute assurance of success."

All the next day the two armies eyed each other uneasily across the slopes of Sharpsburg ridge. Pleasant and tranquil today, the fields then were so strewn with dead and unattended wounded that the sight seared in Gen. James Longstreet's memory was "too fearful to contemplate." The Confederates, although "worn and exhausted," prepared for a renewal of combat, but Gen. George B. McClellan lacked the heart to attack. By late afternoon the threat had passed on and Gen. Robert E. Lee began issuing orders for the withdrawal. That night, as the glare of campfires belied their intentions, his men pulled out of their lines, filed to the river ford, and recrossed the Potomac. "Thank God," muttered Lee when at last his proud army stood in comparative safety upon the [West] Virginia bluffs overlooking the river.

THE 350TH ANNIVERSARY OF THE ARRIVAL OF THE FIRST NEGROES IN THE ENGLISH COLONIES

Mr. BROOKE. Mr. President, 350 years ago an event occurred in this country which has had lasting implications for the well-being of our society and its people. In August of 1619, the first black men were brought to America.

I believe it is particularly instructive at this time to look at the purpose for which they came. They were brought aboard a Dutch slave ship to the English colony at Jamestown, Va., to relieve an acute labor shortage in that small but thriving town. In the process, they were treated no differently from 100 young English lads who were also imported as laborers in the same year. Both groups of immigrants, blacks and whites together, were classed as indentured servants. They worked for the number of years required by their contract and, to a man, they were freed. In both groups of immigrants were men who eventually became landowners, and even slaveholders themselves once that despicable institution was legalized in the colony.

On September 21, 1969, a ceremony will be held in Jamestown, Va., commemorating the arrival of these first black citizens, and noting the important contribution which Americans of African descent have made to this country since its founding.

I ask unanimous consent that a statement of objectives of the committee which has planned this celebration be printed in the RECORD.

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

OBJECTIVES OF THE COMMEMORATION OF THE 350TH ANNIVERSARY OF THE LANDING OF NEGROES AT JAMESTOWN, AUGUST 1969

1. To contribute to the development of a healthy pride and respect among Negroes and Americans generally for our forebears of African descent.

2. To promote historical accuracy as to the struggles of the American Negro to achieve his rights as a person and as a citizen of the United States.

3. To apprise the public of the contributions of Negroes to the life, technology and culture of Virginia and of the United States.

4. To stimulate interest in the erection of a suitable marker in honor of the arrival of these persons of African descent.

STEERING COMMITTEE

W. Lester Banks, P. B. Boone, Oliver W. Hill, Esquire, Mrs. Helen Howard, Dr. Walker Quarles, Rev. Melford Walker, S. W. Tucker, Esquire and Dr. J. Rupert Picott.

COMMITTEE MEMBERS

W. E. Barron, Paul S. Bell, Raymond H. Boone, John M. Brooks, Charles E. Brown, Theodore N. Burton, C. Clayborne Bush, Mrs. Virginia Carrington, Miss Elaine Carthly, John Culver, Mrs. Mary E. Culver, J. H. Dillard, A. G. Edwards, Melvin W. Elliott, Mrs. Willa Elliott, Rev. Egbert J. Figaro, Rev. L. Francis Griffin, Sr., David E. Gunter, Rev. Curtis W. Harris, Sr., Linwood Harris, Dr. John B. Henderson, Dr. Thomas Henderson, Dr. Robert M. Hendrick, Jr., Mrs. Beresenia Hill, Mrs. Bertie Huggard, John Q. Jordan, Joseph A. Jordan, Jr., Rev. Calvin C. Knight, Moses D. Knox, David E. Longley, Henry L. Marsh III, Esq., M. C. Martin, William T. Mason, Esq., Rev. Raymond S. Mitchell, David Muckle, Mrs. Bernetta West Munford, J. Jay Nickens, Jr., Royal A. Patterson, Mrs. Bessie Pryor, Dr. W. L. Ransome, Dr. Wm. Ferguson Reid, R. L. Scales, H. H. Southall, Mrs. Helena Stolls, Rev. J. B. Taub, Bernard E. Taylor, Dr. J. M. Tinsley, Clarence Townes, Jr., Mrs. Ruth Valentine, Franklin Waller, Mrs. Pauline F. Weeden, J. B. Williams, Dr. Philip Y. Wyatt.

PROPOSALS TO IMPROVE PRESIDENT'S WELFARE PROPOSALS

Mr. RIBICOFF. Mr. President, I am pleased to present a statement by the National Association of Social Workers on President Nixon's welfare proposals.

This association, with 50,000 members, has chapters in every State and in all our metropolitan areas. Since many of its members are employed in voluntary and governmental social welfare fields, their association speaks with knowledge and authority with respect to issues in the welfare area. The association's suggestions for improving and making more effective, equitable, and adequate the President's welfare proposals therefore deserve the fullest consideration.

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

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

STATEMENT OF THE NATIONAL ASSOCIATION OF SOCIAL WORKERS ON THE PRESIDENT'S WELFARE REFORM PROPOSAL

The National Association of Social Workers welcomes this opportunity to endorse the principle of the President's family assistance proposal, namely, the assumption of federal responsibility for financing and administering of a program of assistance to families with no income or low income. We endorse further the use of declarations instead of detailed investigations, the inclusion of families with unemployed fathers, and the assumption by the Social Security Administration of the administration of the program. The Association has long held that only federal assumption of responsibility for assistance to the poor and the near poor can assure an equitable and adequate level of income for all Americans. We gather this is also the conclusion reached by the President with respect to families with children.

Although we endorse this family assistance proposal in principle, we have strong objections to a number of phases of this program and urge their reconsideration.

For a family with no income the formula which would provide $1,600 for a family of four is less than half of the generally acknowledged inadequate poverty floor of $3,555 developed by the Social Security Administration. We appreciate that when introducing new concepts such as this family assistance program political and economic factors frequently require a limited beginning, but urge that this proposal be just the first step in a planned approach over a short period of time to assure that no family in the United States shall be without the resources that provides them with an adequate level of income. This proposal addresses itself inadequately to the problems of families in the urban ghettos where the substantial number of assistance families and working poor are located. We recommend, therefore, that the President clearly indicate his support for a program that progresses significantly toward an adequate level of income.

Furthermore, if the family assistance program is to be consistent with the principle of federal responsibility for needy families, the goal should provide for an early phasing out of State supplementation. Regrettably, we do not have the confidence the States have either the resources and, in many instances, the desire to supplement the family assistance payment to an adequate level of living.

We urge that the family assistance proposal be amended to provide a formula which will protect its recipients against the rising cost of living, noting that in a relatively short period the poverty floor for a family of four has risen almost 8%.

We object to the language in the message that "it will make it more attractive to go to work than to go on welfare" as continuing to support the myth that the poor are lazy and won't work. The truth is that opportunities for rewarding work have not been provided to welfare recipients, with all evidence indicating that like the rest of us the poor share our ethical convictions about the importance of work. The manpower proposal put forward on Tuesday, August 12, again fails to provide a program of jobs at, at least, the minimum wage or better level. We recommend that this manpower proposal be amended to include legislation similar perhaps to the Manpower Act—H.R. 11620—introduced by Congressman James O'Hara and 105 bipartisan co-sponsors. This legislation, among other matters, establishes a system of public service employment designed to open up job opportunities in a wide range of community health, welfare and education programs. We can testify to the need for hundreds of thousands of jobs in this services sector, but to develop and supply them federal leadership and funds are required.

We are concerned that, while the family assistance proposal does eliminate the coercive work requirements for mothers with pre-school children of the 1967 Public Welfare amendments of the Social Security Act, it still demands training and work for mothers of school age children. We argue that the decision to go to work should rest with the mother whether on assistance or not on assistance. Certainly for many mothers on assistance employment may be as important to her psychologically and economically as it apparently is to other mothers in the present working force, but this must be the mother's decision and not a require-

ment for eligibility. In this connection, we note that the plan to set up child care facilities for something in the order of 450,000 children is completely unrealistic unless funds are also made available for the construction of or for the rebuilding of physical facilities. Experience to date with a similar authorization in the 1967 Public Welfare amendments indicates that lack of construction funds has been a serious block to the development of day care programs. If, as the President's proposal suggests, this is to be a child development program rather than custodial care, adequate facilities are just as essential as qualified staff.

The President's manpower message proposes that State Employment Services be the key resource for recipients of family assistance for training and jobs. Over the years the record of these Employment Services with respect to finding employment for assistance recipients and in the instance more recently of the WIN (work incentives) program is such as to suggest that a heavy investment of federal leadership and guidance and high standards will be required if the Employment Services are to deliver effectively in the area of training and jobs. The most realistic approach would be a federalization of the Employment Services.

We are further concerned that the Administration has indicated that it intends to phase out the food stamp program. This seems to us completely unrealistic and undesirable when the federal standard for a family of four is $1,600.

Further, we note that no provision is made for several million adults who are also poor, childless couples and other adults whose only recourse for help is the inadequate and frequently non-existent locally and/or State financed general assistance program.

Now that the President has recognized the national character of the problem of poverty, the next step must be a policy declaration that the general welfare and security of the nation and health and happines of its people require the provision of income at a uniformly adequate level and as a matter of right, and translation of this policy into a comprehensive and integrated system of income assurance. It is the judgment of our Association that a fundamental requirement for such a system is the provision of jobs at adequate wages. Equally fundamental is a social insurance program with a minimum benefit of at least $100 a month and a 50% increase in social security benefits, and a significant upgrading of unemployment compensation. Then, finally, to assure that all Americans shall have some modest share in our affluence, some supplementary system of income provision like the children's allowance or the negative income tax or federalized assistance is required.

Our Association further holds that there is an obligation on government to assure that essential social services will continue to be provided to individuals and families who need them and request them but under a system that separates the provision of money payments from the social services.

Such social services as:

Information, advice and referral;

Personal counselling;

Homemaker and other personal services for the aged, the handicapped and the ill;

Child development programs;

Social and recreational centers; and

Protective and foster care services for children and the aged, and a wide range of other programs designed to contribute to the enhancement of individuals and strengthening of family life which are an essential part of the life of a civilized and concerned community.

ENVIRONMENTAL QUALITY: PESTICIDES

Mr. TYDINGS. Mr. President, on July 31 I introduced wide-ranging legislation to protect our people and ecological system from the growing accumulation of toxic residues in the environment, stemming from the widespread use of persistent pesticides.

As is the case with so many examples of our technological progress, the amount of pesticides is a mixed blessing. On the one hand they eradicate disease and help provide pest-free food. On the other they poison our natural resources and threaten wildlife and possibly man himself.

Unfortunately, by indiscriminate use and failure to use nonpersistent chemical combinations, pesticides today do far too much harm. The balance between blessing and curse leans too far to the latter. My bill, S. 2747, is intended to restore the balance.

It places a 4-year moratorium on four of the more persistent and powerful pesticides. It transfers the pesticide regulatory functions from the Department of Agriculture to the Department of Health, Education, and Welfare. It removes the exemption from registration and labeling of those pesticides intended solely for export. Finally, S. 2747 directs the Secretary of Health, Education, and Welfare to make a comprehensive study of the use and effects of pesticides.

A good article on the dangers of pesticides is found in the International Union of Electrical, Radio, and Machine Workers, AFL–CIO, CLC's newspaper, IUE News, dated August 14, 1969. Written by Mat Amberg and entitled "Danger: Pesticides," the article warns of the ever-increasing threat to our environment from the growing use of pesticides. I ask unanimous consent that it be printed in the RECORD following my remarks.

Should anyone doubt that persistent pesticides are a danger to health, I commend to them an article entiled "U.S. Impounding Pesticide—Tainted Cheese Imports," in the New York Times of September 12, 1969, and ask unanimous consent that it be printed in the RECORD following Mr. Amberg's article.

Finally, I ask unanimous consent that the text of my pesticides bill, S. 2747 be printed in the RECORD after the Times article.

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

[From the IUE News, Aug. 14, 1969]

DANGER: PESTICIDES

(By Mat Amberg)

Pollution, the by-product of our highly technological society, takes many forms. Pollution is industrial waste oozing into our waterways, it is radioactive contamination resulting from the use of nuclear energy, it is the combination of poisonous gases emitted into the atmosphere from smoke stacks and exhaust pipes. In these instances, pollution is the undesirable, and seemingly unavoidable, price we pay for the convenience of a modern, industrial society. Another deadly form of pollution, however, is not unavoidable, and indeed seems to be an example of man willfully fouling his own nest.

Today we are loading the air, the land, the waters, our food and our bodies with chemical compounds that never existed in nature—some of which individually have the potential to do us grave damage, and some of which, working together in combination, can damage us into the grave.

High on the list of the chemicals man is injecting into his environment are the pesticides, used by the agriculture industry and the backyard gardener to prevent plant disease and increase the available food supply. Approximately $1.7 billion worth of these insecticides, fungicides and herbicides were used last year.

There is evidence that pesticide elements are getting into our body tissues, and though we don't yet know all that they can do to us, we know that some can cause serious illness and that some can be fatal.

And though some pesticides may not be harmful by themselves, they could well prove destructive in combination with the other chemicals that find their way into our body tissues. Some examples of these:

We are given all sorts of complex medications by doctors when ill, or to avoid having babies, or to relieve tension; we wash with complex detergents; we use hair sprays and anti-perspirants; we eat foods into which all sorts of chemicals are put to preserve the appearance or enhance flavor, or cover up poor quality, or change the color, or which are synthetic to start with; we work in the plant with chemicals or inhale fumes and dusts; we often drive in bumper-to-bumper traffic, inhaling carbon monoxide as we go.

"Synergism" and "potentiation" are fancy words used to describe what occurs when two agents create an effect greater than what they'd do separately. In some cases, each of two or more chemicals can be harmless alone but harmful when combined.

For example, as Dr. Barbara Moulton (former Food & Drug Administration official) told Congress, "even well-known chemicals can produce unexpected results when used under new conditions; they may combine with other substances to produce new chemicals with very different properties; they produce different results in different species of animals. A substance may be harmless to an adult and extremely dangerous to new-borns, or vice versa."

Food and Drug scientists found one pair of pesticides whose combined toxicity was 1,000 times that of either alone.

EFFECTS MAY YET BE UNKNOWN

Even by themselves, at least some of the pesticides are known to be poisonous to people. Others, which are said by their makers and users and by the experts to be harmless to people, or relatively harmless, are known to be poisonous to fish, birds and other lower forms of life. The suspicion is that perhaps they can or do have harmful effects on man which are as yet unknown.

In a study in "Archives of Environmental Health," January 1966, copyright by the American Medical Assn., at least 111 accidental deaths of persons in the U.S. are attributed to specific pesticides (there were additional deaths that could have been pesticide-caused but the survey team couldn't say for sure). Of these, 58 were caused by various of the inorganic and botanical pesticides, 24 by the organic phosphorous insecticides, 6 by the chlorinated hydrocarbon insecticides, 17 by certain other solid and liquid pesticides, and 6 by gases and vapors. Seven of the 111 cases were open to question, the authors said.

Pesticides can harm people whether they have been breathed into the lungs and then absorbed into the blood with the oxygen, whether they get on the skin and are absorbed through the skin, or whether they are taken by mouth. Some are long-lasting (such as the chlorinated hydrocarbons); some tend to break down after a certain number of days (such as the organophosphates).

The organophosphate group, developed by the Nazis and working like nerve gases, are being used in increasing amounts. They include diazinon, demeton, malathion, methyl parathion, parathion, azodrin, phosdrin, mevinphos, TEPP, and many others. In greater or lesser degrees, these tend to be very dangerous to people for a certain period after use. When they break down they usually be-

come innocuous, so that contact with them after a long enough period has elapsed may be safe. There are exceptions: dipterex breaks down into DDVP which is 10 times as toxic as dipterex, according to Dr. Robert Van den Bosch of the University of California. During the period before they break down, some of them can be deadly.

A few examples:

In 1967, a truck, which had been used in California to haul parathion, later was used to haul bread flour in Tiajuana, Mexico. Somehow, the flour was contaminated by the parathion. Hundreds of people were stricken and many died.

A 22-year-old worker sprayed peach trees in California with parathion for one and a half days (though nauseated by morning of the second day). He died seven days later.

A 3-year-old Mexican-American girl and her brother were playing near a spray rig where their mother was working. The girl took the cap of a gallon of TEPP, put her finger in the can, and sucked it. She lost consciousness immediately and was dead on arrival at the hospital.

Under California state law, after a field has been sprayed with these pesticides, workers are supposed to stay out of the field for a certain number of days. But the Farm Workers union can point to cases where the growers don't see things that way. This February, for instance, a family of five people including a 2-year-old baby were in a peach orchard near Madera, where the older members of the family were working. They were sprayed with parathion (though neither people nor livestock should be present during spraying except properly masked and clothed) and temporarily blinded. They became sick but the owner became angry when they left the field for treatment and he threatened to fire them!

The chlorinated hydrocarbons, of which DDT is the best known and most used, commonly are said by the authorities to be safe for humans, or relatively safe, and they have a characteristic that tremendously commends them to growers and to people seeking to get rid of disease-carrying insects—they are very long-lasting. This characteristic also makes them anathema to conservationists and now has brought them into line of some health authorities' condemnation. It is cheaper to use a long-lasting spray (cheaper both as to human effort and equipment costs and for the chemicals used) but the chemical remains potent for years.

Inconclusive (thus far) studies at the National Cancer Institute indicate that cancer may be caused by some 50 of 130 widely used pesticides, including DDT, the weed-killer 2–4–D and others, according to the March 14, 1969, *Medical World News*. This publication quotes pathologist Wilhelm C. Hueper, former chief of the environmental cancer section of NCI, as saying: "These limited studies were a waste of taxpayers' money—they weren't long enough or thorough enough. But they found tumors all right—in both dieldrin and DDT studies. Only the pathologists were meek about it in ruling them nonmalignant."

On May 1, Sen. Philip Hart (D-Mich.) inserted in the *Congressional Record* the NCI preliminary report on this experiment, which was to have been given before a scientific organization and then suddenly pulled back for "more study." This report shows that DDT and 10 other pesticides which were tested definitely were associated with a significantly higher rate of tumors in the mice they were used on, 19 other pesticides may have been so associated, and 90 were not. In other words, while it wasn't proven for sure, the finger definitely points at 11, 19 more are suspects, and 90 are "not guilty." So far. And the test was only for tumors, which might be cancerous—not for other diseases.

Humans are said to be able to throw off excessive amounts of DDT, above a tolerable quantity, unlike the fish and birds which are killed by it. But some experts wonder whether, if it is so deadly to birds and fish, as well as the insects it is aimed at, perhaps it does things to humans that haven't yet been discovered. Cancer is only one possibility. Genetic changes affecting future generations is another.

THE CASE AGAINST DDT

DDT is perhaps the best example of a pesticide once considered a boon to mankind, and then later branded a menace. To quote *Environment* magazine, publication of the Scientists Institute for Public Information:

"When DDT first came into wide use, its potential for public health and comfort and for agriculture seemed almost unlimited. An industrial research scientist told the *New York Times* on August 29, 1946, that ultimately it could eliminate all flies and mosquitos in the United States. Ten years later, it was clear that DDT had some limitations—insect strains that were resistant to it were beginning to develop, and warnings of DDT damage to wildlife were increasing."

"But it was not until Rachel Carson's *Silent Spring* that the pesticide was exposed to the public as no great miracle and no small hazard.

"Little by little, new evidence about DDT and the other pesticides in the chlorinated hydrocarbon family has been piling up . . . DDT moves around until it is found almost everywhere, and it accumulates and builds up in various forms of life."

Indeed, it is the accumulation effect that adds to the worry. It may be true that the human body can tolerate a certain amount of DDT (though in time we may discover this isn't true, either) and that when additional DDT enters the body above the tolerated amount, it is thrown off, as the defenders of DDT say.

But what happens when a human with his body already up to the tolerable mark takes in a large amount of DDT at once? This needn't occur as a result of getting in the way of a DDT sprayer, or of eating a fruit with some DDT residue on it. Just as DDT accumulates in our bodies, it does in the bodies of animals lower in the food chain.

Robins die when they eat enough earthworms which have eaten DDT, even though each worm contains less than a lethal amount.

What happens if a human eats fish or fowl which similarly have been accumulating DDT from lower in the "food chain"?

FDA CONDEMNS SALMON SHIPMENT

The Food and Drug Administration has seized thousands of pounds of coho salmon taken from Lake Michigan and destined for interstate shipment and sale, because of DDT contamination ranging up to 19 parts per million. Sen. Gaylord Nelson (D-Wis.) notes that a quarter-pound serving of this fish would give a person three times the maximum daily intake under World Health Organization standards.

But if those fish had not been destined for shipment across state lines, FDA would not have had authority to seize them. Same for farm crops with pesticide residues on them. Says Charles C. Johnson, Jr., Administrator of HEW's U.S. Consumer Protection and Environmental Service, of which FDA is a part: "Most states are not doing enough to protect their consumers against ingesting toxic pesticide residues on food."

Only 20 of the 50 states have an agency responsible for doing something about pesticide residues on food, according to a January 1969 FDA compilation. They are: Calif., Conn., Fla., Hawaii, Ill., Kan., Ky., Mich., Mont., Neb., N.H., N.Y., N.D. Ore., Pa., Tenn., Tex., Utah, Wash., Wis. Some may be better equipped to do the job than others.

The case of the coho salmon as well as other cases in which DDT has been found in the body tissues of various creatures across the globe, has been cited widely as evidence of the way the persistent types of pesticide have spread around the world and the way they have been concentrated in the bodies of animals after being diluted and dispersed in large bodies of air or water.

The tiny plants and animals down at the bottom of the food chain—the one-celled or slightly bigger than one-celled creatures—may absorb a chemical, whether it be pesticide or radioactive substance or some other chemical. These organisms, in turn, are eaten by larger ones, and the small amounts of the chemical that each one took in are added together. The larger animals in turn are eaten by still larger ones, and the accumulation or concentration of the chemical grows. In some cases, the accumulation continues until it gets to man.

Foods grown within a state and sold in that state can be overloaded with dangerous pesticides and sold to you to eat; if your state doesn't have a pesticide law you are unprotected. No one controls how much nor what type of pesticide your neighbor sprays on his garden and—incidentally—in your window and on your children, your pets and you.

The federal government itself is a big sprayer; recent controversy has occurred over the spraying of airports with dieldrin, which is more toxic than DDT, to prevent insect infestation from aircraft coming from overseas.

Lately, certain states such as Wisconsin have moved toward following Sweden's lead in banning use of DDT—but this is not the case in much of the country.

The World Health Organization has been grappling with the pesticide issue, because some nations depend on insecticides and other pesticides for disease control. Brazil's WHO delegate says the concept of malaria eradication depends "completely" on continued use of DDT.

Scientists note that as pesticides continue in use, the more resistant strains of various insect species learn to survive the pesticides that were used, and soon man will have to use more and more toxic pesticides or switch to other weapons, such as introducing natural enemies of the pest one seeks to get rid of.

And we also learn that pesticides are 2-edged swords in another respect—they kill things we don't want killed and open the way for new and worse infestations. Former Interior Secy. Stewart Udall reports the case of San Joaquin, Bolivia, where DDT malaria-control aimed at mosquitos also killed off the village cats, whereupon a wild mouse-like mammal, harboring black typhus virus, invaded the village—and more than 300 villagers died.

A more fundamental menace to all mankind—and indeed, to all life—may be posed by pesticides, by radioactive wastes, by detergents and other chemicals which we are creating. These pollutants get into the oceans, either by being brought down directly by rain or by being washed into the streams and rivers and then into the oceans.

Very little is known about whether, and to what extent, the pesticides and the other pollutants affect the plankton of the sea. Among the plankton are diatoms and other plants which carry on photosynthesis (making starch by use of energy from sunlight). In the photosynthesis process, oxygen is liberated and carbon dioxide is used.

If we kill off enough of the plankton in the sea, or sufficiently reduce their photosynthesis activity, we all will die. This is because an estimated 70 percent or more of the oxygen we breathe is produced by these plankton, Cornell University ecology professor LaMont C. Cole warns. The rest of the oxygen we need we get from other plants, largely green-leafed land plants, and we are busily cutting down on the land area covered

by greenery, what with road-building, building construction, defoliations by herbicides (which also are pesticides), etc.

Up until recently, the outcry against overuse of pesticides came largely from conservationists. Lately, a new force has joined the battle—one which is poor in money and manpower, and composed of people who are very low on the social and political totem pole—but which may mobilize America's conscience to act.

FARMWORKERS FIGHT PESTICIDE USE

The AFL–CIO United Farm Workers, led by Cesar Chavez, have been fighting against growers' use of pesticides that are making the farm workers sick. The grape growers have refused to discuss pesticides with the union. The Kern County agricultural commissioner has refused to tell the union what pesticides are being used, although under state law the users must file such information with him. He bases his refusal on the right of the growers to protection of their trade secrets.

The union has been battling this issue in court, undeterred by the ruling of Kern County Superior Court supporting the agricultural commissioner and the growers. The Farm Workers also are suing to compel seizure of all crops sprayed with the pesticide.

In a letter to the grape growers earlier this year, Chavez wrote, about pesticides or economic poisons: "We have recently become more aware of this problem through an increasing number of cases coming into our clinic. We will be damned—and we should be—if we permit human beings to sustain permanent damage to their health from economic poisons. . . . We are willing to meet with your representative on the sole issue of pesticides, even if you are not prepared to begin full-scale collective bargaining at present . . ."

The growers have rejected this and all other approaches.

The Farm Workers also are warning consumers that DDT, one of the pesticides used on grapes, does not wash off. "In May, 1969, the California Farm Bureau, voice of the farmers in the state, recognizing the grave dangers to the health of consumers resulting from the use of DDT, called for a moratorium on the use of DDT in the fields," the union notes. "Still the grape growers have used more than 100 tons of DDT on California grapes! This is four times as much as in any previous year. DDT residues retain their potency for 10 years. Once DDT is taken into the body it is stored in the fat cells."

The grape workers are carrying their case to Congress and to the public.

Legislation has been introduced, to suspend or ban or further regulate the use of pesticides, or certain ones. Studies are being made of some of these problems, and a commission or commissions may be making studies of the impact of pesticides on the whole environment.

Hopefully, this is not too late.

[From the New York Times, Sept. 12, 1969]

UNITED STATES IMPOUNDING PESTICIDE-TAINTED CHEESE IMPORTS

(By Peter Millones)

Large amounts of imported cheeses—primarily from France, Italy, Rumania and Argentina—are being barred from the country by the Food and Drug Administration because the cheeses contain pesticides.

Since the beginning of the year, 1,782,000 pounds of imported cheese, valued at $2.5 million, have been impounded by inspectors in the Port of New York, to be returned or destroyed. This is about 10 per cent of all the imported cheese that enters New York and, according to inspectors, is a "whopping" increase over previous years.

The ban has meant that specialty cheese shops are switching domestic cheeses to more prominent shelf space and that the prices of some imported cheeses are increasing for consumers.

POPULAR TYPES AFFECTED

Among the cheeses that have been barred are Camembert, Brie, Roquefort, Port-Salut, Parmesan, provolone, Sardo (from Argentina) and Pecorino Romano (from Rumania).

Some batches of these cheeses have passed inspections, inspectors emphasized, and they are perfectly safe to buy, as are other imported cheeses being sold. John J. Zaic, an international trade specialist with the regional office of the Food and Drug Administration, said that the appearance of the pesticide appeared to have more to do with the locality it came from rather than the kind of cheese.

He, and Weems Clevenger, regional director of the F.D.A., said a study was being made by foreign officials with the assistance of F.D.A. specialists to determine why the pesticide, benzine hexachloride, began to appear only this year in the foreign cheeses.

Benzine hexachloride, they said, is similar to DDT, and may only recently have been adopted for use by some foreign cheese makers or others near them.

DOMESTIC PRESSURING SEEN

The Cheese Importers Association of America, Inc., which represents all the major importers here, has its own view of what has happened. It sees the long arm of domestic cheese makers pressuring officials in Washington to tighten standards governing the importation of cheese.

F.D.A. officials here said there was no plot. They said that the residue of pesticides permissible legally in cheese, both foreign and domestic, was the same—none. But, as a practical matter, the officials said, scientists have decided it is absolutely safe to allow 0.3 parts per million.

The imported cheese that has been barred showed evidence of between 0.4 parts per million of pesticide residue to 0.11 parts per million, according to George Boone, chief here of the food and general chemistry section of the F.D.A.

He noted that the port of New York handled 85 to 90 per cent of all cheese imported from abroad. He said there had been no evidence of pesticide in domestic cheeses arriving here.

THEORIES ON CONTAMINATION

Mr. Zaic said there was some indication that the Rumanian cheese, Pecorino Romano, had been contaminated in one plant by workmen who used the pesticide to kill flies near the cheese vats.

In France, he said, there is also a suspicion that one cheese maker had used a whitewash that contained the pesticide on barn walls and in other areas. Cows, it is thought, may have licked the walls or eaten chips from the walls in their grain, and thus contaminated the milk used for the cheese.

Many specialty cheese shops here said they were concerned about the ban, although they did not think the average customer was aware yet that many kinds of foreign cheese were in short supply.

"ROUGH ABOUT CHRISTMAS"

"It's going to be rough about Christmas," said a manager of Cheese of All Nations, 153 Chambers Street. "By then everyone will be aware of it."

A spokesman at Cheese Village, 3 Greenwich Avenue, said that its ability to purchase some French and Italian cheeses was "very erratic" and that wholesalers had taken advantage of the situation to raise the prices of other cheese.

At Cheese Unlimited, 1263 Lexington Avenue, the manager criticized the F.D.A. for allegedly responding to domestic pressures and added.

"I know a salesman who has an order for 30,000 pounds of provolone and can't find any; it's like gold. You know what the commission is on 30,000 pounds? It's more than your salary and mine for a year."

S. 2747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health and Environment Protection Act of 1969."

NATIONAL PESTICIDES STUDY

SEC. 2. (a) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall conduct a comprehensive study and investigation of the use and eects of pesticides on man and other animals, on other life forms, and on man's environment. In carrying out such study and investigation the Secretary shall, among other things, give special consideration to—

(1) the necessity and desirability of using pesticides;

(2) the advisability of permanently prohibiting the use of certain pesticides or classes of pesticides;

(3) the effectiveness of existing Federal regulation of pesticides;

(4) the length of time that pesticides continue to remain in effect in man's environment after application; and

(5) laws and regulations of other countries relating to the use of pesticides and the international consequences of such laws and regulations or the absence thereof.

(b) In carrying out the study and investigation provided for in subsection (a) of this section, the Secretary shall seek the assistance and cooperation of the Secretary of Agriculture and the Secretary of the Interior. He shall also seek the advice and counsel of persons outside the Government who are eminently qualified to assist in carrying out such study and investigation by reason of their education, training, and knowledge in the various fields of science related to such study and investigation.

(c) The Secretary shall submit a report to the President and the Congress on the results of his study and investigation not later than thirty months after the date of enactment of this Act and shall include in such report such recommendations for administrative and legislative action as he deems appropriate.

TRANSFER OF ADMINISTRATION OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

SEC. 3. (a) All powers, duties, and functions of the Secretary of Agriculture relating to the administration of the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) are hereby transferred to and vested in the Secretary of Health, Education, and Welfare.

(b) So much of the assets, liabilities, contracts, commitments, property, records, personnel, and unexpended balances of appropriations, allocations, and other funds (including authorizations and allocations for administrative expenses), available or to be made available, of the Department of Agriculture as the Director of the Bureau of the Budget shall determine relates primarily to the administration of the Federal Insecticide, Fungicide, and Rodenticide Act (on the day before the effective date of this section) shall be transferred from the Department of Agriculture to the Department of Health, Education, and Welfare on the effective date of this section or as soon thereafter as practicable.

(c) Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in order to effectuate the transfers provided for in this section shall be carried out in such manner as the Director of the Bureau of the Budget shall prescribe.

(d) Any transfer of personnel pursuant to

this section shall be without change in classification or compensation, except that this requirement shall not operate to prevent the adjustment of classification or compensation to conform to the duties to which such transferred personnel may be assigned. All orders, rules, regulations, permits, or other privileges, made, issued, or granted by any agency or in connection with any functions transferred personnel may be assigned. All orders, time of transfer shall continue in effect to the same extent as if such transfer had not occurred, until modified, superseded, or repealed by the Secretary of Health, Education, and Welfare. No suit, action, or other proceeding lawfully commenced by or against the Department of Agriculture, or any officer or employee of the United States acting in his official capacity shall abate by reason of any transfer made pursuant to this section.

(e) The Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended as follows:

(1) Sections 3.u., 6.b., and 10 are each amended by striking out "Secretary of Agriculture" wherever it appears therein, and inserting in lieu thereof "Secretary of Health, Education, and Welfare;" and

(2) Sections 3.c., 4.c., 5, and 6.c. are amended by striking out "United States Department of Agriculture" wherever it appears therein, and inserting in lieu thereof "Department of Health, Education, and Welfare."

(f) This section shall become effective 90 days after the date of enactment of this Act.

REQUIREMENTS FOR AND PROHIBITION OF THE EXPORT OF ECONOMIC POISONS TO CERTAIN FOREIGN COUNTRIES

SEC. 4. Section 3.b. of the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135a) is amended to read as follows:

"b. Nothing in this act shall be construed as exempting any economic poison exported to a foreign country from complying with all the requirements of this act. Further, it shall be unlawful for any person to ship or deliver for shipment to any foreign country any economic poison if the Government of such foreign country has indicated in writing to the Secretary that such country prohibits the import of such economic poison and the Secretary has published a notice to that effect in the Federal Register."

MORATORIUM ON THE USE OF CERTAIN CHEMICAL COMPOUNDS

SEC. 5. (a) The Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended by adding at the end thereof a new section as follows:

"SEC. 17. Notwithstanding any other provision of law, for a period of four years following the effective date of this section, it shall be unlawful for any person to distribute, sell, or offer for sale in any Territory, the District of Columbia, or the Commonwealth of Puerto Rico, or to ship or deliver for shipment from any State, Territory, the District of Columbia, or the Commonwealth of Puerto Rico to any other State, Territory, the District of Columbia, or the Commonwealth of Puerto Rico, or to receive in any State, Territory, the District of Columbia or the Commonwealth of Puerto Rico from any place outside thereof the economic poison dichlorodiphenyltrichloroethane, commonly known as DDT, dieldrin, aldrin, or endrin."

(b) This section shall become effective 150 days after the date of enactment of this Act.

GRAZING FEES

Mr. METCALF. Mr. President, on August 7, 1969, the Committee on Interior and Insular Affairs adopted a resolution on grazing fees which is an outgrowth of the hearings held by the committee in February and Secretary Hickel's appearance at the hearings on the confirmation of his nomination.

The resolution merely affirms that the Secretary of Agriculture and the Secretary of the Interior, along with other officials of the executive branch, will report on a timely basis the results of the review of the grazing fee schedule as they plan their action for 1970. The Secretary of Agriculture and Secretary of the Interior have been requested to first consider if the public interest and equity are being properly served and second, if the purpose and intent expressed in the National Forest Acts, the Taylor Grazing Act and the 1952 Appropriation Act are being reflected in the new fee schedules.

The issue of a proper grazing fee has been the subject of numerous congressional hearings. I can recall 1,038 pages of testimony in 1963 when the fee was raised 10 cents. This year in the Senate we had 534 pages of testimony.

Ranchers are hard-working, honest people. I know they are willing to pay a reasonable grazing fee but like all people they seek to hold down costs. Ranchers know that the grazing fees, particularly on public lands, have been below fees on comparable private and State land.

The most recent fee study completed in 1968 took 2 years and cost over $1 million. It was the most comprehensive ever undertaken. It used industry records and data. The study produced a basis for a 10-year schedule of increases to reach a fee lower than is charged on private and State land but comparable when pertinent factors are considered. The resulting fee schedule will not reach a fair market value based on the forage consumed by a permittee's livestock for 10 years. For example, this year's fee on public lands was 44 cents to graze a cow and its calf, if under 6 months, for 1 month. This is the charge for an estimated 800 pounds of browse on a dry weight basis. In the case of sheep this is the fee for 5 sheep plus their lambs or an average of 12 or 13 animals for 44 cents. Nowhere else can the feed for an animal be purchased for 44 cents a month. A rancher cannot feed his 50-pound dog for so little.

Data developed by the Wildlife Management Institute indicates the range of fees on State and private lands in the West. Of course, in some Western States statutory or constitutional requirements define the pricing goals which will be followed on State lands and the purpose of State administration may differ from Federal lands.

I ask unanimous consent to have printed in the RECORD a table showing the data.

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

Lessor and current 1969 grazing rentals on some western lands

Montana:	
Corps of Engineers (Fort Peck)	$1.50
Northern Pacific Railway	[1] 3.50
Valley Mining Co	1.00–1.30
Anaconda Mining Co	1.15
State lands	0.76
Nevada: Southern Pacific Railroad	[2] 0.90–1.75
Utah:	
State Fish & Game Department	[3] 1.50–3.33
Southern Pacific Railroad	[4] 0.85
Colorado: State school lands	1.50–2.00

[1] Until 1966 the N.P.R.R. leased land on a variable basis with the minimum grazing fee per AUM calculated to return 1½ times the tax rate which averaged around $0.80 per AUM. In 1966 it began to increase the fees on the basis of taxes plus a fair return to reach a flat rate of $3.50 per AUM on all N.P.R.R. lands over a 3-year period.

[2] Lease rates charged by the S.P.R.R. presently range from a $0.90 to $1.75 based on tax rates throughout the State. The minimum rates are being increased to reach $1.25 by 1970. All leases have annual rental determinations and are interspersed with public land.

[3] Native and seeded ranges vary from a low of $1.50 per AUM to $3.00 per AUM. Native meadow (both wet and dry) vary from $2.50 per AUM to $3.33 per AUM.

[4] An average of $0.85 per AUM is presently charged but will be increased to a minimum charge of $1.00 by 1970. Charges are based on recapturing tax rates only. S.P.R.R. leases some 100,000 acres in Utah.

Mr. METCALF. Mr. President, the average fee on State lands in Montana, as the table indicates, is 76 cents per AUM. On below average lands the fee is a dime less; on the better lands it is a dime more. Next year the fees will increase by 4 cents, to an average 80 cents per AUM.

I ask unanimous consent to have printed at this point in the RECORD an article published in the Great Falls Tribune, in which the Montana State land commissioner Ted Schwinden discusses the fee increase.

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

GRAZING FEE ESTABLISHED AT 80 CENTS

HELENA.—The grazing rental on state-owned lands of average quality will be set at $.80 per animal unit month in the coming year, Ted Schwinden, state land commissioner, said Thursday.

Schwinden made the announcement following receipt from the Montana Crop and Livestock Reporting Service of average beef prices for the year immediately preceding Sept. 1, 1969.

He said the grazing fee is set annually by a statutory formula which calls for a base fee of $.32, plus two times the average price per pound of beef of the preceding year.

The 1970 fee, he said, is four cents above the 1969 level.

The law provides the $.80 fee be reduced $.10 per animal unit for poorer quality grazing lands and increased $.10 for better quality lands.

Total receipts from grazing rentals in fiscal 1969 amounted to $987,657, he said.

Mr. METCALF. Mr. President, the grazing fee charged by the State of Montana and other Western States, and by railroads and mining companies operating in the West, is above that charged by the Federal Government. The Northern Pacific Railway has been charging ten times as much per AUM as the Federal Government has. For 1970, under the schedule presented to the Senate Interior Committee in February, the Federal fee would go up to about 55 cents per AUM.

Following the Secretary of Agriculture and Secretary of the Interior's promise to review, some ranchers elected to take the Secretaries to court in Utah and New Mexico. Both cases were decided against them. The New Mexico case has been appealed.

It could be argued that the decision to sue and the resultant outcome to date eliminate the need for the Secretaries to make the review they promised the committee they would make. I do not share this view. Every Executive action ought to be given review by the Secretary from time to time to assure it fits current conditions. It is in this spirit of constructive cooperation that Secretaries Hardin and Hickel and the Budget Director promised a review. The main goal of our committee resolution is to produce this review prior to the Secretaries acting to set the 1970 fee level.

It is indeed significant to recall that it was the Bureau of the Budget—not the Secretary of Agriculture or Interior—who announced the grazing fee increase on January 14, 1969. The Bureau of the Budget stated:

Both Departments will study closely and continuously the effects of the new fees.

To me this was a commitment and a sensible recognition that the outgoing administration was not dumping something on a new administration's doorstep.

The fact is that the grazing fee question is not one that suddenly surfaced last year. It had come under intensive study in the 1950's under the Eisenhower administration. It, along with Congress, had directed that a user charge policy be adopted and developed by the Bureau of the Budget. It was Budget Circular A–25 in 1959 on user charge policy and the studies performed then by the Bureau of the Budget and the Comptroller General which focused attention on the grazing fee issue. The joint study undertaken in 1966 was a direct outcome of this 1959 user charge policy.

In 1954 the fee on public land was 12 cents per AUM. Three increases in that decade raised it to 22 cents by 1959, in accordance with fee formulas then in effect.

Between 1960 and 1961 it was raised to 33 cents where it remained while the new study was in process.

The forest service fee is a more complex topic—well outlined in the Senate hearings. For quick comparison, the average fee was 35 cents in 1954, 51 cents in 1960, 42 cents in 1965, and 51 cents in 1968.

For years grazing fees have been well below market value. Under the current schedule, the fees will not reach market value for 10 years. Public land grazing fees never have been related to the value of the forage the livestock consume. Every administration for the last 16 years has expressed the desirability of having a fee representing the worth of the forage.

There should be little doubt that the question of a proper fee was approached with care in the professional studies commenced in 1966.

I would hope that in the continuing review promised by Secretary Hardin, Secretary Hickel, and Under Secretary Train, all relevant facts will be examined.

In the February hearings some witnesses expressed concern that a fee increase would produce ranch liquidation and bankruptcy. Some similar statements have been made in the meetings of the Public Land Law Review Commission. I would hope that the Secretaries will ascertain whether or not there is any evidence that the level of grazing fees has in fact produced such damage.

At present only one-third of the current Bureau of Land Management fee, 14.6 cents per AUM, is reappropriated for range improvement. However, on some Federal grazing areas it takes 40 acres to make an AUM and the plowback is less than 3.7 mills per acre for conservation. Even on the best range, where 5 acres make an AUM, a mere 2.94 cents per acre is available for conservation. There are, in addition, regular appropriated funds provided for range, watershed and wildlife conservation, but even when these funds are included, the conservation work is far below that needed. Five-sixths of the public range is in fair or bad condition. Even worse, five-sixths of the range is rated as not improving. This is because the investments have not been made in needed conservation work. The conservation condition of this public asset is a national tragedy.

On the national forests there has been a lag in funding the comprehensive conservation investments first outlined by the Secretary of Agriculture in 1959. Plans to meet these needs ought to be reviewed.

I would urge that the Secretaries assess these unfilled conservation needs. I want the Secretaries to know I intend to question them closely on whether the funds available for resource conservation permit the kind of progress that makes the public range—which protects watersheds and wildlife and affords recreation—able to make its multiple use contributions to the area and the Nation.

Finally, I would point out the concern that is being expressed over the committee's resolution—concern that the resolution means what it does not. If one examines the resolution as presented to the committee members by the livestock industry spokesmen and the product that the committee unanimously reported, the resolution states its goals clearly. The committee expressed no judgment on the action the Secretary of Agriculture and the Secretary of the Interior took in 1969. The committee made no finding that the fee for 1969 produced hardship or inequity. The committee expressed no judgment that the Secretaries erred in the factors they considered. While two district courts affirmed the Secretaries' actions, the committee's resolution does not express a view on whether the letter or spirit of the applicable laws were met. The committee merely asked the Secretary of Agriculture and the Secretary of the Interior to present to it and to the public the review they promised in February by a date certain—December 1, 1969.

Mr. President, I ask unanimous consent to have printed at this point, in order that the RECORD may be complete, the text of the resolution approved by the Senate Interior Committee, the New Mexico decision, and the comment on the verbal opinion in the Utah case from the March 28 Outdoor News Bulletin.

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

RESOLUTION OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. SENATE

Whereas, the Department of the Interior did on January 14, 1969 under the authority of the Taylor Grazing Act (Act of June 28, 1934; 43 U.S.C. 315 et seq.) promulgate a schedule raising grazing fees substantially for the grazing year beginning March 1, 1969 and providing for further accelerated, progressive increases in such fees for each of the next 10 years (F.R. Doc. 69–527);

Whereas, the Committee on Interior and Insular Affairs, by its Subcommittee on Public Lands, did on February 27, and 28, 1969 hold open public hearings on the announced schedule of increases, and at these hearings representatives of grazers and persons directly affected by the fee increases, as well as spokesmen for the administrative branch of the Federal Government, and other interested citizens, did make oral and written presentations to the Committee;

Whereas, testimony presented to the Committee raised questions as to whether the January 14, 1969 fee schedules do conform with the criteria established by Congress in the Taylor Grazing Act and in Title V of Public Law 137, 82nd Congress (65 Stat. 268,290);

Whereas, there are pending before the Interior Committee of the Senate two bills, S. 716 by Senators McGee and Moss, and S. 1063 by Senator Montoya, both of which would have direct effect upon the January 14, 1969 grazing fee schedule;

Now therefore, be it resolved that the Committee on Interior and Insular Affairs of the Senate of the United States requests and calls upon the Secretary of the Interior and the Secretary of Agriculture with other officials of the Executive Branch of the government, to undertake and complete not later than December 1, 1969 a comprehensive review of the grazing fee schedules imposed by the order of January 14, 1969. Said review shall include consideration of whether the public interest and equity, as well as the purpose and intent of the Congress as expressed in the Acts cited above, are reflected in the criteria and methods which were used in the setting of said fee schedule.

Chairman, Senate Committee on Interior and Insular Affairs.

Approved this 7th day of August 1969.

Attest: ———, *Chief Clerk.*

[In the U.S. District Court for the District of New Mexico]

PANKEY LAND & CATTLE CO., ON BEHALF OF ITSELF AND ALL OTHERS SINGULARLY SITUATED, PLAINTIFF, V. WALTER J. HICKEL, THE SECRETARY OF THE INTERIOR OF THE UNITED STATES OF AMERICA, DEFENDANT, NO. 7869 CIVIL

PANKEY LAND & CATTLE CO., ON BEHALF OF ITSELF AND ALL OTHERS SIMILARLY SITUATED, PLAINTIFF, *v.* CLIFFORD M. HARDIN, THE SECRETARY OF AGRICFLTURE OF THE UNTIED STATES OF AMERICA, DEFENDANT, NO. 7870 CIVIL

MEMORANDUM OPINION

The plaintiff Pankey Land and Cattle Company filed these actions on behalf of itself and the other members of the class it represents against the Secretary of the Interior and the Secretary of Agriculture, seeking declaratory and injunctive relief against each department's newly-promulgated regulations which establish a uniform fee schedule to be charged grazing permittees on the public and forest lands subject to the respective department's jurisdiction.

The two actions were consolidated for purposes of the hearing held upon the plaintiff's demand for a preliminary injunction and the hearing held upon its demand for a permanent injunction and declaratory relief, inasmuch as there is an identity of issues presented in these two actions.

This Memorandum Opinion will therefore be a consolidated opinion, applicable to and decisive of the claims presented in both actions.

The plaintiff seeks to have the challenged regulations, 34 Fed. Reg. 504–05, 506–07 (January 14, 1969), set aside on the basis that both Secretaries acted illegally or beyond their statutory and constitutional authority in promulgating regulations which purport to establish grazing feed based upon the fair market value of forage without attributing a capital cost to the permits and to improvements placed upon the public grazing land by permittees.

The plaintiff attacks the new fee schedule as a violation of the requirement that grazing fees be reasonable, imposed explicitly upon the Secretary of the Interior by the Taylor Grazing Act, *42 U.S.C. § 315(b)*, and imposed implicitly upon the Secretary of Agriculture by *16 U.S.C.A. § 580(l)*. It is claimed that the new fee schedules, based as they are upon the fair market value of forage without taking into account the capital investment in the permit and in range improvements, are confiscatory and unreasonable.

The plaintiff further argues that, even if the new fees do not violate statutory mandates and do not amount to a taking without compensation in contravention of the Fifth Amendment, the new fees are still illegal in that they violate the Secretaries' own regulations.

Finally, the plaintiff claims that the fees are discriminatory, in that flat fees are set for all permittees without regard to the fact that grazing costs vary from district to district so that a national uniform fee cannot reflect fair market value in all districts.

In answer to all the plaintiff's claims, the defendants point out that the lands involved are committed to administration by the respective Secretaries and that each has authority to issue regulations with regard to these lands, subject only to judicial review for acting illegally or abusing the discretion thus vested in him. It is asserted that no abuse of discretion or illegal action was involved in failing to include the capitalized value of the permit as a cost of operating on the public lands.

The defendants reply to plaintiff's claim that the new fee schedule is confiscatory by pointing out that a permit is not a property right and that its tenure is uncertain and subject to withdrawal or to drastic curtailment (in the number of A.U.M.s) at any time that forage conditions may so require.

The plaintiff's claim is premised upon the findings of the Western Livestock and Grazing Survey of 1966. The Survey was the culminating step in a series of events undertaken to comply with the General Appropriations Act of 1952, *65 Stat. 290, 5 U.S.C. § 140*, and with Bureau of the Budget study "National Resources User Charges."

The statutory authority enabling the Secretary of the Interior to establish and charge grazing fees is found in the Taylor Grazing Act, 43 U.S.C.A. § *315(b)*, which directs him to charge reasonable fees for grazing permits issued by him, taking into account in fixing such fees the public benefits over and above those accruing to permittees. Grazing permits on national forest lands may be issued by the Secretary of Agriculture upon conditions and terms deemed by him to be proper. *16 U.S.C. § 580 (l)*.

Pursuant to this statutory authority and regulations issued thereunder, the Interior Department had charged a uniform fee for Bureau of Land Management grazing permits, while Forest Service permit fees varied from area to area. In 1952, in passing the General Appropriations Act, *supra*, Congress expressed the policy that permits such as these should be self-sustaining to the fullest extent possible and that, in establishing fair and equitable fees to accomplish this purpose, direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts, should be taken into consideration.

It was after the passage of this policy declaration that the Bureau of the Budget recommended that studies be undertaken with a view to implementing the policy declared in 1952 Act. The final such study was the massive 1966 Survey.

The survey disclosed that a value was present and attributable to a grazing permit. Nevertheless, in calculating operating costs on public lands so as to determine a new fee schedule, no item was included in such costs representing a return on or the capitalized value of a permit.

It is the failure to include such an item upon which plaintiff bases its claims of confiscation, unreasonableness, and alternatively, violation of the new regulations. While plaintiff's claims are stated in different manners and are presented with varying approaches, in reality they are all one basic claim, namely that the actions of the Secretaries were beyond any discretion committed to them by Congress and hence contravened the statutory standards and were illegal.

Thus viewed, the claim is based upon what the plaintiff asserts will be the end result of the fee increases. Prior to the new schedules, the BLM charges were approximately 35c and the Forest Service charges approximately 50c. The new fee schedules will increase the charges for both BLM and Forest Service lands over a ten year period to $1.23.

Plaintiff claims that these fee increases and the resulting loss of the permit value by the denial of a return on investment therein are illegal because, (1) they will destroy net profits of many ranches and, hence, allow no return on investment on permit value, range improvements, base lands, buildings and equipment and, therefore, most or all of the capital value of a ranch, and (2) they will reduce the rancher's ability to service debt and jeopardize the security for ranch loans by the reduction of the capital value of a ranch.

It is obvious that any increase in the cost of operation of any business has an adverse effect on its profits and value. Regardless of the reason for or the method of computation used, any fee increase for permits on public lands would, in some degree, adversely affect the profits and value of any ranch which includes such lands.

The provisions of the Taylor Grazing Act and the enabling Agriculture act must be read together with the 1952 Act. So viewed, the Secretaries are directed by Congress to establish fees which must be reasonable, fair and equitable, taking into consideration direct and indirect cost to the Government, value to the permittee, the public policy or interest served, and which fees shall be self-sustaining to the full extent possible. In addition, as to the BLM lands, the Secretary shall take into account the extent to which such districts would yield public benefits over and above those accruing to the users of forage resources for livestock purposes.

The record clearly indicates that exhaustive studies and evaluations preceded the fee schedule changes. The 1966 Western Livestock Survey was a comprehensive effort. It cannot be said that the Secretaries did not seek information on which to base their judgments or that they did not consider the various policy factors as directed by the Congress.

That in their conclusions the Secretaries do not agree with one item which plaintiff claims should have been considered as an element of cost in operating on the public domain cannot be held as a matter of law to reflect an action in excess of statutory authority. They view the permit values which have built up over the years to be the result of government largesse in charging extremely low grazing fees as compared to private leasing costs. Further, they maintain that to require the capitalized cost of permits to be included in cost of operation would automatically freeze the grazing fees at their present level, prohibiting any increase based on comparison of costs of operating on private versus public lands. On the record in this cause their view cannot be held as a matter of law to be arbitrary.

The statutes clearly indicate entrustment to the Secretaries of wide areas of judgment and discretion in setting fees which would fall within the range of the various factors which the Congress directed should be considered. See *Secretary of Agriculture v. Central Roiz Refining Co.*, 338 U.S. 604 (1950).

The fact that the cost of private forage for the years 1960 to 1965 was $1.82, whereas the new fees will result in a charge of $1.23 at the end of a ten year period, while not determinative, indicates that the Secretaries have not gone beyond any bound of reason.

What has been said is decisive of all the claims of plaintiff in this case. It has not been shown that the Secretaries have failed to consider all of the factors as directed by Congress. They have acted within the area of discretion and judgment committed to them by law in promulgating the new regulations, see *Rigby v. Rassmussen*, 275 F. 2d 681 (10th Cir. 1960), and thus there is no legal remedy here available to plaintiff. The relief which it desires can only be obtained through congressional or executive channels.

This opinion shall constitute the Findings of Fact and Conclusions of Law of the Court. A judgment binding on the class represented by plaintiff will be entered dismissing the actions.

———, *U.S. District Judge.*

[In the U.S. District Court for the District of New Mexico]

PANKEY LAND & CATTLE CO., ON BEHALF OF ITSELF AND ALL OTHERS SIMILARLY SITUATED, PLAINTIFF *v.* WALTER J. HICKEL, THE SECRETARY OF THE INTERIOR OF THE UNITED STATES OF AMERICA, DEFENDANT, No. 7869 CIVIL

PANKEY LAND & CATTLE CO., ON BEHALF OF ITSELF AND ALL OTHERS SIMILARLY SITUATED, PLAINTIFF *v.* CLIFFORD M. HARDIN, THE SECRETARY OF AGRICULTURE OF THE UNITED STATES OF AMERICA, DEFENDANT, No. 7870 CIVIL

JUDGMENT

The actions filed in Nos. 7869 and 7870 seeking declaratory and injunctive relief having come on for hearing, and the Court having filed a consolidated Memorandum Opinion finding the issues in favor of the defendants and against the plaintiff; Now, Therefore,

It is ordered and adjudged that Judgment be, and it hereby is rendered in favor of the defendant in each action, and the plaintiff's complaint in each action is dismissed on the merits.

It is further ordered that this judgment is binding on the class represented by plaintiff in these actions, to-wit: all holders of permits to graze livestock on B.L.M. or Forest Lands in the state of New Mexico.

It is the further order of the court that each defendant recover his costs of action from the plaintiff.

———, *U.S. District Judge.*

[From Outdoor News Bulletin, Mar. 28, 1969]

JUDGE FINDS IN FAVOR OF GRAZING INCREASE

The Federal Government's determination to receive fair market value for forage taken from public lands by the livestock of grazing permittees passed a critical test with the recent ruling of a federal judge upholding the new grazing fee schedule imposed this year, the Wildlife Management Institute reports.

In setting aside a suit of Utah livestock interests, Federal Judge Christenson of Salt Lake City ruled that the plaintiffs did not show cause of action, that the Secretary of the Interior had acted within his authority, and that he could find no cause that the Secretary had been unreasonable.

A ruling is expected shortly on a similar case in New Mexico. House and Senate subcommitees also have been holding hearings to collect information on the grazing fee situation, but, aside from a few statements apparently made for political consumption, there seems to be no strong push to upset the new grazing fees that were put into effect this year.

Under the plan, fees will be increased gradually over the next nine years until the government begins to receive from grazing permittees a fee comparable to that which the livestockmen are willing to pay for comparable forage on private lands. The 1968 rate for grazing on the public domain was 33 cents and 55 cents on national forests. A comprehensive study shows that the fair-market price of the forage should be $1.31 and $1.50 respectively.

Conservationists support the new grazing fees schedule, believing it to be a necessary step toward bringing grazing use of national forests and the public domain into balance with other appropriate uses of the lands.

DEATH OF LT. GEN. FRANK A. ARMSTRONG

Mr. GRAVEL. Mr. President, on August 20, Lt. Gen. Frank A. Armstrong died in Tampa, Fla. Frank Armstrong was a legendary figure in the U.S. Air Force. He led the first daylight air raid on German-held territory, and the last air raid against Japan. The story "Twelve O'clock High" was based on the general's exploits in the early part of that war.

But he was more than a heroic wartime aviator. Frank Armstrong was a noted polar explorer and he had strong views on national defense that often ran counter to national military policy. But he expressed those views not withstanding the risk to his personal career.

Alaskans knew Frank Armstrong well. He served two tours in Alaska, the last as commander of the combined Army, Air Force, and Naval Command. He was a strong commander and an excellent one. The force of his personality forged an association between the military and civilian communities in Alaska which exists even to this day to the benefit of each community.

Before Frank Armstrong was laid to rest in Arlington Cemetery a man who knew him well and who had served under him wrote a eulogy, "A Thunderstorm in Heaven." I can think of no more fitting tribute. The author is Bill Kelley, of Anchorage, who is well known in Alaska in his own right as a fair and thorough newsman. Mr. Kelley is at present serving as public relations director for the Anchorage Borough School District.

Mr. President, I ask unanimous consent to have printed in the RECORD "A Thunderstorm in Heaven."

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

A THUNDERSTORM IN HEAVEN: A EULOGY FOR LT. GEN. FRANK A. ARMSTRONG JR.

(By Bill Kelley)

The old man has flown away. He lives now among his friends—and his enemies. In the hearts and minds of many men who will always remember.

His was a life not easily forgotten.

Slight of stature: he was a giant among men.

Brave men followed him. Even unto death; but because of him, more brave men survived.

In the great war they numbered "Two", he fought his way. Through vicious flak-filled skies in fragile gray-green birds of war with bellies full of death.

He swore and sweat,

And cursed and bled,

And died a little when a bird was lost or a flyer hurt.

He paid the price of leadership in loneliness and pain. He hated war; but needed it to be alive. And prove that he was him.

He was born to fight. And he was brave; but more than that—

He was just. And true.

And his passion for truth and justice sustained his flight through life.

Thus, he was no match for the

Barricades of bureaucracy

which would follow the Age of the Tiger.

Still, he fought with bluntness and with truth until at last when he had reached his zenith, he was forced to fold his wings and glide to rest upon a peaceful pasture.

He lost a wife. Then gave a son in a battle he could not fight.

And he died a little more.

He found new love, and it made the days of lost command a little easier to bear.

But then it was time for the final flight. And he fought it until his strength was gone—and the Reaper won the day.

But as he left the earth—grown men wept. Men who had served him and men whom he had served.

He left behind a sterling record—enviable, yet unenviable. For in his time, he had been loved, hated, admired, scorned, praised and degraded. He had lived and loved and won and lost, but he was always fighting until he died.

He lived according to a philosophy—one stated by his mentor—another leader of men called Ira Eaker. Of leadership he had said, "Why anyone should seek military leadership seems to me an anomaly, for the rewards are slim indeed. Lincoln was shot. Lee came away from Appomattox with nothing but his horse and his sword. Churchill was rewarded for saving Britain by being defeated at the next election. Political leadership may pay better. I suppose it does. But it would seem the ultimate rewards for leadership of either kind are a plot in Arlington and a paragraph in history, usually written long after its subject has ceased to read."

Now General Frank has ceased to read. But his paragraph has already been written. It is written in the hearts and souls of those who loved him and respected him—and those who feared him, too.

There is no caste system in heaven and hell is not exclusively populated by privates and lieutenants. Generals can go there, too.

But General Frank had his hell on earth, and if God is indeed good, the old man flies this day with Angels.

Here on earth, he loved rough weather. For it posed more fights to battle. So with God's good grace, there'll be a thunderstorm in heaven, and Frank will be easy to find.

He'll be the Angel in the darkest cloud. And he'll be smiling.

STUDENT DISORDER

Mr. ALLOTT. Mr. President, Barnet Nover, the dean of the Washington press corps, has acquired a reputation over the years for outstanding reporting and perceptive analysis.

There is little doubt why he has such a reputation when he has the opportunity to write an in-depth report such as that which appeared in the Wednesday, September 3, 1969, edition of the Denver Post entitled "Crisis at Cornell Shocks Alumni."

I have long been interested in the subject of student disorder, and Mr. Nover's piece provides an excellent insight into the effect that campus anarchy has had on the alumni of one of the Nation's leading universities.

I commend this piece to Senators, and I commend Barney Nover for this outstanding feature, as well as the Denver Post, for whom Mr. Nover is Washington bureau chief, for providing expanded coverage on this vital subject.

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

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

OLD GRAD'S VIEW: CRISIS AT CORNELL SHOCKS ALUMNI

(By Barnet Nover)

(EDITOR'S NOTE.—Barnet Nover, chief of The Denver Post's Washington Bureau, returned to his college, Cornell University, for a summer reunion. His observations as an old grad returning to a strife-torn campus have relevance as a new college season opens.)

WASHINGTON.—Cornell alumni who returned to their alma mater for class reunions this summer decovered to their chagrin that much had changed on the campus where they had spent so many happy days.

They found, for instance, that in this Ivy League university there was less ivy on the walls (many of the new buildings are of glass and concrete construction and resemble factories) and more ivy on student faces.

There is nothing the average old grad hates more than to find his college changed in any major particular. He prefers to see it remain exactly as it was—unchanged like a fly in amber.

But the alumni had come back to a Cornell which in April had been hit by a tornado of student dissent and even rebellion, a cataclysm which resulted in deep and bitter divisions within the faculty, the administrative personnel, the board of trustees, and the students. And it had resulted in the resignation of Dr. James A. Perkins, who for seven years had been president of the university.

It was little comfort that the disturbances at Cornell were, except in one particular, similar to disturbances elsewhere in academia.

The one difference, a very frightening one, was that the major incident of the April upheaval at Cornell had been produced by armed black students with whom the college administration had negotiated and to whom it had capitulated.

What had happened in April on the Cornell campus was the subject of three alumni round tables.

These round tables permitted the expression of varying and even sharply conflicting views by administrative personnel and members of the board of trustees; by student representatives; and by members of the faculty.

The round tables were extremely well at-

tended by the returned almuni. But all the explanations in the world couldn't destroy or alter the sense of bewilderment and disgust among Cornellians as to what had happened.

It was certainly outside the experience of the older alumni.

They represented classes covering a range of well over 60 years. Collectively, they had lived through at least four wars—the First and Second World Wars, a prolonged economic depression of grim dimensions, and innumerable other national and international crises.

Cornell had been affected by all of them. But never before had it found itself besieged by its own students.

These events had included: A vociferous demand by some students, white as well as black, for the firing of a visiting professor because, allegedly, he had expressed "racist" views; forcible interference with a representative of a bank who had sought to recruit graduates for employment in his firm, the objection being that the bank had business relations with South Africa; and a violent physical assault on Perkins while he was making a speech.

Also: The occupation of campus buildings including the student union, Willard Straight Hall.

Willard Straight was taken over by some 100 black students who, alleging they needed them for their own protection, had had guns brought to them and they emerged flaunting these guns and bandoliers.

SURRENDER DENOUNCED

The picture of this event went around the world and infuriated the great majority of alumni.

Perkins and other spokesmen of the administration had justified the surrender to the black students (to get them to withdraw from Willard Straight) on the ground that only in this way had bloodshed been prevented.

This may well have been the case. But Perkins didn't help his cause, or endear himself to the infuriated alumni, by hailing what might well be described as the Far-Above-Cayuga's-Waters Munich Pact as a great accomplishment.

The alumni mean a great deal to Cornell, which ranks 4th among the nation's top universities in the total volume of gifts received.

In 1967–68 the Cornell Fund received a record-breaking $2,404,472 in gifts from 24,482 alumni, parents, and friends.

The fund goal for 1968–69 had been set at $3 million; it fell below that, probably for reasons not unconnected with the April troubles. The overwhelming majority of alumni who had written Perkins were highly critical of the way he and the university had handled the crisis and many threatened to cut their contributions. Their letters and telegrams were undoubtedly a major factor in his decision to give up the university presidency.

Alumni found some unexplained and puzzling aspects in the chronology of events in the April crisis.

The black students who had occupied Willard Straight gave as one of the major reasons for this action that it was in protest at the burning of a flaming cross on the grass fronting a house where 12 black women students lived. This shocking development (stirring up bitter memories of the Ku Klux Klan) had followed threatening and obscene telephone calls.

But some accounts insist that the black students, members of the Afro-American Society (later renamed the Black Liberation Front), had made plans to occupy Willard Straight Hall for other reasons even before the burning of the cross.

The group had been insisting that judicial procedures taken against three black students involved in incidents in December 1968, be nullified. To this the university finally agreed and that was why Willard Straight was evacuated.

SMALL MINORITY

During the April events a very large number of Cornell students got caught up in the crisis. But the activists, black and white, never numbered more than a small minority.

Among the whites the activists were largely members of the Students for Democratic Society (SDS).

The SDS at Cornell, as elsewhere, continues to breathe fire and threaten destruction. But there are signs that this motley collection of disturbed, largely middle class, Marxist cum anarchist cum anti-establishment youth is beginning to disintegrate. The Chicago convention taken over by Trotzkyists suggests what is happening to the SDS.

The SDS played only a secondary role in the April crisis at Cornell, its principal activity then being to applaud and support the black activists who couldn't care less whether those whites were with them or against them.

The black activists are another matter.

They are tough and bitter, and angry. Significantly, not one came to Perkins' defense when h was attacked for his surrender to them or when he resigned. And yet it was Perkins, determined to show his good will to the blacks and perform an act of Justice, who four years ago started the so-called COSEP plan to make it possible for more than a handful of blacks to come to Cornell.

Cornell had always had a scattering—but never more than a scattering—of Negroes.

In my own senior year a Negro woman student had been elected to Phi Beta Kappa.

But it was Perkins who persuaded the board of trustees to approve a plan under which 250 black students, of better than average intelligence but without the financial means or the academic qualification that would have enabled them to enter Cornell under normal conditions, would be admitted and helped in every way to finish their studies.

The program (the initials represent Committee on Special Educational Projects) was partially financed by the Rockefeller Foundation.

Altogether about 250 black students have been admitted to Cornell under this program. Few have dropped out for academic reasons. Of the 25 in the 1969 graduating class, the first under COSEP, five have been admitted to leading medical schools, five given jobs by major industrial firms, five admitted to graduate schools, five to professional schools.

BLACK DEMANDS

But this attempt to overcome the educational handicaps from which black students suffer failed to take into account that, as the difference between these black students and their white classmates were overcome, the blacks would feel all the more keenly their separateness from the college community as a whole.

At Cornell, as in so many other colleges and universities, this led to a demand for a Black Studies program so far as possible under black direction with black teachers and with the curriculum determined by the black students and faculty.

Perkins and the board of trustees of the university approved this program which will be housed at the headquarters of the Afro-American Society.

Among institutions of higher learning, Cornell would be least likely to take objection to a Black Studies program as such.

"I would found an institution where anyone can find instruction in any study," said Ezra Cornell.

When Cornell came into being in the 1860s it broke the classic mould of university education then prevalent by providing courses in agriculture and engineering, doing away with compulsory chapel, and pioneering in other ways.

Subsequently, the same pioneer spirit was manifested in the founding of the School of Hotel Management, the School of Labor Relations, a School of Music, and the Theatre Arts, a School of Nutrition, and others.

Certainly there is a vast need for scholars to delve objectively and with scholarly decorum into the history of African lands and the contributions made by black persons to the United States.

But there is a vast difference between the scholarly approach—with its aim of widening the frontiers of knowledge— and the evangelical approach so that the program serves chiefly to feed the black man's pride. And many members of the Cornell faculty (the same must be true elsewhere) are offended by the reverse integration reflected in so many Black Studies programs.

In one of the forums held for benefit of the alumni, Prof. Allen P. Sindler, dean of the department of government, said he had handed in his resignation because his fellow professors had been so craven in not coming to the defense of the principal of academic freedom when black students demanded the resignation of the visiting professor who, they had alleged, had expressed "racist" views.

Instead, said Sindler, they had begun, out of fear, editing their own lecture texts.

Regardless of Perkins' announcement that he was giving up his presidency, the Cornell faculty remains bitterly divided.

The fact that it had originally, and by a vote of 726 to 281, passed a resolution condemning seizure of Willard Straight Hall, the carrying and the use of weapons on campus and had refused to approve the dismissal of penalties on three students (but under pressure had later agreed to the terms of the capitulation agreed to by the president) only intensified the faculty malaise.

They could say as did a French friend of mine at the time of Munich: "I feel personally unclean."

CLOUD REMAINS

Some of them decided, despite their qualms, to remain on the Cornell faculty and work from within against the forces of anarchy. Three have resigned. The events of April 1969 and what preceded them will remain a cloud over what had been a highly distinguished body.

One reason Cornell and so many other colleges and universities are in trouble arises out of the fact that the challenges they had to face have been unique in their history. When the crisis came they had no guidelines and their instincts and consciences were not always the best of guides.

Cornell was never exactly an ivory tower in the past.

Always, it touched life and the world of affairs at many points. But it found no useful precedents in coping with student revolts, white and black, of the kind it never had to face in the past. And while the emotional steam behind these revolts could be understood (particularly in view of the vast distempers produced by the Vietnam War and by the ferment among the blacks), the actions taken by the militant students made no sense. Nihilism never does.

In a recent article in Commentary, Walter Laqueur, director of the Institute of Contemporary History in London and a visiting professor in the History of Ideas at Brandeis University, pointed out that student movements of the kind troubling the United States (and by no means this country alone) aren't new.

In fact, they go back to the Middle Ages. Some of them, he notes, the Sturm and Drang movement in the early 19th Century for instance, are strikingly modern. That youth revolt, he says, "combined opposition to social conventions with a style of life that is familiar enough today: wild language, long hair, and strange attire."

Most of the student movements of the past were the products of deep pessimism about the way the world is going, coupled with a state of affluence. This is certainly the case today.

There were no student revolts at Cornell in the good old days when one out of four Cornell undergraduates was working his (or her) way through college and the going rate for odd jobs was 20 cents an hour.

There were no student revolts during World War I when the idealism of youth (and misdirected or not there is plenty of it today) was pinned to the idea that we were fighting "a war to end war," or in World War II which began with an attack on the United States on "the day of infamy," and patriotic fervor was stirred up.

Laqueur cities a scholar, Prof. Lewis Feuer, who has made an in-depth study of student movements as saying that many disasters in modern European politics have been caused by students and youth movements.

Laqueur isn't ready to go so far. But he feels the present American youth movement has missed the boat.

"It is therefore doubly sad," he declared, "that in its extreme form it (the student movement) has taken a destructive course, self-defeating in terms of its own aims. It seems fairly certain at this point that the American movement will result in a giant hangover, for the more utopian a movement's aims, the greater the disappointment which must inevitably ensue. The cultural and political idiocies perpetrated with impunity in this permissive age have clearly gone beyond the borders of what is acceptable for any society, however liberally it may be structured."

INTERNATIONAL RED CROSS COMMITTEE ADOPTS RESOLUTION ON PROTECTION OF PRISONERS OF WAR

Mr. MONTOYA. Mr. President, I have spoken before of measures we might undertake to mobilize world public opinion to the need for continued efforts and intervention in behalf of proper treatmet of American and other prisoners of war.

On August 22, I directed a letter to Secretary of State Rogers urging that the International Committee on the Red Cross be approached about pursuing the prisoner release and exchange matter during the course of the ICRC's 21st International Conference in Istanbul during the first 2 weeks of September.

I was greatly heartened to learn from the Department of State recently that the U.S. delegation to the conference, led by Ambassador Graham Martin, was able to win support for a formal resolution calling for the protection of prisoners of war. The resolution was adopted and passed by the ICRC on September 13 by a vote of 114 to 0, with seven abstentions.

Ambassador Henry Cabot Lodge, during his September 13 statement at the 33d plenary session of the Paris Vietnam peace talks, announced that the resolution had been adopted. He also commented that the resolution stated that the Geneva Prisoner of War Convention "applies to each armed conflict between two or more parties to the convention without regard to how the conflict may be characterized," and that the resolution also calls up "all authorities involved in an armed conflict to insure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are accorded humane treatment and the full measure of protection prescribed by the convention, including free access to the prisoners of war and all places of their detention by a protecting power or by the International Committee of the Red Cross."

Mr. President, these and other efforts appear to reflect a growing concern and consensus of world opinion that more must be done as rapidly as possible to bring about implementation of the 1949 Geneva convention agreements on treatment of war captives. I am confident that each of my distinguished colleagues in both Houses of Congress will continue to explore every avenue of approach in dealing with this very real problem. I again invite each of them to join me in cosponsorship of my resolution, S. 245, calling for the use of all means of peaceful persuasion to accomplish these ends.

For my part, I intend to continue my attempts to marshal world public opinion against Hanoi's outrageous and brutal treatment of our boys in North Vietnam, and to continue to assist other concerned individuals in their efforts to press for proper treatment of prisoners of war.

Mr. President, I ask unanimous consent that the following items be printed in the RECORD:

First. My August 22 letter to Secretary of State Rogers.

Second. The Department of State's September 5 response to my suggestions.

Third. The resolution adopted and passed by the 21st International Conference of the Red Cross, in Istanbul, Turkey, September 13, 1969.

Fourth. Statement by Ambassador Graham Martin, chairman of the U.S. Government's delegation to the 21st ICRC conference, introducing the above resolution and inviting all nations to support it.

Fifth. Copy of the August 22 letter to His Holiness, Pope Paul VI, signed by myself and others of my colleagues, suggesting that a papal appeal in behalf of POW's would be extremely influential in helping crystallize world opinion.

Sixth. Translation of an article in the September 9, 1969, issue of the French newspaper, Le Figaro, on prisoners of war in North Vietnam.

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

AUGUST 22, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: It has come to my attention that the International Committee on the Red Cross will be holding its international conference in Istanbul during the first two weeks of September, and that an item which is currently on their provisional agenda is that of "protection of victims of non-international conflicts."

In my judgment, it would seem most timely and appropriate for the entire Prisoner-of-War issue—including the release and exchange of prisoners of War in North Vietnam, Laos, and others wrongfully detained in Communist-held territories—to be pursued by delegates at the Conference.

I should therefore like to suggest that you consider our U.S. Representative to the Conference approaching Mr. Marcel Naville, President of the ICRC, in Geneva, Switzerland, on the matter, with a view to seeking release of U.S. and other prisoners currently in Communist hands, or minimally with a view to implementation of the 1949 Geneva Convention—i.e., securing a list of U.S. prisoners now in their custody, immediate release of sick and wounded prisoners, a free flow of mail between them and their families, and the opening of their prison camps to international inspection.

In this connection, there are enclosed for your information: (1) S. 245, a Resolution which I introduced in the United States Senate on August 13th, together with my remarks on the Senate Floor, on the Prisoner of War issue; and (2) a copy of a letter which I and a number of my colleagues have directed to His Holiness, Pope Paul VI, enlisting his efforts in helping to mobilize world opinion in behalf of proper treatment of prisoners of war.

Your prompt attention to this request will be personally appreciated, and I look forward to your early response.

Cordially,

JOSEPH M. MONTOYA,
U.S. Senator.

DEPARTMENT OF STATE,
Washington, D.C., September 5, 1969.

HON. JOSEPH M. MONTOYA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONTOYA: Secretary Rogers has asked me to respond to your letter of August 22 suggesting that we raise the subject of our prisoners of war at the International Red Cross Conference which takes place in Istanbul September 6–13, 1969.

I am glad to report that our delegation to the Conference, which is led by Ambassador Graham Martin, intends to do all it can to pursue this subject at the Conference. They are under instructions to work with other delegations to see what can be done through private contacts to aid the prisoners, and they will work to win support for a formal resolution calling for humane treatment of prisoners of war, as required by the Geneva Convention of 1949.

Our delegation will be in direct touch with President Naville of the ICRC, as you suggest, and will work closely with him and other ICRC officials to explore new steps to gain North Vietnamese observance of the Geneva Convention. However, it must be recognized that North Vietnam has persistently rebuffed efforts by the ICRC to gain access to the prisoners, just as they have spurned our initiatives in Paris and elsewhere, so it is not likely that they will respond positively to appeals of this Conference or the ICRC. At the same time there is reason to believe Hanoi is sensitive to world opinion, and we intend to do all we can to make them aware of the concern felt by people everywhere about their treatment of our men.

This concern is all the greater in light of the testimony September 2 by two of the released prisoners, who graphically described the harsh treatment that they and other prisoners received.

Thank you for sending a copy of your Resolution, S. 245, on this subject, and the copy of your letter to the Pope. We share your hope that such efforts will help mobilize public opinion to press for proper treatment of prisoners of war.

Sincerely,

WILLIAM B. MACOMBER, JR.,
Assistant Secretary for Congressional Relations.

RESOLUTION ADOPTED BY THE 21ST INTERNATIONAL CONFERENCE OF THE RED CROSS, IN ISTANBUL, TURKEY, SEPTEMBER 13, 1969

(NOTE.—The International Conference of the Red Cross is held every four years, and is the highest governing body of the Red Cross. Governments who have signed the

Geneva Conventions of 1949 relative to the Protection of War Victims, all national Red Cross Societies, the International Committee of the Red Cross and The League of Red Cross Societies make up the membership of this Conference.)

RESOLUTION NO. 3—PROTECTION OF PRISONERS OF WAR

The XXIst International Conference of the Red Cross.

Recalling the Geneva Convention of 1949 on the protection of prisoners of war, and the historic role of the Red Cross as a protector of victims of war,

Considering that the Convention applies to each armed conflict between two or more parties to the Convention without regard to how the conflict may be characterized,

Recognizing that, even apart from the Convention, the International community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick or wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisals,

Requests each party to the Convention to take all appropriate measures to ensure humane treatment and prevent violations of the Convention,

Calls upon all parties to abide by the obligations set forth in the Convention and upon all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are treated humanely and given the fullest measure of protection prescribed by the Convention; and further calls upon all parties to provide free access to the prisoners of war and to all places of their detention by a protecting Power or by the International Committee of the Red Cross.

Adopted without dissent by vote of 114–0 (with seven abstentions).

STATEMENT BY AMBASSADOR GRAHAM MARTIN, CHAIRMAN OF THE U.S. GOVERNMENT DELEGATION TO THE 21ST INTERNATIONAL CONFERENCE OF THE RED CROSS, ISTANBUL, TURKEY, SEPTEMBER 10, 1969

Those of you who were present at the Twentieth International Conference of the Red Cross in Vienna in October 1965, will recall that the Conference expressed its concern for the treatment of prisoners of war whose confinement removed them from combat and whose presence presented no threat to their captors. The armed conflicts that existed at that time and the conduct of some governments who have acceded to the Geneva Conventions in failing to honor their obligations under the Conventions to provide humane treatment to prisoners of war, showed the need for the resolution which the Conference passed four years ago.

Now four long years have passed since the adoption of that resolution, which called "upon all authorities involved in an armed conflict to ensure that every prisoner of war is given the treatment and full measure of protection prescribed by the Geneva Convention of 1949. . . ." In the case of the Communist authorities in southeast Asia, the solemn appeal of the last conference fell on deaf ears. North Vietnam and the Viet Cong have refused consistently to observe even internationally recognized minimum standards of humanitarian treatment for prisoners they hold as a result of the armed conflict in Vietnam.

The concern of the United States about these prisoners has been expressed by President Nixon and also by Ambassador Lodge at the Paris Peace Talks. Secretary of State Rogers and Secretary of Defense Laird also have repeatedly publicly expressed urgent concern about the failure of the Communist authorities in Vietnam to live up to the humanitarian standards of the Convention and to treat humanely personnel who have fallen into their hands.

The concern of these highest officers of the United States is universally shared by all the American people. I am glad to note that we are not alone in our concern. Speaking in London on March 19, Jacques Freymond of the ICRC, said concerning the work of the committee:

"In Vietnam, it has so far had limited success. In fact, in spite of repeated representations, it has not been able to obtain the agreement of the Democratic Republic of Vietnam to the installation of a delegation in Hanoi nor even to the visiting of prisoners of war.

"The Hanoi authorities have, it is true, assured the ICRC that these prisoners are treated humanely by them. The committee has therefore had to content itself with sending medicines, medical equipment and, more recently, two field hospitals to the Democratic Republic of Vietnam.

Mr. Freymond went on to say:

"On the other hand, the ICRC is represented in Saigon and the delegates are able to visit all prisoner of war camps. They also regularly receive nominal rolls of these prisoners."

I might add that the Government of the Republic of Vietnam, in cooperation with its allies, has placed great emphasis on proper treatment of prisoners of war captured by allied forces.

Today, in September 1969, I have the sad duty to report to you that we have seen that the Communist authorities in southeast Asia have refused to cooperate with the ICRC. We also know as a fact that North Vietnam is violating every basic provision of the prisoner of war convention it signed and is in fact seriously mistreating our men it holds as prisoners. We are deeply concerned and outraged by this grave affront to human dignity and international responsibility.

When I said that we know that our men who are captured in Vietnam are being mistreated, I spoke with the assurance of unmistakable evidence—a touching witness provided by one who had himself actually been subjected to this savage and inhuman treatment. Since the time of the last conference we have known that North Vietnam was refusing to provide the names of all the men it held as prisoners, and that they have refused to permit impartial inspection of its prisoner facilities by the ICRC or any other impartial intermediary. It has long been obvious that prisoners have been denied or severely restricted in their right to communicate with their families. The hundreds of waiting families who do not even know if their man is alive today are sad witnesses to this fact. We also have seen the North Vietnamese release photographs of seriously sick or wounded prisoners who should be repatriated immediately.

Today we have confirmation of what has been an even greater concern for us—our men are being seriously physically and mentally mistreated. The men whom North Vietnam recently chose to release have, in spite of threats by their captors, felt duty bound to tell the world how North Vietnam treats its prisoners. Their story is not a pleasant one and it pleads for prompt and strong action by this Conference. North Vietnam denies universally accepted standards of humanitarian treatment for prisoners and violates the provisions of the Geneva Convention to which it acceded by:

(1) Refusing to identify the prisoners it holds and account for those missing in North Vietnam.

(2) Torturing prisoners both physically and mentally.

(3) Keeping prisoners in isolation cut off from their fellow prisoners and from the outside world.

(4) Failing to provide an adequate diet.

(5) Failing to repatriate the seriously sick or wounded.

(6) Refusing to permit impartial inspection of prisoner facilities by the ICRC or another appropriate intermediary.

(7) Using prisoners for propaganda purposes.

(8) Denying regular exchange of mail between all prisoners and their families.

(9) Failing to provide adequate medical care to all prisoners in need of treatment.

May I ask you to hear the actual words of Lt. Robert F. Frishman, USN, one of the prisoners recently released by North Vietnam. On September 2, 1969, less than a fortnight ago, from our Naval hospital in Bethesda where he is recovering from his ordeal, he had this to say:

"My intentions are not to scare wives and families but Hanoi has given false impressions that all is wine and roses and it isn't so. All I'm interested in is for Hanoi to live up to their claims of humane and lenient treatment of prisoners of war. I don't think solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of finger nails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing an exchange of mail to prisoners of war are humane.

"Why don't they send out a list of their prisoners of war? Why do they try to keep us from even seeing each other? Certain prisoners of war have received publicity. Others are kept silent. Why aren't their names officially released? If they don't have any secondary alternatives or motives in mind, then release the names of the prisoners of war so their families will know their loved ones' status. I feel as if I am speaking not only for myself, but for my buddies back in camp to whom I promised I would tell the truth. I feel it is time people are aware of the facts."

Lt. Frishman was addressing his own people in America. But it is time for the world to know these facts. Therefore, I share Lt. Frishman's words with you gathered here in this Conference.

In the most recent provisional activity report submitted to this Conference by the ICRC, it is stated that "on 3 June 1969 the ICRC again wrote the Government of the Democratic Republic of Vietnam reminding it of the obligations incumbent on it in accordance with the 1949 Geneva Conventions for the protection of war victims." And at our opening session the distinguished new President of the ICRC reported to us that North Vietnam had not yet allowed any representative of the ICRC to enter its territory.

Each of us has a moral duty to see that signers of the Convention honor the internationally accepted principles of humane treatment of prisoners of war. We trust that this conference, which has a fundamental and abiding interest in the Geneva Prisoner of War Convention will declare itself clearly and unequivocally concerning the humane treatment of prisoners—all prisoners in all parts of the world. The resolution before us was carefully drafted by the co-sponsors to insure the universality of its coverage to all prisoners of war wherever held, by whatever nation, great or small. We hope, therefore, that all national delegations and all national societies will join those nations and national societies which have already sponsored this resolution. We believe, Mr. Chairman, it should be supported unanimously.

U.S. SENATE,
Washington, D.C., August 22, 1969.

His Holiness, the POPE,
Vatican City,
Rome, Italy.

YOUR HOLINESS: Knowing of your Holiness' labors on behalf of world peace, and your devotion to justice, may we take the liberty of calling to your attention the plight of American and other prisoners of War in North Vietnam and adjoining Communist-held territories.

According to official statements of the United States Government, over 1300 men are listed as missing in North Vietnam. Their fate is unknown, although many, and perhaps most of them, are prisoners either of the North Vietnamese or the National Liberation Front. An additional 114 men are missing over Laos, and it is presumed that a number of these men are prisoners of the Communist Pathet Lao.

By the terms of the Geneva Convention of 1949, to which North Vietnam is a party, detention camps for prisoners of war must be open to international inspection. The detaining power must release the names of the prisoners it holds; it must give proper treatment to all prisoners, release the sick and wounded, and permit a regular flow of mail between the prisoners and their families.

The Government of North Vietnam has done none of these things; nor have the National Liberation Front or the Pathet Lao. Of the 1300 men listed as missing, less than 100 have been heard from in the past five years. More than 200 of the men listed as missing have been in that status for over three and one-half years. Only a tiny handful of prisoners have ever been released.

The families of most of the men held by the Communists do not know whether they are alive or dead. And their names do not appear on any list of prisoners, for no list has been issued. The conditions under which they are being held have not been inspected by any appropriate international body. From films released by North Vietnam and from the appearance of some of the few who have been released, there is reason to question whether those still in captivity are in fact being treated humanely.

All appeals for information concerning these prisoners, and for their immediate release, have been turned aside by the Communist authorities. Indeed, the North Vietnamese representative at the Paris negotiations has said that the United States would get no list of prisoners until it "ceased its aggressive war" in Vietnam and withdrew its troops. The National Liberation Front has coupled a proposal for the release of the prisoners with a demand that the United States pay reparations for the war's devastation

The actions of North Vietnam and the National Liberation Front in this matter are clearly violations of the Geneva Convention. They cause needless anguish and suffering both for the men who are being held, and for their families. The treatment of these captured men is all the more reprehensible in view of the fact that both the United States and South Vietnam have opened their Prisoner of War Camps to international inspection and complied with other requirements of the Geneva Convention.

It has occurred to us that an appeal from Your Holiness, with your unrivaled moral authority, would be extremely influential in helping to crystallize world opinion against arbitrary imprisonments under the conditions described above, in securing the release of the prisoners, and in enhancing chances that others who are wrongfully detained without trial and on dubious and trumped-up charges might be released or have their sentences reduced.

We feel that it is as much to the advantage of the Communist nations as it is to Western countries to abide by and respect these basic humanitarian values. In this shrinking and profoundly changing world, more and more men are groping for and demanding common values and guiding principles which transcend national frontiers and will lead us to a new and better world. While nations often do not see themselves as obliged to explain or report reasons for their decisions, still it is significant that they do feel compelled to justify what they do according to principle. Certainly the principles advocated here would appear to be guiding forces in the lives of peoples everywhere. Political ideologies notwithstanding, when a nation places its political actions outside of and ignores these basic values, and refuses to abide by interntaional agreements, the effect must be to bring the pressures of world opinion on those who would choose to flaunt global policy.

May we, therefore, most respectfully request that your Holiness intercede with the Government of the Peoples Republic of North Vietnam, and the Communist authorities in adjacent territories, with a view to securing the release of United States and other prisoners currently in Communist hands. May we further request that if the Communist authorities are unwilling to agree to a prisoner release and exchange, that they be approached with a view of securing a list of U.S. prisoners now in their custody, immediate release of the sick and wounded prisoners, a free flow of mail between them and their families, and the opening of their prison camps to international inspection.

There is enclosed for your information a copy of a Resolution introduced in the United States Senate, together with remarks made by United States Senator Joseph M. Montoya at the time the Resolution was introduced. Should you or your representatives desire further information, we will be most pleased to see to it that it is provided you at the earliest opportunity.

Your Holiness' most humble servants,
ALLEN J. ELLENDER, RUSSELL B. LONG, FRED HARRIS, MARGARET CHASE SMITH, HOWARD W. CANNON, ALAN CRANSTON, JACK MILLER, JOSEPH M. MONTOYA, ALBERT GORE, GEORGE MCGOVERN, JENNINGS RANDOLPH, HARRISON A. WILLIAMS, JR., JOHN SHERMAN COOPER, EDWARD W. BROOKE, *U.S. Senators.*

ANXIETY IN UNITED STATES CONCERNING FATE OF AMERICAN PRISONERS HELD IN NORTH VIETNAM

(Translation of article in Sept. 9, 1969, issue of French Newspaper Le Figaro)

We have received during these last weeks a certain number of letters from American families with relatives who are prisoners in Vietnam and who have been without news of them for long months. The letters these families send have received no response.

Here, for example, is what one American woman has written us: "As the wife of a prisoner of war in North Vietnam. I beseech you to help me and those who are also in my situation. My husband has been a prisoner since June 17, 1966. As you know, the North Vietnamese have never published lists of prisoners they hold, and they have never given any information on the treatment of these prisoners."

An American man whose brother was taken prisoner in October 1965 has written us: "Hundreds of families have been without any information for years as to whether their relatives who are prisoners are still alive and are most anxious concerning their state of health . . ."

The signers of these letters asked us to make this situation, the pain of which one can guess without difficulty, known to international opinion.

We do it all the more willingly because this state of affairs is completely abnormal. The Government of North Vietnam in 1957 signed the Geneva Convention which defines the treatment that must be accorded to prisoners of war and combatants. This Convention prescribes among other things: the publication of the names of the prisoners, the immediate liberation of those who are seriously ill or wounded, inspections to verify the living conditions of the prisoners, the exchange of letters between the prisoners and their families.

The number of American prisoners is about 1,350, of whom 350 to 400 are held in North Vietnam. Fewer than 100 of them have been authorized to write to their families. This situation has led to the establishment in the United States of a "National League of Families of American Prisoners in Southeast Asia."

It is inconceivable that a government which claims to fight for justice and liberty would violate rules that are designed to insure that a certain degree of humanity is respected for the well-being of those who have ceased being combatants.

REDUCTION OF TROOPS IN VIETNAM

Mr. ALLOTT. Mr. President, I have, in the past, had occasion to disagree sharply with the editorial policy of the Washington Post. Notwithstanding this fact, however, I have continued to follow this editorial policy with rapt attention, hoping to find that semblance of balance which is so critical in these times. Recognizing that a moderate is really nothing other than a Republican who happens to agree on a specific issue of importance with a liberal newspaper, I believe that the Post's editorial board has taken a most moderate view with regard to the President's announcement yesterday that at least 35,000 more American troops will be withdrawn from Vietnam by December 15.

The editorial, I believe, sets the right tone and offers words of encouragement to a President who, I know, is trying to lead this country in the right direction in Vietnam. As the Post observes:

It is a tough and narrow line to walk, this business of trying to mollify opinion at home while seeking to play it very cool vis-a-vis the North Vietnamese. The President is obviously walking it with great care, and so far with considerable success. He has managed to move in a direction and at a pace which have so far proved acceptable to the war critics at home, even if it has not yet convinced Hanoi that it is now time to negotiate.

Mr. President, I ask unanimous consent that the entire editorial, entitled "Vietnam: The Right Direction," published in this morning's Washington Post be printed in the RECORD.

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

VIETNAM: THE RIGHT DIRECTION

Never mind whether the latest withdrawal of American troops from Vietnam adds up to 35,000 or 40,500, because you can apparently add it up almost any way you like; the fact of the matter is that the removal of a total of 60,000-plus troops from the war by mid-December is, as the President said, "a significant step." The only question about it is whether Hanoi will see it that way, whether the President's conclusion that "the time for meaningful negotiations has *therefore* arrived" will be accepted by the North Vietnamese.

Naturally, the hope here is that it will be.

It would simplify everything if Ho Chi Minh's successors would read into the performance of the administration in recent weeks a capacity to play it either way, hard or soft, long or short, without regard to domestic pressures. That, clearly, is the impression that the President has been seeking to convey by delaying the decision for a month; by putting it about that it could well have taken weeks instead of days for the President to do or say something about the war after his return from the White House West in San Clemente; by holding a high-powered policy review; and by deciding in the end on a withdrawal figure that is modest and just a cut or two below what some had been predicting. It is a tough and narrow line to walk, this business of trying to mollify opinion at home while seeking to play it very cool vis-a-vis the North Vietnamese. The President is obviously walking it with great care, and so far with considerable success. He has managed to move in a direction and at a pace which have so far proved acceptable to the war critics at home, even if it has not yet convinced Hanoi that it is now time to negotiate.

So this is probably a good time for waiting and seeing, for not quibbling about the numbers, for not pushing too hard or too fast, because only time will tell whether the North Vietnamese will read into the latest unilateral American withdrawal the same significance that the President sees. It is entirely possible that the war strategists in Hanoi will put 25,000 and 35,000 together, and do their own projections, and conclude that all they have to do is wait. If that happens—and history suggests that it could well happen because it is difficult, as the President noted yesterday, "to communicate across the gulf of five years of war"—then it will be more than ever necessary to face up to the really hard questions about South Vietnam's capability to take on a heavier share of the burden of fighting the war. It will be more than ever necessary to ask whether our concept of a reasonable settlement is realistic, whether there isn't more that we could do in the way of refining our bargaining position. Because one thing seems inescapable: only the pace of American withdrawal is any longer in serious question; the direction in which we are headed has been fixed by yesterday's second and somewhat longer step towards American disinvolvement and it is the right direction.

SENATOR GOODELL'S REPORT ON THE MIDDLE EAST

Mr. JAVITS. Mr. President, my distinguished colleague from New York (Mr. GOODELL) recently returned from an intensive 9-day visit to the Middle East. He had long talks with Israel's Prime Minister Golda Meir, Foreign Minister Abba Eban, military and governmental leaders, and—most interestingly—with prominent members of Arab communities. His extensive and authoritative report on this visit is important reading for all of us who are concerned with the conditions of tension and danger in that part of the world. Senator GOODELL's conclusions about the prospects for peace, and his recommendations concerning the peace talks, command careful attention.

Senator GOODELL emphasizes the historical development of the Mideast conflict; the long standing effort of the Soviet Union to gain a paramount position for itself and its communistic ideology in the Mediterranean area; and the strategic importance of the Mideast; and he adds a major dimension to the continuing conflict.

Senator GOODELL says:

Until that Arab objective (to destroy Israel) changes, peace in the Middle East can only be preserved through a balance of power, both actual and apparent, that favors Israel. That is the Balance of Peace in the Middle East under present conditions.

This means at a minimum, as my colleague states, the completion of the shipment of the 50 Phantom jets, 10 of which have already been delivered, to Israel.

Mr. President, I ask unanimous consent that Senator GOODELL's complete report, along with a press release which provides a good summary and introduction, be printed in the RECORD, and I urge all who are interested in the Mideast situation to read this noteworthy report:

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

THE GOODELL REPORT ON THE MIDDLE EAST

The following is New York Senator Charles E. Goodell's report on his nine day journey to the Middle-East. It was prepared with the assistance of Dr. Dankwart Rustow, professor of International Social Forces at Columbia University. Dr. Rustow accompanied the Senator on his trip to Israel.

The report is in two sections. The first, for the benefit of the press is a summary statement, while the second is the full text.

"As far as sheer value of territory, there is no more strategically important area in the world than the Middle East." *Dwight D. Eisenhower.*

This report is based on an intensive nine-day stay in Israel during which I had occasion to speak to the country's top leadership, including Prime Minister Golda Meir and Foreign Minister Abba Eban, ranking military figures, government officials, intellectuals and other persons in private life. I visited kibbutzim, universities, schools, hospitals, youth centers, and agricultural stations. I also inspected at first-hand some of the trouble spots along Israel's old and new borders and had occasion to confer at some length with prominent members of the Arab communities in Israel—both those Arabs who since 1949 have been full citizens of Israel and those in the territories occuped by Israel since 1967.

I am convinced that the time has come for a basic reassessment of our Middle East policy with reference to the big power talks on the Middle East and the role of the United States in preserving a Balance of Peace in the Middle East. I therefore submit the following recommendations, with a brief summary of the reasons for each.

1. The United States should break off the four-power and the formal two-power talks on the Middle East which have been taking place intermittently over the past seven months.

The big power talks on the Middle East were undertaken at the urging of President DeGaulle of France and the Soviet Union. In those talks we have conveyed unmistakably to the Soviet Union the grave consequences, in terms of confrontation of our two nations, if the Soviet Union should intervene directly with its own military personnel in the Middle East. That has been accomplished and can be reaffirmed continuously through normal diplomatic channels, or if necessary on the hot line.

The United States has conveyed to the Soviet Union in the big power talks our grave concern over the unilateral arms escalation undertaken by the Soviet Union in the Middle East. The talks have had no apparent effect, whatsoever, on Russian arms supplies to Egypt, Syria, and other Arab nations. We can and should continue to strive for an arms control agreement with the Soviet Union in the Middle East through normal diplomatic channels.

It was hoped that through the big power talks the Arab and Israeli leaders could be brought to the conference table for direct negotiations. It is now apparent that the Soviet Union either cannot, or will not, persuade the Arab leadership to negotiate directly with Israel. On the contrary, continuation of the formal big power talks merely encourages the Arab world in the belief that somehow the big powers will intervene and impose a settlement without direct negotiation by the parties concerned. Although the United States has firmly stood by the position that there must be direct negotiations unconditionally between the Arab leadership and Israel, further continuation of the talks strengthens the false hope that the present United States position may be negotiable and that we might be persuaded to try to impose preconditions on Israel.

In breaking off the formal big power talks on the Middle East, the United States should make it abundantly clear that we stand ready at any time to negotiate an end to the arms race in the Middle East and to assist in bringing Arab and Israeli to the bargaining table. While we have sincerely pursued the potential of big power talks for the past seven months, the Soviet Union has been pouring arms into the hands of Arab leaders committed to destroy Israel.

2. In response to the unilateral arms escalation of the Soviet Union, the United States should accelerate delivery to Israel of the 100 Skyhawks and the 50 Phantom jets to which we are now committed. In addition, we should now pledge to Israel that, in the absence of a binding Middle East arms agreement with the Soviet Union, we shall deliver, by 1971 or 1972, 100 more Skyhawks and 25 to 50 more Phantom jets.

We live in a world of hard choices. While the United States desires arms control in the Middle East, we must realistically recognize when arms control is unattainable by agreement. There are situations in which the giving of arms is the only way to preserve a peace and hopefully to induce future arms control by showing the other side that it cannot obtain its objectives through arms. The Soviet Union has replenished Arab planes and other weaponry destroyed in the 1967 war to the point where Nasser has a greater numerical superiority today than he did at the start of the 1967 war. The Arab superiority in aircraft before the war was about three to one. It is now about five to one. The replacement aircraft is sophisticated weaponry, including MIG 19's and MIG 21's. In spite of the numerical superiority of Arab weaponry, the superior training and skill of Israeli military personnel preserves for Israel today the preponderance of military power in the Middle East.

Given Nasser's avowed objective to destroy Israel by war, it is obvious that Nasser wants a war as soon as he can win it—or thinks he can win it. Until that Arab objective changes, peace in the Middle East can only be preserved through a balance of power, both *actual* and *apparent*, that favors Israel. That is the Balance of Peace in the Middle East under present conditions. While the United States strives for negotiations that will produce a real peace, we must provide the arms to Israel to match Soviet military transfusions to Nasser, thereby preserving the Balance of Peace.

3. The United States should provide military aid to Israel in the form of grants and long-term loans.

Up to now, Israel has been allowed to *purchase* arms from other nations and *pay for them in hard cash.* The Soviet Union has given Egypt and Syria vast amounts of military aid in the form of grants or liberal long-term loans.

Israel today spends 20% of its gross national product on defense. It is facing an imminent balance of payments problem. Without doubt, Israel will continue to sacrifice as necessary for survival, but it is not

fair for us to allow Israel to carry this burden alone.

The Soviet Union for many years has been striving to penetrate into the Middle East. Immediately after World War II it was turned back in Turkey and Iran. In the past three years the Soviet Union has successfully accomplished an end run around Turkey and Iran by exploiting the frustration of Arabs and the demagoguery of militant Arab leadership. Tiny Israel has stood alone against this gargantuan threat. It has done so at great cost and great sacrifice. While doing so, Israel has found the Western world continually reluctant even to *sell* necessary arms to Israel. Without Israel, the United States, Great Britain and France would almost certainly have to face the Russian threat in the Middle East themselves. How long will we require Israel alone to hold the shield in the Middle East for the entire free world?

The recommendations I am making are presented in an effort to move the Middle East into a realistic power context that will produce a productive peace to benefit Arab and Jew alike. Many Arabs cynically observe that any U.S. politician, especially one from New York State, will ignore Arab claims and embrace totally the claims of Israel. When I was in Israel, I intensively sought out Arab spokesmen in an effort to understand their problems and their concerns. Moslems, Jews, and Christians all have deep roots in the Middle East. The Arabs are a proud people with a rich cultural and religious heritage. Once unified by the doctrine of their great prophet Mohammed some 1200 years ago, they spread their faith within a century to the far corners of the world. But in politics and in economics, the Arabs have been beset by an almost incessant series of misfortunes for the last one thousand years, including invasions by Mongols, by Europeans and by the Turks, who ruled over them for 400 years. The Middle East has been a pawn of the imperialist expansion and power conflicts of 19th Century Europe and colonialist domination in the 20th Century.

The Arabs have legitimate claims in the Middle East, and so do the Jews. These claims can only be worked out, with justice, when Arab leaders and Jewish leaders face each other with mutual respect and a willingness to compromise. I found that respect toward Arabs and that willingness to compromise in every Israeli leader to whom I talked. There must be compensation for Palestine refugees. That burden for the world is not insoluable, considering the much larger number of refugees that were assisted throughout the world after World War II.

It is sad to note that very episode in the Middle East, however innocent, is used by President Nasser and the El Fatah to further inflame the passions of hatred and bitterness. The fire at the El Aqsa mosque is a prime example. I was in Old Jerusalem the morning of the El Aqsa fire and I saw the reaction of Arab and Jew alike. The Jewish people have a great reverence for holy places of every religion. They shared the sorrow of their Arab brothers at the desecration of the mosque. They responded quickly and with miraculous efficiency in apprehending the accused perpetrator. Having witnessed this, I was shocked by the extreme and irresponsible reaction of President Nasser and King Faisal. These impatient leaders committed *oral arson* by passionately distorting this tragedy to inflame and mislead their own people.

The question must be asked, how long the Arabs of the Middle East will let the False Prophet Nasser lead them down the path of hatred and demagoguery? Yes, the Arabs have a legitimate cause and legitimate grievances. That is acknowledged, first and foremost, by the leadership of Israel. The Jewish cause and the Jewish grievances are acknowledged and understood by many responsible Arab leaders—in Jordan, on the West Bank, and in Israel.

Israel is demonstrating, for Arab and Jew alike, the potential for development in the Middle East. That miraculous demonstration must be carried forward because here, truly, is the long term hope for peace in the Middle East. When rational Arab leadership comes to the fore and pursues its rightful objections in comity with Israel, all parties can prosper. Under the present circumstances of terrorism and retaliation, one can only shake his head in disbelief and ask: How long will such irrationality prevail?

Nine Days in August—A Report on the Middle East

I. Introduction

This report is based on an intensive nine-day stay in Israel during which I had occasion to speak to the country's top leadership, including Prime Minister Golda Meir and Foreign Minister Abba Eban, ranking military figures, government officials, intellectuals and other persons in private life. I visited kibbutzim, universities, schools, hospitals, youth centers, and agricultural stations. I also inspected at first-hand some of the trouble spots along Israel's old and new borders and had occasion to confer at some length with prominent members of the Arab communities in Israel—both those Arabs who since 1949 have been full citizens of Israel and those in the territories occupied by Israel since 1967.

The most dramatic impact on a person visiting Israel today is that Israel is not eroding or collapsing, despite the hopes of her Arab antagonists and the fears of some outside observers. On the contrary, her progress and prosperity continue at an astounding pace. Israel is a vibrant and vigorous young nation, able as long as necessary to face the tremendous risks and to shoulder the tremendous burdens that the current situation implies.

My contacts and my first hand observations of the Middle Eastern situation have convinced me that the time has come for a basic reassessment of our Middle East policy in two regards—first with regard to the Big Power talks that have continued intermittently since the beginning of this Administration, and second with regard to the amounts and the conditions of our assistance to Israel. I shall make specific recommendations on each of these two points in the course of this report.

II. Description of Middle East Situation

Israel is a small country at the very center of the Middle East, itself a focal region that connects the three continents of the old world and branches of two of the world's oceans. In the words of General Eisenhower, "As far as sheer value of territory is concerned, there is no more strategically important area in the world than the Middle East." To the United States the region is important because it supplies about ⅔ of the free world's petroleum, because it is a major hub of world communications by land, sea and air, and because it is on the Southern flank of NATO. It also is important because of our friendship of long standing with nations such as Turkey, Iran, Lebanon, Jordan, Saudi Arabia and above all with Israel.

Israel, like the United States, is a country of immigration, of pioneering, of pragmatism and technology, of unity and diversity, of roots in the past and of promise for the future. Israel is a country of democracy, of free expression, and of political stability—achievements almost unheard of in that part of the world. In short, Israel is important to the United States as a part of the Middle East, but also and above all for its own sake.

The Middle East is also important to us for what it means to the Soviet Union. In the context of the Communist bid for world power it is remarkable that Russia's Middle Eastern frontier from Turkey to Afghanistan is the only major direction in which direct Communist control today remains confined within the old borders of the pre-1917 Czarist empire. Significantly, the Middle East, particularly since the 1950's, has been the prime target for Soviet attempts at expanding Communist control and influence indirectly. The Soviets have in recent years vastly increased their fleet in the Mediterranean. There is reason to believe that a naval buildup in the Indian Ocean is one of their prime long-range policy targets. Not only would Soviet control of the Middle East make it possible for the Russians to disrupt the free world's communications at a most crucial link, but it also would enable them to tamper with the free world's oil supplies and to outflank NATO from the South.

A. Soviets in the Middle East

Russian interest in the Middle East thus is of long standing, and we are witnessing now only the latest of several phases of Russian activist involvement in the area. For example, in the situation immediately after the Second World War, the Russians made territorial demands on Turkey, proposed the establishment of Soviet naval installations along the Turkish straits, and sought a part in administering the former Italian colonies such as the Dodecanese and Libya. In Iran at the same time they refused to relinquish their wartime occupation of the northern provinces, and instead installed puppet regimes in Iranian Azerbaijan and Kurdistan while seeking to force the entry of communists into the government and pressuring for an oil exploration concession that would have enabled Soviet agents to roam freely the breadth and length of the country. Greece during those same years was plunged into a bloody and costly civil war, precipitated by an uprising of Greek communists, and liberally supplied across the frontier from communist Yugoslavia.

But a second lesson is worth learning from this history. Not only is Soviet interest of long standing; Soviet penetration was prevented through a combination of local opposition and American firmness. The Turks flatly rejected Soviet territorial demands and proposals for a Soviet part in the defense of the Straits. Turkish-American relations became closer. A large-scale program of American military, technical, and economic assistance strengthened democracy and industrial enterprise. Turkey supported actively the U.N. action in Korea and in 1952 joined NATO—and two years later the Russians solemnly withdrew the territorial demands they had pressed for close to a decade. In Greece the communist guerrilla uprising was suppressed with active British and American support, whereas Tito's break with the Soviets in 1948 cut off an important line of communist supplies. The Iranian government, with moral support from the United States, resisted all the various Soviet pressures and demands, and a Soviet attempt at takeover by coup was thwarted. Greece, Turkey, and Iran became among the Free World's most reliable allies in the subsequent years.

The current phase of Soviet Middle Eastern policy began in the mid-fifties as an attempt to leap over this hurdle of the Turkish-Iranian "Northern Tier." Through a dramatic program of arms to Egypt and through financial support for the ambitious Aswan Dam project, the Soviets ensured the good will of the "revolutionary" regime of President Gamal Abdul Nasser. The military coup of 1958 in Iraq replaced a regime closely allied with the West with one friendly to Nasser and the Soviet Union. As a result of a series of coups, the communists and Soviet sympathizers gained an increasingly stronger position in Syria. Algeria emerged from its prolonged war of independence in a similarly neutralist if not pro-Soviet mood.

In the decade between 1956 and 1967, the Soviet Union began a gigantic and reckless program of arming Arab states such as Egypt, Syria, and Iraq against Israel—including de-

livery of some of the most advanced aircraft ever used outside the direct control of the major powers. Soviet and Nasserite propaganda at the same time were beginning to spread the allegation that Israel was a neocolonialist, expansionist, puppet of the West.

One major aim of Soviet policy, both before and even more since the war of 1967, has been to establish a Soviet naval presence in the Mediterranean. But even during this period of the late fifties and early sixties, Soviet sights were beginning to extend further. Soviet programs of military and technical assistance to such countries as Yemen and Somalia—on either side of the passage leading from the Red Sea to the Indian Ocean—clearly indicated their long-range naval ambitions in the Indian Ocean. The withdrawal of the British from Aden (now part of Southern Yemen) opened a new field of activities for the Soviets and their Egyptian and Yemeni sympathizers. There are some indications that the Soviets, at least before the 1967 Arab-Israeli war, had hopes of taking similar advantage of the impending withdrawal of British military forces from the oil-rich Persian Gulf.

The closing of the Suez Canal since 1967 obviously has seriously delayed any such long-range Soviet plans. Aside from hopes for a Soviet naval presence in the Indian Ocean, there also is the fact that, for geographic reasons, the Russians lose more from the closing of the Canal than any other maritime power. The Canal cuts nearly in half the shipping distance from Odessa to Hanoi with traffic now re-routed through Gibraltar and around the Cape of Good Hope. By contrast, the saving of distance, due to use of the canal, from the Persian Gulf to London or New York is far less. The availability of the new supertankers for oil, moreover, means that the most important part of the traffic out of the Persian Gulf has been bypassing the Canal in any case.

In short, it seems clear that Russia would stand much to gain by a re-opening of the Canal—and this presumably was reflected in their specific proposal published in Pravda in January, which foresaw a phased Israeli withdrawal beginning with positions at the Canal as the first step in a big-power solution for the Middle East. But whatever hope there was that concern for the re-opening of Suez would induce the Russians to take a reasonable view in the Big-Power talks, let alone to bring Nasser around to such a more reasonable or conciliatory view, have by now clearly been disappointed. Although the Russians would gain from Suez re-opening, they appear either unwilling or unable to get the Egyptians to the negotiating table so as to insure such a re-opening in an overall framework of Middle Eastern peace.

It is my assessment that Russian immediate intentions with regard to the Middle East are neither to help bring about direct negotiations and peace, nor to encourage a new fourth round of open Arab-Israeli warfare—a contingency that could only result in a further humiliating defeat for their friends in Cairo and further severe losses of Soviet military equipment. Their immediate aim seems to be to keep the crisis at the present level of continual, sporadic belligerency.

In the broader and longer perspective, the Russians are building up their presence wherever they can throughout the Middle East and the Mediterranean. Their present course is one of maintaining constant pressure and tension without provoking any final confrontation between Russia and the United States.

The experience in the days preceding the 1967 Arab-Israeli war shows how easily Soviet intentions can miscarry in the volatile climate of Arab politics. Amidst the constant and heightening tensions of the Middle East the Soviet armament program and Soviet support for the Arabs creates a very real risk of a new Arab-Israeli war starting through miscalculation. An even riskier set of miscalculations might make of the Middle East the tinder box that would set off a global third world war.

The apparent Soviet reluctance to get involved in any direct Russian-American confrontation over the Middle East implies for the United States a serious responsibility and a major opportunity to work for peace.

B. United States posture on Middle East

To rise to this challenge the United States must do its part to try to strengthen the factors of rationality and to dispel the factors of irrationality and miscalculation at 3 levels: in our own relations with the Soviet Union, in Arab-Soviet relations, and in relation between the Arabs and Israel.

In our own direct relations with the Soviets we must continue to make it clear that direct Soviet military intervention in the Middle East would be viewed by us as a grave matter. We must leave no doubt that any such action of theirs would bring into play a resolute and appropriate American response. It is conceivable, for example, that Egypt or perhaps Syria through a shortsighted repetition of the events of 1967 might plunge into another disastrous military defeat. The defeated Arab Government might then appeal for Soviet Military intervention to reverse the misfortune of battle. In such a contingency the Russians must know that they will not have a free hand in the region and that any attempt to inject their power directly into the Middle East would not be countenanced by the United States.

For the same reason we must continue to make it clear to the Arab government, to the Soviets, and anyone else that we simply will not allow the destruction of the State of Israel—which Nasser and other Arab leaders from time to time claim as the grand aim of their policy.

In American-Soviet relations with regard to the Middle East, there is every reason to believe that such a clearcut American position will continue to act as an adequate deterrent. Our reaction, precisely because it is earnest and credible, will not in fact have to come into play.

Russia's policy toward the Middle East traditionally has been expansionist—but it has been extremely patient, and rarely if ever adventurous. We owe it to ourselves, to our friends in the Middle East, and to the Russians, to define, clearly and in advance, the limits of Soviet adventurism that can be tolerated by the United States. The introduction of Soviet combat forces into direct conflict in the Middle East would veer the world to the brink of nuclear disaster.

We should continue to make it clear to the Soviets that we disapprove of the massive infusion of deadly weapons in their lavish shipments to Nasser and other Arab governments, and equally clear that we are ready to seriously talk about agreed arms limitation for supplies to the Middle East—as soon as they are ready to seriously talk about it.

Otherwise we should not be overly nervous at the limited Soviet naval build up and other manifestations of long-range Soviet presence in the Mediterranean and the Middle East. There is no early danger that their Mediterranean fleet would even be remotely a match for ours. We will of course not allow them to make the Mediterranean into a Russian lake. But it never has been and never will be an American lake. It is big enough, in short, like any other open sea, for naval units from all nations operating in competitive but peaceful coexistence.

Just as we must make our position clear enough to restore or maintain an atmosphere of rationality in American-Soviet dealings, so we must try to help dispel the elements of gross irrationality in the attitude of local Middle Eastern governments. The most flagrant such irrationality is the vain hope on the part of the UAR and other Arab governments that the Soviet Union by some sort of diplomatic magic might reverse the military defeat that they suffered through their own aggressive folly in 1967. Arab leaders must realize that the only mutually satisfactory way in which the protracted Middle Eastern crisis can be settled is by Arab governments taking up Israel's offer for direct peace talks. Hard and honest bargaining alone can be the basis for a hard and durable agreement. In the absence of such direct negotiation, perhaps some form of de facto accommodation will gradually emerge. The thriving trade that now is taking place between the East Bank and the West Bank of the Jordan, as well as the new trade since 1967 between the West Bank and Israel, are encouraging examples of de facto accommodation.

Arab governments, however, are not likely to change their attitude and shift to a more peaceful and constructive course while they can cherish the illusion that the Soviet Union, through Big Power negotiations, can somehow deliver them all the lost territories on a silver platter. In short, it is my considered judgment that continuation of the formal Big Power talks under present circumstances is a disservice to the short-range stability and the long-range prospects for peace in the Middle East.

Let me make myself clear. My criticism is not directed at the considerations that prompted us at the beginning of the new administration to explore the possibilities of constructive major power diplomacy with regard to the Middle East. The talks about the Middle East that were conducted on a four power and later on a two power basis in New York, and then in Washington and Moscow, were useful at the time they opened. The Russians had been pressing for several months for such contracts and conversations, and it was necessary that we test the seriousness of their intentions with regard to the Middle East. The French had been pressing for talks on a four-power basis, and our desire for closer relations with France spoke in favor of trying the four-power approach so dear to them.

The talks, particularly those between ourselves and the Soviets, would indeed have been useful if they had revealed Soviet willingness or ability to bring their Arab friends to the negotiating table to sit down with the Israelis to talk peace. The American-Soviet talks also would have been extremely useful if they had revealed any Soviet desire to limit or reverse the deadly flow of arms which, since the 1950's and at an accelerated pace in the last two years, they have been injecting into the Middle East. The United States has made clear time and again that we are concerned about this constantly escalating arms race in the Middle East and that we are eager to work out a scheme by which this deadly flow of arms and this constant escalation can be stopped.

Unfortunately the Soviet Union has by now made it clear enough that it does not intend to bring such talks to fruition. It is abundantly clear that the Soviets either cannot or will not persuade the Arabs to talk peace with Israel. The Soviets have made it equally clear that, on the contrary, they intend to continue arming Arab governments such as the UAR and Syria on an unprecedented scale.

My first recommendation is, therefore, that there be an immediate end to the formal Big Four and Big Two conversations about the Middle East that we have been conducting since February. We should continue, through normal diplomatic channels, to make it clear to the Soviet Union that we take a grave view of their continued arms shipment and that we will not allow any overt Soviet military intrusion. We can also make it clear once again through normal diplomatic channels

and through appropriate action at the United Nations that we are ready to help bring the parties to the peace table or to discuss limitations of the arms flow to the Middle East as soon as there is any corresponding willingness on the other—Soviet or Arab—side. To continue with the Big Four power talks, with all their attendant publicity beyond this point serves to encourage Arab governments to continue on their present unrealistic course. Nasser is shouting war instead of talking peace. He is hoping somehow that Soviet power and big four diplomacy will make up for the unrealism of past Arab policy. Continuation of the big power formal talks would increase the psychological burden imposed on Israel. A public cessation of the big power talks over the Middle East could shake Arab leadership back into the real world and help defuse the present situation.

Let me turn then to a review of the current military tensions and to an assessment of the long-range prospects for peace.

In the immediate situation and in the short run the Middle East remains precariously suspended between war and peace. There are two fundamental factors in this situation that must be understood. First, Arab extremist leaders such as President Nasser and the military rulers of Syria, Iraq and Algeria have repeatedly declared their intentions to destroy Israel and to push her into the sea. Despite all their preaching of hatred and despite all their bellicose and inflammatory talk, they have not had the military strength or the organizational capacity to make the deed follow the word. Second, Israel, which has three times proven its ability to ward off all Arab aggressive intentions does not intend to destroy any Arab government. Israel does not intend to drive anyone into the sea; Israel does not, indeed, intend to extend her present area of control. On the contrary, the territories occupied by Israel, as a result of the 1967 war, particularly the West Bank of the Jordan and the Gaza strip, have added substantially to the Arab population under Israeli control. No responsible voices in Israel have been raised in favor of absorbing all this territory and all this population. That would mean an enormous additional burden on Israel which is based on the principles of political equality and of a planned egalitarian economy. It would also drastically change the long-range population balance between Arabs and Jews. In short, it would undermine the Jewish national character of the Israel state and society. Israel therefore has proclaimed its eagerness to sit down in direct peace talks with her Arab neighbors and in those talks to negotiate secure and permanent frontiers as envisaged in the November 1967 resolution of the United Nations Security Council.

Critics and even friends of Israel have often considered it unreasonable that Israel so single-mindedly insists on direct peace talks as the only way to a solution—a condition seemingly to repugnant to the Arabs. What can such talks achieve, it is often asked, except a written piece of paper which might prove of no greater value than previous pieces of paper containing the various armistice or cease-fire agreements of 1949, 1956 and 1967. This criticism, however, disregards a fundamental psychological reality of which Israeli leaders are fully conscious. It is not the piece of paper emerging from the peace talks that is the essential point; it is rather the process of sitting down and of talking. By such a public act the Arab leaders (either the present ones after a fundamental change of mind or a more peaceful set of leaders that might be replacing them in the future) would in effect be proclaiming solemnly that they no longer do intend to push Israel into the sea, and that they do mean to live peacefully in the future. It is this kind of publicly acknowledged reversal that the Israelis consider the most viable basis of future peaceful relations and the most hopeful basis for a security that is not based on arms but on the beginnings of mutual understanding.

It is of great importance for Americans to understand the depth and also the complexity of the Arab reaction to Israel. The Arabs are a proud people with a rich cultural and religious heritage. Once the bedouin tribes of Arabia were unified some 1,200 years ago under the pure and simple doctrine of monoteism brought to them by their prophet. Muhammed—and incorporating the traditions of the Old and New Testament, they spread that faith within a century to the far corners of the then known world; from Morocco and Spain at one end to India and Central Asia at the other. The Arab courts at Damascus, at Baghdad, at Cairo, and at Sevilla and Cordoba were known not only for the splendors recorded in the Arabian nights but also for thriving trade and for tolerance of subjects, whether of the Islamic, the Jewish, or the Christian faith. Arab philosophers and mathematicians preserved the classical Greek Medition and retransmitted it to Europe at the beginning of the Renaissance.

When the catholic rulers of Spain in the sixteenth century drove out the Jews from that peninsula, it was a Muslim ruler, Sultan Suleiman, who invited them to his capital at Constantinople.

But in politics and in economics, the Arabs have been beset by an almost incessant series of misfortunes for the last one thousand years—including invasions by Mongols, by European crusaders, and by the Turks who ruled over them for 400 years. The trade of the Middle East declined, once fertile areas of Iraq, Syria, and other countries became barren steppe or dessert. Arab pride became mixed with resignation and at time bitterness. The intellectual, industrial, and technological revolution which began to transform the West for many centuries bypassed the Arab East.

The first direct Western impact, Napoleon's invasion of Egypt (1798–1801) had an electrifying effect. The Egyptians soon learned from their temporary, unbidden guests. Hospitals were built, irrigation canals were dug, the growth of cotton was introduced, students were sent to Europe for new training. But soon once again a note of bitterness entered into Middle Eastern relations with the West. The area became a pawn in the imperial expansion and the power conflicts of nineteenth century Europe, and this imperialist practice seemed to contrast starkly with the ideals of liberalism, of constitutional government, of national pride and solidarity that nineteenth century Middle Easterners had begun to learn from their Western teachers.

Although European power penetration—from Britain, France, Germany, Russia, continued throughout the last century, its culmination took a strangely hypocritic and half-hearted form. "Temporary" military occupations were proclaimed as in Egypt in 1882—but were continued in one form or another for seventy-odd years. Mandates were proclaimed in Syria, Lebanon, Iraq, Jordan, and Palestine on something that sounded very much like a theory of foreign technical assistance and training for self-government—even though the imposition of the mandates required military action not clearly distinguishable from colonial conquest. It was the great misfortune in the Middle Eastern relations with the West that the area's imperialist penetration came late—at a time when leading elements in Western opinion had turned sharply critical of imperialism, and hence apologetic about its latter-day manifestations.

Thus the collapse of the Ottoman Turkish Empire in 1918 brought to the Arabs not self-rule but foreign rule under another guise. Above all it brought to them not unity but partition into a dozen or more separate units—colonies, mandates, protectorates, sultanates, etc. The fine visions of Arab nationalism had run up against rude realities, and it was the West that had administered the shock.

Palestine soon became one of the open sores in this festering situation. The British in 1917 had promised their support in helping establish in Palestine a national home for the long-dispersed and persecuted Jewish people. The barbarities of the Hitler *holocaust* that swept over Europe in the 1930's and 40's made that program seem all the more urgent—indeed it seemed the least that a stunned and shocked free world could do for the survivors of a *holocaust* that took six million lives.

Of course there could be no other place for a national home, for such an ingathering of the exiles than Palestine, than the land of Israel—the land which had inspired ever new hope in millions of dispersed people over the ages.

But what, in a Western context, might seem like a high-minded, tragically belated and inadequate humanitarian gesture, had a rather different aspect in Arab eyes. It seemed to Muslims and Arabs, with a historic record of religious tolerance far superior to that of Europeans, that they were made to foot the bill for centuries of Western anti-semitism and more recently for the barbarities of Hitler's Nazis.

Thus the stage was set in Palestine in the 1920's and 1930's for suspicion, for violence, and for grand human tragedy in subsequent decades. The Palestine mandate was the only part of the Middle East where colonialism came to mean colonization—and hence the inevitable gradual displacement, however peaceful, of an indigenous Arab population. When colonialism was in full retreat after the Second World War an independence was proclaimed on all sides, it was these Jewish, Zionist colonists who proclaimed their independence in the new site of Israel—even while Arab countries such as Iraq, Syria, Lebanon, Egypt, and Jordan had attained little more than nominal independence. Utterly convinced of the rightness of their cause—and sure of their numerical strength to the point of disregarding the most elementary rules of common strategic or political planning—the Arab Governments, particularly Egypt and Jordan, took up arms to prevent Israeli independence. The military verdict they so eagerly sought turned against them. And here begins a second distinct element of the contemporary Arab tragedy.

The United Nations General Assembly in 1947 had resolved a partition plan for Palestine—a crazy quilt patchwork that would have defined five or six separate bits of territory alternately under Arab and Jewish control within an economic unity for which no political basis had been prepared. The Arabs had roundly rejected this partition plan, even before they took to the military solution. But now in the defeat of 1948 it turned out that Israel emerged within somewhat more viable de facto lines, in control of substantially more than the area that the U.N. had allotted for the Jewish part of Palestine. Arab leaders now began to refer to the 1947 partition, which they had then rejected, as some kind of legal document defining their supposed rights.

This pattern has been broadly repeated in 1956 and 1967. Rejection of one solution, however hard on Israel, by the Arabs; headlong rush toward hostilities so as to destroy Israel or drive her into the sea; defeat of the Arab side; and then a legalistic claim on the basis of the solution earlier rejected by the Arabs themselves. Thus in both 1956 and 1967 Arab governments after their defeat insisted that Israel withdraw behind the armistice lines of 1949 which Arabs leaders had then rejected as worthless and illegitimate and which they violated with systematic guerrilla infiltration.

The third and most overwhelming element of the Arab tragedy is the wholesale suffering of Arab peoples caught in this conflict and abused by the short-sighted and patently abortive policies of their most prominent

leaders. There is first of all the suffering of the Palestine Arab refugees of 1948—many of them encouraged by fellow Arabs to leave their homes on the overconfident promise that they would march back, in days or weeks, in the train of victorious Arab troops. The Palestine Arabs were always among the most cultured, the most literate and the most highly educated Arab populations. The educational program of the UNRWA (supported with contributions of which that of the United States Government always has been the largest) heightened further this educational level. Many individual Palestine Arab refugees indeed have found prominent employment in the thriving oil economies of Saudi Arabia, Kuwait, and other Persian Gulf states. Their monthly remittances indeed had by 1967 come to be a major item in Jordan's balance of payments.

The vast majority of refugees, however, grew up in camps, crowded together in conditions that were, physically, kept scrupulously sanitary but, mentally and humanly, were dangerously unhealthy. They were fed on minimal rations of nutrition and excess rations of propaganda and hate—hate of Israel, hate of the Jews, hate often of the West generally and of the United States most specifically. The most glaringly inhumane conditions prevailed in the Gaza Strip, a tiny area into which 300,000 refugees were crowded. This area was administered for 18 years by Egypt, but no one was given Egyptian citizenship and no one was allowed to travel to Egypt. Since Jordan formally annexed the part of Palestine it came to administer after the 1948 war, conditions there were slightly better. The West Bank Arabs were given Jordanian full citizenship, and indeed they contributed to an enormous growth of the East Bank capital of Amman into a large metropolis. In the government of Jordan, too, Palestinian Arabs played a prominent role. Yet the mainstay of the monarchy remained the poorly educated bedouin of the East who seemed far more reliable as soldier and as civilian supporter than the frustrated and restless and highly cultured Palestinians.

The knowledge that Israelis had made a thriving orchard out of once-largely barren land only increased Arab resentments within this prevailing negative and hostile setting. The prospect of Israeli-Arab peaceful economic competition in the future was likely to inspire self-doubt and fear. [A whole new generation has thus grown up in refugee camps and it is from this bitter and frustrated generation that the fedayeen of al-Fatah are drawn.]

Yet the fact remains that Arabs and Jews are fellow, brother semite peoples. Among Israelis it is most remarkable that there is no trace whatever of the hatred of the Arab as Arab—even toward the present Arab governments in their misguided policies such as Nasser there is more contempt and pity or exasperation than hate. The Jews of Israel are too impatient with the positive tasks of construction and of building for the future to allow themselves time out for hate. They have been victims of hate long enough in Nazi Germany and elsewhere to know the destructive force of hate. They also know that whatever the fate that diplomacy and warfare may hold for them in the future they will have to live among Arabs. Since they want to live in peace, it is Arabs with whom they are ready to live in peace.

On the Arab side, in official and public proclamations, and too often in genuine, passionate emotions, it is hatred that prevails. This hate is part of the unrealistic, not to say psychopathological, course into which tragedy has propelled so many Arabs over the last two generations. The first change that can reverse this psychological constellation is the recognition by Arabs that Israel, for better or worse, is here to stay. Talk about driving it into the sea is no more than wanton, idle talk.

Even within the present tragic situation there are important nuances among Arab attitudes. Those Arabs who have known Israel best have come to accept her—the hundred thousand Palestine Arabs who remained behind after 1948 in cities such as Nazareth, who came to enjoy on equal terms the benefits of a thriving and growing, and staunchly egalitarian economy, who enjoy their Arab-language educational system, and the privilege of free democratic elections (among the very few Arabs anywhere who have had that privilege ever!), I saw at first hand that highly educated Arab women have come to preach an enlightened brand of feminist in that setting.

It was not that these resident Israeli Arabs liked the idea of a Jewish state or did not grieve at the Arab defeats. They accommodated themselves to imposed political realities whether in the time of Alexander the Great, of the crusaders, or of the Ottomans. On the basis of that realistic accommodation, mutual trust now has a chance to grow.

Next there are the Arabs of the occupied territories—West Bank, Old Jerusalem, Gaza Strip (the Sinai peninsula and Golan being hardly populated). Here searing memories of defeat are recent and sharp. Yet there is little love for Jordanian or Egyptian rules who too often made these people into pawns. Even among these there is some growing appreciation of the economic realities of Israel. There is hope that more employment can be provided and appreciation of the thriving trade over the "open bridges." There is also the hope expressed by these Arabs that Arabs and Israelis can sit down and start to talk peace.

Third, there are those Arab peoples and governments closest to Israel in geography, and closest to Palestine in historic tradition—Jordan and Lebanon—where a much more realistic and moderate attitude has prevailed. Lebanon stayed out of the 1967 war and does its best to discourage the fedayeen. Jordan is in a more precarious situation and of course miscalculated woefully in entering the war. But Jordan and Israel are geographic twins and, just as there are innumerable points of friction, there also are innumerable points of latent common interest. These include coordinated use of the Jordan waters (tacitly being implemented according to the Eric Johnston formula that Jordan publicly could not accept), potential Jordanian direct outlet across Israel to the Mediterranean and, above all, relief from the insecurity and suffering of constant belligerence. These latent common interests might come to the fore if Jordan and Israel or Lebanon and Israel were left to themselves. One ever present desire of U.S. policy should be to enhance the de facto independence of these governments.

Fourth, there are the Arabs most decidedly hostile and most implacable toward Israel. Aside from the active combatants of al-Fatah—the crop of the dragon seed of the hate-choked refugee camps—these most hostile Arabs ironically are the furthest away from Israel and have suffered little if at all from the Palestine tragedy. This is Syria, which only has the shortest of borders with Israel, whose claims to Jordan water always were pro forma, and where anti-Israeli posturing serves as an outlet for the frustrations of the most unstable and turbulent political system (or non-system) in today's world. This is Egypt—whose populated areas are separated from Israel by hundreds of miles of desert, which does not need the Tiran strait except to deny it to Israel. This is Iraq, without any common border. This is also distant Algeria. And of course occasional holy-war noises emanate from oil rich, but backward Saudi Arabia.

Arab actions and proclamations over the last two years have made it amply clear that the militants and extremists still set the pace. The recent and tragic fire at the al Aqsa Mosque in Jerusalem led to another round of vituperation and scurrilous accusations against Israel. It brought on another round of saber rattling and of inflammatory threats by Nasser, by Faisal of Saudi Arabia and others. The more moderate and rational Arab leaders, including the leadership of Lebanon and including King Hussein, have been muffled. King Hussein's actions over the last years indicate the precariousness of any rational Arab position in the present context. It would be illusory to expect any instant change in this hostile and belligerent Arab mood. Even the cessation of the Big-Power talks, which is our most urgent order of business, can only make a beginning pressing Arabs to reassess their course and to formulate, step by step, a more rational alternative for the future.

III. MIDDLE-EAST MILITARY SITUATION

We should not let any illusory notion of evenhandedness obscure the fundamental differences between the position of Israel and the position shortsightedly espoused by Arab leaders such as President Nasser, King Faisal, and President Boumedienne. The Arab leadership preaches hatred of Israel; Israel knows that she must live at peace with their neighbors. The official Arab dream is one of destruction and revenge; the Israeli dream is one of transforming deserts into orchards and restoring a long persecuted people to dignity and quiet pride. The Arab governments demand the destruction of Israel; Israel has no desire to destroy the Arab nations. Arab leaders pretend to see in Israel a symbol of imperialism and aggression; yet it is those same Arab leaders who harbor expansionist plans at Israel's expense and who have allowed themselves to become the tools for Russia's imperialist designs on the Middle East. The Arab governments look to the past and fight for redress of wrongs, some real and some fancied; Israel looks to the future and fights for survival. The Arab governments would like to change the present status quo by diplomatic pressures, by acts of belligerence or by military threats; Israel would transform the present status quo into a stable and negotiated peace. In short, the present-day militant rulers in Cairo, Damascus, Baghdad, and elsewhere indulge in the grossest and most irresponsible irrationality, whereas Israel is making her plans on a sober and reasoned assessment of the contingencies imposed upon her.

Since the prospects of negotiated peace seem, right now, remote at best, it is appropriate to examine the current military situation in some detail. The de facto belligerence has now reached higher levels than it did at any time except in the actual wars of 1948, 1956, and 1967. Along the Suez Canal there are intermittent rounds of artillery duels, occasionally escalating into minor aerial skirmishes and forays to destroy enemy emplacements. Along the Jordan and on the Northern frontier of Israel, there is a pattern of guerrilla incursion or bombardment launched by Arab Palestinian groups such as al-Fatah, and Israeli retaliation by artillery or air against the terrorist bases mainly in Jordan and Lebanon. Occasionally this pattern expands into acts of violence far from the center of the conflict—such as the various Arab acts of aerial piracy, the Israeli raid on Beirut airport and the several deep incursions by helicopter-borne forces into Central and Southern Egypt.

This constant belligerency poisons the diplomatic atmosphere and thus makes even more remote the prospects of peace negotiations. Yet, by themselves, these acts of war neither are likely to be decisive in weakening one or the other antagonist, nor are they necessarily the prelude to open warfare.

Even in the most densely populated parts of the territories occupied since 1967 (the

West Bank and the Gaza Strip) there has not developed anything remotely resembling the classical guerrilla or preguerrilla situations of the 1950's such as in Malaya, Algeria, Cyprus, or Viet Nam. The level of incursions has not gone up, and the internal security situation in the West Bank and the Gaza Strip seems to be stabilizing gradually. The Israeli retaliatory bombardments, while they cannot put a stop to the well-financed and well-armed Fatah activity, have already had the effect of forcing the Fatah to pull its bases back from the immediate vicinity of the de facto frontier and to disperse their bases into smaller units, thus slowing down their operations. Also, the Jordanian and Lebanese governments are less than pleased about this military activity that is conducted from their soil but outside their effective control. King Hussein, depending on his tactical estimate of the situation from week to week, alternately tries to work out an accommodation with the Palestinian terrorists or to chip away at their power. The Lebanese government has given Israel to understand that it does not really object to Israeli retaliation against guerrilla bases in the Syrian border area beyond the Litani river on the slope of Mt. Hermon—even though it may see itself compelled to denounce Israel in the Security Council.

Along the Suez Canal, the Israelis were able, during a lull following one of their helicopter attacks on power lines along the Nile, to fortify their positions so as to withstand any subsequent artillery attacks.

The reason that these current incidents of belligerency are not likely to escalate into full-scale ground war is implicit in the nature of the 1967 cease fire lines. Israel's new de facto frontiers, along the Suez Canal, the Jordan River, and the crest of the Golan Heights are excellent strategic frontiers—and the new cease fire lines, in total perimeter mileage, are substantially shorter than the tortuous armistice lines of the 1949–1967 period. It has been rightly observed that the Suez Canal (even in its non-navigable state) and the Jordan River are far better than any tank traps that could have been designed by the most skilled of military engineers.

IV. ROUND FOUR?

Whether or not there will be a fourth round of fullscale Arab-Israeli war depends therefore not on the current land skirmishes but rather on the balance of aerial forces. The experiences of 1956 and of 1967 show that a full scale war will very likely start and be fought primarily in the air. The Arab countries, mainly Egypt, Syria, Iraq, and Jordan, had a heavy numerical superiority in combat aircraft before 1967, and they have an even heavier numerical superiority in combat aircraft now. Where the ratio in the Arabs' favor was three to one before the war, it now is about five to one. Egypt (alone) has about 60% more fighter aircraft and Syria (alone) has twice as many planes as before 1967. This arsenal that Russia has so lavishly replenished, and over-replenished, also is of far more modern design, including MIG 19's and 21's.

Nonetheless, this balance of equipment in favor of the Arabs does not translate into any similar balance of power in their favor. Egyptian airfields now are considerably farther from Israeli targets, and Israeli airfields conversely are closer to the Egyptian targets. The Egyptians, to be sure, have dispersed their aircraft and hardened their airfield installations, as they had not done before 1967. They are also receiving intensive training from Russian pilots, and among the ground forces Russian advisors are now present down to battalion level. Yet even with Russian training, the Egyptian pilots are no match in skill, tenacity or imagination for the superbly trained Israeli pilots.

Israel is receiving from the United States 100 Skyhawks—a badly needed replacement for outdated equipment dating from the 1950's or earlier, and delivery of 50 Phantom jets has begun this month, to be completed by the end of 1970. The delivery of French Mirage jets for which Israel had contracted and paid to the tune of $60 million has been held up indefinitely by the Paris government, and there seems to be no prospect of reversal of that decision by Pompidou—even though spare parts for planes already in Israel have recently been released. (Note that Israel has not asked for a refund, even though she can ill afford the tying up of large amounts of precious hard currency reserves.)

The aircraft now in Israel, combined with the superior training of Israeli forces and their more favorable disposition since 1967, is enough to hold the balance against Arab rearmament at the present. But Israeli planners naturally think—and US policymakers must think—of the future. The need, moreover, is not only for the Israelis to keep matching Egyptian and other Arab aerial strength, but rather to preserve a situation where even the most bellicose and irresponsible Arab leaders know that the Israelis overmatch their strength. An apparent balance of military power would encourage Arab adventurousness and perhaps Russian irresponsibility. It might convert the present precarious balance of peace into a balance of war—with all the perilous implications that accompany a fourth Mid East conflict.

We, therefore, must take steps even now to anticipate the situation as it will be in 1970, 1971, and 1972. If the present balance of peace is allowed gradually to erode, it is my assessment that it will reach the peril point in about two years' time.

This brings me to my second major recommendation. To preserve the current balance for peace in the Middle East, we must make a public commitment this year to furnish Israel with 100 more Skyhawks and with 25 to 50 more Phantom jets at the end of the delivery period for those currently committed.

We also should quietly but decisively use what influence we have with our British and French friends to reverse their ill-considered policies with regard to military deliveries to Israel. It is incredible that democratic countries, who only a generation ago valiantly survived an aggressive onslought, should try now to take narrow political or commercial advantage to the aggressive perils facing another valiant democracy. It is incredible that governments in London and Paris should hold up Chieftain tanks and Mirage jets duly contracted for—and all this in the illusory hope of currying favor with volatile and irresponsible Arab governments, which need their European markets for oil at least as much as Europe needs its sources of supply.

It might be objected that such a promise of additional delivery is a further contribution to an arms race or that it could easily be outmatched by new Russian deliveries. We should reemphasize in public that it has been the Russians who since 1955, and in higher gear since 1967, have carried on the nefarious and senseless arms race. We should emphasize that we are ready now, as before, to discuss with the Russians a workable arms limitation arrangement—as soon as the Russians are willing to engage in such a discussion. Above all, we must emphasize that the Russian deliveries have gone to irresponsible governments that have cried hatred and revenge and ours are going to a responsible government struggling for peace and survival.

Nor is there much danger that the Russians would escalate their deliveries by giving the Egyptians any MIG 23's. The present amount of arms in Egypt is already straining that country's absorptive capacity. Besides, any use of MIG 23's in the intermittent aerial encounters along the Suez-Sinai frontier would mean that the designs of this most advanced type of plane would fall into Israeli, i.e. Western, hands as soon as the first of them is shot down. This clearly is a risk the Soviets are unlikely to take. On the other side,the Skyhawks and Phantoms are aircraft of the type already given to Israel. The new deliveries would simply insure that the delivery pipeline would not dry up, thus leading to a peril point by 1971 or 1972.

My third recommendation is that our government fundamentally review the terms on which Israel obtains the necessary assistance from us. We have so far allowed our Israeli friends only arms purchases, even of those weapons they admittedly and desperately, needed whereas we have given arms needed by Jordan on a grant basis. Above all, we must face the ugly fact that Russia's Arab clients are not purchasing their weapons outright, but are obtaining them either as gifts or on credit terms so lavish as to amount to gifts. The Israelis have consistently shown and are now showing their determination to face all risks and sacrifices to keep more of their young men and women under arms, to slow down their economic growth, to deplete their foreign exchange reserves, in short to do what is needed for survival and to maintain the peace. There is a limit however, to the sacrifice that can be demanded of even so gallant a nation as Israel. Just as the military situation would reach the peril point if the balance of peace shifts to a balance of war by 1971, so Israel's economic and foreign exchange balance is headed for the peril point of mounting deficits by that same year. It would be a niggardly offering to allow Israel the means of military survival at the price of economic ruin. We must not demand that extra ounce of blood and sweat. We must not thwart the economic growth that is so healthy and promising and that is the visible promise, to Israeli and Arab alike of what peaceful effort and application can do in a once barren land.

V. CONCLUSION

Let us not forget that the Israeli government and the Israeli people are sorely taxed and tried, and that the present heavy burdens are keeping them from always facing the situation with that extra reasonableness, that extra generosity that would enable them to carry out their own long range policy and interest of peace, that would counterbalance the current hostility and suspiciousness of Arabs both within and beyond the cease fire lines. Israel does not seem to have given serious consideration to compensating refugees of 1948 as a partial or unilateral program. Perhaps there are good and weighty arguments to defer this until there is Arab willingness to discuss all other aspects of peace. It is likely now too that in the present atmosphere of suspicion and terror few refugees, individually, would be able to accept such an offer for fear of retaliation. But the grim fact is that Israel also now does not have the economic resources to afford any such compensation program.

Only within a restored, prolonged, assured balance of peace and balance of economic survival can the current situation gradually settle down so that Arabs may come to a more realistic assessment. Only then can Arabs within cease fire lines take advantage of the economic possibilities of cooperation with Israel. Only when it is clear that the arms supplied by Soviets to Egypt, and other distant countries, cannot reverse the present balance of peace, will the Arabs closer to the scene—Jordan and Lebanon with their moderate governments, the Palestinians inside and outside the cease fire line with their interest in rejoining families—come to the fore. Only then can we expect a step-by-step enlargement of the pragmatic cooperation that miraculously goes on even now, as illustrated by the thriving trade between West Bank and Israel, as well as West Bank and Jordan, and the Palestinian students returning for summer vacations under Israeli occupation with their families.

The folly and callous irresponsibility of Nasser policy may some day become fully apparent to Arab audiences. It is a policy that has preached war for 17 years and led to

defeat twice. It is a policy that concentrates such massive efforts on armaments that they dwarf the expenditures on the Aswan dam. It is a policy that holds no realistic hope for anything but senseless Arab and Israeli suffering in the years ahead. The alternative is a policy of mutual respect and cooperation. Even with small beginnings of de facto accommodation, it could produce a gradual increase of understanding between two long divided Semitic border peoples each proud of their ancient religion and literature, each with an economic challenge of a better future in a desert that human skill and dedication can convert into a garden of growth for Arab and Jew alike.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House has passed the bill (S. 757) for the relief of Yvonne Davis, with an amendment, in which it requested the concurrence of the Senate.

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

H.R. 1695. An act for the relief of Alfredo Caprara;

H.R. 2260. An act to confer jurisdiction on the U.S. District Court for the Western District of Wisconsin to hear, determine, and render judgment on the claim of Emma Zimmerli against the United States;

H.R. 2407. An act for the relief of Elbert C. Moore;

H.R. 2458. An act for the relief of Frank J. Enright;

H.R. 4634. An act for the relief of Lawrence Brink and Violet Nitschke;

H.R. 8694. An act for the relief of Capt. John T. Lawlor (retired);

H.R. 9477. An act to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation;

H.R. 9910. An act for the relief of Hannibal B. Taylor;

H.R. 10356. An act for the relief of Mrs. Iris O. Hicks;

H.R. 11060. An act for the relief of Victor L. Ashley;

H.R. 11503. An act for the relief of Wylo Pleasant doing business as Pleasant Western Lumber Co. (now known as Pleasant's Logging & Milling, Inc.); and

H.R. 11890. An act for the relief of T. Sgt. Peter Elias Gianutsos, U.S. Air Force (retired).

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 83. An act for the relief of certain civilian employees and former civilian employees of the Bureau of Reclamation;

S. 85. An act for the relief of Dr. Jagir Singh Randhawa;

S. 348. An act for the relief of Cheng-huai Li;

H.R. 4658. An act for the relief of Bernard L. Coulter;

S.J. Res. 149. Joint resolution to extend for 3 months the authority to limit the rates of interest or dividends payable on time and savings deposits and accounts;

H.J. Res. 250. Joint resolution authorizing the President of the United States of America to proclaim September 17, 1969, General von Steuben Memorial Day for the observance and commemoration of the birth of Gen. Friedrich Wilhelm von Steuben; and

H.J. Res. 775. Joint resolution to authorize the President to award, in the name of Congress, Congressional Space Medals of Honor to those astronauts whose particular efforts and contributions to the welfare of the Nation and of mankind have been exceptionally meritorious.

HOUSE BILLS REFERRED

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

H.R. 1695. An act for the relief of Alfredo Caprara;

H.R. 2260. An act to confer jurisdiction on the U.S. District Court for the Western District of Wisconsin to hear, determine, and render judgment on the claim of Emma Zimmerli against the United States;

H.R. 2407. An act for the relief of Elbert C. Moore;

H.R. 2458. An act for the relief of Frank J. Enright;

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H.R. 11060. An act for the relief of Victor L. Ashley;

H.R. 11503. An act for the relief of Wylo Pleasant doing business as Pleasant Western Lumber Co.) now known as Pleasant's Logging & Milling, Inc.); and

H.R 11890. An act for the relief of T. Sgt. Peter Elias Gianutsos, U.S. Air Force (retired); to the Committee on the Judiciary.

H.R. 9477. An act to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation; to the Committee on Interior and Insular Affairs.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

Mr. STENNIS. Mr. President, I ask unanimous consent that the Chair lay the unfinished business before the Senate notwithstanding the hour.

The PRESIDING OFFICER. The clerk will report.

The LEGISLATIVE CLERK. A bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi?

There being no objection, the Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 165 of the Senator from Kentucky (Mr. COOPER).

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. COOPER. Mr. President, I have consulted with the majority and minority leaders, and after consultation I make this motion.

I move that the Senate stand in recess, subject to the call of the Chair.

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

(At 1 o'clock and 20 minutes p.m., the Senate took a recess, subject to the call of the Chair.)

At 1 o'clock and 56 minutes p.m., the Senate reassmbled, when called to order by the Presiding Officer (Mr. CANNON in the chair).

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 165 offered by the Senator from Kentucky.

Mr. COOPER. Mr. President, on August 12, I offered in the Senate an amendment to clause (2) of section 401, title IV of S. 2546. After some debate, I withdrew the amendment, as it had not been printed, and as several Members of the Senate expressed a desire to have more time for its consideration and some wished to join as cosponsors. The record of the debate may be found on pages 23511–23518 of the CONGRESSIONAL RECORD, August 12, 1969. I gave notice that I would introduce again the amendment when the Senate convened after recess.

The amendment I offered on August 12 was directed to clause (2) of section 401. Its purpose was to prohibit the use of the Armed Forces of the United States in combat in support of local forces in Laos and Thailand.

Title IV—General Provisions of S. 2546, as reported by the Senate Committee on Armed Services, reads as follows:

TITLE IV—GENERAL PROVISIONS

SEC. 401. Subsection (a) of section 401 of Public Law 89–367 approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"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: (1) Vietnamese and other free world forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine."

On August 12, section 401 was modified by amendments offered by the Senator from Arkansas (Mr. FULBRIGHT)

which were agreed to by the Senator from Mississippi (Mr. STENNIS), the manager of the pending bill, and the Senate. Its present text is as follows:

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: (1) Vietnamese and other free world forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1970 on such terms and conditions under Presidential regulations as the President may determine.

The Senate will note that the present language of section 401 provide that—

Funds authorized 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.

The words "to support" are of operative importance. They apply and are directed equally to Vietnam, where the United States is engaged in war, and to Laos and Thailand, where we are not informed that we are engaged in war. Section 401 makes no distinction as to the kinds of support which are authorized to the forces in Vietnam and to the local forces in Laos and Thailand.

The United States is at war in Vietnam. The United States provides equipment, material and supplies, training—billions of dollars—everything necessary for the conduct of war to support South Vietnam, its forces, and other allied forces in South Vietnam. But the United States has provided far greater support. It has sent over 500,000 of its men and many women to fight, to suffer wounds and injury, and to die.

The language of section 401, as modified, speaks for itself. Its literal meaning is clear, and the language itself is the first and decisive source to provide interpretation of the legislative intent of section 401. Under this test, section 401 can be interpreted to direct that the kinds of support provided to: First, Vietnamese and other free world forces in Vietnam can be provided to local forces in Laos and Thailand.

The amendment which I offer reads as follows:

On page 5, line 14, strike out "to support: (1)" and insert in lieu thereof "(1) to support".

On page 5, line 15, strike out "(2) local forces in Laos and Thailand; and", and insert in lieu thereof "(2) to support local forces in Laos and Thailand, but support to such local forces shall be limited to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and to the providing of training for such local forces, and (3)".

The amendment would provide and make a distinction between the kinds of support that the United States shall give to South Vietnam and the kind of support we would make available in Laos and Thailand.

If the amendment is adopted, section 401 will read as follows:

TITLE IV—GENERAL PROVISIONS

SEC. 401. Subsection (a) of section 401 of Public Law 89-367 approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"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: (1) to support Vietnamese and other free world forces in Vietnam, (2) to support local forces in Laos and Thailand, but support to such local forces shall be limited to the providing of supplies, materiel, equipment, and facilities including maintenance thereof, and to the providing of training for such local forces, and (3) for related costs, during the fiscal year 1970 on such terms and conditions under presidential regulations as the President may determine."

I desire to make the purpose and the interpretation of the amendment specific and clear. It draws a distinction between the use of funds authorized to support Vietnam and other free world forces in Vietnam and funds authorized to support local forces in Laos and Thailand. It would limit strictly U.S. support of local forces in Laos and Thailand to the types of aid designated by the amendment and for related costs.

The amendment is intended to declare that funds authorized under this or any other act shall not be used to engage or commit the Armed Forces of the United States in combat, hostility, or war in support of local forces in Laos or Thailand. It is intended to prohibit specifically such use of funds authorized. Congress has this constitutional authority under article I, section 8 of the Constitution. It is perhaps the only clear authority which Congress has to deal with such a situation.

It is estimated that 45,000 of our Armed Forces are stationed in Thailand. I do not know that our forces are now engaged in combat in Laos or Thailand in support of local forces. I hear from various sources that some are engaged in combat in Laos and Thailand against insurgents, but I must say I have no personal knowledge, that it is correct. As I recall from hearings I have attended, both in the Committee on Foreign Relations and the Committee on Armed Services, I have not heard any official of this country say that we are engaged in hostilities in Laos or Thailand. If they are so engaged, the amendment is intended to deny their continued use in combat in support of local forces in those countries.

In bluntest terms, the amendment is offered with the purpose of preventing, if possible, the United States from moving step by step into war in Laos or Thailand, as it did in Vietnam.

During the course of the debate on August 12, objections were raised to the amendment, and since that time questions have been directed to me concerning its full meaning.

The distinguished Senator from Texas (Mr. TOWER) suggested that the amendment would prohibit U.S. forces in Thailand from engaging in combat for their self-defense or the defense of U.S. air bases or other U.S. facilities. I assume the same argument would be directed to U.S. forces in Laos. This argument is patently incorrect, on its face. Of course, the U.S. forces, wherever they are, can defend themselves as a matter of right, as a matter of commonsense, and as a matter of international law; and, constitutionally, the President, as Commander in Chief, has the authority to take whatever measures are necessary to assure the defense of U.S. forces.

I am sorry the Senator from Texas is not in the Chamber at this time. I wish to emphasize again that this amendment in no way would prevent our forces, wherever they are, from defending themselves.

I have been asked if my amendment would prohibit the use of U.S. Armed Forces stationed in Thailand from continuing combat support of U.S. forces in Vietnam and other free world forces in Vietnam, such as bombing operations which originate in Thailand and are directed against enemy forces in Vietnam and in Laos along the Ho Chi Minh trail. My answer is that the amendment would not prohibit such combat activities of U.S. forces. Whatever one's views may be about Vietnam, we are at war in Vietnam. The Commander in Chief, the President, has control of that situation, as a constitutional matter, and if in fact operations originating in Thailand were used to assist our Armed Forces and other forces fighting in Vietnam, my amendment would not prevent such operation, clause (1) of section 401, would not be affected by the amendment I offer. But with respect to clause (2), it must be clear that the amendment is intended to prohibit absolutely the engagement of U.S. Armed Forces in combat, in support of Laos or Thailand local forces, fighting in Laos and Thailand.

The distinguished Senator from Arizona, Senator GOLDWATER, in a very valuable contribution to the debate, asked if the amendment I offer would prohibit U.S. forces in the installation of radar and other facilities to assist local forces in Laos and Thailand. My answer is "No." The amendment is intended to prohibit the use of our Armed Forces in combat in support of local forces in Laos and Thailand. But I make this point. The stationing of large U.S. forces in Thailand—estimated at 45,000 and their use in many types of military activity, logistic and otherwise—even though short of actual combat, increase the possibility of the United States becoming involved in a local war without the authority of the Congress. Our troops in Thailand and in Laos should be withdrawn as early as possible.

It was said in the debate on August 12 that there is no intention to use our Armed Forces in Laos or Thailand in combat in support of their local forces. There is no reason, then, why it should not be spelled out in section 401, as I propose.

The distinguished Senator from Mississippi (Mr. STENNIS) said that it would be a monstrous act for the Executive to use the language of section 401 as authority to engage our forces in war either in Laos or Thailand. I am sure that it is the purpose of the President of the United States that the United States shall not become engaged in war in Laos or Thailand. He has outlined his policy for Southeast Asia—that the countries of the area must assume greater responsibility for their defense. He has said "no more

Vietnams." I would think it would be helpful to the President, and his administration, if Congress would make this policy clear to give him support on the policy he has announced.

Just a short time ago, on June 25, the Senate adopted by a vote of 70 to 16 the national commitments resolution, a resolution which Senator FULBRIGHT and I had prepared as a substitute for his original resolution. I shall read the resolution.

Whereas accurate definitions of the term "national commitment" in recent years has become obscured: Now, therefore, be it

Resolved, That (1) a national commitment for the purpose of this resolution means the use of the armed forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the armed forces or financial resources of the United States, either immediately or upon the happening of certain events, and (2) it is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the Executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment.

While it had no constitutional effect, it expressed the sense of the Congress that constitutionally the Armed Forces of the United States should not be used abroad, or their use promised, in support of the forces of other countries, except by the joint authority of the President and the Congress.

It may be argued, and I have read some articles to that effect, that the United States is bound by the terms of the SEA TO Treaty to engage in the defense of Laos and Thailand. If this argument suggests that the United States is bound to engage in combat activities in either of these states in their support, I answer by saying that the terms of the treaty do not so provide. Article IV of the treaty, which deals with aggression by means of armed attack against a party or "in any way other than by an armed attack," requires a determination by each party as to the action that it will take "in accordance with its constitutional processes." These words "constitutional processes" are controlling, so we must ask what does the term "constitutional processes" mean?

In accord with our national commitments resolution—and in accord with the testimony of the late Secretary of State John Foster Dulles, given at the time the SEATO Treaty was being considered—except in case of emergency or immediate attack—I insist that in situations such as exist in Laos and Thailand where we are not at war, as far as any constitutional determination by the Executive or the Congress is concerned, "constitutional processes" means the joint action of the Executive and the Congress. If we are not to be committed in many places throughout the world to engagement in armed conflict, which can lead to war as it has in Vietnam, the Congress must assert its authority.

The war in Vietnam is a fact. We cannot affect it constitutionally except by cutting off appropriations for its support or repealing the Gulf of Tonkin Resolution. I do not believe the Congress is ready to do so when the young men of our country are fighting loyally and bravely. But, surely we do not want to move, or rather back into, war in Thailand or Laos step by step as occurred in Vietnam. We have the constitutional power now to forbid the use of funds under this bill or any other act for the engagement of the Armed Forces of the United States in combat, in hostilities, in armed conflict, in war, in support of local forces in Thailand and Laos.

Mr. President, I do not degrade the efforts of the people of Laos or Thailand to maintain the type of government they want in their countries, but I do say that no President of the United States, nor the Secretary of Defense, nor military commanders have the right to send this country into war, another war, except in those cases where the constitutional authority is clear. I am sure that President Nixon wants no new war but the Senate and the Congress must discharge its responsibilities.

It may be said that I am giving too great importance to the language of section 401. I do not think so. It is the first test of the attitude of the Senate toward the national commitments resolution approved this year almost unanimously. In a larger sense, it is the duty of the Congress, which represents the people, to prevent the engagement of the United States in war unless it is essential to the security of the United States.

Mr. STENNIS and Mr. PEARSON addressed the Chair.

Mr. COOPER. I yield to the Senator from Mississippi first.

Mr. STENNIS. Mr. President, I appreciate the Senator from Kentucky yielding to me.

Mr. President, may we have order? May we have the attention of all Senators, Mr. President?

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The Senate will be in order.

Mr. STENNIS. Mr. President, I believe it is important that Senators understand the issue that I think is being presented by this amendment; and it is technical, in a way, Mr. President. I ask the attention and indulgence of Senators.

First, I wish to commend the Senator from Kentucky very highly for the work he has done on this matter, which also represents my sentiments and my position. So I do not have any conflict with him on that at all.

I do believe, though, that, because of the nature and history of this section of the bill, that the Senator's amendment would not affect our support of our troops. With the knowledge I have about this matter, I am inclined to agree to the amendment as it is now worded, but let me make an explanation first.

I direct the attention of Senators to title IV of the bill and remind them that this is the old foreign military aid. In the old days it came out of the Foreign Relations Committee and was handled by them in the form of a broad authorization bill. The Foreign Relations Committee still handles the regular foreign-aid bill. But this item here got into the bill just a few years ago as a special foreign assistance that goes to the Southeast Asian countries.

Frankly, I think and I hope that next year, if it is still in the Armed Services Committee, and it can well be there, that it can be handled as a separate bill where the issues will be clearer, with hearings held on it, and then it can come to the Senate for debate on its own merits.

But now it is stuck in here as a brief section of the authorization bill. It relates to the $2.5 billion, but only about $150 million of that $2.5 billion is really for items found in the bill now before the Senate. It authorizes that much hardware for these purposes. In the other part of the $2.5 billion, that will come through the regular DOD appropriation bill—items that do not require any authorization except the authorization we find in the appropriations bill itself. It authorizes the program and authorizes the expenditures of the money at the same time.

Thus, we keep those two items in mind. Then, also, this program which originated in 1950–51, in all the years of history and even down to this minute, the money that goes to support our troops, wherever they are throughout the world, comes from the regular authorization bill for our troops. They have never been paid or supplied out of this special military aid bill that goes to the various foreign countries. I do not think that relationship is disturbed one bit.

At the expense of repetition, it has always been true, through all these years down to now, including last year, that the language was as it was when we brought the bill in here. Foreign aid for local troops has always been kept separate, and our military forces, wherever they are, are paid altogether from another fund.

The reason I say that I am willing to take the amendment as written now is that I do not believe the language disturbs that situation about our troops in whatever country they are found.

Now let us get right down to the language. As the amendment reads now with the present Cooper amendment written into it, it states "not to exceed $2.5 billion."

Funds authorized for appropriation for the use of the Armed Forces of the United States—

The reason that is termed there is that they will take this money, except for $180 million, out of the money bill that goes to support our troops, but it leaves our troops supported by that fund just the same.

For the use of the Armed Forces of the United States under this or any other act—

"This act" means exactly what it says in the bill we are debating. "Any other act" means the appropriation bill. There are a lot of items in that appropriation bill that do not have to be expressly authorized except by the terms of the bill. So those words there "or any other act" refer to our regular appropriation bill and the language is:

Authorized to be made available for their stated purposes, to support one, Vietnamese and other free world forces in Vietnam—

That is in Vietnam—

Support Vietnamese and other free world forces—

I suppose that means the Philippines, Korea, and Vietnam.

Two, local forces in Laos and Thailand, but support to such local forces shall be limited to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and to the providing of training for such local forces. Three, for related costs—

That is what it means—items directly related there.

during the fiscal year 1970 on such terms and conditions . . .

That is under Presidential regulation as the President may determine.

Now it is inescapable to me that that leaves the funds applicable strictly to those local forces, that anything that goes to U.S. forces in those countries, or anywhere else around the world, are paid out of regular appropriations for those purposes.

I just add this: The Senator from Kentucky is a very good man with language and he can write well. I have had some experience in drafting legislation, but there is just a basic difference here as to our conclusions. I believe that this language was debated a day or a week and I would have this conclusion. Perhaps I would have what he has now. The Senate would be divided on it. I would like to see the language taken to conference, with the understanding that we would have the language experts and those familiar with the history of the legislation to really grind it down and come up with a memorandum as to just what it may or may not mean.

So I am glad to submit that to the distinguished Senator from Kentucky.

Mr. COOPER. I think the Senator would agree that section 401 applies to the kinds of support that can be provided the two categories of countries designated in clauses (1) and (2); is that not correct?

Mr. STENNIS. I beg the Senator's pardon?

Mr. COOPER. Section 401. Its purpose is to provide means whereby, one, forces fighting in Vietnam can be aided and, two, local forces in Laos and Thailand.

Mr. STENNIS. That is correct.

Mr. COOPER. That is the purpose.

Mr. STENNIS. That is correct.

Mr. COOPER. That is the purpose of section 401. On August 12 when the Senator from Arkansas (Mr. FULBRIGHT) offered an amendment to limit, funds authorized for the two purposes, to $3 billion, the Senator from Mississippi modified the Fulbright amendment by providing $2.5 billion.

Is the $2.5 billion available to support the forces in Vietnam, and local forces in Laos and Thailand?

Mr. STENNIS. It will be available if appropriated.

Mr. COOPER. If appropriated is correct.

Mr. STENNIS. Yes, just for the purposes outlined here.

Mr. COOPER. How would the Senator define the purposes outlined here? In other words, what will the conferees be talking about in conference? I shall not be there, as I am not a member of the Armed Forces Committee.

Mr. STENNIS. To support the local forces in Vietnam, Thailand, and Laos.

Mr. COOPER. Yes, the section is designed to provide support to those countries. Clause (1) says nothing about the kinds of support provided to Vietnam. The language of section 401 would make available to Laos and Thailand the same kinds of support that are being provided in Vietnam. Is that not correct, from the language?

Mr. STENNIS. Yes, just looking at the language. It is a part of the cost of the war, but the war as a whole is costing us $29 billion a year, which I think includes the cost of the support of their local forces.

Mr. COOPER. Section 401, as reported from the Armed Services Committee, speaks of funds authorized by this or any other act.

Mr. STENNIS. Yes.

Mr. COOPER. I have drawn my amendment to provide that funds under this or any other act which may be made available for Laos and Thailand must be restricted to the kinds of aid I have designated.

Mr. STENNIS. The limitation put into effect by this amendment would apply to this bill. "Any other act," as the Senator said, would be the appropriation bill, but it would be subject to this very language here—to be available for the stated purposes, and these are the stated purposes, as drawn here now.

Mr. COOPER. On August 12 I spoke at some length. I provided the Senator with a copy of the amendment. The Senator understands that what I am trying to do is to prohibit the use of our Armed Forces fighting in support of Laos and Thailand. Of course, we know that in Laos government forces and the Pathet Lao have been fighting. The Pathet Lao may be assisted by North Vietnam or China, but is an example of local forces fighting in Laos.

We know that insurgent forces have been harassing government forces in the northern part of Thailand for some time, and the local forces in Thailand are trying to defend against and defeat them.

My amendment is designed to prohibit the use of our Armed Forces in combat support of local forces in Laos or Thailand, and to keep them out of situations in which they might become engaged in combat which could lead into war in Thailand or Laos, as it did in Vietnam.

The language means our forces cannot be used in combat in support of local forces, unless an emergency arose where the President's constitutional authority would come into play, except by the joint authority of the executive and Congress? If the Senator agrees that we are not in difficulty on the language—what is the problem? Are we fighting in Laos and Thailand?

Mr. STENNIS. Let me answer the Senator "Yes" and "No." In my mind, I am certain the Senator's language would not prohibit the United States, if it saw fit, to otherwise permit U.S. troops to fight in Laos and Thailand, because this act does not relate to it. If they fought with the Thais, they would be paid for and supplied out of our regular appropriation bill. U.S. soldiers anywhere are supported through these other channels.

Mr. COOPER. I ask the Senator if he opposes the proposal I am making insofar as this bill is concerned. Would he oppose my proposal that our forces should not be fighting in support of local forces?

Mr. STENNIS. Let me answer that in two prongs. The first is that the Senator's language just does not go to the point of cutting off funds for the soldiers of the United States of America. Second, I frankly think that, if we are going to pass an act that involves such a marked policy and a limitation on the President—I think we have the authority to do it, but if we are going to do it—it ought to have the careful study of the appropriate committees, the Foreign Relations Committee for one, and hearings in which the executive branch of the Government would be entitled to be heard and all sides considered. On the military aspects of it and the money for it, if the Senator wanted a recommendation out of the Armed Services Committee, that would be applicable. But when such policymaking is involved, I think we ought to consider the recommendations, have a bill, debate it here, and then make a decision. I shrink from its just coming out of the floor here with such a far-reaching policy in the form of an amendment to this bill, in spite of the ability of the Senator and his great dedication and experience.

Mr. COOPER. It has not come out of the floor. This subject has been debated.

Mr. STENNIS. It came up on the floor, then.

Mr. COOPER. Yes. It has been debated whenever treaties, executed and developed by the executive branch, have come to the Congress.

When the Korean treaty came before the Congress, I remember the valuable and proper questions the Senator raised. The Senator and I asked, in 1954, what the words "constitutional processes" meant. The Senator expressed the same opinion as I, that, except in case of an emergency, "constitutional processes" means that the executive shall come to the Congress for authority. My amendment does not affect the emergency powers of the President. If the troops are in another country and the President of the United States believes a situation has arisen which demands their defense, of course he has the constitutional power to provide for their defense. If our soldiers defend themselves, they are within international law. It is the right of self-defense.

I do not know that we will engage in a war in Laos and Thailand, but while there is the possibility that we might become engaged, and before we become engaged should we not take steps to reduce that possibility by declaring that only through the constitutional process of joint authority, shall John Jones in Company A of the 10th Infantry Regiment, in whatever army, be sent into battle in Laos and Thailand, in support of local forces, against insurgents?

I cannot go back into all the details. I have read the testimony of Secretary Dulles before the Senate at the time the SEATO Treaty was being considered. The report of the Foreign Relations Com-

mittee on the SEATO Treaty states that Secretary Dulles said that it was not intended to put land forces on the mainland of Asia, and that the Executive would come to the Congress for authority if it became necessary to engage in war.

He said what the Senator has said and what I have said: In case of an emergency affecting the security of our forces, the President has the constitutional authority to defend them.

Why do we not learn the lesson of Vietnam? I voted for the Tonkin Bay resolution. I said on the floor that day in substance that the resolution would give the President great power, and that "He might take actions which lead us to war." I voted for it, nevertheless because I believed he would be judicious and I have supported appropriations. But I do not intend to vote for another such proposal whether by resolution, treaty or statute unless we have sufficient facts to show that the security of the United States is threatened.

This bill will become a statute. It does not have the great impact of a declaration of war, but it has legal authority. I do not believe President Nixon will do anything reckless. I believe he wants the United States out of war in Vietnam, but we have also our responsibility to do what we can to prevent new wars. Why will we not do it? Has the Secretary of State or the President of the United States, or his Office, or the Secretary of Defense, said, "Do not pass such legislation, we have people fighting in Laos and Thailand, and we do not want to endanger them"? If our Armed Forces are fighting in Laos or Thailand in support of local forces, in domestic conflicts—we should be told.

If they are fighting in Laos or Thailand in support of local forces, I want to say there has been no authority given by the Congress for such fighting; and I have never heard a President of the United States, President Kennedy or President Johnson, and certainly not President Nixon, say we are engaged in some kind of hostilities in support of local forces in Laos or Thailand.

On August 12 we raised this question. A great many members of the Armed Services Committee took part in that debate including the distinguished Senator from Mississippi. The Senator from Texas (Mr. TOWER) and the Senator from Arizona (Mr. GOLDWATER) and others also took part in that debate.

Is the administration against this amendment?

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

Mr. COOPER. I promised to yield first to the Senator from Kansas.

Mr. STENNIS. Does the Senator from Kentucky want me to answer that question?

Mr. COOPER. Yes.

Mr. STENNIS. Mr. President, I have not discussed this with the Secretary of State. I have not discussed it with the President of the United States, nor with the Secretary of Defense or any of his representatives. We have a memorandum here from the Department of Defense on all these amendments. We need it, generally, on all amendments, for our information.

But here I am standing on the language. I understand the language better than I did on August 12. I feel the same way about not wanting to get into war, but I am satisfied here that the Senator's language will not touch the point, as I see it, that he expects it to touch. I am willing to take it to conference, and have additional men consider what the language means.

Mr. COOPER. The Senator knows my respect for him; I do not have to tell him that I am not trying to harass the Senator in any way.

Mr. STENNIS. No, I know that.

Mr. COOPER. But I have stated what I intend for it to mean. It is my amendment, and I can state the intention of its legislative effect. What does the Senator from Mississippi consider it to mean?

Mr. STENNIS. I have a very brief prepared statement here, and on my time I shall read that statement. I could read it now; it is brief. It deals with the language, as I have said, and the Chief of Staff here tells me that the memorandum we have from the Department of Defense is along the same lines as to the language.

But I do not have to have anyone advise me on the way this thing looks, as to this language. I am just being frank with the Senator.

Mr. COOPER. I thank the Senator and I am being frank.

I have promised to yield to the Senator from Kansas.

Mr. PEARSON. I thank the distinguished Senator from Kentucky. I listened to his speech and his very helpful colloquy with the Chairman of the Armed Services Committee.

I should like, just in a capsule manner, to ask the Senator from Kentucky whether or not my understanding of his amendment is correct, which would be that U.S. forces which are now in Thailand and Laos may remain there under the Senator's amendment; and that they, particularly the Air Force units in Thailand, may participate in the war in South Vietnam. Is that correct?

Mr. COOPER. That is correct, and I say it for this reason: The war in South Vietnam is a fact.

Mr. PEARSON. Yes.

Mr. COOPER. I do not think we can constitutionally override the Commander in Chief from doing what he considers best in the conduct of the war such as the direction of troops, the support of the troops that are fighting, or the use of troops in other countries to support our forces and allies in South Vietnam.

Mr. PEARSON. Yes.

Mr. COOPER. Once we got into war, the President is Commander in Chief; I do not think we have any constitutional authority except by refusing appropriations, or rescinding the Tonkin Bay resolution.

Mr. PEARSON. And those troops in Laos and Thailand may defend themselves, is that not correct?

Mr. COOPER. Of course.

Mr. PEARSON. And we may, under this amendment, furnish materiel and costs and related aid to local forces; but, under the amendment, those U.S. troops aiding local forces would be withdrawn, and no further U.S. involvement by troops would be permitted, under this amendment, in controlling the costs for local forces in those two countries?

Mr. COOPER. The Senator's statement is correct.

Mr. PEARSON. That leads me to put the question to the Senator as to whether or not the words "local forces"—and I address this question to the distinguished chairman also—are military words of art, and whether they have a precise meaning. Does the term include constabulary, police, regular forces, or what is the Senator's interpretation of the term "local forces"? I think that goes to the heart of the real meaning of what the Senator from Kentucky intends to do.

Mr. COOPER. Yes. Let us speak of Thailand, for example. I would consider them to be Thai forces, fighting in Thailand against insurgents who are attempting, I assume, to overthrow the Government of Thailand.

Mr. PEARSON. And our involvement is therefore contingent upon authority of Congress, pursuant to the Constitution?

Mr. COOPER. That is correct; and the same would apply in Laos: Laos forces fighting in Laos, against insurgents in Laos.

I might say, the report of the committee when SEATO came before the Senate spells this out perhaps better than I can do it. It quotes the language of Secretary Dulles, and I shall put it in the RECORD. Dulles testified before the Foreign Relations Committee on January 25, 1955. Section 15 of the report, entitled "Constitutional Processes," reads as follows:

15. CONSTITUTIONAL PROCESSES

In the course of the hearings on January 13, the committee gave consideration to a suggestion by one of the witnesses that a reservation be attached to the treaty which would prohibit the use of United States ground, air, or naval forces in any defense action unless Congress, by a declaration of war, consented to their use against Communist aggression. "This proposal led to a searching discussion in executive session. It was finally rejected as throwing open the entire controversial topic of the relative orbit of power between the executive and the legislative branches. It had been for this very reason as noted above, that the executive branch adopted the "constitutional processes" formula. When pressed for an indication of what the phrase comported, Mr. Dulles assured the committee that those words were used with the understanding that the President would come to Congress in case of any threat of danger—

unless the emergency were so great that prompt action was necessary to save a vital interest of the United States.

Except in that event—

the normal process would be to act through Congress if it were in session, and if not in session to call Congress.

The committee ultimately resolved that it would serve no useful purpose to seek to develop the meaning of "constitutional processes" beyond this statement of Mr. Dulles.

In that connection, it is recalled that the committee, referring to the use of the same phrase in the North Atlantic Treaty, observed in its report:

The treaty in no way affects the basic di-

vision of authority between the President and the Congress as defined in the Constitution. In no way does it alter the constitutional relationship between them. In particular, it does not increase, decrease, or change the power of the President as Commander in Chief of the Armed Forces or impair the full authority of Congress to declare war (Ex. Rept. No. 8, 81st Cong., 1st sess.).

Mr. President, that was the statement of Mr. Dulles as to the constitutional procedure intended by the SEATO treaty.

He made several statements—public statements, reports to the country, and reports to Congress—to that effect.

In Vietnam, we did not follow that procedure. I do not want to see us make a mistake in Laos or Thailand. Thailand is a party to the treaty. Laos comes under its protection by the protocol. However, Laos has said at one point that it does not want to be under the protection of the treaty.

What is wrong, I again ask, with trying to make sure that in this bill we use our constitutional power, and responsibility to prevent, if possible, another awful war?

Mr. PEARSON. Mr. President, does the Senator mean by "local forces" any international armed forces within the jurisdiction of the Government of Laos or Thailand?

Mr. COOPER. The Senator is correct. That is within the jurisdiction. The treaty has no application according to an understanding of the United States except against Communist forces.

Mr. PEARSON. "Local forces" may be words of art.

Mr. STENNIS. Mr. President, does the Senator from Kentucky mean to say that his use of the term "local forces" in Thailand includes United States of America forces in Thailand?

Mr. COOPER. No, not at all.

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

Mr. COOPER. I yield.

Mr. MILLER. Mr. President, I should like to have the attention of the Senator from Mississippi, because I think my question may bear on some of his concern.

Let me point out to the Senator from Kentucky that there is nothing at all wrong with what he is trying to do. The Senator asks what is wrong with trying to do this. There is nothing wrong at all.

I would guess that most of us share his objective. I can understand the reluctance of the Senator from Mississippi to agree to the language as it is, because the mere fact that we share the objective does not mean that we would use the same language.

I shall ask some questions which I think will bring out what I am talking about.

As I understand the Senator, if his were adopted, it would not prevent us from continuing our bombing activities in Laos.

Mr. COOPER. The Senator is correct. My amendment would go only to clause (2). It would not affect clause (1).

Mr. MILLER. I point out that the bombing activities in Laos can have a two-pronged effect. The bombing of a logistical supply point in Laos could have the result of helping the South Vietnamese situation, or it could have the result of helping the Laotians in their fight against North Vietnamese aggression. It could be a mixed result.

Mr. COOPER. I understand that complication and possibility. No one would suggest that we would have the bombers operating over there as they are if it were not to aid our forces and other forces in Vietnam.

If the Air Force or the commanding general maintains operations in connection with supporting forces in Vietnam, it would not be affected.

Mr. MILLER. In other words, the fact that there might be a mixed result would not affect this situation.

Mr. COOPER. The Senator is correct.

Mr. MILLER. I do not know whether the Senator has visited our bases in Thailand. I have.

Mr. COOPER. I have not visited them.

Mr. MILLER. It is not hard for me to visualize, in the case of some of them, that our troops and our Air Force personnel on those bases could be threatened by guerrilla or insurgent action, either by guerrillas or insurgents of the North Vietnamese or action of another character. Further, as I understand it, the security of those bases is left primarily to the local forces in Thailand. Therefore, in providing that security, if there were a guerrilla or an insurgent attack, the local forces would be fighting against the guerrillas or insurgents.

I wonder if in a situation like that we should not be permitted, as far as the protection of the U.S. forces is concerned, to conduct bombing or strafing attacks. I hope that the Senator would agree that we should be able to do that.

I am concerned that perhaps the language as it is may not permit that action. I point out that in such a situation, it is a very real possibility.

Mr. COOPER. The Senator is correct.

Mr. MILLER. Mr. President, the Senator certainly would not say that we should not be permitted to support local forces which were providing security for our own forces.

Mr. COOPER. Mr. President, I will answer the Senator in the same manner as I answered a similar question with respect to what action our Armed Forces should take to provide for their own security or to provide support for the forces of Laos and Thailand. Obviously that airbase is an American facility. Our bombers leave from there.

I was surprised when the Senator from Texas (Mr. TOWER) suggested we could not defend our troops. Of course our troops could defend themselves and defend that base. And if Thais were fighting in defense of the base, of course our troops would continue to fight.

That is not what I am talking about. I am talking about whether we have made a decision to engage our forces in a new war, against an insurgency, or insurrection.

The record of the SEATO Treaty states that it was not to be intended for the parties under the treaty to enter domestic situations. I ask the Senator from Iowa: If the governmental forces of Thailand were fighting insurgents, it would be a local conflict, would it not?

Mr. MILLER. If insurgents or guerrillas were seeking to attack one of our bases, and they ran up against Thai guards who were providing security for that base, it would seem to me that the situation would be such that if we wanted to protect the security of our base, we had better go in and help the guards.

Mr. COOPER. We could do that without question. I do not think any Senator would not agree that we could do that. Of course we could.

I am glad the Senator asked the question, and I respect him for it, but I do not want to have attention diverted—I am sure the Senator does not so intend—from the purpose of the amendment, which I explained on August 12, and about which I am speaking about today.

Mr. MILLER. No one is trying to divert attention any more than anyone might believe that the Senator from Kentucky is inclined to believe that such a situation could not happen. There is nothing wrong with what he is trying to do. He is to be commended for what he is trying to do.

All I am seeking to do is to make sure of the intention of the amendment, and I have already indicated my general agreement with it.

The Senator from Mississippi has said that he is willing to take the amendment to conference and let the language be worked out, if there are problems. I thought I could be helpful in reconciling the two viewpoints by pointing out that there could be a problem in the language as drawn. I do not see why reasonable men cannot get together in the Chamber or in conference and bring about that result.

Mr. COOPER. I thank the Senator from Iowa. He has been very courteous and helpful.

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

Mr. COOPER. I yield.

Mr. CASE. I should like to think that the Senator from Kentucky and the Senator from Mississippi are differing only upon a relatively minor or peripheral manner suggested by the Senator from Iowa. I do not think they are. I think the difference goes deeper. I not only support the objective of the Senator from Kentucky, but I support his attempt to accomplish his objective on this subject.

I think there is that difference between the Senator from Mississippi and the Senator from Kentucky. The Senator from Mississippi, I think, agrees with the objective, but not on this bill. I would not want us, who have to vote on this matter, to have any doubt about what we are voting on.

May I ask this of the Senator from Kentucky and have the Senator from Mississippi agree or disagree: If we adopt the amendment of the Senator from Kentucky, we are saying to our Government, "You cannot use any money provided by this bill or by any other bill—appropriation bill, authorization bill, or anything else—for the support of American Armed Forces in local conflicts in these two countries."

Mr. COOPER. That is correct.

Mr. CASE. And the Senator from Mississippi would rather have it understood that, because of the historical way in

which the foreign-aid military appropriation came into this bill, the Senator from Kentucky's amendment would have a lesser effect. I think I am correct in my understanding. The Senator from Kentucky wants to go the whole way, as he has just indicated, applying not only to the money authorized by this bill but also money provided by any other bill.

Mr. COOPER. Of course. Otherwise, the amendment would have no meaning at all.

Mr. STENNIS. I think the Senator from New Jersey put the question aptly.

The position of the Senator from Mississippi is that, regardless of our intent or purposes or wishes, the language before us does not carry out the objective as stated by the Senator from Kentucky and the Senator from New Jersey, and it will not accomplish the purpose.

Mr. CASE. I would argue that.

Mr. COOPER. I would be willing if the Senator would produce language which would accomplish this purpose, which would prohibit our forces from becoming engaged in local war in Laos or Thailand.

Mr. STENNIS. Mr. President, if it is going to be done, it certainly should be done in language that by no means is uncertain. So, when the time comes for me to obtain the floor, even though I will be brief, and partly in repetition, I will put one, two, three, or four points I have in mind to back up my position.

Mr. COOPER. I should like the Senator——

Mr. STENNIS. The Senator from Kentucky has been very kind to yield.

Mr. COOPER. I should like the Senator to spell out, if he will, why the language is not effective. If he agrees with me on the purpose—of Congress using its constitutional authority to prevent the use of our troops in combat in Laos or Thailand—I should like to have his views upon the principle; and if he has a better method of providing us with the means, we will be in agreement.

Mr. STENNIS. Mr. President, I respond to the last part of the Senator's question. Regretfully, there is not a large attendance of Senators in the Chamber at this time. What I say is not important, but what someone says about this bill is important. I believe we are reaching the last stages of the debate, and this amendment raises one of the most far-reaching questions that have been raised. It is a highly important and involved question.

My point now, however, is that this language is not sufficient to reach the Senator's objective. I make the further point that, to me, it is tragic for a matter of this kind to be settled by the Senate without the benefit of any recommendation before it of any committee that studied the matter, or without the suggestions of the President of the United States and others. But if the Senate wants to do that, I have no further complaint.

Mr. President, if it is the intent to prohibit money in this bill or any other bill from being used to support our troops in any country, anywhere, it will just take positive, direct language that says so, and these are the reasons why I have reached that conclusion. Let me make the following points regarding the pending amendment of the Senator from Kentucky to title IV of this bill.

First, it is important that there be an explanation of the legislative background of this entire matter. As Senators know, prior to 1966, the support for countries in Southeast Asia as contemplated in this amendment was a part of the military assistance legislation and, of course, was handled by the Committee on Foreign Relations. Beginning in 1966, however, military assistance for Southeast Asia has been funded as set forth in title IV, under which any funds authorized to the Department of Defense may be used for the stated purposes.

It should be kept in mind that this is the present authority under which all assistance in terms of supplies, gas, oil, and so forth, is extended to the South Vietnamese Army and the other free world forces in Vietnam. In addition, it is the authority under which we support local forces in Laos and Thailand—local forces. That is the entire subject matter of this section. This section is a child of the old legislation before the Committee on Foreign Relations on Military Aid for Foreign Countries. It was transferred to the Committee on Armed Services solely because the war took on such importance and it became such an appreciable part of the military budget. When we say "the other free world forces in Vietnam," as already stated, that means other forces, such as Koreans and others, who are fighting for our side.

As reported by the committee, the language in the bill this year is identical to that reported in prior years. When this matter came up before, I stated that it had been discovered that this was open-end legislation, and the committee wanted to put a ceiling on it and proposed a ceiling lower than did the Senator from Arkansas. He adopted the committee's substitute, and it became known as the Fulbright amendment.

We already have had one floor amendment, as Senators may recall, when, on August 12, an amendment which I supported limited this assistance to $2.5 billion. That amendment was adopted.

The important fact of this amendment is that the funds under this title in the past—and as I interpret in this amendment—always have been limited to funds for the support of forces in Vietnam or other local forces. To me, it is impossible to read any other meaning, into these words, as proposed by the Senator, especially in view of this historical background.

This title never has been a limitation on the use of funds for the U.S. forces. This amendment does not say that it is a limitation on funds for the U.S. forces. The law and the logic and the system and the reason are that our forces are supported, wherever they are, by our direct appropriations. If you are going to change that, the Senator is going to have to change it to direct language. We do not have that direct language before us.

Mr. President, on August 12, I had printed in the RECORD a table showing expenditures for fiscal year 1968, fiscal year 1969, and anticipated expenditures for fiscal year 1970. The total for this year was slightly over $2.2 billion.

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

The PRESIDING OFFICER (Mr. GURNEY in the chair). Without objection, it is so ordered.

The table, ordered to be printed in the RECORD, is as follows:

ESTIMATED AMOUNTS INCLUDED IN MILITARY FUNCTIONS BUDGET FOR SUPPORT OF FREE WORLD MILITARY ASSISTANCE FORCES IN VIETNAM, LAOS, AND THAILAND AND RELATED COSTS, FISCAL YEAR 1970 BUDGET INCLUDING THE AID/DOD REALINEMENT

[In millions of dollars]

	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970
Military personnel:			
Army	118.0	114.2	116.3
Navy	.8	.6	.1
Marine Corps	15.0	14.8	14.2
Air Force	.2	.2	.2
Total, military personnel	134.0	129.8	130.8
Operation and maintenance:			
Army	605.8	708.0	632.8
Navy	43.3	47.5	53.7
Marine Corps	6.1	10.7	10.3
Air Force	55.0	131.8	157.1
Total, operation and maintenance	710.2	898.0	853.9
Procurement:			
Army	552.5	1,243.5	927.3
Navy:			
Other procurement	5.8	10.2	4.2
Shipbuilding and conversion	4.5	6.5	3.4
PAMN—Navy aircraft and missiles			.2
Marine Corps	68.5	50.8	88.3
Air Force:			
Aircraft procurement	36.1	88.1	103.9
Missile procurement	.1		
Other procurement	67.4	85.4	114.4
Total, procurement	734.9	1,484.5	1,241.7
Military construction:			
Army	1.7	10.7	
Navy	1.9	3.3	
Air Force	9.0	1.5	
Total, military construction	12.6	15.5	
Grand total	1,591.7	2,527.8	2,226.4

Mr. STENNIS. Mr. President, not a dime of that money went to support U.S. forces, wherever located, and not a dime of this money is going for that purpose, according to the way the language is written now. I refer to the money we are talking about in this bill. Commonsense says that; the Senator from Mississippi does not have to say it. That is the situation. If we are going to change the rule about U.S. Armed Forces support money it will have to be spelled out.

This title has never been a limitation on the use of funds for the U.S. Armed Forces. As I interpret the matter, the purpose of the amendment of the Senator from Kentucky is to make certain that within this limitation of $2.5 billion the support for the local forces will be limited to the purposes stated in his amendment which would be only for supplies, equipment, materiel, facilities, training, and related costs.

I think the amendment is unobjectionable since it spells out the type of local support which would be authorized. I again emphasize, however, that the entire title IV with its legislative history

and purpose does not operate with respect to funds used for U.S. forces which, of course, are provided for elsewhere in the Department of Defense appropriations.

When this language came in from the Senator from Kentucky (Mr. COOPER), in my capacity as chairman of the committee I asked that the Senator's language and a very good letter that he wrote each Senator be sent to the Department of Defense for comment.

I now have before me a letter which I did not have before me when I was making my remarks awhile ago. I refer to the comment that we received from the Secretary of Defense when I sent to him the latest amendment and letter by the Senator from Kentucky.

In order to identify it, the memorandum states:

On page 5, line 14, strike out "to support: (1)" and insert in lieu thereof "(1) to support".

Then, here is the language of the Department of Defense:

Under the terms of this amendment and within the amount specified ($2½ billion limitation imposed by the Fulbright amendment) current activity in support of the local forces in Laos and Thailand could be continued.

It is our considered opinion that in line with the language, legislative history and intent of this entire section, such amendatory language would have no impact on the use of funds for the support of U.S. Forces in Laos and Thailand.

Mr. President, so that all the material may be before the Senate, I ask unanimous consent to have printed in the RECORD the letter from the Senator from Kentucky dated September 15, 1969, together with a copy of the proposed amendment and the statement from the Secretary of Defense.

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

U.S. SENATE,
Washington, D.C., September 15, 1969.

DEAR SENATOR: On August 12 I offered an amendment to clause (2), Section 401, Title IV of S. 2546, now pending before the Senate. Its purpose was to restrict the use of the funds appropriated under Section 401 in support of "local forces in Laos and Thailand" to equipment, materiel, supplies and training of such local forces and, to prevent the use of the armed forces of the United States in combat in support of local forces in Laos and Thailand.

After some debate, I withdrew the amendment as several members had suggested they wanted additional time for its study. I stated that I would introduce such an amendment when the Congress reconvened in September. The debate may be found on pages 23511–23518 in the Congressional Record of August 12.

I will introduce the enclosed amendment, or one substantially similar on Monday, September 15 and will ask that it be made the pending business at the first opportunity. The amendment would not affect clause (1), or restrict the support of Vietnamese or other free world forces fighting in Vietnam. It would prohibit the use of funds for the engagement of the armed forces of the United States in combat in Laos and Thailand in support of local forces of Laos and Thailand. Its purpose is to prevent, if possible, the United States from becoming involved in a domestic war in Laos and Thailand, without the authority of the Congress.

If you should desire to become a cosponsor of the amendment, I would appreciate very much if you would advise me or have a member of your staff contact Mr. Will Haley on telephone extension 2542.

With kindest regards, I am

Yours sincerely,

JOHN SHERMAN COOPER.

PROPOSED AMENDMENT

On page 5, line 14, strike out "to support: (1)" and insert in lieu thereof "(1) to support".

On page 5, line 15, strike out "(2) local forces in Laos and Thailand; and", and insert in lieu thereof "(2) to support local forces in Laos and Thailand, but support to such local forces shall be limited to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and providing of training for such local forces, and (3)".

PROPOSED NEW READING OF TITLE IV

(a) 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: (1) to support Vietnamese and other free world forces in Vietnam, (2) to support local forces in Laos and Thailand, but support to such local forces shall be limited to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and to the providing of training for such local forces, and (3) for related costs, during the fiscal year 1970 on such terms and conditions under presidential regulations as the President may determine.

STATEMENT OF COOPER AMENDMENT ON DEFENSE CLAUSE (2), SECTION 401 OF S. 2546

"On page 5, line 14, strike out "to support: (1)" and insert in lieu thereof "(1) to support".

"On page 5, line 15, strike out "(2) local forces in Laos and Thailand; and", and insert in lieu thereof "(2) to support local forces in Laos and Thailand, but support to such local forces shall be limited to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and to the providing of training for such local forces, and (3)".

Under the terms of this amendment and within the amount specified ($2½ billion limitations imposed by the Fulbright amendment) current activity in support of the local forces in Laos and Thailand could be continued.

It is our considered opinion that in line with the language, legislative history and intent of this entire section, such amendatory language would have no impact on the use of funds for the support of U.S. Forces in Laos and Thailand.

Mr. STENNIS. Mr. President, in view of that situation, and my only purpose is to try to get the meaning of the language before the Senate, I submit again to the Senate that the language does not go far enough to carry the point.

I am willing, as I have said, to take it to conference, and if anyone can get any stronger meaning or get something different out of it I would be glad to consider it although I hesitate trying to write such a policy as this on the floor of the Senate with six or eight Senators present in the waning part of the bill that is not directed primarily to the Southeast Asian war. I think it would be a poor time to do it and really it should not be done at all.

I have the greatest respect for the Senator's proposal. I call to the attention of the Senator from Kentucky that a few days ago he was kind enough to give to me and he had printed in the RECORD language that is much more specific. I do not have the page number of the RECORD. It was on Friday of last week.

At that time the Senator asked that it not be offered as an amendment; he did not expect to call it up at that time. He then proposed language as follows:

On page 5, line 17, strike out quotation marks and insert in lieu thereof the following:

The foregoing provision shall not be construed as authorizing use of the Armed Forces of the United States to engage in battle in support of local forces in Laos and Thailand.

Now, there is a positive negative.

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

Mr. STENNIS. I have quoted that language for the purpose of illustrating that I think the Senator must have language that goes at least this far.

I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, as in the case of a great many other provisions in the defense bill, it is difficult to prepare an amendment that will reach the matter effectively.

I considered the types of amendments—one of interpretation or one dealing with authorizations. The Senator is correct. I did at first intend to submit the amendment placed in the RECORD.

The Senator will remember I came to him a few days ago, and gave him a copy of the language I have introduced. I told him that after studying the first amendment placed in the RECORD, I believed that it raised constitutional questions.

Mr. STENNIS. Yes.

Mr. COOPER. I could attach that language at the end of the amendment before us. If the Senator thinks it is needed, I will offer it to be attached to this amendment. However, it is an entirely different matter.

The Senator knows we can provide statements for the bill spelling out our legislative intent, but then the Executive can say, whatever the Senate said was its intent, I have my constitutional powers which I will exercise."

The Senator knows the constitutional way, where we have authority, is through authorizations and appropriations.

If the Senator would prefer, I could offer this language and then we could vote on them together or separately.

Mr. STENNIS. The Senator can offer his language and I will comment on it after he has offered it.

If the Senator puts in the language "or go to war in any circumstances in these two countries without a declaration of war by Congress" that will bring it to issue and there would not be any question about it.

Mr. CRANSTON. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. CRANSTON. I have been repeatedly startled during the course of this debate, which began on August 12, to hear the Senator from Kentucky repeatedly state that he does not know whether we are in combat presently in Laos and Thailand.

It would seem to me that whether we are in combat in Laos and Thailand, other than the bombing type of combat referred to, would not be a matter of military security as to our safety, because certainly the Communists know whether we are involved in combat with them there. Also, rather obviously, this would not be a partisan matter, at least from my point of view since, if we are in combat there, it began before President Nixon entered the White House and it was not started by him.

I would therefore like to ask the chairman of the committee, first, if he, in his capacity, knows whether we are in combat in those places and, second, whether he can share that information with us, if he has it.

Mr. STENNIS. Well, I say this to the Senator, that if there is any combat there on any scale at all, or any reasonable scale, I know nothing about it. No, I do not know anything about it. There might be some skirmishes or something like that going on, but it is not anything that has been recognized that I know anything about. We are there, as the Senator knows, in some of those places, but I do not have anything that I can report. I do not have anything on it, I am sorry.

Mr. President, just one word further. This is what I lay before the Senate. This is the best I can do with it. I shall support the language of the Senator as he has presented it in his amendment, and as it is now written, for the reasons I have stated. I do not think that I can support any direct language here, though, because it raises so many points—I mean, in the form of an amendment. I cannot support that, because it involves, really, so many complicated points that I would want the counsel, frankly, of others who have even more responsibility. I would want to know what the President of the United States thinks about it, for one thing. I am not putting him on the spot, of course. But this thing is so sensitive and so serious over there. I would like for us to be out of there entirely. I know that is the Senator's hope, too. His purposes are the highest, but on a bill like this, with limited debate and consideration, I could not support the amendment.

Mr. COOPER. The Senator is speaking to the amendment which we——

Mr. STENNIS. Yes. I support the amendment as presented by the Senator in its present form. This other language, though, does raise constitutional questions, as the Senator says. The one he had last Friday.

Mr. COOPER. Then I must ask a few questions of the Senator. I do not understand his position. It is probably my fault. I am sure that it is. Does the Senator say he is willing to support the language which I placed in the RECORD; is that correct?

Mr. STENNIS. No. I said that if that language put in last Friday and also the positive declaration here that the President is not to authorize any activity there except by a declaration of war by Congress, I think those will just have to be debated more and considered more before I would vote for them. I am sure that I will wind up voting for one of them, perhaps.

Mr. COOPER. I did not say declaration of war——

Mr. STENNIS. I said that.

Mr. COOPER. I know.

Mr. STENNIS. I said that.

Mr. COOPER. It could be done in other ways but I want to go back to the amendment which I have introduced and ask the Senator, what is his trouble with it? Is it because the amendment is written to apply to all other acts or is it——

Mr. STENNIS. I am talking about the amendment now before the Senate.

Mr. COOPER. Yes.

Mr. STENNIS. I am agreeing to that amendment and I will vote for it; but it is my duty to point out what I thought the limitations were on the meaning. I will vote for it. I will ask other members to vote for it.

Several Senators addressed the Chair.

Mr. COOPER. Just one moment. The Senator stated that in his view it would not accomplish its purpose and that I should state what its purpose is? It is to prevent our Armed Forces from getting into a war in Laos and Thailand. Why does it not accomplish that purpose?

Mr. STENNIS. The language does not go far enough. It does not prohibit the use of funds there—appropriated money—to our Army or our other Armed Forces in those countries. To cut it off, we have to be more specific.

Mr. COOPER. The Senator understands, does he not, that this amendment does not in any way interfere with the use to which our Armed Forces may be put in these countries, other than combat, in support of Laos and Thailand. The Senator does not say that this amendment is trying to limit——

Mr. STENNIS. No. I do not think that it—I think the Senator wants it to do that and expects it to and believes that it will. But I do not agree with him. I do not think it has any effect in that field.

Mr. COOPER. In what field?

Mr. STENNIS. In the field of our troops and their activity there.

Mr. COOPER. The language of section 401 deals with funds authorized in this bill or any other acts to the Armed Forces of the United States; does it not?

Mr. STENNIS. Yes, with the ceiling on it of $2.5 billion.

Mr. COOPER. I will repeat. Section 401 provides for the authorization of funds to the U.S. Armed Forces, whether in this bill or any other bill.

Mr. STENNIS. No.

Mr. COOPER. If we cannot agree on that, I do not know what we can agree on. If we cannot agree to the language of the title itself, which spells out clearly that that is what it is for——

Mr. STENNIS. May I call the Senator's attention to the first line of that amendment, which says, "not to exceed $2.5 billion of the funds authorized for appropriation for the use of the Armed Forces of the United States."

That refers to the huge appropriation bill which will come before the Senate in a few weeks, providing for $77 odd billion, and that is all appropriated for the use of the Armed Forces of the United States. This act would let some of it go for these purposes.

Mr. COOPER. But section 401 refers to all the funds that may be appropriated by this bill or other acts to the Armed Forces of the United States. It refers to that, does it not?

Mr. STENNIS. Yes; $2.5 billion worth of it.

Mr. COOPER. It refers to all acts.

Let me retrace what happened on the Fulbright amendment, with the assistance of the Senator from Mississippi and his consent, as a parallel to this situation. The Senator from Mississippi and the Senator from Arkansas (Mr. FULBRIGHT) agreed, and the Senate agreed, that only $2.5 billion under this or any other bill could be used for the purposes of clause 1 and clause 2.

Mr. STENNIS. That is correct.

Mr. COOPER. The Senator from Mississippi found it a very good vehicle to prohibit the funds under the use of this bill or any other bill, execpt the $2.5 billion, to those forces. Now, logically, I am following the Senator's precedent. That is, that with respect to local forces in Laos or Thailand, the funds authorized under this act or any other act—just as the Senator from Mississippi used—cannot be used for combat in support of Laos or Thailand.

What has mystified me is that the Senator from Mississippi has used this vehicle section 401—and I say it with respect—for the purposes for which he agreed. I go further and provide that, under this or any other act, any funds authorized to the U.S. Armed Forces cannot be used to put them in battle in Laos or Thailand in support of those forces.

It is absolutely logical. The Senator from Mississippi used the method. I say that with great deference. Now when I proposed to use it by amendment, the Senator from Mississippi says it is ineffective; it does not mean what it says. Yet he is willing to accept it. I say this with great respect.

I simply cannot see how the Senator from Mississippi used this method on August 12 and now says it cannot be used for the purpose I propose. I would like the Senator to tell me why he could use this method on August 12 and why he objects to it today when I offer an amendment?

Mr. STENNIS. Mr. President, I think the answer is simple. We were using it on August 12 to authorize the use of this money for the local forces in countries in Southeast Asia, but we limited the amount that could be used that way to $2.5 billion and it is limited further by saying it had to be for stated purposes. Then we set forth the purposes. So those are two limitations there.

I read a sentence that is a part of the history of this act, which was sent to us before the bill was written up.

Title IV, Section 401. The section (meaning 401) is needed because otherwise there would be no authority to use funds appropriated to the Department of Defense to support other than U.S. forces.

This language is necessary in order to authorize the use of funds appropriated

for the U.S. forces in support of those in Vietnam and Laos and Thailand.

That is why there has to be some language here. This is spelled out more or less in what I call military language. It could have been written in a different form, but it has a clear and distinct meaning and history. However, the Senator from Kentucky believes that his language is broad enough to cover his purposes, so he can vote for it. I do not believe it is broad enough, so I am going to vote for it.

As I said, if it can be pointed out where either one of us is clear or wrong, I shall be glad to hear it.

Mr. President, that is all the service I can render to the Senate at this time. In its present form, I support the amendment for the purposes stated.

Mr. COOPER. Mr. President, I have stated what my purpose is. I believe the language of the amendment shows clearly that it intends that purpose; but I can see that the Senator from Mississippi disagrees with me. The Department of Defense is more likely to follow his views than mine. I see on the floor Senator COOK, Senator CRANSTON, and Senator JAVITS, who are cosponsors of the amendment. What I say and what they say is the proper source of interpretation that can be provided to the amendment. The Senator can question our interpretation, but we can speak with the purpose and legislative intent of our amendment. Of course, it could be only academic, because if we get into a war, it would not make much difference and would do very little to help.

I stand on the amendment. I will ask for a rollcall vote. I want it clearly understood that I consider its purpose is to prohibit, to prevent, the use of any funds appropriated by the Congress of the United States to the Armed Forces of the United States, for sending our Armed Forces into war, armed conflict, combat—whatever it may be called—in Laos and Thailand. That is my intent, and I stand on it, and I know my cosponsors will support me.

A few minutes ago the Senator from California said he did not understand why I did not know we were fighting in Laos and Thailand. I know only rumor. I do not recall that anyone from the State Department or the Defense Department came before the Foreign Relations Committee, or any other committee I have been associated with, and said, "We are engaging in combat in Laos against the Pathet Lao," or, "We are engaging in Thailand against the insurgents."

To make my point, if we are engaged in war and combat in those two countries, the Executive has the duty to tell Congress and tell the American people. If we are not now engaged in war, or have not proceeded to the point where it would be difficult to disengage ourselves, then I say again, it is my belief, at least, that no President of the United States has the constitutional authority to put us into war there without the authority of Congress.

The President has great constitutional powers. If our troops are attacked, he has the right to defend them. If our facilities are attacked, he has a right to defend them. But unless an emergency situation arises, we have no right to be engaged in war without the consent of Congress.

I have tried to draw upon the experience of the war in Vietnam, one which has caused this country great anguish, and has caused Members of this body anguish. Many have lost loved ones in the war; but the fact that any in the Senate have lost loved ones is of no greater importance to them than any other individual in this country may experience in the loss of ones he held dear.

If Congress never intends to do anything about these situations, why make all this protest after the fact? Why all the speeches about it? Why all the hopes expressed that we want to get out of Vietnam; and yet, when we have a chance, if there is danger of another war, to prevent it, we do not stand together on it?

I thank the Senator. I am willing to yield back the remainder of my time.

Mr. MILLER. Mr. President——

Mr. STENNIS. Mr. President, I believe I have the floor.

For the reasons I have already stated, and for those that have been expressed, that this language offered by the Senator from Kentucky clearly, in my mind, does not go to the issue that he argues about, support for U.S. troops in Thailand or Laos. I do not believe it would have any effect, but I am willing to take the amendment to conference and seek such additional light as may come from any other source in considering it there.

Mr. President, in conclusion, I ask unanimous consent to have printed in the RECORD a short statement comprising the legislative history of title IV. I yield the floor.

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

LEGISLATIVE HISTORY OF TITLE IV—SUPPORT OF FREE WORLD FORCES IN VIETNAM

Section 401—This section authorizes separate and later appropriations action that would make Department of Defense appropriations available for the support of South Vietnamese and Other Free World Forces in Vietnam, including local forces in Laos and and Thailand, and for related costs. This authorization permits such appropriation action whether the funds are authorized for appropriation under this or any other act. For instance, it authorizes the Procurement and RDT&E funds authorized under this act to be made available for these purposes and it also authorizes the military personnel and operation and maintenance type funds (the appropriation of which is authorized under other permanent law) to be made available for these purposes.

This authorization is not new. Similar language has been carried each year in the authorizations and appropriations acts for the Department of Defense beginning in fiscal year 1966. The section is needed because otherwise there would be no authority to use funds appropriated to the Department of Defense to support other than U.S. forces. This limited merger of funding of support of allied forces in a combat area with that of United States forces engaged in the same area is similar to the practice followed during the Korean War.

There is an additional provision of permanent law related to this section which requires the Secretary of Defense to report to the Congress the value of support furnished under these authorities at the end of each quarter.

RELATED COSTS

Within the following policy is identified the types of costs that are contemplated to be charged to military functions appropriations under the provisions of this section including "related costs".

1. *Basic Policy.* Each proposed agreement will be approved by the Secretary or the Deputy Secretary of Defense, and costs can be charged to military functions appropriations only when (a) they are provided for in such an agreement, and (b) they meet the criteria described in paragraphs 2 and 3 below.

2. *Costs in Vietnam.* All costs incurred in Vietnam for the support of Vietnamese and other Free World Forces, except regular pay and allowances, may be charged to military functions appropriations. These costs are the same types as those incurred in Vietnam for the support of U.S. Forces and, in addition, may include reasonable allowances for hazardous duty pay or other entitlements that are incurred for personnel in Vietnam but that would not be incurred if the personnel were not in Vietnam.

3. *Related Costs.* "Related" costs are those costs directly related to Free World Forces deployed or to be deployed to Vietnam, but incurred wholly or substantially outside of Vietnam. These costs would be charged to military functions appropriations.

Examples of related costs

a. Specialized training to prepare for operations in Vietnam, e.g., jungle training.

b. Specialized individual and organizational clothing and/or equipment required for operations in Vietnam but not normally provided for in allowances authorized in home country, and which would be deployed with the units to Vietnam or provided in Vietnam.

c. Standard individual and organizational clothing and/or equipment required to fill shortages to authorize allowances, which equipment would be deployed with the units or furnished after arrival in Vietnam.

d. Equipment and supplies and out-of-home country costs (training) for establishment or improvement of LCC's directly related to the support of forces deployed, but excluding improvement or expansion of facilities (operational, maintenance, supply, or training) within the home country.

e. Preparation for shipment, and transportation of supplies, materials and equipment of the forces to be deployed, including resupply that is provided only from the home country.

f. Transportation of forces deployed to Vietnam, and transportation of replacement, rotation or evacuation of such forces.

g. Overseas duty allowances, death gratuities, and wounded-in-action benefits according to the practices of the country involved.

h. Hospitalization and other medical treatment of Vietnam casualties in U.S. military facilities outside Vietnam except that in home country present arrangements for treatment of non-U.S. patients in U.S. medical facilities would remain in effect with the respect to costs chargeable to MAP funds.

i. When the forces return to the home country, costs of replacing lost equipment and supplies so that the forces are as well equipped as, but no better equipped than, when they arrived in Vietnam.

j. Reconstitution of the forces deployed in Vietnam.

k. Increase in readiness levels of forces remaining in the home country through added equipping levels, strength or equipment modernization.

GENERAL PROVISIONS

"SEC. 401. Subsection (a) of section 401 of Public Law 89–367 approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are au-

thorized 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 1970 on such terms and conditions as the Secretary of Defense may determine."

LEGISLATIVE HISTORY

A. Authorization

1. Fiscal Years 1966–1967

This authorization was included as section 401 of Public Law 89–367, 89th Congress, March 15, 1966, at the request of the Department of Defense.

Senate Report No. 992 dated February 10, 1966, pp. 11–12.

House Report No. 1293 dated February 18, 1966, pp. 2 and 4.

Senate Hearings before Senate Armed Services and Appropriations Committees on S. 2791 and S. 2792, January and February 1966, pp. 7, 35, 44–45.

House Hearings before House Armed Services Committee H.R. 12334 and H.R. 12335, pp. 4875, 5241.

2. Fiscal Year 1968

Section 301 of Public Law 90–22, 90th Congress, June 5, 1967.

Senate Report No. 76, March 20, 1967, pp. 24–25.

House Report No. 221, May 2, 1967, pp. 37–38.

3. Fiscal Year 1969

Section 401 of Public Law 90–500, 90th Congress, September 20, 1968.

Senate Report No. 1087, April 10, 1968, pp. 23–24.

House Report 1645, July 5, 1968, pp. 21–22.

B. Appropriations

1. Fiscal Year 1966

This language was included as section 102 of Public Law 89–374, 89th Congress, March 25, 1966 as requested by budget amendment included in House Document No. 362 submitted by the President January 19, 1966.

House Report No. 1316, March 11, 1966, p. 14.

Senate Report 1074, March 17, 1966, pp. 26–27.

Hearings—Supplemental Defense Appropriations for 1966 on H.R. 13546, pp. 10, 27, 50, 119–121, and 150.

2. Fiscal Year 1967

Section 640(a) of Public Law 89–687, 89th Congress, October 15, 1966.

House Report No. 1652, June 24, 1966, p. 32.

Senate Report No. 1458, August 12, 1966, p. 55.

3. Fiscal Year 1968

Section 639(a) of Public Law 90–96, 90th Congress, September 29, 1967.

House Report No. 349, June 9, 1967, p. 60.

4. Fiscal Year 1969

Section 537(a) of Public Law 90–580, 90th Congress, October 17, 1968.

House Report No. 1735, July 18, 1968, p. 60.

Mr. MILLER. Mr. President, I send to the desk an amendment to the pending amendment, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Iowa (Mr. MILLER) proposes an amendment No. 165 as follows:

On page 2, line 2, after the word "limited," insert the following: "except where protection of United States personnel is directly concerned,".

Mr. MILLER. Mr. President, I have discussed this amendment with the primary author of the amendment, Mr. COOPER. I wish to emphasize again that I think he speaks for most of us, if not all of us in the Senate, in stating the objective. I certainly share it, and I believe the Senator from Mississippi shares it. Our problem is whether or not the language would achieve the objective.

I recognize the desirability of having this matter considered in conference, with many conferees looking at it. The only thing that concerns me as of now is that we do not face up to the problem that could arise from the standpoint of providing security for our bases in Thailand. It is a real problem, and the security, as I understand it, is to be provided by local forces.

My amendment would cover that situation. I think if we are dealing with something like this, that is as sensitive as this is, it must be related to what is the reality over there, not what it was 10 years ago or what it may be 10 years from now, but what it is today.

I think we would not want the Senate to go on record in such a fashion as to cause members of our Armed Forces serving in Thailand to think that we have forgotten about them.

I suggest to the Senator from Kentucky that this language squares exactly with what his policy is, as developed during our colloquy. I believe it squares with the position of the Senator from Mississippi as well; and it may help get this problem resolved to the satisfaction of both Houses.

Mr. COOPER. Mr. President, I am perfectly willing, if the Senator wishes, for him to offer it himself and have it voted on. I am willing to make it a part of my amendment, but I think he should offer it. I shall support his amendment.

Mr. MILLER. We could have a separate vote on it, or, the Senator from Mississippi maybe is agreeable. Is the Senator from Mississippi agreeable to the amendment?

Mr. STENNIS. What is the position of the Senator from Kentucky?

Mr. COOPER. I said it was all right. The Senator from Iowa has inserted, on the second page, I believe, after the word "limited," the words "except"——

Mr. MILLER. Let me read the language for the Senator from Mississippi; perhaps he did not hear the clerk read it.

On page 2 of the Cooper amendment, after the word "limited", would be placed the following language:

", except where protection of the United States personnel is directly concerned,"

That covers the situation at the Thai bases that the Senator from Mississippi heard discussed between the Senator from Kentucky (Mr. COOPER) and myself.

Mr. STENNIS. Has the Senator from Kentucky accepted it?

Mr. COOPER. I will accept it——

Mr. STENNIS. I see no objection.

Mr. MILLER. Mr. President, I move the adoption of the amendment.

Mr. MANSFIELD. Is it an amendment or part of the original amendment?

The PRESIDING OFFICER. This is an amendment to the amendment.

Mr. MANSFIELD. Accepted by the author of the amendment?

The PRESIDING OFFICER. That is right.

Mr. MANSFIELD. Does the Senator from Kentucky wish to modify his amendment to that effect?

Mr. COOPER. It is his amendment. I think he wants a voice vote on it.

Mr. HOLLAND. Mr. President, a point of order. I understood the distinguished Senator from Kentucky had accepted this amendment.

Mr. COOPER. I said I would support it. I do not know whether I said I would accept it.

The PRESIDING OFFICER. The Chair will state that unless the Senator from Kentucky has modified his own amendment, the Senate must take action upon the amendment to the amendment offered by the Senator from Iowa.

Mr. MILLER. May we have the question, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment of the Senator from Kentucky offered by the Senator from Iowa.

The amendment to the amendment was agreed to.

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

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Will the Chair state the question?

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Kentucky, as amended by the amendment of the Senator from Iowa.

Mr. DOMINICK. Mr. President, I just want to make sure that I understand what is going on here, and I am not sure that I do, even as a member of the committee, after having been here and listened to this colloquy.

What we are doing, as I gather, is amending the general provisions on page 5 of the bill.

What page 5 does is authorize funds which have been appropriated for the use of the support of American troops, to be able to put those in one fiscal system, so we can support local troops.

I am frank to say I cannot see any difference between the wording in the bill as it is now constituted and the wording of the bill as it would be if the amendment of the Senator from Kentucky were agreed to. What I am trying to find out is, what is the difference?

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

Mr. DOMINICK. I am happy to yield.

Mr. STENNIS. If the Senator is asking me, I do not think there is any difference.

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

Mr. DOMINICK. I might say also that we have the additional factor that there is a limitation of $2.5 billion, which does not show up in the wording of the bill, but which is apparently part of the act under Public Law 89–37.

So what we are saying is that we are renumbering the paragraphs numbered 1, 2, and 3, and saying that our own

troops in Laos and Thailand can protect themselves against that, and that the other funds in the measure are going to be used for supplies, facilities, and training, all of which, I thought, came within the wording of the stated purposes of support of local forces.

So, with all due respect, I wonder why we have to have a rollcall vote on it.

Mr. COOPER. Mr. President, the Senator and I differ on the interpretation, and I stand by my own views, purposes, and interpretation. I think my amendment would apply not only to this act, but to other acts that may involve money for such purposes.

The Senator from Mississippi says he is ready to vote and that he will vote for the amendment. I welcome his support.

Mr. DOMINICK. Mr. President, I am also ready to vote.

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

Mr. COOPER. I yield.

Mr. MANSFIELD. Mr. President, there is one thing that the Senator from Kentucky does not do, and that is to speak with a forked tongue.

I think the intent of the amendment is very well known and very clear to the membership of the Senate. The main purpose of the amendment is to see that we do not back into another Vietnam by way of Laos or Thailand.

Mr. STENNIS. That purpose is unchallenged all the way throughout the debate.

Mr. COOPER. Mr. President, I do not want to delay the vote. However, with reference to the long debate had on another amendment which the Senator from Michigan (Mr. HART) and I, along with other Senators, sponsored and also with reference to the debate on the amendment today, and in all respects, I pay my tribute to the Senator from Mississippi. He does not need my tribute. He has been fair and just. As always, I am grateful for having worked with him.

Mr. MANSFIELD. Mr. President, I join the Senator from Kentucky in what he has to say about the Senator from Mississippi who has had a grueling job in connection with the pending bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky, as amended. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Washington (Mr. MAGNUSON) is absent on official business.

I also announce that the Senator Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL) and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from Vermont (Mr. PROUTY) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

If present and voting, the Senator from Arizona (Mr. GOLDWATER), the Senator from Maryland (Mr. MATHIAS), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from New York (Mr. GOODELL) and the Senator from Vermont (Mr. PROUTY) would each vote "yea."

The result was announced—yeas 86, nays 0, as follows:

[No. 90 Leg.]

YEAS—86

Aiken	Fannin	Moss
Allen	Fong	Mundt
Allott	Gore	Muskie
Anderson	Gravel	Nelson
Baker	Griffin	Packwood
Bayh	Gurney	Pastore
Bellmon	Hansen	Pearson
Bennett	Harris	Pell
Bible	Hartke	Proxmire
Boggs	Hatfield	Ribicoff
Brooke	Holland	Russell
Burdick	Hollings	Saxbe
Byrd, Va.	Hruska	Schweiker
Byrd, W. Va.	Hughes	Scott
Cannon	Inouye	Smith
Case	Jackson	Sparkman
Church	Javits	Spong
Cook	Jordan, N.C.	Stennis
Cooper	Jordan, Idaho	Stevens
Cotton	Kennedy	Symington
Cranston	Mansfield	Talmadge
Curtis	McCarthy	Thurmond
Dodd	McClellan	Tower
Dole	McGovern	Tydings
Dominick	McIntyre	Williams, N.J.
Eagleton	Metcalf	Williams, Del.
Eastland	Miller	Young, N. Dak.
Ellender	Mondale	Young, Ohio
Ervin	Montoya	

NAYS—0

NOT VOTING—13

Fulbright	Magnuson	Prouty
Goldwater	Mathias	Randolph
Goodell	McGee	Yarborough
Hart	Murphy	
Long	Percy	

So Mr. COOPER's amendment (No. 165), as amended, was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COOPER. Mr. President, I ask unanimous consent that the names of the Senator from Kansas (Mr. PEARSON), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Maryland (Mr. MATHIAS) be shown as cosponsors of the amendment, as modified, just voted upon by the Senate.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 499) for the relief of Ludger J. Cossette, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S.J. Res. 26) to provide for the development of the Eisenhower National Historic Site at Gettysburg, Pa., and for the purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 13194) to amend the Higher Education Act of 1965 to authorize Federal market adjustment payments to lenders with respect to insured student loans when necessary in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mrs. GREEN of Oregon, Mr. BRADEMAS, Mr. CAREY, Mr. HATHAWAY, Mr. BURTON of California, Mr. THOMPSON of New Jersey, Mr. SCHEUER, Mr. STOKES, Mr. CLAY, Mr. AYRES, Mr. QUIE, Mr. REID of New York, Mr. ERLENBORN, Mr. ESCH, Mr. DELLENBACK, Mr. SCHERLE, and Mr. STEIGER of Wisconsin were appointed managers on the part of the House at the conference.

COMMITTEE ASSIGNMENTS

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 256.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

Resolved, That the Senator from Oklahoma (Mr. Bellmon) is hereby excused from further service on the Committee on Labor and Public Welfare; that the Senator from Kentucky (Mr. Cook) is hereby excused from further service on the Committee on Agriculture and Forestry; that the Senator from Wyoming (Mr. Hansen) is hereby excused from further service on the Committee on Commerce; that the Senator from Michigan (Mr. Griffin) is hereby excused from further service on the Committee on Government Operations and the Senator from Maryland (Mr. Mathias) is hereby excused from further service on the Committee on Aeronautical and Space Sciences; and be it further

Resolved, That the Senator from Oklahoma (Mr. Bellmon) be and he is hereby assigned to service on the Committee on Agriculture and Forestry; that the Senator from Kentucky (Mr. Cook) be and he is hereby assigned to service on the Committee on Commerce; that the Senator from Wyoming (Mr. Hansen) be and he is hereby assigned to service on the Committee on Finance; that the Senator from Michigan (Mr. Griffin) be and he is hereby assigned to service on the Committee on Judiciary, and that the Senator from Maryland (Mr. Mathias) be and he is hereby assigned to service on the Committee on Government Operations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 256) was considered and agreed to.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 163

Mr. PROXMIRE. Mr. President, I call up my amendment No. 163 and send a modification of it to the desk. The modification provides that on page 2, line 1 of the amendment, after the word "contracts" the following language be inserted: "on which there is no formally advertised competitive bidding."

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The bill clerk proceeded to read the amendment as modified.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and, without objection, the amendment, as modified, will be printed in the RECORD.

The amendment (No. 163), as modified, is as follows:

AMENDMENT 163

SEC. 402. (a) The Comptroller General of the United States (hereinafter in this section referred to as the "Comptroller General") is authorized and directed, as soon as practicable after the date of enactment of this section, to conduct a study and review on a selective basis of the profits made by contractors and subcontractors on contracts on which there is no formally advertised competitive bidding entered into by the Department of the Army, the Department of the Navy, the Department of the Air Force, the Coast Guard, and the National Aeronautics and Space Administration under the authority of chapter 137 of title 10, United States Code, and on contracts entered into by the Atomic Energy Commission to meet requirements of the Department of Defense. The results of such study and review shall be submitted to the Congress as soon as practicable, but in no event later than December 31, 1970. The Comptroller General is further authorized, upon request of the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives, to conduct a study and review regarding the amount of profit which has been or may be realized under any contract referred to in the first sentence of this subsection. The Comptroller General shall submit to the committee which requested such study and review a written report of the results of such study and review as soon as practicable.

(b) Any contractor or subcontractor referred to in subsection (a) of this section shall, upon the request of the Comptroller General, prepare and submit to the General Accounting Office such information as the Comptroller General determines necessary or appropriate in conducting any study and review authorized by subsection (a) of this section. Information required under this subsection shall be submitted by a contractor or subcontractor in response to a written request made by the Comptroller General and shall be submitted in such form and detail as the Comptroller General may prescribe and shall be submitted within a reasonable period of time.

(c) In order to determine the costs, including all types of direct and indirect costs, of performing any contract or subcontract referred to in subsection (a) of this section, and to determine the profit, if any, realized under any such contract or subcontract either on a percentage of cost basis or a return on private capital employed basis, the Comptroller General and authorized representatives of the General Accounting Office are authorized to audit and inspect and to makes copies of any books, accounts, or other records of any such contractor or subcontractor.

(d) The Comptroller General, or any officer or employee designated by him for such purpose, may sign and issue subpenas requiring the production of such books, accounts, or other records as may be material to the study and review carried out by the Comptroller General under this section.

(e) In case of disobedience to a subpena, the Comptroller General or his designee may invoke the aid of any district court of the United States in requiring the production of books, accounts, or other records. Any district court of the United States within the jurisdiction in which the contractor or subcontractor is found or resides or in which the contractor or subcontractor transacts business may, in case of contumacy or refusal to obey a subpena issued by the Comptroller General, issue an order requiring the contractor or subcontractor to produce books, accounts, and other records; and any failure to obey such order of the court shall be punished by the court as a contempt thereof.

(f) No book, account, or other record, or copy of any book, account, or record, of any contractor or subcontractor obtained by the Comptroller General under authority of this section which is not necessary for determining the profitability on any contract between such contractor or subcontractor and the Department of Defense shall be available for examination, without the consent of such contractor or subcontractor, by any individual other than a duly authorized officer or employee of the General Accounting Office; and no officer or employee of the General Accounting Office shall disclose, to any person not authorized by the Comptroller General to receive such information, any information obtained under authority of this section relating to costs, expense, or profitability on any nondefense business transaction of any contractor or subcontractor.

(g) The Comptroller General shall not disclose in any report made by him to the Congress or to either Committe on Armed Services under authority of this section any confidential information relating to the cost, expense, or profit of any contractor or subcontractor on any nondefense business transaction of such contractor or subcontractor.

Mr. PROXMIRE. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

FEATURES

Mr. PROXMIRE. Mr. President, my amendment to the bill would authorize and direct the Comptroller General to make a study of the profits made by contractors on Army, Navy, Air Force, and Coast Guard contracts and on those NASA and AEC contracts entered into to meet requirements of the Department of Defense.

The amendment authorizes and directs a single study to be submitted to Congress as soon as practicable, but no later than December 31, 1970. Additional or future studies could be made at the direction of either the House or Senate Armed Services Committee.

SELECTIVE STUDY

It does not call for a continuing and comprehensive study. There would be no need to review in detail the profits of thousands of contractors. Instead it calls for one study on a selective basis. The purpose is to determine what defense profits are. This should be determined both as a return on investment as well as a percentage of costs.

It gives the Comptroller General the authority he needs to make such a study, including the right to examine the books and records of such companies as necessary to make a selective study. However, the amendment prohibits the Comptroller General from disclosing or making public information either about a company's commercial profits or commercial business.

We give the Comptroller General the right to look at the information he needs to look at for the purpose of determining defense profits. But he is prohibited from making public information about the private profits or commercial aspects of the company's business. Only financial information about a company's defense work and defense profit can be made public.

Such a study is precisely the kind of work the General Accounting Office is equipped to do. The GAO can make this study. They are equipped to make this study.

The proposal for a profitability study arises from a unanimous recommendation of the report of the Subcommittee on Economy in Government of the Joint Economic Committee last May. Both Democrats and Republicans, House and Senate Members recommended unanimously that the GAO make a comprehensive study of profitability in defense contracting.

The amendment I have drafted, however, directs the GAO to make only a single study. Additional studies on profitability would be made only when one of the Armed Services Committees requested them. I envision that the committees may well wish to request updating from time to time. This amendment gives the GAO the authority needed to make such studies now and if requested in the future.

COMPTROLLER GENERAL SUPPORTS AMENDMENT

I have a letter from the Comptroller General stating that he believes a study is desirable. He states that he is willing to undertake it. He wrote me that he can make the initial study called for in my amendment with his present staff capability.

Let me read the letter I have from the Comptroller General supporting this amendment and a study of defense contract profits:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., September 15, 1969.

Hon. WILLIAM PROXMIRE,
U.S. Senate.

DEAR SENATOR PROXMIRE: Reference is made to your amendment to the Military Procurement Authorization Bill which would direct the Comptroller General to make a present study and review of profits made by defense

contractors and subcontractors and to make future studies of defense profits when directed to do so by either the Senate or House Committees on Armed Services.

As we have previously testified before your Subcommittee on Economy in Government, we think a study of profits of defense contractors and subcontractors is desirable. We are willing to undertake this task in the event Congress should adopt your amendment, and we believe we can make at least the initial study within our present staff capability.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

The precise language of the recommendation made by the subcommittee in May is as follows:

The GAO should conduct a comprehensive study of profitability in defense contracting. The study should include historical trends of "going-in" and actual profits considered both as a percentage of costs and as a return on investment. Profitability should be determined by type of contract, category of procurement, and size of contractor. Information for the study should be collected pursuant to the statutory authority already vested in the GAO. The GAO should also devise a method to periodically update and report the results of its profits study to Congress.

The members of the subcommittee are most distinguished and knowledgeable group. Members taking part in this report include Senator JOHN SPARKMAN, Senator LEN B. JORDAN, and Senator CHARLES PERCY.

On the House side the membership at the time of the report included Congressman WRIGHT PATMAN, Congresswoman MARTHA GRIFFITHS, Congressman WILLIAM S. MOORHEAD, and the then Congressman Donald Rumsfeld.

As I said, this recommendation was made unanimously. It is precisely the kind of work the GAO is equipped to do. Let no one argue that the watchdog agency of the Congress of the United States is not equipped to determine the rate of return on costs and investment of defense contractors.

Mr. President, I may speak more briefly on this report a little later.

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

Mr. PROXMIRE. I yield.

Mr. STENNIS. I have a few questions which I should like to ask and then I hope that the Senator from Connecticut (Mr. RIBICOFF) will make some remarks on this subject.

First, may I make just a limited statement preparing to go into these points.

This amendment, as I understand it, authorizes and directs, really, the GAO to make a study of certain contracts which the Department of Defense has had. I have asked the Senator, why would he not make this apply to all the Government; or was there some good reason not to?

Mr. PROXMIRE. The reason is, this is a defense procurement bill and I did not think it would be relevant, in this bill, to provide an amendment to make a study of the procurement practices of other agencies, although they are important.

The second point is that the Defense Department has a great deal more noncompetitive, negotiated contracts than any other agency. As I understand it, the GSA is the principal procurement agency for the rest of the Government. Something like 75 percent of their procurement is by formally advertised competitive bids. This does not mean that we should not require studies in this area, but this is where the principal interest lies and where the principal problem is.

Mr. STENNIS. That brought us to the negotiated contract. Does the Senator's amendment cover competitive bid contracts?

Mr. PROXMIRE. No; it does not. I specifically modified it so that they would be excluded.

Mr. STENNIS. So that the limitation is clear and written in that this is limited to contracts that were negotiated, and the Senator says the GAO will make the study. What does the Senator mean by "study"?

Mr. PROXMIRE. I mean by study, an investigation of defense contracts based on a selection of some of the 100,000 contracts. Obviously, if the GAO tried to make a comprehensive study, it would not have the manpower to do so, no matter how much personnel it had. But a sufficiently adequate sample is what we want, so that we can get some notion of what the defense profits are. There are many people who feel they are excessive and there are others who feel that they are not adequate. Some competent people, including former Secretary of Defense McNamara, have stated that they are not enough to get the kind of resources into defense production to give us the kind of defense production we really need.

I think whichever is the case, Congress can act much more wisely in procurement practices of the future if they know what defense profits are now.

Mr. STENNIS. Who would make the selection of the companies to be investigated?

Mr. PROXMIRE. It would be made by the GAO on the basis of trying to get a representative group and would, I presume, include certainly the four or five largest firms, at least—perhaps more—and have a sufficient sample of other defense contractors, so that it would be representative.

Mr. STENNIS. They would not have to show cause or have reason to believe there was any wrongdoing or excessive profits. The plan would be to take a cross section, in a way——

Mr. PROXMIRE. Exactly.

Mr. STENNIS (continuing). Of the contractors and make a full audit or just a study as to those problems.

Mr. PROXMIRE. In my view, it would be necessary to make a comprehensive audit of particular contractors investigated, to be sure it is accurate. It would not be sufficient, obviously, simply to ask them what their profits were. This study would be difficult. The GAO would have to separate commercial business from defense business for particular firms, so the report would be accurate. I would not pretend to say it would be easy. They say it would take them perhaps until December of 1970. It would be a substantial study. It would not include an unlimited number of defense contracts.

Mr. STENNIS. What time limit does the Senator put on the first report?

Mr. PROXMIRE. December 31, 1970. It must be in by then.

Mr. STENNIS. Did the Senator say the GAO could do this without any additional manpower?

Mr. PROXMIRE. Mr. Staats said—and I put his statement in the RECORD—that he could make the initial study by December 31, 1970, within his present staff capability—that is, without additional personnel.

Mr. STENNIS. What would be the situation, under the Senator's amendment, after that initial study?

Mr. PROXMIRE. Further studies could be made at the direction and request of the Armed Services Committee of the Senate or the Armed Services Committee of the House. They would be authorized to do so; but only those committees, under this legislation, would be authorized to make such a request or direction.

Mr. STENNIS. Would that be a study more or less across the board, like the first one?

Mr. PROXMIRE. That would be my presumption, but I would leave it to the Armed Services Committees to decide. If they decided it should be more or less comprehensive, it seems to me we should be satisfied with that requirement, but the intention of my amendment would be to require one somewhat along the same line.

Mr. STENNIS. The Senator would require making a finding as to general applicability? He would want a determination, for the information of the Government, of the profit level in these different types of industry?

Mr. PROXMIRE. There is great concern that the profits are excessive in some areas. Admiral Rickover, who is one of our great experts in this field, feels that this kind of study could be useful and that we have not had anything like an objective, comprehensive, and accurate study. He feels this kind of study would be right. I would think it would mean the Government would be able to get more for its money, and it would also end what some persons believe are unjustified, irresponsible criticisms of profiteering where there is none.

Mr. STENNIS. Mr. President, I note that the Senator from Connecticut (Mr. RIBICOFF) is on the floor. I have conferred with him about this matter. He has held hearings. He is chairman of a very important subcommittee. I hope the Senator will either seek recognition or that a Senator will yield to him so he may proceed to make a complete statement on this matter.

Mr. PROXMIRE. I am happy to yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, during the discussion that has taken place on this bill, Senator after Senator has requested the GAO to undertake studies in fields that, while within the competence of the GAO, it has not gone into in the past.

As a result of discussions and many conversations I have had on the floor with the distinguished Senator from Mississippi (Mr. STENNIS), the distinguished Senator from Wisconsin (Mr. PROXMIRE), and other distinguished Senators, it became very obvious that we were trying to place a burden on the shoulders of GAO as to what the responsibility of its personnel is. As a consequence, I have al-

ready started hearings concerning what the authority of the GAO is and what it should be.

The Comptroller General appeared before our committee and pointed out that there is much more that the GAO could do as an arm of the Congress, and should do. It will require a considerable additional amount of personnel and also the authority to contract with outside contractors to make many of these studies.

Naturally, when we consider that the Defense Department accounts for about half of all the appropriations, most of the problems would zero in on the Defense Department. The Defense Department has not testified before our committee concerning the problem. Mr. Staats has told us that he has had cooperation from the Defense Department, that his agency has never had any difficulty in getting information it desired, although in the field, there has sometimes been difficulty with the lower echelons of the Defense Department.

Questions have been raised by the Senator from Wisconsin concerning the element of profits. The question was asked by the Senator from Mississippi: Why the Defense Department? I do not suppose there is any other agency of the Government in a similar situation, with the possible exception of NASA. NASA similarly has contracts with outside contractors that are negotiated. The Atomic Energy Commission may have similar contracts, but they are basically under the cost-plus arrangement. Other agencies of the Government have contracts with the Government, but most of them as a result of competitive bidding.

As a consequence of what has transpired on the floor of the Senate with respect to the bill and of my discussion with the Comptroller General, I, as an individual Senator and as chairman of the subcommittee conducting the hearings, would certainly approve the acceptance and adoption of the Proxmire amendment.

Mr. PROXMIRE. I thank the distinguished Senator from Connecticut for his remarks. All of us recognize his remarkable experience, background, and competence. Certainly in this area he has developed a great expertise. His support of the amendment is especially welcome.

I was most desirous of drafting an amendment that would be workable and practical, one whose provisions could be followed by the GAO with its present staff and its competence, an amendment which would enable us to receive the kind of information about defense contracts that almost everyone has been asking for, that all of us should have, and that we have a responsibility to provide.

Mr. RIBICOFF. It should be recognized that what is proposed will not be a complete overview of every contract at present. There would be a singling out by the GAO of the typical cases, so that there would be an understanding by Congress and the country of just what the profits of defense contractors may be. Of course, if the study develops information, the information would be available to Congress and to the chairmen of the Committees on Armed Services, who then could delve further.

I think we have started something worthwhile, and there should develop from this set of hearings an authorization and an understanding of how the GAO can better serve Congress.

I would not want it to be understood that the Department of Defense is the only department that is being singled out. The authority of the GAO should extend to other departments, other problems, and other programs. The GAO should have authority to submit alternatives and to propose studies to evaluate many of the programs.

The Senate and the other body continue to pass bill after bill providing authorizations and involving huge sums of money, but then we tend to forget about the programs we initiate.

The Senator from Wisconsin has restricted the impact of his amendment to negotiated contracts. It is basically a one-shot overview with the right of the Armed Services Committee to ask for further extensions. I think it is proper. I do not think the GAO should have an open-hunting license to go into every contract concerning every bit of profit without some authorization from the committees that are involved.

When we go into the question of the type of legislation that is needed to make GAO more responsive to the Congress, I would like to go into the question of how extensive the authority of GAO should be. At the present time the GAO does not have sufficient powers to get information that it may find necessary. This power is necessary because there are some 40 agencies of the Government that have various subpena powers in their investigations. It would seem to me that the GAO should have subpena power.

The Senator from Wisconsin has proposed a subpena power that is restrictive and fair. He has hedged it so as to make sure it would not provide a fishing expedition, and it provides that any contractor who feels that the GAO is going beyond the authority of the act may make application before a court of proper jurisdiction for a hearing and for a restriction.

As a result of the proposal of this amendment, I have talked with the Comptroller General, Mr. Staats. He has told me he feels there is competence within the GAO to make this study. It can do it within the present personnel and its present appropriation, and it could be done expeditiously. He tells me having the study made would have a salutary effect.

Then we are shocked, 2 or 3 or 4 years later, to find that these programs do not work. I have felt for a considerable period of time that we should have an ongoing agency which is part of the legislative branch to evaluate not only the work of the executive branch, but the programs that we pass, to find out if they are actually working before we become involved in expenditures of not only hundreds of millions, but actually billions of dollars, and then, to our chagrin, find out years after the passage that our programs have not achieved their objectives.

I think the Senator from Mississippi is absolutely correct, and rightfully concerned that we not single out the Defense Department to be a whipping boy, because I think that would be absolutely wrong. But the studies we are making are part of the responsibility of the Senate in utilization of the GAO to the fullest extent of its capacity and responsibility, to be answerable to us, because they are our arm, and we have only the GAO as against the executive branch, which has such a large staff to do the work which we find that we cannot do as individual Senators, even with our own and committee staffs.

Mr. STENNIS. Mr. President, will the Senator yield to me? I do not know which Senator has the floor.

Mr. PROXMIRE. I am happy to yield to the Senator from Mississippi. Mr. President, I yield the floor.

Mr. STENNIS. I wish to respond to the Senator from Connecticut.

I thank the Senator very much for the attention he has given to this matter and other matters concerning the GAO. I have thought for a good long time that perhaps we ought to extend somewhat the authority of the GAO. When I came here, as I recall, we had about a $50 billion budget. Now we are nearer $200 billion, and so many larger and larger negotiated contracts seem to be necessary.

As I understand the Senator from Connecticut, he is holding hearings now and bringing under review the present authority and responsibilities of the GAO, and also the broad question of whether or not those authorities and responsibilities should be increased; is that correct?

Mr. RIBICOFF. That is correct. To give an example, I note that the Senator from West Virginia (Mr. BYRD) is here. He made some very significant studies, as chairman of a subcommittee of the Appropriations Committee, as to the welfare situation in the District of Columbia. If my memory serves me right, he relied heavily on the GAO to make those studies for the Senate, when it became obvious that the Senator's own personal staff or the committee staff could not possibly make the studies.

There has been a request by the administration for a new welfare program. The question of poverty, and whether manpower is working, are increasingly important.

I have presently under review the whole scope of the health programs of our Nation. Some $18.3 billion is being spent by the Federal Government in the health field; yet we have no overall Federal policy on health. We have some 23 agencies in the health field. Tomorrow I shall make a speech on the floor of the Senate to indicate abuses in the health field, and I shall ask the GAO to review the entire field.

I believe, with proper use of the GAO, we as Congress can save hundreds of millions of dollars in expenditures that are being wasted because of overlapping, lack of concentration, and inefficiency, because our personal and committee staffs cannot go into those fields.

I give great credit to the Senator from Mississippi and other Senators who have started this discussion, because it alerted

me and the Senator from Arkansas (Mr. McCLELLAN) to the necessity to update the GAO.

When the GAO was started, as the Senator has said, we had a $50 billion budget. Now our budget is close to $200 billion. Our programs keep multiplying beyond our capacity to keep pace with them.

I believe the Senate has the absolute obligation and responsibility to overview the programs we pass. The GAO is the agency—because it is our agency, responsible to us—concerning which we must make sure that they have the staff and the authority, and also make sure the legislation we enact gives them the authority they need.

The GAO should be brought up to date. I hope that after these hearings I shall have a recommendation for the Senate to make the GAO much more meaningful, not only in the defense field, but in all fields upon which we are required to act.

Mr. STENNIS. And does the Senator mean by the word "recommendation" that he would hope to put together a bill?

Mr. RIBICOFF. That is correct.

Mr. STENNIS. That would find its way here for consideration and possible enactment, in this very field?

Mr. RIBICOFF. I would say that as soon as our hearings are over, I would address myself and the committee immediately to trying to bring forth a bill that we could act upon very shortly.

Mr. STENNIS. I would want the further assistance of the Senator in passing on this amendment. That is no indication of lack of confidence in the Senator from Wisconsin, but the Senator from Connecticut has a staff that is prepared in this field.

I do not know how long this bill will be in conference, but it may be a rather rushed conference. I do not know what the attitude of the House of Representatives about it will be. You cannot bring back all the amendments you take to conference; so if this one does not pass, I would hope the matter would be pursued further by the Senator and his committee, and that they would give us the benefit of their counsel before that conference.

Mr. RIBICOFF. Along that line, I do not know if the Senator is aware of it, but the chairman of the Committee on Armed Services of the other body, after the adoption of the Schweiker amendment, made inquiry of the Comptroller General concerning the Schweiker amendment, and the reply that the Comptroller General sent back was against the applicability of the Schweiker amendment. He did not feel that he had the necessary authority or capacity at this time.

All those things will be taken into account, because I think the Senator senses that the Senate wants to make sure that the programs are correct, and that they are being run effectively and efficiently and at the least possible cost; and all the matters that have been under discussion here by other Senators, irrespective of what may happen in the conference, will be taken into account during the consideration and markup of any legislation we may propose concerning the GAO.

Mr. STENNIS. I thank the Senator. I think he has rendered a very fine service here in passing on these matters. I know he has to me, and I am sure he has to the Senator from Wisconsin, and to all of us.

I have great respect for the Senator from Connecticut, and for his judgment. On any matter that he sets himself to master, he does so.

Mr. RIBICOFF. I thank the Senator very much.

Mr. STENNIS. May I ask the Senator from Wisconsin, now—or I believe we can get at this better by way of question and answer—I have never opposed the GAO having subpena powers under reasonable rules and restrictions and safeguards for the individual citizen. I know the Senator has worked on this phase of the matter, and has modified his original amendment on this point. I wish the Senator would outline his amendment as it reads now, and give us his interpretation of it.

Mr. PROXMIRE. So far as the subpena power is concerned, Mr. President, let me say two things:

In the first place, before we modified the amendment, we made sure that this is a restricted subpena power. It is not a general subpena power, with which they can range far afield. It provides that the information the Comptroller General requests under the profitability amendment must be "necessary" and "appropriate"—these are the words in the amendment—to conduct the study and review called for.

His request for information must meet that test.

Consequently, the subpenas authorized to get information not voluntarily given must be for the production of books, accounts, records, and so forth, as may be "necessary" and "appropriate" to conduct the study and, as section (d) states, must be "material to the study and review."

This presents the subpena from being used for a fishing expedition or for information other than is needed and is material to the conduct of the study on profits.

For this reason the provision is narrowly drawn.

In addition, the amendment limits the disclosure of information so that no confidential information related to the nondefense business of the company may be disclosed.

Furthermore, the subpena power here is very much more limited in nature than that which the Internal Revenue Service has, for example.

Additionally, both the general counsel's office of the GAO—Mr. Keller—and the legislative counsel in the Senate—Mr. Evans—have told us that this provision follows in general form the provisions for subpena powers provided elsewhere. It is not possible to say that it is identical because each one differs.

But it is similar and, on the whole, it not only does not go beyond but is more restricted than many such provisions for subpena power—such as IRS.

Finally, the legislative counsel's office has drawn up an additional provision to give further protection to a contractor in case there is any serious questions about the Comptroller General's use of the authority.

That is a modification I included which provides that a contractor may go to court within 5 days to set aside the authority of the subpena to secure this information on a showing by the contractor that it is not related to a proper study or is not properly related to it. We, therefore, protect the right of the contractors.

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

Mr. PROXMIRE. I yield.

Mr. STENNIS. Mr. President, the practical effect of that section means that they cannot use one of these subpenas if he thinks there is not sufficient cause or if it is not well founded or if there is not at least a prima facie case. A man would have an immediate remedy by going before a judicial officer. Is that statement correct?

Mr. PROXMIRE. Five days after the service upon any person of any subpena issued under this subsection relating to any contract or subcontract, such person may file in the district court of the United States for the judicial district in which such person transacts or has transacted business relating to that contract or subcontract, and serve upon the Comptroller General, a petition for an order of such court modifying or setting aside that subpena or demand.

Mr. STENNIS. That brings into issue then the basis for this inquiry or audit or investigation or whatever we may call it.

Mr. PROXMIRE. The Senator is correct.

Mr. STENNIS. And if there is not sufficient cause, the subpena power in that event is terminated.

Mr. PROXMIRE. The Senator is correct. I believe I would be on better ground, because it is quite brief, if I were to read what happens at that point.

The contractor goes to court and serves upon the Comptroller General a petition for an order of such court modifying or setting aside that subpena or demand. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any constitutional or other legal right or privilege of such person. Such court shall have jurisdiction to hear and determine any matter presented by such petition and to enter thereon such order or orders as it shall determine to be just and proper.

As I understand it, this is an unusual provision. However, I think it is proper to provide it because we are interested in a very limited and distinct sector of inquiry here. I think we should provide all safeguards possible.

Mr. STENNIS. Mr. President, I am glad the Senator added that provision. That means that if a contractor desires, he can get a judicial determination before they can ever see his books.

Mr. PROXMIRE. The Senator is correct.

Mr. STENNIS. There is at least some cause or some reason for them to see books.

Mr. PROXMIRE. The Senator is correct.

Mr. STENNIS. Mr. President, that is the point I made with reference to the Schweiker amendment. There must be general grounds for this authority or no cause would be shown.

What is the recommendation of the Senator with reference to the matter of manpower?

It is inconceivable to me that they would be able to make very much of a survey of any appreciable number of contracts without having to have some extra manpower.

What was the testimony on that point?

Mr. PROXMIRE. The GAO said they could make this inquiry provided they had until the close of next year—that is 15½ months' time—in order to make the inquiry, that they had personnel available to make it on a selective basis. It would not, of course, include all contractors, but they did have the personnel among the 2,000 or so professional people in the GAO to make this kind of inquiry and that they would not have to hire additional personnel to do it.

Mr. STENNIS. I think that in the beginning at least the GAO should have additional discretion to make these selections, because they are supposed to get a kind of a cross section, as I understand it.

Mr. PROXMIRE. The Senator is exactly correct. If they do not have this discretion, it means that they will be prohibited from getting a proper sample. It will be worthless if it is a distorted sample. They must be given the opportunity to make this kind of sample.

Mr. STENNIS. After they have made the first survey, the authority is limited thereafter, except that the survey may be requested by the Armed Services Committee of the Senate or the House.

Mr. PROXMIRE. The Senator from Mississippi is correct.

Mr. STENNIS. And on the point of the Armed Services Committee specifying what companies to examine or not to examine, I do not think that is an authority that we particularly need or want.

If we were to say that Company X should be examined, but not Company Y, it would lead to complications. I should think there ought to be some professional discretion. However, the Armed Services Committee ought not to be precluded or prohibited from calling for any specific information that it desires.

Mr. PROXMIRE. I agree wholeheartedly with the Senator from Mississippi. I think the Senator has framed that statement properly. It should be within the discretion of the Armed Services Committee to act after Congress has acted in this first study. They could act by having a followup study to bring it up to date in the event that in 1973, 1974, or 1975 they believe too much time had passed by and they wanted another study to see how the defense profit situation is.

Mr. STENNIS. Mr. President, a great deal more light would be shed on the subject by that time than has been shed on the subject at this time.

Mr. PROXMIRE. Mr. President, let me simply add two points here. I point out that objections to this kind of approach in the past have been on the basis that there have been studies.

The Defense Department says they had a study. The Logistics Management Institute made a study. They are composed of defense contractors and Defense Department personnel. However, the feeling on the part of many is that the study was not adequate.

Admiral Rickover in testifying before the committee said that the information was on the basis of unaudited information that was volunteered and not subpenaed and not collected. For this reason the study did not show a fair selection of contractors to make a proper sample. The information was volunteered by defense contractors who elected to participate in the study.

The feeling of many was that those with low profits would reveal that information, and those with high profits would not volunteer the information.

Admiral Rickover testified that 42 percent of the contractors provided no data when asked whether they would provide data. The profit figures were without audit. I think that ought to be fully understood.

I think that one other argument should be met. That is the argument that the Renegotiation Board is set up to handle excessive profits and that the Renegotiation Board should be able to give us the picture on profits and whether they are excessive.

The Renegotiation Board is a small fraction of what it was during the Korean war. It consists of 200 employees now as compared to 700 at that time. They have been restricted. The Renegotiation Board's annual report specifically cautions against the use of the figures it publishes on defense profits for generalizations about the profitability of defense business as a whole. This is stated by the Board in its own report. In other words, we cannot use that data or come to any conclusion about the adequacy or inadequacy of the report.

SENATOR MAGNUSON PRAISES REPORT

The profitability study recommendation was only one of several made unanimously by the subcommittee. Others, such as an effort to get at overruns and the disclosure of the work done by former military and civilian Pentagon officials, are now embodied in amendments to this bill. Still others can be and are being carried out by the GAO and others without further legislation.

The report had a major impact, I believe, and the committee was especially pleased to learn that its work was valued by some of the most experienced Members of the Senate. I ask unanimous consent that a letter from Senator WARREN MAGNUSON to the Comptroller General commenting favorably on the report be printed in the RECORD at this point in my remarks.

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

U.S. SENATE, COMMITTEE ON COMMERCE,
Washington, D.C., June 10, 1969.

HON. ELMER STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. COMPTROLLER GENERAL: I have just read what may well be one of the more important documents submitted to Congress this year: "The Economics of Military Procurement," a report of the Economy in Government Subcommittee of the Joint Economic Committee.

This report is significant because it is not an "attack" on the Pentagon. It does not concern itself with the strategic debate over force levels or particular weapon systems. Its sole concern is the elimination of waste in military procurement—waste that the report states may run to billions of dollars every year.

As a member of the Defense Subcommittee of the Senate Appropriations Committee, I have learned that present military procurement policies thwart rational Congressional contol over defense spending. The Subcommittee and Congess as a whole simply do not have access to the critical information—cost data, profit reports, source selection procedures, rates of progress in production, and so on—needed to make consistent and enlightened decisions about which programs are on schedule and which need investigation.

For years, we have accepted these limitations on our access to information because we believed that Defense Department procedures were geared to efficiency and least-cost procurement. Today, it is clear that that is frequently not the case. The current military procurement procedures, far from insuring the best buy for the taxpayer dollar actually result in the waste of several millions every year. Some of the largest and most respected, American business firms take advantage of contract loopholes, while we in Congress are kept ignorant of contract terms and cost data alike.

The report of the Economy in Government Subcommittee does more than catalogue the waste in military producement. It also makes positive, practical recommendations for promoting efficiency in procurement, returning civilian control over military spending to Congress, and consequently saving billions of needed dollars.

As you know, the report's recommendations are in several sections. But the most crucial changes the report recommends involve a dramatic new role for the General Accounting Office: Obtaining the relevant cost and production data on major defense contracts and presenting this information to Congress.

In this time of urgent national needs, certainly few tasks for the GAO can be more important than this move to eliminate waste and inefficiency in military procurement. I would like to hear from you what plans GAO has for implementing the Report's recommendations in this particular.

Sincerely yours,

WARREN G. MAGNUSON,
U.S. Senate.

GAO NEEDS AUTHORITY

Mr. PROXMIRE. There is, however, some question as to whether or not the GAO has the statutory authority to do the job. Because of these questions, this amendment is being submitted.

After the recommendation was made, the Comptroller General did express publicly to our committee his doubts as to the extent of their existing authority. As a result, this amendment was drafted. It has the support of the GAO. It is the language which they agree is necessary to carry out a unanimous recommendation of a committee of Congress.

I think that background information is important information for Members of the Senate.

Now let me turn to the more general arguments.

NO ONE KNOWS FACTS

The shocking fact about defense profits is that nobody in the Government has any precise and up-to-date knowledge of what they are. There never has been a comprehensive investigation of defense profits based on audited, certified, and

verified data taken from the books and records of defense contractors themselves. All that is known today is based on incomplete and sometimes questionable sources of information.

The amendment that I have offered would authorize the Comptroller General of the United States to conduct a study and review of defense or defense-related profits.

We should not kid ourselves about defense profits. If defense profits are not in excessive amounts now, while we are fighting an undeclared war and making large proportion of our defense expenditures under wartime conditions, it will be the first time in the history of this country that there has been no such problem. This country has always been burdened by the problem of excessive profits or by profiteering in such periods. There was profiteering during the American Revolution; it was a serious problem to a young nation trying to survive while getting out from under the yoke of colonialism. There was profiteering during the War of 1812. There was war profiteering during the World War I and during World War II. Some of the darkest chapters in our history were written in the congressional investigations that probed the war profiteering that was conducted during these periods.

TRUMAN COMMITTEE

Most of us still recall the investigations of the Truman Committee which disclosed abuses of defense contractors and profiteering during World War II. The work of that committee was instrumental in preventing worse abuses. Only a few years ago, the McClellan Committee looked into the pyramiding of profits in the aerospace industry. These hearings uncovered some of the most blatant and outrageous forms of profiteering.

That is one side of the picture.

SOME SAY PROFITS LOW

On the other hand, former Secretary McNamara has stated that defense production is not profitable enough to attract industry to enter into the competition and to make the huge investment often necessary to produce defense weapons.

This view is buttressed by a partial, limited, and subjective study done by the Logistics Management Institute. This study is considered grossly inadequate by many competent critics and is questioned by the General Accounting Office and others.

In a recent issue of Fortune magazine devoted to the military budget, the charge was also made that defense profits may not be adequate to secure the kind of capital investment in defense contracting necessary for the national security.

We have no way of knowing whether defense profits are excessive or inadequate. Until a study called for by this amendment is made, we will continue to be in the dark.

WHY NOT GET FACTS?

What possible arguments can there be against a study? We should get the facts, the truth, and the evidence. Either way, we need facts. Why not get them?

Unfortunately, no committee of Congress has conducted a study of these matters. Such a study is more than justified, in my opinion. I believe the findings of such a study would provide answers to the many questions that have been raised, particularly in light of the McClellan investigation and the enormous rise of defense spending and defense contracting that has occurred since that investigation.

At the present, time, there is an appalling absence of accurate, up-to-date information on the level of defense profits. Furthermore, the investigating arm of Congress, the General Accounting Office, says it is unable at the present time to make a useful study into the defense profitability question because of its lack of adequate authority and congressional guidance in this area.

IMPORTANT TO DO

In November 1968, the Subcommittee on Economy in Government began hearings on the economics of military procurement. Our first witness was Elmer B. Staats, Comptroller General of the United States on the subject of defense profits. Mr. Staats said the following:

> With respect to actual profits realized, we feel it is important that information on the trends as to profits realized by different industries on various types of contracts be available for study and for use in evaluating the effectiveness of the types of contracts used. In this connection, we know of no complete and comprehensive study that has ever been made on profits actually realized by defense contractors.

I think that last sentence is of crucial importance, because it points up the absolute necessity for the amendment that I have proposed; and I will therefore repeat the Comptroller's considered judgment:

> We know of no complete and comprehensive study that has ever been made on profits actually realized by contractors.

My amendment would arm the Comptroller General with the authority he needs to make a study and to make it possible for him to make further studies of defense profits when directed by the appropriate congressional committee.

I then asked the Comptroller General whether he was asserting that we just do not know what the realized profits of defense contractors are, and that no study has ever been made that would provide Congress and the public with that information. The Comptroller General replied that no such information exists.

INADEQUATE LMI STUDY

Specifically, Mr. Staats commented on a study that had recently been completed in this area. It was performed by the Logistics Management Institute, known as the LMI. This group is a federally sponsored defense research, nonprofit corporation. It does almost 100 percent of its work for the Department of Defense, on whom it depends for its existence. Without defense contracts LMI would go out of business.

The Comptroller General indicated that the LMI study was not a complete, comprehensive study of defense contracts. It was not the kind of limited study contemplated by his remarks, or this amendment.

LMI's study of defense profits, which was recently undated, is often cited by the Defense Department for the proposition that defense profits are falling and are relatively smaller than profits in the nondefense industries.

After reviewing the evidence presented to my subcommittee, I have a serious problem reconciling the result of the LMI study with the facts which have been produced from other sources. Adm. Hyman G. Rickover also has difficulty with the LMI study. He testified that the LMI study "was based on unverified and unaudited information volunteered by defense contractors who elected to participate in the study." The fact is that the LMI study was based not on audited and on an up-to-date examination of the books and records of the contractors but was conducted with questionnaires which were sent out to a number of contractors with requests for information. Admiral Rickover testified that 42 percent of the contractors who were approached provided no data.

LACK OF UNIFORM STANDARDS

Admiral Rickover added that the costs of the profits reported to LMI were not based on any uniform standards of accounting. This is a key point because without on-the-spot audits and without any requirements that the contractors comply with uniform cost accounting standards, how can the Congress or the public be assured that the information that it is getting through a Pentagon-subsidized agency like LMI is reliable, factual, and accurate? Here is what Admiral Rickover had to say to the Subcommittee on Economy in Government:

> It has been my experience that the data reported for contractors are generally quite different from the actual data found on government audit.

And he later added:

> In short, the approach used by the Logistics Management Institute does not appear to provide a sound basis for determining the profitability of defense contracts.

I do not mean to imply that all contractors intentionally supply misleading or wrong information to Government agencies, or to research centers supported by the Government. I do not attack the honesty and integrity of the Logistics Management Institute. But it is my judgment that the Congress cannot afford to come by information about the expenditure of public funds through secondhand or thirdhand sources.

The Congress has the clear responsibility for public expenditure policy. The amount of profits taken on defense contracts are a part of public expenditures in the area of defense. Congress needs to be able to obtain information about defense profits from an objective and independent source. In my view, the General Accounting Office is the agency upon which Congress ought to be receiving this kind of assistance because it is an agency of Congress.

RENEGOTIATION BOARD NOT AGENCY TO DO IT

It is sometimes asserted that the Renegotiation Board looks after defense profits and therefore the Congress does not have to worry about them. The Renegotiation Board is a fine agency, trying

to do an effective job in this area. However, the Renegotiation Board is faced with certain limitations both in its size and in the appropriations made to it, as well as the scope and the nature of its authority.

First the Board suffers from an understaffed condition. It has approximately 200 total personnel scattered around the country to do the work within its jurisdiction. This number is substantially less than what the Board has had in the past. For example, during the Korean war period the Board then had over 700 employees.

Second, the Board looks at defense contracts of individual contractors on a fiscal year basis. This means that there is a considerable timelag between the awards and performance of defense contracts and their review by the Renegotiation Board. In addition, the Board looks at contractors the Government chooses for an entire year, and will make a determination of whether or not excessive profits have been taken on the basis of the average profits from all the contracts performed during that year. There is also a 5-year carryforward loss provision in the law which permits a company to carry any losses it may have suffered on a contract with the Government for as long as 5 years to offset high profits it might take on future contracts.

Third, the Renegotiation Board does not look at all defense contracts. It looks only at a certain range of contracts. Excluded are a whole variety of subjects and kinds of products which are purchased by the Government.

TOO MANY EXCEPTIONS

For example, among the mandatory exemptions provided in the acts are raw materials or agricultural commodities, contracts with common carriers, public utilities and tax-exempt organizations, and certain construction contracts. Contracts for the sale of new, durable productive materials are partially exempt from renegotiation as well as the sale of commercial articles or services under certain circumstances.

The Renegotiation Board has been the first to admit the limitations on its capabilities and especially its authority.

BOARD URGES CAUTION

The annual report of the Board specifically cautions against the use of the figures it publishes on defense profits for generalizations about the profitability of defense business as a whole or even the profitability of the renegotiable sales reviewed by the Board.

I have studied the activities of the Renegotiation Board and the results it has produced. I have the highest regard for the manner in which the Board has attempted to fulfill its original purposes. However, I must say that the Renegotiation Act does not prevent overpricing or excessive profits on defense contracts. The larger firms have a great advantage and can average out profits over the fiscal year and can carry forward their losses, if there are any, for five years. It is possible for a large contractor to overcharge the Government where competition is slight, and then overbid on another contract where there might be more competition. A firm's ability to average out their profits in these two types of situations becomes very important. A firm might make excessive profits in one division and low profits in another division and average them out.

SOME SAY PROFITS HIGH

In the hearings conducted last November the Subcommittee on Economy in Government heard testimony on profits from several other persons. For example, Murray L. Weidenbaum, who is now an Assistant Secretary of the Treasury, testified about a study he recently conducted comparing the profits of defense- and nondefense-oriented corporations. Weidenbaum's study showed that during the period of 1962 to 1965 the average profits of a sample of defense firms was 17.5 percent as a return on net investment. At the same time, the average profits of a sample of nondefense industrial firms during the same time period was 10.6 percent. Thus, the Weidenbaum study showed a much higher rate of profits measured as a return on investment for defense contractors than for nondefense companies. The two samples of companies, by the way, were of similar size.

Weidenbaum also pointed out that the trend toward conglomerate mergers within the aerospace industry and among the large defense contractors has had the effect of obscuring the real level of defense profits. This is because conglomerate corporations with many divisions do not actually report their profits division by division. A corporation reports its profits for the company as a whole. Thus, if a conglomerate has one or several divisions doing defense work, and has other divisions doing commercial work the profits it reports will be an average of all the divisions, and would be very difficult to learn what the defense profits of that firm really are.

RESERVATIONS ON LMI STUDY

I might add that Mr. Weidenbaum also has reservations about the LMI study based on the fact that LMI used information gathered from a sample that included many small and medium sized companies, many of whom do most of their work in commercial, industrial consumer markets. But Mr. Weidenbaum's sample consisted of the large specialized military contractors who do more than three-quarters of their work for the Government over extended periods of time.

Weidenbaum's conclusion was that the large defense contractors realize substantially higher profits than do the commercially oriented corporations of similar size. My amendment would give the General Accounting Office the authority and duty to find out the facts.

TESTIMONY THAT COSTS ARE EXCESSIVE

Some of the other testimony that we heard on the subject of profits included the testimony of Mr. Buesking, a retired Colonel from the U.S. Air Force, who up until August 1968 worked in the Pentagon in the procurement area. Colonel Buesking testified that in his opinion the costs of weapons programs was from 30 to 50 percent in excess of what they might be under conditions of competition and that there is no correlation between profits and performance. Further Colonel Buesking testified that profits based on return investments in the Minuteman missile program from 1958 to 1966 were 43 percent.

STUBBING'S STUDY CONFIRMS RESULT

Colonel Buesking's testimony on the lack of correlation between profits and performance has been amply supported by the study of Richard Stubbing, a defense profits analyst employed at the Bureau of the Budget. It may be recalled that this study first used in the November hearings before the Subcommittee on Economy in Government showed that of a sample of 13 Air Force and Navy aircraft and missile programs, initiated in 1955 at a total cost of $40 billion, less than 40 percent produce systems with acceptable electrical performance. Mr. Stubbing found that the more expensive and complex electrical systems resulted in lower systems performance. More important, for our discussion today, is Stubbing's finding that there is no correlation between contractor performance and contractor profits. That is to say that the contractors who had been found to give the worst performance on their defense contracts also earn the highest profits.

DEFENSE SAYS PROFITS NOT EXCESSIVE

The Department of Defense has conceded the point that contract profit rates have been increased in the past several years. This means that the Defense Department has been allowing higher rates of profits in their contracts. The Pentagon, however, also argues that the rate of profit they allow is not necessarily the same profit that is realized by the contractor. The Pentagon thus distinguishes between the contract rate, which they call the going-in profit, and the actual profit realized after the job is completed by the contractor, which they call the coming-out profit.

My point is that there is no way for the Pentagon or anyone else to know exactly what profits are realized by contractors because no one has done a study to see what contractors' books and records show about profits. The study my amendment calls for could determine this kind of fact.

Another extremely important point to keep in mind is the difference between the various ways of figuring profits. One way is to figure profits as a percent of sales. Thus, on a weapon that costs $1 million a 10-percent profit rate will amount to $100,000.

SHOULD JUDGE PROFITS ON INVESTMENT

Another way to figure profits is as a return on investment. The return on investment method for figuring profits takes into account the amount of capital which a contractor uses on any given contract. In private enterprise investors use their capital in order to make a profit, and the return that an investor is able to earn from his capital is generally acknowledged to be the best measure of real profit. It makes a vast difference on any given contract whether the contractor has invested a substantial amount of his own capital or a very small amount. Thus on a $1 million contract, where the contractor invests $500,000 for plant and equipment, a $100,000 profit would be

equal to a 20-percent return on investment. If the contractor used only $200,000 worth of plant and equipment a $100,000 profit would be equal to a 50-percent return on investment.

MISLEADING EXAMPLE

We had an extreme example of how profit as a percentage of sales or costs can be very misleading. In one case the contract provided for an 8-percent profit, figured as a percentage of costs. But it was later found, after it was learned what the contractor had actually realized and what his capital investment was, that the real profit, figured on a return on investment, amounted to from 600 to 800 percent.

FORTUNE CITES LACK OF EVIDENCE

In the August 1, 1969, issue of Fortune magazine, Allan Demaree, on "Defense Profits: The Hidden Issues," had an article which makes some important points regarding the state of knowledge of defense profits. For example, Mr. Demaree wrote:

> Considering the long history of debate over war profiteering, it is surprising that little solid evidence has been compiled on how high defense profits really are. Finding out is a formidable task.

The article then points out one of the problems involved in determining profit rates for the vast majority of prime contractors of diversified businesses. It says:

> Since they lump their military and commercial operations together in financial reports, it is impossible for outsiders to discern how much they're making on defense.

Mr. Demaree also wrote:

> Critics charge, justifiably, that the Defense Department's profit policy provides a perverse incentive to perform inefficiently. Because profits are computed as a percentage of costs, contractors are tempted to employ more engineering labor than is necessary, produce overly complex systems, invest less in cost-reducing equipment than they otherwise would, and lease equipment rather than buy it.

GAO NEEDS AUTHORITY

These summarize part of my argument for a defense profit study. This argument is further buttressed by the lack of authority that now exists within the General Accounting Office to conduct a profit study. My amendment would correct this absence of authority and would also direct the General Accounting Office to conduct the study. The legal question on the General Accounting Office's statutory authority is set out in a memorandum which was prepared for me in connection with this issue. The memorandum explains the need for this subpena power in order to make a timely examination of defense contractor books and records. In one case involving the Hewlett-Packard Co., GAO first attempted to have access to the contractor's records in November 1962. The contractor opposed the General Accounting Office's effort to look at its books, and because of resort to the courts to settle the question, the General Accounting Office did not get access to the books and records until June 1966.

It is therefore essential, in my judgment, that GAO's legal authority be enlarged to have resort to the subpena power when it is necessary. Further, Congress can no longer afford to remain in the dark and be ignorant about defense profits. My amendment would provide the legislative branch with the first comprehensive investigation of defense profits by an independent agency.

NEED AUTHORITY FOR PROFITS STUDY

Some question has been raised, because of the adoption in this bill of the Schweiker amendment relating to the GAO reports on the cost of selected weapons systems, whether any of the provisions in that amendment may conflict with the provisions in the amendment I am proposing today.

First, I supported the Schweiker amendment. It was a good amendment and will contribute greatly to the information that Congress receives about the costs of larger weapons programs, and will enable Congress to make more informed judgments about requests for authorizations and appropriations. I might add that the substance of the Schweiker amendment was contained in the recommendations of the report on "The Economics of Military Procurement" by the Subcommittee on Economy in Government.

Second, I have studied the language of the Schweiker amendment and I am convinced that there is no conflict with my amendment today.

The Schweiker amendment covers only those contracts of the DOD which are determined by the Secretary of Defense to be "major contracts." It does not cover any NASA or AEC contracts done for defense work. Further, and more important, it does not provide for a determination of contractor profits under those contracts it does cover. So far as costs are concerned, the Schweiker amendment addresses itself only to costs incurred and estimated to be incurred by the United States, without regard to costs incurred or profits made by contractors. Thus, it would not give Congress the kind of information on the profitability of defense related contracts which would result from amendment.

It should be clear that the objectives of the Schweiker amendment, to provide information on the costs of weapons systems, is not the same objectives of my amendment to provide information on defense profits. The use of the subpena power contained in the Schweiker amendment would therefore be limited, in my opinion, to the purposes set out in that amendment and only for "major contracts" as defined by the Schweiker amendment.

Let us get the facts. We need to know whether profits are high or low, excessive or not enough. What arguments can there be against getting information and the truth?

I ask unanimous consent to insert in the RECORD at this point the text of the "Memorandum on the Adequacy of the Legal Authority of the General Accounting Office To Conduct a Comprehensive Study of Profitability in Defense Contracting," prepared by the General Accounting Office.

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

MEMORANDUM ON THE ADEQUACY OF THE LEGAL AUTHORITY OF THE GENERAL ACCOUNTING OFFICE TO CONDUCT A COMPREHENSIVE STUDY OF PROFITABILITY IN DEFENSE CONTRACTING

The right of the General Accounting Office to examine records of defense contractors is *limited to negotiated contracts* and is based on the provisions of the Armed Services Procurement Act now codified in title 10 U.S.C. 2313(b) which reads as follows:

"Each contract negotiated under this chapter shall provide that the Comptroller General and his representatives are entitled, until the expiration of three years after final payment, to examine any books, documents, papers, or records of the contractor, or any of his subcontractors, that directly pertain to, and involve transactions relating to, the contract or subcontract."

The present provisions in title 10 are derived from Public Law 245, 82nd Congress, approved October 31, 1951, 65 Stat. 700. At the time of enactment of Public Law 245, Congressman Porter Hardy, Jr., who had introduced the House version, indicated on the floor of the House that the major purpose of the legislation was to "enable the agency of the Congress to check the transaction both from the Government's and the contractors' books." 97 Congressional Record 13198.

At the time the 1951 legislation was considered on the floor of the House, Congressman Hoffman offered an amendment to add th word "directly" before the words "pertinent records." In explanation of this amendment, Congressman Hoffman stated: "The purpose is to limit the 'snooping' that may be carried on under this bill which we do not have the votes to defeat."

In carrying out our audit of defense contracts we have taken the position that the words "directly pertinent" were intended only to limit GAO's right of access to records pertaining to Government work as distinguished from non-government work. For example, company internal audit reports and other internal management documnts are sometimes denied. The argument is made that the documents do not "directly pertain" to the contract. Also, GAO has been denied records where "competitive negotiation" has taken place.

A study of defense profits on a return on investment basis would necessitate a determination as to capital employed on specific defense contracts. This is a very difficult task and would require examination of the contractor's total capital investment and the proper allocation thereof as between defense and non-defense work. We think that contractors would argue that records of this nature which relate to commercial work are not "directly pertinent" to any particular defense contract.

GAO's right of access to contractors' records has been litigated in one instance. This case involved a request for access to records involving four fixed-price contracts negotiated by the Department of the Air Force with the Hewlett-Packard Company. GAO auditors sought access to records of costs experienced under the contracts. This request was denied by the company on the basis that the only "directly pertinent" costs were those which were considered in the course of negotiating the contracts and since the contracts in question were negotiated on the basis of catalog prices less discount costs of production were not directly pertinent.

At GAO's request the Department of Justice brought a suit against Hewlett-Packard in the United States District Court for the Northern District of California requesting the Court to issue an order declaring that the GAO had a right to examine all books, documents, papers or records directly relating to the pricing and cost of producing the items under the contracts including, but not limited to, records of experienced costs of

producing the items, records in support of prices charged the Government, and all other data and records of the company concerning its activities and operations involved in any way with current costs in furnishing the items produced pursuant to the contract. The District Court issued an order on June 27, 1966, enjoining the company from preventing access by GAO to the firm's books, documents, papers, and records relating to the cost of producing the items under the contract including the costs of the direct material, direct labor and overhead costs. The case was appealed to the United States Court of Appeals, Ninth Circuit, which on November 15, 1967, affirmed the lower court's judgment. *Hewlett-Packard Company* v. *United States,* 385 F. 2d 1013. On March 18, 1968, the company's petition for a writ of certiorari was denied by the United States Supreme Court. The opinion of the Court of Appeals held in effect that the term "contract" as used in the statute embraced not only the specific terms of the agreement but the general subject matter as well. Therefore, the Court stated, costs of production directly pertain to and involve transactions relating to the contract because "they encompass business arrangements made by the contractor in obtaining the materials, labor, facilities, and the like" required to fulfill the contractor's commitment under the contract. The Court also determined, either specifically or by not adopting arguments presented in support of the contractor's position, that:

(1) The right of access by GAO to records of costs of production is not limited to that necessary to determine whether the contracts were performed in accordance with their terms and whether the contracting officer had been defrauded or misled in entering into the contracts.

(2) GAO's right of access is not affected by the applicability of Public Law 87-653, "Truth in Negotiations", or the Renegotiation Act of 1951, as amended, 50 App. U.S.C. 1191(a)(7).

(3) GAO's right of access is not limited by what the parties may have considered or not considered in the course of negotiations.

(4) GAO's right of access is not affected by the fact that the contract was performed by the delivery of "off-the-shelf" items not specially manufactured for the contract.

(5) GAO's right of access is not defeated on the basis that the information sought is confidential business data which the company has a vital interest in protecting.

However, the court did not decide how far GAO's right of access extends beyond right of access to books and records pertaining to direct labor, direct material, and overhead costs.

While GAO's legal authority would permit it to perform some of the work necessary in making a profit study, we do not think that our authority is adequate. For example, contrast the present GAO authority with the procedures available to the Internal Revenue Service and the Renegotiation Board who can require that contractors furnish reports which are then subject to verification by audit. GAO has no equivalent authority to require reports and must rely on our audits alone, a much more time-consuming procedure. Secondly, GAO's access to contractor records may be delayed considerably by a contractor's refusal to comply with GAO's requests except pursuant to a court order. In the *Hewlett-Packard* case GAO initially was refused access to the contractor's records in November of 1962. It did not obtain a court order enjoining the contractor from refusing access until June 1966. However, the right of access to the records was suspended during the appeal process. Such right was not actually obtained until March of 1968 when the petition for a writ of certiorari was denied by the Supreme Court. It took five and one-half years to obtain access to the records.

Also, as previously indicated, GAO has no right of access to records under an advertised fixed-price contract nor to records concerning the commercial business of a defense contractor.

GAO is of the opinion that to do a meaningful study of profitability in defense contracting, legislation should be enacted broadening its right of access to records of defense contractors. Such legislation should give GAO authority to:

(1) Examine any records relating to a defense contract deemed necessary in making a profit study.

(2) Require defense contractors to compile and furnish such data as may be considered necessary by GAO.

(3) Take sworn statements from contractors or their officers and employees.

(4) Issue subpenas with authority of a United States District Court to require compliance.

(5) Examine records pertaining to:

(a) Formally advertised contracts.

(b) The records of second or lower tier subcontracts.

Mr. PROXMIRE. Finally, I might add that Fortune magazine, which has a very realistic and competent understanding of American industry—it is considered a spokesman for big business—has said that our information is seriously missing in this area. Their conviction is like McNamara's—that defense profits are not high enough, but that we do not have enough information to know. We do not have the information. Until we do have it, it seems to me that we cannot come to proper conclusions.

I might say that if the profits are inadequate, it would be the first time in American history. We know there was profiteering in the Civil War, in World War I, in World War II, in the Korean war, and even in the Revolutionary War, for that matter, But this has been disclosed in some cases long after the fact.

I think the American people need and deserve assurance on this ground, so that we can know what the problems are and adapt our solutions appropriately.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

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

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

VISIT TO THE SENATE BY THE PRIME MINISTER OF NEW ZEALAND

Mr. SPARKMAN. Mr. President, I wish to announce that we have a very distinguished visitor in the Senate Chamber at this time. Those Senators who could be present have just had a session with him in the Committee on Foreign Relations. He represents one of the great friends of the United States, and we are delighted to welcome him to the Senate. I refer to the Right Honorable Keith Holyoake, who is the Prime Minister of New Zealand.

[Applause, Senators rising.]

Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes so that Senators may have the privilege of speaking with the Prime Minister.

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

RECESS

Thereupon, at 5 o'clock and 5 minutes p.m., the Senate took a recess until 5:07 p.m.

During the recess, the Prime Minister of New Zealand was greeted by Members of the Senate.

On expiration of the recess, the Senate reassembled and was called to order by the Senator from New Hampshire (Mr. McINTYRE).

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. STENNIS. Mr. President, I will address the Senate briefly on this amendment in its present form. I think it has merit, and it has safeguards that it did not have before as to the subpena power. It is now converted into a survey to be made by the GAO by the end of 1970; and, thereafter, if either the Armed Services Committee of the Senate or of the House request another survey, they can get it.

I think that our law with reference to the General Accounting Office should be revised. I do not think it should be done as to one department, and it ought not be done on the floor of the Senate without any hearing. But we are up against a practical situation now with regard to this amendment. It does have some merit in it. As I have said, I like the way the Senator has revised it.

I have talked with several Senators about amendments and have reached agreement with them, and they insist on a rollcall vote, anyway. I think the main question is as to whether or not the Senate conferees are going to try to get the amendment adopted in conference. Those of us who have been here a while know that we cannot get all the amendments adopted in conference. It does not make any difference how many rollcall votes we have. We are going to do the best we can. I do not know what will be the attitude of the House on many of these amendments. I do not think the language of the Cooper amendment went to the meaning that the Senator from Kentucky thought it had.

We cannot bring everything back. This is one item that, even though I am going to try to bring it back, I want it understood that I may desire some revision in this language myself when we get into it further and receive some advice on it.

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

Mr. STENNIS. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I have complete confidence in the chairman of the committee. On the basis of the colloquy we understand each other fully. We have the same objective and I am sure if the amendment is revised in conference the Senator can still accomplish the objective we wish to achieve.

Mr. STENNIS. I am not particularly addressing my remarks to the Senator from Wisconsin but to the problem, and it is a problem.

I think the power of the GAO should be extended and used more definitely; and I believe that good will come, especially from a rewriting of that law by the subcommittee and the committee headed by the distinguished Senator from Connecticut. I am going to support this amendment. I think it has safeguards. I want to emphasize that. It has safeguards for the public and at the same time it gives some responsibility to the committee that will pass on it.

Mr. President, with that understanding I am going to vote for the amendment.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The question is on agreeing to the amendment (No. 163), as modified, offered by the Senator from Wisconsin. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Washington (Mr. MAGNUSON) is absent on official business.

I also anncunce that the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Georgia (Mr. RUSSELL) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from South Dakota (Mr. MUNDT), and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from Vermont (Mr. PROUTY) is absent because of illness.

If present and voting, the Senator from Arizona (Mr. GOLDWATER), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 85, nays 0, as follows:

[No. 91 Leg.]

YEAS—85

Aiken	Fong	Montoya
Allen	Goodell	Moss
Allott	Gore	Muskie
Anderson	Gravel	Nelson
Baker	Griffin	Packwood
Bayh	Gurney	Pastore
Bellmon	Hansen	Pearson
Bennett	Harris	Pell
Bible	Hartke	Proxmire
Boggs	Hatfield	Ribicoff
Brooke	Holland	Saxbe
Burdick	Hollings	Schweiker
Byrd, Va.	Hruska	Scott
Byrd, W. Va.	Hughes	Smith
Cannon	Inouye	Sparkman
Case	Jackson	Spong
Church	Javits	Stennis
Cook	Jordan, N.C.	Stevens
Cooper	Jordan, Idaho	Symington
Cotton	Kennedy	Talmadge
Cranston	Long	Thurmond
Curtis	Mansfield	Tower
Dodd	Mathias	Tydings
Dole	McCarthy	Williams, N.J.
Dominick	McGovern	Williams, Del.
Eastland	McIntyre	Young, N. Dak.
Ellender	Metcalf	Young, Ohio
Ervin	Miller	
Fannin	Mondale	

NAYS—0

NOT VOTING—14

Eagleton	McClellan	Prouty
Fulbright	McGee	Randolph
Goldwater	Mundt	Russell
Hart	Murphy	Yarborough
Magnuson	Percy	

So Mr. PROXMIRE'S amendment (No. 163), as modified, was agreed to.

Mr. STENNIS. Mr. President, I move that the vote, by which the amendment as modified was agreed to, be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 126, AS MODIFIED

Mr. COOK. Mr. President, I call up my amendment No. 126, and send to the desk a modified version of the proposal and ask that it be stated.

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The ASSISTANT LEGISLATIVE CLERK read as follows:

SEC. 402. Notwithstanding the provisions of the Act entitled "An Act to suspend restrictions on the authorized personnel strength of the Armed Forces, and for other purposes", approved August 3, 1950 (64 Stat. 408), or any other provision of law, the total actual active duty personnel strength of the Armed Forces of the United States exclusive of personnel of the Coast Guard, personnel of reserve components on active duty for training purposes only and personnel of the Armed Forces employed in the Selective Service system shall not exceed 3,461,000 on the last day of the fiscal year 1970. In addition, whenever the total number of persons serving on active duty in Vietnam is reduced on or after July 1, 1969, this limitation of 3,461,000 shall be reduced by a like number. Nothing in this section shall be construed as requiring the reduction of the active duty personnel strength of any component of the Armed Forces below the level for such component prescribed by law. The foregoing provisions of this section shall not apply during any national emergency declared by the President or the Congress after the date of enactment of this section.

Mr. COOK. Mr. President, I ask unanimous consent to have added as cosponsors of the amendment the names of Senators BAYH, FONG, HATFIELD, MATHIAS, PACKWOOD, PERCY, SAXBE, SCHWEIKER, CRANSTON, MCGOVERN, MONDALE, MOSS, NELSON, PROXMIRE, TYDINGS, YARBOROUGH, and YOUNG of Ohio.

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

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

The yeas and nays were ordered.

Mr. COOK. Mr. President, one of the basic underlying reasons for the recent passage of the national commitments resolution by the Senate was a growing concern about what the Washington Post has aptly labeled "our excessive military presence abroad." The realization of the vast number of potential foreign commitments this country has acquired since World War II, aside from Vietnam, is staggering.

According to the State Department, we are definitely committed to defend 42 nations as a result of treaties and agreements given approval by the Senate. Defense agreements, agreements of cooperation, policy statements, and U.S. military installations in some 30 foreign nations make further additions to the list of countries we might feel obligated to defend. And as a signatory to the U.N. Charter some might even go so far as to argue that we might be called upon to come to the defense of all 121 member nations.

Presumably, out of a feeling that these commitments might have to be kept some day, our manpower has grown correspondingly. The Pentagon informs me that the latest figures, accurate as of 6 months ago, show that we are currently maintaining 395 oversea major bases, and 2,809 oversea minor bases for a total outside the United States of 3,204. Our total active duty military personnel as of that time is listed at 3,489,588 with 2,269,769 within the United States and its territories and 1,205,695 on foreign soil.

Total costs of retaining this force level is estimated at $35 billion annually with $21 billion going into pay and allowances and the remaining $14 billion in related expenditures. The Vietnam buildup added approximately 800,000 men to our 1964 manpower level. Obviously, even before the Vietnam escalation we were well over the 1950 statutory ceiling which had been set at 2.3 million men but had been suspended periodically since that time.

Fortune magazine, in its excellent August 1 issue, quotes a former State Department official in the Johnson administration as saying:

> Our commitments and force goals associated with them, both for NATO and the Far East—excluding Vietnam—account for about two-thirds of our defense costs today. These commitments stem from history and not from any clear analysis of whether or not the threat that led to troop deployments in the late 1940's and 1950's is still valid.

Support of our worldwide commitments and related costs, Fortune reports, requires general purpose forces amounting to around 60 percent of the current defense budget, the other 40 precent going for our strategic nuclear force. The rationale as the magazine sees it, and I quote, has been that:

These forces are designed to allow the U.S. to control a land or sea area or deny it to the enemy in a limited war or counterinsurgency situation, as opposed to destroying an enemy's population or industry. The size and deployment of these forces are not so much related to the defense of U.S. territory as they are to defense of other countries. This is underscored today by the fact that seventeen of the nation's thirty-two and two-thirds active and reserve divisions are stationed in Europe, Korea and Vietnam; and that nearly half of our 5,000 tactical and attack aircraft in fighting units are based overseas, along with nearly a third of the Navy's 700 general-purpose ships.

Our current concept of commitments bred of a kind of paranoia which interprets any insurgency abroad as a threat to our shores requires massive troop deployments abroad ready to plunge into local conflicts on a moment's notice.

It is because we question the validity of this concept and the necessity of the large active duty troop level to support it that the junior Senator from Indiana and other Senators and I are offering an amendment to the military procurement authorization bill dealing with the subject of manpower reduction. Given the current wartime conditions we feel it is extremely prudent and reasonable. It, simply stated, would require overall active duty troop reductions equal to the number withdrawn from Vietnam. But before we go into the detailed arguments for the adoption of our amendment, which is limited in scope and tied to Vietnam withdrawals, I think it important to have an overview of our major manpower commitments around the world and the underlying assumptions upon which the maintenance of this posture is predicated. Even though our amendment does not concern itself with force levels outside of Vietnam, I shall make recommendations which I hope the appropriate committees of the Congress will consider which deal with the much broader topic of troop withdrawals at various places around the world.

The most in-depth examination of our current manpower commitments and also the most persuasive arguments for their reduction are found in a recent article by Carl Kaysen in the excellent Brookings Institute publication, "Agenda for the Nation."[1] He breaks down our commitments around the world by major geographic areas and gives a realistic appraisal of our actual needs not based upon the outmoded assumptions of 20 years ago.

Second only to our strategic forces, our commitment to NATO is our most important overseas military commitment. Within the context of the contingency of a conventional war in Europe, NATO forces on the central front are roughly in balance with the Warsaw Pact forces west of the Soviet Union. The NATO forces have a qualitative edge in terms of aircraft. In addition, total forces and military budgets of the NATO group are superior to those of the pact.

In the most highly sensitive central region the German part of the NATO force is the largest, followed by the United States, in tactical airpower we have the largest force followed by Italy and Germany. On top of this, U.S. NATO forces have approximately 7,000 tactical nuclear weapons. To counter this the Soviets, of course, have a sizable tactical nuclear capacity of their own which, taken together with the U.S. potential, could destroy most of Europe without the use of any strategic forces. It is also important to note that, contrary to some contentions, the balance in Europe has not been changed significantly by the Soviet invasion of Czechoslovakia.

If any advantage lies in the roughly balanced situation in Europe it is with NATO. As Kaysen points out:

If we consider not only the statistics of military deployment but also the less easily measurable but more important factors of political will, the advantages on the side of NATO in terms of its defensive purposes are even stronger. For all their disagreements and divisions, there is a clear will to self-defense among European members of NATO. By contrast, it is difficult to conceive of enthusiastic Czech, Hungarian and Polish participation in offensive operations directed westward across the frontiers of the Federal Republic of Germany. Of course, the same could be said of a corresponding move by the West; but it is the essence of a wise NATO policy to emphasize the treaty's defensive purpose and to present the Soviet Union with the alternatives of peace or the offensive.

Our large NATO troop deployments are a result of two basic concerns:

First. The desire of Germany to repulse any attack at its border, and

Second. A growing anxiety about the possible use of tactical nuclear weapons in Europe.

The first policy has been essential to lessen German fear of invasion which has remained since the beginning of the cold war. The second, represents a turning away from the emphasis of the 1950's on the use of tactical nuclear weapons because we now realize what our allies in Europe knew all along—that the use of such a force by ourselves and the Soviets would destroy Europe. It is understandable that our European allies were somewhat less than enthusiastic about that possibility.

During the 1960's Western European governments have become less convinced of the likelihood of a Soviet attack. Fortune says, "Europeans regard the possibility of a Russian-initiated conventional war against NATO as an American fantasy." Consequently, they have not been willing to increase their military budgets, even though we agree that the Soviet invasion is a remote possibility the need for deterrence remains in the form of meeting three basic troop commitment requirements:

First. The American commitment to the NATO treaty.

Second. A number of American troops deployed sufficient to make it apparent that the NATO commitment will be honored and that no military action is possible in Europe without running the risk of a confrontation with the United States, and

Third. A strategic striking force that will continue to make irrational a choice of major war by the Soviets.

In addition to helping to rule out a Soviet invasion, no matter how unlikely, U.S. troops in Germany serve three other important functions. First, they assist in maintaining ground access to West Berlin and serve as a reminder to the Soviet Union of our commitment to maintain at least the status quo in Germany. Second, it serves to reassure Germany and the rest of Western Europe that our commitment remains resolute. And finally, it assures other members of NATO that immediate management of a confrontation with the Soviet Union is not solely in the hands of the Germans.

A reasonable assessment of the situation indicates that the tasks we might be required to undertake in West Berlin call for only about two and one-half divisions; one-half in Berlin, one for deployment at the Autobahn approaches, and one as a general reserve. An additional division deployed in Southern Germany bringing the total U.S. force in that country to three and one-half divisions would be sufficient to apprise both sides of our continuing commitment. However, we now have almost twice this large a force in Germany. Given the sufficiency of our support forces and air forces, a responsible and realistic estimate is that our forces in Europe could safely be reduced by about 30 to 40 percent. It would be the height of folly to continue to deploy force levels which the Europeans themselves obviously feel are not necessary. It is now important that our revitalized European allies provide more for their own defense. This can be done only by forcing them to reach that decision by our cutback in troop levels, since earlier less dramatic efforts have not been persuasive.

The distinguished majority leader, Senator MANSFIELD, has recognized these changed conditions in Europe and has proposed a sense of the Senate resolution to the effect that the current situation not only allows but requires a significant troop reduction in Europe. I am an enthusiastic cosponsor of this resolution.

Now let us move from Europe to consideration of other areas of the world. The only place outside of Southeast Asia where we have recognized anything more than a highly unlikely possibility of American military action is the Middle East. An increase in Arab-Israeli hostilities to the level of the June 1967 war, might generate a strong demand in the United States for some sort of intervention. However, the sizable naval force we maintain in the Mediterranean should provide a sufficient show of force, hopefully only symbolic, to force the parties to deescalate the conflict to the political and diplomatic level.

And what of the situation at home? In the United States, prior to the Vietnam conflict, we maintained about 10 active divisions in addition to forces occupied in logistic training and administrative functions. Over four of these divisions were specifically designated as NATO reinforcements with the rest constituting a general strategic reserve. Within this reserve were tactical air and naval units. The size of this force has previously been rationalized on the basis of the highly unlikely prospect of meeting, on short

[1] Carl Kaysen, "Military Strategy, Military Forces, and Arms Control". *Agenda for the Nation*, the Brookings Institution, 1968.

notice, the contingency of three military involvements at once—two on a substantial scale, one in Europe and one in Asia, and one on a smaller scale elsewhere.

Moving to a general discussion of the current Asian situation shows approximately 500,000 men in Vietnam and 50,000 in Thailand. This represents about 20 percent of the Armed Forces. Also, we have two divisions in South Korea, one division somewhere else in the Pacific, some Air Force units in Japan, Okinawa, and the Phillipines and, of course, the 7th Fleet.

One division in South Korea would certainly suffice for the purpose of deterring North Korean aggression. The other division actually serves essentially as a trade for South Korean troops in Vietnam.

For the foreseeable future considerable naval and air deployments will still be needed in the Western Pacific for deterrence purposes and for some minimal support of neutral and alied countries in this area against threats of Communist aggression. These forces are also needed to continue to protect Taiwan. These functions require not only the direct presence of the seventh fleet but at least some additional visible show of U.S. deterrence. This level of force should be effective in protecting Taiwan, Japan, the Phillipines, Austrialia, New Zealand, and Indonesia in view of the low capability of Asian Communist countries for any overseas efforts.

India probably can defend herself. The logistical problems of the Chinese in mounting an invasion of India are rather formidable. In any event our forces, unless massively committed, could not help in India anyway.

The value of the peripheral deterrent I have outlined for the Asian area would be less effective in regard to Thailand, Burma, Malaysia, and Singapore, as the lesson of Vietnam has shown. Bearing this lesson in mind Kaysen astutely notes:

> We have learned from Vietnam that even a very large and more immediately present force may be incapable of restoring a political balance once it has tipped far enough in favor of insurgent forces of the left, especially when they can draw on outside encouragement and support. A further lesson from Vietnam is that the American people do not believe we have a vital interest in trying to redress such a balance, regardless of the means. To say this is not at all to condemn the countries of the Southeast Asian peninsula to Chinese or north Vietnamese domination or even to communist governments. It is merely to recognize the limitations on the instruments available to the U.S. to affect political events in one way or another and, above all, the weakness of military force for this purpose.

In summing up our current manpower commitments including an evaluation of modern contingencies which we might be required to meet. I suggest that it is most realistic to structure our forces to provide the capability of meeting on short notice a large troop requirement in Europe and one smaller one elsewhere.

If these considerations I have mentioned are an accurate appraisal in realistic terms of the contingencies of the modern world, I would suggest we set a goal of returning approximately to the statutory ceiling of 2.3 million men as soon as is practicable after the Vietnam war. Such a level would, I believe, be entirely consistent with a realistic assessment of the world condition and the American role in it.

A major argument for the reduction is, of course, budgetary, with our current fiscal and monetary crises including the balance-of-payments problem made daily more severe by our excessive presence in Europe. The reductions which I have been suggesting would seem to be of the greatest urgency. An indication of the kinds of savings which might be forthcoming with significant manpower reductions is shown by the example of an Army division. Such a division of 15,000 combat and 30,000 support troops costs around $680 million to equip and maintain. The total estimated savings of the reductions in other parts of the world which I have suggested and those made available to us by termination of the Vietnam war could be at least $11.9 billion annually. Considering our overwhelming domestic needs this would be a most welcome savings.

Fortune's summation of the effects of manpower reductions similar to those I have recommended is excellent and I endorse it. It argues and I quote:

> The major cutback would be in Army ground divisions that have been deployed in forward positions around the world for a generation like the twentieth-century equivalent of the Roman legions. Changing political conditions and the greatly increased capability in airlift (which allows 11,000 combat-equipped troops to be moved from the U.S. to Vietnam in forty-eight hours) argue in support of manpower reductions. Such reductions, moreover, would lessen the great disparity between relative defense efforts of the U.S. and its allies. Japan, for example, spends only 1 percent of its gross national product on defense, and the NATO countries 5 percent, while the U.S. spends nearly as much on the defense of Europe as the rest of the NATO allies combined.

Certainly, our allies should care at least as much and probably more about their own defense as we. It could be argued, I think conclusively, that their expenditures for their own defense will increase proportionately as our expenditures are cut back. If this does not occur then one can be fairly certain that the threat which we have been geared up to meet is a figment of our hyperactive national imagination. Even such an authority on subversion and revolution as our old adversary, Joseph Stalin, could not verify our concern that somehow every insurrection and unstable condition in the world was the result of any masterminded Soviet or Chinese international conspiracy. He said of the concept of revolution in 1936:

> The export of revolution is nonsense. Every country makes its own revolution if it wants to and if it does not want to, there will be no revolution.

In addition to the personnel reductions I have recommended, many of the other savings might be otained by implementing some of the recommendations of the military spending committee of the Members of Congress for peace through law. Although many of these suggestions are of a highly technical nature, we laymen in the Senate can recommend that experts in the Pentagon seriously consider any or all of these programs which would seem to be feasible and would certainly save money. Some of their recommendations are:

First. Integrated manpower management. Manpower management by the separate services is extremely inefficient because much of their personnel performs the same function.

Second. Project Prime and the Hubbell report. Project Prime is a streamlined accounting system for the Defense Department. The Hubbell report is a proposal to simplify the military pay system. It is designed to bring military salaries in line with civilian salaries for the same jobs. By increasing enlistments the adoption of the report might lower costs, reduce training needs, and slow turnover.

Third. Five-year defense plan. This would detail plans for manpower requirements. Training, recruiting, inductions, and promotions would be programed on this basis.

Fourth. More single-manager training programs. For example, all communications technicians who work on the same equipment should be trained by one service, just as journalism training is done by the Army for all the services.

Fifth. Abbreviated basic training. The Army should implement this for men who will never see combat.

Sixth. Reduction in assignment changes by 25 percent. This could save as much as $360 million annually in transportation and moving expenses.

Seventh. Standardized manpower and personnel information. A similar system was adopted for supplies 10 years ago.

There is great evidence that some, if not all of these innovations are desperately needed. The most dramatic example available is the inadequacy of information procedures. Critics within the Pentagon have stated that because present information procedures are so undependable, 125 men have to be given orders to Vietnam in order to get 100 there.

President Nixon has already recognized the excessive wastes caused by our overcommitment of men about the world and has taken initial steps to improve this situation. On July 9, he announced a reduction of 14,900 military personnel overseas, on August 9, the administration reported that the Army's Ninth Division would be deactivated at a savings of $40.4 million this year. This was further indication that a New York Times story of August 1 speculating that the administration planned a 50,000 to 200,000 reduction in manpower over the next year had some validity. The Times story alleged that the reductions would be tied in large part to the expected Vietnam troop withdrawals.

On August 22, Secretary Laird announced further manpower reductions of 100,000 men in uniform and 50,000 civilians. These reductions are evidently not tied to Vietnam withdrawals, but I applaud them as necessary and long overdue.

These first steps by the administration in the area of manpower reduction are important but we should not stop there.

Senator BAYH and I endorse the concept of tying further manpower reductions to Vietnam withdrawals and believe it is a matter of such import that Congress should express its will at this time. Because our current fiscal crisis and our mounting domestic needs are growing worse daily with our inattention, we feel the time has come for Congress to act in this vital area. We do not recommend that Congress act immediately to require reductions in our manpower levels outside of Vietnam although the evidence is, as I have previously indicated, overwhelming that significant cuts could and should be made as rapidly as possible. It is apparent that such reductions as I have suggested we consider, outside of Vietnam, could be made in the very near future. This would provide tremendous savings to the taxpayer while not affecting, in the least, our national interests.

What we do feel can be done immediately is to require overall active duty personnel reductions as troops are withdrawn from Vietnam. However, under our amendment it is important to emphasize that no overall troop reductions are required unless and until withdrawals are made from Vietnam.

The question might be raised, why do you seek to require the manpower reduction now rather than when the shooting stops? There are several answers to this question. First, we fear that the Military Establishment will seek to maintain a higher level of manpower than our commitments require after the war is over. Therefore to insure against this it would be better to require the reductions as we disengage. Certainly no one has seriously contended that our troop level outside of Vietnam is inadequate and therefore the addition to it of men freed from Vietnam service would seem to be totally unnecessary. As I have already pointed out, I believe world conditions are such as to allow significant reductions in manpower outside of Vietnam so certainly redeployment of Vietnam troops elsewhere would be unnecessary and unwise. Due to our financial and domestic crises, it is important to realize a "peace dividend" from the disengagement in Vietnam as it occurs rather than sometime later when it is determined that the shooting has stopped.

Further, redeployment of these forces elsewhere other than back within the United States would seem to violate at least the spirit and possibly the direct mandate of the national commitments resolution which prohibits future commitments of men, or financial resources abroad without affirmative action by the Congress.

Our amendment would be effective as of July 1, 1969, and would therefore take into account the first 25,000 men which have been withdrawn from Vietnam. Under our proposal an overall reduction of active duty troop levels in that same number would have to be effectuated as soon as possible. To show the significance of the saving that could be realized from these reductions alone, let me point out that using the average salary of military personnel as supplied by the Pentagon, $5,947, and multiplying that by 25,000 suggests a savings of, at least, $148,675,000. And this does not include the cost of food, housing, training facilities, procurement, or transportation for this number of troops. As I said earlier, one estimate of the cost of a combat division for 1 year is $680 million. Since 25,000 men approximates one division, it is apparent that the savings could go even this high.

Our amendment requires only a 1-for-1 reduction, that is, for every one man withdrawn from Vietnam, only one man is required to be reduced from the overall troop level. As a practical matter it has been asserted that there are at least two support troops for every man in Vietnam and consequently a greater reduction in overall force level would be entirely likely. However, our amendment, in the spirit of reasonableness, would require only a 1-for-1 reduction.

This amendment would further require that once a new overall troop level was reached, for example, 100,000 men are withdrawn from Vietnam and the overall troop level becomes 3,389,588, this new level would become permanent, subject only to the declaration of a national emergency by the President or the Congress. Some may assert that this ties the President's hands in that it makes him declare the reasons for an increase in manpower. This is true in the sense that it does require some official explanation to the Congress and the American people before troop levels are again raised to their current levels. But under our amendment the overall troop level would only be potentially lowered by the number of men currently serving in Vietnam if and when they were withdrawn. This would still leave a standing active force of almost 3 million men, well over the levels projected for post-Vietnam by the Pentagon. We feel that before troop levels are again raised to their current level, Congress and the people deserve an explanation and Congress, consistent with the national commitments resolution, should endorse the commitment which made necessary the additional manpower.

There have been several reports recently that the "peace dividend" all of us had been expecting with the termination of the Vietnam conflict might not, after all, be available for application to our domestic problems. I question that conclusion. Congress, the elected representatives of the people, has the power to reorder priorities in this country, if only it has the will. Passage of the amendment we offer today will render a peace dividend during the process of disengagement from Vietnam. A wise Congress should, and I predict will, apply this dividend to the task of attempting to solve our mounting problems at home.

And the lesson that must be learned and benefited from before making future commitments is a lesson learned by many Presidents. Some the hard way. The most recent Chief Executive to speak of it was President Kennedy when he said:

> Every nation has its own traditions, its own values, its own aspirations. Our assistance from time to time can help other nations preserve their independence and advance their growth, but we cannot remake them in our own image.

Mr. President, in summary this is an amendment which sets the troop level of the Armed Forces at 3,461,000. In substance, the amendment requires that, as troops are withdrawn from Vietnam, the overall reduction of troops throughout the military forces be consistent with the number of troops that are withdrawn from Vietnam.

In essence, it would mean that with the 25,000 troops that have already been designated as being withdrawn and the 35,000 that were stated as of yesterday, the 60,000 would constitute a reduction of the overall troop level of 3,461,000 and would, for the benefit of the taxpayers, call for a reduction in expenditure of some $600 million with this current reduction.

Mr. President, I have worked out the language with the Defense Department. They were agreeable with this language. They said they could live with this kind of amendment.

I yield the floor to the Senator from Mississippi.

Mr. STENNIS. Mr. President, may I ask the Senator if it is the revised form of his amendment that we are being asked to pass on now?

Mr. COOK. Yes, and I have already sent the revised form of the amendment to the desk.

Mr. BAYH. Mr. President, I commend the Senator from Kentucky for the leadership he has exhibited.

Mr. President, I am pleased that the distinguished chairman of the Armed Services Committee, Senator STENNIS, is willing to accept the amendment offered by my colleague from Kentucky, Senator COOK, and myself. We welcome the support of the distinguished chairman.

This amendment, it seems to me, marks a significant first step in Congress battle to reassert the constitutional powers granted to it under article I, section 8 of the Constitution. Those powers are: The power to declare war; to raise and support armies; to provide and maintain a Navy; to make rules and regulations governing the land and naval forces; and to provide for the calling of the militia. In passing this amendment, which establishes an authorized overall strength level for the Armed Forces and further provides that withdrawals from Vietnam will automatically trigger identical reductions in the overall authorized strength level, Congress will be reasserting its constitutional authority to raise and maintain armies. That is the most crucial point at issue in this debate. It is not the precise force level that we set because we have taken the beginning year strength on the recommendation of the Department of Defense; nor is it the fact that we can immediately realize a dividend from our Vietnam disengagement. The central issue is Congress desire to set an authorized strength level, a level beyond

which we cannot go unless the President declares a national emergency.

The Gulf of Tonkin Resolution is no longer open ended. The blank check has been canceled.

In order to fully appreciate the importance of Congress' willingness to take this important first step in the reassertion of its constitutional role, it is only necessary to recall that since 1950 the statutory ceilings on military force levels have been suspended. While the congressionally authorized force levels have been suspended, an overall maximum of 5 million has been in effect. It is fair to argue, I agree, that the 1948 levels authorized by Congress are inadequate. By the same token, however, one can legitimately question the value of a 5 million maximum in the absence of a declaration of war by the Congress.

Not since 1948, therefore, has Congress authorized a specific force level for the Armed Forces. And since 1951 there have been five occasions in which we acquiesced in these suspensions—in 1954, in 1959, in 1963, and most recently in 1967. In any one or all of these instances it might very well have been vital to our national interest to suspend the 1948 limitations. But why did not we take it upon ourselves to set more realistic levels. These 4-year suspensions, in effect, are an abdication of congressional responsibility. And for that Congress has no one to blame but itself. This amendment gives us the opportunity, once again, to bear the responsibility that is ours under the Constitution. I believe Congress must and will accept that responsibility.

Mr. STENNIS. Mr. President, the primary objection that the Senator from Mississippi had to the amendment originally has been removed, and the Department of Defense says they can live with it.

I favor strongly every reduction in personnel, far beyond what this amendment proposes, just as soon as possible. I do think this matter is primarily a Presidential responsibility. He ought to have the first chance. But since the Department of Defense has agreed to it, I am not going to object to it.

The Senator from Maine (Mrs. SMITH) has done some work on this matter. I wonder if she would care to make a comment.

Mrs. SMITH. Mr. President, I concur with the chairman entirely and support the revised amendment proposed by the Senator from Kentucky and appreciate his study and work on the revision. I can see no reason why the Defense Department cannot live with it.

Mr. STENNIS. Mr. President, under these conditions, I support the amendment.

Mr. ALLOTT. Mr. President, I have studied the original amendment of the Senator from Kentucky. Of course, he has a very lengthy and prestigious list of cosponsors. I do not have a copy of the revised amendment in my hands at the present time.

Now I have been furnished a copy of it. I am concerned about the amendment, and I do not care if the Defense Department does say it can live with it. I do not agree it is that simple. I think we are taking a terrible chance, frankly, in just putting a meat ax to our Defense Department.

No one has more respect for the distinguished Senator from Kentucky and the distinguished Senator from Maine, and certainly the distinguished chairman of the committee, than the Senator from Colorado; but as I read the amendment, it says that the total Armed Forces employed in the Selective Service System shall not exceed 3,461,000 on the last day of the fiscal year of 1970. In addition, whenever the total number of persons serving on active duty in Vietnam is reduced on or after July 1, 1969, this limitation of 3,461,000 shall be reduced by a like number.

Then it goes on to say that it shall not require the reduction of the active duty personnel strength of any component of the Armed Forces below the level for such component prescribed by law, nor shall it be applicable in the event there is a national emergency declared by the President or the Congress.

I would like to pose this question to the distinguished chairman of the committee—and I am just as anxious to leave the Chamber at this late hour in the evening as is anyone else. Does the chairman of the committee believe this is a wise form of legislation? We do not know what we are going to face tomorrow—literally, tomorrow morning. This amendment would mean, as I see it, that the President would have to declare a national emergency or that Congress would have to declare war in order to provide the troops that might be necessary for this country in Vietnam or anywhere else. While this proposal is very appealing, particularly in this day and age when the Vietnam war has become so onerous to all of us, frankly I think we may be doing a rather dangerous thing here.

Mr. STENNIS. Mr. President, in response to the Senator's question, I read the last sentence of the amendment:

> The foregoing provisions of this section shall not apply during any national emergency declared by the President or the Congress after the date of enactment of this section.

The President always has the right to declare a national emergency and send troops in as he sees fit, or Congress has. That has been used more than once since I have been here.

Mr. ALLOTT. I thank the Senator for his reply, but I would say also we have a requirement that Congress shall adjourn by a date certain unless we are in a state of national emergency. Of course, the state of national emrgency under the Korean war has never been terminated, to my knowledge, so now we are in a state of national emergency.

But suppose we were in a situation where it would be inadvisable for the President to declare a national emergency just to increase our troops. Are we not just going with the clock in passing an amendment like this? I feel that we should be cautious. I feel, despite whatever the Defense Department may have agreed to—and I know, as the distinguished chairman of the committee has said, this provision will have to be rewritten and reconsidered, in conference, as will the whole bill—I am very much concerned about the implications of the amendment.

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

Mr. ALLOTT. I am happy to yield to the Senator from Nebraska.

Mr. CURTIS. I have two questions. First, does this amendment involve the National Guard?

Mr. STENNIS. No.

Mr. ALLOTT. No, it does not.

Mr. CURTIS. My second question is, Is there any evidence that it will save $600 million?

Mr. ALLOTT. I do not know. The Senator would have to ask the author of the amendment.

Mr. COOK. Mr. President, I can only say to the Senator that it requires that, as troops are withdrawn from Vietnam, we have an overall reduction of the force level throughout the world.

Mr. CURTIS. Of the ceiling?

Mr. COOK. That is right.

Mr. CURTIS. Does the Senator have any evidence that that will save any money?

Mr. COOK. I have evidence that, in this fiscal year, if no more than 60,000 troops that are proposed are brought out, the total troop level of 3,461,000 will be reduced by 60,000 men, and that will represent a saving.

Mr. CURTIS. Are they up to the ceiling now?

Mr. COOK. No, the ceiling is 5 million, but the present level is 3,461,000.

Mr. CURTIS. The reduction will come about by the withdrawal of troops?

Mr. COOK. That is correct.

Mr. CURTIS. Not by the Senator's amendment?

Mr. COOK. No; this calls, not for the reduction of troops in Vietnam, but a reduction of the overall force level by the number withdrawn.

Mr. ALLOTT. I should like to ask the distinguished Senator from Kentucky a question. Does this mean, with the announcement of yesterday, which represents a total reduction of less than 65,000, mean that the force level of all troops will be reduced beyond that level, unless the President declares a national emergency or Congress declares war?

Mr. COOK. Not beyond it, but by that number.

Mr. ALLOTT. By that number.

Mr. COOK. Yes.

Mr. ALLOTT. So that this is a requirement that the Armed Forces of the United States be reduced?

Mr. COOK. That is correct. Only if troops are withdrawn. If troops are not withdrawn, then there is no requirement for a reduction whatsoever.

Mr. STENNIS. Mr. President, here is one additional fact that has quite a bearing on the matter. The Navy has already announced that they are going to reduce their number by 72,000. That has not yet been done, but in the course of the months ahead it will be done. That would be a reduction that would apply here.

In other words, the Defense Department would take credit for that reduction of 72,000 in the Navy, as a part of the requirement of this act.

The troop level is now more than 800,000 men above what it was when the Vietnam buildup started; so there is quite a margin here. As to the $600 million, I do not know where that figure came from, unless the Senator counts these naval reductions I have already mentioned.

Mr. COOK. It is estimated that the overall cost of one military person per year is $10,000.

Mr. ALLOTT. Mr. President, I shall just add this: Of course, I shall rely upon the committee and the conference. I think anyone who has not sat through the hearings is not really competent, unless he has done a great deal of study, to form a proper judgment on the matter. But frankly, as it appears to me in the few moments I have had to examine the matter, I am not sure but that it is a serious mistake.

I am seriously concerned about the almost panic in some areas to denigrate and downgrade the military service. I suspect most Senators have served in the armed services, and we all have the same common pride; and when I hear the denigration and vituperation poured upon our armed services from all over the country, I must say that I get a little nauseated and a little sick. It seems to me that this is a sort of panic button reaction to show that we are going to retract ourselves into a cell of isolationism.

We had that in 1930, and we paid dearly for it at the beginning of World War II. We paid very dearly for it, and I hope we do not return to it.

I cannot say anything of an absolute nature, since I have just received the modified amendment, but frankly, I think the Defense Department has made an error in agreeing to this amendment. If they agree to it and the chairman and ranking member of the committee agree to it, is is satisfactory to me, but I think it is wrong. I hope it will be seriously reconsidered by the conference committee with this note of caution.

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

Mr. ALLOTT. I yield.

Mr. JAVITS. I was taken by the remark the Senator just made. I have been voting pretty consistently for these amendments, with some exceptions, as on the carrier where I voted the other way. I take to heart very seriously what the Senator said. It has worried me that a tide can sweep over the military people, sweep away their morale, and so forth. I think it would be an error if they came to that conclusion, and I hope the Senator will rethink his own point of view, for this reason: I think we were derelict for a long time in considering their judgment sacrosanct. They are now being challenged. We are accustomed to being challenged, and I believe that high officers in the Army, the Navy, and the Air Force need to become accustomed to the same thing.

I state affirmatively that I have the highest admiration for these dedicated men. I have worked with them, and have served in the military service on the highest level. I have great respect for their expertise, their professional skill, and their patriotism, and I think they believe in the American system as much as we do. I hope they do not—and I rise only for this purpose—assume that we are denigrating them, that we are against everything they stand for, and so on. I hope, on the contrary, that they will accept this as a challenge, and will be smarter, wiser, more able, and more concerned about advising us and taking us, as it were, into their confidence; then perhaps the balance will be better adjusted.

I love my colleague from Colorado, as he knows. I do not believe we should permit to stand unchallenged the idea that those of us voting for these amendments—at least I do not feel that way—have any desire to denigrate the military people, or serve notice that we are not going to have confidence in them hereafter, or anything of the sort. I affirm precisely the contrary.

I think our action should put them to the proof; and that, I think, represents a righting of the balance. But I shall do by utmost to cooperate with my colleague from Colorado to see that the tide does not go too far the other way.

Mr. ALLOTT. I appreciate the Senator's assurance. I have felt, during these past several weeks and months, in fact, that we were moving in that direction in the Senate. On some occasions, the situation has given me grievous concern.

I would simply respond—I know the good intentions of my colleague from New York, and I am sure that he means exactly what he says when he says that he will not permit the military to become a whipping boy in this situation—by reminding him and the other Members of the Senate that the situation in Vietnam today is not the result of decisions made by the military and cannot be blamed on them. They were basically decisions made by Robert McNamara, and there is in the files of the Defense Appropriations Subcommittee, if anyone wishes to read it, testimony by chiefs of staff in direct opposition to the decision and the will forced upon them by Secretary McNamara. Let us be frank about it: No other man in the history of this country has achieved such complete control of the Pentagon.

On the other hand, I will admit that the military are usually not very economical in their operations. Their primary concern is defense.

But we must realize that the decisions and circumstances we are talking about today to support amendments proposed by various Senators, were not the decisions of the military. They arose out of the last 4 or 5 years of decisions made by Robert McNamara. This fact should never be forgotten.

If I serve no other purpose, I have served my purpose this evening, in saying that I have sided with the military. That does not mean I will not watch the dollars when they come before us in the Appropriations Committee, because I will do so. But I reiterate the situation in which we find ourselves today and which causes everyone so much distress is not a decision of the Joint Chiefs of Staff over the last 8 years. It is the result of the decisions of Robert McNamara to the extent that no one in the Pentagon dared go before a press officer or the press corps and make a statement without having a man from the press office of the Pentagon clear the statement.

One of the most distinguished fighting men this country has ever had had to have his speech cleared by a lieutenant colonel serving under the orders of Secretary McNamara.

I think we ought to make the record straight. The things which have alarmed everybody and have created the flood of amendments here—and I do not say that they are not without some merit—were not the result of the Joint Chiefs of Staff. In the main, over the last 5 years, their advice was contrary to that given by Mr. McNamara, who actually controlled the war in Vietnam and involved us in it.

Mr. MILLER. Mr. President, I should like to raise two other points with the distinguished chairman of the committee to clarify the amendment.

Reference was made to the total number of active military personnel. The figure of 3,461,000 was given as of the end of the current fiscal year.

Can the chairman tell us whether that is approximately the number today?

Mr. STENNIS. That is approximately correct. The exact figure on the personnel as of July 1, 1969, is 3,461,190. And the program for July 1, 1970, would be a total of 3,451,878.

That is in a memorandum dated yesterday. That is a budget figure, too. That does not relate to Vietnam.

Mr. MILLER. Mr. President, I appreciate that information. What that means is that since we subtract from the 3,461,190 the total that would be withdrawn by the end of this year—which we understand will be at least 60,000—that would make it about 3,400,000 as of July 1, unless further reductions are made.

Mr. STENNIS. That is a good illustration. The Senator is correct. However, as I have said, the point is that this does not weaken the military. They have already announced they will dismiss 72,000 from the Navy alone. That is more than the 61,000. They are planning to make those reductions apart from the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky (Mr. COOK), as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Washington (Mr. MAGNUSON), is absent on official business.

I also announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from North Carolina (Mr. JORDAN), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Maryland (Mr. TYDINGS), the Senator from Texas (Mr. YARBOROUGH), the Senator from Arkansas (Mr. MCCLELLAN), the Senator

from Wyoming (Mr. McGEE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Georgia (Mr. RUSSELL), are necessarily absent.

I further announce that, if present and voting, the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Washington (Mr. MAGNUSON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH), would each vote "yea."

I further announce that, if present and voting, the Senator from Georgia (Mr. RUSSELL), would vote "nay."

Mr. SCOTT. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from Vermont (Mr. PROUTY) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) and the Senator from South Dakota (Mr. MUNDT) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 71, nays 10, as follows:

[No. 92 Leg.]

YEAS—71

Aiken	Fong	Moss
Allott	Goodell	Muskie
Anderson	Gore	Nelson
Baker	Gravel	Packwood
Bayh	Griffin	Pastore
Bennett	Harris	Pearson
Bible	Hartke	Pell
Boggs	Hatfield	Proxmire
Brooke	Hollings	Ribicoff
Burdick	Hruska	Schweiker
Byrd, Va.	Hughes	Scott
Byrd, W. Va.	Inouye	Smith
Cannon	Javits	Sparkman
Case	Jordan, Idaho	Spong
Church	Kennedy	Stennis
Cook	Long	Stevens
Cooper	Mansfield	Symington
Cranston	Mathias	Talmadge
Dodd	McGovern	Thurmond
Dole	McIntyre	Williams, N.J.
Dominick	Metcalf	Williams, Del.
Eastland	Miller	Young, N. Dak.
Ellender	Mondale	Young, Ohio
Fannin	Montoya	

NAYS—10

Allen	Ervin	Jackson
Bellmon	Gurney	Tower
Cotton	Hansen	
Curtis	Holland	

NOT VOTING—18

Eagleton	McCarthy	Prouty
Fulbright	McClellan	Randolph
Goldwater	McGee	Russell
Hart	Mundt	Saxbe
Jordan, N.C.	Murphy	Tydings
Magnuson	Percy	Yarborough

So Mr. COOK's amendment (No. 126), as modified, was agreed to.

Mr. COOK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS subsequently said: Mr. President, I have just one further statement about the amendment which has just been agreed to. Time was precious to so many Senators before that I did not wish to extend the argument.

In the first place, the amendment is no diminution of support as long as our men are in battle in the war going on in Vietnam now. There is no lack of confidence or support of the President. I think that primarily that decision rests with the President. But at the same time they have already announced that 72,000 men are going to be released from the Navy. I know some announcements are in the mill as to some others in other services. I do not know how many are involved. The Secretary of Defense has already announced he is going to reduce $1.5 billion more, in addition to the one he gave details for. I know some of that is going to come through personnel reductions. I think I can doubly assure the Senate and the country that the amendment has very little meaning as a practical matter and certainly it is not backing up in support of the military needs of our Nation.

I yield the floor.

LEGISLATIVE PROGRAM

Mr. SCOTT. Will the distinguished majority leader state to us what is the further order of business for this week?

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished acting minority leader, at the conclusion of the pending business it is the intention of the joint leadership to move to the consideration of Calendar No. 273, H.R. 11271, the National Aeronautics and Space Administration authorization bill. With the progress we are making so far, it is hoped that we will be able at least to lay the NASA bill before the Senate tomorrow. Our guess is that it will take at least 1 day, possibly 2, to finish consideration of that measure.

Following the NASA bill, it is the intention to take up calendar No. 276, S. 1857 the National Science Foundation authorization measure, and then—not necessarily in this order—calendar No. 386, S. 2864, a bill to amend and extend laws relating to housing and urban development; then, possibly, calendar No. 283, S. 2547, a bill to amend the Food Stamp Act of 1964, and calendar No. 346, S. 7, a bill to amend the Federal Water Pollution Control Act, as amended.

That is about as far as I can project at this time. But in view of comments which have been made lately by certain Republicans leaving the White House and on TV, I would point out that the calendar is pretty clean. With their cooperation, we will keep it very clean; and, with their cooperation, we will do our very best to get the President's program through with reasonable dispatch.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield, I want to thank him for his statement, and agree that if the calendar is clean, it is as clean as it is because there is not a single appropriation bill before the President.

Mr. MANSFIELD. That is true. We did not know until today what the President meant by red, blue, and amber. But we understand that finally the administration has indicated that legislation which has a red light attached to it is of prime importance; that which has a blue light attach to it may be brought up next year; and that which has an amber attachment may never be brought up.

But I remind the acting minority leader that while the President proposes, sometimes he does not propose very fast, and that may be a good thing.

Mr. SCOTT. I thank the distinguished majority leader. I think he has the color scheme a little reversed but I do not want to argue traffic lights with him. All I want is a green light for all the legislation we can get.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 164

Mr. HARTKE. Mr. President, I call up my Amendment No. 164, and ask that it be made the pending business.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

AMENDMENT NO. 164

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

"SEC. 403. (a) Prior to April 30, 1970, Congress shall complete a comprehensive study and investigation of the requirements to be fulfilled by future carrierborne aircraft and the projected capability of the F–14 to fulfill these requirements in the most effective and efficient manner. The results of such study and investigation shall be considered prior to any authorization or appropriation for the production of procurement of any F–14 aircraft in addition to those aircraft authorized by this Act.

"(b) In carrying out the study and investigation authorized by subsection (a) of this section, the Congress shall, among other things, specifically consider—

"(1) the specific nature of the airborne threat to an attack carrier fleet;

"(2) the capabilities of Soviet aircraft which are likely to be operational in the 1975–1985 period against a carrier fleet;

"(3) the cost-effectiveness of the F–14/Phoenix system and its ability to protect a carrier fleet against the threat which is likely to exist in the relevant period of time;

"(4) the question of whether significant performance in any specific mission requirement is compromised by the multimission capability of the aircraft; and

"(5) the feasibility of alternative programs including:

"(A) do not authorize the procurement of more than the twelve F–14 aircraft authorized in this Act and authorize the procurement of the F–14B when the 'advanced technology engine' for such aircraft becomes available; and

"(B) termintae the F–14/Phoenix program in favor of a less costly air superiority fighter aircraft and alternative plans for fleet air defense."

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, with the concurrence of the Senator from Indiana (Mr. HARTKE), the chairman of the committee, the Senator from Mississippi (Mr. STENNIS), the distinguished Senator from Maine (Mrs. SMITH), the acting majority leader (Mr. SCOTT), I ask unanimous consent that tomorrow, beginning at the close of routine morning business, there be a time limitation of 2 hours on the pending amendment, the time to be equally divided between the Senator from Indiana (Mr. HARTKE) and the Senator from Mississippi (Mr. STENNIS). There will be no further votes tonight.

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

The unanimous-consent agreement, reduced to writing, is as follows:

Ordered, That effective at the close of routine morning business on Thursday, September 18, 1969, further debate on the pending amendment No. 164 offered by the Senator from Indiana (Mr. Hartke) to S. 2546, the military procurement authorization bill, be limited to 2 hours to be equally divided and controlled by the Senator from Indiana (Mr. Hartke) and the Senator from Mississippi (Mr. Stennis).

ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

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

FUNERAL SERVICE AND GRAVESIDE SERVICE FOR SENATOR EVERETT McKINLEY DIRKSEN

Mr. HRUSKA. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the funeral service for the late Senator Everett McKinley Dirksen, held on September 10, 1969, at the National Presbyterian Church, and at the graveside service held for him on September 11, 1969, in Pekin, Ill. The first services were conducted by the Reverend Edward L. R. Elson, the Chaplain of the Senate, assisted by the Reverend Charles H. Reckard; the second services were conducted by the Reverend Edward L. R. Elson, and assisted by the Reverend Charles H. Reckard and the Reverend Ralph H. Cordes, the latter being from Pekin, Ill.

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

FUNERAL SERVICE OF SENATOR EVERETT MCKINLEY DIRKSEN IN THE NATIONAL PRESBYTERIAN CHURCH, WEDNESDAY, SEPTEMBER 10, 1969, 1 P.M.

The Rev. Edward L. R. Elson, D.D., officiating, assisted by The Rev. Charles H. Reckard.

The United States Army Chorus, Captain Allen Crowell, Director.

Sentences from Holy Scripture, Dr. Elson:

"Blessed are the pure in heart, for they shall see God.

"The Lord gave, and the Lord hath taken away; blessed be the name of the Lord.

"I know that my redeemer liveth, and that he shall stand at the latter day upon the earth; and though this body be destroyed, yet shall I see God; whom I shall see for myself, and mine eyes shall behold, and not as a stranger.

"Bless the Lord, O my soul, and all that is within me. Bless His Holy Name."

Prayer, Mr. Reckard:

"Eternal Father, in whom we live and move and have our being, draw us close to thee this hour; and let thy light and job fill our souls as we offer unto thee the praise and thanksgiving of our hearts for the mystery and wonder of life here and hereafter. We thank thee for the revelation of thyself in Jesus Christ, and for the everlasting hope set before us in the gospel. Speak to us thy living word, that we may have thy comfort and strength and walk henceforth in newness of life. Through Jesus Christ our Lord. Amen."

Hymn, "How Firm A Foundation" to the tune of Adeste Fideles, The United States Army Chorus:

"How firm a foundation, ye saints of the Lord,
Is laid for your faith in His excellent Word!
What more can He say than to you He hath said,
You who unto Jesus for refuge have fled?
You who unto Jesus for refuge have fled?

"Fear not, I am with thee, O be not dismayed;
For I am Thy God, and will still give thee aid;
I'll strengthen thee, help thee, and cause thee to stand,
Upheld by My righteous, omnipotent hand,
Upheld by My righteous, omnipotent hand.

"When through the deep waters I call thee to go,
The rivers of woe shall not thee overflow;
For I will be with thee thy troubles to bless,
And sanctify to thee thy deepest distress,
And sanctify to thee thy deepest distress.

"The soul that on Jesus hath leaned for repose,
I will not, I will not desert to his foes;
That soul, though all hell should endeavor to shake,
I'll never, no, never, no, never forsake,
I'll never, no, never, no, never forsake."
Amen.

Psalm 46, Mr. Reckard:

God is our refuge and strength, a very present help in trouble.

Therefore will not we fear, though the earth be removed, and though the mountains be carried into the midst of the sea;

Though the waters thereof roar and be troubled, though the mountains shake with the swelling thereof.

There is a river, the streams whereof shall make glad the city of God, the holy place of the tabernacles of the most High.

God is in the midst of her; she shall not be moved: God shall help her, and that right early.

The heathen raged, the kingdoms were moved: he uttered his voice, the earth melted.

The Lord of hosts is with us; the God of Jacob is our refuge.

Come, behold the works of the Lord, what desolations he hath made in the earth.

He maketh wars to cease unto the end of the earth; he breaketh the bow, and cutteth the spear in sunder; he burneth the chariot in the fire.

Be still, and know that I am God: I will be exalted among the heathen, I will be exalted in the earth.

The Lord of hosts is with us; the God of Jacob is our refuge.

Psalm 23, Mr. Reckard:

The Lord is my shepherd; I shall not want.

He maketh me to lie down in green pastures: he leadeth me beside the still waters.

He restoreth my soul: he leadeth me in the paths of righteousness for his name's sake.

Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; thy rod and thy staff they comfort me.

Thou preparest a table before me in the presence of mine enemies; thou anointest my head with oil; my cup runneth over.

Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord for ever.

Poem, "The Traveler," by James Dillet Freeman, Mr. Reckard:

"He has put on invisibility.
Dear Lord, I cannot see—
But this I know, although the road ascends
And passes from my sight,
That there will be no night;
That You will take him gently by the hand
And lead him on
Along the road of life that never ends,
And he will find it is not death but down.
I do not doubt that You are there as here,
And You will hold him dear.

"Our life did not begin with birth,
It is not of the earth;
And this that we call death, it is no more
And he will find it is not death but dawn.
And in Your house how many rooms must be
Beyond this one where we rest momently.

"Dear Lord, I thank You for the faith that frees,
The love that knows it cannot lose its own;
The love that, looking through the shadows, sees
That You and he and I are ever one!"

Dr. Elson: "Hear the reading of God's word, being excerpts from the Letters of Paul, the Apostle, and the words of our Lord Jesus Christ.

"Romans 8: 14, 35, 37–39: As many as are led by the Spirit of God, they are the sons of God.

"Who shall separate us from the love of Christ? shall tribulation, or distress, or persecution, or famine, or nakedness, or peril, or sword?

"Nay, in all these things we are more than conquerors through him that loved us.

"For I am persuaded, that neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come,

"Nor height, or depth, nor any other creature, shall be able to separate us from the love of God, which is in Christ Jesus our Lord.

"I Thessalonians 4: 13, 14, 18: But I would not have you to be ignorant, brethren, concerning them which are asleep, that ye sorrow not, even as others which have no hope.

"For if we believe that Jesus died and rose again, even so them also which sleep in Jesus will God bring with him.

"Wherefore comfort one another with these words.

"II Corinthians 4: 5: For we know that if our earthly house of this tabernacle were dissolved, we have a building of God, an house not made with hands, eternal in the heavens.

"I Corinthians 13: 9–13: For we know in part, and we prophesy in part.

"But when that which is perfect is come, then that which is in part shall be done away.

"When I was a child, I spake as a child, I understood as a child, I thought as a child: but when I became a man, I put away childish things.

"For now we see through a glass, darkly; but then face to face: now I know in part; but then shall I know even as also I am known.

"And now abideth faith, hope, charity, these three but the greatest of these is charity.

"I Corinthians 15: 57, 58: Thanks be to God which giveth us the victory through our Lord Jesus Christ.

"Therefore, my beloved brethren, be ye steadfast, unmovable, always abounding in the work of the Lord, forasmuch as ye know that your labour is not in vain in the Lord.

"Ephesians 6:10–18: Finally, my brethren, be strong in the Lord, and in the power of his might.

"Put on the whole armour of God, that ye may be able to stand against the wiles of the devil.

"For we wrestle not against flesh and blood, but against principalities, against powers, against the rulers of the darkness of this world, against spiritual wickedness in high places.

"Wherefore take unto you the whole armour of God, that ye may be able to withstand in the evil day, and having done all, to stand.

"Stand therefore, having your loins girt about with truth, and having on the breastplate of righteousness;

"And your feet shod with the preparation of the gospel of peace;

"Above all, taking the shield of faith, wherewith ye shall be able to quench all the fiery darts of the wicked.

"And take the helmet of salvation, and the sword of the Spirit, which is the word of God:

"Praying always with all prayer and supplication in the Spirit.

"Matthew 5: 3, 4: Blessed are the poor in spirit: for theirs is the kingdom of heaven.

"Blessed are they that mourn; for they shall be comforted.

"John 14: Jesus said: 'Let not your heart be troubled: ye believe in God, believe also in Me. In My Father's house are many dwelling places: if it were not so, I would have told you. I go to prepare a place for you. And if I go and prepare a place for you, I will come again, and receive you unto Myself; that where I am, there ye may be also. And whither I go ye know, and the way ye know. I am the way, the truth, and the life: no man cometh unto the Father, but by Me.

" 'These things have I spoken unto you, being yet present with you. But the Comforter, which is the Holy Spirit, whom the Father will send in My name, He shall teach you all things, and bring all things to your remembrance, whatsoever I have said unto you. Peace I leave with you, My peace I give unto you; not as the world giveth, give I unto you. Let not your heart be troubled, neither let it be afraid.'

"Let us pray.

"Eternal Father, in whom we live and move and have our being, draw us close to Thee and let Thy light and joy fill our souls as we offer unto Thee the praise and thanksgiving of our hearts; for the mystery and wonder of life here and hereafter. We thank Thee that deep in the human heart is an unquenchable trust that life does not end with death, that the Father who made us will care for us beyond the bounds of vision even as He has cared for us in this earthly pilgrimage. We praise Thy name that our hope has been so wondrously confirmed in the life, the words and resurrection of our Lord Jesus Christ.

"Almighty God, Father of mercies and Giver of all comfort, deal graciously, we pray Thee, with all those who mourn this day, that casting every care on Thee, they may know the consolation of Thy love, the healing of Thy grace, and the companionship of Thy presence. Through Jesus Christ our Lord.

"O Thou who art from everlasting to everlasting, come upon us this day with a vivid and intimate awareness of Thy presence, that we may know that with Thee the temporal and the eternal have no distinction. Surround us with Thy love, impart to us Thy healing grace and bring to us the ministry of hallowed memory and sacred recollection.

"We thank Thee for Thy servant and our comrade, Everett, who has fought a good fight, kept the faith, finished his course and is at rest with Thee. For the nobility of his manhood, the magnanimity of his spirit, the hospitality of his mind, and the inclusiveness of his friendship we give Thee thanks. For his massive mind, his matchless speech, his powers of persuasion, and his parliamentary skills we give thanks to Thee. For his elevated patriotism and his manly piety, for his grace and dignity in public service we give thanks to Thee. For his prodigious energy spent in self-sacrificing public service, for his fortitude in suffering, and his witness to values which are everlasting, we give thanks to Thee. May the integrity of his manhood, the radiance of his character, the warmth of his personality, his gentle but subtle humor and his sense of the divine in all things human, remain as an abiding legacy for all generations. May his golden voice now silenced on this side be lifted in everlasting praise with choirs invisible on the other side of the great divide May the land he loved and the nation he served become more and more a foretaste of the Kingdom whose builder and maker is God. In Thy Holy Name we pray. Amen.

"O Eternal Father, suffer us not to miss the glory of this hour. May a new spirit arise in us this day. Give us eyes to see and hearts to feel the undaunted courage, the invincible faith, the unconquerable love of Thy servant, Everett, that we may be true as he was true, loyal as he was loyal; that we may henceforth be good enough and great enough for our times. Through Jesus Christ our Lord. Amen.

"And now, O Father, who doest all things well, with thankful hearts that Thou has given him to us for a season, we give Thy servant, Everett, back to Thy tender care, until the shadows flee away, and the brighter day dawns, when the visible and invisible are as one in Thy higher Kingdom. Through Jesus Christ our Lord. Amen."

The Lord's Prayer, by Albert Hay Malotte, the United States Army Chorus, Specialist 7 Kenneth B. Corcoran, Soloist:

"Our Father, who art in heaven; Hallowed be Thy name. Thy kingdom come. Thy will be done; On earth as it is in heaven. Give us this day our daily bread. And forgive us our debts; As we forgive our debtors. And lead us not into temptation; But deliver us from evil; For Thine is the kingdom, and the power, and the glory, for ever. Amen."

Benediction: The peace of God, which passeth all understanding, keep your hearts and minds in the knowledge and love of God, and of His Son Jesus Christ our Lord; and the blessing of God Almighty, the Father, the Son, and the Holy Spirit, be upon you, and remain with you always. Amen.

Recessional.

GRAVESIDE SERVICES FOR SENATOR EVERETT MCKINLEY DIRKSEN, PEKIN, ILL., THURSDAY, SEPTEMBER 11, 1969

Conducted by the Rev. Edward L. R. Elson, D.D., Chaplain, U.S. Senate, assisted by the Rev. Charles H. Reckard, Pastor, Woodland Presbyterian Church, New Orleans, Louisiana, the Rev. Ralph H. Cordes, Pastor, Second Reformed Church, Pekin, Illinois.

Procession to grave, hymns played by The 505th Air Force Band, Chanute Air Force Base, Illinois.

Sentences from Holy Scripture, Dr. Elson: "In the Name of the Father, and the Son, and of the Holy Spirit. Amen.

"I am the Resurrection and the Life, saith the Lord: he that believeth in me, though he were dead, yet shall he live: and whosoever liveth and believeth in me shall never die.

"Thou wilt keep him in perfect peace whose mind is stayed on Thee for he trusteth in Thee."

Commital statement, Dr. Elson: "The last march is ended; a mighty man of God has answered the last roll call.

"His battles are all fought, his victories all won; and he lies down to rest awaiting the final bugle call.

"What is mortal of thy servant, Everett, we commit to this hallowed place.

"What is immortal we comit to the tender care of the Eternal Father who doeth all things well.

"Earth to earth, ashes to ashes, dust to dust, in hope of a glorious and eternal resurrection through Jesus Christ our Lord. Amen."

Prayer, Dr. Elson: "Let us pray. Almighty God, with whom do live the spirits of those who depart hence in the Lord, and with whom the souls of the faithful after they are delivered from the burden of the flesh, are in joy and felicity; we give Thee hearty thanks for the good examples of all those Thy servants, who having finished their course in faith, do now rest from their labors. And we beseech Thee, that we, with all those who are departed in the true faith of Thy Holy Name, may have their perfect consummation and bliss both in body and in soul, in Thy eternal and everlasting glory; through Jesus Christ our Lord. Amen."

Prayer, Mr. Cordes: "Let us pray. Almighty and everlasting God, creator and giver of life, we give thee humble thanks for Thy divine providence that is over life, that brings order out of chaos, light out of darkness and life out of death. We give thanks that through Jesus Christ we may know Thee, love Thee and serve Thee. We are grateful to Thee for the life of Everett Dirksen. Thy divine providence was over his godly nurture and Christian training. Thou didst call him out of humble background to serve his nation in the military, and in national leadership. We give Thee thanks for the purpose and goal of his life, for his tireless efforts, for his unselfish service and for his deep compassion to help those in need, and to truly serve his country and his God. As of old Thou didst seek a man to build a wall and to stand in the breach for Thee in the land, and we are glad that this has been his place of service and that Thou didst enable him to fill it well. Inspire us by the power of Thy Holy Spirit, that in commitment to Thee, we may serve without the desire to be served, that we may love without asking to be loved, that we may give without counting the cost, and that we may work without asking for reward, doing that which is our duty to do that we may finally hear of Thee, 'Well done, good and faithful servant, enter thou into the joy of thy Lord.' Through Jesus Christ, our Lord. Amen."

Benediction: Let not your heart be troubled: ye believe in God, believe also in Me. Peace I leave with you, My peace I give unto you. Let not your heart be troubled, neither let it be afraid.

The God of peace, that brought again from the dead our Lord Jesus, that great Shepherd of the sheep, through the blood of the everlasting covenant, make you perfect in every good work to do His will, working in you that which is well-pleasing in His sight; through Jesus Christ, to whom be glory for ever and ever. Amen.

Firing of Three Volleys.
Taps.
Ceremonial Folding of the Flag.
Withdrawal of Pall Bearers.
Presentation of Flag to Mrs. Dirksen by Lt. Gen. Vernon P. Mock, U.S.A., Commanding General of the Fifth Army.
The Vice President Presented His Respects to Mrs. Dirksen.
The Governor of Illinois Presented His Respects to Mrs. Dirksen.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. 91-411)

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of the Committee on Labor and Public Welfare I send to the desk an original bill (S. 2917) unanimously reported by the committee which repeals the 1952 coal mine safety statute, as amended. The proposed new statute is entitled "The Federal Coal Mine Health and Safety Act of 1969."

Mr. President, I ask unanimous consent to file the committee's report on the bill, together with individual views.

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed as requested by the Senator from New Jersey.

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

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

ADJOURNMENT

Mr. KENNEDY. Mr. President, I move in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 16 minutes p.m.) the Senate adjourned until tomorrow, Thursday, September 18, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate September 17, 1969:

INTERNATIONAL ATOMIC ENERGY AGENCY

Glenn T. Seaborg, of California, to be the Representative of the United States of America to the Thirteenth Session of the General Conference of the International Atomic Energy Agency.

The following-named persons to be alternate representatives of the United States of America to the Thirteenth Session of the General Conference of the International Atomic Energy Agency:

Verne B. Lewis, of Maryland.
James T. Ramey, of Illinois.
Henry DeWolf Smyth, of New Jersey.
Theos J. Thompson, of Massachusetts.

DIPLOMATIC SERVICE

Idar Rimestad, of North Dakota, a Foreign Service Officer of Class one, to be the representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

STATE DEPARTMENT

William D. Macomber, Jr., of New York, to be a Deputy Under Secretary of State.

Francis G. Meyer, of Virginia, to be an Assistant Secretary of State.

FEDERAL COMMUNICATIONS COMMISSION

Dean Burch, of Arizona, to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1969, vice Rosel H. Hyde, term expired.

Robert Wells, of Kansas, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1964, vice James J. Wadsworth.

MARITIME COMMISSION

James V. Day, of Maine, to be a Federal Maritime Commissioner for the term expiring June 30, 1974. (Reappointment.)

NATIONAL TRANSPORTATION SAFETY BOARD

Isabel A. Burgess, of Arizona, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 1969, vice Joseph J. O'Connell, Jr., resigned.

U.S. ATTORNEY

James H. Brickley, of Michigan, to be U.S. attorney for the eastern district of Michigan for the term of 4 years, vice Lawrence Gubow, resigned.

U.S. MARSHAL

Leon B. Sutton, Jr., of Tennessee, to be U.S. marshal for the eastern district of Tennessee for the term of 4 years, vice Harry D. Mansfield.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 17, 1969:

NATIONAL MEDIATION BOARD

George S. Ives, of Maryland, to be a member of the National Mediation Board for the term expiring July 1, 1972.

RAILROAD RETIREMENT BOARD

Neil P. Speirs, of New York, to be a member of the Railroad Retirement Board for the term of 5 years from August 29, 1969.

U.S. ATTORNEYS

Richard A. Pyle, of Oklahoma, to be U.S. attorney for the eastern district of Oklahoma for the term of 4 years.

Robert McShane Carney, of the Virgin Islands, to be U.S. attorney for the district of the Virgin Islands for the term of 4 years.

AMBASSADOR

Vincent de Roulet, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

John Patrick Walsh, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

William C. Trueheart, of Florida, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Joseph S. Farland, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Pakistan.

William E. Schaufele, Jr., of Ohio, a Foreign Service officer to class 2, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Upper Volta.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Robert H. B. Wade, of Maryland, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

HOUSE OF REPRESENTATIVES—*Wednesday, September 17, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

And He hath put a new song in my mouth, even praise unto our God.—Psalm 40: 3.

O Thou Creator of the World and the Sustainer of Life everywhere, hear the song of our hearts as we sing with gratitude for the accomplishments of our astronauts whom we delighted to honor yesterday. We thank Thee for their achievements in landing on the moon, for their safe return, and for the doors to a new future they have opened for us. May we have the courage and the faith to continue our technical and astronautical research for our own good and for the good of all.

God bless our country, the land we love with all our hearts. Lead her into the new unity of a common faith and a common endeavor that we may be makers of goodness in men even more than makers of goods for men. Grant that our gratitude to Thee for Thy goodness to us may find its fruit in good will for one another.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 13194. An act to amend the Higher Education Act of 1965 to authorize Federal market adjustment payments to lenders with respect to insured student loans when necessary in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education.

AN IMMEDIATE WITHDRAWAL FROM VIETNAM

(Mr. KOCH asked and was given permission to address the House for 1 minute.)

Mr. KOCH. Mr. Speaker, yesterday President Nixon announced another token withdrawal of American troops from Vietnam. Though any withdrawal deserves support, it will still leave 484,000 American troops in that war-torn country.

The President has said that our troop withdrawals will be predicated on three conditions: First, the level of enemy-initiated combat; second, the rate of progress in the Paris peace talks; and third, the increased capacity of the South